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DATE FILED: 10-7-08**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KEN WIWA, et al.,

Plaintiffs,

-against-

ROYAL DUTCH PETROLEUM CO., et al.,

Defendants.  
-----X

96 Civ. 8386 (KMW) (HBP)

KEN WIWA, et al.,

Plaintiffs,

-against-

BRIAN ANDERSON,

Defendant.  
-----X

01 Civ. 1909 (KMW) (HBP)

ESTHER KIOBEL, et al.,

Plaintiffs,

-against-

ROYAL DUTCH PETROLEUM CO., et al.,

Defendants.  
-----X

02 Civ. 7618 (KMW) (HBP)

ORDER

KIMBA M. WOOD, U.S.D.J.:

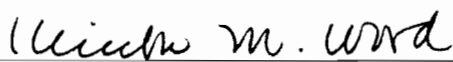
The Court is holding a hearing in the three above-captioned cases on October 7, 2008. In preparation for the hearing, parties shall review the enclosed Chart of Outstanding Discovery Issues in Wiwa v. Royal Dutch Shell Petroleum Co., 96 Civ. 83886,

Wiwa v. Anderson, 01 Civ. 1909, and Kiobel v. Royal Dutch Petroleum Co., 02 Civ. 7618 ("Outstanding Issues Chart").

By October 6, 2008 at 5:00 PM, all parties shall notify the Court and other parties by fax of any changes or additions that they believe should be made to the Outstanding Issues Chart to make it a full and accurate account of the pending discovery issues in the above-captioned actions. Some documents described in the Outstanding Issues Chart have questions from the Court, which are bracketed and in bold font for easy identification. The party or parties who submitted any document whose description includes bold, bracketed questions shall provide the Court and the other parties with answers to those questions via fax by October 6, 2008 at 5:00 PM. Any document(s) that support(s) a party's proposed change or addition to the Outstanding Issues Chart or responds to a question posed by the Court therein shall also be faxed to the Court and other parties by October 6, 2008 at 5:00 PM.

SO ORDERED.

Dated: New York, New York  
October 3, 2008

  
\_\_\_\_\_  
Kimba M. Wood  
United States District Judge

**CHART OF OUTSTANDING DISCOVERY ISSUES IN *WIWA I*,<sup>1</sup> *WIWA II*,<sup>2</sup> AND *KIOBEL*<sup>3</sup>**

The last day for parties to submit discovery requests was **May 28, 2004**. (96-D.E. 56, 66, 71, 118.)

The last day for Defendants' to respond to Plaintiffs' discovery requests was **June 10, 2004**. (96-D.E. 138.)

The last day for parties to file pre-trial motions was **June 28, 2004**. (96-D.E. 56, 66, 71, 118.)

<b>Discovery Request</b>	<b>Outstanding Issues</b>	<b>Current Status</b>
<i>Wiwa</i> Plaintiffs' Second Set of Interrogatories [REGARDING?], served [DATE?].	<i>Wiwa</i> Plaintiffs' May 28, 2004 Letter requests discovery conference regarding Defendants' allegedly inadequate response.	
<i>Wiwa</i> Plaintiffs' Second Document Request [REGARDING?], served [DATE?].	<i>Wiwa</i> Plaintiffs' May 28, 2004 Letter requests discovery conference regarding Defendants' allegedly inadequate response.	
<i>Wiwa</i> Plaintiffs' Fourth Request for Production [REGARDING?], served [DATE?].	<i>Wiwa</i> Plaintiffs' May 28, 2004 Letter requests discovery conference regarding Defendants' allegedly inadequate response.	
<i>Wiwa</i> Plaintiffs' 30(b)(6) Interrogatories and Document Demands [REGARDING?], served [DATE?].	<i>Wiwa</i> Plaintiffs' May 28, 2004 Letter requests discovery conference regarding Defendants' allegedly inadequate response.	
<i>Wiwa</i> and <i>Kiobel</i> Plaintiffs' joint request to redepose Defendants' witnesses Emeke Achebe, Brian Anderson, Alan Detheridge, and Egbert Imomoh, served [DATE?].	<ol style="list-style-type: none"> <li><i>Wiwa</i> and <i>Kiobel</i> Plaintiffs' May 28, 2004 Letter requests discovery conference regarding Defendants' allegedly inadequate response.</li> <li>Defendants' Cross-Motion for Protective Order, June 28, 2004.</li> </ol>	
<i>Kiobel</i> Plaintiffs' Third Document Request [REGARDING?], served [DATE?].	<i>Kiobel</i> Plaintiffs' May 28, 2004 Letter requests discovery conference regarding Defendants' allegedly inadequate response.	

<sup>1</sup> *Wiwa v. Royal Dutch Petroleum Co.*, 96 Civ. 8386.

<sup>2</sup> *Wiwa v. Anderson*, 01 Civ. 1909.

<sup>3</sup> *Kiobel v. Royal Dutch Petroleum Co.*, 02 Civ. 7618.

<b>Discovery Request</b>	<b>Outstanding Issues</b>	<b>Current Status</b>
<p><i>Kiobel</i> Plaintiffs' Fourth Document Request [REGARDING?], served [DATE?].</p>	<p><i>Kiobel</i> Plaintiffs' May 28, 2004 Letter requests discovery conference regarding Defendants' allegedly inadequate response.</p>	<p>Fully briefed, [DATE?]</p>
<p><i>Wiwa</i> and <i>Kiobel</i> Plaintiffs' Motion to Compel Payment of Deposition Expenses, served [DATE?].</p>	<p><i>Wiwa</i> Plaintiffs' request to join pending.</p>	<p>Fully briefed, May 20, 2004.</p>
<p><i>Kiobel</i> Plaintiffs' Motion to Compel Production of the report "Peace and Security in the Niger Delta" and related documents, served [DATE?].</p> <p>Defendants' Motion to Strike <i>Kiobel</i> Plaintiffs' Interrogatory Answers and their October 10, 2004 Amended Responses to the Second Set of Interrogatories as well as to Preclude Testimony regarding <i>Kiobel</i> Plaintiffs' response to Royal Dutch Petroleum Co.'s First Set of Interrogatories, filed April 23, 2003. (02-DE. 71.)</p>	<p>Request to file motion pending.</p>	<p>Fully briefed regarding <i>Wiwa</i> Plaintiffs, June 25, 2004.</p>
<p>Defendants Fourth and Fifth Set of Requests for Admission ("RFAs") [REGARDING?] from <i>Wiwa</i> and <i>Kiobel</i> Plaintiffs, served April 27 and April 30, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wiwa</i> and <i>Kiobel</i> Plaintiffs objected to the number and content of the RFAs [DATE(S)?].</li> <li>2. Defendants request permission to move to compel Plaintiffs' responses to the RFAs [DATE?]</li> <li>3. <b>Plaintiffs' Obligation to respond stayed by MJ Pitman's June 2, 2004 Order.</b></li> </ol>	<p><i>Kiobel</i> Plaintiffs contend they do not have to file opposition papers. Request to file the motion still pending.</p>

Discovery Request	Outstanding Issues	Current Status
<p>Defendants' Interrogatories to <i>Wawa</i> and <i>Kiobel</i> Plaintiffs regarding sources of information for Plaintiffs' witnesses and payments Plaintiffs allegedly made or offered to witnesses or potential witnesses for false testimony, served April 28, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wawa</i> and <i>Kiobel</i> Plaintiffs' June 7, 2004 letter requests (1) discovery conference to address their complaint that these discovery requests are untimely, and (2) a protective order against further such discovery requests.</li> <li>2. <b>Plaintiffs' Obligation to respond stayed by MJ Pitman's July 15, 2004 Order.</b></li> <li>3. <i>Wawa</i> Plaintiffs contend that the Court's September 29, 2006 Order in <i>Kiobel</i> determined that these requests were inappropriate. [WHERE / HOW?]</li> </ol>	
<p>Defendants' Second Set of Requests for Production of Documents [REGARDING?], served May 21, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wawa</i> and <i>Kiobel</i> Plaintiffs' June 7, 2004 letter requests (1) discovery conference to address their complaint that these discovery requests are untimely and improper, and (2) a protective order against further such discovery requests.</li> <li>2. <b>Plaintiffs' Obligation to respond stayed by MJ Pitman's July 15, 2004 Order.</b></li> <li>3. <i>Wawa</i> Plaintiffs contend that the Court's September 29, 2006 Order in <i>Kiobel</i> determined that these requests were inappropriate. [WHERE / HOW?]</li> </ol>	
<p>Defendants Royal Dutch Petroleum Co. and Shell Transport and Trading Co., p.l.c.'s Contention Interrogatories for <i>Kiobel</i> Plaintiffs, served May 28, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wawa</i> and <i>Kiobel</i> Plaintiffs' June 7, 2004 letter requests (1) discovery conference to address their complaint that these discovery requests are untimely, and (2) a protective order against further such discovery requests.</li> <li>2. Defendants request permission to file a motion to compel <i>Kiobel</i> Plaintiffs' July 2, 2004.</li> <li>3. <b>Plaintiffs' Obligation to respond stayed by MJ Pitman's July 15, 2004 Order.</b></li> </ol>	

Discovery Request	Outstanding Issues	Current Status
<p>Defendants Royal Dutch Petroleum Co. and Shell Transport and Trading Co., p.l.c.'s Contention Interrogatories for <i>Wiwva</i> Plaintiffs, served May 28, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wiwva</i> and <i>Kiobel</i> Plaintiffs' June 7, 2004 letter requesting (1) discovery conference to address their complaint that these discovery requests are untimely; and (2) a protective order against further such discovery requests.</li> <li>2. Defendants request permission to file a motion to compel <i>Wiwva</i> Plaintiffs' response July 2, 2004.</li> <li>3. <b>Plaintiffs' Obligation to respond stayed by MJ Pitman's July 15, 2004 Order.</b></li> </ol>	
<p>Defendant Brian Anderson's Contention Interrogatories for <i>Wiwva</i> Plaintiffs, served May 28, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wiwva</i> and <i>Kiobel</i> Plaintiffs' June 7, 2004 letter requests (1) discovery conference to address their complaint that these discovery requests are untimely; and (2) a protective order against further such discovery requests.</li> <li>2. Defendants request permission to file a motion to compel July 2, 2004.</li> <li>3. <b>Plaintiffs' Obligation to respond stayed by MJ Pitman's July 15, 2004 Order.</b></li> </ol>	
<p>Defendants' Request for Production of Documents [REGARDING?], served May 28, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wiwva</i> and <i>Kiobel</i> Plaintiffs' contest that these discovery requests are untimely and improper.</li> <li>2. <i>Kiobel</i> Plaintiffs request permission to file a protective order [DATE?].</li> <li>3. Defendants file a cross-motion to compel discovery July 2, 2004.</li> <li>4. <i>Wiwva</i> Plaintiffs contend that the Court's September 29, 2006 Order in <i>Kiobel</i> determined that these requests were inappropriate. [WHERE / HOW?]</li> </ol>	



Discovery Request	Outstanding Issues	Current Status
<p>Defendants' Request for Deposition of [WHOM?], served May 28, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wiwa</i> and <i>Kiobel</i> Plaintiffs' contest that these discovery requests are untimely and improper.</li> <li>2. <i>Kiobel</i> Plaintiffs request permission to file a protective order [DATE?].</li> <li>3. Defendants file a cross-motion to compel discovery July 2, 2004.</li> <li>4. <i>Wiwa</i> Plaintiffs contend that the Court's September 29, 2006 Order in <i>Kiobel</i> determined that these requests were inappropriate. [WHERE / HOW?]</li> </ol>	
<p>Defendants' Notice of Document Subpoena to the National Union of Ogoni Students, served June 2, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wiwa</i> and <i>Kiobel</i> Plaintiffs' June 7, 2004 letter request (1) discovery conference to address their complaint that these discovery requests are untimely and improper, and (2) a protective order against further such discovery requests.</li> <li>2. Plaintiffs' Obligation to respond stayed by MJ Pitman's July 15, 2004 Order.</li> <li>3. <i>Wiwa</i> Plaintiffs contend that the Court's September 29, 2006 Order in <i>Kiobel</i> determined that these requests were inappropriate. [WHERE / HOW?]</li> </ol>	<p>Fully briefed June 25, 2004.</p>
<p>Defendants' Request for Letters Rogatory to the Nigerian government, served June 4, 2008.</p>	<p><i>Wiwa</i> and <i>Kiobel</i> Plaintiffs' June 7, 2004 letter request (1) discovery conference to address their complaint that these discovery requests are untimely, and (2) a protective order against further such discovery requests.</p>	
<p>Defendants' Interrogatories regarding <i>Wiwa</i> Plaintiffs' RICO claims, served June 7, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wiwa</i> Plaintiffs contend this request was untimely.</li> <li>2. Plaintiffs' Obligation to respond stayed by MJ Pitman's July 15, 2004 Order.</li> </ol>	

Discovery Request	Outstanding Issues	Current Status
<p>Defendants' Document and Deposition Subpoena Regarding MPTC Security, served June 17, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wiwa</i> and <i>Kiobel</i> Plaintiffs' contest that these discovery requests are untimely and improper.</li> <li>2. <i>Kiobel</i> Plaintiffs request permission to file a protective order [DATE?].</li> <li>3. Defendants file a cross-motion to compel discovery July 2, 2004.</li> <li>4. <b>Plaintiffs' Obligation to respond stayed by MJ Pitman's July 15, 2004 Order.</b></li> <li>5. <i>Wiwa</i> Plaintiffs contend that the Court's September 29, 2006 Order in <i>Kiobel</i> determined that these requests were inappropriate. [WHERE / HOW?]</li> </ol>	
<p>Defendants' Motion [TO WHAT?] the allegedly perjurious Benin testimony, served June 28, 2004.</p>	<ol style="list-style-type: none"> <li>1. <i>Wiwa</i> and <i>Kiobel</i> Plaintiffs' June 7, 2004 letter requests (1) discovery conference to address their complaint that these discovery requests are untimely, and (2) a protective order against further such discovery requests.</li> <li>2. <i>Wiwa</i> Plaintiffs contend that the Court's September 29, 2006 Order in <i>Kiobel</i> determined that these requests were inappropriate. [WHERE / HOW?]</li> </ol>	
<p>Defendants' Notice of Deposition of Keith G. Mabray, served [DATE?].</p>	<p><i>Wiwa</i> and <i>Kiobel</i> Plaintiffs' June 7, 2004 letter requests (1) discovery conference to address their complaint that these discovery requests are untimely, and (2) a protective order against further such discovery requests.</p>	
<p>Defendants' Third Set of RFAs to <i>Wiwa</i> Plaintiffs [REGARDING?], served [DATE?]</p>	<ol style="list-style-type: none"> <li>1. <i>Wiwa</i> Plaintiffs object to [WHAT?] [DATE?]</li> <li>2. <i>Wiwa</i> Plaintiffs' time to respond adjourned <i>sine die</i> by MJ Pitman on January 26, 2004.</li> <li>3. MJ Pitman considered Plaintiffs' objection at a February [DAY?], 2004 hearing but the dispute was not resolved.</li> </ol>	
<p>Defendants' Request to Re-depose Dornubari Anslern John-Miller, served [DATE?].</p>	<p><i>Kiobel</i> Plaintiffs consent [DATE?] but re-deposition has not yet occurred.</p>	



<b>Discovery Request</b>	<b>Outstanding Issues</b>	<b>Current Status</b>
<p>Defendants' Motion for Discovery Sanctions [REGARDING?] pursuant to Federal Rule of Civil Procedure 37, filed [DATE?].</p>		<p>Fully briefed July 23, 2004. Request to file the motion [DATE?].</p>
<p>Defendants' Motion to Vacate <i>Kiobel</i> Plaintiffs' designation of Dornubari Anslem John-Miller's deposition transcript as confidential, filed [DATE?]</p>	<ol style="list-style-type: none"> <li>1. <i>Kiobel</i> Plaintiffs agree to de-designate much of John-Miller's deposition transcript [DATE?].</li> <li>2. Defendants' November 27, 2006 Letter to Court challenging <i>Kiobel</i> Plaintiffs' designation of remaining portions of John-Miller's deposition transcript as confidential.</li> </ol>	<p>Fully briefed June 25, 2004.</p>