

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
JUDGE OSTRAGER, BARRY R**

**Index No. 452044/2018**

**PEOPLE OF THE STATE OF NEW YORK, by BARBARA D.
UNDERWOOD, Attorney General of the State of New York**

- v. -

EXXON MOBIL CORPORATION

COURT NOTICE

Filing on Behalf of - Hon. Barry R. Ostrager

The Court is in receipt of correspondence relating to the NYAG's request that the Court recuse itself from the recently filed action by the NYAG against Exxon Mobil. This case was assigned to the Court as a case related to prior proceedings before the Court by reason of the NYAG identifying the recently filed action as related to the prior proceedings before the Court, which was the subject of multiple appearances by the parties before the Court over a period of two years.

At the outset of the prior proceedings the Court disclosed the ownership by the Court of shares of Exxon Mobil. Since the proceedings commenced in 2016, the Court does not believe it either added to nor subtracted from its ownership of Exxon Mobil shares. These shares represent a fraction of 1% of the net worth of the Court's household. If, as Mr. Wells represents, the parties waived any conflict that might inhere by reason of the Court's ownership of the Exxon Mobil shares, the Court is disinclined to recuse itself for the reasons stated in Mr. Wells' letter. The Court does not believe that its ownership of the Exxon Mobil shares would, in any way, affect the Court's impartiality in dealing with the issues raised by the recently filed case.

However, the Court invites the NYAG to respond to Mr. Wells' letter and requests Mr. Wells to furnish the Court with copies of the pages of the transcript of proceedings in the related 2016 action during which the parties expressly waived any conflict relating to the Courts ownership of Exxon Mobil stock. The Court wants to confirm that there was a knowing and express waiver of this issue by the NYAG.

DATED 10/25/2018

FILED By Patricia DellaPeruta