



Superior Court of California  
County of San Francisco

KEVIN M. MCCARTHY  
JUDGE

January 2, 2007

The Honorable John B. Bellinger III  
Office of the Legal Adviser  
United States Department of State  
2201 C Street, N.W., Room 6423  
Washington D.C. 20520

Re: *Bowoto v. Chevron Corp.* CGC-03-417580

Dear Mr. Bellinger:

As a judge of the Superior Court of the State of California, I am presiding over the above-entitled action in which five Nigerians are suing Chevron Corporation and two of its domestic subsidiaries for injuries and deaths allegedly caused by members of the Nigerian government security forces in Nigeria. The plaintiffs' theory is that the Nigerian government security forces are "unreasonably dangerous" and that the continuing reliance on them by defendants or their Nigerian subsidiary for security in the Niger Delta constitutes an unlawful business practice under California Business and Professions Code § 17200. Plaintiffs seek an injunction regulating the manner in which defendants and their subsidiary may rely on those forces.

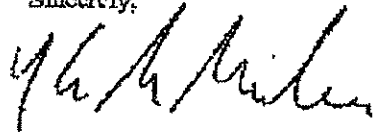
Pending before me is a motion by defendants to dismiss the action as nonjusticiable under the act of state doctrine. In support of their motion, defendants have submitted two letters by the Nigerian Attorney General addressed to his United States counterpart (although plaintiffs question whether they were sent). Following the protocol established in cases such as *In re Apartheid*, 346 F. Supp. 2d 538 (S.D.N.Y. 2005) and *Doe v. Qi*, 349 F. Supp. 2d 1258 (N.D. Cal. 2004), this Court invites the United States to submit a Statement of Interest, setting forth its official views, if any, on whether adjudicating this action or granting the relief that plaintiffs seek would adversely effect the diplomatic efforts of the United States, and, if so, the nature and significance of any such effect.

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For your convenience, enclosed are copies of the parties' briefing on the availability of the act of state doctrine, the letters by the Nigerian Attorney General, and plain description of the injunctive relief they are seeking.

This Court requests that any Statement of Interest be submitted by March 1, 2007.

Sincerely,



Kevin M. McCarthy  
Judge of the Superior Court