

JONES DAY

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August 31, 2009

Dr. Washington Pesántez Muñoz
Prosecutor General of Ecuador
Av. Eloy Alfaro N32 250 y República
Quito, Ecuador

DELIVERED BY HAND

Dear Dr. Pesántez:

My law firm represents Chevron Corporation, and I am writing to share certain information that has come into our hands relating to the ongoing civil case against Chevron in Lago Agrio. We are sharing this information with you because of its potential criminal implications. Evidence supporting this information is available at: www.chevron.com/ecuador.

Chevron has obtained audiovisual recordings of four meetings involving variously the presiding judge, Juan Evangelista Núñez Sanabria; persons purporting to represent the Ecuador government and the Alianza País party; and prospective environmental remediation contractors. The recordings were made by the contractors in May and June of this year without Chevron's knowledge. Since these recordings have come into our hands, Chevron has made extensive efforts to authenticate and preserve the contained information.

The first and last of the recorded meetings took place in offices of Alianza País in Quito. The recordings reveal that persons purporting to represent the Ecuador government and the Alianza País party met with contractors, assuring them that Judge Núñez would find Chevron liable—even though the trial is ongoing and evidence is still being received—and that the judgment would require Chevron to pay the government billions of dollars for environmental remediation. The representatives stated the Ecuador government was hiring remediation contractors in advance of the award. They stated in the meetings that the contractors should pay them \$3 million for the award of a remediation contract, with \$1 million to Judge Núñez, \$1 million to representatives of the Presidency of the Republic, and \$1 million to the plaintiffs.

The representatives who participated in the meetings, and their stated positions, included Carlos Patricio García Ortega, a political coordinator for Alianza País; Juan Pablo Novoa Velasco, a lawyer representing the Ecuador government; Aulo Gelio Servio Tulio Ávila Cartagena, a lawyer close to Judge Núñez; Pablo Almeida, an environmental remediation contractor; and Rubén Darío Miranda Martínez, assistant to Patricio García. The prospective environmental contractors who recorded the meetings were Diego Borja, an Ecuadorian who has

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worked for Chevron as a logistics contractor, and Wayne Hansen, an American who has no relationship to Chevron.

In the recordings, and as revealed in the transcripts, these representatives state that:

1. The Ecuador government is managing Judge Núñez.
2. “. . . Chevron is going to lose the trial. . . . [T]here's no way, in other words, there's no logic for Chevron's win.”
3. The Ecuador government has provided lawyers to help craft the opinion against Chevron.
4. The President's legal advisor, Alexis Mera, has instructed Judge Núñez on how to route the judgment money.
5. Patricio García will give the Judge his share of the bribe money.

In between the two meetings at the Alianza País offices, the representatives took the contractors on two occasions to meet with Judge Núñez. The first meeting took place in the Judge's office in Lago Agrio, and the second took place in a hotel in Quito. In the recordings of these meetings, Judge Núñez states:

1. He will find Chevron guilty.
2. The claim is for \$27 billion, and he will decide whether to award more or less.
3. The award will be made in part to the Ecuador government.
4. He will issue the ruling in October or November 2009.
5. The appeal process to the full chamber of the provincial court will be a formality.
6. The American government will tell Chevron: You lost the trial, so pay up.

Following these meetings, Patricio García, through his assistant, Ruben Miranda, sent the contractors wiring instructions for the payment described above. The instructions included an account number from a bank in Galveston, Texas.

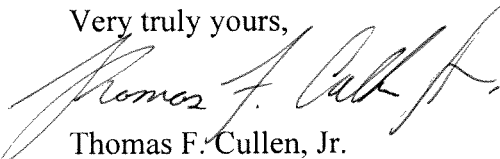
This information has serious implications for the integrity of the Lago Agrio proceedings, for the reliability of the rule of law, for the criminal liability of the various individuals apparently soliciting bribes, and for the past as well as the future role of Judge Núñez in the proceedings. We would hope that you would give it your highest and most serious attention. Because of the

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implications for U.S. law, we are taking steps to inform the appropriate U.S. authorities as well.

Should you require any additional information, please contact me directly at 202-879-3924.

Very truly yours,



Thomas F. Cullen, Jr.

Cc: Dr. Diego García Carrion, Attorney General of Ecuador
Dr. Luis Benigno Gallegos Chiriboga, Ecuador Ambassador to the United States
Hon. Heather M. Hodges, U.S. Ambassador to Ecuador