



Transcript of EarthRights International call with Western Wire

Michael Sandoval, FTI Consulting/Western Wire: Hello?

Marco Simons, EarthRights International: Hi, Michael?

Sandoval: Yeah, this is Michael.

Simons: Hi, it's Marco Simons at EarthRights International. How are you?

Sandoval: I'm, I'm well. How was the commute?

Simons: Ah, it was uh, it was all right once I got, once I got out of my driveway. Ah, I take the, the metro in so it's, it's fairly easy once I get to the train. But, anyhow.

Sandoval: So, um, thank you for taking some time, um, I am doing a story on this, so I'm, I am, just to let you know, I am recording the call, if that's an issue, um -

Simons: Sure.

Sandoval: Just wanted to let you know, wanted to let you know that up front. Um, I sent you a couple questions, I have a couple other questions, um, but it's sort of up to you, you know, how you want to proceed, but, uh, happy to walk through those, and again, thank you for taking the time this morning.

Simons: No problem. Um, before we get started, I, I wonder, was wondering if I could get a little more information about Western Wire?

Sandoval: Sure.

Simons: So, my understanding is that Western Wire is a project of the Western Energy Association, um -

Sandoval: Yeah, Western Energy Alliance, yeah.

Simons: The Western Energy Alliance, right. Um, and it's staffed by, primarily by staff of FTI Consulting, um -

Sandoval: Yeah.

Simons: Although one of the, one of the staff members is, is from WEA itself. Um, and, so, presumably that's, that's FTI Consulting on a contract to, under a contract to Western Energy Alliance, is that right?



Sandoval: Yes.

Simons: And correct me if I'm wrong, but Western Energy Alliance includes Exxon as one of its members, is, is that, is that right?

Sandoval: I don't know.

Simons: You don't –

Sandoval: I'm not privy to the membership of, of the Western Energy Alliance.

Simons: Okay. Well, it does include an executive from Exxon on its board, right?

Sandoval: Yeah.

Simons: So, I'm just assuming that Exxon's one of its members. I guess I'm just concerned from a conflicts perspective that if you're being funded by an organization that you don't know their members, how do you, I guess, ensure, you know, lack of conflicts from a journalistic integrity point of view?

Sandoval: My colleague Matt Dempsey's here, as well, and can answer some questions.

Simons: Sure.

Matt Dempsey, FTI Consulting/Western Wire: I just walked in the door. It sounds like you're asking some questions about the membership of the Alliance. Is this being done in – are you asking questions as a lawyer as part of representing Boulder? Or is this for your own personal information? We're - we're ready to proceed on an interview about the case, but if this is something else, we need to know that now.

Simons: I - I'm just trying to figure out whether, uh – obviously if you're representatives of Exxon in any fashion, I can't talk to you, um, because, you know, Exxon is represented by counsel in the litigation.

Dempsey: The – the City of Boulder has asked us to talk with you as a representative of the City of Boulder. So if we need to speak with the City of Boulder we're happy to, but they've, they prefer that we talk to you.



Simons: No that – I understand that. What I’m saying is that if you’re representatives of Exxon in any fashion, I can’t talk to you about the litigation as an ethical matter because Exxon is represented by counsel, and I can only talk to their counsel.

Dempsey: Okay, so do you want to email to the City of Boulder representative and say that the best person to discuss Boulder’s role in this case is for them to respond directly?

Simons: I mean – how, how you proceed is, is up to you. All I’m saying is that if you’re representatives of Exxon in any way, you know, rather than an independent news organization, I can’t talk to you about this litigation.

Dempsey: Do you speak to Inside Climate News?

Simons: I can’t talk to you about this litigation at all if you are representatives of Exxon in any fashion.

Dempsey: Are you, are you - have you spoken with Inside Climate News or any other organization funded by the Rockefeller Brothers Fund?

Simons: I’m going to give you same answer, which is that I can’t speak with you about this litigation at all if you are representatives of Exxon in any fashion.

Dempsey: I just want to be clear that we are on the record, this is, this is being recorded, and this will be in the story.

Simons: So -

Dempsey: You refuse to comment about whether - you say you have a conflict in speaking with Western Wire, but that you do not have conflict in speaking with the – with Inside Climate News, or with Climate Liability News.

Simons: I only have a conflict in speaking with Western Wire if you are representatives of Exxon in any way. So that’s my comment.

Dempsey: Our - okay. That’s important for us to know. We will talk with the City and County of Boulder directly again. They had referred us to you. It seems like that that’s not a good fit, so we will go back and speak with them.



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Simons: I can tell you no attorney from the City is going to talk with you if you can't confirm that you are not representatives of Exxon in any way.

Dempsey: The – the City and County represent the people of Boulder, and they have an obligation to provide comment as the City and County of Boulder.

Simons: They don't have an obligation to talk to an opposing party in litigation outside the courtroom.

Dempsey: So – are you speaking on behalf of the City and County of Boulder right now?

Simons: I – all I'm telling you is that I cannot comment at all about this litigation –

Dempsey: My question is, are you speaking on behalf of the City and County of Boulder?

Simons: I cannot comment about this litigation unless you can tell me that you are not representatives in any way of Exxon.

Dempsey: Okay, I think we are done here. Thank you very much for your time.

Simons: Thank you.