

**No. 19-1330**

---

---

IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

---

SUNCOR ENERGY (U.S.A.) INC., ET AL.,  
APPELLANTS

v.

BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, ET AL.,  
APPELLEES

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO (CIV. NO. 18-01672)  
(THE HONORABLE WILLIAM J. MARTINEZ, J.)

---

**RESPONSE OF SUNCOR APPELLANTS TO MOTIONS FOR LEAVE TO  
FILE AMICUS CURAE BRIEFS**

---

HUGH QUAN GOTTSCHALK  
EVAN B. STEPHENSON  
WHEELER TRIGG O'DONNELL LLP  
370 Seventeenth Street, Suite 4500  
Denver, CO 80202-5647  
Telephone: 303.244.1800  
Facsimile: 303.244.1879  
E-mail: gottschalk@wtotrial.com  
stephenson@wtotrial.com  
*Attorneys for Defendants - Appellants  
Suncor Energy (U.S.A.) Inc., Suncor Energy  
Sales Inc., and Suncor Energy Inc.*

---

---

Appellants Suncor Energy (U.S.A.) Inc., Suncor Energy Sales Inc., and Suncor Energy Inc. (collectively, “Suncor Appellants”), file this consolidated response to the Court’s Order requiring the Suncor Appellants to file a response concerning the pending motions for leave to file amicus curae briefs.<sup>1</sup>

Suncor Appellants state that they have no objection to the filing of or the Court’s consideration of these briefs.

---

<sup>1</sup> Suncor Appellants hereby file this Joint Response to (1) the Motion of Public Citizen for Leave to File Brief as Amicus Curiae in Support of Appellees and Affirmance (Document No. 010110284049); (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 (Document No. 010110284130); (3) the Colorado Communities for Climate Action’s Motion to Participate as Amicus Curiae in Support of Appellees (Document No. 010110284465); and (4) the Motion of Natural Resources Defense Council for Leave to File Brief as Amicus Curiae in Support of Appellees and Affirmance (Document No. 010110284486). *See* CTA Rule 31.3.

Dated: January 14, 2020

Respectfully submitted,

s/ EVAN B. STEPHENSON

HUGH QUAN GOTTSCHALK

EVAN B. STEPHENSON

WHEELER TRIGG O'DONNELL LLP

*Attorneys for Defendants - Appellants  
Suncor Energy (U.S.A.) Inc., Suncor Energy  
Sales Inc., and Suncor Energy Inc.*

**CERTIFICATE OF COMPLIANCE  
WITH TYPEFACE AND WORD-COUNT LIMITATIONS**

I, Evan Stephenson, counsel for appellants Suncor Energy (U.S.A.) Inc., Suncor Energy Sales Inc., and Suncor Energy Inc., and a member of the Bar of this Court, certify, pursuant to Federal Rule of Appellate Procedure 27(d)(2)(A), that the attached Response of Suncor Appellants to Motions for Leave to File Amicus Curae Briefs is proportionally spaced, has a typeface of 14 points or more, and contains 62 words.

Complete one of the following:

I relied on my word processor to obtain the count, and it is Word Version 2010;

I counted five characters per word, counting all characters including citations and numerals.

I certify that the information on this form is true and correct to the best of my knowledge and belief formed after a reasonably inquiry.

/s/ EVAN B. STEPHENSON

**CERTIFICATE OF DIGITAL SUBMISSION AND ANTIVIRUS SCAN**

I hereby certify, pursuant to the Tenth Circuit CM/ECF User's Manual, that the attached Response of Suncor Appellants to Motions for Leave to File Amicus Curae Briefs, as submitted in digital form via the Court's ECF system, has been scanned for viruses using Windows Antivirus program, Version 4.18.1908.7 updated on 1/14/20 and according to that program the document is free of viruses. I also certify that any hard copies submitted are exact copies of the document submitted electronically.

/s/ EVAN B. STEPHENSON

**CERTIFICATE OF SERVICE**

I, Evan Stephenson, counsel for appellants Suncor Energy (U.S.A.) Inc., Suncor Energy Sales Inc., and Suncor Energy, Inc., and a member of the Bar of this Court, certify that, on January 14, 2020, the attached Response of Suncor Appellants to Motions for Leave to File Amicus Curae Briefs was filed with the Clerk of the Court through the electronic filing system. I further certify that all parties required to be served have been served.

/s/ EVAN B. STEPHENSON