EXHIBIT A

From: Steven Donziger
To: Ondrej Krehel
Cc: Burke, Matthew; Neuman, Andrea E.; Champion, Anne
Subject: Correspondence from Steven Donziger
Date: Monday, March 11, 2019 4:07:14 PM
Attachments: 20181025 SRD letter to Kaplan re contempt.pdf
20181108 [2131] SRD letter to Kaplan re protocol.pdf

[External Email]
Mr. Krehel,

Respectfully, there is a significant amount of information and background that Chevron appears to be trying to keep from you.

Judge Kaplan for the last year has been allowing largely unfettered post-judgment discovery targeting 25 or more people connected to me or the Ecuador case under the auspices of a motion that should have been resolved many months ago. Until it is resolved, I have very limited options to seek appellate review. While I naturally think the motion should be decided in my favor, even that is beside the point: it must be decided, period, before I can ethically release confidential and constitutionally-protected personal and client documents to Chevron, and certainly before I can allow my entire hard drive and online accounts to be effectively seized and mirrored.

I have explained this to Judge Kaplan on repeated occasions beginning almost one year ago. (Some of the background can be understood by reading some of my correspondence with the court, per the attached.) I clearly have stated that I will voluntarily go into civil contempt of the legally unfounded orders in order to obtain proper appellate review. Judge Kaplan and Chevron have known this long before starting the pointless process of having you appointed and crafting a review protocol, etc. So I hope you have not cleared your schedule to work on this matter, because, as Chevron knows, I will not be producing documents until my due process rights are respected.

This matter will presumably return to Judge Kaplan on yet another contempt motion sometime soon. At some point Judge Kaplan will find me in contempt and I will appeal. As I have also made clear to Chevron and the court, if the appellate court ultimately affirms Judge Kaplan's merits ruling on the authorizing motion and his overall handling of the post-judgment proceedings, then I will cooperate with the order of the court as is my obligation as a citizen and resident of New York. Until such time, you should not expect to hear more from me.

Finally, for purposes of background, you should know that a referral letter of Chevron and certain of its counsel at Gibson Dunn, in reference to their work on this case, has been forward to the U.S. Department of Justice. That letter provides additional context to my position and can be accessed via the link below.

Steven Donziger

https://chevroninecuador.org/assets/docs/2017-11-09-adc-doj-letter.pdf

VIA ELECTRONIC DELIVERY U.S. Department of Justice: Moser, Sandra Acting Chief, Fraud Section Kahn, Daniel Chief, FCPA Unit One St. Andrew's Plaza Washington, DC 20530 FCPA.Fraud@usdoj.gov Brian Stretch Heritage Bank Building 150 Almaden Blvd. Suite 900

chevroninecuador.org

U.S. Department of Justice November 9, 2017 Page 2 jurisdiction.2 The facts suggesting possible criminal violations by Chevron and its agents are based on publicly available documents, or on information and belief. This issue is time-sensitive given that some of

STEVEN R. DONZIGER

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October 25, 2018

VIA ECF

Honorable Lewis A. Kaplan
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

RE: *Chevron v. Donziger*, Case No. 11 Civ. 691 (LAK)

Dear Judge Kaplan:

I write to respectfully inform the Court that I will be unable to comply with the order dated October 18, 2018 directing me to produce a potentially massive quantity of confidential and privileged documents and communications to Chevron.

I note that I have firmly asserted privilege over these documents in a manner consistent with the context of the proceedings and my abilities as a sole practitioner facing an onslaught of litigation in multiple fora. Many of Chevron's requests are ridiculously overbroad. For example, Request No. 21: "All DOCUMENTS evidencing or relating to any communication between YOU and any PERSON or ENTITY since March 4, 2014 concerning the ECUADOR JUDGMENT." As the Court knows, largely the entirety of my professional life revolves around the Ecuador case, which in turns revolves around the Ecuador Judgment. This one request sweeps in unknown thousands or tens of thousands of documents and communications, many of which are obviously likely to reflect highly protected attorney opinion work product and attorney-client communications or confidential information derived from such communications. Chevron has repeatedly refused to narrow this Request or any other Request. The Court cannot with a straight face suggest that I should be required to fully log, describe, and individually assert privilege regarding each of these documents and communications in order to maintain the privilege, especially when key preliminary legal questions remain unresolved (see below). If Chevron wishes to proceed with discovery, it should work with me to narrowly target its requests to information relevant to its claims regarding the litigation finance efforts and the existence

of my assets, and this Court should resolve my long-outstanding objections to the basic foundation of these post-judgment proceedings.

This brings us to the real issue—the elephant in the room that I have been trying to draw attention to for over six months. I have repeatedly pleaded with the Court to explain to me how it can even pretend that it was "contemptuous" of me to continue to raise funds through pre-collection litigation finance when the Court itself acknowledged in its April 2014 Opinion on my stay motion that "[t]his case ***always has been financed*** on the movants' side by outside investors" and assured me that the RICO Judgment "***would not prevent Donziger from being paid***, just as he has been paid at least $958,000 and likely considerably more over the past nine or ten years." Dkt. 1901. In the same Opinion, the Court explained that the RICO Judgment's constructive trust and monetization provisions only impacted "proceeds" of a "collection" on the Ecuadorian Judgment. *Id.* And when I worried that the RICO Judgment would freeze up financing for my appeal and for ongoing Canadian litigation, the Court dismissed my concerns as so "fanciful" and "far fetched" as to "border on the irresponsible." *Id.*

The Court now appears to have changed its mind regarding what the word "traceable" means. I don't think that is proper as a matter of the law of the case, but even that is a separate issue. Even if the Court has improperly changed its position and now regards "traceable" as that described in its August 15, 2018 Order, and even if the Court's Default Judgment has changed the scope of allowable financing efforts in the United States, the Court cannot pretend that it has the ability to travel back in time and make "traceable" mean something different than what was described the April 2014 Opinion. As the Court knows, a finding of contempt against me is only possible if I knowingly and willfully disobeyed a clear and unambiguous order of the Court. In light of the Court's own words to me in its April 2014, it is impossible to maintain that a prohibition against litigation financing was so clear between April 2014 and August 2018 that I might lawfully be found in contempt. As such, the Court should have long ago ruled against Chevron on its original contempt motion filed in March 2018—thus eliminating the main basis to proceed with Chevron's massive post-judgment discovery which now has resulted in a wholly unjustified waiver of all of my privileges and a blank warrant for the company and its lawyers to target supporters of my clients in an effort to dry up funding for the case and the corporate accountability campaign.

Instead, apparently trapped by its own words, the Court has responded to this grave violation of my Constitutional rights and those of my clients with a transparently abusive strategy of silence and non-action. It has refused to address the key issue underlying Chevron's original contempt motion for over six months now. Meanwhile, the Court has greenlighted Chevron's outrageously intrusive discovery, intimidation, and demonization campaign—all of which, again, has zero basis to proceed if there is no colorable contempt

case against me.[1] Were I to comply with the Court's October 18 Order (including without any assurances as to the scope of the individual requests, because the Court has refused to rule on my individual scope and burden objections), Chevron would succeed in gaining near wholesale access to my confidential, privileged, and protected documents, without any legitimate basis.

The Court's refusal to rule on the core issue in Chevron's original contempt motion has also strategically denied me an uncomplicated avenue of appellate relief—even though I do maintain that I have legitimate grounds for both a direct and interlocutory appeal and am pursuing those appeals in the Second Circuit. If the Court really thinks that a prohibition on litigation finance was so clear after April 2014 that I can be held in contempt thereof, it should make such a finding directly, which would allow me to seek appellate review. Because the Court refuses to do this, I apparently must take a contempt sanction in this second-layer discovery context, try to consolidate it with the pending appeals, and trust that the Second Circuit will be able to appreciate it all in totality and in the larger and deeply disturbing context of these post-judgment proceedings generally. I would urge the Court to rule on these critical issues or hold me in contempt and thereby allow me to appeal to the Second Circuit.

Sincerely,

/s

Steven R. Donziger

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[1] Chevron's massive and growing discovery campaign against me and third-parties (including most recently public media outlets) is also illegitimate for the reason that it seeks to intrude on confidential internal deliberations and strategies of the loose team of advocates seeking to hold Chevron accountable for its contamination in Ecuador, and thus works a clear violation of the First Amendment right to association as protected by Second Circuit and Supreme Court precedent. Chevron is establishing the foundations of this constitutional violation day by day as it expands its vitriolic attacks on the "environmental, indigenous and shareholder activists, academics, and others who partake in [] efforts to force Chevron into a settlement" for its Ecuador liability. Dkt. 2107 at 1 (Chevron motion).

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November 8, 2018

VIA ECF

Honorable Lewis A. Kaplan
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

RE: *Chevron v. Donziger*, Case No. 11 Civ. 691 (LAK)

Dear Judge Kaplan:

That dripping sound is the drool coming off of Chevron's motion (Dkt. 2120) as it describes how it soon hopes to obtain my computer, all my "devices," passwords to all my email and social media accounts, and more, so as to begin scrutinizing the entirety of my digital life as it pleases, freely and pruriently browsing through confidential and privileged work product as well as utterly personal material, ever searching for more fuel for the increasingly demonic "demonization" campaign it has besieged me with for so many years now.

As I have argued repeatedly, discovery in these post-judgment proceedings has been illegitimate from the start. For six months, I have sought a basic explanation from the Court of how my litigation finance efforts can possibly be found in contempt of court given the assurances provided in the April 25, 2014 Opinion. Dkt. 1901. The Court has refused to rule for over six months, clearly boxed-in by its own words. Five months ago, I also sought a protective order "to prevent discovery in this case from turning into a private 'blank warrant' allowing Chevron to intrude and infiltrate itself into the First Amendment-protected political activities, associations, speech, operational practices, and strategic deliberations of [myself] and others." Dkt. 2026. The Court refused to provide relief and what I feared would happen is precisely what has happened.

The notion that Chevron's "protocol" would in any way protect my "legitimate privacy interests and the integrity of [my] data" is ludicrous. First, Chevron only proposes to use a "neutral" forensic expert for the "imaging" phase of its fantasized process; after that, the data apparently gets handed over to a "Chevron" expert who appears to answer to Chevron

and Chevron alone. The notion that Chevron would be in any way limited in scope by its protocol is a pretense revealed by even a cursory review of its list of 1000 or more comically overbroad proposed search terms: "Chevron"; "Draft*"; "Indigenous"; "Sell*"; "Send"; "Settle"; "Credit card"; "Money"; "Paragraph"; and so on. The protocol targets hundreds of colleagues, supporters, and friends and family members, and specifically targets communications to and from my clients (e.g. "FDA," "Ermel Chavez," "Medardo Zhingre," all "Lago Agrio Plaintiffs (collectively, or individually by name)"), my colleagues on the Ecuador matter (e.g. "Patricio Salazar," "Alan Lenczner"), my personal counsel in related and unrelated matters (e.g., "Deepak Gupta," "Friedman Rubin," "Martin Garbus," "Gerald Lefcourt"), political supporters (e.g. "Jaime Vargas" [the current president of the national Ecuadorian indigenous alliance], "Luis Macas" [distinguished Ecuadorian indigenous leader]) allied organizations (e.g. "Global Witness," "Earth Rights International," "Pachamama"). It seeks documents going all the way to March 2010. The idea that Chevron would be in any limited by terms of this "protocol" is preposterous.

While I could make countless other objections to the abusiveness and disingenuousness of Chevron's protocol and desired search (and attack) methodology, any and all objections are pointless or at least premature at this point in light of my intended course of action, as I openly informed the Court on October 25, 2018. Dkt. 2118. There I indicated that my position is that I am not ethically able to comply with the Court's order to produce mountains of confidential and privileged material to Chevron under a wholly improper purported privilege waiver ruling and before the Court has even ruled on the core issue in Chevron's original contempt motion. If the Court is unwilling to rule on the legal basis of Chevron's motion and continues to refuse to allow me to assert any privilege whatsoever, I intend to openly and ethically refuse to comply with any production order and to take an immediate appeal of any resulting contempt finding the Court issues against me.

If that appeal is decided adverse to me and I am left with no choice but to produce the documents, the terms and scope of an appropriate protocol genuinely calculated to protect my legitimate privacy interests and the integrity of my data can be negotiated at that point in time and I reserve all rights and objections.

Sincerely,

/s

Steven R. Donziger