

JULIA A. OLSON (OR Bar 062230)  
[JuliaAOlson@gmail.com](mailto:JuliaAOlson@gmail.com)  
WILD EARTH ADVOCATES  
1216 Lincoln Street  
Eugene, OR 97401  
Tel: (415) 786-4825

DANIEL M. GALPERN (OR Bar 061950)  
[dan.galpern@gmail.com](mailto:dan.galpern@gmail.com)  
LAW OFFICES OF DANIEL M. GALPERN  
1641 Oak Street  
Eugene, OR 97401  
Tel: (541) 968-7164

*Attorneys for Plaintiffs*

JOSEPH W. COTCHETT  
[jcotchett@cpmlegal.com](mailto:jcotchett@cpmlegal.com)  
PHILIP L. GREGORY (*pro hac vice*)  
[pgregory@cpmlegal.com](mailto:pgregory@cpmlegal.com)  
PAUL N. MCCLOSKEY  
[pmccloskey@cpmlegal.com](mailto:pmccloskey@cpmlegal.com)  
COTCHETT, PITRE & McCARTHY, LLP  
San Francisco Airport Office Center  
840 Malcolm Road  
Burlingame, CA 94010  
Tel: (650) 697-6000  
Fax: (650) 697-0577

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

**KELSEY CASCADIA ROSE JULIANA;**  
**XIUHTEZCATL TONATIUH M.,** through  
his Guardian Tamara Roske-Martinez; et al.

Plaintiffs,

v.

**The UNITED STATES OF AMERICA;**  
**BARACK OBAMA,** in his official capacity as  
President of the United States; et al.,

Federal Defendants.

Case No.: 6:15-cv-01517-TC

**PLAINTIFFS' NOTICE OF  
DEPOSITION OF  
REX TILLERSON**

**PLAINTIFFS' NOTICE OF DEPOSITION OF REX TILLERSON**

**TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:**

PLEASE TAKE NOTICE that, pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure, Plaintiffs Kelsey Juliana, et al., will take the deposition of Rex Tillerson on **January 19, 2017 at 10:00 a.m.** at the Law Offices of Sidley Austin LLP, 2021 McKinney Avenue, Suite 2000, Dallas, TX 75201. If the deposition is not completed on January 19, 2017, it will be continued from day to day, excluding Sundays and holidays, until completed.

PLEASE TAKE FURTHER NOTICE that the deposition will be taken before a notary public or other person authorized to administer oaths under applicable law, and will be conducted pursuant to Federal Rule of Civil Procedure 30. Pursuant to Rule 30(b)(3) of the Federal Rules of Civil Procedure, Plaintiffs reserve the right to record the deposition testimony by videotape and instant visual display. Plaintiffs reserve the right to use the videotape deposition at the time of trial.

YOU ARE FURTHER NOTIFIED THAT the deponent is a representative and a board member of one or more parties to this action. So far as is known to Plaintiffs, the deponent's address is as follows:

Rex Tillerson  
ExxonMobil  
5959 Las Colinas Boulevard  
Irving, Texas 75039

The deponent is directed to produce and permit inspection and copying of the documents and/ or objects specified in Attachment A to this notice at the time of deposition.

A list of all parties or attorneys for parties on whom this Notice of Deposition is being served is shown on the accompanying Proof of Service.

Dated: December 28, 2016

*s/ Philip L. Gregory*  
\_\_\_\_\_  
PHILIP L. GREGORY (*pro hac vice*)  
**COTCHETT, PITRE & McCARTHY, LLP**  
*Attorneys for Plaintiffs*

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## ATTACHMENT A

### **I. DEFINITIONS**

A. As used herein, the term “DOCUMENT” means any kind of written, graphic or recorded matter, however produced or reproduced, of any kind or description, whether sent, received or neither, including drafts, originals, non-identical copies and information stored magnetically, electronically, photographically or otherwise, and including but not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, transcripts, minutes, orders, reports, recordings or other documentation of telephone or other conversations, interviews, committee meetings, departmental meetings, company meetings or other meetings, affidavits, slides, statements, summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, all other records kept by YOU, and thing similar to any of the foregoing, regardless of the title, author or origin.

B. As used herein, the phrase “REFERS, RELATES, REGARDS, OR PERTAINS TO” means containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly in whole or in part.

C. As used herein, the term “AMERICAN PETROLEUM INSTITUTE” shall refer to defendant American Petroleum Institute, and to all of its employees, agents, officers, directors, representatives, consultants, affiliates, members, accountants, and attorneys, including any PERSON who has served in any such capacity at any time.

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D. As used herein, the term “NATIONAL ASSOCIATION OF MANUFACTURERS” shall refer to defendant National Association of Manufacturers, and to all of its employees, agents, officers, directors, representatives, consultants, affiliates, members, accountants, and attorneys, including any PERSON who has served in any such capacity at any time.

E. As used herein, the term “AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS” shall refer to defendant American Fuel & Petrochemical Manufacturers, and to all of its employees, agents, officers, directors, representatives, consultants, affiliates, members, accountants, and attorneys, including any PERSON who has served in any such capacity at any time.

F. As used herein, the term “EXXONMOBIL” shall refer to EXXONMOBIL, and to all of its employees, agents, officers, directors, representatives, consultants, affiliates, members, accountants, and attorneys, including any PERSON who has served in any such capacity at any time.

G. As used herein, the term “INTERVENOR DEFENDANTS” shall refer to defendants AMERICAN PETROLEUM INSTITUTE, NATIONAL ASSOCIATION OF MANUFACTURERS, AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS, and their members.

H. As used herein, the term “COMMUNICATION(S)” means every manner or method of disclosure, exchange of information, statement or discussion between or among two or more PERSONS, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, transcribed voice-mail messages, text messages, meetings, discussions, releases, statements, reports, publications or any recordings or reproductions.

I. As used herein, the words “YOU” and “YOUR” shall mean or refer to REX TILLERSON and all of his present or former agents, attorneys, consultants, employees, representatives, and/or anyone acting or purporting to act on his behalf.

**PLAINTIFFS’ NOTICE OF DEPOSITION OF REX TILLERSON**

J. As used herein, the term “PERSON” means all individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts and estates.

K. As used herein, the term “AGENCY” shall mean any federal, state, regional or local governmental agency. The term shall include directors, employees, consultants and/or representatives of said AGENCY.

x. As used herein, the term “CLIMATE CHANGE” shall mean any change in the state of the climate lasting for an extended period of time. In other words, the term “CLIMATE CHANGE” includes changes in surface and ocean temperature, precipitation, or wind patterns, among other effects, that occur over several decades or longer, attributed directly or indirectly to human activity. The term “CLIMATE CHANGE” shall include ocean acidification, sea level rise, and other impacts resulting from the increased concentration of greenhouse gases and carbon dioxide in the atmosphere and oceans. “CLIMATE CHANGE” also has been called climatic changes, global warming, global change, global heating, atmospheric pollution by carbon dioxide or other greenhouse gases, and dilution of carbon 14 by fossil carbon.

## **II. INSTRUCTIONS**

A. Please produce and permit the inspection and copying of the DOCUMENTS described below which are in YOUR possession, custody, or control, or in the possession, custody, or control of YOUR attorneys, consultants, agents, or representatives.

B. In producing the DOCUMENTS demanded, YOU shall segregate those documents by each request set forth herein.

C. For any claim that a DOCUMENT YOU are required to produce in response to any of these demands is privileged YOU will:

1. Identify its title and general subject matter;
2. State its date;

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3. Identify its author(s);
4. Identify the PERSONS for whom it was prepared or to whom it was sent;
5. State the nature of the privilege claimed; and
6. State in detail each and every fact upon which YOU base your claim of privilege.

D. The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

E. The singular form shall include the plural form and vice versa.

F. The present tense shall include the past tense and vice versa.

G. If any DOCUMENT cannot be produced in full, produce it to the extent possible, indicating what information is being withheld and the reason such information is being withheld.

H. If a DOCUMENT once existed, but has been lost, destroyed, no longer exists, or is no longer in YOUR possession or control, identify each such DOCUMENT and separately state the details concerning the loss or destruction of the DOCUMENT, or the name and address of the current or last known custodian of any such document, if known to you.

### **III. DOCUMENT REQUESTS**

A. Each DOCUMENT that identifies YOUR position within the organizational structure of AMERICAN PETROLEUM INSTITUTE.

B. Each DOCUMENT that identifies YOUR position within the organizational structure of NATIONAL ASSOCIATION OF MANUFACTURERS.

C. Each DOCUMENT that identifies YOUR position within the organizational structure of EXXONMOBIL.

D. Each DOCUMENT that REFERS, RELATES, REGARDS, OR PERTAINS TO COMMUNICATIONS with any PERSON (other than COMMUNICATIONS

### **PLAINTIFFS' NOTICE OF DEPOSITION OF REX TILLERSON**

- with INTERVENOR DEFENDANTS' attorneys and their representatives) regarding this litigation, including financial arrangements related to this litigation.
- E. Each DOCUMENT that REFERS, RELATES, REGARDS, OR PERTAINS TO participation by YOU on internal committees of the AMERICAN PETROLEUM INSTITUTE pertaining to CLIMATE CHANGE, including, but not limited to, any recommendations concerning any policy and initiative of the AMERICAN PETROLEUM INSTITUTE.
- F. Each DOCUMENT that REFERS, RELATES, REGARDS, OR PERTAINS TO participation by YOU on internal committees of the NATIONAL ASSOCIATION OF MANUFACTURERS pertaining to CLIMATE CHANGE, including, but not limited to, any recommendations concerning any policy and initiative of the NATIONAL ASSOCIATION OF MANUFACTURERS.
- G. Each DOCUMENT that REFERS, RELATES, REGARDS, OR PERTAINS TO participation by YOU in the Global Climate Coalition's efforts pertaining to CLIMATE CHANGE from 1992-2001.
- H. Each DOCUMENT that REFERS, RELATES, REGARDS, OR PERTAINS TO the participation by Randy Randol on the Global Climate Science Communications Team ("GCSCCT"), including, but not limited to, COMMUNICATIONS with the GCSCCT and the development of the Global Climate Science Communications Plan.
- I. Each DOCUMENT that REFERS, RELATES, REGARDS, OR PERTAINS TO YOUR COMMUNICATIONS with any representative of EXXONMOBIL concerning CLIMATE CHANGE, including, but not limited to, observations or predictions of CLIMATE CHANGE and effects on permafrost, extreme or unusual weather conditions, sea ice conditions and the impact of those changes on oil drilling operations in Alaska North Slope, Gulf of Mexico, Canada, Greenland, Norway, and Russia.

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- J. Each DOCUMENT that REFERS, RELATES, REGARDS, OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to the Kyoto Protocol.
- K. Each DOCUMENT that REFERS, RELATES, REGARDS, OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to the UN Framework Convention on Climate Change.
- L. Each DOCUMENT that REFERS, RELATES, REGARDS, OR PERTAINS TO YOUR COMMUNICATIONS with any representative of EXXONMOBIL and any representative of the AMERICAN PETROLEUM INSTITUTE regarding CLIMATE CHANGE.
- M. Each DOCUMENT that REFERS, RELATES, REGARDS, OR PERTAINS TO YOUR COMMUNICATIONS with any representative of EXXONMOBIL and any representative of the NATIONAL ASSOCIATION OF MANUFACTURERS regarding CLIMATE CHANGE.
- N. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the Competitive Enterprise Institute pertaining to the 2003 Competitive Enterprise Institute lawsuit against the Bush Administration White House Office of Science and Technology Policy and the National Science and Technology Council to stop the release of the National Assessment of Climate Variability and Change (National Assessment) and EPA's 2002 Climate Action Plan.
- O. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to actual or potential appointees of the Bush Administration who would be, as part of their duties, be working on CLIMATE CHANGE.

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- P. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of administration of former President George W. Bush pertaining to the removal of officials who had been working in the administration of former President William J. Clinton who, as part of their duties, were working on CLIMATE CHANGE.
- Q. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to the United Nations Intergovernmental Panel on Climate Change.
- R. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to the Bush Administration's Climate Science Research Program.
- S. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to the Bush Administration's U.S Climate Change Research Initiative.
- T. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to the Bush Administration's Climate Change Science Program.
- U. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to the Bush Administration's Climate Change Technology Program.
- V. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former

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President George W. Bush pertaining to the Bush Administration's Committee on Climate Change Science and Technology Integration.

- W. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to the Bush Administration's Interagency Working Group on Climate Change Science and Technology.
- X. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to the UN Framework Convention on Climate Change.
- Y. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to the Kyoto Protocol.
- Z. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of the administration of former President George W. Bush pertaining to the Intergovernmental Panel on Climate Change.
- AA. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS with any representative of EXXONMOBIL regarding CLIMATE CHANGE, including, but not limited to, any COMMUNICATIONS to and from the following current and former representatives of EXXONMOBIL:
- 1) Lee Raymond, CEO;
  - 2) Frank Sprow, Vice President, Safety, Health & Environment;
  - 3) Kenneth Cohen, VP, Public and Government Affairs;
  - 4) Arthur G. (Randy) Randol III, Ph.D, Public Affairs Manager;
  - 5) Walt Buchholtz, Public and Government Affairs Manager;
  - 6) Brian P. Flannery, Science, Strategy and Programs Manager in Environmental

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Policy and Planning;

- 7) David P. Bailey, Manager, Climate Policy;
- 8) Mark D. Boudreaux, Senior Director, Federal Relations;
- 9) Sherri Stuewer, VP Safety, Health & Environment;
- 10) Jaime Spelling, VP Corporate Planning;
- 11) David Kingston, VP Downstream Business Development and Portfolio Management;
- 12) Elizabeth Beauvais, Advisor, Corporate Citizenship;
- 13) Victoria Ceja, EXXONMOBIL Public Affairs, Corporate Citizenship and Community Investment Policy;
- 14) Lynn A. Gelner; and
- 15) Lauren Kerr.

BB. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO the 2006-2007 program on climate change and public affairs administered by Public Affairs Director Kenneth Cohen, including plans, communications, and notes from the Airlie House meeting, which took place on December 4-6, 2006, called "Opinion Leader Dialogue."

CC. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding a carbon tax and/or fee, or other carbon pricing mechanisms.

DD. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding government policy on CLIMATE CHANGE, including internal analyses, lobbying reports and records, and plans.

EE. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the Waxman Markey 2009 American Clean Energy and Security Act of 2009, including, but not limited to, reports from lobbyists working with EXXONMOBIL.

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- FF. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the Waxman Markey 2009 American Clean Energy and Security Act of 2009, including, but not limited to, reports from representatives of AMERICAN PETROLEUM INSTITUTE.
- GG. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the Waxman Markey 2009 American Clean Energy and Security Act of 2009, including, but not limited to, reports from representatives of NATIONAL ASSOCIATION OF MANUFACTURERS.
- HH. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the McCain-Lieberman 2003 Climate Stewardship Act, including, but not limited to, reports from lobbyists working with EXXONMOBIL.
- II. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the McCain-Lieberman 2003 Climate Stewardship Act, including, but not limited to, reports from representatives of AMERICAN PETROLEUM INSTITUTE.
- JJ. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the McCain-Lieberman 2003 Climate Stewardship Act, including, but not limited to, reports from representatives of NATIONAL ASSOCIATION OF MANUFACTURERS.
- KK. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the 2005 Climate Stewardship and Innovation Act, including, but not limited to, reports from lobbyists working with EXXONMOBIL.
- LL. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the 2005 Climate Stewardship and Innovation Act, including, but not limited to, reports from representatives of AMERICAN
- PLAINTIFFS' NOTICE OF DEPOSITION OF REX TILLERSON**

PETROLEUM INSTITUTE.

MM. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the 2005 Climate Stewardship and Innovation Act, and the, including, but not limited to, reports from representatives of NATIONAL ASSOCIATION OF MANUFACTURERS.

NN. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the 2007 Climate Stewardship and Innovation Act, including, but not limited to, reports from lobbyists working with EXXONMOBIL.

OO. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the 2007 Climate Stewardship and Innovation Act, including, but not limited to, reports from representatives of AMERICAN PETROLEUM INSTITUTE.

PP. Each DOCUMENT that REFERS, RELATES OR PERTAINS TO YOUR COMMUNICATIONS regarding the 2007 Climate Stewardship and Innovation Act, including, but not limited to, reports from representatives of NATIONAL ASSOCIATION OF MANUFACTURERS.

## **PROOF OF SERVICE**

I am employed in San Mateo County where service of the document(s) referred to below occurred. I am over the age of 18 and not a party to the within action. My business address is Cotchett, Pitre & McCarthy, LLP, San Francisco Airport Center, 840 Malcolm Road, Suite 200, Burlingame CA 94010. I am readily familiar with the firm's practices for the service of documents. On this date, I served or caused to be served a true copy of the following:

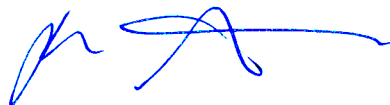
### **PLAINTIFFS' NOTICE OF DEPOSITION OF REX TILLERSON**

**XXX BY E-MAIL:** My e-mail address is palmasi@cpmlegal.com and service of this document(s) occurred on the date shown below. This document is being served electronically and the transmission was reported as complete and without error.

**XXX BY MAIL:** I placed a true copy of the aforementioned document(s) in a sealed envelope with postage fully paid. I am familiar with this firm's practice of collection and processing of mail for delivery by the United States Postal Service on the next day in the ordinary course of business.

### **[SEE ATTACHED SERVICE LIST]**

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Burlingame, California, on December 28, 2016.



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POUNEH ALMASI

**SERVICE LIST**

<p>Sean C. Duffy <a href="mailto:sean.c.duffy@usdoj.gov">sean.c.duffy@usdoj.gov</a> Peter Dykema <a href="mailto:Peter.Dykema@usdoj.gov">Peter.Dykema@usdoj.gov</a> Sarah Himmelhoch <a href="mailto:Sarah.Himmelhoch@usdoj.gov">Sarah.Himmelhoch@usdoj.gov</a> Guillermo Montero <a href="mailto:Guillermo.Montero@usdoj.gov">Guillermo.Montero@usdoj.gov</a> <b>U.S. Department of Justice</b> Environment &amp; Natural Resources Division Natural Resources Section 601 D Street NW Washington, DC 20004</p>	<p>Julia Olson <a href="mailto:julia@ourchildrenstrust.org">julia@ourchildrenstrust.org</a> <b>Wild Earth Advocates</b> 1216 Lincoln St. Eugene, OR 97401</p>
<p>Quin Sorenson <a href="mailto:qsorenson@sidley.com">qsorenson@sidley.com</a> David T. Buente <a href="mailto:dbuente@sidley.com">dbuente@sidley.com</a> <b>Sidley Austin LLP</b> 1501 K Street, NW Washington, DC 20005</p>	<p>Daniel M. Galpern <a href="mailto:dan.galpern@gmail.com">dan.galpern@gmail.com</a> <b>Law Offices of Daniel M. Galpern</b> 2495 Hilyard St., Suite A Eugene, OR 97405</p>