

From: Samson, Dave A (DaveSamson)
Sent: Wed Jan 05 00:23:56 2011
To: Zygocki, Rhonda (rzygocki)
Cc: Robertson, Kent S
Subject: GQ Magazine
Importance: Normal
Attachments: Questions for chevron.docx

Rhonda,

Here are the questions from Sean Flynn at GQ Magazine (six pages). These questions were clearly influenced by plaintiffs' counsel. Given where this story appears to trending, it is not in our best interest to simply respond to the questions submitted. Therefore, we are recommending the following course of action:

- 1) Immediate written request to meet face-to-face with the reporter, including his editor. This meeting would likely include Kent and one or two of our outside counsel (most likely Randy Mastro). The reporter first reached out to Randy.
- 2) Letter to GQ editor, raising concerns about a possible conflict of interest between Conde Nast/GQ and Donziger's wife, Laura Miller, the executive director of communications at Conde Nast. We would also highlight that the approach of this reporter closely mirrors the approach taken by Vanity Fair (also a Conde Nast publication), which resulted in sensational and biased reporting.
- 3) We would copy James Robinson, the publisher of Conde Nast, his general counsel and the top lawyer at GQ on the letter sent to Flynn's editor. We want the lawyers taking a close look at Flynn's reporting. This will help inject some balance in the reporting even though it is still unlikely to meet with our satisfaction. In retrospect, we went too easy in this regard with CBS and 60 Minutes. They need to know that we will consider legal action if the story reflects falsehoods, incomplete story telling due omission of key facts/developments and irrefutable bias in its reporting.
- 4) Provide the reporter (and all other parties at Conde Nast/GQ) with Kaplan's most recent ruling, recent media stories and links to Crude outtakes that underscore the extent of misconduct on part of Donziger and others.
- 5) Work with the *Columbia Journalism Review* (that ran the rebuke of 60 Minutes) and the Media Research Center to expose any degree of bias by GQ and raise alarms about the reporting techniques prior to the story's publication.
- 6) Conduct further due diligence on reporter.

This approach will achieve three goals:

- 1) Help us ascertain, to the degree possible, the reporter's real intent on the story.
- 2) Help ensure that GQ editors and Conde Nast leadership (including its lawyers) are fully aware of the extent of fraud and lawyer misconduct that has been uncovered, helping to raise doubt about pursuing a one-sided, pro-plaintiffs' story that omits key developments.
- 3) Ensure that Chevron's position is effectively communicated to the highest levels inside GQ and Conde Nast.