
From: Julio Prieto [julprieto@hotmail.com]
Sent: Tuesday, November 17, 2009 7:55 AM
To: Steven Donziger; Pablo Fajardo Mendoza; <pafabibi@gmail.com>; LUIS YANZA; Juan Pablo Sáenz
Subject: RE: Chevron lawsuit against Bonifaz

Guys,

We cannot defend Bonifaz, we should distance ourselves from him and his case.

The media is going to focus on the cancer cases. They are going to ask us whether our cases are also fabricated or if we have evidence. They are going to ask us whether we have medical certificates or if any doctor has seen all the cancer cases. We DO NOT have medical certificates. The difference between what Bonifaz did and what we do is that Bonifaz was seeking compensation for damages to the health of identified individuals, that is to say, particular damages; in our case, our lawsuit is for damages to the public health, which is demonstrated with epidemiologic studies and statistics. Evidently, Chevron does not accept the statistic because it shows an alarming excess in the cancer cases, that is what Cabrera proved; so, we DO NOT have medical certificates, but we have abundant epidemiologic evidence which proves our case.

Besides, our case is not only about health, but how public health is another one of the damages caused by Texaco's pollution, which also seriously affected the ecosystem and people's customs, just to bear that in mind.

Date: Mon, 16 Nov 2009 23:40:01 -0500
Subject: Chevron lawsuit against Bonifaz
From: sdonziger@gmail.com
To: pafabibi@gmail.com; toxico@ecuanex.net.ec; julprieto@hotmail.com; juanpasaenz@hotmail.com

We have to have a discussion. It is part of Chevron's strategy to fabricate information to bring down the judgment enforcement. It is a new attack frontage of the enemy.

SRD

-----Forwarded message-----

From: <karen@hintoncommunications.com>
Date: Mon, Nov 16, 2009 at 3:01 PM
Subject: Fw: Chevron files malicious prosecution lawsuit against attorney Cristóbal Bonifaz
To: Steven Donziger <sdonziqer@gmail.com>, Andrew Woods <awoods@donziqerandassociates.com>

See below. Baker wants comment before 5 pm, EDT time. Call me when u can. Sent via BlackBerry by AT&T

From: "Baker, David" <DBaker@sfchronicle.com>
Date: Mon, 16 Nov 2009 13:53:56 -0600
To: <karen@hintoncommunications.com>
Subject: FW: Chevron files malicious prosecution lawsuit against attorney Cristóbal Bonifaz

-----Original Message-----

From: Robertson, Kent S [mailto:KRDQ@chevron.com]
Sent: Monday, November 16, 2009 11:09 AM
To: Baker, David
Subject: Chevron files malicious prosecution lawsuit against attorney Cristóbal Bonifaz

David, thank you for the call. Chevron has filed a malicious prosecution lawsuit against attorney Cristóbal Bonifaz. You may recall that in 2006, Bonifaz brought fabricated claims against the company on behalf of several citizens of Ecuador.

The false claims filed by Bonifaz—part of a lawsuit captioned *Gonzáles v. Texaco, Inc.*—alleged that Ecuadorian plaintiffs had contracted cancer as a result of oil operations conducted by a subsidiary of Texaco in Ecuador that ended almost two decades ago. The admittedly false claims of these *Gonzáles* plaintiffs were terminated by a federal district court in San Francisco in 2007. Following their dismissal, the court imposed sanctions on Bonifaz and his co-counsel for filing the fraudulent claims. The claims of the remaining *Gonzáles* plaintiffs were later dismissed with prejudice, either by the plaintiffs or by the court. The district court found that claims filed in the *Gonzáles* case had been "manufactured" by Bonifaz "for reasons other than to seek a recovery on the [] plaintiffs' behalf." The court also observed that the lawyers' lawsuit was "likely a smaller piece of some large scheme against [Chevron]."

In our malicious prosecution lawsuit, Chevron argues that the fabricated cancer claims filed by Bonifaz were part of "a long-standing and ongoing unlawful effort by Bonifaz and other lawyers and entities to extort money from Chevron by blaming it for harms that are as non-existent as the false cancer claims of *Gonzáles* plaintiffs and for environmental impacts that are the sole responsibility of the Ecuadorian government and its state-owned oil company, Petroecuador."

Chevron is not the first U.S. company to face false claims from abroad in recent years. Indeed, the *Gonzáles* case appears to be part of a trend of American plaintiffs' lawyers "importing" false tort claims and judgments from foreign countries that do not meet U.S. legal standards.

I have attached our filing and if you are interested in more detail, I'd be happy to arrange for a call with one of the attorneys who helped prepare the complaint.

Thanks,

Kent
Kent Robertson
Media Relations Advisor
Policy, Government and Public Affairs
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) a saber:
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Por el presente certifico que la traducción adjunta es, según mi leal saber y entender, traducción fiel y completa del idioma español al idioma inglés del documento adjunto.

Dated: January 30, 2011
Fecha: 30 de enero de 2011

Weikwang Ng (Jason)
Project Manager – Legal Translations
Merrill Brink International/Merrill Corporation

[firmado]

Weikwang Ng (Jason)
Gerente de Proyecto – Traducciones Legales
Merrill Brink International/Merrill Corporation

Sworn to and signed before
Jurado y firmado ante
Me, this 30th day of
mí, a los 30 días del
January 2011
mes de enero de 2011

Notary Public
Notario Público

GINA ST LAURENT [firmado]
Notary Public, State of New York [sello]
Qualified in New York County
Commission Expires May 15, 2014

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Sent: Tuesday, November 17, 2009 7:55 AM
To: Steven Donziger; Pablo Fajardo Mendoza; <pafabibi@gmail.com>; LUIS YANZA; Juan Pablo Sáenz
Subject: RE: Demanda de Chevron contra Bonifaz

compas,
no podemos defender a bonifaz. debemos tomar distancia de el y de su caso.
Los medios de prensa se van a centrar en los casos de cancer. Nos van a preguntar si nuestros casos tambien son fabricados o si tenemos pruebas. Nos van a preguntar si tenemos certificados medicos o si algun medico ha visto todos los acsos de cancer. NO tenemos certificados medicos. La diferencia entre lo que hacia bonifaz y nosotros, es que bonifaz demandaba indemnizacino por daños a la salud de individuos identificados, es decir daños particulares; en nuestro caso demandamos daños a la salud publica, lo cual se prueba con estudios epidemiologicos y estadstica. Evidentemente Chevron no acepta la estadistica prque demuestra un exeso alarmante en casos de cancer, eso es lo que demostro cabrera; entonces NO tenemos certificados medicos, pero tenemos abundante evidencia epidemiologica q demuestra nuestro caso.
Ademas nuestro caso no es solo por salud, sino que la salud publica es uno más de los daños causdos por la contaminacion de texaco, que afecto tbien el ecosistema y la cultura de llos pueblos.
solo pa tomar en cuenta l

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Tenemos que discutir. Es parte de la estrategia de Chevron de fabricar informacion para derrocar una ejecucion de sentencia. En un nuevo frente de ataque del enemigo.

SRD

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