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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re Application of:
Daniel Carlos Lusitand Yaiguaje, et al.
Applicants,

No. C 10-80324 CRB

**ORDER DENYING APPLICATION
FOR ORDER TO SHOW CAUSE**

For the Issuance of Subpoenas for the Taking
of Depositions and the Production of
Documents in a Foreign Proceeding Pursuant
to 28 U.S.C. § 1782.

_____ /

The Court has reviewed the Application by the Ecuadorian Plaintiffs for an Order to Show Cause why the Court should not (A) find that all claims of privilege over the documents discussed in the Court’s August 5, 2011 Order were waived by Chevron’s disclosure of that Order to the media; (B) dissolve the Protective Order governing disclosure of the Borja documents; and (C) find Chevron in contempt of Court for disclosing to the media an under seal Order. See dkts.76, 77. The Court has also reviewed all of the filings by the parties in connection with that Application. See dkts. 78-85. The Court finds that the Application lacks merit. The evidence submitted supports Chevron’s contention that its disclosure to the media took place on August 5, 2011, when Chevron “understood that the order had been filed on the public record and was publicly available,” and that, upon learning of the Order’s removal from PACER, Chevron has not disclosed it again. See dkt. 83 ¶ 3, Ex. A. The Application is therefore DENIED.

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The Court erred by initially filing the August 5, 2011 Order on the public docket. The disclosure of the Order, and the emails discussed within it, is therefore neither party's fault, and does not constitute a waiver of any privilege.

IT IS SO ORDERED.

Dated: August 18, 2011



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE