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12 de Agosto de 2016

VÍA SERVICIO DE ENTREGA PRIORITARIO (*OVERNIGHT DELIVERY*)

Ministro Gonzalo Tomayo  
Ministro de Energía y Minas  
Av. Las Artes Sur 260 San Borja  
Lima  
Perú

Ing. Víctor Carlos Estrella  
Gerencia General  
Activos Mineros S.A.C.  
Prolongación Pedro Miotta No. 421  
San Juan de Miraflores  
Lima 29  
Perú

Dirección General de Asuntos de Economía  
Internacional  
Competencia e Inversión Privada  
Ministerio de Economía y Finanzas  
Jirón Lampa 277, piso 5  
Lima  
Perú

**Ref: Controversia en virtud del Contrato de Transferencia de Acciones de fecha 23 de octubre de 1997 relativa a demandas de responsabilidad interpuestas por terceros.**

De nuestra consideración:

Escribimos a ustedes en representación de nuestros clientes, The Renco Group, Inc. (“Renco”) y Doe Run Resources Corporation, para invitar a Activos Mineros y a la República del Perú a participar en el proceso no vinculante ante un perito contemplado en las Cláusulas 5.3(A) y 5.4(C) del Contrato de Transferencia de Acciones de fecha 23 de octubre de 1997, celebrado entre Empresa Minera del Centro del Perú S.A. (“Centromin”) y Doe Run Perú, Doe Run Resources y Renco (el “STA” por sus siglas en inglés); y el Contrato de Garantía en virtud del cual la República del Perú garantizó las obligaciones de Centromin (la “Garantía”), respecto de los daños y reclamos alegados por terceros ciudadanos peruanos, surgidas de la contaminación ambiental en y alrededor del complejo minero de La Oroya, Perú (el “Complejo”). Activos Mineros posteriormente asumió las obligaciones de Centromin en virtud del STA.

Específicamente, un grupo de demandantes residentes de La Oroya, Perú, ha interpuesto demandas en St. Louis, Missouri, EEUU, planteando diversos reclamos de lesiones personales producto de una supuesta exposición al plomo y de la contaminación ambiental emanada desde el Complejo. Otros grupos de ciudadanos peruanos han interpuesto demandas similares en St. Louis a lo largo de los años siguientes. A esta fecha, el número de demandantes peruanos en las demandas de St. Louis asciende a más de 1.900. Las demandas individuales combinadas exceden con creces los US\$50.000.

A través de diversas y numerosas cartas, Renco y sus afiliadas informaron a Activos Mineros y a la República del Perú de las demandas de terceros pendientes en St. Louis, y requirieron que Activos Mineros y la República del Perú honraran las distintas obligaciones emanadas del STA en relación a estas demandas de terceros, incluyendo, pero sin limitarse a ellas, las obligaciones contenidas en las Cláusulas 5.3, 5.4, 6.2, 6.3, 6.5, 8.14 y 12, así como de la legislación peruana. Activos Mineros respondió mediante cartas de fecha 5 de noviembre y 26 de noviembre, ambas de 2010, negando cualquier responsabilidad en los litigios correspondientes a las demandas de terceros. El Perú no respondió.

No está claro si iniciar un proceso no vinculante ante un perito, en anticipación a un arbitraje internacional en virtud del Contrato de Transferencia de Acciones, respecto de estas demandas de terceros por lesiones personales, será productivo a estas alturas. No obstante, si Activos Mineros y la República del Perú aceptan esta invitación a participar en el proceso no vinculante ante un perito, Renco y Doe Run Resources proponen a James A. Bruen como el perito neutral. Se adjunta a la presente una copia del curriculum vitae del Sr. James A. Bruen.

Les solicitamos respetuosamente una pronta respuesta a esta invitación.



Edward G. Kehoe

Page 3

cc: Jonathan Hamilton (White & Case)



**James A. Bruen**  
**Partner**  
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James A. Bruen has more than 40 years of criminal and civil litigation and business counseling experience. He is President-Elect of the American College of Environmental Lawyers, where he also serves as a member of its Executive Committee, is involved in the leadership of the international pro bono program and chairs the Cuba Working Group. Mr. Bruen is listed as one of the top (Band 1) environmental lawyers in California by the 2016 *Chambers USA Guide to America's Leading Business Lawyers*. He is listed as one of the top environmental experts in the United States in Legal Media Group's 2016 *Guide to the World's Leading Lawyers-Best of the Best USA*. In 2009, he was designated as one of the nation's 16 "Distinguished Environmental Advocates" by the American Bar Association.

Mr. Bruen's practice includes representation of industry, universities and governmental institutions in complex domestic and international products and environmental counseling and litigation. He is also a highly regarded expert in product stewardship with wide-ranging experience in product design, manufacturing, distribution and stewardship issues, as well as on plant sitings, plant closures, raw material sourcing, EHS management systems, codes of conduct, effluent guidelines and other sustainable development issues. He coordinates and supervises domestic and international products and environmental litigation. He serves and has served as lead trial counsel (to trial teams and "virtual law firms") in mass tort litigation, natural resource damage litigation, environmental enforcement litigation, environmental cost recovery/contribution litigation and white collar environmental crimes defense. He has extensive experience in leading the successful prosecution or defense of litigation while simultaneously managing confounding regulatory or business matters. He is nationally known for his expertise in emergency response and crisis management. He has been trained as a mediator by the Strauss Institute for Conflict Resolution at Pepperdine University.

Prior to joining Farella, Mr. Bruen was the founding partner of Landels Ripley & Diamond's Environmental Law Department. Before entering private practice, he served for seven years as a Criminal Division Assistant United States Attorney, a Civil Division Assistant United States Attorney, and Chief of the Civil Division, in the Northern District of California.

Mr. Bruen is a widely known author and lecturer in environmental and products liability law. His articles and teaching materials are in current use by law departments and governmental entities throughout the country. Mr. Bruen is named in *The Best Lawyers in America* in the areas of Environmental Law, Environmental Litigation and Mass Tort Litigation and was named the Best Lawyers 2014 San Francisco Mass Tort Litigation / Class Actions - Defendants "Lawyer of the Year." He is the recipient of the 2015 Client Choice Award for Environment & Climate Change for California. He has been recognized in *Who's Who in America*, *Who's Who in the World*, *International Corporate Law's Guide to Environmental Law Experts*, *Practical Law Company's Which Lawyer? Yearbook*, *Expert Guides' Best of the Best USA*, *International Who's Who of Environment Lawyers*, *International Who's Who of Business Lawyers, PLC*

#### **Practices**

Environmental Law  
Environmental Litigation  
Life Sciences  
Product Liability and  
Stewardship  
Proposition 65 Counseling  
and Defense

#### **Education**

Stanford Law School (J.D.)  
Claremont Men's College (B.A.),  
*cum laude*

#### **Bar Admissions**

California

*Cross-Border Environment Handbook*, *Who's Who Legal USA* (Environment), *Who's Who Legal California* (Environment), and *Who's Who in American Law*. He is a Life Fellow of the American Bar Foundation.

#### **Affiliations**

- Former Chief of Civil Division, US Attorney's Office, Northern District of California
- Member, International Society for Environmental Epidemiology
- Member, International Society of Environmental Forensics
- Master-at-Large, Edward J. McFetridge (San Francisco) Chapter of the American Inn of Court
- Life Fellow, American Bar Foundation
- President-Elect and Regent, American College of Environmental Lawyers

Farella's Environmental Law Department is recognized by *Chambers USA* as a top tier environmental practice in California, and by *U.S. News – Best Lawyers* "Best Law Firms" as a top tier firm nationally for its environmental and mass torts practice areas.