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TIMOTHY L. ALGER, Bar No. 160303  
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Attorneys for Google Inc.

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ORIGINAL  
RICHARD D. WIEKING  
DISTRICT COURT  
CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CHEVRON CORP.,  
  
Plaintiff,  
  
v.  
  
STEVEN DONZIGER,  
  
Defendant.

CV Case No. 13 80 238 MISC

**DECLARATION OF CHI NGUYEN IN  
SUPPORT OF GOOGLE INC.'S MOTION  
TO MODIFY CHEVRON  
CORPORATION'S SUBPOENA**

EJD

1. My name is Chi Nguyen. I am over 18 years of age and make this Declaration based upon personal knowledge of the facts set forth below except as to those matters stated on information and belief, and, as to those matters, I believe them to be true. If called upon to testify, I could and would testify competently as to the matters set forth herein. This Declaration is submitted in support of Non-party Google Inc.'s Motion to Modify Chevron Corporation's Subpoena.
2. I am employed by Google Inc. ("Google") in Mountain View, California. My job title is Legal Assistant.
3. Attached hereto as **Exhibit A** is a true and correct copy of a subpoena issued by Chevron Corporation ("Chevron") to Google dated September 7, 2012.

1           4.       Attached hereto as **Exhibit B** is a true and correct copy of a letter sent by Google  
2 to Chevron dated September 14, 2012.

3           5.       Attached hereto as **Exhibit C** is a true and correct copy of a subpoena issued by  
4 Chevron to Google dated September 18, 2012 and a cover letter that accompanied that subpoena.

5           6.       Attached hereto as **Exhibit D** is a true and correct copy of an email message,  
6 redacted to remove personal information, sent from Google to Chevron dated September 25,  
7 2012.

8           7.       Attached hereto as **Exhibit E** is a true and correct copy of a letter from Chevron to  
9 Google dated October 2, 2012.

10          8.       Attached hereto as **Exhibit F** is a true and correct copy of a letter from Electronic  
11 Frontier Foundation to Chevron dated October 4, 2012.

12           I declare under penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct.

14           Executed on October 5, 2012, at San Ramon, California.

15  
16           By: 

17           CHI NGUYEN

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UNITED STATES DISTRICT COURT

for the

Northern District of California

CHEVRON CORP.
Plaintiff
v.
STEVEN DONZIGER, et al.,
Defendant
Civil Action No. 11 Civ. 0691 (LAK)
(If the action is pending in another district, state where: Southern District of New York)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Custodian of Records, Google, Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

Place: GIBSON, DUNN & CRTUCHER LLP, 200 Park Ave., New York, NY 10166-0193 c/o Alex Marx
Date and Time: 10/05/2012 9:00 am

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:
Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 09/07/2012

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Rachel Brook
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Chevron Corporation, who issues or requests this subpoena, are:

Rachel Brook, Gibson, Dunn & Crutcher LLP, 200 Park Ave., New York, NY 10166-0193
Telephone: (212)351-2609, rbrook@gibsondunn.com

Civil Action No. 11 Civ. 0691 (LAK)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**

**(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

## SCHEDULE A

### DEFINITIONS

1. "DOCUMENT" has the full meaning ascribed to it in Rule 34 of the Federal Rules of Civil Procedure and Rule 26.3 of the Local Rules for the United States District Court for the Southern District of New York and shall include all originals of any nature whatsoever and all non-identical copies thereof, whether different from the originals by reason of any notation made on such copies or otherwise, including but not limited to all writings in any form, notes, memoranda, manuals, reports, records, correspondence, drawings, graphs, charts, photographs, phone records, data compilations of whatever nature (including those from which information can be obtained or translated if necessary), audio tapes, electronic mail messages, and electronic data (including any exchange of information between computers, all information stored in an electronic form or computer database, and all forms and formats of storage).

2. "RELATED TO," "RELATING TO," "IN RELATION TO," "REGARDING" and "CONCERNING" means in relation to, related to, consisting of, referring to, reflecting, concerning, discussing, evidencing, commenting on, describing, constituting, supporting, contradicting or having any logical or factual connection with the matter identified, in whole or in part.

### INSTRUCTIONS

1. These requests are governed by Rules 26 and 45 of the Federal Rules of Civil Procedure and any applicable law and Local Rule.

2. You are requested to produce all DOCUMENTS and things described below at Gibson, Dunn & Crutcher, LLP, c/o Alex Marx, 200 Park Avenue, New York, NY 10166-0193, on or before October 5, 2012.

3. In answering and responding to these document requests, you are requested to produce all DOCUMENTS that are in your possession, custody, or control, or that are in the possession, custody, or control of your principals, agents, employees, attorneys, representatives, insurers, and any other persons or entities, acting on your behalf.

4. If any of the information or DOCUMENTS supplied in response to these document requests does not come from your records, please specify the source of the DOCUMENTS.

5. If you refuse to produce any requested DOCUMENT under a claim of attorney-client privilege, work product privilege, or any other privilege or protection, it is requested that you submit for each DOCUMENT withheld a written statement that: specifies the privilege or other asserted basis for withholding the DOCUMENT; summarizes the substance of the DOCUMENT; identifies the person or entity who prepared the DOCUMENT and any persons or entities to which the DOCUMENT was sent or disclosed; and specifies the dates on which the DOCUMENT was prepared, transmitted, or received.

6. The time period covered by these document requests runs from 2003 to the present. This is a continuing request. Any DOCUMENT obtained or located after the date of production that would have been produced had it been available or had its existence been known at that time should be produced immediately.

7. If an objection is made to any numbered request, or any subpart thereof, state with specificity all grounds for the objection.

8. All responsive and potentially responsive documents and tangible things should be preserved and maintained pending the outcome of this matter.

### DOCUMENTS REQUESTED

All DOCUMENTS RELATED TO (A) the identity of the user of the following email addresses, including but not limited to DOCUMENTS that provide all names, mailing addresses, phone numbers, billing information, date of account creation, account information and all other identifying information associated with the email address under any and all names, aliases, identities or designations RELATED TO the email address; (B) the usage of the following email addresses, including but not limited to DOCUMENTS that provide IP logs, IP address information at time of registration and subsequent usage, computer usage logs, or other means of recording information concerning the email or Internet usage of the email address; and (C) IP address information for the email sent by [gringograndote@gmail.com](mailto:gringograndote@gmail.com) to [sdonziger@gmail.com](mailto:sdonziger@gmail.com) on April 1, 2008 at 12:15 pm (likely Eastern or Central Time) with the subject "Fwd: Informe Final."

1. [sdonziger@gmail.com](mailto:sdonziger@gmail.com)
2. [farihahzaman@gmail.com](mailto:farihahzaman@gmail.com)
3. [srd.asst@gmail.com](mailto:srd.asst@gmail.com)
4. [gringograndote@gmail.com](mailto:gringograndote@gmail.com)
5. [pafabibi@gmail.com](mailto:pafabibi@gmail.com)
6. [ingrcabrerav@gmail.com](mailto:ingrcabrerav@gmail.com)
7. [rcabrerav@gmail.com](mailto:rcabrerav@gmail.com)
8. [casotexaco@gmail.com](mailto:casotexaco@gmail.com)
9. [grahamrocks@gmail.com](mailto:grahamrocks@gmail.com)
10. [catmongeon@gmail.com](mailto:catmongeon@gmail.com)
11. [belanger.laura@gmail.com](mailto:belanger.laura@gmail.com)
12. [richard.clapp@gmail.com](mailto:richard.clapp@gmail.com)

13. [ampage@gmail.com](mailto:ampage@gmail.com)
14. [briansethparker@gmail.com](mailto:briansethparker@gmail.com)
15. [manemachetes@gmail.com](mailto:manemachetes@gmail.com)
16. [josephmutti@gmail.com](mailto:josephmutti@gmail.com)
17. [garcesme@gmail.com](mailto:garcesme@gmail.com)
18. [echeverra.alejandra@gmail.com](mailto:echeverra.alejandra@gmail.com)
19. [hueyzactlan@gmail.com](mailto:hueyzactlan@gmail.com)
20. [kevinkoenigquito@gmail.com](mailto:kevinkoenigquito@gmail.com)
21. [lupitadeheredia@gmail.com](mailto:lupitadeheredia@gmail.com)
22. [lauragarr@gmail.com](mailto:lauragarr@gmail.com)
23. [katiafachgomez@gmail.com](mailto:katiafachgomez@gmail.com)
24. [coldmtn@gmail.com](mailto:coldmtn@gmail.com)
25. [firger@gmail.com](mailto:firger@gmail.com)
26. [cortelyou@gmail.com](mailto:cortelyou@gmail.com)
27. [jeremylow@gmail.com](mailto:jeremylow@gmail.com)
28. [goldstein.ben@gmail.com](mailto:goldstein.ben@gmail.com)
29. [sayjay80@gmail.com](mailto:sayjay80@gmail.com)
30. [drewwoods3@gmail.com](mailto:drewwoods3@gmail.com)
31. [john.wotowicz@gmail.com](mailto:john.wotowicz@gmail.com)
32. [courtneyrwong@gmail.com](mailto:courtneyrwong@gmail.com)
33. [rodgers.john@gmail.com](mailto:rodgers.john@gmail.com)
34. [marialya@gmail.com](mailto:marialya@gmail.com)
35. [sara.colon@gmail.com](mailto:sara.colon@gmail.com)
36. [tegelsimeon@gmail.com](mailto:tegelsimeon@gmail.com)
37. [bandawatch@gmail.com](mailto:bandawatch@gmail.com)



38. [invictusdocs2010@gmail.com](mailto:invictusdocs2010@gmail.com)
39. [comandocondor88@gmail.com](mailto:comandocondor88@gmail.com)
40. [kevinjonheller@gmail.com](mailto:kevinjonheller@gmail.com)
41. [cara.parks@gmail.com](mailto:cara.parks@gmail.com)
42. [javipi002@gmail.com](mailto:javipi002@gmail.com)
43. [osimonc@gmail.com](mailto:osimonc@gmail.com)
44. [wilsonaguinda@gmail.com](mailto:wilsonaguinda@gmail.com)

Google Inc.  
1600 Amphitheatre Parkway  
Mountain View, California 94043



Fax: 650.887.1673  
google-legal-support@google.com  
www.google.com

FACSIMILE TRANSMITTAL SHEET

<b>TO:</b> Rachel Brook	<b>FROM:</b> Chi Nguyen
<b>COMPANY:</b> Gibson, Dunn & Crutcher LLP	<b>DATE:</b> September 14, 2012
<b>FAX NUMBER:</b> 212-351-4035	<b>TOTAL NUMBER OF PAGES INCLUDING COVER:</b> 3
<b>PHONE NUMBER:</b> 212-351-2609	<b>SENDER'S FAX NUMBER:</b> 650-887-1673
<b>RE:</b> Subpoena dated September 7, 2012	<b>SENDER'S EMAIL ADDRESS:</b> GOOGLE-LEGAL-SUPPORT@GOOGLE.COM

Notes/Comments:

Subpoena dated September 7, 2012 (Internal Ref. No. 257121)

Google Inc.  
1600 Amphitheatre Parkway  
Mountain View, California 94043



Fax: 650.887.1673  
google-legal-support@google.com  
www.google.com

September 14, 2012

*Via Facsimile and Express Courier*  
212-351-4035

Rachel Brook  
Gibson, Dunn & Crutcher LLP  
200 Park Ave  
New York, New York 10166-0193  
212-351-2609

**Re: Chevron Corp. v. Steven Donziger, et al., United States District Court for the Northern District of California, 11 Civ. 0691 (LAK) (Internal Ref. No. 257121)**

Dear Rachel Brook:

We have received your subpoena for documents, dated September 7, 2012, in the above-referenced matter. As we understand it, you are seeking documents related to the Gmail account(s) SDONZIGER, FARIHAHZAMAN, SRD.ASST, GRINGOGRANDOTE, PAFABIBI, INGRACABRERAV, RCABRERAV, CASOTEXACO, GRAHAMROCKS, CATMONGEON, BELANGER.LAURA, RICHARD.CLAPP, BRIANSETHPARKER, AMPAGE, MANEMACHETES, JOSEPHMUTTI, GARCESME, ECHEVERRA.ALEJANDRA, HUEYZACTLAN, KEVINKOENIGQUITO, LUPITAHHEREDIA, LAURAGARR, KATIAFACHGOMEZ, COLDMTN, FIRGER, CORTELYOU, JEREMYLOW, GOLDSTEIN.BEN, SAYJAY80, DREWWOODS3, JOHN.WOTOWICZ, COURTNEYRWONG, RODGERS.JOHN, MARIALYA, SARA.COLON, TEGELSIMEON, BANDAWATCH, INVICTUSDOCS2010, COMANDOCONDOR08, KEVINJONHELLER, CARA.PARKS, JAVIPI002, OSIMONC, WILSONAGUINDA.

This letter is to advise you that Google has forwarded notice of this matter, including your name and contact information, to the user at the email address provided by the user. Unless Google is informed of the user's objection and/or intent to file a motion to quash, Google will respond to the subpoena 20 days from the date of notification. Please note that Google reserves the right to object to the subpoena in its response.

Google objects to the requests in the subpoena to the extent they seek information already in Plaintiff's possession or available to Plaintiff from some other source that is more convenient, less burdensome or less expensive, including information available to Plaintiff from public sources. This means that if you are seeking account or other information from Google that is equally available from a party in the litigation, Google objects to that request on that basis. Google also objects to the requests to the extent they seek information containing confidential financial, proprietary or trade secret information, or any information subject to a confidentiality agreement or protective order. While Google does not require a protective order for production of its non-confidential information, Google will only produce information it deems confidential pursuant to a confidentiality agreement or protective order that it deems suitable for the protection of its confidential information. Please provide a confidentiality agreement or protective order if you intend to seek confidential documents of Google in your requests, as we will not produce confidential information without entry of a protective order that we deem suitable to protect the

Google Inc.  
1600 Amphitheatre Parkway  
Mountain View, California 94043



Fax: 650.887.1673  
google-legal-support@google.com  
www.google.com

confidentiality of our documents.

Google further objects to the requests to the extent they seek information protected by any privilege, including the attorney-client privilege, work product immunity doctrine, common interest privilege, or any other applicable privilege, immunity, or restriction on discovery. We also object to the requests to the extent that they are irrelevant, overly broad, vague, ambiguous, unlimited in time or scope, fail to identify the information sought with reasonable particularity, or impose an undue burden on Google. Google objects to the requests to the extent that they seek information that is not relevant or reasonably likely to lead to the discovery of admissible evidence.

If you have any questions, please feel free to contact the Legal Support Department at [GOOGLE-LEGAL-SUPPORT@GOOGLE.COM](mailto:GOOGLE-LEGAL-SUPPORT@GOOGLE.COM). Thank you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Chi Nguyen", is written in black ink. The signature is fluid and extends to the right.

Chi Nguyen  
Legal Investigations Support

# GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue  
New York, NY 10166-0193  
Tel 212.351.4000  
www.gibsondunn.com

Randy M. Mastro  
Direct: 212.351.3825  
Fax: 212.351.5219  
RMastro@gibsondunn.com

Client T 19624-00020

September 18, 2012

VIA HAND DELIVERY

Custodian of Records  
Google, Inc.  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

Re: Subpoena in *Chevron Corp. v. Donziger, et al.*, Case No. 11 Civ. 0691 (LAK)

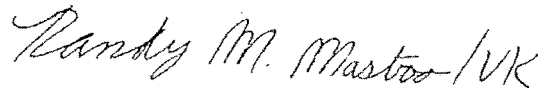
To Whom It May Concern:

I write to inform you that, in order to ensure prior notice to all parties to the above-referenced action, Chevron Corporation ("Chevron") is formally re-serving the enclosed subpoena, which was previously served on September 7, 2012.

You will note that the return date for this subpoena remains October 5, 2012. However, Chevron is amenable to reasonably extending that deadline if Google requires additional time to respond.

Should you have any questions regarding the enclosed subpoena, please contact my colleague, Rebecca Gray, at 202.887.3616 or rgray@gibsondunn.com.

Sincerely,



Randy M. Mastro

Enclosure

cc: All Counsel of Record, *Chevron Corp. v. Donziger, et al.*, Case No. 11 Civ. 0691 (LAK)

UNITED STATES DISTRICT COURT

for the

Northern District of California

CHEVRON CORP.

Plaintiff

v.

STEVEN DONZIGER, et al.,

Defendant

Civil Action No. 11 Civ. 0691 (LAK)

(If the action is pending in another district, state where: Southern District of New York )

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Custodian of Records, Google, Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

Table with 2 columns: Place and Date and Time. Place: GIBSON, DUNN & CRUTCHER LLP, 555 Mission Street, Suite 3000, San Francisco, CA 94105 c/o Enrique Monagas. Date and Time: 10/05/2012 9:00 am

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Table with 2 columns: Place and Date and Time. Both fields are empty.

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 09/07/2012

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Rachel Brook Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Chevron Corporation, who issues or requests this subpoena, are:

Rachel Brook, Gibson, Dunn & Crutcher LLP, 200 Park Ave., New York, NY 10166-0193 Telephone: (212)351-2609, rbrook@gibsondunn.com

Civil Action No. 11 Civ. 0691 (LAK)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**

**(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



## SCHEDULE A

### DEFINITIONS

1. "DOCUMENT" has the full meaning ascribed to it in Rule 34 of the Federal Rules of Civil Procedure and Rule 26.3 of the Local Rules for the United States District Court for the Southern District of New York and shall include all originals of any nature whatsoever and all non-identical copies thereof, whether different from the originals by reason of any notation made on such copies or otherwise, including but not limited to all writings in any form, notes, memoranda, manuals, reports, records, correspondence, drawings, graphs, charts, photographs, phone records, data compilations of whatever nature (including those from which information can be obtained or translated if necessary), audio tapes, electronic mail messages, and electronic data (including any exchange of information between computers, all information stored in an electronic form or computer database, and all forms and formats of storage).

2. "RELATED TO," "RELATING TO," "IN RELATION TO," "REGARDING" and "CONCERNING" means in relation to, related to, consisting of, referring to, reflecting, concerning, discussing, evidencing, commenting on, describing, constituting, supporting, contradicting or having any logical or factual connection with the matter identified, in whole or in part.

### INSTRUCTIONS

1. These requests are governed by Rules 26 and 45 of the Federal Rules of Civil Procedure and any applicable law and Local Rule.

2. You are requested to produce all DOCUMENTS and things described below at Gibson, Dunn & Crutcher, LLP, c/o Enrique Monagas, 555 Mission Street, Suite 3000, San Francisco, CA 94105, on or before October 5, 2012.

3. In answering and responding to these document requests, you are requested to produce all DOCUMENTS that are in your possession, custody, or control, or that are in the possession, custody, or control of your principals, agents, employees, attorneys, representatives, insurers, and any other persons or entities, acting on your behalf.

4. If any of the information or DOCUMENTS supplied in response to these document requests does not come from your records, please specify the source of the DOCUMENTS.

5. If you refuse to produce any requested DOCUMENT under a claim of attorney-client privilege, work product privilege, or any other privilege or protection, it is requested that you submit for each DOCUMENT withheld a written statement that: specifies the privilege or other asserted basis for withholding the DOCUMENT; summarizes the substance of the DOCUMENT; identifies the person or entity who prepared the DOCUMENT and any persons or entities to which the DOCUMENT was sent or disclosed; and specifies the dates on which the DOCUMENT was prepared, transmitted, or received.

6. The time period covered by these document requests runs from 2003 to the present. This is a continuing request. Any DOCUMENT obtained or located after the date of production that would have been produced had it been available or had its existence been known at that time should be produced immediately.

7. If an objection is made to any numbered request, or any subpart thereof, state with specificity all grounds for the objection.

8. All responsive and potentially responsive documents and tangible things should be preserved and maintained pending the outcome of this matter.

### DOCUMENTS REQUESTED

All DOCUMENTS RELATED TO (A) the identity of the user of the following email addresses, including but not limited to DOCUMENTS that provide all names, mailing addresses, phone numbers, billing information, date of account creation, account information and all other identifying information associated with the email address under any and all names, aliases, identities or designations RELATED TO the email address; (B) the usage of the following email addresses, including but not limited to DOCUMENTS that provide IP logs, IP address information at time of registration and subsequent usage, computer usage logs, or other means of recording information concerning the email or Internet usage of the email address; and (C) IP address information for the email sent by [gringograndote@gmail.com](mailto:gringograndote@gmail.com) to [sdonziger@gmail.com](mailto:sdonziger@gmail.com) on April 1, 2008 at 12:15 pm (likely Eastern or Central Time) with the subject "Fwd: Informe Final."

1. [sdonziger@gmail.com](mailto:sdonziger@gmail.com)
2. [faridahzaman@gmail.com](mailto:faridahzaman@gmail.com)
3. [srd.asst@gmail.com](mailto:srd.asst@gmail.com)
4. [gringograndote@gmail.com](mailto:gringograndote@gmail.com)
5. [pafabibi@gmail.com](mailto:pafabibi@gmail.com)
6. [ingrcabrerav@gmail.com](mailto:ingrcabrerav@gmail.com)
7. [rcabrerav@gmail.com](mailto:rcabrerav@gmail.com)
8. [casotexaco@gmail.com](mailto:casotexaco@gmail.com)
9. [grahamrocks@gmail.com](mailto:grahamrocks@gmail.com)
10. [catmongeon@gmail.com](mailto:catmongeon@gmail.com)
11. [belanger.laura@gmail.com](mailto:belanger.laura@gmail.com)
12. [richard.clapp@gmail.com](mailto:richard.clapp@gmail.com)

13. [ampage@gmail.com](mailto:ampage@gmail.com)
14. [briansethparker@gmail.com](mailto:briansethparker@gmail.com)
15. [manemachetes@gmail.com](mailto:manemachetes@gmail.com)
16. [josephmutti@gmail.com](mailto:josephmutti@gmail.com)
17. [garcesme@gmail.com](mailto:garcesme@gmail.com)
18. [echeverra.alejandra@gmail.com](mailto:echeverra.alejandra@gmail.com)
19. [hueyzactlan@gmail.com](mailto:hueyzactlan@gmail.com)
20. [kevinkoenigquito@gmail.com](mailto:kevinkoenigquito@gmail.com)
21. [lupitadeheredia@gmail.com](mailto:lupitadeheredia@gmail.com)
22. [lauragarr@gmail.com](mailto:lauragarr@gmail.com)
23. [katiafachgomez@gmail.com](mailto:katiafachgomez@gmail.com)
24. [coldmtn@gmail.com](mailto:coldmtn@gmail.com)
25. [firger@gmail.com](mailto:firger@gmail.com)
26. [cortelyou@gmail.com](mailto:cortelyou@gmail.com)
27. [jeremylow@gmail.com](mailto:jeremylow@gmail.com)
28. [goldstein.ben@gmail.com](mailto:goldstein.ben@gmail.com)
29. [sayjay80@gmail.com](mailto:sayjay80@gmail.com)
30. [drewwoods3@gmail.com](mailto:drewwoods3@gmail.com)
31. [john.wotowicz@gmail.com](mailto:john.wotowicz@gmail.com)
32. [courtneyrwong@gmail.com](mailto:courtneyrwong@gmail.com)
33. [rodgers.john@gmail.com](mailto:rodgers.john@gmail.com)
34. [marialya@gmail.com](mailto:marialya@gmail.com)
35. [sara.colon@gmail.com](mailto:sara.colon@gmail.com)
36. [tegelsimeon@gmail.com](mailto:tegelsimeon@gmail.com)
37. [bandawatch@gmail.com](mailto:bandawatch@gmail.com)

38. [invictusdocs2010@gmail.com](mailto:invictusdocs2010@gmail.com)
39. [comandocondor88@gmail.com](mailto:comandocondor88@gmail.com)
40. [kevinjonheller@gmail.com](mailto:kevinjonheller@gmail.com)
41. [cara.parks@gmail.com](mailto:cara.parks@gmail.com)
42. [javipi002@gmail.com](mailto:javipi002@gmail.com)
43. [osimonc@gmail.com](mailto:osimonc@gmail.com)
44. [wilsonaguinda@gmail.com](mailto:wilsonaguinda@gmail.com)

 [google-legal-support@google.com](mailto:google-legal-support@google.com)  
to [rbrook@gibsondunn.com](mailto:rbrook@gibsondunn.com)

Sep 25 (1 week ago)

Dear Ms. Brook,

Pursuant to Mr. Mastro's letter dated September 18, 2012, Google requests an extension through October 22, 2012 for the return date of the subpoena.

Regards,  
Chi Nguyen  
Legal Investigations Support

October 2, 2012

VIA EMAIL

Einat Clark, Esq.  
Google, Inc.  
1600 Ampitheatre Parkway  
Mountain View, CA 94043

Re: Subpoena in *Chevron Corp. v. Donziger, et al.*, Case No. 11 Civ. 0691 (S.D.N.Y.)

Dear Ms. Clarke:

We understand that the Electronic Frontier Foundation (“EFF”) has requested an extension through October 22, 2012, on the return date for the above-referenced subpoena.

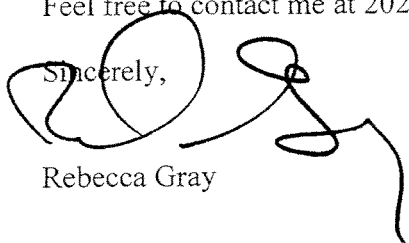
Chevron is willing to accommodate this request with respect to those specific accounts that are owned by clients of EFF. Accordingly, the response deadline for the above-referenced subpoena is now October 22, 2012, for the following accounts that EFF has identified as belonging to its clients:

tegelsimeon@gmail.com  
coldmtn@gmail.com  
sayjay80@gmail.com

As you know, we have already successfully resolved the concerns of other account holders. For those accounts that are not owned by individuals who have requested an extension, we will continue to expect production on October 5th, as noticed.

Feel free to contact me at 202.887.3616 or rgray@gibsondunn.com with any questions.

Sincerely,

  
Rebecca Gray



**ELECTRONIC FRONTIER FOUNDATION**  
Protecting Rights and Promoting Freedom on the Electronic Frontier

October 4, 2012

Howard S. Hogan  
Rebecca Gray  
1050 Connecticut Ave, N.W.  
Washington, DC 20036  
[HHogan@gibsondunn.com](mailto:HHogan@gibsondunn.com)  
[RGray@gibsondunn.com](mailto:RGray@gibsondunn.com)

VIA EMAIL

Re: Chevron's Subpoenas to Google, Yahoo, and Microsoft in *Chevron v. Donziger, et al.*, No. 11-civ-0691 (S.D.N.Y.)

Dear Mr. Hogan and Ms. Gray:

Due to your failure to respond to our continued attempts to negotiate a reasonable extension of the response deadline for your subpoenas to Google, Yahoo, and Microsoft, we will ask the appropriate courts for such an extension.

Below please find a list of those email addresses whose owners we currently represent in this matter. We reiterate: *this list is incomplete and we do not limit our request for an extension to only these addresses.*

bandawatch@gmail.com  
catmongeon@gmail.com  
coldmtn@gmail.com  
cortelyou@gmail.com  
drewwoods3@gmail.com  
drewwoods3@yahoo.com  
erikmoe66@yahoo.com  
firger@gmail.com  
jenbilbao3@yahoo.com  
josephmutti@gmail.com  
katiafachgomez@gmail.com  
kevinkoenigquito@gmail.com  
kshuk22@yahoo.com  
lupitadeheredia@gmail.com  
marialya@gmail.com  
mey\_1802@hotmail.com  
richardclapp@gmail.com  
sayjay80@gmail.com  
simeontegel@hotmail.com  
tegelsimeon@gmail.com

Rebecca Gray  
October 4, 2012  
Page 2 of 2

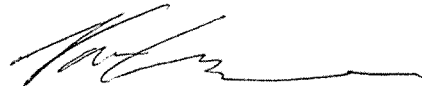
We again reiterate that we continue to be approached by individuals seeking help in this matter on a daily basis. In fact, two additional individuals contacted us just this morning. We hope to represent them, as well as others who are still in the process of retaining us as counsel.

It is clear to us that your unjustified refusal to extend the response deadlines for the three subpoenas as a whole is specifically intended to cause irreparable and substantial prejudice to those individuals, such as the two who contacted us this morning, who are just now receiving notice of your subpoenas and who are in the process of retaining counsel.

Please let us know by 6:00 p.m. (PDT) today if you agree to move the response date for each of the three subpoenas to October 22, 2012, so that we may spare the courts the trouble of extending your deadlines.

We anticipate your prompt response.

Sincerely,



Nathan Cardozo

cc: Einat Clarke ([eclarke@google.com](mailto:eclarke@google.com))  
Brien Jacobsen ([brienj@microsoft.com](mailto:brienj@microsoft.com))  
Christopher Madsen ([cmadsen@yahoo-inc.com](mailto:cmadsen@yahoo-inc.com))