

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Application of	:
CHEVRON CORPORATION	:
for an Order Pursuant to 28 U.S.C. § 1782	:
to Conduct Discovery from MCSquared PR,	:
Inc. for Use in Foreign Proceedings,	:
	:
Petitioner.	:
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No. 1:14-mc-00392-LAK

NOTICE

Chevron Corporation (“Chevron”) respectfully requests that the Court take notice of (1) a February 13, 2015 settlement entered into between Chevron and the parties in the DeLeon action in Gibraltar and Chevron’s withdrawal of the DeLeon action as a basis for the discovery it seeks from MCSquared PR (“MCS”); and (2) a lawsuit filed by MCS against Sharon Stone and her talent agency. Chevron also respectfully submits MCS’s February 23, 2015 amendment to its Foreign Agent Registration Act (“FARA”) registration statement as a supplemental exhibit to its petition for discovery and in opposition to the motion to quash (Exhibit 236).

1. **DeLeon Settlement.** On February 13, 2015, Chevron, Russell DeLeon, Torvia Limited and Julian Ross Jarvis entered into a settlement agreement which resulted in the dismissal of the DeLeon action previously pending in Gibraltar as well as claims against Jarvis in the related Woodsford action, also pending in Gibraltar. Exhibit 237.¹ As part of the settlement, DeLeon issued the following statement:

Commencing in March 2007, I provided funding to support the litigation in Ecuador against Chevron Corporation, in the good faith belief that I was supporting a worthy cause.

¹ Exhibit 237 is a true and correct copy of the Settlement Agreement between Chevron Corporation, James Russell DeLeon, Torvia Limited and Julian Ross Jarvis, executed on February 13, 2015.

However, I have since reviewed the March 4, 2014 opinion by Judge Kaplan of the United States District Court for the Southern District of New York setting out the Court's findings and I have also considered the evidence presented during the trial. As a result, I have concluded that representatives of the Lago Agrio plaintiffs, including Steven Donziger, misled me about important facts. If I had known these facts, I would not have funded the litigation.

I no longer seek or wish to receive any financial benefit from this matter and I have therefore decided to relinquish my entire interest in the litigation to Chevron.

Id. Chevron thus withdraws the DeLeon proceeding as a basis for obtaining discovery from MCS here. Chevron continues to need discovery from MCS for the Woodsford litigation and the enforcement proceedings and does not believe that the relevance of any of the discovery requests propounded on MCSquared is confined to the DeLeon action.

2. ***MCS Lawsuit in the E.D.N.Y.*** On February 24, 2015, MCS filed a complaint against actress Sharon Stone and her talent agency American Program Bureau, Inc. ("APB"), in the Eastern District of New York alleging that she failed to appear for a speaking engagement in Ecuador. Exhibit 238.² MCS's complaint takes positions inconsistent with the positions it has taken in this action. Specifically, MCS's position on what constitutes "systematic and continuous contacts" in the Stone/APB complaint is directly at odds with MCS's position here. MCS claims that Stone and APB have "systematic and continuous contacts" with the Eastern District based on an oral contract with MCS, MCS's payment of \$330,000 to Stone through APB, APB's contracts with clients residing in the Eastern District, Stone's work for Ford Models (located in Manhattan) in the 1970s and Stone's role in a film that was partially filmed in Brooklyn in 2013. Ex. 238 at ¶¶ 2-8, 11. Chevron brings this complaint to the attention of the Court because the contacts that MCS claims bring Stone and APB under the jurisdiction of the Eastern District are

² Exhibit 238 is a true and correct copy of the complaint in *MCSquared PR, Inc. v. Stone*, No. 1:15-c-v00961 (E.D.N.Y), filed by MCSquared PR, Inc. on February 24, 2015.

far more tenuous than the contacts that bring MCS within the jurisdiction of the Southern District, even crediting MCS's FARA registration amendments.³

3. **FARA Amendment.** On February 23, 2015, MCS filed with the U.S. Department of Justice an "Amendment to Registration Statement Pursuant to the Foreign Agents Registration Act of 1938, as amended." Exhibit 236.⁴ The filing is the third time that MCS has amended its registration statement since the initial filing on July 3, 2014.⁵ MCS disclosed an additional \$3.6 million in payments from the ROE for activities purported related to the ROE's "global" PR strategy against Chevron. MCS also admitted contacts with the Southern District of New York, including that it "arranged the visit of Guillaume Long, Minister of Knowledge and Human Talent, to the New School University in New York City on October 3, 2013," claimed that the "audio-visual materials" it prepared were purportedly "disseminated by the Republic of Ecuador (not MCSquared)," and that it "engage[d] in political activity by conducting media outreach to obtain coverage and interviews with President Rafael Correa during his visit to the United States in April of 2014." *Id.*

³ MCS's contacts with the Southern District of New York are readily apparent from their conduct, which includes disbursements to Manhattan entities, the organization of "protests" within the Southern District, including one outside of this courthouse, and the promotion of several events in Manhattan. *See* Dkt. 36 at 7-8.

⁴ Exhibit 236 is a true and correct copy of an Amendment Registration Statement Pursuant to the Foreign Agents Registration Act of 1938, as amended, filed on behalf of MCSquared PR, Inc. on February 23, 2015.

⁵ MCS first amended its registration statement on September 10, 2014, "to provide additional information regarding its activities and disbursements on behalf of the Government of the Republic of Ecuador." Dkts. 4-130-4-132. On November 25, 2014, MCS amended its registration statement for the second time in order to state that MCS has no branches or local offices and to state that MCS "terminated its representation of the foreign principal on April 30, 2014" and that therefore "its registration on behalf of the Republic of Ecuador should be terminated." Exhibit 239.

Dated: New York, New York
February __, 2015

Respectfully submitted,

By: /s/ Randy M. Mastro

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