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CHEVRON CORPORATION
10

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 CHEVRON CORPORATION,
16 Plaintiff,
17
18 v.
19 STEVEN DONZIGER, *et al.*,
20 Defendant.

CASE NO. 5:12-80237 MISC CRB NC

**DECLARATION OF JAMES F.
ALEXANDER ON BEHALF OF CHEVRON
CORPORATION IN OPPOSITION TO THE
NON-PARTY MOVANTS' MOTION TO
QUASH SUBPOENAS TO GOOGLE INC.
AND YAHOO! INC.**

Hearing:

Date: Wednesday, January 16, 2013
Time: 1:00 p.m.
Place: Courtroom A, 15th Floor
Judge: Hon. Nathanael M. Cousins

1 I, James F. Alexander, declare:

2 1. I am an attorney duly admitted to the State Bar of California and this Court and an
3 associate at the law firm of Gibson, Dunn & Crutcher LLP, attorneys of record for Chevron
4 Corporation in the above-captioned action. I am over the age of eighteen years and am not a party to
5 this action. I have personal knowledge of the facts set forth in this declaration. Each of the exhibits
6 identified below is a true and correct copy of the respective document as it is maintained in the files
7 of Gibson, Dunn & Crutcher LLP in the normal course of business.

8 2. Attached hereto as "**Exhibit 1**" is a true and correct copy of the Lago Agrio Plaintiffs'
9 Memorandum of Law in Opposition to Application for an Order Pursuant to 28 U.S.C. § 1782 to
10 Conduct Discovery for Use in Foreign Proceedings, filed on April 23, 2010 in *In re Application of*
11 *Chevron*, No. M-19-111 (S.D.N.Y. 2010).

12 3. Attached hereto as "**Exhibit 2**" is a true and correct copy of an opinion and order
13 entered by the United States District Court for the Southern District of New York, dated July 31,
14 2012, and which appears as docket entry 550 in *Chevron Corp. v. Donziger*, No. 1:11 civ 0691 LAK
15 (S.D.N.Y).

16 4. Attached hereto as "**Exhibit 3**" is a true and correct copy of an email dated February
17 11, 2005 from S. Donziger to D. Russell and others, with the subject "Re: Needed: A different
18 analysis," produced by S. Donziger and bearing Bates number DONZ00038567.

19 5. Attached hereto as "**Exhibit 4**" is a true and correct copy of a "Cease and Desist"
20 letter dated February 14, 2006 from D. Russell to S. Donziger, produced by W. Powers and bearing
21 Bates numbers POWERS-NATIVE09594-95.

22 6. Attached hereto as "**Exhibit 5**" is a true and correct copy of Chevron Corporation's
23 Rule 56.1 Statement of Material Facts, which was filed in the United States District Court for the
24 Southern District of New York on March 1, 2012, and which appears as docket entry 398 in *Chevron*
25 *Corp. v. Donziger*, 11 Civ. 0691 LAK (S.D.N.Y.).

26 7. Attached hereto as "**Exhibit 6**" is a true and correct copy of an excerpt from
27 S. Donziger's personal notes, produced by S. Donziger and bearing Bates number DONZ00027256.

28

1 8. Attached hereto as “**Exhibit 7**” is a true and correct copy of the Declaration of
2 Michael L. Younger dated July 14, 2011, attaching his report dated June 10, 2011.

3 9. Attached hereto as “**Exhibit 8**” is a true and correct copy of a transcript of proceedings
4 held on August 31, 2011 in *Chevron Corp. v. Page*, No. RWT-11-1942 (D. Md.).

5 10. Attached hereto as “**Exhibit 9**” is a placeholder for an annotated and hyperlinked
6 version of Chevron’s First Amended Complaint in *Chevron Corp. v. Donziger, et al.*, No. 11 Civ.
7 0691 LAK (S.D.N.Y.), which will be filed with the Clerk’s Office of this Court and provided to
8 Chambers on a CD-ROM. Chevron has created this document to provide easy reference to the
9 voluminous exhibits supporting Chevron’s allegations. The CD-ROM will also contain all exhibits
10 referenced in, and hyperlinked to, the annotated version of the First Amended Complaint and a copy
11 of a declaration filed in the Southern District of New York authenticating those exhibits.

12 11. Attached hereto as “**Exhibit 10**” is a true and correct copy of relevant excerpts of the
13 deposition of Charles Calmbacher, taken on March 29, 2010, in *In re Application of Chevron*, No.
14 1:10-MI-0076-TWT-GGB (N.D. Ga. 2010)

15 12. Attached hereto as “**Exhibit 11**” is a true and correct copy of an email from A. Wilson
16 to S. Donziger, I. Maazel, E. Westenberger and others dated April 23, 2010, with the subject
17 “Colorado Update,” produced by S. Donziger and bearing Bates number DONZ00039349.

18 13. Attached hereto as “**Exhibit 12**” is a true and correct copy of an order entered by the
19 United States District Court for the Southern District of New York, dated January 21, 2011, and
20 which appears as docket entry 171 in *In re Application of Chevron Corp.*, 1:10-mc-00002-LAK
21 (S.D.N.Y).

22 14. Attached hereto as “**Exhibit 13**” is a true and correct copy of an email exchange dated
23 May 17, 2010 among Lago Agrio Plaintiffs’ U.S. lawyers, including S. Donziger to E. Westenberg,
24 A. Wilson, I. Maazel, J. Abady and others, with the subject “Re: Colorado Disclosures,” produced by
25 S. Donziger and bearing Bates number DONZ00031317.

26 15. Attached hereto as “**Exhibit 14**” is a true and correct copy of an email exchange dated
27 May 17, 2010 among Lago Agrio Plaintiffs’ U.S. lawyers, including S. Donziger to A. Wilson, I.
28 Maazel, and J. Abady, with the subject “Re: Colorado Disclosures,” produced by S. Donziger and

1 bearing Bates number DONZ00031315.

2 16. Attached hereto as “**Exhibit 15**” is a true and correct copy of the subpoena to Google
3 Inc. issued by Chevron Corporation, dated September 7, 2012.

4 17. Attached hereto as “**Exhibit 16**” is a true and correct copy of the subpoena to Yahoo!
5 Inc. issued by Chevron Corporation, dated September 7, 2012.

6 18. Attached hereto as “**Exhibit 17**” is a true and correct copy of an email dated June 22,
7 2007 from P. Fajardo to S. Donziger, and a certified English translation thereof.

8 19. Attached hereto as “**Exhibit 18**” is a true and correct copy of an email from S.
9 Donziger to C. Kenney, D. Firger and others dated June 21, 2007, with the subject “otra tarea,”
10 produced by S. Donziger and bearing Bates number DONZ00117549.

11 20. Attached hereto as “**Exhibit 19**” is a true and correct copy of an email from S.
12 Donziger to C. Kenney, D. Firger and others dated February 15, 2007, with the subject “Update on
13 Ecuador,” produced by S. Donziger and bearing Bates number DONZ00107205.

14 21. Attached hereto as “**Exhibit 20**” is a true and correct copy of an email from S. Tegel
15 to S. Donziger dated April 22, 2008, with the subject “IBD Draft,” produced by S. Donziger and
16 bearing Bates number DONZ-HDD-0170617.

17 22. Attached hereto as “**Exhibit 21**” is a true and correct copy of an email from S. Tegel
18 to S. Donziger and others dated April 22, 2008, with the subject “Re: wsj letter,” produced by S.
19 Donziger and bearing Bates number DONZ-HDD-0171047.

20 23. Attached hereto as “**Exhibit 22**” is a true and correct copy of an email from S.
21 Donziger to K. Koenig dated August 13, 2008, with the subject “Re: haynes ltr & release,” produced
22 by S. Donziger and bearing Bates number DONZ00111067.

23 24. Attached hereto as “**Exhibit 23**” is a true and correct copy of an email from K. Koenig
24 to S. Donziger dated September 2, 2008, with the subject “Re: let’s touch base today,” produced by
25 S. Donziger and bearing Bates number DONZ-HDD-0036177.

26 25. Attached hereto as “**Exhibit 24**” is a true and correct copy of an email from E. Moe to
27 S. Donziger dated August 23, 2010, with the subject “Re: SRD - Torvia Agreement - ETM
28 comments,” produced by S. Donziger and bearing Bates number DONZ00126410.

1 26. Attached hereto as “**Exhibit 25**” is a true and correct copy of an email from E. Moe to
2 S. Donziger dated September 13, 2010, with the subject “Re: Short Term Investment Round,”
3 produced by S. Donziger and bearing Bates number DONZ00126471.

4 27. Attached hereto as “**Exhibit 26**” is a true and correct copy of an email from S.
5 Donziger to E. Moe dated September 15, 2010, with the subject “Re: Fwd: Short term funding,”
6 produced by S. Donziger and bearing Bates number DONZ00127343.

7 28. Attached hereto as “**Exhibit 27**” is a true and correct copy of an email from D.
8 Beltman to D. Mills dated July 28, 2008, with the subject “another annex for Clapp,” produced by
9 Stratus and bearing Bates number STRATUS-NATIVE057803.

10 29. Attached hereto as “**Exhibit 28**” is a true and correct copy of an email chain between
11 D. Beltman, S. Donziger, and R. Clapp dated November 18, 2008, with the subject “FW: Ecuador trip
12 report and health summary,” produced by Stratus and bearing Bates number STRATUS-
13 NATIVE061311.

14 30. Attached hereto as “**Exhibit 29**” is a true and correct copy of an email from S.
15 Donziger to K. Koenig dated August 25, 2008, with the subject “Re: Fwd: Denver Update,” produced
16 by S. Donziger and bearing Bates number DONZ00111093.

17 31. Attached hereto as “**Exhibit 30**” is a true and correct copy of a letter from A. Page to
18 P. Alvarez, dated January 3, 2012.

19 32. Attached hereto as “**Exhibit 31**” is a true and correct copy of an opinion and order
20 entered by the United States District Court for the Southern District of New York, dated August 3,
21 2011, and which appears as docket entry 180 in *Chevron Corp. v. Aguinda et al.*, No. 11 Civ. 3781
22 (LAK) (JCF) (S.D.N.Y.).

23 33. Attached hereto as “**Exhibit 32**” is a true and correct copy of a web page displaying R.
24 Clapp’s contact information, available at <http://www.ncbi.nlm.nih.gov/pubmed/22001041>, last visited
25 on December 28, 2012.

26 34. Attached hereto as “**Exhibit 33**” is a true and correct copy of an email sent from Han
27 Shan to S. Donziger and others dated March 1, 2010, with the subject “letter & press release,” and
28 bearing Bates number WOODS-HDD-0086870.

1 35. Attached hereto as “**Exhibit 34**” is a true and correct copy of a web page displaying
2 Han Shan’s Twitter feed, available at <https://twitter.com/coldmtn>, last visited on December 31, 2012.

3 36. Attached hereto as “**Exhibit 35**” is a true and correct copy of a web page displaying
4 Han Shan’s articles posted on Huffingtonpost.com, available at [http://www.huffingtonpost.com/han-](http://www.huffingtonpost.com/han-shan)
5 shan.

6 37. Attached hereto as “**Exhibit 36**” is a true and correct copy of a web page displaying T.
7 Cavanagh’s Twitter feed, available at <https://twitter.com/bandawatch>, last visited on December 31,
8 2012.

9 38. Attached hereto as “**Exhibit 37**” is a true and correct copy of a web page displaying J.
10 Mutti’s contact information, available at
11 <http://www2.pslweb.org/site/News2?JServSessionIdr004=swh55uyj91.app13a&page=NewsArticle&i>
12 [d=5382&news_iv_ctrl=1261](http://www2.pslweb.org/site/News2?JServSessionIdr004=swh55uyj91.app13a&page=NewsArticle&id=5382&news_iv_ctrl=1261), last visited on December 28, 2012.

13 39. Attached hereto as “**Exhibit 38**” is a true and correct copy of a web page displaying J.
14 Bilbao’s contact information, available at [http://www.waste.uni-](http://www.waste.uni-stuttgart.de/index.php?doc=/forum/students/students.php?year=2005)
15 [stuttgart.de/index.php?doc=/forum/students/students.php?year=2005](http://www.waste.uni-stuttgart.de/index.php?doc=/forum/students/students.php?year=2005), last visited on December 28,
16 2012.

17 40. Attached hereto as “**Exhibit 39**” is a true and correct copy of a web page displaying B.
18 Goldstein’s contact information, available at <http://law.fordham.edu/7171.htm>, last visited on
19 December 28, 2012.

20 41. Attached hereto as “**Exhibit 40**” is a true and correct copy of a an excerpt of a
21 research paper displaying K. Gomez’s contact information, available at
22 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1708325, last visited on December 28, 2012.

23 42. Attached hereto as “**Exhibit 41**” is a true and correct copy of a web page displaying K.
24 Shukla’s Twitter feed, available at <http://twitter.com/kshuk22>, last visited on December 31, 2012.

25 43. Attached hereto as “**Exhibit 42**” are true and correct copies of a web page displaying
26 Brian Seth Parker’s contact information, and B. Parker’s Facebook page, available at
27 https://groups.google.com/forum/?fromgroups#!topic/berc_boalt/cKkoj4FBDFa, and
28 <https://www.facebook.com/briansethparker> respectively, last visited on January 2, 2013.

1 44. Attached hereto as “**Exhibit 43**” is a true and correct copy of a web page displaying L.
2 Gamboa’s contact information, available at http://www.forestgardencertification.com/contact_us.htm,
3 last visited on Decmeber 28, 2012.

4 45. Attached hereto as “**Exhibit 44**” are true and correct copies of three subpoenas on
5 Yahoo! Inc. by Friedman, Kaplan, Seiler & Adelman LLP, counsel for S. Donziger, respectively
6 dated November 29, 2010, December 9, 2010, and January 3, 2011.

7 46. Attached hereto as “**Exhibit 45**” is a true and correct copy of Steven Donziger’s and
8 The Law Office of Steven R. Donziger’s Memorandum of Law in Support of Their Motion to
9 Dismiss Chevron’s Complaint, which was filed in the United States District Court for the Southern
10 District of New York on March 30, 2011, and which appears as docket entry 243 in *Chevron Corp. v.*
11 *Donziger*, No. 11 Civ. 0691 LAK (S.D.N.Y.).

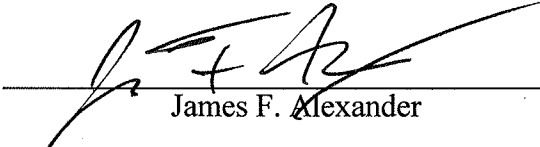
12 47. Attached hereto as “**Exhibit 46**” is a true and correct copy of Google’s privacy
13 policies, downloaded from the Internet on October 10, 2012.

14 48. Attached hereto as “**Exhibit 47**” is a true and correct copy of Yahoo!’s privacy
15 policies, downloaded from Internet on October 10, 2012.

16 49. Attached hereto as “**Exhibit 48**” is a true and correct copy of an Amazon Watch press
17 release listing S. Tegel as a contact, available at [http://www.prnewswire.com/news-releases/amazon-](http://www.prnewswire.com/news-releases/amazon-watch-says-chevron-hiding-massive-liability-in-ecuador-55637682.html)
18 [watch-says-chevron-hiding-massive-liability-in-ecuador-55637682.html](http://www.prnewswire.com/news-releases/amazon-watch-says-chevron-hiding-massive-liability-in-ecuador-55637682.html), last visited on December
19 30, 2012.

20
21 I declare under penalty of perjury under the laws of the United States that the foregoing is true
22 and correct.

23 Executed this 2nd day of January, 2013, in San Francisco, California.

24
25 
26 _____
27 James F. Alexander
28