

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 KEN WIWA, individually and
5 as Executor of the Estate of
6 his deceased father, Ken
7 Saro-Wiwa, et al.,

DOCKET NO.: CV-96-8386 (KMW)
CV-01-1909 (KMW)
CV-02-7618 (KMW)

8
9 Plaintiffs

New York, New York
September 4, 2003

10
11 -vs-

12
13 ROYAL DUTCH PETROLEUM and
14 SHELL TRANSPORT AND TRADING,
15 P.L.C., et al.,

16
17 Defendants

18 -----x

19 TRANSCRIPT OF CIVIL CAUSE FOR CONFERENCE

20 BEFORE THE HONORABLE HENRY B. PITMAN
21 UNITED STATES MAGISTRATE JUDGE

22 A P P E A R A N C E S:

23 For the Plaintiffs:

JUDITH CHOMSKY, ESQ.
ANTHONY DiCAPRIO, ESQ.
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

28 Audio Operator:

No Audio Operator

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31 -----x
32 KRISTIN M RUSIN
33 328 Flatbush Avenue, Suite 251
34 Brooklyn, New York 11238
35 (718) 789-0620

1 | October.

2 | Around that confluence of events, we were trying to
3 | schedule the depositions of witnesses who probably would not be
4 | available to testify at trial but who are available to be
5 | deposed in either Nigeria or the Benin Republic, which is the
6 | neighboring country, in October.

7 | THE COURT: Have any depositions been taken in
8 | Nigeria to date?

9 | MR. WHINSTON: No, other than the telephonic 30(b)(6)
10 | deposition. The defendants have advised us that certain of
11 | their employees who we -- or former employees who we want to
12 | depose would only be available in Nigeria, so there was always
13 | an understanding that there would have to be depositions in
14 | Nigeria.

15 | So this would be the first of -- of -- first group of
16 | those depositions.

17 | THE COURT: Well, when are you going to identify for
18 | the defendants the -- the individuals you want to depose in
19 | Nigeria?

20 | MR. WHINSTON: As soon as we -- as soon as we make
21 | the appropriate arrangements. I would think within a week to
22 | two --

23 | MR. MILLSON: Okay.

24 | MR. WHINSTON: -- we would have that --

25 | THE COURT: Well, as soon as you make the -- when you

1 say as soon as you make the appropriate arrangements,
2 arrangements for what, with whom?

3 MR. WHINSTON: Arrangements for our travel. We have
4 to do various things to get visas.

5 THE COURT: Um hmm.

6 MR. WHINSTON: Arrangements for the witnesses to be
7 at a place where they can be deposed, arrangements for court
8 reporters and various other --

9 THE COURT: Well, to the extent the witnesses are
10 defendants' employees, you can't make those arrangements
11 without defendants' counsel, I think.

12 MR. WHINSTON: That's -- that is correct, and we so
13 far have been talking about, this time around, at least, two
14 defendants' employees who they have told us would be available
15 for deposition the third week in October in Nigeria.

16 The other depositions that we intend to notice would
17 be our witnesses, class --

18 MR. MILLSON: They could give us the name now, Your
19 Honor.

20 MR. WHINSTON: As soon as it's arranged, I would be
21 happy to -- we will be happy to make the arrangement -- we will
22 be happy to do that. We haven't yet figured out how long we're
23 going to be there. This -- we're talking about something
24 that's, you know, six to seven weeks in the future. We haven't
25 figured out yet how long we can be there, who will be available

1 for deposition, where we can depose them. So these are
2 arrangements that are -- it's a moving target right now.

3 THE COURT: No, I understand that, but my -- look,
4 and I -- my knowledge of -- of travel to Africa is very -- is
5 rudimentary and non-existent, but I suspect that travel
6 arrangements for you or for someone -- or counsel for
7 defendants are going to take more time than travel arrangements
8 to a place like London.

9 I mean, I suspect that more needs to be done in the
10 way of getting visas, getting inoculations, --

11 MR. WHINSTON: Well, we've -- we've been through --

12 THE COURT: They -- they've got the --

13 MR. WHINSTON: -- I think both --

14 THE COURT: -- same issues --

15 MR. WHINSTON: -- sides have been through this
16 already, so, yeah. It takes some time.

17 THE COURT: Yeah. So --

18 MR. WHINSTON: They -- but they're already --

19 THE COURT: How many --

20 MR. WHINSTON: -- on -- the -- the defendants are --

21 THE COURT: How many individuals do you contemplate
22 deposing in Nigeria in October, just roughly, ballpark?

23 MR. WHINSTON: I think either -- when you add Nigeria
24 and the Benin Republic --

25 THE COURT: Right.

1 MR. WHINSTON: -- I -- I think from plaintiffs'
2 perspective we're looking at a -- a week to two weeks of
3 depositions.

4 THE COURT: And approximately how many witnesses?

5 MR. WHINSTON: About ten. About ten.

6 THE COURT: About ten.

7 MS. CHOMSKY: If I may, Your Honor, --

8 THE COURT: Yeah.

9 MR. WHINSTON: These -- if I can just add, these are
10 -- well, that's fine. Yes. Go ahead.

11 MS. CHOMSKY: It was Mr. Millson who I understand
12 wanted to take Ms. Korgbara's -- the Jane Doe plaintiff's
13 deposition in Nigeria, so I -- I -- I understood that was the
14 intention of the defendants to take her deposition. I was
15 thinking that we would take all of the plaintiffs' depositions
16 at one time. It was not my intention to take a deposition
17 there.

18 MR. MILLSON: I'm still a little bit -- Your Honor,
19 he's got ten names. Two of them are mine. It seems to me he
20 needn't hide the ball. He can tell me who the other eight
21 were. We don't have to have actual arrangements for
22 depositions before he tells me.

23 THE COURT: Well, let me ask you, Mr. Whinston, I --
24 and I appreciate you're still trying to set up depositions, and
25 it's -- none of these are carved in stone, but is there an