

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**January 7, 2020**

**Christopher M. Wolpert**  
**Clerk of Court**

BOARD OF COUNTY  
COMMISSIONERS OF BOULDER  
COUNTY, et al.,

Plaintiffs - Appellees,

v.

SUNCOR ENERGY (U.S.A.), INC., et al.,

Defendants - Appellants.

No. 19-1330  
(D.C. No. 1:18-CV-01672-WJM-SKC)  
(D. Colo.)

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CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,

Amicus Curiae.

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PUBLIC CITIZEN, et al.,

Movants

**ORDER**

This matter is before the court on: (1) the *Motion of Public Citizen for Leave to File Brief as Amicus Curiae in Support of Appellees and Affirmance*; (2) the *Motion for Leave to File an Amicus Curiae Brief in Support of Appellees, Urging Affirmance*, filed by the National League of Cities, the U.S. Conference of Mayors, and the International Municipal Lawyers Association; (3) the *Colorado Communities for Climate Action's*

*Motion to Participate as Amicus Curiae in Support of Appellees*; and (4) the *Motion of Natural Resources Defense Council for Leave to File Brief as Amicus Curiae in Support of Appellees and Affirmance*. Each of these motions represents that appellees and defendant-appellant ExxonMobil have consented to the filing of proposed amicus brief, but that defendants-appellants Suncor Energy (U.S.A.) Inc., Suncor Energy Sales Inc. and Suncor Energy, Inc. (collectively, for ease of reference, “Suncor”) have not responded to requests for consent.

Upon consideration, the court directs Suncor to file—on or before January 14, 2020—a written response to these motions. Failure to timely file a response will be deemed consent to the participation of these applicants as amici in support of appellees.

Appellants’ optional reply brief remains due on January 22, 2020.

Entered for the Court  
CHRISTOPHER M. WOLPERT, Clerk



by: Lisa A. Lee  
Counsel to the Clerk