CHEVRON'S MOCKERY OF JUSTICE

HOW JUDGE KAPLAN'S RICO DECISION SUFFERS FROM FIVE FATAL FLAWS

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Judge Lewis A. Kaplan's decision in favor of Chevron in its RICO case against New York lawyer Steven Donziger and his Ecuadorian clients is fundamentally and fatally defective. It relies overwhelmingly on the testimony of an admitted con man and perjurer to conclude that the legal team for the affected Ecuadorian indigenous and farmer communities "bribed" the trial judge in Ecuador. In his decision, Judge Kaplan held that the testimony of this one person – former Ecuadorian judge Alberto Guerra – should be credited. Yet Chevron paid Guerra $350,000 – or *20 times* his annual salary – plus numerous other benefits to fabricate a story that falls apart under scrutiny and has changed constantly as new forensic evidence disproved each of his prior claims. But this paid-for testimony is only one component of Chevron's Big Lie campaign to deflect attention from its responsibility for dumping billions of gallons of toxic waste in Ecuador's Amazon region, as confirmed by multiple layers of courts in Ecuador and as admitted to by its own legal representative and the company's internal environmental audits.

Judge Kaplan's reliance on Guerra's corrupt testimony is one reason the trial judge committed reversible error, but there are others. As explained below, Judge Kaplan's RICO decision is void for lack of jurisdiction. It ruthlessly distorts the truth. And Judge Kaplan's well-documented hostility toward the Ecuadorians and Mr. Donziger rings loud throughout his "findings" of fact. In what can only be described as an unprecedented display of judicial overreach, Judge Kaplan tried to use his Manhattan courtroom to reverse a unanimous decision from Ecuador's Supreme Court based on questions of Ecuadorian law. The decision is also in open defiance of a prior decision from the Second Circuit Court of Appeals, which barred Judge Kaplan from ruling as he did on the validity of a foreign country's judgment.

During the seven-week RICO trial, Judge Kaplan granted almost every one of Chevron's requests to skew the proceeding to hide the truth. He refused to seat a jury and then let Chevron's high-priced army of lawyers – the company has used at least 2,000 on the case since its inception - commandeer the jury room as a private office. At Chevron's urging, he repeatedly denied the defendants the opportunity to present the voluminous scientific evidence of Chevron's toxic dumping that proves the Ecuador judgment is valid. He also granted Chevron's request to bar evidence that the oil giant attempted to corrupt and paralyze the proceedings in Ecuador because it knew it was losing on the merits. Judge Kaplan let Chevron present "secret" witnesses that could not be effectively investigated or cross-examined.

Judge Kaplan also acceded to Chevron's demands that all key company documents be designated as "confidential" – including documents that showed the company had a long-term strategy to demonize and spy on Mr. Donziger, and to attack Ecuador's government for letting its own citizens exercise their private rights to bring the lawsuit. He appointed his former corporate law partner, Max Gitter, to rule (almost always in favor of Chevron) on discovery disputes, and then had Chevron pay 100% of this individual's fees. Perhaps most tellingly, Judge Kaplan refused even to read the official record from the Ecuador trial that was relied on by the Ecuadorian courts to find Chevron liable. We seriously doubt Judge Kaplan wrote all of his 500-page decision after the close of evidence; he appears to have constructed it over the course of several months, cribbing most of the material from Chevron's briefs.

WHY CHEVRON'S RICO CASE ULTIMATELY WILL FAIL:

1. **JUDGE KAPLAN'S "IMPLACABLE" BIAS SKEWED THE PROCEEDING**
2. **THE U.S. COURT HAS NO JURISDICTION OVER ECUADORIAN VILLAGERS**
3. **CHEVRON CANNOT USE A U.S. COURT TO BLOCK A FOREIGN JUDGMENT**
4. **CHEVRON BRIBED A KEY WITNESS TO PRESENT FALSE TESTIMONY**
5. **JUDGE KAPLAN'S DECISION VIOLATES THE FIRST AMENDMENT**

Here are the five principle reasons why Judge Kaplan's decision is unlikely to survive appeal and will carry little weight in enforcement actions targeting Chevron assets in other jurisdictions:

1. Judge Kaplan's implacable bias against Mr. Donziger and the Ecuadorians undermines his credibility and negates the validity of his ruling

On the eve of Chevron's RICO trial, it became clear the oil company was too scared to put its case before a jury of impartial fact finders. Chevron dropped billions of dollars in damages claims to ensure that only Judge Kaplan would decide the case alone. Why? Here is just one example of how Judge Kaplan viewed the dispute, in his *own* words:

> ***The imagination of American lawyers is just without parallel in the world. . . . [W]e used to do a lot of other things. Now we cure people and we kill them with interrogatories. It's a sad pass. But that's where we are. And Mr. Donziger is trying to become the next big thing in fixing the balance of payments deficit. I got it from the beginning. . . .***
>
> ***The object of the whole game, according to Donziger, is to make this so uncomfortable and so unpleasant for Chevron that they'll write a check and be done with it . . . . [T]he name of the game is . . . to persuade Chevron to come up with some money.***

This was not an isolated comment: Judge Kaplan repeatedly made inappropriate remarks about the villagers who sued Chevron (for example, referring to them as the "so-called" plaintiffs), their case (for example, stating that it was not "bona fide" litigation and was akin to "mud wrestling"), and Mr. Donziger (for example, calling him a "field general" rather than a lawyer). See these legal petitions here and here filed by the Patton Boggs law firm for background on the extent of Judge Kaplan's evident hostility toward Mr. Donziger and his clients.

Incredibly, when Chevron filed its RICO case in February 2011 – *after* Judge Kaplan made these inappropriate comments – the judge **assigned the case to his own court** rather than let it be randomly assigned to an impartial judge as is the custom in the federal judiciary. (Recently, the same appellate court that will review Judge Kaplan's decision reassigned the matter involving the historic verdict in the famous "stop-and-frisk" case relating to the New York City Police Department because a trial judge did the same thing.)

Steven Donziger, the principal target of Chevron's retaliatory attacks, meets with members of the Huaorani on the first day of the Lago Agrio trial on October 21, 2003.

Given this history, it is understandable why Chevron was desperate to have Judge Kaplan decide the case alone. Sure enough, Judge Kaplan stuck to Chevron's script throughout the RICO trial, excluding essentially all evidence that contradicted Chevron's narrative. Not only did Judge Kaplan refuse to hear any evidence related to Chevron's contamination of the Amazon rainforest, he struck the bulk of Mr. Donziger's testimony, which is available in full at stevendonziger.com. While Chevron has certainly enjoyed its ride on Judge Kaplan's bandwagon, the company now will have to justify this offensive proceeding to the Second Circuit Court of Appeals, the federal appellate court that oversees all federal trial judges in New York.

2. After Chevron dropped its damages claims to avoid a jury, Judge Kaplan had no legal authority to issue his decision

While Judge Kaplan distorted many of the facts to fit his preconceived notions, the main reason that we believe he committed reversible error is because the decision openly flouts core legal precedent and principles that bar Judge Kaplan from doing what he did.

First, when on the eve of trial Chevron panicked and dropped all money damages claims to avoid a jury, it stripped Judge Kaplan of subject matter jurisdiction because there is no legally cognizable "case or controversy" as required by the U.S. Constitution. That is, while Chevron might get a caffeinated kick out of reading Judge Kaplan's decision, it does not provide Chevron any meaningful legal relief. It almost certainly will be reversed on appeal and disregarded by foreign

One of the more than 900 open air toxic waste pits left behind by Chevron in Ecuador. Chevron had so little regard for the local population that it never kept an invory of the number and locations of pits that it gouged out of the jungle.

enforcement courts, largely because its conclusions are not supported by the evidence and Judge Kaplan was so evidently biased. See Mr. Donziger's Jan. 22 motion to dismiss for more detail.

Second, the law is clear that a private party can only use the RICO statute to obtain money damages, not to act as an Attorney General and seek judicial injunctions barring some sort of activity, as Chevron is doing here. The United States government and even Chevron's own lawyers at Gibson Dunn & Crutcher, including the renowned Supreme Court advocates Theodore B. Olson and Miguel Estrada, have consistently agreed with this position. But seeking money damages would have required Chevron to submit the case to a jury. Given that a jury likely would have rejected its claims, Chevron and Judge Kaplan decided to push ahead on an unlawful injunction-only RICO claim that has no precedent in U.S. law and is almost certain to be vacated. See pages 57-59 of Mr. Donziger's Dec. 23 post-trial brief and pages 19-22 of Mr. Donziger's Jan. 21 post-trial reply for more detail.

Third, the decision is a flagrant violation of international comity. This important principle holds that the courts of one country must give respect to the courts of another. An earlier attempt by Judge Kaplan to block the Ecuador judgment was vacated unanimously on appeal for violating this principle. In his latest decision, Judge Kaplan repeats the same mistake. As said, he essentially tries to play the role of Supreme Court to the world's judiciaries. He also impugns the entire Ecuadorian judiciary as "unworthy" based largely on the testimony of one witness who is also an avowed political opponent of Ecuador's current president. U.S. courts in similar circumstances have justifiably rejected opinions of foreign courts that impinge on their sovereignty; likewise, Ecuador's courts have rejected Judge Kaplan's ruling. The Second Circuit is keenly attuned to international comity issues and is highly unlikely to let a trial judge's wholesale attack on a foreign judiciary stand. For more detail, see pages 52-55 of Donziger's Dec. 23 post-trial brief and pages 11-15 of Donziger's Jan. 21 post-trial reply.

Judge Kaplan seemed to implicitly acknowledge at least some of these problems in his decision. He went so far as to invent out of whole cloth an entirely new claim for Chevron to provide an additional basis on which to justify his illegal injunction. He apparently hoped this new claim would serve as a kind of "insurance policy" for Chevron if the appellate court determines RICO does not allow as private injunction, as is likely. But not even Chevron presented this claim, and it was never litigated.

Judge Kaplan's invented claim works like this. First, he re-characterized the entire case as "an independent action for relief from an allegedly fraudulent judgment" – *i.e.*, not a RICO case at all. Judge Kaplan cites as "authority" a 1941 treatise and a student law review article published in 1928. Moreover, there is no legal authority (and Judge Kaplan can cite none) to even remotely suggest that a U.S. court can make a finding of fraud on a foreign court and leverage that into a sweeping injunction. By doing so, Judge Kaplan again flouts the principles of international comity and due process that were used by the federal appellate courts to reverse his unprecedented injunction (made in March 2011) blocking enforcement of the Ecuador judgment on a worldwide basis.

One reason this invented claim is in such poor form is the practical reality that Judge Kaplan in New York is in an infinitely worse position to understand whether a "fraud" was committed on an Ecuadorian court than are the courts of Ecuador. In this case, the courts of Ecuador explicitly looked at Chevron's allegations of fraud and rejected them. In his decision, Judge Kaplan effectively sets aside these findings in favor of his own conclusions. The condescension and presumptuousness of this approach is simply staggering and is unlikely to be tolerated by the Second Circuit.

3. "Bribery": Judge Kaplan's finding that the trial judge was "bribed" is based on corrupt evidence

The only direct testimony supporting Chevron's key claim—i.e. that the Ecuadorian plaintiffs' legal team "bribed" the trial judge to allow them to write the opin-

ion—comes from Guerra, the disgraced former Ecuadorian judge who is probably one of the most openly corrupt witnesses ever to blight an American courthouse. His entire testimony violated U.S. law, which prevents witnesses from being paid for their testimony. See this pre-trial motion to impose terminating sanctions on Chevron for corrupting the trial; this Oct. 30 motion to strike and pages 31-42 of Donziger's Dec. 23 post-trial brief to show how Guerra changed his story multiple times as new evidence emerged to discredit his prior claims. Among the key facts about Guerra:

- He admits he accepted and paid bribes throughout his legal career, both as a practicing lawyer and as a sitting judge.
- He was removed as a judge for misconduct.
- In early 2012, he was nearly destitute and desperate to join his son and daughter living in the United States (his son illegally), but had no basis for immigration.
- At that time, a high-profile news story broke about an Ecuadorian judge accepting a decision written by a party and given to him on a flash drive. Guerra approached Chevron seeking payment with exactly the same story: he claimed he had evidence that the plaintiffs wrote the judgment and gave it to the judge on a flash drive.
- Chevron lawyer Andres Rivero and Chevron investigator Yohi Ackerman immediately paid him $18,000 in cash for his story, in violation of ethical rules against paying fact witnesses. Chevron later paid Guerra another $30,000 in cash. It then entered into an agreement to pay him $12,000 a month for at least two years and perhaps indefinitely.
- Chevron operatives then bought Guerra a car, auto insurance, and health insurance. Company lawyers then moved Guerra, his wife, and his younger son and his son's entire family to the United States and hired lawyers to get them green cards. The incentives for Guerra to say anything to keep the money flowing are obvious.
- Guerra could never produce the flash drive. His computers did not turn up even a single email from Pablo Fajardo, the lead lawyer for the affected communities in Ecuador, despite the fact Guerra had told Chevron Fajardo had sent him a flash drive with the judgment on it. And Guerra claims to have "lost" his calendar during the year that he said he was in a meeting with Mr. Donziger where discussion of the "bribe" took place. In any event, during the time of the claimed meeting, Mr. Donziger was not even in Ecuador because of an illness in his family, according to immigration records and undisputed testimony.
- Guerra's testimony changed constantly depending on new evidence. Other documents he produced to substantiate his account appear blatantly forged. All the while, Chevron's high-priced attorneys from Gibson Dunn & Crutcher, led by Randy Mastro (who bills at $1,140 per hour), negotiated directly with Guerra in Chicago over his "price" while simultaneously preparing Guerra's sworn affidavit. The entire process is a violation of the ethical rules, as this affidavit by noted legal ethicist Erwin Chemerinsky attests.
- In his decision, Judge Kaplan admitted Guerra was corrupt. Yet Judge Kaplan decided to credit Guerra's testimony anyway. Otherwise, there would be no high-profile "bribery" finding upon which to hinge his illegal injunction.

Kaplan's embrace of this admittedly corrupt testimony over other contradictory evidence is indefensible.

Ines Suarez and her daughter, Angie Christina Castillo Suarez, outside their home near Chevron's former Sacha 18 well site in the Amazon region of Ecuador. Due to the toxic waste pits around this well, the family drank contaminated water for years and Angie suffers severe health problems.

4. "Fraud": Three layers of courts in Ecuador rejected Chevron's "fraud" claims.

Aside from Guerra's corrupt testimony about a "bribe" that never occurred, Chevron's "fraud" claim is based primarily on the fact that the lawyers for the rainforest communities publicly claimed a court-appointed damages expert, Dr. Richard Cabrera, was "independent" when they paid him and drafted most of his report. But under the rules of the Ecuadorian trial pro-

cess – rules that Judge Kaplan tried to interpret even though he has no expertise in the Ecuadorian legal system – lawyers for the communities were allowed and *indeed encouraged* to work closely with Dr. Cabrera. The law required that they exclusively pay Dr. Cabrera given that they were the only party that asked for his report; Chevron exclusively paid for its own experts in similar circumstances. Neither Chevron nor Judge Kaplan were able to cite to any Ecuadorian law or rule prohibiting these interactions. Instead, Chevron and Judge Kaplan try to demonize the Ecuadorian legal process – a civil law system different from the common law system of the United States -- for an audience unfamiliar with how it works. To the extent that the "fraud" claim is based on how the lawyers for the communities subsequently characterized or "touted" the expert in press releases and other public statements, Judge Kaplan's decision ignores the following key facts:

- The Ecuadorian plaintiffs were entitled to call the expert "independent" because that was his technical status before the Ecuadorian court. At the end of the day, his role was to exercise his independent judgment in deciding whether or not to sign the final report drafted for him, which is what he did.
- In the Ecuador trial, Chevron routinely paid and collaborated with "court-appointed" experts such as John Connor and Marcela Muñoz. Chevron touted their work to the court and to the public as "independent."
- Public statements characterizing the expert as independent were statements of opinion fully protected by the First Amendment, both as plain speech and as petitioning activity.
- Most importantly, the evidence used by Dr. Cabrera was submitted largely by Chevron itself. The court received over 64,000 contamination sample results, most of which found massive illegal levels of toxins.
- While Chevron claims the statements about Dr. Cabrera were misleading, it never claimed to actually be misled. Instead, its theory is that others—third parties such as journalists—were misled. But New York law clearly prohibits "fraud" claims to be brought on behalf of third-parties; Judge Kaplan simply ignored this body of law. See pages 67-68 of Mr. Donziger's Dec. 23 post-trial brief and pages 22-27 of Mr. Donziger's Jan. 21 post-trial reply for more detail.
- Chevron tries to claim that the plaintiffs "bribed" Dr. Cabrera because his invoices were paid outside the court process. But as Mr. Donziger explained repeatedly, all monies paid to Dr. Cabrera were for work performed and the payment methods were appropriate and consistent with custom and practice in Ecuador.

The most important fact about Chevron's "fraud" claim with regard to Dr. Cabrera is that Chevron fully presented its evidence to the Ecuadorian trial court, appellate court, and Supreme Court. These courts—unlike Judge Kaplan—are intimately familiar with Ecuadorian laws, norms, and customs. All three levels of Ecuadorian courts to hear the case rejected Chevron's claims with regard to the Cabrera report. Moreover, to prevent Chevron from sabotaging the trial process, the trial court struck the Cabrera expert report from the record even though it did not find it was the product of fraud. The court then relied on the 105 other technical reports submitted by the parties to find Chevron liable and impose damages. In short, Chevron's manufactured claims with respect to Dr. Cabrera's report were addressed by the Ecuadorian courts and are of no significance at this stage of the proceeding, except apparently to Judge Kaplan.

5. "Extortion": Kaplan's disturbing "extortion" finding illegally criminalizes core First Amendment activity

Perhaps the most dangerous part of Judge Kaplan's decision— a part that even Judge Kaplan tries to downplay—is his finding that the advocacy of Mr. Donziger and the Ecuadorian plaintiffs in press releases and legal filings, the holding of public demonstrations, and other acts to express their views and to "pressure" the company to clean up its contamination in Ecuador were *criminal predicate acts*. The decision,

Protest outside 2011 Chevron Annual Shareholder Meeting. Both Chevron and Judge Kaplan consider this type of activity "criminal" in the context of the Ecuador case.

if not reversed, criminalizes what lawyers, activists, and citizens do, on a regular basis, to hold corporations accountable for their misconduct.

This incursion into speech protected by the First Amendment to the Unites States Constitution is exactly what Chevron designed its RICO case to do. As explained in a recent letter signed by over 40 of the country's leading environmental and civil rights organizations, Chevron has used RICO "to cast its victims and virtually anyone who has supported their campaign, or been critical of Chevron – including NGOs, journalists, and responsible investors – as criminals." It continues:

> ***Chevron also targeted nonprofit environmental and indigenous rights groups and individual activists with subpoenas designed to cripple their effectiveness and chill their speech. By asserting that its most vocal critics are "conspirators" in efforts to bring Chevron to account for its environmental and human rights abuses, Chevron has attempted to force organizations to turn over all their internal planning and strategy documents and the identities of their supporters, who may then find themselves the target of further legal action.***

Chevron already has been sanctioned by some courts for this: in 2013, a federal court quashed the main subpoena against an NGO, calling it a threat to free speech; years earlier, another federal court threw out a Chevron lawsuit against a former lawyer for the Ecuadorians as a "SLAPP" suit aimed at dissuading "public participation" and ordered Chevron to pay the lawyer's defense fees and costs. A federal judge in Oregon also fined Chevron for using its lawyers to harass a small non-profit legal organization that had been assisting the Ecuadorian communities in the U.S.

Judge Kaplan's attempt to crack down on activities such as blogging, press releases, and public advocacy clearly runs afoul of the Constitution. As the U.S. Supreme Court has held: "[s]peech does not lose its protected character . . . simply because it may embarrass others or coerce them into action." The First Amendment also robustly protects "petitioning activity" such as lobbying government officials or anything associated with pursuing a legal case under what is called the Noerr-Pennington immunity doctrine. The only way around the doctrine is for Chevron to prove that the entire underlying legal case (the Ecuador environmental lawsuit) was a "sham." But, to protect itself from evidence of its own contamination that clearly proves the case in Ecuador was not a sham and was instead based on overwhelmingly and unassailable scientific evidence, Chevron expressly told Judge Kaplan that it was not making such a claim.

It is worth adding that Karen Hinton, who served as the U.S. spokesperson for the Ecuadorians, testified that her press releases and public statements were based on the overwhelming evidence of Chevron's contamination submitted to the court. Ms. Hinton was trying to demonstrate that her comments about Chevron's legal violations in Ecuador were accurate and, therefore, protected by her First Amendment rights. But Judge Kaplan struck the vast majority of Ms. Hinton's testimony and refused to let in evidence of Chevron's contamination to prove Ms. Hinton's press releases were accurate. He then concluded those press releases were part of an "extortionate" campaign directed at Chevron.

Dirty Tricks: The Role of the Gibson Dunn Law Firm

We would be remiss if we did not mention the leading role of a particular practice group at Gibson Dunn & Crutcher, Chevron's outside law firm in the RICO case that defended Richard Nixon during his "Checkers" speech and recently was hired by scandal-plagued New Jersey Governor Chris Christie to issue a report that purported to "exonerate" him of wrongdoing in the bridge-gate scandal. Gibson Dunn is quite open about using a standard template to defend its high-profile clients who are losing legal cases or are trapped in scandal. It does this by trying to turn the tables on the lawyers or witnesses involved in holding their clients accountable by accusing them of fraud – the exact playbook used by Chevron before Judge Kaplan.

Gibson Dunn has a long history of bringing harassing lawsuits against persons who criticize its big-pocketed clients. In the Ecuador matter, judges dismissed two of the firm's legal attacks under laws designed to fight "SLAPPs" – Strategic Lawsuits Against Public Participation, i.e. intimidation suits – while in several others Gibson Dunn was ordered to pay fees to its adversary and faced other sanctions. Federal judges also sanctioned a young associate working for Gibson Dunn partner Mastro for abusing the discovery process. One state Supreme Court judge blasted the firm for using "legal thuggery" and "blatant and malicious intimidation" tactics; another U.S. federal judge said the firm maintained "a culture [of] obstruction and gamesmanship." Disturbingly, however, Gibson Dunn

markets precisely this kind of reputation. The firm bills itself as "not just a law firm, but a rescue squad" for "clients in distress" and highlighting its "willingness to work beyond the courts" - that is, to use political pressure to win by might what its clients cannot win on merit. Mastro, who claims to be a former federal "prosecutor" even though he never worked for the government on anything other than civil matters, is one of the leaders of this practice group at Gibson Dunn. His key partners include Andrea Neumann, William Thomson, Scott Edelman, Reed Brodsky, and Avi Weitzman. (Weitzman is the Gibson Dunn lawyer who led the coaching of Guerra for three months in preparation for his paid-for testimony.)

Mastro and Neumann personally met with Guerra in Chicago to negotiate the exchange of huge sums of money and other benefits in exchange for his "factual" testimony. Mastro's team intentionally hounded one defendant, Stratus Consulting, to the brink of bankruptcy by filing misleading complaints with government agencies and creating defamatory websites. It did this to extort "confessions" from some Stratus employees that completely contradicted their sworn prior statements about Chevron's responsibility for massive contamination in Ecuador. Mastro and his team then submitted these "affidavits" to Judge Kaplan as part of its smear campaign while it refused to call the authors as witnesses for fear that its tactics would be exposed on cross-examination. Mastro's team doctored video evidence and engaged in fraud on the Ecuador court by failing to disclose that its technicians were ordered to hide dirty soil samples. Kaplan refused to hear any of this evidence, virtually guaranteeing these distasteful and illegal tactics will go unpunished – at least for the time being.

CONCLUSION

Chevron's numerous public relations firms are operating on overdrive to convince the world that Judge Kaplan has the final word on the case. This is simply not true. Along these lines, a few additional points are in order:

- Judge Kaplan's decision will have little if any impact on foreign courts, and likely will backfire against Chevron. His injunction expressly does not affect foreign courts deciding whether to enforce the Ecuadorian judgment. Foreign courts will use their own laws to decide whether to enforce the Ecuador judgment. Unlike what happened in New York, we believe foreign judges will not be biased in favor of Chevron nor will they succumb to Chevron's political pressure campaign, which has been promoted by at least six public relations firms and dozens of lobbyists paid by the company
- Judge Kaplan's decision is fatally flawed and highly likely to be reversed on appeal. The trial was fundamentally unfair, fell far short of minimum standards of due process, and violated the rights of the Ecuadorians and Mr. Donziger.
- While Chevron will continue to argue that Judge Kaplan's "findings of fact" should be used even if the case is reversed, the argument likely will not be persuasive to foreign courts given the numerous flaws in the trial and Judge Kaplan's record of bias. The communities and Mr. Donziger also plan to ask that the "findings of fact" be thrown out on appeal.
- There are currently four jurisdictions outside the United States where the communities are pressing claims against Chevron assets to force the company to comply with the Ecuador judgment. Chevron has to win every one of these actions – and others that might be filed – to avoid paying for the court-ordered clean-up. The chances that Chevron will win every enforcement action are miniscule.
- The Ecuador judgment has been affirmed by Ecuador's highest court. Even Judge Kaplan did not challenge the fact that massive contamination still exists at Chevron's former well and oil production sites in the Ecuadorian Amazon.

The historic campaign for justice being waged by the Ecuadorian rainforest communities and their allies around the world -- who include many of Chevron's own shareholders -- will not stop until Chevron's contamination is cleaned up properly and those affected are made whole. For Chevron, there is no running from the law or the facts. It has on its hands a humanitarian and ecological crisis of its own making for the entire world to see, as documented now by numerous independent journalists. (See, for example, this summary of the evidence; this video on the case and this 60 Minutes segment.) Delaying enforcement actions and retaliating against lawyers and victims will not make the underlying contamination go away, nor will it erase the company's rapidly growing financial risk and reputational harm stemming from its failure to abide by the law.

Legal Team for the Ecuadorian Communities
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