

DECLARATION OF DURAND R. BEGAULT, PH.D.

I, Dr. Durand R. Begault, declare as follows:

1. I am the director of Audio Forensic Center at Charles M. Salter Associates, Inc. (CSA). I also hold a research position at NASA Ames Research Center and I am an adjunct faculty member at McGill University.

2. My areas of expertise include: audio and video tape authentication and analysis. I specialize in the enhancement of speech from noisy audio-video tape recordings, acoustical testing and measurement, videotape image enhancement, and analysis of digital recordings.

3. I obtained a B.A. cum laude in Music & Heuristic Models from the University of California, Santa Cruz in 1979. I obtained an M.F.A. in Electronic Music & Recording Media from Mills College, in Oakland California in 1981. I obtained a Ph.D. in Computer Audio from the University of California, San Diego in 1987. I receive continuing education in forensics, including the fields of voice identification and video. I also belong to several professional societies, including the Acoustical Society of America, the Audio Engineering Society (nominated as Fellow of the Society, 2002), the Human Factors and Ergonomics Society, the Institute of Noise Control Engineering, the American College of Forensic Examiners, the Law Enforcement Video Association and the International Association for Identification.

4. On Thursday, June 18, 2009, I was introduced to Diego Borja at the offices of Jones Day at 555 California Street in San Francisco by attorneys for Chevron Corporation. Mr. Borja handed me a CD containing an Apple disk image file titled "Nicolas8.dmg." Mr. Borja told me that the CD contained video files that he had made with another individual, using a pen and a watch with hidden recording devices. He said they had secretly recorded some meetings. Mr. Borja told me that he transferred the recordings from the original devices on which they were

made (the watch and the pen) to his personal computer, and that he made the CD from his computer files.

5. The CD that Mr. Borja gave me contained ten (10) files entitled "AK000011.AVI," "AK000012.AVI," "AK000013.AVI," "AK000017.AVI," "1980-01-01 00-10-06.avi," "1980-01-01 00-14-26.avi," "2098-05-18 14-25-56.avi," "2098-05-18 14-35-10.avi," "2098-06-08 15-57-12.avi" and "2098-06-08 15-59-36.avi."

6. On Friday, June 26, 2009, I again met with Mr. Borja at the Jones Day office in San Francisco. Mr. Borja handed me a thumb drive containing another file he said he had recorded. The thumb drive Mr. Borja provided contained a file entitled "AK000019.AVI." Mr. Borja told me that he had made the recording contained in "AK000019.AVI" using the watch device and that he had downloaded it from the watch in a manner similar to the files he had given me on June 18. I copied "AK000019.AVI" onto my laptop computer and returned the thumbdrive.


7. Since I received the files from Mr. Borja on June 18 and on June 26 as described above, I have not edited or manipulated the original files. Additionally, I have taken certain security measures to insure that the files were not touched by anyone. I kept the files in a locked fireproof document vault which is located in a restricted access laboratory space. Although my analysis of the recordings is ongoing, to date I have found no evidence that the files have been edited. The recordings are consistent with the manner in which Mr. Borja said that he made them. My opinion is subject to change as additional facts become known to me.

8. On Tuesday, August 25, 2009, I again saw Mr. Borja briefly at Jones Day in San Francisco. Mr. Borja and the attorneys for Chevron present provided me with a watch. Mr. Borja told me this was the watch he used to create some of the recordings.

9. I examined the watch with non-invasive computer software (EnCase Forensic

system) and found that the watch contains a partial image of "AK000019.AVI," the file Mr. Borja had given me on June 26. There were no other audio-video media files remaining on the watch.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 12, 2009 at San Francisco, California.



Durand R. Begault, PhD

State of California



SECRETARY OF STATE

Requested for use in Ecuador.

Not for use within the United States of America.

The purpose of the Apostille is to certify the authenticity of the signature of the official signing the document, the capacity in which the official signing the document has acted, and, where appropriate, the identity of the seal or stamp.

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. *Country: United States of America
This public document*
2. *has been signed by Jasmine Recidoro*
3. *acting in the capacity of Notary Public, State of California*
4. *bears the seal/stamp of Jasmine Recidoro, Notary Public,
State of California*

CERTIFIED

5. *At Sacramento, California*
6. *the 12th day of November 2009*
7. *by Deputy Secretary of State, State of California*
8. *No. 749638*
9. *Seal/Stamp:*



10. *Signature*

Jana Bowen
Secretary of State

BY *B. B.*

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Francisco

On 12 November 2009 before me, Jasmine Recidoro, Notary Public

personally appeared Durand R. Begault, Ph.D.



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jasmine Recidoro
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Declaration of Durand R. Begault, Ph.D.

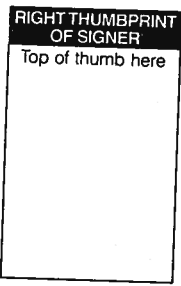
Document Date: 12 November 2009 Number of Pages: 3

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Durand R. Begault, Ph.D.

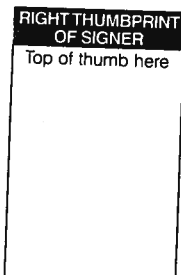
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: Director



Signer Is Representing: Audio Forensic Center a subsidiary of Charles M. Satter Associates, Inc.

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____