

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



**PEOPLE OF THE STATE OF NEW YORK, by LETITIA JAMES,  
Attorney General of the State of New York**

**Index No. 452044/2018**

**- v. -**

**EXXON MOBIL CORPORATION**

**COURT NOTICE**

Filing on Behalf of - Hon. Barry R. Ostrager

In the interests of narrowing the discovery and other issues that will be addressed at the March 21 conference, the Court understands the following with respect to the six discovery requests summarized on page five of Exxons March 15 letter:

1. OAG claims to have fully responded to requests 3 and 5.
2. OAG relies on the service of its motion for a protective order to relieve it of the obligation to produce documents responsive to item 6, recognizing that the motion for a protective order and the motion to dismiss certain affirmative defenses will be scheduled for oral argument in the near future
3. OAG is producing a log of all communications with third parties which will enable Exxon to contact the unaffiliated third parties and that is a sufficient response to item 2. OAG otherwise contends that its communications with third parties are privileged.
4. OAG will, in good faith identify all potential trial witnesses in advance of the end date for deposition discovery in response to item 1
5. OAG objects to Exxons overly expansive proposed search terms and additional custodians

If any of the above is incorrect, please advise the Court by letter tomorrow.

With respect to OAGs discovery requests as particularized in OAGs letter of March 4, the Court ruled on August 29 without serious objection from OAG that OAG should propound an interrogatory or interrogatories to obtain information in addition to the 14 spreadsheets Exxon produced relating to Exxons oil and gas reserves for which such information exists

**COURT NOTICE**

Filing on Behalf of - Hon. Barry R. Ostrager

and is available rather than require Exxon to produce enormous quantities of documents in addition to the millions of documents Exxon has already produced. To the extent OAG contends that the interrogatory answers were insufficient, presumably the interrogatory responses were submitted by Exxon close to six months ago and the OAGs letter of March 4 is the first suggestion that the interrogatory responses were misleading or otherwise unsatisfactory. As to requests for additional cash flow models and greenhouse gas emissions forecasts, the Court wishes to know by tomorrow, why specifically tailored interrogatories would not suffice to elicit the necessary information. Manifestly, OAG is entitled to discover any information relevant and material to the theory of OAGs case as long as the discovery requests are proportionate and reasonable.

The Court wishes to hear argument on how or why it would be cost-effective, efficient, and in the interests of either party to bifurcate liability and damages in this case.

DATED 03/19/2019

FILED By Patricia DellaPeruta