

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

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CHEVRON CORPORATION, :

Plaintiff, :

-against- :

STEVEN R. DONZIGER, et al., :

Defendants. :

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Case No. 11 Civ. 0691 (LAK)

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**CHEVRON CORPORATION'S MOTION FOR LEAVE TO SERVE A
SECOND DOCUMENT SUBPOENA ON AMAZON WATCH**

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Memorandum Endorsement

Chevron Corp. v. Donziger, 11 Civ. 0691 (LAK)

Magistrate Judge Cousins in the Northern District of California recently quashed a subpoena served by Chevron on Amazon Watch on the ground, among others, that the subpoena was overbroad but, subject to an important qualification, granted Chevron leave to issue new subpoenas by today. The important qualification was the Magistrate Judge's statement that he did "not intend . . . to alter Judge Kaplan's schedule and defers to his case management deadlines regarding the appropriateness of Chevron's serving another, more tailored subpoena to Amazon Watch." DI 1000, at 10. Chevron therefore brought this motion for leave to serve a second subpoena on Amazon Watch in the California proceeding.

The essence of Chevron's problem is of its own making. The law in the Ninth Circuit, notably the *Perry* case, was relatively clear when Chevron served the first Amazon Watch subpoena. By framing the subpoena as broadly as it did, it took its chances of the result reached by Magistrate Judge Cousins. Nor did it seek to modify its first subpoena to Amazon Watch during the pendency of the extensive proceedings on the motion to quash in the California district court despite the approach and then expiration of the deadline for the service of document requests in this action and despite earlier litigation in this Court concerning the timeliness of the service of the first Amazon Watch subpoena. *See* DI 819. Thus, while Chevron is free to seek review of the Magistrate Judge's ruling with respect to the first subpoena and to make whatever arguments and suggestions it thinks appropriate to the California district court, leave to serve another one is denied.

In all the circumstances, the motion [DI 1000] is denied.

SO ORDERED.

Dated: April 19, 2013



Lewis A. Kaplan
United States District Judge