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PROTECTING PEOPLE AND THE PLANET

June 20, 2019

VIA ECF

Molly C. Dwyer
Clerk of Court
U.S. Court of Appeals for the Ninth Circuit
95 Seventh Street
San Francisco, CA 94103-1526

Re: *County of San Mateo v. Chevron Corp.*, No. 18-15499, consolidated with *City of Imperial Beach v. Chevron Corp.*, No. 18-15502; *County of Marin v. Chevron Corp.*, No. 18-15503; *County of Santa Cruz v. Chevron Corp.*, No. 18-16376

Dear Ms. Dwyer:

Defendant-Appellant Chevron Corp. has filed a Rule 28(j) letter notifying the Court of the Supreme Court's recent decision in *Parker Drilling Management Services, Ltd. v. Newton*, — U.S. — (June 10, 2019). That case does not support Chevron's argument that removal was proper under the Outer Continental Shelf Lands Act ("OCSLA").

In *Parker*, the plaintiff worked on drilling platforms off the California coast and filed a class action alleging violations of several California wage-and-hour laws and related state law claims based on the work that he and others physically performed on those platforms. The defendant removed the case to federal court. There is no indication that the plaintiff contested removal, and the parties *agreed* that plaintiffs' work on defendant's platforms were subject to the OCSLA. Under OCSLA, the laws of adjacent states are deemed to be federal law "[t]o the extent that they are applicable and not inconsistent with" other federal law. 43 U.S.C. § 1333(a)(2)(A). The issue before the Court in *Parker* was how to determine whether California wage-and-hour law, and not just the federal Fair Labor Standards Act, applied to drilling platform work.

Federal jurisdiction was not at issue in *Parker*, and thus the Court had no occasion to reach any of the arguments raised in this case. Chevron cites *Parker* for the proposition that federal law applies to activities on the Outer Continental Shelf ("OCS"). But that holding has no bearing on the issue here, which is *whether*, as a threshold matter, the People's California public nuisance claims arise out of or in connection with any operation on the OCS.

Sincerely,

/s/ Victor M. Sher

Victor M. Sher
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County of San Mateo

Cc: All counsel of record (via ECF)