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Date August 7, 2014
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To Jeffrey W. Galway and Kiran Patel
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Please find attached the Responses of Chevron Corporation and Chevron Canada Limited to the motions for intervention.

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August 7, 2014

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Mr. Roger Bilodeau, Q.C.
Registrar
Supreme Court of Canada
301 Wellington Street
Ottawa, Ontario K1A 0J1

Our Reference
01129148-0003

Dear Mr. Bilodeau,

Motions for Intervention
Chevron Corporation et al. v. Daniel Carlos Lusitande Yaiguaje et al.
Supreme Court of Canada File: 35682

This letter is written pursuant to Rules 49(1) and (2) in response to the motions for intervention filed pursuant to Rule 55 by:

1. The United States Chamber of Commerce ("US Chamber");
2. The Canadian Bar Association ("CBA");
3. The International Human Rights Program, University of Toronto Faculty of Law, MiningWatch Canada, and the Canadian Centre for International Justice (collectively, the "Joint Interveners"); and,
4. The Justice and Corporate Accountability Project ("JCAP").

The Appellant, Chevron Corporation ("Chevron Corp."), has no objection to the proposed interventions by the US Chamber, the CBA or the Joint Interveners on the terms they have proposed, but requests the right to file a factum no more than five pages long in response to the facts filed by them should leave to intervene be granted by the Court.

Chevron Corp. objects to the proposed intervention by JCAP because, contrary to Rule 59(3), the questions JCAP proposes to address are not in issue on this appeal. Chevron Corp. respectfully submits that JCAP's motion for intervention should be denied.

JCAP's interest in providing legal support and advocating for communities in other countries affected by the resource extraction activities of (primarily Canadian) multinational businesses¹ leads it to offer submissions in relation to the forum of necessity doctrine² and the question of corporate separateness in jurisdictional analysis

¹ Motion for Leave to Intervene (Justice and Corporate Accountability Project, Proposed Intervener), Affidavit of Shin Imai at paras 7-8; Statement of Argument at para 7.

² *Ibid* at paras 18 - 20 and 22-24.

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Mr. Roger Bilodeau, Q.C.
August 7, 2014



where a foreign plaintiff brings a first instance claim against a Canadian parent corporation conducting business abroad through a subsidiary.³

JCAP acknowledges that the questions it seeks to address do not arise in this case and are of no concern to the parties.⁴

Just as there was no need for this Court to address the forum of necessity doctrine in *Club Resorts Ltd. v. Van Breda*,⁵ there is no need for the Court to address it here. Nor is there any logical reason for the Court to consider JCAP's proposed submissions about the test for piercing the corporate veil in potential future proceedings against Canadian parent companies where the complaint arises from the conduct of a subsidiary.

Should JCAP's intervention be permitted, the right of response Chevron Corp. is asking for would also address their submissions. However, Chevron Corp. respectfully requests that the maximum length of its factum be extended from five pages to ten.

Yours truly,

Norton Rose Fulbright Canada LLP

per

Clarke Hunter Q.C.

Copies to: Alan J. Lenczner, Q.C. and Brendon Morrison (Lenczner Slaght Royce Smith Griffin LLP)
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[counsel for the proposed intervener, Justice and Corporate Accountability Project]

Jeffrey W. Galway and Kiran Patel (Blake, Cassels & Graydon LLP)
[counsel for the proposed intervener, Canadian Bar Association]

³ *Ibid* at paras 21 and 23-25.

⁴ *Ibid* at paras 23-25.

⁵ 2012 SCC 17 at para 100

Goodmans^{LLP}

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August 7, 2014

The Registrar
Supreme Court of Canada
301 Wellington Street
Ottawa, Ontario
K1A 0J1**Attention: Roger Bilodeau, Q.C.**

Dear Sirs/Mesdames:

**Re: *Chevron Corporation, et al. v. Daniel Carlos Lusitande Yaiguaje, et al.* File No.: 35682
Response to Motions for Intervention (pursuant to Rule 49 of the *SCC Rules*)**

We are counsel to the appellant Chevron Canada Limited ("Chevron Canada") in the above noted appeal. This letter is written pursuant to Rules 49(1) and (2) in response to the motions for intervention filed pursuant to Rule 55 by:

1. The United States Chamber of Commerce ("US Chamber");
2. The Canadian Bar Association ("CBA");
3. The International Human Rights Program, University of Toronto Faculty of Law, MiningWatch Canada, and the Canadian Centre for International Justice (collectively, the "Joint Intervenors"); and,
4. The Justice and Corporate Accountability Project ("JCAP").

We have reviewed the letter dated August 7, 2014 filed by counsel for the Appellant, Chevron Corporation and agree with the positions set out therein.

Should leave to intervene be granted by the Court, Chevron Canada requests the right to file one factum of no more than five pages in response to the facta to be filed by the US Chamber, CBA and the Joint Intervenors. Should leave to intervene also be granted by the Court in respect of

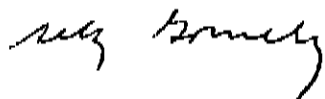
Goodmans^{LLP}

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the motion to intervene filed by JCAP, Chevron Canada requests that the maximum length of its reply factum be increased from five pages to ten.

Yours very truly,

Goodmans LLP



for

Benjamin Zarnett

cc: Clarke Hunter, Q.C., Anne Kirker, Q.C., Jung Lee, Robert Frank and Sally Gomery
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[counsel for the Appellant, Chevron Corporation]

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