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19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 SAN FRANCISCO DIVISION

22 THE PEOPLE OF THE STATE OF  
23 CALIFORNIA, acting by and through Oakland  
City Attorney BARBARA J. PARKER,

24 Plaintiff and Real Party in Interest,

25 v.

26 BP P.L.C., a public limited company of England  
27 and Wales, CHEVRON CORPORATION, a  
Delaware corporation, CONOCOPHILLIPS  
28 COMPANY, a Delaware corporation,  
EXXONMOBIL CORPORATION, a New

Case No.: 3:17-cv-06011-WHA

**CORRECTED STIPULATION AND  
~~PROPOSED~~ ORDER REGARDING  
FORMAT FOR BRIEFING ON  
MOTIONS TO DISMISS**

1 Jersey corporation, ROYAL DUTCH SHELL  
2 PLC, a public limited company of England and  
3 Wales, and DOES 1 through 10,

4 Defendants.

5 THE PEOPLE OF THE STATE OF  
6 CALIFORNIA, acting by and through the San  
7 Francisco City Attorney DENNIS J. HERRERA,

8 Plaintiff and Real Party in Interest,

9 v.

10 BP P.L.C., a public limited company of England  
11 and Wales, CHEVRON CORPORATION, a  
12 Delaware corporation, CONOCOPHILLIPS  
13 COMPANY, a Delaware corporation, EXXON  
14 MOBIL CORPORATION, a New Jersey  
15 corporation, ROYAL DUTCH SHELL PLC, a  
16 public limited company of England and Wales,  
17 and DOES 1 through 10,

18 Defendants.

Case No.: 3:17-cv-06012-WHA

**CORRECTED STIPULATION AND  
~~PROPOSED~~ ORDER REGARDING  
FORMAT FOR BRIEFING ON  
MOTIONS TO DISMISS**

1 WHEREAS, Plaintiff the People of the State of California, by and through the San Francisco  
2 City Attorney, filed this action in the Superior Court of the State of California, County of San  
3 Francisco, on September 19, 2017;

4 WHEREAS, on the same day, the People of the State of California, by and through the  
5 Oakland City Attorney, filed a related action against the same Defendants in the Superior Court of  
6 the State of California, County of Alameda (collectively with the San Francisco City Attorney,  
7 “Plaintiffs”);

8 WHEREAS, Defendants removed these cases to the United States District Court for the  
9 Northern District of California on October 20, 2017 (Dkt. 1);

10 WHEREAS, on October 31, 2017, the Court designated the cases as related (No. 17-cv-6011-  
11 WHA, Dkt. 32);

12 WHEREAS, on February 27, 2018, the Court entered an order denying Plaintiffs’ motions to  
13 remand (No. 17-cv-6011-WHA, Dkt. 116);

14 WHEREAS, on March 1, 2018, the Court issued an “Order Setting Deadline for Motions to  
15 Dismiss and Inviting United States to File Amicus Brief” (No. 17-cv-6011-WHA, Dkt. 136), and  
16 under the schedule set in that order, Defendants Chevron Corp. (“Chevron”), ConocoPhillips  
17 Company (“ConocoPhillips”), Exxon Mobil Corporation (“Exxon”), BP p.l.c. (“BP”), and Royal  
18 Dutch Shell plc (“RDS”) (collectively, “Defendants”) must file their motions to dismiss the  
19 complaints by March 20, 2018, Plaintiffs’ oppositions are due on April 3, 2018, and Defendants’  
20 replies are due on April 10, 2018;

21 WHEREAS, Plaintiffs and Defendants have conferred as to the format of the briefing on the  
22 motions to dismiss;

23 WHEREAS, Defendants have coordinated, to the extent possible, to avoid multiple briefs on  
24 issues that are common to all Defendants and will file a single joint motion to dismiss under Fed. R.  
25 Civ. P. 12(b)(6) (failure to state a claim);

26 WHEREAS, BP, RDS, Exxon, and ConocoPhillips also plan to file separate, individual  
27 motions to dismiss under Fed. R. Civ. P. 12(b)(2) (lack of personal jurisdiction) and/or Fed. R. Civ.  
28 P. 12(b)(5) (insufficiency of service of process);

1 WHEREAS, the Parties agree that, with respect to the Defendants' joint motion to dismiss  
2 under Fed. R. Civ. P. 12(b)(6), Defendants' joint memorandum of points and authorities, excluding  
3 the notice of motion, shall not exceed 25 pages; Plaintiffs' opposition shall not exceed 25 pages; and  
4 Defendants' reply shall not exceed 15 pages;

5 WHEREAS, the parties agree that, with respect to the separate individual motions to dismiss  
6 under Fed. R. Civ. P. 12(b)(2), (5) of the U.S.-based Defendants (Exxon and ConocoPhillips), each  
7 Defendant's memorandum of points and authorities, excluding the notice of motion, shall not exceed  
8 14 pages; Plaintiffs' opposition to each such motion shall not exceed 14 pages; and each Defendants'  
9 reply shall not exceed 8 pages;

10 WHEREAS, the parties agree that, with respect to the separate individual motions to dismiss  
11 under Fed. R. Civ. P. 12(b)(2), (5) of the foreign-based Defendants (BP and RDS), each Defendant's  
12 memorandum of points and authorities, excluding the notice of motion, shall not exceed 22 pages;  
13 Plaintiffs' opposition to each such motion shall not exceed 22 pages; and each Defendants' reply  
14 shall not exceed 12 pages;

15 WHEREAS, this Stipulation does not operate as an admission of any factual allegation or  
16 legal conclusion and is submitted subject to and without waiver of any right, defense, affirmative  
17 defense, claim, or objection, including lack of personal jurisdiction, insufficient process, or  
18 insufficient service of process;

19 **STIPULATION**

20 **NOW THEREFORE**, the Parties hereby agree and stipulate, and respectfully request the  
21 Court pursuant to Local Rule 7-12 to enter an order, as follows:

22 1. The briefing format for Defendants' joint motion to dismiss under Fed. R. Civ. P.  
23 12(b)(6) shall be as follows: Defendants' joint memorandum of points and authorities, excluding the  
24 notice of motion, shall not exceed 25 pages; Plaintiffs' opposition shall not exceed 25 pages; and  
25 Defendants' reply shall not exceed 15 pages;

26 2. The briefing format for the separate individual motions to dismiss under Fed. R. Civ.  
27 P. 12(b)(2), (5) of the U.S.-based Defendants (Exxon and ConocoPhillips) shall be as follows: each  
28 Defendant's memorandum of points and authorities, excluding the notice of motion, shall not exceed

1 14 pages; Plaintiffs' opposition to each such motion shall not exceed 14 pages; and each Defendants'  
2 reply shall not exceed 8 pages;

3 3. The briefing format for the separate individual motions to dismiss under Fed. R. Civ.  
4 P. 12(b)(2), (5) of the foreign-based Defendants (BP and RDS) shall be as follows: each Defendant's  
5 memorandum of points and authorities, excluding the notice of motion, shall not exceed 22 pages;  
6 Plaintiffs' opposition to each such motion shall not exceed 22 pages; and each Defendants' reply  
7 shall not exceed 12 pages.

8 Dated: March 20, 2018

9  
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~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED on the condition that the parties adhere to the briefing schedule set forth in the March 1 order (Dkt. No. 136).

Dated: March 20, 2018.

