

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
CHEVRON CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	Case No. 11 Civ. 0691 (LAK)
	:	
STEVEN R. DONZIGER, et al.,	:	
	:	
Defendants.	:	
	:	
-----	X	

**CHEVRON CORPORATION’S
MEMORANDUM OF LAW IN SUPPORT OF MOTION IN LIMINE #1

TO EXCLUDE IRRELEVANT AND PREJUDICIAL STATEMENTS
REGARDING ALLEGED ENVIRONMENTAL ISSUES IN ECUADOR**

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Fed. R. Evid. 402 3
Fed. R. Evid. 403 3, 6

RELIEF REQUESTED

The claims in this case concern the conduct of the Defendants and their scheme to defraud and extort Chevron. Defendants, who initially took the position that the “merits” of the Ecuadorian litigation were not subject to re-examination here, now intend to inject a wealth of irrelevant material into the proceedings. But “this Court repeatedly has held that the existence of environmental harm in Ecuador, or the lack thereof, is not relevant to this case.” Dkt. 1321 at 12. Because Defendants continue to raise their allegations of harm, and have included a host of witnesses and exhibits in their pre-trial submissions that can have no purpose other than to present purported evidence in support, Chevron moves for an order *in limine* precluding Defendants from offering evidence, argument, or questioning regarding alleged environmental contamination and human health impacts with no bearing on the claims or defenses in this action. A complete list of Defendants’ presumptively inadmissible exhibits is set forth in Appendix A.

While Chevron vigorously denies Defendants’ allegations of environmental and human harm made in the Ecuadorian proceeding and elsewhere, those allegations are relevant here only in broad terms as the context for Defendants’ scheme. Chevron is not suing Defendants on the basis that the Cabrera report and the Ecuadorian judgment are scientifically unsound—although they are—but because, among other things, Defendants are causing Chevron harm based on false assertions about the independence of these court materials when in fact Defendants secretly wrote them. If Chevron can show that Defendants corruptly influenced the substance of these purportedly independent documents, and otherwise corrupted the Ecuadorian proceedings to their own ends, then the purported accuracy of the documents—or Defendants’ purported belief in their accuracy—is no defense to Chevron’s claims. Nor is a speculative re-litigation of the Lago Agrio proceeding at issue or even feasible. Defendants’ fraudulent prosecution of the trial in Ecuador having been exposed, they cannot cure their fraud with a new trial in this Court.

For the jury to understand the allegations and evidence in this case, it will be necessary to introduce the broad outlines of the Ecuadorian litigation and the competing claims of the parties therein. And certain details of the Cabrera report, the judgment, and other court materials are probative as to the true authorship of those documents. The material that appears verbatim in both the LAPs' unfiled work product and in the judgment, for example, is probative of whether Defendants secretly drafted the judgment, for example. But it is not probative here whether or not assertions in the Cabrera Report or judgment are ultimately correct or incorrect. *See* Dkt. 679 at 10 (“[T]he central issue about the Ecuadorian judgment is whether the LAPs procured it by fraud or other misconduct in furtherance of the overall extortion scheme. The questions whether and why there is pollution in the Oriente region and whether Chevron’s experts were aware of that simply have nothing to do with the case. . . . [T]his case is not an occasion to relitigate the merits of the pollution claims that were involved in the Ecuadorian case.”).

Accordingly, Chevron seeks an order precluding Defendants from offering at trial evidence, arguments, or questioning in support of the notion that the findings of the Cabrera report, the Ecuadorian judgment, or their allegations in the Ecuadorian proceeding were accurate or supported by evidence and sound scientific analysis, including but not limited to a prohibition on the submission of evidence, witnesses, arguments, or questioning regarding the alleged environmental and human conditions in the Oriente region of Ecuador, including scientific or other studies, testing or sampling results, video or still images, or personal testimonies; and the procedures employed in the TexPet remediation and their efficacy or compliance with agreements and with Ecuadorian law.

LEGAL STANDARD

“Although the Federal Rules of Evidence do not explicitly authorize *in limine* rulings, the practice has developed pursuant to the district court’s inherent authority to manage the course of

trials.” *Luce v. United States*, 469 U.S. 38, 41 n.4, 105 S. Ct. 460, 463 n.4 (1984); *see also Palmieri v. Defaria*, 88 F.3d 136, 141 (2d Cir. 1996). The district judge “ha[s] discretion in deciding whether a pretrial ruling on evidence may be made in advance of trial.” *United States v. Valencia*, 826 F.2d 169, 172 (2d Cir. 1987). This includes prohibiting irrelevant and prejudicial arguments or references at trial. *See, e.g., In re WorldCom, Inc. Sec. Litig.*, No. 02 Civ. 3288DLC, 2005 WL 578109, at *4 (S.D.N.Y. Mar. 4, 2005).

Evidence is relevant if it has “any tendency to make a fact more or less probable than it would be without the evidence.” Fed. R. Evid. 401. “Irrelevant evidence is not admissible.” Fed. R. Evid. 402. “The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of . . . unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.” Fed. R. Evid. 403. “‘Unfair prejudice’ within its context means an undue tendency to suggest decision on an improper basis, commonly, though not necessarily, an emotional one.” Fed. R. Evid. 403 advisory committee’s note. “In the balancing of probative value against unfair prejudice required by Rule 403, the trial judge has wide discretion.” *United States v. Dwyer*, 539 F.2d 924, 927 (2d Cir. 1976).

ARGUMENT

I. Defendants’ Allegations About TexPet’s Conduct and Environmental and Human Health Conditions in Ecuador Are Irrelevant and Unfairly Prejudicial

Sometime after Chevron filed its complaint, Donziger’s associate and sometime counsel, Aaron Page, prepared an outline of a defense strategy. Its first point, the guiding principle of his proposed defense strategy, is “If the Lago litigation is legitimate, the RICO case is illegitimate.” Dkt. 966-5 (Ex. 3625). Defendants’ pre-trial submissions show that they intend to follow this strategy, but it is based on a fundamental fallacy. As this Court has held many times, the exist-

ence of a purported “environmental disaster” is not relevant here. Dkt. 1321 at 12. This is a strategy for jury nullification, not a proper response to the claims asserted, and it should be precluded.

Chevron’s claims and Defendants’ properly pleaded defenses define the scope of relevance in this action. And none of these implicates the environmental conditions in Ecuador. Chevron’s claims, for RICO violations, false statements to New York courts, and fraud, flow from Defendants’ conduct in the Ecuadorian litigation and in their promotion of that litigation around the world in a pressure campaign intended to cause Chevron economic harm. The Ecuadorian rainforest and its residents served as props in that campaign. But Donziger, a U.S. attorney with no scientific training, his co-conspirators, his fictional cast of “independent” experts, and his paid-for judge were the actors whose conduct is the substance of Chevron’s claims.

As this Court has already held, those claims do not implicate “the environmental conditions existing in the Oriente or the relative, substantive merit of scientists’ expert opinions on that subject.” *Id.* at 2. “[T]he existence of environmental harm in Ecuador, or the lack thereof, is not relevant to this case.” Dkt. 1321 at 12. “The questions whether and why there is pollution in the Oriente region and whether Chevron’s experts were aware of that simply have nothing to do with the case. . . . [T]his case is not an occasion to relitigate the merits of the pollution claims that were involved in the Ecuadorian case.” Dkt. 679 at 10–11. Indeed, as the Court has noted, the LAPs themselves initially contended that “scientific evidence presented in the Ecuadorian proceedings or the history of Texaco’s business in Ecuador” was “irrelevant.” Dkt. 679 at 10–11 (quoting *Chevron Corp. v. Salazar*, No. 11-3718, Dkt. 130 (S.D.N.Y. July 21, 2011) at 2-3).

What is relevant to this case is evidence related to Defendants’ conduct and their relationship with the Ecuadorian court, with U.S. and Ecuadorian government officials, and with others.

For example, Chevron will submit evidence that passages in the \$18 billion judgment are taken verbatim from documents in the LAP team's confidential files, documents never publicly submitted to the court. Defendants will challenge the natural inference from that evidence, that they wrote the judgment, with whatever counter-evidence they can develop. And Chevron will offer the testimony of various parties who were deceived by Defendants and whose work was manipulated by Defendants, and Defendants will cross-examine those witnesses, seeking to impeach these assertions about Defendants' conduct. But neither the cancer rate in the Oriente nor the levels of any chemicals in the soil there has any bearing on whether or not Cabrera was independent, or whether Burford reasonably relied on Donziger's assertions about the litigation, or whether Dr. Calmbacher signed the reports submitted in his name. If Chevron proves its allegations, Defendants are liable, even if the LAPs' lawsuit in Ecuador had potentially been meritorious before it became corrupted. And if Chevron does not prove its allegations, Defendants are not liable, even if the Ecuadorian lawsuit was baseless. In short, the environmental conditions in Ecuador, whatever they may be, have no tendency to make any fact of consequence in determining this action "more or less probable." Fed. R. Evid. 401.

Defendants' exhibit and witness lists contain numerous entries whose only apparent purpose is to pursue re-litigation of the Ecuadorian lawsuit. Approximately 700 exhibits, including exhibits titled, "Center for Disease Control - Hexavalent Chromium" (Def. Ex. 948) and "CVX v. LAP Groundwater Sample Methods" (Def. Ex. 1086) evidence continued pursuit of this improper strategy. Similarly, eight witnesses identified as "Afectados representative" can have no purpose other than to inject irrelevant environmental issues. Dkt. 1377 at 5. A complete list of presumptively inadmissible exhibits is set forth in Appendix A. These exhibits and witnesses should be precluded as irrelevant, as should any related argument or questions.

Moreover, this environmental “evidence” Defendants seek to submit irrelevant is also unfairly prejudicial, confusing, and wasteful, and should be precluded on these grounds as well. Fed. R. Evid. 403. Defendants’ strategy is obvious, and jumps out from their proposed exhibit and witness lists. Their aim is to distract the jury from their conduct with inflammatory imagery and testimony, replete with descriptions of pits and produced water, cancer and poverty. This material, selected and positioned by Defendants for emotional appeal, and falsely tied to Chevron, has no place in this action. And whatever renewed review of the environmental evidence took place here would necessarily be an exercise in speculation. *See Seaboldt v. Penn. RR. Co.*, 290 F.2d 296, 300 (3d Cir. 1961) (“[A] litigant who has engaged in misconduct is not entitled to ‘the benefit of calculation, which can be little better than speculation, as to the extent of the wrong inflicted upon his opponent.’”) (quoting *Minneapolis, St. Paul & S.S. Marie Ry. Co. v. Moquin*, 283 U.S. 520, 521-522, 51 S. Ct. 501, 502 (1931)).

Numerous courts have recognized the prejudicial and practical problems of injecting alleged evidence of environmental harm where it is not relevant. *See, e.g., Chemical Leaman Tank Lines v. Aetna Cas. & Sur. Co.*, 89 F.3d 976, 994 (3d Cir. 1996) (affirming grant of motion in limine to exclude evidence of environmental harm at sites not at issue in case because introduction of such evidence would require “a series of mini-trials” that would cause undue delay, mislead and confuse the jury, and risk unfair prejudice); *United States v. Wasserson*, 2003 U.S. Dist. LEXIS 15663, at *9-12 (not available on Westlaw) (E.D. Pa. July 28, 2003) (granting motion in limine to exclude evidence of defendant’s involvement in remediation of prior hazardous chemical spill because evidence would be unfairly prejudicial under Rule 403, particularly where defendant’s company had purchased the company that allegedly caused the contamination which occurred prior to the acquisition); *United States v. Tuma*, 2012 U.S. Dist. LEXIS 77341, at *5-7,

2012 WL 1999854, at *2 (W.D. La. June 1, 2012) (denying motion for new trial and holding exclusion of testimony regarding environmental harm proper where environmental harm was not an element of the charged offense: “After reviewing the record, the court continues to find, pursuant to Federal Rule of Evidence 403, that the probative value of the evidence regarding environmental harm is substantially outweighed by danger of unfair prejudice, misleading the jury, and jury confusion.”). The same justification for exclusion applies here.

II. Defendants’ “Mental State” and “Causation” Theories Are Not Grounds For Admitting this Material

Defendants have asserted two supposed legal theories pursuant to which they may try and submit their irrelevant and prejudicial material. Donziger has argued, unsuccessfully, for broader discovery based on what he calls his “*mens rea* defense,” but just as this was not a proper basis for discovery, it does not justify introducing similar irrelevant materials at trial. And Defendants have referred to a “causation” defense, but the substance of their environmental allegations forms no part of the causal chain between their conduct and Chevron’s injuries.

Donziger’s “*mens rea* defense.” While various RICO predicate acts and common law fraud contain *mens rea* requirements, they go to knowledge of falsehood and intent to deceive—not a purported justification or belief in a larger good. To prevail on its claims, Chevron must show that Donziger knew, for example, that his U.S. scientists had secretly written the Cabrera report when Donziger was asserting otherwise to the press, to government officials, and to courts. Chevron does not need to show, and it is not probative either way, whether or not Donziger knew that the Cabrera report’s conclusions were false and inaccurate. Donziger’s fraud rested on his holding out of Cabrera as “independent,” just as he had falsely asserted with bogus “monitorship” of the judicial inspection process, and just as he would later rely on the ghostwritten judgment as the legitimate product of an impartial court.

Defendants’ “Causation” defense. Nor are Defendants’ environmental and other allegations relevant to proximate cause. *See, e.g.*, Dkt. 704 at 5. Chevron’s injuries are the costs it has incurred in exposing Defendants’ fraud and fighting Defendants’ attempt to enforce their fraudulent judgment. Defendants’ ghostwriting and bribery of Ecuadorian court officials, and their subsequent use of that material to pressure Chevron, was the direct cause of those costs—even if TexPet were liable for contamination in Ecuador or its remediation was inadequate, that would not provide Defendants license to engage in fraud or racketeering, nor would it make the Cabrera report “independent” or the judgment legitimate. As the Second Circuit held nearly a century ago, “if the rule shall ever be accepted that the correctness of judicial action taken for a price removes the stain of corruption and exonerates the judge, the event will mark the first step toward the abandonment of that imperative requisite of even-handed justice.” *United States v. Manton*, 107 F.2d 834, 846 (2d Cir. 1939).

III. Exclusion Should Be Handled *In Limine* to the Extent Possible, Because Protracted, Inefficient Admissibility Disputes Risk Confusion and Prejudice

Much of the material Defendants are likely to seek to introduce will be inadmissible on grounds other than lack of relevance to Chevron’s claims. A document titled “Beristain Speech” (Def. Ex. 1083) is without question inadmissible hearsay, as is “Natural Resources Defense Council’s Environmental Allegations” (Def. Ex. 945). This is an area Chevron respectfully asks the Court to address as much as practicable in advance, and not on a case-by-case basis, so as to give guidance to the parties as they prepare for trial.

First, Defendants’ recent strategy and their pre-trial order filing demonstrate that this prejudicial material will form a substantial portion of Defendants’ trial presentation if the limits of relevance are not enforced. Approximately 700 exhibits appear, on their face, to fall within this category. *See* Appendix A. Accordingly, addressing this issue *in limine* will be far more

efficient than disputing many dozens of improper questions and attempted submissions of irrelevant evidence at trial. *See Argus, Inc. v. Eastman Kodak Co.*, 612 F. Supp. 904, 909 (S.D.N.Y. 1985) (“In limine consideration of expert testimony and other evidentiary issues is far more efficient than deferring them until trial.”); *United States v. Butler*, 351 F. Supp. 2d 121, 133 (S.D.N.Y. 2004) (Lynch, J.) (“Since the admission of [evidence of other acts of a defendant] is frequently contested, pretrial notice serves the salutary purpose of permitting the defense to make in limine motions that further the efficiency of the trial process.”).

Second, permitting a steady series of attempts to elicit irrelevant testimony and submit irrelevant evidence about environmental conditions and similar irrelevant material, even if every attempt is denied, will substantially accomplish Defendants’ improper purpose—to distract the jury and unfairly prejudice Chevron. Defendants would like nothing more than to ask witnesses questions like, “Have you personally seen evidence of Chevron’s pollution in Ecuador,” only to have counsel for Chevron interrupt with an objection and the Court admonish Defendants’ counsel for raising that issue. Such a scene, perhaps repeated dozens of times, cannot help but suggest to the jury, inaccurately, that there is a body of evidence being hidden from them that would reveal the truth of Defendants’ underlying allegations. *See United States v. Lamarr*, 75 F.3d 964, 968-69 (4th Cir. 1996) (addressing situation in which prosecutors repeatedly and improperly questioned witnesses about the defendants’ prior bad acts: “We agree that the prosecutors did attempt to introduce improper evidence. Such cross-examination tactics are highly inappropriate, unnecessary, and unfair. . . . In another case, when improper prosecution questions result in more prejudicial answers, evoke less effective corrective measures by the trial court, or are accompanied by less powerful prosecution evidence, such question might require reversal.”).

CONCLUSION

For the foregoing reasons, the Court should prohibit Defendants from offering at trial ev-

idence, arguments, or questioning regarding alleged environmental and human conditions in the Oriente region of Ecuador or the procedures employed in the TexPet Remediation.

Dated: September 8, 2013
New York, New York

Respectfully submitted,

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Appendix A

Defendants' Exhibit Number	Date	Description	Bates range
1	4/00/1994	Report Re Rights Violations in the Ecuadorian Amazon, <i>The Human Consequences of Oil Development</i> by The Center for Economic & Social Rights	LAP 0000595 - LAP0000664
4	3/3/2001	Vanity Fair Magazine Article Re Big Oil Jungle Law by William Langewiesche	LAP0000448- LAP0000471
10	11/1/2005	Ltr from the Ministry of National Defence to Julio Gonzalez	LAP0000721 – LAP0000722
11	11/5/2005	Ltr from the national Congress of Ecuador (Congreso Nacional) to Oswaldo Jarrin	LAP0000719 -LAP0000720
13	3/10/2006	Report by Dr. Ann Maest Mark Quarles & William Powers Re How Chevron's sampling & analysis methods minimizes evidence of contamination	EL00006275 LAP0000481-LAP0000489
15	4/5/2006	Report by Bill Powers, P.E. & Mark Quarles Re Texaco's waste management practices in Ecuador were illegal & violated industry standards	LAP0000505 – LAP0000514
16	7/15/2007	Investigation Summary Re Summary of activities Phase II – Global Environmental Audit	BJORKMAN00053842 – BJORKMAN00053882
17	8/26/2007	Summary of activities & samples collected: Phase II – Global Environmental Audit Shadow Team	BJORKMAN00051432 – BJORKMAN00051446

18	8/27/2007	Email from Miguel Aleman to Roberto Landazuri Re -2841 Phase II Shadow Team	CVX – RICO – 4389677
26	05/00/2009	Report Re The true cost of Chevron by An Alternative annual report	LAP0001128 – LAP0001175
27	5/3/2009	60 Minutes Video Amazon Crude	LAP 0000444
28	5/3/2009	60 Minutes video Re Amazon Crude photographs	LAP0000444 – LAP0000
107	Undated	"On the Environment of the Amazon Region of Ecuador"	
110	Undated	Texaco in Ecuador CD Re Photos Taken by Lou Dematteis	LAP0000446
111	Undated	CD from Smyser Kaplan & Veselka, LLP Re Chevron Corp v Aguinda Salazar, et al, Case No.11 Civ. 3718	LAP0000447
112	Undated	Pictures of contaminated land in Ecuador	LAP0000572 – LAP0000594
113	Undated	Pictures of campesinos (peasants) conducting a meeting	LAP0000667 – LAP0000668
116	Undated	List of photos from Texaco's oil concession areas in the Ecuadoran Amazon by Lou Dematteis	LAP0000001 – LAP0000003
117	Undated	Photographs	LAP0000035 – LAP0000040
120	Undated	Ecuador Technical Update for Chuck Taylor	CVX – RICO – 5052876 – 5052878
123	Undated	Report – Scope of remediation	CVX – RICO – 5052879 - 5052933
247		Pre-inspection video 050112 Shushufindi13	LAP0000669

248		Pre-inspection video 050113 SachaEstacionCentral	LAP0000670
249		Pre-inspection video 050113 Shushufindi10+13	LAP0000671
250		Pre-inspection video 050115 Shushufindi8	LAP0000672
251		Pre-inspection video 050115 Shushufindi8.1	LAP0000673
252		Pre-inspection video 050116 Shushufindi11	LAP0000674
253		Pre-inspection video 050117 Shushufindi10	LAP0000675
254		Pre-inspection video 050117 Shushufindi11	LAP0000676
255		Pre-inspection video 050118 Shushufindi10	LAP0000677
256		Pre-inspection video 050119 Shushufindi25	LAP0000678
257		Pre-inspection video 050120 Shushufindi45A	LAP0000679
258		Pre-inspection video 050302 Shushufindi8	LAP0000680
259		Pre-inspection video 050303 Shushufindi7	LAP0000681
260		Pre-inspection video 050303 Shushufindi21	LAP0000682
261		Pre-inspection video 050307 Shushufindi25	LAP0000683

262		Pre-inspection video	LAP0000684
263		Pre-inspection video 050411 SachaNorte1	LAP0000685
264		Pre-inspection video 050812+13 Shushufindi18	LAP0000686
265		Pre-inspection video 050928 Guanta Station	LAP0000687
266		Pre-inspection video 050929 Guanta	LAP0000688
267		Pre-inspection video 050929+30 Acuario Stacion	LAP0000689
268		Pre-inspection video 051002 LagoAgrio 6	LAP0000690
269		Pre-inspection video 051002+03 Shushufindi 27	LAP0000691
270		Pre-inspection video 051003 Shushufindi 27	LAP0000692
271		Pre-inspection video 051103 Sacha19	LAP0000693
272		Pre-inspection video 051105 06 Sach Norte 2	LAP0000694
273		Pre-inspection video 051105 SachaNorte 2	LAP0000695
274		Pre-inspection video 060124 Sacha18	LAP0000696
275		Pre-inspection video 060124 Sacha 36	LAP0000697

276		Pre-inspection video 060126 25 Sacha 22	LAP0000698
277		Pre-inspection video 060128 Lago Agrio 11	LAP0000699
278		Pre-inspection video 060129 Lago Agrio 15	LAP0000700
279		Pre-inspection video 060228 Lago Agrio 11a	LAP0000701
280		Pre-inspection video 060228 Lago- Agrio15	LAP0000702
281		Pre-inspection video 060301 Guanta 7	LAP0000703
282		Pre-inspection video 060302 Guanta 06	LAP0000704
283		Pre-inspection video 060303 Aguarico 2	LAP0000705
284		Pre-inspection video 060522 Cononaco 6	LAP0000706
285		Pre-inspection video 060524 Culebra1	LAP0000707
286		Pre-inspection video 060524 YULEBRA7	LAP0000708
287		Pre-inspection video 060526 Yuca4	LAP0000709
288		Pre-inspection video 060527 Auca17	LAP0000710
289		Pre-inspection video 060527 Auca19	LAP0000711

290		Pre-inspection video 060530 Yuca5	LAP0000712
291		Pre-inspection video 060816 Estacion Acua Central	LAP0000713
292		Pre-inspection video 060821 Es- tacionYuca	LAP0000714
293		Pre-inspection video 060823 Auca G	LAP0000715
294		Pre-inspection video 060825 AucaCen- ter2+8	LAP0000716
295		Pre-inspection video 060825 AucaCen- ter2+8.1	LAP0000717
296		Pre-inspection video 060827 Mini Es- tacion Auca 01	LAP0000718
360	7/17/1972	Reporting of Environmental Incidents New Instructions	Dkt. 152-4
379	1/18/1994	Holwill & Company memo for Ricardo Veiga	Dkt. 152-26
387	11/5/2003	Filing by Chevron with Superior Court of Justice, Nueva Loja in Spanish with relevant portions translated to English	Dkt. 152-34
388	11/5/2003	Filing by Chevron with Superior Court of Justice, Nueva Loja in Spanish with relevant portions translated to English	Dkt. 152-35
389	8/16/2006	Filing by Chevron with Superior Court of Justice, Nueva Loja in Spanish with relevant portions translated to English	Dkt. 153-1

390	8/25/2006	Filing by Chevron with Superior Court of Justice, Nueva Loja in Spanish and English translation	Dkt. 153-2
391	12/10/2009	Provincial court of Justice of Sucumbios, Ecuador's Appointment of Expert Jose Lopez in Spanish with English translation	Dkt 153-3
392	12/15/2009	Filing by Jose Lopez of Activities and Chronology of Work in Spanish with English translation	Dkt 153-4
393	1/5/2010	Provincial Court of Justice of Sucumbios, Ecuador's Order in Spanish with English translation	Dkt. 153-5
394	1/8/2010	Filing by Chevron with Provincial Court of Justice of Sucumbios in Spanish with English translation	Dkt 153-6
396	1/22/2010	Filing by Chevron with Provincial Court of Justice of Sucumbios in Spanish with English translation	Dkt 153-8
398	1/22/2010	Filing by Chevron with the Provincial court of Justice of Sucumbios in Spanish with English translation	Dkt 153-10
399	3/23/2010	Provincial Court of Justice of Sucumbios Order in Spanish with English translation	Dkt 153-11
400	3/30/2010	Filing by Chevron with the Provincial Court of Justice of Sucumbios in Spanish with English translation	Dkt. 153-12

401	3/30/2010	Filing by expert Jose Lopez with Provincial Court of Justice of Sucumbios in Spanish with English translation	Dkt. 153-13
402	4/7/2010	Filing by expert Jose Lopez with Provincial Court of Justice of Sucumbios in Spanish with English translation	Dkt. 153-14
403	4/14/2010	Filing by expert Jose Lopez with Provincial Court of Justice of Sucumbios in Spanish with relevant portions translated to English	Dkt. 153-15
404	6/3/2010	Filing by expert Marcelo Munoz with Provincial Court of Justice of Sucumbios in Spanish with English translation	Dkt. 153-16
405	10/29/2010	Filing by expert Marcelo Munoz with Provincial court of Justice of Sucumbios in Spanish with English translation	Dkt. 153-17
406	10/11/2010	Provincial Court of Justice of Sucumbios Order in Spanish with relevant portions translated to English	Dkt. 153-18
417	10/29/2010	Letter from Dr. Marcelo Munoz Herreria to Nicolas Zambrano	Dkt. 154-7
423	5/3/2009	<i>Global Post</i> article, "Chevron vs. Ecuadorean activists"	Dkt. 154-13

477	12/17/2010	Daniel Fisher's article "Chevron Ecuador Case a Shambles, Foimer Backer Says," <i>Forbes</i>	Dkt. 1324-8 Pgs 124-127 of 151
591	4/00/2006	Judicial Inspection playbook redacted	Dkt 17-6 BJORKMAN00049534
592	Undated	Sample Plan Calendario	Dkt 608-8 BJORKMAN00046358
593	8/28/2006	Evaluation of Chevron's Sampling and Analysis Methods	Exhibit McMillen 4 6/14/13
594	3/18/2006	Summary of Sampling and Testing Pro- gram for Judicial Inspection Sites	CVX-RICO-3567406
595	11/10/2012	Excerpt of deposition transcript of John A. Connor	Exhibit McMillen 6 6/14/13
596	12/6/2012	Certified Transcript Excerpt of John A. Connor deposition	Exhibit McMillen7 6/14/13
611		Videos of Chevron Preinspections	
613	8/4/2004	John Connor Email	CVX-RICO-4972173
614	3/27/2006	Douglas Mackay Retainer	MACKAY00054639
615	7/10/2006	Douglas Mackay Email	MACKAY00064887
616	7/18/2007	Alvarez Machay Hinchee Assessment of Cabrera Work Plan	CVX-RICO-4381043
619	6/24/2009	Chevron team email	CVX-RICO-4757122
620	10/29/2009	Chevron team email	CVX-RICO-4372355
621	12/3/2009	Interviews	CVX-RICO-4389692
622	5/26/2010	Off-line' Call Email with Bianchi	CVX-RICO-4841177
634	12/21/2010	Chevron motion to Lago Agrio Court	

646	9/8/2009	Fajardo email	CVX-RICO-2456128
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674	7/20/1992	Texaco memo	CVX-RICO-5042152
681	6/11/2009	Brian Parker email	CVX-RICO-2705712
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698	4/29/2010	Email from S. Mcmillen Subject: FYI from ADC-What are they talking about now?	CVX-RICO-4868164-CVX-RICO-4868166
700	5/6/2010	Email from P. Briz Subject: Plaintiffs' letter May 6, 2010	CVX-RICO-5536415-CVX-RICO-5536419
705	10/25/2010	Email from J. Higgs Subject: AW-Former CVX/TEX worker in Ecuador: We dumped pollution into Rainforest	CVX-RICO-5518484-CVX-RICO-5518485
710	10/28/2009	Email from J. Craig Subject: chevron and ecuador	CVX-RICO-4788636
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714	4/1/2005	IJOEH Article: Texaco and its Consultants	
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736	11/12/2005	Email from D. Russell to S. Mcmillen Subject Forgot the attachment	CVX-RICO-5040594
737	4/16/2006	Email from D. Fisher Subject: excellent work on remediation/questions	AMPI00018101-AMPI00018105
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739	6/13/2007	Email from D. Russell Subject: A corporate shield	CVX-RICO-4547355
741	5/6/2008	Email from D. Russell Subject: belated thanks	CVX-RICO-5040975
742	5/5/2009	Email from D. Russell Subject: A thought	CVX-RICO-4544583
743	1/24/2006	Email from B. Powers Subject: Role of Mark Quarles and Nathalie W.	CVX-RICO1544187- CVX-RICO-1544189; Woods-HDD-0082879-Woods-HDD-0082881
744	2/12/2006	Email from B. Powers subject: we need a conference call--possible today	CVX-RICO-1544565
747	2/15/2006	Email from A. Maest Subject: Russell back off cost estimate-important	Woods-HDD-0084217; CVX-RICO-1545454
748	2/16/2006	Email from S. Donziger Subject: Dave Russell--importante y nuevo	CVX-RICO-2369356-CVX-RICO-2369358
749	2/15/2006	Email from S. Donziger: Subject Dave Russell--importante y nuevo	CVX-RICO-2369319-CVX-RICO-2369320
751	2/16/2006	Email from S. Donziger Subject: My response to Russell	CVX-RICO-2369364
753	2/21/2006	Email from B. Powers Subject: phone call Re: very quick question/fausto report/phone call	Woods-HDD-0082993-Woods-HDD-0082994; CVX-RICO-1544301-CVX-RICO-1544302
754	2/21/2006	Email from B. Powers re: Fausto report accuracy	Woods-HDD-0083933-Woods-HDD_0083935; CVXRICO1545177-CVX_RICO-1545179
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879		Chevron motion to Lago Agrio Court	CVX-RICO-4381053
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934	2/18/2013	Letter from J. Donald Annett, President of Health and Safety Division of Texaco Inc. to S. Jacob Scherr, Director, International Program, of NRDC (Dec. 27, 1990)	Ex R-476 to Track 2 CounterMemorial
935	2/18/2013	Owen L. Anderson Aff. (Feb. 23, 2005)	Ex R-421 to Track 2 CounterMemorial
936	2/18/2013	Deposition of Robert M. Bischoff	Ex C-419 to Track 2 CounterMemorial
937	2/18/2013	Letter to Bates (Feb. 22, 1983)	Ex R-432 to Track 2 CounterMemorial
938	2/18/2013	May 27, 1988 letter from Sawyer to Black	Ex R-433 to Track 2 CounterMemorial
939	2/18/2013	O. Anderson Deposition Transcript	Ex R-435 to Track 2 CounterMemorial
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