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Chevron Threatened Ecuador Judge With Prison Time If He Failed to Grant Motions, Court Papers Say

On Eve of Judgment, Chevron Resorting to Intimidation Tactics



Amazon Defense Coalition

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Lago Agrio, Ecuador – Chevron's lawyers in Ecuador have threatened the trial judge overseeing the historic environmental trial where the company faces a potential judgment in the billions of dollars, according to [court papers made available by the plaintiffs \(news-and-multimedia/2010/1221-legal-threats-against-judge-nicolas-zambrano.html\)](#).

In a series of recent legal papers, Chevron lawyers Enrique Carbajal and Alberto Racines threatened trial Judge Nicolas Zambrano with criminal sanctions and prison if he failed to grant their motions asking for a dismissal of the case, which has been on trial since 2003 in the Amazon town of Lago Agrio. The threats were clearly outlined in motions signed by the two lawyers and submitted to the court, said Pablo Fajardo, the Ecuadorian lawyer for the plaintiffs.

"Chevron's threat to the judge is another example of its abuse of the rule of law and its desperation to avoid a judgment," said Fajardo, who represents an estimated 30,000 Ecuadorians who brought the lawsuit.

Judge Zambrano recently [sanctioned \(news-and-multimedia/2010/1116-fines-against-two-chevron-lawyers-increased-for-obstructing-ecuador-environmental-trial.html\)](#) and fined Racines approximately \$1,600 for repeatedly filing the same motions in an effort to delay the Ecuador trial. A third Chevron lawyer in Ecuador – [Patricio Campuzano \(news-and-multimedia/2009/0819-amazon-defense-coalition-c2-a0chevron-suffers-further-setbacks-in-27-billion-ecuador-trial.html\)](#) – was sanctioned for the same reason 2009. Also that year Racines exploded in anger at a trial testing site when oil was found at one of Chevron's so-called "remediated" sites.

The first motion, filed by Carbajal on Chevron's behalf, falsely claimed that the signatures of twenty of the 48 signatories to the lawsuit – almost all indigenous persons and impoverished farmers – were forged by attorneys for the plaintiffs. The plaintiffs rejected the claim and most of the 20 farmers appeared at a recent public event to verify that they actually signed the original lawsuit.

In the motion seeking the annulment of the trial based on the supposedly "forged" signatures, Carbajal wrote to the judge: "If you deny this motion, your conduct will fall within Article 292" of the criminal code of Ecuador, which requires a criminal sentence of up to six months for any public official who does not report a crime.

One day later, Racines filed a motion asking Judge Zambrano to nullify an expert report submitted by the plaintiffs by Dr. Lawrence Barnthouse, a renewed American natural resources ecologist. Racines, also citing Provision 292 of Ecuador's criminal code, said to the judge that "if you don't do it, you will have committed a criminal infraction punished by prison."

"Threatening judges with criminal sanctions is typical of the Chevron way when it comes to litigating in Ecuador," said Fajardo. "They would never attempt such intimidation tactics in U.S. courts."

In addition to the threats, Chevron has repeatedly been charged with trying to use intimidation tactics to dissuade law firms and financial partners from working with the plaintiffs, who live in dire conditions in approximately 80 different indigenous and farmer communities spread throughout the

rainforest.

In recent days, Chevron has sued each of the 47 named plaintiffs in New York federal court; sought an unprecedented injunction from a U.S. federal judge to bar any American lawyer working on the case from enforcing a judgment from Ecuador's court anywhere in the world; and has actively tried to depose several of the plaintiff's lawyers. All told, the company has tried to depose 33 people in the U.S. who have worked with the plaintiffs.

Chevron also filed a civil RICO suit in New York, claiming the indigenous groups were trying to extort money from Chevron via the lawsuit.

"Chevron is acting out of pure desperation because we are nearing judgment," said Karen Hinton, the spokeswoman for the plaintiffs. "The company's new legal actions are designed to intimidate lawyers and funders and to provide a fake cover story for shareholders when the company is hit with an adverse judgment."

The environmental lawsuit charges Chevron with deliberately discharging more than 16 billion gallons of chemical-laced "formation water" into the streams and rivers of the Amazon over a 26-year period when it operated a large oil concession, decimating indigenous groups and poisoning an area the size of Rhode Island. The case was moved from U.S. federal court at Chevron's request after Chevron filed 14 sworn affidavits praising Ecuador's court system.

The top end of the damages claim recently submitted by the plaintiffs in their final argument is \$113 billion. The plaintiffs have submitted tens of thousands of chemical sampling results that prove extensive soil contamination at 100% of Chevron's 378 former well and production sites in the Amazon.

"In the end, the voluminous scientific evidence will triumph over Chevron's intimidation tactics," said Fajardo.

For more information, become a follower of [The Chevron Pit \(http://thechevronpit.blogspot.com/\)](http://thechevronpit.blogspot.com/) or follow [@ChevronPit \(http://twitter.com/#!/chevronpit\)](http://twitter.com/#!/chevronpit) on Twitter.

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