

GIBSON, DUNN & CRUTCHER LLP

LAWYERS

A REGISTERED LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

2029 Century Park East Los Angeles, California 90067-3026

(310) 552-8500

www.gibsondunn.com

SEdelman@gibsondunn.com

May 8, 2009

Direct Dial

(310) 557-8061

Fax No.

(310) 557-7061

Client No.

[22695-00040]

VIA E-MAIL AND U.S. MAIL

Mr. Fredrik Gertten

Ms. Margarete Jangård

Mr. Bart Simpson

WG Film AB

Västergatan 23

SE-211 21 Malmö, Sweden

E-mail: film@wgfilm.com

Independent Television Service (ITVS)

651 Brannan Street

Suite 410

San Francisco, CA 94107

Email: itvs@itvs.org

To Whom it May Concern:

We represent Dole Food Company, Inc., and certain of its current and former officers and employees, including Mr. David H. Murdock, Mr. Michael Carter, and Mr. David De Lorenzo. This letter is a formal demand that you immediately cease and desist making false and defamatory statements of purported fact regarding our clients, and that you immediately publish prominent retractions of the same. Failure to do so will subject you to legal action.

It has come to our attention that a documentary film entitled "Bananas!*" is scheduled to premiere at Film Independent's Los Angeles Film Festival on June 18-28, 2009. Based upon our review of the film's treatment, trailer, and associated promotional materials, including video interviews with Mr. Gertten, available at <http://www.bananasthemovie.com/>, it is clear that this film contains numerous false and defamatory statements of purported fact concerning Dole and its current and former officers and employees in connection with lawsuits brought against Dole and other defendants by plaintiffs' attorney "Juan 'Accidentes' Dominguez."

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As has been widely reported in the press, the Los Angeles Superior Court judge who has overseen all these cases ruled last month that these lawsuits, upon which the film “Bananas!*” is based, represent the very worst sort of abuse of the judicial process. As the Court found, “Plaintiffs’ and plaintiffs’ attorneys’ misconduct in this record is so outrageous and pervasive and profound that it far exceeds anything described . . . in any of the reported cases. Here, there is [a] massive amount[] of evidence demonstrating the recruiting and training of fraudulent plaintiffs to bring cases in both the Nicaraguan and U.S. courts.”¹

After considering “massive amounts of evidence,” the Court repeatedly and specifically singled out the “star” of the film “Bananas!*,” Juan J. Dominguez, as one of the principal perpetrators of a fraudulent conspiracy that the Court characterized as not only a “fraud on this court, but [] blatant extortion of the defendants.” The Court further found that this conspiracy, which included “subornation of perjury both in this country and in Nicaragua,” “intimidation of witnesses and interference with another party’s investigation,” and the individual plaintiffs’ personal “active[] participat[ion] in a conspiracy to defraud this court, to extort money from the defendants, and to defraud the defendants,” infected the *Tellez* trial, rendering that trial a fraud on the court as well: “[T]he fraud that I have seen here has also contaminated each and every one of the plaintiffs in the *Tellez* matter.” Based upon this egregious misconduct, the Court ordered the cases terminated, and indicated it would be making referrals to state bars and prosecutorial authorities.

As reflected in the Court’s detailed findings, the mountain of credible evidence proved—even beyond a reasonable doubt—that Mr. Dominguez and his Nicaraguan associates actively recruited Nicaraguan plaintiffs for DBCP cases whom they knew had never worked on a banana farm, and whom they knew were not sterile. Mr. Dominguez and his associates would then coach these false claimants on how to lie to American judges and juries and seem credible, provide them with training manuals and instructional videos to teach them details about life on Nicaraguan banana plantations, and manufacture counterfeit evidence, including employment records and laboratory reports, to support their false allegations. What’s more, to conceal their wrongdoing, the individuals who stood to profit from this fraud went so far as to threaten the lives and physical safety of witnesses who were willing to come forward with evidence of the truth. The misconduct engaged in by Mr. Dominguez, his associates, and his clients was, in the words of the Court, “outrageous and pervasive and profound.” Regarding the *Tellez* trial that that is the subject of this film, the Court found that “Millions of dollars were expended in that case, and hundreds of hours of court time and attorney time were spent in prosecuting a case that was built on somebody’s imagination, a case that was put together by smoke and mirrors. I apologize to all the jurors that had to sit through that case and make a decision based on nothing

¹ A copy of the Court’s oral ruling and examples of a few of the press reports are enclosed.

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but the imagination of somebody, dreamed up in a back room of some law office down in Chinandega[, Nicaragua]. How sad.”

In fact, Mr. Dominguez’s former co-counsel, and his co-star in the film “Bananas!*,” attorney Duane Miller, is attempting to have his law firm removed as counsel in all of these Nicaraguan DBCP cases, including the *Tellez* matter which is now on appeal, in light of the evidence of egregious and pervasive fraud infesting these lawsuits.

Given these facts, publication and further promotion of this self-described “court-room thriller-documentary,” directed by Mr. Gertten and produced by WG Film AB and co-produced by ITVS, is indefensible. Furthermore, even aside from the fraudulent nature of the *Tellez* trial, the promotional materials contain a number of basic factual falsehoods, asserting that Dole’s application of the pesticide DBCP 30 years ago, which *Tellez* alleged had caused male sterility, is responsible for countless *deaths*, and posing the question: “Can [Dominguez] beat the giant, or will the corporation get away with it as they always do?” (<http://www.bananasthemovie.com/>; see also <http://www.itvs.org/shows/atagance.php?showID=7834>.) These materials also prominently and falsely suggest that Dole applied DBCP by use of airplanes.

Please consider yourself and all interested parties on notice of the numerous false and defamatory statements of fact of and concerning Dole Food Company, Inc. and certain of its current and former employees—including, but not limited to, Mr. Murdock, Mr. Carter and Mr. De Lorenzo—that we are informed and believe will be published in the documentary film “Bananas!*,” and that have been, or will be, published, in the film’s promotional materials, including, but not limited to, any and all statements published on the website: <http://www.bananasthemovie.com/>. Given the Court’s ruling referred to above and in the accompanying materials, publication or further distribution of the aforementioned falsehoods would represent a textbook example of defamatory publication made with actual notice of their falsehood and actual malice.

Accordingly, we demand that you immediately cease and desist making any false, defamatory statements about Dole Food Company, Inc. and any of its former or current officers or employees in connection with the film “Bananas!*” and the matters discussed herein. We also demand that you immediately remove any false statements of fact currently published on the promotional website for the film “Bananas!*” and in any other promotional material, and immediately publish, in a conspicuous manner on the film’s promotional website, an unequivocal retraction of those statements. Please confirm to us in writing within five (5) business days that you have done so.

Should you move forward with plans to publicly display and distribute the documentary film “Bananas!*,” despite its obviously false and defamatory content, you will be held responsible for any and all compensatory, special, exemplary or punitive, and other damages available under applicable law. Our clients reserve the right to take any action they deem necessary to enforce their rights, and will do so without further notice to you. This letter does not purport to be

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a full statement of the facts or the law, or of our clients' position in this matter, and is written without limitation of or prejudice to any of our clients' rights or remedies, all of which are hereby expressly reserved.

Very truly yours,



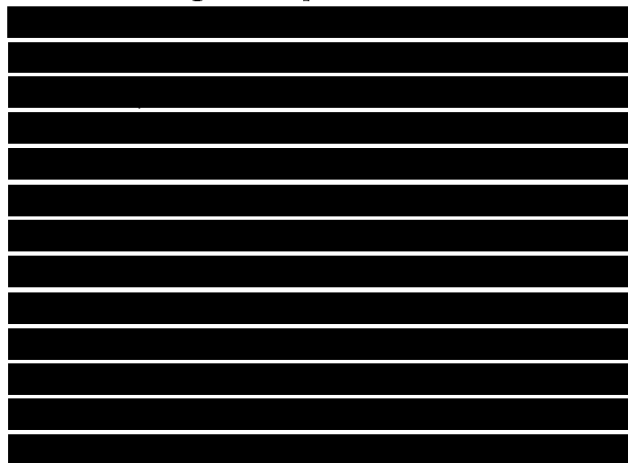
Scott A. Edelman

cc:

Daniel Boone, Esq.

Duane Miller, Esq.

Juan J. Dominguez, Esq.



(All the sponsors of the Los Angeles Film Festival)

Attachment(s)