

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:18-cv-01672-WYD-SKC

BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY;
BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY;
CITY OF BOULDER,

Plaintiffs,

v.

SUNCOR ENERGY (U.S.A.) INC.;
SUNCOR ENERGY SALES INC.;
SUNCOR ENERGY INC.;
EXXON MOBIL CORPORATION,

Defendants.

SUPPLEMENTAL NOTICE OF RELATED CASES

Pursuant to Civil Local Rule 3.2(c)(2), Defendants Suncor Energy (U.S.A.) Inc., Suncor Energy Sales Inc., Suncor Energy Inc., and Exxon Mobil Corporation (collectively “Defendants”) file this supplemental notice of related cases. On its first appearance, a “party to a case shall file a notice identifying all cases pending in this or any other federal, state, or foreign jurisdiction that are related.” Dist. Colo. L. Civ. R. 3.2(a).¹ Thereafter, a “party shall file promptly a supplemental notice of any change in the information required under this rule.” *Id.* 3.2(c)(2). “Related cases are cases that have common facts and claims and . . . have at least one party in common.” *Id.* 3.2(b)(1).

¹ By filing this supplemental notice, Defendants do not intend to waive, and have not waived, any personal jurisdiction defenses.

On July 2, 2018, Defendants notified this Court that there are five sets of related cases proceeding across the United States. Dkt. No. 20 (“First Notice of Related Cases”). Since that time, two additional related cases are now pending in other United States district courts. These cases assert purported state law causes of action against Exxon Mobil Corporation and other defendants for, *inter alia*, public nuisance, private nuisance, and/or trespass based on alleged injuries arising from the phenomena of global warming and climate change. These cases are:

- *State of Rhode Island v. Chevron Corp. et al.*, 1:18-cv-00395-WES-LDA (D.R.I.) (Smith, J.);
- *Mayor and City Council of Baltimore v. Chevron Corp. et al.*, 1:18-cv-02357-ELH (D. Md.) (Hollander, J.).

Additionally, the status of four sets of cases identified in the First Notice of Related Cases has changed as follows:

- On June 25, 2018, *City of Oakland v. BP p.l.c.*, 3:17-cv-06011-WHA (N.D. Cal.) (Alsup, J.) and *City of San Francisco v. BP p.l.c.*, 3:17-cv-06012-WHA (N.D. Cal.) (Alsup, J.), were dismissed with prejudice on substantive grounds. On July 27, 2018, these cases were also dismissed on jurisdictional grounds. Plaintiffs have appealed these dismissals to the United States Court of Appeals for the Ninth Circuit.
- On July 19, 2018, *City of New York v. BP p.l.c.*, 1:18-cv-00182-JFK (S.D.N.Y.) (Keenan, J.), was dismissed with prejudice on substantive grounds. Plaintiffs have appealed this dismissal to the United States Court of Appeals for the Second Circuit, 18-2188.
- On August 20, 2018, two sets of cases before the United States Court of Appeals for the Ninth Circuit were consolidated in 18-15499:
 - *County of San Mateo v. Chevron Corp.*, 3:17-cv-04929-VC (N.D. Cal.) (Chhabria, J.), remand determination stayed pending appeal 18-15499 (9th Cir.);
 - City of Imperial Beach v. Chevron Corp.*, 3:17-cv-04934-VC (N.D. Cal.) (Chhabria, J.), remand determination stayed pending appeal 18-15502 (9th Cir.);
 - and *County of Marin v. Chevron Corp.*, 3:17-cv-04935-VC (N.D. Cal.) (Chhabria, J.), remand determination stayed pending appeal 18-15503 (9th Cir.), were consolidated with

- *City of Santa Cruz v. Chevron Corp.*, 3:18-cv-00458-VC (N.D. Cal.) (Chhabria, J.), remand determination stayed pending appeal 18-16376 (9th Cir.); *County of Santa Cruz v. Chevron Corp.*, 3:18-cv-00450-VC (N.D. Cal.) (Chhabria, J.), remand determination stayed pending appeal 18-16376 (9th Cir.); and *City of Richmond v. Chevron Corp.*, 3:18-cv-00732-VC (N.D. Cal.) (Chhabria, J.), remand determination stayed pending appeal 18-16376 (9th Cir.).

Dated: August 28, 2018

Respectfully submitted,

/s/ Evan Bennett Stephenson

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of August 2018, a true and accurate copy of the foregoing **SUPPLEMENTAL NOTICE OF RELATED CASES** was filed and served via ECF on the following:

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