

No. 10-1536

IN THE
Supreme Court of the United States

LARRY BOWOTO, ET AL,

Petitioners,

v.

CHEVRON CORPORATION; CHEVRON INVESTMENTS
INC.; CHEVRON U.S.A. INC.,

Respondents.

**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit**

SUPPLEMENTAL BRIEF FOR RESPONDENTS

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CORPORATE DISCLOSURE STATEMENT

Respondent Chevron Corporation has no parent company and no publicly held company owns 10% or more of its stock. Respondent Chevron Investments Inc. is a wholly-owned subsidiary of Chevron Corporation. Respondent Chevron U.S.A. Inc. is an indirectly wholly-owned subsidiary of Chevron Corporation.

Three circuits have now analyzed whether corporations may be sued under the Torture Victim Protection Act (TVPA)—and all have agreed that the statute’s plain language dictates that corporations are not liable. On September 19, 2011, the Fourth Circuit joined the Ninth and D.C. Circuits in holding that the TVPA does not extend liability to corporations or other artificial entities. *Aziz v. Alcolac, Inc.*, ___ F.3d ___, 2011 WL 4349356 (4th Cir. Sep. 19, 2011). The Fourth Circuit concluded “that the TVPA admits of no ambiguity and Congress’s intent to exclude corporations from liability under the TVPA is readily ascertainable from a plain-text reading.” 2011 WL 4349356 at *3.

In reaching this conclusion, the Fourth Circuit followed the reasoning of the decision below and of the D.C. Circuit in *Mohamad v. Rajoub*, 634 F.3d 604 (D.C. Cir. 2011), *petition for cert. filed*, No. 11-88 (July 15, 2011). It found that the ordinary meaning of “individual” is a natural person, not a corporation, and that this meaning is reflected in the Dictionary Act, which distinguishes between “individuals” and “corporations.” 2011 WL 4349356 at *4 (citing 1 U.S.C. § 1). The court observed that giving “individual” in the TVPA this ordinary meaning is “particularly appropriate” because the TVPA uses “individual” to describe both the perpetrator and victim of the alleged torture—and corporations cannot be victims of torture. *Id.* The court concluded that it would be “schizophrenic” to “interpret “individual” to mean a natural person when referring to the victim, but to mean either a natural person or a corporation when referring to the torturer.” *Id.* (quoting *Bowoto v. Chevron Corp.*, 621 F.3d 1116, 1127 (9th Cir. 2010)). Finally, the court observed

that the TVPA uses the broader term “person” (which includes corporations) only when referring to wrongful death “claimants” under the TVPA. Noting that wrongful death claimants may include corporate or other artificial entities, the Fourth Circuit concluded that this use of “person” in the TVPA “further supports the significance of the Congress having used “individual” rather than “person” to identify who may be sued under the TVPA.” *Id.* (quoting *Mohamad*, 634 F.3d at 608).

Given the consensus among every circuit to have analyzed the issue, and the absence of any reasoned decision on the issue in the Eleventh Circuit cases on which petitioners rely, no relevant split of authority exists that justifies this Court’s intervention.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

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