

DECLARATION OF LUIS MIGUEL CANO

Pursuant to 28 U.S.C. § 1746, I, Luis Miguel Cano, declare as follows:

1. As mentioned in my previous Declaration signed on April 5, 2016, I am a Mexican attorney specializing in human rights and environmental litigation. As part of my practice, I represent the Sonora River Basin Committees (the "Committees") in litigation arising from the August 6, 2014 spill of approximately 40,000 cubic meters, or 10 million gallons, of copper sulfate from the Buenavista del Cobre mine (the "spill") in the Mexican state of Sonora.
2. I continue to litigate seven writs of *amparo* actions on behalf of these Committees in Mexican courts. The actions, which I listed in my initial Declaration, are listed here along with the corresponding defendant-parties against whom the claims are brought. The court name and docket number are included as they were in my initial declaration:
 - a. Action in the H. 9th District Court of the State of Sonora (144/2015):
Against Secretary of Environment and Natural Resources ("SEMARNAT")
and Buenavista del Cobre S.A. de C.V.;
 - b. Action in the H. 1st District Court of the State of Sonora (834/2015):
Against various governmental entities including Federal Commission for
Protection of Sanitary Risks ("COFEPRIS") and the National Commission of
Water ("CONAGUA");
 - c. Action in the H. 9th District Court of the State of Sonora (185/2015):
Against SEMARNAT;



- d. Action in the H. 10th District Court of the State of Sonora (1006/2015):
Against SEMARNAT;
 - e. Action in the H. 2nd District Court of the State of Sonora (1166/2015):
Against the entity administering the trust and SEMARNAT;
 - f. Action in the H. 9th District Court of the State of Sonora (279/2015):
Against SEMARNAT, the Federal Prosecutor of Environmental Protection
("PROFEPA") and Buenavista del Cobre S.A. de C.V. ("BVC");
 - g. Action in the H. 9th District Court of the State of Sonora (86/2016):
Against SEMARNAT.
3. Under the *amparo* system, judges are willing to admit a wide variety of evidence brought to them by a party and obtained by other means.
 4. At this point, in each of the *amparo* actions mentioned above, the litigation is at a point in which we can still present evidence to the tribunal. We will be able to present evidence to the tribunal at any time prior to the final hearing – which has not taken place yet in any of the previously mentioned *amparo* actions.
 5. In my twelve years of practice as a lawyer in Mexico, I have reviewed and participated in dozens of *amparo* cases as a litigant. I have also witnessed numerous proceedings when I worked with the Office of the High Commissioner for Human of the United Nations in Mexico and as an advisor for the President of the Supreme Court of Justice of Mexico.
 6. Based on this experience, and as described below, I foresee that any effort to obtain the requested evidence from Southern Copper Corporation ("SCC") will not be possible in the timeline needed in each of the lawsuits.

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7. First, the scope of discovery – which is court-ordered – is limited in the *amparo* actions that we have filed. For example, in case 86/2016, I requested a court-ordered inspection of the retaining wall in question which was located on private land, but the judge denied the court-ordered inspection immediately.
8. Regarding the private right of action under the environmental responsibility law (the “environmental lawsuit”), the general rule is that the bulk of evidence supporting a case must be presented when the lawsuit is filed. If certain evidence is not presented at the outset, it is possible to at least identify – with specificity – the identity and location of evidence that may support the lawsuit.
9. I do not have the information requested from SCC in my possession. Nor is there any way for me to know the identity or location of evidence that may be in the possession of Southern Copper Corporation SCC – both within and outside Mexico. However, based on my knowledge of SCC’s corporate structure, which I have obtained over the last two years since the spill, I am confident that the documents requested are not all in the possession of Operadora de Minas e Instalaciones Mineras, S.A. de C.V. (“Operadora”).
10. I am also unaware of any official corporate office in Mexico for SCC where I could seek this information, even if SCC were willing to provide this information to me voluntarily – which seems unlikely given the fact that both BVC and Operadora have appealed our efforts to seek information from the government regarding any alleged environmental remediation that took place after the August 6, 2014 spill.

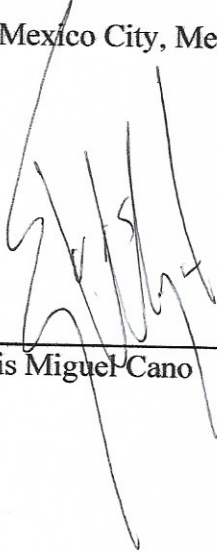
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11. Despite the difficulty in finding this information, the environmental responsibility law requires courts to accept and admit evidence provided to them from another source both within and outside Mexico provided that information is relevant.
12. In addition, the environmental responsibility law does not permit me to bring a lawsuit against a parent corporation of the responsible entities. The responsible entities in our contemplated lawsuit are BVC and Operadora. Therefore, any parent corporation – including SCC – will not and cannot be a party to the environmental lawsuit.
13. Contrary to the opinion of SCC's attorney, Bolaños Silva, I am not aware of any mechanism by which a court would approve to conduct any investigations prior to the filing of the lawsuit similar to what is being asked of SCC in this Application, and, equally important, in time to be useful for the litigation proposed.
14. Finally, in the process of preparing litigation of the seven *amparo* actions as well as preparation for the environmental lawsuit, I have requested and reviewed over ten thousand pages of documents obtained from governmental sources through the Federal Law for Transparency over the last year and a half.
15. We are still awaiting even more documents from governmental sources. This has been difficult because as mentioned earlier, BVC and Operadora are both actively appealing our right to obtain certain information from governmental sources.
16. In preparation for the environmental lawsuit, the Mexican litigation team supporting the Committees, has invested over \$16,000 USD in studies and mapping in order to present evidence to the court upon filing.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Signed in Mexico City, Mexico

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Name Luis Miguel Cano

Date May, 6th, 2016