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From: Manuel Pallares [emu_25@yahoo.com]
Sent: Sunday, June 17, 2007 8:38 PM
To: Steven Donziger
Cc: Steven Donziger; aponcev; Julio Prieto; Juan Pablo Sáenz; PABLO FAJARDO; LUIS YANZA
Subject: aide memoire Friday 15th

Aide memoire for the meeting on Friday, June 15th

Attendees

Manuel
Julio
Alejandro
Luis Villacreces

Matter addressed:

1) Reform of the Environmental Management Act so that something equivalent to the superfund will be created with the CEREPS environmental funds so that the state can remediate in order to safeguard the population's health but have the obligation to make the responsible party pay. Include an article in the investment protection treaty that will ensure that this principle is respected in both countries, and therefore that Ecuador will be able to use this treaty to charge Texaco for what it spends on remediation under the same terms as US Superfund.

1) Cleanup of PEPDA pits as a risk for the case.

Agreements:

About the first matter:

- 1) That this could be a mechanism used to pressure Texaco.
- 2) A proposal needs to be prepared for the President and a meeting arranged and Correa needs to present the Environmental Management Act as an urgent economic project
- 3) We have to speak with the Minister of Foreign Relations about the matter of the treaty.

About the second matter:

- 1) Someone has to file a lawsuit or complaint with the Comptroller accusing Petroecuador of using public funds to clean up something that is Texaco's responsibility.
- 2) File a lawsuit denouncing the faulty remediation.

Progress

I already spoke briefly with the Minister of Foreign Relations and in principle he thought it was a good idea, he told me that we have one year to modify the treaty, and I will meet with his legal advisor this week in order to get this moving.

David Poritz says that he could bring Bobby Kennedy Jr. for a meeting with Correa and some congressmen about the advantages of the Superfund and the application of similar mechanisms between countries. Bobby Kennedy is a very active attorney in Superfund and environmental matters.

So if we are in agreement that we have to create an operations plan to make these reforms. If Correa agrees and it is done as an urgent economics law, it could be finished in two or three months. Keeping in mind the time needed to agree on the text of the law and to reach consensus with some key players.

Steven you told me that a friend of yours might be interested in pursuing this type of thing. Maybe we could channel the money through David Esperanza's foundation I think that having young people behind this could give it a lot of strength.

--- Steven Donziger <sdonziger@gmail.com> wrote:

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> --
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State of New York)
Estado de Nueva York)
) ss:
) a saber:
County of New York)
Condado de Nueva York)

Certificate of Accuracy
Certificado de Exactitud

This is to certify that the attached translation is, to the best of our knowledge and belief, a true and accurate translation from Spanish into English of the attached document.

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: August 29, 2011
Fecha: 29 de agosto de 2011

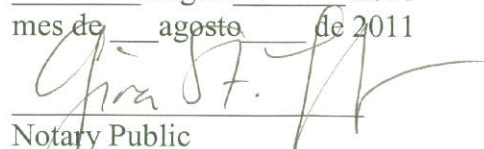


Taryn N. Wheeler
Project Manager – Legal Translations
Merrill Brink International/Merrill Corporation

[firmado]

Taryn N. Wheeler
Gerente de Proyecto – Traducciones Legales
Merrill Brink International/Merrill Corporation

Sworn to and signed before
Jurado y firmado ante
Me, this 29th day of
mí, a los 29 días del
August 2011
mes de agosto 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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Subject: ayuda memoria viernes 15

Ayuda memoria sobre la reunión del viernes 15 de junio

Asistentes

Manuel
Julio
Alejandro
Luis Villacrés

Tema tratado:

1) Reformar la Ley de Gestión Ambiental para que con los fondos CEREPS de ambiente e cree una instancia equivalente al superfund (CERCLA) para que el estado pueda remediar para salvaguardar la salud de la población pero tener la obligación de hacer que el responsable pague. Incluir un artículo en el tratado de protección a las inversiones que haga que este principio se haga respetar en ambos países y por lo tanto que Ecuador pueda usar este tratado para cobrarle a la Texaco por lo que gaste en remediación en los mismos términos que el Superfund de USA.

1) Limpieza de piscinas del PEPDA como un riesgo para el caso.

Acuerdos:

Sobre el primer tema:

- 1) Que este si podría se runa mecanismo para presionar a Texaco.
- 2) Hay que preparar una propuesta para el presidente y conseguir una audiencia y que Correa presente el tema de la LGA como un proyecto económico urgente
- 3) Hay que conversar con Ministra de Relaciones exteriores sobre el tema del tratado.

Sobre el segundo tema:

- 1) Alguien tiene que poner una demanda o una denuncia a la contraloría acusando a Petroecuador de estar usando fondos públicos para limpiar lo que es responsabilidad de Texaco.
- 2) Poner una demanda denunciando la mala remediación.

Avances

Yo ya me hablé muy rápido con la Canciller y en principio le pareció una buena idea, me dijo que hay un año para modificar el tratado y yo voy a reunirme esta semana con su asesor jurídico para avanzar.

David Poritz dice que podría traer a Bobby Kennedy Jr. Para una reunión con Correa y algunos congresistas sobre las ventajas del Superfund y la aplicación de mecanismo similares entre países. Bobby Kennedy es un muy activo abogado sobre temas de Superfund y de ambiente.

Entonces si estamos de acuerdo tenemos que trazarnos un plan operativo para hacer estas reformas. Si Correa está de acuerdo y se hace como un proyecto de ley económico urgente esto podría salir en dos o tres meses. Tomando en cuenta el tiempo para acordar el texto de la ley y concensuarlo con algunos actores claves.

Steve me dijiste que un amigo tuyo podría estar interesado en impulsar este tipo de cosas. Tal vez se podría canalizar el dinero por medio de la fundación de David Esperanza me parece que el tener a jóvenes detrás de esto le da mucha fuerza.

--- Steven Donziger <sdonziger@gmail.com> wrote:

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