

# **EXHIBIT 2156**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF GEORGIA  
3 ATLANTA DIVISION

3 In re: Application of )  
4 CHEVRON CORPORATION for an ) MISCELLANEOUS FILE NO.  
5 Order Granting Applicant )  
6 Leave to Issue a Subpoena ) 1:10-MI-0076-TWT-GGB  
7 For the Taking of a Deposition )  
8 and the Production of )  
9 Documents Pursuant to )  
10 28 U.S.C. 1782(a), )  
11 )  
12 Applicant. )

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14 Videotaped deposition of CHARLES W.  
15 CALMBACHER, Ph.D., taken by Suzanne Beasley,  
16 Registered Professional Reporter and Notary  
17 Public, at 1180 Peachtree Street, Northeast,  
18 Atlanta, Georgia, on the 29th day of March,  
19 2010, commencing at the hour of 9:54 a.m.

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12 Also Present: Ms. Sara McMillen

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14 Videographer: Mr. Michael McElroy

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1 which one has validity. And, you know, I don't know  
2 how I -- you know, if they ever sent me a report with  
3 that information in it and asked me to refute it, I  
4 couldn't. And that would have been my answer.  
5 There's no refutation of that and that's solid  
6 science, and that needs to go to the judge.

7 Q. Did Mr. Connor strike you as a  
8 well-credentialed scientist --

9 A. Yes.

10 Q. -- who was out there doing his job?

11 A. Yeah, to be honest. I had no question of  
12 any of your people. We met to talk about what  
13 protocols were going to be and we had supper  
14 together. They were perfectly good scientists. I  
15 enjoyed their company.

16 Q. By my people, you mean the Chevron  
17 sampling team for the judicial inspections?

18 A. Right. I'm sorry, yes. You know, I think  
19 David had the same attitude. We're not adversaries.  
20 You know, we're trying to find the answers. We'll do  
21 the best we can with what they're allowing us to do,  
22 and you guys do the best you can with your knowledge,  
23 and the answer's got to come out in the end.

24 Q. From the testing?

25 A. Yeah. And I told John, I said if the

1 answer is that there's no contamination, so be it.  
2 That doesn't bother me. And I think maybe that  
3 bothered Donziger.

4 Q. Why do you think that bothered Donziger?

5 A. Because he wanted the answer to be that  
6 there was contamination and people were being  
7 injured.

8 Q. And why would he want people to be at  
9 risk?

10 A. Because it makes money. That wins his  
11 case. You know, I mean I saw a couple of postings  
12 where -- why would he want to be friends with the  
13 president of Ecuador?

14 Q. Did Mr. Donziger meet with the president  
15 of Ecuador while you were there?

16 A. No. I mean I just saw a news thing  
17 release, a little clip on the Internet about that.

18 Q. Just make sure we covered this document.  
19 On the next page of Exhibit 7, no, on this page,  
20 sorry, when it says "Team structure," do you see  
21 that?

22 A. Here we go.

23 Q. It should be the first paragraph.

24 A. Oh, yes. Okay.

25 Q. "We will now have two teams, the field

1 back, and bears the page number at the top 46.272.

2 A. All right. Okay. These conclusions are  
3 not conclusions that I made.

4 Q. The conclusions shown on page 46.272 and  
5 46.273 of Exhibit 12 are not conclusions that you  
6 reached as an expert for the plaintiffs in the  
7 Lago Agrio case?

8 A. No, they're not. I was told one of the  
9 questions was by the Court how I came up with dollar  
10 estimates. I never made dollar estimates.

11 Q. Did you at any time while you were a  
12 plaintiffs' expert in the Lago Agrio determine the  
13 volume of soil that needed to be remediated at any  
14 site?

15 A. No.

16 Q. Did you ever determine what the cost of  
17 remediating soil at any of the sites would be?

18 A. No.

19 Q. Did you ever find that any of the sites  
20 that you inspected had contamination of such an  
21 extent that it would endanger human health?

22 A. No.

23 Q. Did you ever find that any of the sites  
24 that you inspected required any further remediation?

25 A. No.

1 Q. If you look at the last page of  
2 Exhibit 12, Doctor, of the Spanish version, this  
3 document was filed in the Lago Agrio courthouse on  
4 February 14th, 2005, and attached to it is the  
5 signature page that you see there.

6 A. Right.

7 Q. Is that your signature, Doctor?

8 A. It appears to be, yes.

9 Q. And do you know when you signed this  
10 document?

11 A. I don't remember signing this document,  
12 but a document that was supposed to be for Sacha 94.  
13 That would have been in November of 2004 that I  
14 signed that.

15 Q. You signed what you believed was a report  
16 that was going to be filed for Sacha 94 in November  
17 of 2004; is that correct?

18 A. Correct.

19 Q. And could this be the signature page that  
20 you signed for that document?

21 A. Yes, it well could.

22 Q. The report that you authorized to be filed  
23 an Sacha 94, can you tell us generally what you  
24 concluded in that report?

25 A. I concluded that I did not see significant

1 contamination that posed immediate threat to the  
2 environment or to humans or wildlife around it. I  
3 did not make a significant comment on the chemicals  
4 that were there because they were not of interest.

5           They -- I remember that the report that  
6 was given to me did mention the heavy metals, you  
7 know, the chromium, the lead, the barium, but it just  
8 said they were there, you know, and they were this  
9 much over an established amount. But that -- I  
10 didn't draw any conclusions from that. So they're  
11 there. I mean, that was the -- you know, there's no  
12 answer, or the answer is that that doesn't prove it's  
13 from any sort of petroleum activity, so I didn't draw  
14 a conclusion to that effect.

15           Q.     While you were working as a judicial  
16 inspection expert for the plaintiffs, did you ever  
17 conclude that TexPet had failed to adequately  
18 remediate one of the sites?

19           A.     I didn't no.

20           Q.     While you were working as a judicial  
21 inspection expert for the plaintiffs, did you ever  
22 conclude that any particular site posed a risk to  
23 human health or the environment?

24           A.     No.

25           Q.     Let's look at Exhibit 13.



1 I have one more question on Exhibit 12,  
2 Doctor, I'm sorry.

3 To the extent that someone took this  
4 signature page that is currently attached at the last  
5 page of Exhibit 12 and attached it to this report and  
6 represented to the Court in Lago Agrio that you had  
7 written this report and reached these conclusions,  
8 that would be false, correct?

9 A. That's correct. I did not reach these  
10 conclusions and I did not write this report.

11 Q. Okay. Let's take a look at Exhibit 13,  
12 which is the document that was submitted to the Court  
13 in Lago Agrio as the plaintiffs' judicial inspection  
14 report for Shushufindi 48.

15 A. Okay.

16 Q. Is Exhibit 13 a document that you wrote,  
17 Dr. Calmbacher?

18 A. No, it is not.

19 Q. On the front page of Exhibit 13, the  
20 Spanish version -- there, you've got it. It's  
21 bearing the number 52.205. Can you tell,  
22 Dr. Calmbacher, if that's your signature?

23 A. It appears to be.

24 Q. Do you know when you signed this page?

25 A. Again, it would have been in November of

1 2004.

2 Q. At the time you signed this page, did you  
3 authorize it to be attached to what we have marked as  
4 Exhibit 13?

5 A. No, I did not.

6 Q. Are the conclusions that are reached in  
7 Exhibit 13 conclusions that you reached about the  
8 Shushufindi 48 site, Doctor?

9 A. Let me review that, because I haven't  
10 gotten fully there.

11 Q. Okay. Take your time. Let me know when  
12 you're done.

13 A. No, these are not conclusions I would have  
14 written. And again, I definitely did no estimates of  
15 costs or remediation amounts.

16 Q. So the conclusions in the expert report  
17 for Shushufindi 48, Exhibit 13, to the extent they're  
18 presented to the Court as conclusions you reached,  
19 that presentation would be false, correct?

20 A. Correct.

21 Q. Now, you mentioned seeing a document that  
22 reached -- well, let me withdraw that.

23 Did you sign both the pages that we've  
24 looked at on Exhibits 12 and 13 at essentially the  
25 same time, in November of 2004?

1 A. Yes.

2 Q. And after you signed those documents,  
3 where did you send them?

4 A. They were sent to Steven Donziger and I  
5 guess they were forwarded to Quito.

6 Q. And did you send them directly to  
7 Mr. Donziger?

8 A. I'm trying to remember. I can't remember  
9 whether I sent -- I think I may have sent them  
10 directly to Quito, because they were claiming they  
11 had to file the report so quickly.

12 Q. And if you sent them to Quito, who would  
13 you have addressed them to?

14 A. It would have been to Edison Camino.

15 Q. Have you ever discussed with Mr. Donziger  
16 the conclusions that you actually reached about  
17 Sacha 94 that you described for us a moment ago?

18 A. I did discuss what my findings were on  
19 this site and others and the fact that, yes, we found  
20 some materials there, but it was not conclusive  
21 indication of contamination or failure to remediate.

22 Q. Do you believe based on the conversations  
23 that you had with Mr. Donziger that if he saw  
24 Exhibits 12 and 13, he would know you had not  
25 authorized those to be filed on your behalf?

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C E R T I F I C A T E

G E O R G I A :

F U L T O N C O U N T Y :

I hereby certify that the foregoing deposition was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 1 through 165 represent a true and correct transcript of the evidence given. I further certify that I am not in any way financially interested in the result of said case.

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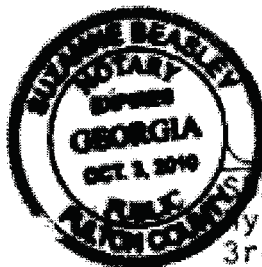
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I have no written contract to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition. I will charge my usual and customary rates to all parties in the case.

This, the 1st day of April, 2010.



*Suzanne Beasley*  
SUZANNE BEASLEY, B-1184  
My commission expires on the 3rd day of October, 2010.