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On Monday October 17, 2011, the United States Supreme Court granted certiorari in *Kiobel v Shell Petroleum, N.V.*, No 10-1491. The *Kiobel* case presents the crucial issue of whether corporations can ever be sued under the Alien Tort Statute (“ATS”) for their complicity in torture, extra-judicial killing or crimes against humanity in U.S. courts. The case has profound implications for cases seeking corporate accountability in U.S. courts.

The case was brought by 12 plaintiffs from the Ogoni region of Nigeria who alleged that Shell aided and abetted the Abacha dictatorship in Nigeria in the early 1990s leading to their arbitrary arrest, detention and torture and in the case of Barinem Kiobel his wrongful execution as one of the Ogoni Nine. The plaintiffs became targets of oppression because of their leadership in the movement protesting Shell’s despoilation of the Niger Delta and demanding that Shell and the Nigerian government halt the destruction and share the benefits of Nigeria’s oil wealth with the poverty stricken Ogoni people.

One of the plaintiffs, Charles Wiwa, reacted to the Supreme Court’s decision to hear the case: “The Supreme Court’s decision to hear our case is a welcome development. We have come a long way in search of justice and we are hopeful that the Supreme Court will reject the immunity the Court of Appeals has given corporations from responsibility for the worst kinds of human rights abuses so that we will finally receive our day in court after so many years.”

The Court of Appeals issued its ruling granting Shell immunity in October 2010. Judge Pierre Leval dissented from the majority view in a blistering 88 page opinion. Since then two other Courts of Appeals in Washington, D.C., and Chicago have rejected the majority’s reasoning and have found that corporations may be sued under the ATS.

For further information about the case and copies of the decisions and briefs and other materials please see <http://www.sdshhlaw.com/index.html> and <http://www.sdshhlaw.com/Kiobel.html>.

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