

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.

NOTICE OF SUPPLEMENTAL AUTHORITY

After briefing was completed on Plaintiffs' motion to remand (Dkt. 44, 48, 50), the District Court for the District of Rhode Island issued a remand order in a similar case, *State of Rhode Island v. Chevron Corp.*, C.A. No. 18-00395-WES (July 22, 2019) (attached as Exhibit 1), which pertains to whether Plaintiffs' claims may be removed because:

- (1) they are necessarily governed or have been completely preempted by federal common law, *see* Ex. 1 at 4-10, Pls. Br., Dkt. 44, at 7-20;
- (2) they necessarily raise substantial and disputed federal issues under the *Grable* doctrine, *see* Ex. 1 at 12-14, 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 10-11, Pls. Br., Dkt. 44, at 28-34;
- (4) they arise on federal enclaves, *see* Ex. 1 at 15, Pls. Br., Dkt. 44, at 35-36;

- (5) there is jurisdiction under the Outer Continental Shelf Lands Act (“OSCLA”), *see* Ex. 1 at 14-15, Pls. Br., Dkt. 44, at 36-37;
- (6) there is jurisdiction under the federal officer removal statute, *see* Ex. 1 at 15, Pls. Br., Dkt. 44, at 37-40; and
- (7) there is bankruptcy jurisdiction, *see* Ex. 1 at 15-16, Pls. Br., Dkt. 44, at 40.

Dated: July 22, 2019

Respectfully submitted,

/s/Kevin S. Hannon

Kevin S. Hannon
THE HANNON LAW FIRM, LLC
1641 Downing Street
Denver, CO 80218
Telephone: (303) 861-8800
Fax: (303) 861-8855
E-mail: khannon@hannonlaw.com

David Bookbinder
D.C. Bar No. 455525
NISKANEN CENTER
820 First Street, NE, Suite 675
Washington, DC 20002
E-mail: dbookbinder@niskanencenter.org

Marco Simons
Michelle C. Harrison
EARTHRIGHTS INTERNATIONAL
1612 K Street NW #800
Washington, DC 20006
Telephone: (202) 466-5188
Fax: (202) 466-5189
E-mail: marco@earthrights.org
E-mail: michelle@earthrights.org

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify and affirm that on the 22nd day of July 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