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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

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

23 Plaintiff and Real Party in Interest,

24 v.

25 BP P.L.C., a public limited company of England
26 and Wales, CHEVRON CORPORATION, a
27 Delaware corporation, CONOCOPHILLIPS
28 COMPANY, a Delaware corporation, EXXON
MOBIL CORPORATION, a New Jersey
corporation, ROYAL DUTCH SHELL PLC, a
public limited company of England and Wales,
and DOES 1 through 10,

Defendants.

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

**NOTICE OF INTENT TO AMEND
COMPLAINT**

1 CHEVRON CORP.,
2
3 Third Party Plaintiff,
4
5 v.
6
7 STATOIL ASA,
8
9 Third Party Defendant.

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA, acting by and through the San
12 Francisco City Attorney DENNIS J. HERRERA,
13
14 Plaintiff and Real Party in Interest,

15 v.
16
17 BP P.L.C., a public limited company of England
18 and Wales, CHEVRON CORPORATION, a
19 Delaware corporation, CONOCOPHILLIPS
20 COMPANY, a Delaware corporation, EXXON
21 MOBIL CORPORATION, a New Jersey
22 corporation, ROYAL DUTCH SHELL PLC, a
23 public limited company of England and Wales,
24 and DOES 1 through 10,
25
26 Defendants.

27 CHEVRON CORP.,
28
29 Third Party Plaintiff,
30
31 v.
32
33 STATOIL ASA,
34
35 Third Party Defendant.

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

**NOTICE OF INTENT TO AMEND
COMPLAINT**

1 Plaintiffs the People of the State of California, acting by and through Oakland City Attorney
2 Barbara J. Parker in Case No. 3:17-cv-06011-WHA and San Francisco City Attorney Dennis J.
3 Herrera in Case No. 3:17-cv-06012-WHA (“Plaintiffs”), hereby notify the Court and all parties of
4 their intent to amend their respective complaints in the above-captioned cases.

5 On March 20, 2018, all five defendants in these cases filed a joint motion to dismiss the
6 actions pursuant to Federal Rule of Civil Procedure 12(b)(6). On the same date, four of the five
7 defendants also filed separate motions to dismiss the actions pursuant to Rule 12(b)(2), and one
8 defendant, Royal Dutch Shell plc, additionally sought dismissal of the actions under Rule 12(b)(5).

9 Under a schedule previously established by the Court on March 1, 2018, Plaintiffs’ responses
10 to defendants’ motions to dismiss are to be filed within fourteen days of March 20, or no later than
11 April 3. *See* Case No. 3:17-cv-06011-WHA, ECF Docket No. 136. Under Federal Rule of Civil
12 Procedure 15(a)(1)(B), Plaintiffs are entitled to amend their complaints as of right within 21 days
13 after receiving service of defendants’ motions to dismiss, or no later than April 10. *See, e.g.,*
14 *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (“It is well-established in
15 our circuit that an amended complaint supersedes the original, the latter being treated thereafter as
16 non-existent.”) (quotation marks omitted).

17 Plaintiffs intend to amend their respective complaints to address purported defects identified
18 by the defendants in their motions to dismiss under Rules 12(b)(2) and 12(b)(6).

19 In addition, Plaintiffs intend to amend to add the proper ConocoPhillips entity, i.e., the parent
20 entity known as “ConocoPhillips” as a defendant and to drop from the cases the subsidiary known as
21 “ConocoPhillips Company.” ConocoPhillips (the parent company) and ConocoPhillips Company
22 (the subsidiary) share the same address and have similar names; the People intended to name the
23 parent company in their original complaints.

24 In lieu of filing responses in opposition to those motions, therefore, Plaintiffs will file their
25 amended complaints on or before April 3, 2018, as allowed under Rule 15(a)(1)(B). The People will
26 effect service upon ConocoPhillips expeditiously.

27 //

28 //

1 Dated: March 30, 2018

Respectfully submitted,

2 ** /s/ Erin Bernstein

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11 ** Pursuant to Civ. L.R. 5-1(i)(3), the electronic
filer has obtained approval from this signatory.

12 ** /s/ Matthew D. Goldberg

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24 /s/ Steve W. Berman

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Of Counsel Attorneys for The People

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2018, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

s/ Steve W. Berman
STEVE W. BERMAN

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