



EMBAJADA DEL ECUADOR
WASHINGTON, D.C.

November 11, 1998

Honorable Jed S. Rakoff
United States Courthouse
300 Quarropes Street, Room 533
White Plains, New York 10601-5006

Re: Gabriel Ashana Jota et al v. Texaco Inc.
Maria Aguinda et al v. Texaco Inc.

Dear Judge Rakoff,

I have been informed that the United States Court of Appeals for the Second Circuit has requested that the Republic of Ecuador promptly advise you of its position regarding the referenced litigation, of any claims it proposes to make if permitted to intervene, and its position regarding its sovereign immunity. As Ambassador of Ecuador to the United States of America, I respectfully inform the District Court the following:

- 1 The Government of Ecuador regards these cases as litigation between private individuals and a foreign private corporation. Therefore, the intervention of the Republic of Ecuador as a party is not necessary.
- 2 The United States Court of Appeals for the Second Circuit has confirmed that the intervention of the Republic of Ecuador is neither necessary nor required to pursue the case.
- 3 The Republic of Ecuador is not willing, under any circumstance, to waive its sovereign immunity and be subject to rulings by Courts in the United States.
- 4 The Republic of Ecuador, by virtue of the "Acta Final" of September 30, 1998, in accordance with the "Contrato para la Ejecución de Trabajos de Reparación Medioambiental" (Contract for Implementation of Environment Repair Works) of May 4, 1995, absolved, liberated and forever freed TEXPET, Texas Petroleum Company, Compañía TEXACO de Petróleos del Ecuador, S.A., TEXACO Inc., its employees, principals and subsidiaries of any claim or litigation by the Government of the Republic of Ecuador concerning the obligations acquired by TEXPET in the fore-mentioned contract.

Sincerely,

Ivonne A. Bald,
Ambassador of Ecuador