

## Lawyer Sued by Chevron Cries SLAPP

The Recorder

By **Kate Moser**

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SAN FRANCISCO — Trying to fend off a malicious prosecution lawsuit against a plaintiff lawyer who sued Chevron, lawyers at Kerr & Wagstaffe in San Francisco are saying the company is just trying to punish their client.

In an anti-SLAPP motion filed last week, they argue that Chevron's move against Massachusetts lawyer Cristobal Bonifaz is a "quintessential" strategic lawsuit against public participation: "a multinational corporation sues a 75-year-old semi-retired attorney, who operates his solo practice from a barn in rural Massachusetts, simply because the attorney — who is a native of Ecuador — had the audacity to dedicate the last 15 years of his legal career to legally assisting the poor, indigenous people of the Ecuadorian Amazon," wrote Kerr & Wagstaffe partner Jacqueline Scott Corley.

The energy giant is seeking more than \$4 million in damages and fees in the Northern District of California suit against Bonifaz over his part in litigation filed on behalf of nine residents allegedly made sick by oil pollution in the Ecuadorian Amazon.

According to the motion filed by Kerr & Wagstaffe, Bonifaz apologized in 2007 to Chevron for false assertions made by two of the plaintiffs — his lawyers say Bonifaz had relied on Ecuador counsel — and paid \$45,000 in court-ordered sanctions. His lawyers argue that Chevron is really trying to punish him for more than that, though, and note that he also helped Ecuadorian attorneys in 2003 file a huge toxic tort action against Chevron.

For its part, Chevron says Bonifaz has "publicly campaigned" for nearly 20 years on allegations that oil operations have harmed people's health in Ecuador. But "when he was finally called upon to substantiate his allegations, he produced clients with false claims," a Chevron spokesman said.

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