

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:18-cv-1672-WJM-SKC

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

Plaintiffs,

v.

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

Defendants.

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

After briefing was completed on Plaintiffs' motion to remand (Dkt. 44, 48, 50), the District Court for the District of Maryland issued a remand order in a similar case, *City of Baltimore v. BP P.L.C.*, C.A. No. ELH-18-2357 (June 10, 2019) (attached as Exhibit 1), which pertains to whether Plaintiffs' claims may be removed because:

- (1) they are "governed by federal common law," *see* Ex. 1 at 12-17, Pls. Br., Dkt. 44, at 7-20;
- (2) they necessarily raise substantial and disputed federal issues, *see* Ex. 1 at 18-23, Pls. Br., Dkt. 44, at 20-28;
- (3) they have been completely preempted by the Clean Air Act and the foreign affairs doctrine, *see* Ex. 1 at 23-27, Pls. Br., Dkt. 44, at 28-34;
- (4) they arise on federal enclaves, *see* Ex. 1 at 27-31, Pls. Br., Dkt. 44, at 35-36;

(5) there is jurisdiction under the Outer Continental Shelf Lands Act (“OSCLA”), *see* Ex. 1 at 32-34, Pls. Br., Dkt. 44, at 36-37;

(6) there is jurisdiction under the federal officer removal statute, *see* Ex. 1 at 34-37, Pls. Br., Dkt. 44, at 37-40; and

(7) there is bankruptcy jurisdiction, *see* Ex. 1 at 37-42, Pls. Br., Dkt. 44, at 40.

Dated: June 25, 2019

Respectfully submitted,

/s/Kevin S. Hannon

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify and affirm that on the 25th day of June 2019, I electronically filed a true and correct copy of the foregoing filing with the Clerk of the United States District Court for the District of Colorado using its CM/ECF system and served the same via the CM/ECF system on all counsel of record.

s/ Kevin S. Hannon