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Judge Tosses Chevron's Malicious Prosecution Case Against Lawyer

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SAN FRANCISCO — Chevron Corp. struck out again today in its malicious prosecution suit against a Massachusetts lawyer.

In May, U.S. District Judge Claudia Wilken threw out eight of nine claims but gave the energy giant another chance to show that Cristobal Bonifaz had knowingly sued the company with false claims.

But Wilken saw no new evidence to indicate that Bonifaz knew an Ecuadorean client wasn't sick and yet pursued a claim on her behalf against Chevron anyway.

"To conclude that the equivocal medical evidence Chevron cites obviated probable cause would elevate the lenient probable cause standard, have a chilling effect on attorneys and litigants prosecuting arguably meritorious actions that involve medical evidence and encourage prevailing defendants to file malicious prosecution suits," Wilken wrote in her order granting Bonifaz's anti-SLAPP motion.

Chevron's suit stemmed from an action Bonifaz brought in 2006 on behalf of nine Ecuadoreans against the energy giant and two of its subsidiaries. The plaintiffs alleged the company's oil exploration and production in Ecuador had made them sick.

The plaintiffs didn't prevail, and Chevron sued Bonifaz in November. The company sought \$4 million in special damages.

Chevron's attorney is Scott Edelman, a partner in the Los Angeles office of Gibson, Dunn & Crutcher.

A Chevron spokesman said today that the company "respectfully disagrees with Judge Wilken's conclusion that Bonifaz should not also be held liable for the damage his misconduct caused, and the company is evaluating its options for further review of the case."

Wilken also turned down Chevron's bid to get her to reconsider her May order.

Bonifaz, a semi-retired attorney who operates his solo practice from a barn in rural Massachusetts, is represented by Jacqueline Scott Corley, a partner at San Francisco's Kerr & Wagstaffe.