

# EXHIBIT K

CONFIDENTIAL

Page 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
CHEVRON CORPORATION, )  
 )  
Plaintiff, )  
 )  
- against - ) 11 Civ. 3718 (LAK)  
 )  
MARIA AGUINDA SALAZAR, et al., )  
 )  
Defendants, )  
 )  
- and - )  
 )  
STEVEN DONZIGER, et al., )  
 )  
Intervenors.)  
-----x

\*\*CONFIDENTIAL\*\*

Videotaped deposition of SANTIAGO ERNESTO  
ESCOBAR ESCOBAR, taken by the Defendants, pursuant to  
Notice, held at the offices of Klippensteins, 160 John  
Street, Suite 300, Toronto, Ontario, Canada M5V 2E5,  
before Karin Jenkner CSR RPR CRR, a Chartered Court  
Reporter and Commissioner for the Taking of Oaths in the  
Province of Ontario, on Thursday, September 15, 2011, at  
9:30 a.m.

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

CONFIDENTIAL

Page 32

1 question mischaracterizes the evidence.

2 A. No. It was only Borja, Maldonado, and I.

3 MR. STEWART: Okay. We need to change the  
4 tape.

5 THE VIDEOGRAPHER: This marks the end of  
6 tape 1 in the deposition of Santiago Escobar.  
7 We're going off the record at 10:43 a.m.

8 --- Upon recessing at 10:43 a.m.

9 --- Upon resuming at 10:52 a.m.

10 THE VIDEOGRAPHER: Here begins tape 2 in the  
11 deposition of Santiago Escobar. We're back on  
12 the record at 10:52 a.m.

13 BY MR. STEWART:

14 Q. Mr. Escobar, before the break you  
15 testified that Mr. Borja was involved in taking soil  
16 samples 20 to 30 kilometres away from where  
17 contamination had taken place. What did you mean by  
18 that?

19 MR. DETTMER: Objection. It mischaracterizes  
20 testimony.

21 A. Yes, that Borja and his team took the  
22 samples from another lab -- from another field to show  
23 that there had been no contamination.

24 BY MR. STEWART:

25 Q. When you say "Borja and his team took

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

CONFIDENTIAL

Page 33

1 samples from another field," what are you referring to  
2 by the words "another field"?

3 MR. DETTMER: Objection. Calls for  
4 speculation, lacks foundation.

5 A. Yes, that Borja and his team would go 20  
6 to 30 kilometres away from the contaminated fields. And  
7 one time in his office, he was sending some samples to  
8 the United States. I think it was DHL or FedEx, one of  
9 the two. And he made a comment, while laughing, while  
10 doing this, saying that the indigenous people were fools  
11 because what they do is they sell the samples from  
12 elsewhere. And so he said that bragging about it.

13 MR. STEWART: I'm going to object to the  
14 translation. I believe it was "send" and not  
15 "sell."

16 THE INTERPRETER: Send. S-E-N-D, yes.

17 BY MR. STEWART:

18 Q. And when you say, your testimony, "they  
19 send the samples from elsewhere," who is the "they"  
20 you're referring to?

21 A. I don't know who they are, but according  
22 to Borja, these were people working with him.

23 Q. When you say they "were working with  
24 him," what was your understanding of who they were  
25 employed by?

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

CONFIDENTIAL

Page 34

1 MR. DETTMER: Objection. Calls for  
2 speculation.

3 A. Chevron's lab.

4 BY MR. STEWART:

5 Q. How did you learn that the individuals  
6 who you testified were sending samples from other sites  
7 worked for Chevron's laboratory?

8 MR. DETTMER: Objection. Calls for  
9 speculation.

10 A. According to Borja.

11 BY MR. STEWART:

12 Q. Did -- was Borja and the other  
13 individuals who were involved in -- strike that.

14 When you said that the samples were taken by  
15 Borja and others in 20 to 30 kilometres away from  
16 contamination, did you understand that there was an  
17 obligation to take samples where contamination was?

18 MR. STEWART: Objection. Question is vague.  
19 Calls for speculation. Mischaracterizes  
20 testimony.

21 A. Yes. I understood that they were being  
22 taken from the incorrect site to deceive in the  
23 investigation, in order to provide results that would be  
24 different from the real ones. That's what I understood.

25 BY MR. STEWART:

VERITEXT REPORTING COMPANY

CONFIDENTIAL

Page 54

1 specifically.

2 With respect to the filming, secretly filming  
3 these meetings of individuals, including the presiding  
4 judge in Lago Agrio, did you learn from Mr. Borja that  
5 he had specifically been ordered to do that or are you  
6 testifying that your general understanding was that the  
7 things he did were by the orders of Chevron?

8 MR. DETTMER: Object to the form.

9 Mischaracterizes testimony.

10 A. Yes, that he had received orders.

11 BY MR. STEWART:

12 Q. Did you -- did Mr. Borja share any other  
13 details about his secret filming of these meetings?

14 A. The first time, only just general  
15 details, such as these, and that he had been ordered to  
16 do this. The second time he was more specific.

17 Q. Did you have any conversations with  
18 Mr. Maldonado about the operation to secretly film  
19 meetings with individuals, including the presiding judge  
20 at Lago Agrio?

21 A. Yes.

22 Q. What did you learn from Mr. Maldonado  
23 about this topic?

24 A. That they were -- that they would --  
25 well, that they were doing this for money. That they

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

CONFIDENTIAL

Page 55

1 would receive a lot of dough for the -- for the videos,  
2 and they had already made a -- received a down payment  
3 for the videos.

4 Q. Did Mr. Maldonado tell you anything else  
5 about their operation at that time?

6 A. Well, this was the first time and not  
7 very specific. The second time he was more specific.

8 Q. The other individuals present at  
9 Mr. Maldonado's house on this day in April, late April  
10 or early May, 2009, did you talk with any of them about  
11 this operation to secretly film meetings with  
12 individuals, including the presiding judge of Lago  
13 Agrio?

14 A. No.

15 Q. Are you aware that -- strike that.

16 Are you aware that Mr. Borja subsequently told  
17 you that Chevron did not know anything about the secret  
18 filming of these meetings until after the third of four  
19 meetings?

20 A. No. He said that yes, that of course  
21 they knew.

22 Q. Do you recall having a conversation with  
23 Mr. Borja in which he told you that Chevron was not  
24 aware of the filming of these meetings until after the  
25 third of four meetings?

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

CONFIDENTIAL

Page 56

1           A.    Yes, specifically regarding this  
2 question, he did mention it to me during a Skype  
3 conversation when I was already here in Canada.

4           MR. STEWART: We need to change the tape.

5           THE VIDEOGRAPHER: This marks the end of  
6 tape 2 in the deposition of Santiago Escobar.  
7 And we're going off the record at 11:52 a.m.

8 --- Upon recessing at 11:52 a.m.

9 --- Upon resuming at 12:07 p.m.

10          THE VIDEOGRAPHER: Here begins tape 3 in the  
11 deposition of Santiago Escobar, and we're back  
12 on the record at 12:07 p.m.

13          BY MR. STEWART:

14          Q.    Mr. Escobar, we're back from a break.  
15 You understand that you're still under oath, correct?

16          A.    Yes.

17          Q.    Before our break we were talking about a  
18 conversation you had with several individuals in late  
19 April/early May, 2009, at Juan Carlos Maldonado's house.  
20 Do you remember that?

21          A.    Yes.

22          Q.    And you referred to a second time when  
23 you had a discussion about these topics about the  
24 operation to secretly film individuals including the  
25 presiding judge; is that correct?

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

CONFIDENTIAL

Page 57

1 MR. DETTMER: Object to the form.

2 A. Yes.

3 BY MR. STEWART:

4 Q. When was that second time?

5 A. In June, I think, and basically it was  
6 just one day before Borja left Ecuador.

7 Q. Where did you have this discussion with  
8 Mr. Borja?

9 A. At a club, at a disco.

10 Q. Was anyone else present besides yourself  
11 and Mr. Borja?

12 A. Yes. Villamar was there, Diego was  
13 there, Juan Carlos Maldonado was there, and other  
14 friends of Borja's. I don't know their names very well.

15 Q. What were you doing at the club that  
16 night?

17 A. I went because all of us had agreed to  
18 meet there, all of us from our social group, from our  
19 social circle. And when I talked to Borja, he gave me  
20 details regarding the operation they had carried out,  
21 that they had filmed the judge; that he had carried out,  
22 you know, the deal of his life; that he was going to get  
23 a lot of dough, that they were -- that he was guaranteed  
24 to get a lot more dough; that... they were going to give  
25 him even more dough than what they had already given

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

CONFIDENTIAL

Page 58

1 him.

2 MR. DETTMER: Objection. Move to strike as  
3 non-responsive.

4 BY MR. STEWART:

5 Q. In your conversation with Mr. Borja at  
6 the club, what did he tell you about this filming  
7 operation?

8 A. That he and Wayne Hansen had filmed --  
9 well, that they had sprung a trap, and that they had  
10 filmed quite a lot of people, and that they had filmed  
11 the judge accepting or talking about a bribe, and that  
12 the judge had also -- well, and that that was going to  
13 destroy the trial, that it was going to harm the trial.

14 And that he had received the money, right?  
15 There was a person from Chevron in charge of the issue  
16 relating to his leaving the country, and that everything  
17 was already set and that they had already only packed a  
18 small bag, and they would leave because he was in danger  
19 because of what he had done.

20 Q. And when you said "he had received the  
21 money," what are you referring to there?

22 MR. DETTMER: Object to the form.

23 A. Yes, I'm referring to that he had  
24 received the money. He specified that he had received  
25 the money and that he would receive more money. That's

CONFIDENTIAL

Page 59

1 what I'm referring to.

2 BY MR. STEWART:

3 Q. Did you talk with Mr. Borja about any  
4 other details about the filming operation or his  
5 communications with Chevron about it?

6 MR. DETTMER: Object to the form.

7 A. Only whatever -- what I have already  
8 stated.

9 BY MR. STEWART:

10 Q. Did you talk with any of the other  
11 individuals present there, including Mr. Villamar or  
12 Mr. Maldonado, about these same topics, the filming of  
13 the videos for Chevron?

14 MR. DETTMER: Object -- object to the form.

15 A. No.

16 BY MR. STEWART:

17 Q. And how long after that occasion until  
18 you left Ecuador to move to Toronto?

19 A. A few weeks, but I don't know exactly,  
20 but it was no longer, no more than a month. It was no  
21 more than a month.

22 Q. When was the first time you saw the  
23 videotapes that resulted from the operation that  
24 Mr. Borja had described you?

25 A. When they became public, that was toward

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

CONFIDENTIAL

Page 84

1 told me that STL had merged with a company -- it had  
2 merged with a company that they had bought in Ecuador,  
3 and that was the company, but I don't remember the name  
4 of the company. It was STL slash -- and I don't recall  
5 the name of the company.

6 Q. Was Mr. Borja involved in the company  
7 that merged with STL for the purposes of Chevron's  
8 laboratory in Ecuador?

9 MR. DETTMER: Object to the form. Calls for  
10 speculation.

11 A. Yes. Borja told me that the lab and  
12 Chevron were the same.

13 Q. What did you understand Mr. Borja to mean  
14 when he said that the lab and Chevron were one and the  
15 same?

16 MR. DETTMER: Objection to form.

17 A. That the labs belong -- belonged to  
18 Chevron.

19 BY MR. STEWART:

20 Q. Did Mr. Borja give you any details to  
21 explain what he meant by "the labs belong to Chevron"?

22 MR. DETTMER: Object to the form.

23 A. According to Borja, these labs were  
24 created by Chevron, belonged to Chevron, but they wanted  
25 to make it seen as if they were independent.

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

CONFIDENTIAL

192

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

REPORTER'S CERTIFICATE

I, KARIN A. JENKNER, RPR, CRR, CSR (ONT.),  
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth,  
at which time I placed the deponent under oath;

That the testimony of the deponent and all  
objections made at the time of the examination were  
recorded stenographically by me and were thereafter  
transcribed;

That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative  
or employee of any attorney or of any of the  
parties, nor financially interested in the action.

I declare that the foregoing is true and  
correct.

Dated this 16th day of September, 2011.

---

Karin A. Jenkner, CSR (Ontario), RPR, CRR  
(Commissioner of Oaths expires July 19, 2013)



CONFIDENTIAL

Page 196

1 acts. (query by reporter) The illegal and incorrect  
2 acts of Chevron"

3 91 11 Clarification, the witness did not understand the  
4 English expression. The answer of "yes" should be  
5 "no".

6 105-106 22-1 Translation error. "brought to trial" should be  
7 "sued". The testimony should read "And I'm also  
8 very afraid of being sued because I have heard that  
9 the people who co-operated with the indigenous  
10 people, they are subject to lawsuits. So I had -  
11 well, he told me that - well, we were hoping that I  
12 wouldn't be sued."

13 143 8 Translation error. Transcript should read "They  
14 will shit themselves..."

15 170 1 Translation error. Transcript should read "And I  
16 don't feel good about lying, but..."

17 170 10-21 Translation error. Transcript should read "I was  
18 pretending that I had this contract here, but I  
19 didn't have any contracts"

20 170-171 25-2 Translation error. Transcript should read "As I  
21 said, I didn't feel good about lying, but given the  
22 circumstances, I had to pretend so the information  
23 could continue flowing."

24 178 9-11 Missing word. Transcript should read "I think that  
25 all the information that I provided is important;

CONFIDENTIAL

Page 197

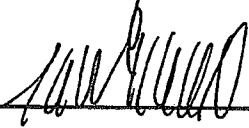
1 and if these details are not there, it's because  
2 there is a lot of information"

3 180 17 Clarification - the transcript should read "no".  
4 The witness did not provide a written statement to  
5 Ecuadorian government authorities at any time; he  
6 provided an oral statement.

7 181 2-6 Clarification - the witness' lawyers did not assist  
8 in putting together a statement, as there was no  
9 written statement.

10 181 11 Clarification - there was no written statement.  
11 The transcript should be corrected to read: "More  
12 or less, because my oral statement was quite long.

13 182 8-9 Clarification - there was no written statement.  
14 The transcript should be corrected to read "No, he  
15 asked details, and I gave a very long oral  
16 statement, but..."

17  
18 13 Oct 2011 

19 (DATE) SANTIAGO ERNESTO ESCOBAR ESCOBAR

20  
21  
22  
23  
24  
25

CONFIDENTIAL

Page 194

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

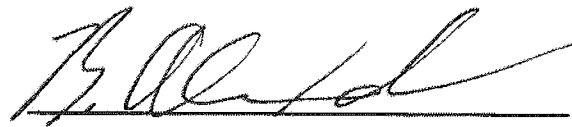
CERTIFICATE OF DEPONENT

I have read the foregoing transcript of my deposition and except for any corrections or changes noted on the errata sheet, I hereby subscribe to the transcript as an accurate record of the statements made by me.



SANTIAGO ERNESTO ESCOBAR ESCOBAR

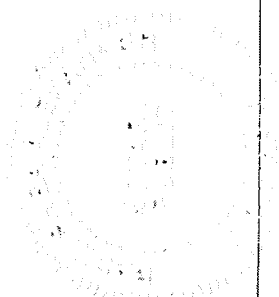
SUBSCRIBED AND SWORN before and to me this 13 day of OCTOBER, 2011.



NOTARY PUBLIC

Basil Alexander, LSUC No. 50950H  
Notary Public in & for Ontario

My Commission expires: indefinite.



VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400