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Case Number: CGC-03-417580

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DENYING DEFENDANTS' MOTION TO CONTINUE STAY ON SUBS

LARRY BOWOTO VS. CHEVRONTEXACO CORPORATION

001C01988515

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JAN - 8 2008

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SAN FRANCISCO

10 LARRY BOWOTO, et al.,)
11)
12) Plaintiffs,)
13)
14) v.)
15) CHEVRONTEXACO CORPORATION, et al.,)
16)
17) Defendants.)
18)

Case No: CGC-03-417580
Judge: The Honorable Kevin M. McCarthy
Dept.: 306
~~PLAINTIFFS' PROPOSED~~ **ORDER DENYING DEFENDANTS' MOTION TO CONTINUE STAY ON "SUBSEQUENT INCIDENTS" DISCOVERY**
Hearing: None
Date Action Filed: February 20, 2003
Trial Date: August 25, 2008

19 This matter has been submitted to the Court on the parties' papers. Defendants' Motion to
20 Continue Stay of "Subsequent Incidents" Discovery is DENIED, for the following reasons.

21 Both parties agree that class certification in this action is not required because, should the Court
22 enter the injunctive relief that plaintiffs seek, it will have the effect of affording class-wide relief
23 regardless of whether a class is certified. Moreover, the Court agrees that it may enter prospective relief
24 under the Unfair Competition Law even if a class is not certified. Therefore, the Court need not
25 consider defendants' arguments supporting their position that class certification will not be appropriate
26 in this case.

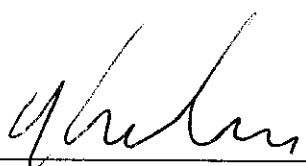
27 The question remains whether the stay on the "subsequent incidents" discovery should continue.
28 Defendants have the burden of demonstrating that continuing the discovery stay in this matter is

1 appropriate. The only arguments that defendants advance in support of continuing the stay relate to the
2 propriety of class certification. Because these arguments are now irrelevant, there does not appear to be
3 any reason to continue the stay. In addition, plaintiffs have demonstrated a need for the discovery on
4 "subsequent incidents." Such discovery is relevant to issues of Chevron's current security practices vis-
5 à-vis the Nigerian Government Security Forces and to ongoing harm. The Court will consider these
6 issues in deciding whether injunctive relief is appropriate in this case, and, if so, what the scope of that
7 relief will be. Nothing in this Order shall be construed to preclude plaintiffs from introducing evidence
8 at trial of incidents or events that occurred after the 1998 and 1999 incidents that underlie this lawsuit.

9 For these reasons, defendants' motion to continue the stay is DENIED. The stay shall remain in
10 effect until such time as the Court rules on defendants' pending motions for summary adjudication.
11 Should the Court deny those motions, the stay shall be lifted immediately. Once the stay is lifted,
12 defendants are directed to provide plaintiffs with responses to the outstanding "subsequent incidents"
13 discovery within 30 days of the date of this Order. Should plaintiffs seek to take depositions on
14 "subsequent incidents," they shall meet and confer with defendants about the number of such
15 depositions they seek, and the dates and locations of such depositions. Given that the trial date is
16 August 25, 2008, the parties must complete the "subsequent incidents" discovery no later than

17 APRIL 25, 2008.

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19 Dated: JAN 8, 2008

20 
21 _____
22 Honorable Kevin M. McCarthy
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