

After Chevron Win, Dole Victory Caps Big Week for Gibson Dunn



Theodore Boutrous Jr.

By David Bario
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What do plantation workers in Nicaragua have in common with villagers beset by oil production fallout in the Ecuadorean Amazon? Plenty, it turns out. Both teamed up with lawyers intent on collecting big bucks from multinational corporations. Then Gibson, Dunn & Crutcher stepped in for the defense, and the plaintiffs' cases went to hell.

The Amazon case came to a head on March 4, when a judge in New York sided with Gibson Dunn's Randy Mastro and ruled that plaintiffs lawyers led by Steven Donziger fraudulently rigged a \$9.5 billion Ecuadorean judgment against Chevron Corporation. (See our coverage of the Chevron decision [here](#), [here](#) and [here](#).) On Friday, a California appeals court iced the cake for Gibson Dunn, affirming a remarkably similar victory in *Tellez v. Dole*, a case brought by a dozen Nicaraguan banana farmers who claimed they were left sterile by Dole's pesticide use.

In a 25-page ruling, California's second appellate district upheld a decision vacating a \$3.3 million verdict that lawyers for the Nicaraguans won against Dole in Los Angeles state court in 2007. The judge who handled the trial, Victoria Chaney, first ruled five years ago that two related suits involved "deliberate and egregious misconduct" and "blatant extortion" by the plaintiffs.

Gibson Dunn challenged the *Tellez* verdict based on those findings, and in 2010 Chaney concluded that the case amounted to "a massive fraud perpetuated on this court" by L.A. lawyer Juan Dominguez and others.

What convinced the judge that the Nicaraguans' claims were bogus? Among other things, a Gibson Dunn team including Scott Edelman, Andrea Neuman and Theodore Boutrous Jr. presented evidence that plaintiffs in the cases weren't sterile, and that some hadn't even worked on Dole's plantations.

"We are extremely pleased that the Court of Appeal has unanimously affirmed the dismissal of this fraudulent case against Dole," Boutrous said in an emailed statement. "As the trial court found, the plaintiffs' lawyers recruited fake plaintiffs in Nicaragua, coached them to lie, fabricated documents, and threatened and intimidated witnesses, seeking to defraud Dole and the judicial system itself."

The story of how Dole general counsel C. Michael Carter brought in Gibson Dunn and turned the tables on the plaintiffs in the pesticide cases was recounted in detail by Corporate Counsel in an October 2009 feature. The very same month, Chevron hired Gibson Dunn to engineer a similar reversal in its Ecuador oil pollution case. The rest, as they say, is history.