

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHEVRON CORPORATION,

Plaintiff,

-against-

STEVEN DONZIGER, et al.,

Defendants.  
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11 Civ. 0691 (LAK)

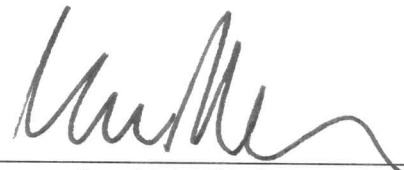
**ORDER**

LEWIS A. KAPLAN, *District Judge.*

Defendants' motions to impose "termination sanctions" and to strike the testimony of Alberto Guerra Bastides [DI 1422, DI 1640] both are denied. Both are frivolous. As our Court of Appeals repeatedly has made plain, "[i]t is the province of the [trier of fact] and not of the court to determine [as a matter of law] whether a witness who may have been inaccurate, contradictory and even untruthful in some respects was nonetheless entirely credible in the essentials of his testimony." *United States v. Truman*, 688 F.3d 129, 140 (2d Cir. 2012) (quoting *United States v. O'Connor*, 650 F.3d 850, 855 (2d Cir. 2011) (internal quotation marks omitted)). The Court will carefully consider the credibility of all witnesses before making its ultimate findings of fact. Moreover, any claims of professional or other misconduct are appropriately considered in other contexts, particularly in view of the fact that Chevron acted on the basis of substantial outside expert advice. *See, e.g.*, DI 1474, at 28-30 (citing expert opinions).

SO ORDERED.

Dated: October 31, 2013



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Lewis A. Kaplan  
United States District Judge