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Judge Tosses Bulk of Chevron's Case Against Plaintiffs' Lawyer

Posted by Brian Baxter

A federal judge in California has dismissed eight of nine claims in Chevron's malicious prosecution suit against a Massachusetts plaintiffs' lawyer, [according to sibling publication The Recorder](#).

The ruling leaves the energy giant with just a slight opening in its case against [Cristobal Bonifaz](#), the architect of a [massive environmental torts case](#) targeting the company. [The Am Law Daily reported in November](#) on Chevron's suit against the Conway, Mass.-based solo practitioner, for which the company tapped lawyers from [Jones Day](#) and [Gibson, Dunn & Crutcher](#).

On Wednesday, The Recorder reports, U.S. district court judge Claudia Wilken in Oakland gutted most of Chevron's case by granting an anti-SLAPP motion by Bonifaz and his lawyer Jacqueline Corley from San Francisco's [Kerr & Wagstaffe](#).

"Mr. Bonifaz, as we showed in our motion, is a respected human rights lawyer with a long career," Corley told The Recorder. "This helps remove a cloud over that career. It's unfortunate that Chevron dragged his name through the mud."

Corley claimed in court filings that Chevron sued her 75-year-old client, who operates from a barn in rural Massachusetts, because he "had the audacity to dedicate the past 15 years of his legal career to legally assisting the poor, indigenous people of the Ecuadorean Amazon."

That region is a sore spot for San Ramon, Calif.-based Chevron. The company is facing billions in potential liabilities from its highly publicized toxic torts legal and public relations battle with 30,000 Ecuadorean plaintiffs gathered under the banner

of the [Amazon Defense Coalition](#). (The American Lawyer wrote about the case in a [November 2006 feature story](#).)

Bonifaz, a U.S. citizen of Ecuadorean descent, teamed up with New York plaintiffs lawyer [Steven Donziger](#) to file the original civil suit against Chevron in 1993. After nearly a decade of litigation, the case was dismissed on jurisdictional grounds by a federal judge in 2001. A new case with different claims was then filed in Ecuador in 2003 and continues to drag on to this day. (Bonifaz is no longer actively involved in that case.)

But it was a different suit filed by Bonifaz against Chevron in April 2006 that drew the energy giant's ire. Bonifaz sued Chevron and two subsidiaries on behalf of nine Ecuadoreans, who claimed they contracted cancer because of the company's oil exploration and production operations in Ecuador.

In August 2007, a federal judge in California [tossed the bulk of Bonifaz's case](#) after finding that illness claims by some of the plaintiffs had been "manufactured." In October of that year, U.S. district court judge William Alsup ordered [Bonifaz to pay \\$45,000 in fines to Chevron](#), after finding that the company's lawyers from Jones Day had spent \$80,000 investigating false claims in the suit. (The case never went to trial because Bonifaz dismissed claims by the remaining plaintiffs.)

Last year it was Chevron's turn to take the offensive, suing Bonifaz for malicious prosecution and seeking \$4 million in legal fees and unspecified damages. Despite the adverse ruling against the company in the case this week, Chevron's lawyers vow the fight against Bonifaz will continue.

"[Wilken] has set a very high bar for any plaintiff bringing a malicious prosecution case," Gibson Dunn partner Scott Edelman told The Recorder. "Under no circumstances is this [ruling] a vindication of Mr. Bonifaz. The case that he brought remains what it was--an effort to extort Chevron to try to settle purportedly multibillion dollar claims brought in Ecuador."

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