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March 24, 2009

The Honorable Kimba M. Wood  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

# MEMO ENDORSED

Re: Wiwa v. Royal Dutch Petroleum Company/Wiwa v. Anderson, Nos. 96 Civ. 8386 & 01 Civ. 1909 (KMW)

Dear Chief Judge Wood:

I write in response to the letter from Rory Millson concerning the Joint Pre-trial Order in the above referenced case. The Joint Pre-trial Order submitted on March 20, 2009 was not the result of a meet-and-confer process. Defendants simply ignored plaintiffs request that they meet and confer over plaintiffs proposed stipulations of facts and removed them from the pre-trial order. Defendants refused to meet and confer over the deposition designations. Defendants' counsel who attended a meet-and-confer over the exhibits came without authority to reach any agreement even over the authenticity of documents produced by defendants and identified in deposition of defendants' own employees.

In these circumstances, plaintiffs believe that it is appropriate that a joint pre-trial order which is produced after a good faith meet-and-confer would more efficiently prepare the way for trial.

On that basis, plaintiffs request that the Court direct the parties to meet and confer over each aspect of the joint pre-trial order and produce an amended joint pre-trial order that reflects a completed process.

Respectfully yours,

Judith Brown Chomsky

The parties are directed to meet and confer regarding every aspect of the joint pretrial order, and to produce an amended joint pre-trial order by 5 p.m. April 1, 2009.

It will be assumed that all documents produced by defendants are authentic and admissible, unless explain to be otherwise in the pre-trial order.

If counsel do not comply with this Order, in-house counsel for defendants and one plaintiff shall appear in Courtroom 15-B. April 3 at 10:30 a.m.

3/26/09

cc: All counsel

SO ORDERED.

Kimba M. Wood  
Kimba M. Wood