

BANANAS! \* - 16<sup>th</sup> April 2010



Presents

A film by Fredrik Gertten

# **BANANAS!\***



**RELEASE DATE: 16 April**  
**Certificate: E**

**DOGWOOF**  
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## SYNOPSIS

BANANAS!\* is a suspenseful, layer-peeling, court-room drama contextualized within the global politics of food and First vs. Third world dynamics.

Directed by Fredrik Gertten, Sweden's pre-eminent documentarian and investigative journalist, BANANAS!\* focuses on a slippery fact trail and a landmark and highly controversial legal case pitting a dozen Nicaraguan plantation workers against Dole Food Corporation and its alleged usage of a deadly banned pesticide and its probable link to generations of sterilized workers.

Central to both the film and case is Juan "Accidentes" Dominguez, a Los Angeles-based personal injury attorney who, although iconic within the Latino community for his ubiquitous billboard ads, is unquestionably facing the biggest case and challenge in his career.

As the legal representation on the first Nicaraguan sterility case to be tried in US courts, Dominguez and his colleague, Duane C. Miller, are breaking new ground. Theirs is a bellwether case: The first of thousands of cases awaiting trial in Nicaragua and the first legal case where foreign farm workers were allowed to testify against an American multinational corporation before a full jury on U.S. soil. At stake are the futures of generations of workers, their families as well as the culture of global, multinational business.

This case has been followed by experts and companies all over the world. If Dominguez is successful, it could rock the economic foundations of Dole and Dow, and would open the US courts to other global victims of US-based multinationals. It would represent a new day in international justice, and there are further cases of a similar nature coming up next in many jurisdictions.

BANANAS!\* is a court room drama covering the case of the 12 Nicaraguan banana workers who have sued Dole in what has become one of the most controversial trials. Cameras inside the court and interviews with Dominguez and the plaintiffs take the audience directly to the story.



## DIRECTOR'S STATEMENT

I am interested in the universality of a story, and since my films are financed internationally, the stories have to stretch beyond the Swedish border. I seek to make films that everyone can understand.

BANANAS!\* follows an historic, first-court case in Los Angeles Superior Court and ends with a verdict from the jury. That verdict is now under appeal. The recent hearing of April 21 and 23, 2009 happened at a moment after the film was delivered to all broadcasters (my funders) and to the festival. Because of this new development, we decided to make a change with updated title cards at the film's end reflecting Judge Victoria Chaney's rulings.

So much has been speculated about my film yet; these are coming from eyes that have not seen it. It's not surprising that Dole Food would put its best resources to use in trying to prevent my film from being seen. We follow a court

drama - an important historic case. If the workers win, it will mean a lot for other workers in the world who claim that they have been abused. Dole and other big corporations have all the best reasons to fight that. But, I think they should do that in an open debate, not by threatening a film or a film festival and a filmmaker.

Having worked as a journalist in Nicaragua in the 80s and 90s, I had heard many stories about what was happening to the workers. Everything I filmed is the truth: It's what my cameras captured and how this all played out during this trial. The most important evidence in the case is a letter between Standard Fruit Company (now DOLE) and Dow Chemicals. In this letter, Dow wants to withdraw a product that has sterilized their workers. Dole writes to Dow that this is a breach of a contract. Dow then delivers 500,000 more barrels of DPCP after the two companies negotiated an indemnity clause in the contract. This is hard evidence and was not something that was concocted.

With regard to the accusations against one of my film's lead characters, Juan Dominguez - the Los Angeles based attorney who brought the trial to Los Angeles and who is now accused of fraud in the trial - undoubtedly, these accusations against Juan Dominguez are serious and I understand that. Since then, Juan Dominguez has appealed and I look forward to following this case as it develops.

As a journalist and a filmmaker, I seek to bring the truth to the surface so that the public can know and can dialogue the events that impact them. Having BANANAS!\* now in the public arena and being able to discuss and to defend my film will be a great thing for all of us involved. No more threats. No more name calling or accusations – but actual discussion with basis.

I am proud and relieved that my film will have this chance and I look forward to the discussions that come as a result. My film has a finite ending. The dialogue resulting from it, I hope, will not.

**- Fredrik Gertten, June 2009**

## TELLEZ VS. DOLE: A TIMELINE

### **Background**

During the 1970s, the pesticide DBCP (Dibromochloropropane) was used extensively on banana plantations all over the world. DBCP, originally synthesized in 1955, had many brand names, such as *Nemagon* and *Fumazone*.

DBCP was used to protect many different crops: vegetables, nuts, fruits, beans and cotton. The target pest was *nematodes*, tiny worms living in the soil, feeding on the roots. The pesticide was either pumped directly into the ground, or sprayed into the air with irrigation guns.<sup>1</sup>

**In 1977**, employees who had handled DBCP at the Occidental Chemical plant in California were found to be sterile. Within months, the Environmental Protection Agency (EPA) had suspended most uses of the chemical.<sup>2</sup>

**In 1983**, Sacramento attorney Duane Miller won a \$4.9 million judgement against Dow on behalf of six of the Occidental plant workers. Two years later, the EPA permanently banned the use of DBCP in the United States.<sup>3</sup>

**In March 1990**, the Texas court announced they would allow cases with a foreign location as place of incident. This was not possible before due to a legal doctrine called “forum non conveniens”, which said lawsuits should be heard in the countries where the damage occurred.<sup>4</sup>

**In 1992**, this shift in regulation made it possible for 1,000 Costa Rican workers and their lawyers to win a case against Standard fruit (now Dole). The corporation agreed to pay \$20 million to the affected workers. After legal fees, each worker was left with \$1,500 to \$15,000, depending on individual circumstances.<sup>5</sup>

**In 1993**, a class-action lawsuit was filed in Texas by more than 16,000 banana plantation workers from Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua and the Philippines. The target was several fruit and chemical companies, including Dole, Chiquita, Del Monte, Dow, Shell and Occidental. The companies agreed to pay a total of \$41.5 million in 1997 to those who proved they were sterile. However, when all legal fees were paid, the affected workers received relatively small payments.<sup>6</sup>

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<sup>1</sup> [Nicaragua fights for “Death’s Dew” compensation](#) – Letta Tayler, Newsday.com, Dec 2, 2006

<sup>2</sup> [Dibromochloropropane \(DBCP\): a review](#) – National Center for Biotechnology Information (NCBI)

<sup>3</sup> [Plantation workers look for justice in the North](#) – Christian Miller, Los Angeles Times, May 7, 2007

<sup>4</sup> [Plantation workers look for justice in the North](#) – Christian Miller, Los Angeles Times, May 7, 2007

<sup>5</sup> [Pesticide Hazard in Costa Rica](#) – TED Case Studies

<sup>6</sup> [Banana Workers Win Against Dow, Shell and Standard Fruit](#) – Pesticide Action Network, Jan 6, 2003

## **Nemagon Movement**

The Nicaraguan Nemagon movement is the strongest independent popular movement in modern Nicaragua. It started up in the early nineties when former banana workers started to share strange experiences, like children with birth defects, women having miscarriage after miscarriage and the men seemed to be sterile. Itching skin, fire inside, dying from kidney failure.

Under the name ASOTRAEXDAN (Association of Workers and Former Workers with Claims against Nemagon), this movement started marching, protesting, demanding justice, health care, coffins to their dead. An in-depth story about this can be found in the Envio Magazine article [Victims of Nemagon hit the road](#) (June, 2005).

**In 1999**, ASOTRAEXDAN began to push for a law to be passed in Nicaragua that would allow Nicaraguan workers to sue foreign companies. The law, known as "law 364", was registered in January 2001. In short, law 364 was directly intended to give DBCP victims and their relatives the right to demand compensation from the companies who imported and applied the chemical in Nicaragua. The U.S. Embassy in Nicaragua instantly criticized the law. They claimed the law being unfair to the trans-national companies, and in March 2002, the Nicaraguan attorney general submitted a movement to the Nicaraguan Supreme Court to declare law 364 unconstitutional.<sup>7</sup>

**In December 2002**, Nicaragua's Supreme Court ordered Dow Chemical Co., Shell Chemical Co. and Dole Food Co. to pay \$490 million in compensation to 583 Nicaraguan banana workers. This landmark case was lead by plaintiff attorneys Thomas Girardi and Walter Lack, the same lawyers who fought the Erin Brockovich toxicity suit (which later became the blockbuster movie starring Julia Roberts).<sup>8</sup>

Neither Dow nor any of the other companies participated in the trial. Dow said they will not pay and called the judgment "unenforceable" because the case was supposed to be moved to a U.S. court. They also pointed at the previous claim of law 364 being unconstitutional. One year later, in October 2003, a judge in Los Angeles ruled that the judgment could not be enforced against the companies because they weren't properly named or legally notified in the Nicaraguan court action.<sup>9</sup>

**In April 2007**, Amvac Chemical Co., one of the companies who produced and sold DBCP in the 1970s, agreed to pay a total of \$300,000 to 13 Nicaraguan workers. In court papers, the company called the agreement a "compromise of disputed claims" and denied any wrongdoing.<sup>10</sup>

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<sup>7</sup> [Death Sentence – an honorable job](#) – Richard Leonardi, Mar 31, 2003

<sup>8</sup> [L.A. attorneys may face punishment in Dole case](#) – Alexa Hyland, L.A. Business Journal, June 16, 2008

<sup>9</sup> [Dole, Dow and Shell Win Dismissal of Suit](#) – Los Angeles Times, Oct 25, 2003

<sup>10</sup> [Pesticide company settles sterility suit for \\$300,000](#) – Christian Miller, Los Angeles Times, Apr 16, 2007  
[www.dogwoof.com](http://www.dogwoof.com)  
[www.goodwithfilm.com](http://www.goodwithfilm.com)

### **Tellez Versus Dole**

**In 2004**, Los Angeles based attorney Juan Dominguez teamed up with Duane Miller. Dominguez travelled to Nicaragua and started to register workers claiming the chemical had afflicted them. Over 10,000 clients were registered in Nicaragua alone.

**In July 2007**, the case was brought up in the Los Angeles Superior Court. Twelve workers alleged sterilization and accused Dole Food Co. and Dow Chemical Co. of negligence and fraudulent concealment in using DBCP. The case was unique since no similar case had ever been presented to jurors.<sup>11</sup>

The companies acknowledged that DBCP can be linked to male sterility and that the product was used in Nicaraguan banana plantations. Dow also acknowledged that the possibility of harm existed, but said the product was safe as long as instructions were followed. Also, they claimed the quantities of DBCP were too small, and the open-air conditions too diffuse to harm workers. The case at the Occidental plant where American workers were left sterile, involved much higher levels of the chemical, the companies claimed.<sup>12</sup>

Plaintiffs' lawyer Duane Miller pointed to the fact that Dole in 1977 demanded Dow to continue deliver DBCP, or else Dow would be in breach of a contract. This occurred after Dow had stopped their production because of the health warnings. This proves Dole continued to use the pesticide even after they knew it could be harmful to the workers and people who lived nearby<sup>13</sup> **(Here we can provide a link to a PDF with to the original contract used in the trial/film)**

**In November 2007**, the Los Angeles jury awarded \$3.2 million to six of the twelve workers in compensatory damages. Jurors found that DBCP was defective and that its risks outweighed its benefits. They also found that Dole actively concealed the danger from its own workers. Dow contended that the chemical was not defective if administered properly, and Dole denied that it had fraudulently concealed the danger. Dole called the verdicts unjust and later appealed.<sup>14</sup>

Two weeks later, the jury added an additional \$2.5 million in punitive damages against Dole as punishment for concealing the dangers of DBCP.

One of Dole's attorneys, Rick McKnight, said the verdict was "a huge defeat" for the workers. "It doesn't even pay their costs, much less their bills", he said.<sup>15</sup>

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<sup>11</sup> [Pesticide trial begins against Dole and Dow](#) – Christian Miller, Los Angeles Times, Jul 20, 2007

<sup>12</sup> [Plantation workers look for justice in the North](#) – Christian Miller, Los Angeles Times, May 7, 2007

<sup>13</sup> [Final arguments start in Dole pesticide case](#) – Stephanie Hoops, Ventura County Star, Oct 11, 2007

<sup>14</sup> [Dole must pay farmworkers \\$3.2 million](#) – John Spano, Los Angeles Times, Nov 6, 2007

<sup>15</sup> [Dole must pay \\$2.5 million to farmhands](#) – John Spano, Los Angeles Times, Nov 16, 2007

Duane Miller said the verdict sends an important message to Dole: "It lets [them] know that they're accountable for what they do, even if they do it south of our border", he said. "Our reputation as a country is partially dependent on the reputations of our corporations doing things overseas".<sup>16</sup>

But the case was not closed. **In March 2008**, Judge Victoria Chaney reduced the punitive damages from \$2.5 million to six workers – to \$1.58 million to four workers. Chaney found that because Dole was a user of the pesticide, not a marketer, the firm could not be subjected to liability without fault. She also reasoned that punitive damages may not be used to punish "a domestic corporation for injuries that occurred only in a foreign country".<sup>17</sup>

### **The Fraud Case**

In April 2009, Dole claimed that all but one of 11 plaintiffs in two upcoming DBCP cases<sup>18</sup> had never worked on banana plantations and that the men were paid and coached by their attorneys. Several witnesses testified on videotape, some of them anonymous (the "John Doe witnesses") since they feared for their lives for exposing the fraud.

Judge Victoria Chaney instantly dismissed the cases.

*"We'll never know if anybody in Nicaragua was actually injured or harmed by the alleged wrongful conduct of the defendants, and people will never have the opportunity to learn, since this fraud is so pervasive and extensive that it has forever contaminated even our own ability to ever know the truth"*, Chaney said during the April 23 hearing.

Juan Dominguez, one of the lawyers representing the Nicaraguan workers, is ordered to appear before Los Angeles County Superior Court on June 17 for a hearing on sanctions for alleged contempt of court.

### **Our Comments**

In the Tellez trial, the trial we filmed, both sides could use their best arguments and present their best evidence in front of a jury. All the evidence produced in the Tellez case is still valid. Dole admitted they kept using a pesticide that had been banned in the U.S. They even demanded that Dow Chemical Co. kept delivering it, despite the health warnings.

The fraud accusations are aimed directly at Juan Dominguez and the entire juridical system of Nicaragua. There are still millions of questions, and more voices need to be heard, voices that don't belong to Dole.

### **Articles about the fraud case:**

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<sup>16</sup> [Dole must pay \\$2.5 million to farmhands](#) – John Spano, Los Angeles Times, Nov 16, 2007

<sup>17</sup> [L.A. judge reduces Dole's damages in pesticide case](#) – John Spano, Los Angeles Times, Mar 11, 2008

<sup>18</sup> Mejia, et al. v. Dole Food Company, Inc., et al. and Rivera, et al. v. Dole Food Company, Inc., et al.

[Dole accuses banana case attorneys of fraud](#)

By: Thomas Watkins, Associated Press, April 20, 2009

[LA judge rules fraud in lawsuits against Dole](#)

By: Linda Deutsch, Associated Press, April 24, 2009

[Judge refers lawyer for prosecution in Dole fraud](#)

By: Linda Deutsch, Associated Press, May 9, 2009

**Judge Refuses to Stop BANANAS!\***

On May 8<sup>th</sup>, another hearing about the fraud case was held in Los Angeles Superior Court.

During the hearing, BANANAS!\* was subject to a discussion between Judge Victoria Chaney and Dole attorney Andrea Neuman. The trailer for the film was presented for Chaney during the hearing.

Neuman had reacted strongly to several images in the trailer and wanted to bring up the film for discussion. The film depicts, among others, lawyers representing the plaintiffs in the Tellez case. These lawyers were also involved in the two cases that Chaney threw out during the April hearings. Scenes from the court room during the Tellez trial is also included in the film, which is another reason why Neuman brought up the film.

At first, Neuman vaguely suggested that Chaney should stop the film, which she presented as a “shockingly misleading and defamatory piece”. Chaney instantly refused, referring to the First Amendment:

*“I'm very proud of our constitution, /.../ and one of the reasons why I'm very proud of it is the First Amendment right to free speech, and there is a little issue to me about prior restraint on free speech that I think you may be asking me to do something about here. No?”*

Neuman agreed, but clarified a wish that the law firm of Miller, Axline & Sawyer (which represented the plaintiffs in the Tellez trial together with the office of Juan J. Dominguez) maybe could help her in getting the BANANAS!\* director Fredrik Gertten to think twice. Michael Axline, who was attending the hearing, agreed to send a letter to Gertten with a copy of the latest court orders and transcripts to inform him about the latest developments in the case.

The “shockingly misleading and defamatory” content in the trailer were also described in detail by Neuman:

*“Even if we now know the Tellez trial to have been fraudulent, we certainly know that there was no allegation in that trial that DBPC caused the death of anyone, although there's multiple funeral processions in this trailer, there's also a plane spraying chemical, which we all know never happened with DBCP. Now that we know the Tellez trial was a fraud, the movie is all the more defamatory.”*

### **Our Comments**

First of all, the Tellez trial was very real, and all the evidence produced in the case is still valid. Dole admitted they kept using a pesticide that had been banned in the U.S. They even demanded that Dow Chemical Co. kept delivering it, despite the health warnings.

Second, the film is not only about DBCP or the Tellez case, which seems to be a misconception here. The funeral in the film is the funeral of a man named Alberto Rosales. We are not saying he died from exposure to DBCP, but he did die from kidney damages, which is a common symptom from pesticide exposure. He worked his whole life on banana plantations. Yes, it is difficult to prove scientifically, but pesticides have had extremely negative effects on the people and environment of many areas of Central America.

Third, we are not saying that the plane in the trailer is spraying DBCP. We are saying that pesticides are very much still in use.

Also, nobody in the courtroom had seen the complete film. The above discussion only concerned the trailer.

Chaney's final remark to Neuman:

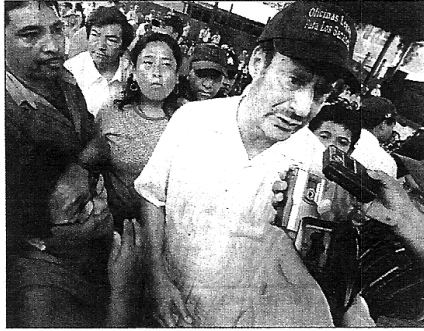
*"Just so we are clear, I am not in any way going to make, and I will not consider, any request for prior restraint on free speech. Okay? So, don't ask me to go try and contact the film company. I don't have jurisdiction over them. But even if I did, don't ask me for it."*

### **Related articles:**

[Judge refers lawyer for prosecution in Dole fraud](#)

By: Linda Deutsch, Associated Press, May 9, 2009

# Dole Food dislikes 'Bananas!'



**ATTORNEY:** Juan J. Dominguez, representing Nicaraguan plaintiffs, is facing contempt charges in the case.

The firm threatens defamation suits if the film about pesticide lawsuits is screened. The documentary won't compete but will be shown.

REED JOHNSON

In the eyes of Swedish documentary filmmaker Fredrik Gertten, his documentary "Bananas!" is a balanced, nuanced depiction of a trial pitting Nicaraguan banana plantation workers and a prominent L.A. attorney against a powerful multinational agribusiness.

"It is a classical David-Goliath story," the director said in a phone interview last week.

In the eyes of Dole Food Co., Gertten's film is an egregiously flawed document based on what Dole lawyer Scott Edelman calls "a phony story" that has been discredited by the allegedly fraudulent conduct of the L.A. attorney, Juan J. Dominguez, at the film's center. Dole, the [See Festival, Page D6]

Los Angeles Times

LATIMES.COM/CALENDAR

## 'Bananas!' angers Dole

[Festival, from Page D1] world's largest producer of fruits and vegetables, is vowing to sue both the filmmaker and the Los Angeles Film Festival for defamation if it screens the movie this week.

In the view of the festival, which plans to host the movie's world premiere on Saturday, "Bananas!" is an intriguing object lesson that raises important questions about the conduct of U.S. companies abroad, the practices of American attorneys representing foreign workers and the ethical choices facing a documentary filmmaker who has been told after finishing his film that some of his material may be shaky, if not outright false.

The 15-year-old festival is sponsored by the Los Angeles Times and runs Thursday through June 28.

### DBCP dispute

The events that "Bananas!" partially chronicles are complex and the subject of ongoing lawsuits and disputes.

They center on Dole's acknowledged past use of the pesticide dibromochloropropane, or DBCP, in Nicaragua and other countries. Banana farmers and other plantation workers have taken Dole to court, seeking millions of dollars in damages, contending that they were rendered sterile by exposure to the pesticide, which has been banned in the United States since 1979.

Thousands of plaintiffs in Nicaragua, Costa Rica, Ivory Coast and other countries have brought cases against Dole and pesticide manufacturers. Lawyers for some Nicaraguan plaintiffs have taken their cases to U.S. courts, hoping they will enforce verdicts against Dole that have been awarded by Nicaraguan courts.

Among the attorneys representing Nicaraguan plaintiffs is Dominguez, a Cuban-born personal injury lawyer whose face appears on local bus advertisements and billboards. He appears prominently throughout "Bananas!" as his case progresses and he visits Nicaragua, providing some of the film's voice-over commentary. At one point he characterizes himself as a champion of "the little guy."

In a 2007 jury trial before Los Angeles County Superior Court Judge Victoria G. Chaney, Dole lost and was ordered to pay \$1.58 million to four of the dozen Nicaraguans claiming injury in that case, several of whom are depicted in Gertten's film. Dole is appealing that case.

Then this spring, in a dramatic reversal of events, Chaney threw out two other lawsuits against Dole after being presented by Dole investigators with evidence gathered from Nicaraguans who said that they had been recruited and coached by lawyers, outfitted with false work histories and falsified medical lab reports, and promised payouts to pose as pesticide victims.

In her April 23, 2009 ruling on the case, Chaney said that "the actions of the attorneys in Nicaragua and some of the attorneys in the United States, specifically the Law Offices of Juan Dominguez, have perverted the court's ability to deliver justice to those parties that come before it."

"What has occurred here is not just a fraud on this court, but it is blatant extortion of the defendants," i.e. Dole, the judge said in her ruling. The "plaintiffs' fraud," the judge said, "permeates every aspect of this case."

Dominguez is facing con-

tempt charges for his alleged participation in the fraud, and Judge Chaney has said she would refer the case to the state attorney general and the California Bar Assn. for possible disciplinary actions. Dominguez has denied any wrongdoing and declined further comment.

Gertten's film had been completed for months prior to this spring's developments and was accepted by the film festival for screening. Rebecca Yeldham, the festival's director, said that the movie had been removed from playing in the "competition" category, where it would be eligible for awards, and is now being presented as a "case study."

The festival screenings will be prefaced by a statement, written and delivered by festival organizers, that the organizers intend to place the controversy surrounding the film in context, Yeldham said. The screenings will be followed by a discussion of the issues the movie raises.

### 'Point of view'

"We feel that, responsibly, we need to be able to present that movie to our audiences," Yeldham said. The filmmaker, she said, had acted in "good faith" in making the movie.

"This is the filmmaker's point of view. It's not ours," Yeldham said. "We do not program only movies that reflect our subjectivity."

But Dole asserts that no amount of "contextualizing" or disclaimers — including a brief postscript to the trial that Gertten recently added to the end of his movie — would be sufficient to offset what the company contends are the gross factual distortions that were put forward by the plaintiffs in court.

"It's a phony, fraudulent story that was made up in one of the worst frauds that I've ever seen in a court in 25 years of practice," Edelman said. "Our position is, even if the filmmaker didn't know this at the outset, he knows it now and the film should not be screened. It needs to be entirely rewritten to reflect the facts."

Edelman said he had not yet seen the film because neither Gertten nor the festival had agreed to show it to him. The filmmaker and festival organizers said they had invited Dole representatives to attend Saturday night's screening.

"We've invited them in various ways, and if something's not accurate [about the film] they ought to tell us," said Michael Donaldson, a lawyer representing the festival and its parent organization, Film Independent.

On May 8, Dole sent letters to the festival's major sponsors, including The Times, denouncing what Dole called the "false and defamatory accusations" made by the film. The company asked the sponsors for "your assistance in preventing the Festival's complicity in this travesty," but did not elaborate in its letter as to what this might mean.

"We're not asking any judge to prevent this film from being shown," Edelman said. "We're just saying, 'Hey, you got the facts wrong, grossly wrong. And it's unfair to Dole to show this film.'"

Gertten believes that his movie, which essentially ends in the fall of 2007, has a valid story to tell, even as that story continues to evolve. "I have to tell the story as I saw it, and that's what I do, and that story ends at that moment," he said.

reed.johnson@latimes.com

BANANAS! \* - 16<sup>th</sup> April 2010



## KEY SUBJECTS

### **Juan J. Dominguez, esq.**

Juan Dominguez is a Cuban-American personal injury lawyer known in Southern California for his ubiquitous and iconic “ACCIDENTES” ads on buses and billboards throughout the region. He has built his career and successful private practice on a largely under represented Latino clientele. The US Super Lawyer Club has designated him as a “Super Lawyer”. He is co-lead counsel on behalf of twelve Nicaraguan banana workers against Dole Food Co. in a groundbreaking legal battle.

### **Duane Miller, esq.**

San Francisco-based Duane Miller is the first attorney to successfully fight a toxic tort case involving DBCP. Miller is hired by Dominguez to be the chief litigator representing the plaintiffs in court.

### **Rick McKnight, esq.**

Rick McKnight is the chief corporate attorney representing Dole Food in the trial who seeks to ensure that the company is not hit by a precedent-setting decision.

### **David DeLorenzo**

David DeLorenzo is the President and Chief Executive Officer of Dole Food. He appears as a witness in court during the trial.

**Alberto Rosales**

The burial ceremony of Alberto -- a Nicaraguan banana plantation worker for most of his life -- is the opening scene of the film. His death, his family members strongly believe, was likely caused by pesticide exposure.

**Carmen Rosales**

Carmen is the late Alberto's wife who too worked on banana plantations, but left after losing her first two children. She is undergoing chemotherapy treatment for a cancerous tumor the day her husband dies.

**Byron Rosales**

One of Alberto's and Carmen's three children. Byron works as a math teacher to support his family. He is seeking justice after the death of his father.

**Father Bayardo Ocon**

Father Ocon is the Roman Catholic priest during the burial sermon. He is a staunch critic of landowners and US trans-national corporations, which he accuses of "immoral practices" that cause the death and suffering of many members of his community.

**The 12 plaintiffs**

Twelve former banana workers are the initial plaintiffs in the Tellez vs. Dole Food trial. They claim that the pesticide DBCP made them sterile, and that Dole actively concealed the danger from them.

## ABOUT THE FILMMAKERS

### **WG Film AB**

Since 1994, WG Film AB of Malmö, Sweden has produced and developed author-driven documentaries with a focus on localized stories with universal understanding. WG Film is active in the international, co-financing world with five documentaries sold to more than forty broadcasters in 25 countries.

### **Fredrik Gertten, filmmaker & producer at WG film, Sweden**

Fredrik Gertten speaks fluent Spanish and has worked as a journalist in Nicaragua in the 1980's and 1990's.

Selected filmography:

Producer:

- Milkbar, Dir. Terese Mörnvik & Ewa Einhorn, 2007
- Thin Ice, Dir. Håkan Berthas 2006
- Belfast Girls, Dir. Malin Andersson, 2006
- Boogie Woogie Daddy, Dir. Erik Bäfving, 2002.
- In development:
- Cassady Credentials, documentary, Dir. Maria Ramström & Malin Korkeasalo
- Forest, documentary, Dir. Helena Nygren & Jacob André.

Producer & Director:

- The Socialist, The Architect & the Twisted Tower, 2005
- An Ordinary Family, 2005
- Just a piece of steel/Bye Bye Malmö, 2003
- Walking on Water, 2000, (co-directed with Lars Westman)
- The Way Back—True Blue2, 2002, co-directed with Magnus Gertten and Stefan Berg.

### **Margarete Jangård, producer at WG Film, Sweden**

Margarete has been a producer at WG Film for five years and has been in the media business for two decades. She previously worked as freelance film worker at SVT Drama and commercial/information films. She is an EAVE graduate 2005.

Projects:

- Milkbar, Dir. Terese Mörnvik & Ewa Einhorn, 2007
- Thin Ice, Dir. Håkan Berthas 2006
- Belfast Girls, Dir. Malin Andersson, 2006
- The Socialist, The Architect & the Twisted Tower, Dir. Fredrik Gertten, 2005
- An Ordinary Family, Dir. Fredrik Gertten, 2005.

In development:

- Cassady Credentials, documentary, Dir. Maria Ramström & Malin

Korkeasalo

- Forest, documentary, Dir. Helena Nygren & Jacob Andrén.

### **Bart Simpson, producer, Canada**

Bart Simpson is best known as producer of the feature documentary THE CORPORATION that has won over 25 international awards and is the highest-grossing domestic documentary in Canadian history. It played theatrically in over 10 countries and ran for over 6 months on screens in Canada and the UK before a popular television premiere. Zeitgeist Films distributed the film in the United States. Bart is also immediate past Chair of the Documentary Organization of Canada (DOC).

Selected credits:

- Moebius Redux: A Life In Pictures, 2007
- The Corporation, 2004
- Two Brides and a Scalpel, Diary of a Lesbian Marriage, 2000
- Visits with Max, director/producer, 1996.

### **Frank Pineda, photographer**

Frank has worked on more than 100 productions, documentary and features in 35mm, 16mm and video. He has collaborated with several International News Agencies and TV networks including: NBC, ABC, TVE, BBC, Channel 4, etc. In 1990, he founded Camila Films, an independent production company in Nicaragua.

Selected works:

- The World Stopped Watching, Dir. Peter Raymont, 2002
- The lovers of San Fernando, Dir. Peter Torbiornsson, 2001,
- Machos, Dir. Lucinda Broadbent, 2000, Produced by BBC, London.
- Carla's Song, Dir. Ken Loach, 1995, feature film, 35mm.

### **Jesper Osmund, editor**

Jesper has worked as an editor since 1991 and has edited 6 fiction feature films, approximately 35 documentaries and more than 600 commercials.

Documentaries include:

- An Ordinary Family, Dir. Fredrik Gertten/WG Film, 2005;
- Thessaloniki, Zagreb, Buenos Aires, a.o.
- The Well, 2004 Dir. K. Petri/Charon Film

### **Nils Pagh Andersen, narrative consultant**

Nils is Denmark's preeminent documentary film editor with more than 250 films in a wide range of categories.

Some examples of his award winning work are:

- Pathfinder, 1986 Dir. Nils Gaup; feature nominated for an Oscar
- Walking on Water, 2000 Dir. Fredrik Gertten & Lars Westman
- Three rooms of Melancholia, 2004 Dir. Pirjo Honkasalo
- The Winner of The Grand Prix of Krakow, One world award, Krystalle

- Prostitution behind the Veil, 2004 Dir. Nahid Persson, Emmy- nominated
- The German Secret, 2005 Dir. Lars Johansson
- Flying Confessions of a Free Woman, 2006 Dir. Jennifer Fox.

**Nathan Larson AKA Hot One Inc, film composer /musician /producer**

Nathan composes music for film, television and commercials, including:

- Boys Don't Cry, 1999, Dir. Kim Pierce, Fox Searchlight
- A Love Song For Bobby Long, 2004, Dir. Shainee Gabel, El Camino/ Lion's Gate
- Dirty Pretty Things, 2003, Dir. Stephen Frears, Miramax
- Phone Booth, 2003, Dir. Joel Schumacher, Fox ("additional music")
- Velvet Goldmine, 1998, Dir. Todd Haynes, Miramax.

**Joe Aguirre, photographer**

Joe Aguirre is a freelance cameraman based in Los Angeles. In six years of working with director Samuel Bayer, Joe has collaborated in the filming of commercials for ESPN, Pepsi, Nike, and Microsoft, and music videos for Green Day and My Chemical Romance. He was a cameraman on upcoming Sony releases "Quarantine" and "Obsessed," and on Jack Johnson's 2008 European Tour documentary. "Next Year Country," an ITVS funded documentary he directed and shot, will be his directorial debut.

## CREDITS

A WG Film Production

*Director:* Fredrik Gertten

*Screenplay:* Fredrik Gertten, Jesper Osmund

*Producer:* Margarete Jangård

*Co-Producer (Canada):* Bart Simpson

*Co-Producer (Denmark):* Lise Lense-Møller

*Executive producer:* Fredrik Gertten

*Line Producer (LA):* Jade Fox

*Line Producer (NIC):* Marta Clarissa Hernandez, Lars Bildt

*DOP:* Frank Pineda, Joe Aguirre

*Editor:* Jesper Osmund,

*Second editor:* Olivier Bugge Couté

*Narrative structure:* Nils Pagh Andersen

*Assistant Editors:* Emma Svensson, Martin Thorbjönsson

*Music:* Nathan Larson

*Music editing:* Jesper Osmund

*Sound editor:* Martin Hennel

*Sound editor assistant:* Mikael Körner

*Sound mix:* Martin Hennel

*Dolby mix:* Claus Lynge, Ministy Film

*Colorgrading:* Johan Eklund

*Online:* Johan Eklund

*Technical co-ordinator:* Emma Svensson, Martin Thorbjönsson

*technical consultant:* Jörgen Persson

*Graphic designer:* Rebecca Méndez, Adam Eeuwens, Lasse Henning

*Motion graphic:* DETTA Margot Wahlström

*Head of finance:* Anahita Zafari

*Idea & Research:* Sara Bergfors

*Second unit camera:* José Gabriel Noguez (LA), Johan Hallberg (NIC)

*Soundmen:* Arsenio Cadena, Armando Moreira, Kahlil Hudson, Seth Eubanks, Estuardo

Galvez,

[www.dogwoof.com](http://www.dogwoof.com)  
[www.goodwithfilm.com](http://www.goodwithfilm.com)

Bart Simpson, Adrian Pineda

*In co-production with:* Magic Hour Films (Denmark), ITVS International;

Sally Jo Fifer (USA), ZDF;

Sabine Bubeck-Paaz, ARTE, Film i Skåne, SVT.

*With support from:* Svenska Filminstitutet; Peter "Piodor" Gustavsson, Danska

Filminstitutet; Miriam Nørgaard, Nordisk Film and TV Fond; Eva Færeveag,

YLE; Iikka Vehkalathi (Finland), NRK; Tore Tomter (Norge), TSR; Gaspard Lamunier (Switzerland), VPRO; Nathalie Windhorst (Netherlands), Odisea; Roberto Blatt (Spain).

*Developed with support from:* Sundance Institute Documentary Film Program, MEDIA Programme of the European Union.

**AWARDS AND SCREENINGS**

**RIDM - Rencontres internationales du documentaire**

Montreal, Canada  
November 11-21, 2009

**IDFA International Documentary Film Festival**

Amsterdam, Netherlands  
November 19-29, 2009

**Los Angeles Film Festival**

California, USA  
June 18-28, 2009

**Berlinale International Film Festival**

Berlin, Germany  
February 11-21, 2010

Nominated for the **International Green Film Award 2010** at the Cinema For Peace Gala in Berlin on February 15th.

**Thessaloniki International Film Festival**

Thessaloniki, Greece  
March 12-21