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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13 **FRESNO DIVISION**
14

15 *In re* Application of:
16 REPUBLIC OF ECUADOR and DR. DIEGO
17 GARCIA CARRION, the Attorney General of
the Republic of Ecuador,
18 Applicants,
19 For the Issuance of Subpoenas Under 28 U.S.C.
§ 1782(a) for the Taking of Depositions of and
20 the Production of Documents by DOUGLAS M.
MACKAY for Use in a Foreign Proceeding,
21 Respondent,
22 CHEVRON CORPORATION,
Intervenor.
23

CASE NO. 12-mc-00008-LJO-GSA
**STIPULATION AND PROTECTIVE
ORDER**

1 The parties, through their respective counsel of record, hereby stipulate and agree, and ask the
2 Court to enter a Protective Order as follows:

3 1. Pursuant to this Order, Chevron and Dr. Mackay (collectively, “Respondents”) agree
4 to produce to the Republic of Ecuador and Dr. Diego Garcia Carrion (“Applicants”) the January 2006
5 edition of the Ecuador Oriente Region Analytical Database (the “Database”) in its native format
6 within 48 hours of entry of this Order by the Court.

7 2. The Database shall be used by Applicants for the sole purpose of conducting the
8 Bilateral Investment Treaty arbitration entitled *Chevron Corporation and Texaco Petroleum*
9 *Corporation v. The Republic of Ecuador*, PCA Case No. 2009-23 (the “Arbitration”), any appeals or
10 “set aside” actions from any orders or awards in those proceedings, any actions under 28 U.S.C.
11 § 1782 seeking discovery for use in those proceedings, including any appeals or objections arising
12 therefrom, and any other related civil actions in which Applicants are a party (collectively, “BIT
13 Litigation”).

14 3. Applicants agree that, where a procedural mechanism for sealing documents exists,
15 they will request that any document or other exhibit taken from the Database be maintained under
16 seal by the receiving court or tribunal. Where there is no procedural mechanism for sealing
17 documents, Applicants will request that the receiving court or tribunal treat any document or other
18 exhibit taken from the Database as confidential. Applicants are not required to seal or redact, except
19 as agreed in paragraph 4 below, any memoranda, briefs, transcripts, or other legal filings that
20 reference or quote information taken from the Database.

21 4. The parties agree that they will not file, introduce, or otherwise publicly disclose in
22 any context without either seeking to seal, redacting, or requesting confidential treatment, the names,
23 addresses, or any other personal identifying information, including videos or photos, of individuals
24 who reside in the region of Ecuador that is at issue in the Ecuadorian proceeding *María Aguinda y*
25 *otros v. Chevron Corporation*, Proceeding 2003-0002 before the Provincial Court of Justice of
26 Sucumbíos to the extent obtained through Respondents’ production pursuant to Paragraph 1 of this
27 Order.

28 5. Nothing in this Protective Order prohibits Applicants from sharing the Database with

1 (1) any current or future experts retained by the Republic in connection with the Arbitration, (2) the
2 Claimants in the Arbitration, (3) any officials administering or facilitating the Arbitration, (4) any
3 court personnel or Respondent as necessary or appropriate in connection with any BIT Litigation,
4 including as part of any deposition. Except as set forth above, Applicants shall be prohibited from
5 sharing or disseminating the Database with anyone, including but not limited to the Lago Agrio
6 Plaintiffs, their agents, their counsel, and their counsel's agents.

7
8 6. Nothing in this Order shall restrict the use of documents or information from the
9 Database obtained by a party from a source other than Dr. Mackay, his counsel, or his counsel's
10 agents. To the extent the Database contains documents or information that are also publicly
11 available, nothing in this Order shall restrict the use of such documents or information.

12 7. Both parties reserve their right to seek to modify this Order for good cause shown.

13 Dated: March 26, 2012

GIBSON, DUNN & CRUTCHER

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ORDER

IT IS SO ORDERED.

Dated: March 27, 2012

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE