

Exhibit A

Emails from Counsel for the Plaintiff, the Defendant, and the
proposed Amicus Curiae
stating that they "take no position" on Adjournment



From: Wesley Kelman wesk@hbsslaw.com
Subject: RE: People v. Exxon Mobil, No. 452044/2018 (Supreme Court NY Co.)
Date: January 27, 2020 at 12:35 PM
To: Berger, Kim Kim.Berger@ag.ny.gov, Matthew Hardin matthewdhardin@gmail.com
Cc: Anderson, Justin janderson@paulweiss.com, Francis Menton fmenton@manhattancontrarian.com, Wallace, Kevin Kevin.Wallace@ag.ny.gov, Dunning, Mary Kay MaryKay.Dunning@ag.ny.gov, Zweig, Jonathan Jonathan.Zweig@ag.ny.gov, Liskow, Samantha Samantha.Liskow@ag.ny.gov, twells@paulweiss.com, dtoal@paulweiss.com, nahmed@paulweiss.com

Matthew Pawa also takes no position on the timing of proposed intervenors' response to our cross-motion.

From: Berger, Kim <Kim.Berger@ag.ny.gov>
Sent: Monday, January 27, 2020 11:55 AM
To: Matthew Hardin <matthewdhardin@gmail.com>; Wesley Kelman <wesk@hbsslaw.com>
Cc: Anderson, Justin <janderson@paulweiss.com>; Francis Menton <fmenton@manhattancontrarian.com>; Wallace, Kevin <Kevin.Wallace@ag.ny.gov>; Dunning, Mary Kay <MaryKay.Dunning@ag.ny.gov>; Zweig, Jonathan <Jonathan.Zweig@ag.ny.gov>; Liskow, Samantha <Samantha.Liskow@ag.ny.gov>; twells@paulweiss.com; dtoal@paulweiss.com; nahmed@paulweiss.com
Subject: RE: People v. Exxon Mobil, No. 452044/2018 (Supreme Court NY Co.)

Mr. Hardin,
The OAG takes no position on the timing of your response to Mr. Pawa's cross-motion.

From: Matthew Hardin <matthewdhardin@gmail.com>
Sent: Monday, January 27, 2020 11:51 AM
To: Wesley Kelman <wesk@hbsslaw.com>
Cc: Anderson, Justin <janderson@paulweiss.com>; Francis Menton <fmenton@manhattancontrarian.com>; Berger, Kim <Kim.Berger@ag.ny.gov>; Wallace, Kevin <Kevin.Wallace@ag.ny.gov>; Dunning, Mary Kay <MaryKay.Dunning@ag.ny.gov>; Zweig, Jonathan <Jonathan.Zweig@ag.ny.gov>; Liskow, Samantha <Samantha.Liskow@ag.ny.gov>; twells@paulweiss.com; dtoal@paulweiss.com; nahmed@paulweiss.com
Subject: Re: People v. Exxon Mobil, No. 452044/2018 (Supreme Court NY Co.)

[EXTERNAL]

Counsel:

The Proposed Intervenors intend to file a request for adjournment of Mr. Pawa's Cross-Motion. What we intend to file is attached.

I've asked before regarding your willingness to stipulate and think this adequately represents what was said in reply. If you disagree, or wish for me to draft an adjournment stipulation instead of filing this, please inform ASAP. We intend to file in a few hours if we hear nothing.

Thank you,
Matthew Hardin
(434) 202-4224

On Jan 25, 2020, at 10:09 PM, Wesley Kelman <wesk@hbsslaw.com> wrote:

Dear Counsel:

I represent Matthew Pawa in this case. I attach a cross-motion for Mr. Pawa to appear as amicus curiae with supporting papers. The supporting papers include a proposed amicus brief opposing the recent motion to intervene by Energy Policy Advocates and Robert Schilling. These are the copies as filed in New York Supreme Court.

Pursuant to my agreement with the proposed intervenors, Exxon, and the OAG, this email constitutes service of these papers. Please let me know if you have any problems opening the files or if you have other questions or concerns.

Wes Kelman

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<Notice of cross-motion.pdf><Brief in support of cross-motion.pdf><Kelman affirmation in support of cross-motion.pdf><Exhibit 1 -- Proposed amicus brief in opposition to intervention.pdf>

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From: Anderson, Justin janderson@paulweiss.com
Subject: RE: People v. Exxon Mobil, No. 452044/2018 (Supreme Court NY Co.)
Date: January 25, 2020 at 5:26 PM
To: Wesley Kelman wesk@hbsslaw.com, Matthew D. Hardin MatthewDHardin@protonmail.com, Francis Menton fmenton@manhattancontrarian.com
Cc: kim.berger@ag.ny.gov



ExxonMobil takes no position on the timing of a response to the proposed amicus brief.

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From: Wesley Kelman <wesk@hbsslaw.com>
Sent: Saturday, January 25, 2020 4:56 PM
To: Matthew D. Hardin <MatthewDHardin@protonmail.com>; Francis Menton <fmenton@manhattancontrarian.com>
Cc: kim.berger@ag.ny.gov; Anderson, Justin <janderson@paulweiss.com>
Subject: RE: People v. Exxon Mobil, No. 452044/2018 (Supreme Court NY Co.)

Dear Mr. Hardin:

Thank you for getting back to me, and thanks also for explaining your position. We will be filing today because of our own deadlines, and at this point (given the weekend and the radio silence) it seems unlikely that both the OAG and Exxon are going to respond to your proposal before we file. So we do not see your request for an extension being resolved by all parties in time for our filing today. Unless you let me know very soon whether your clients consent to (or will not oppose) Pawa's motion to file an amicus brief, which we view as a pretty straightforward request, we will have to file without making any representation as to your position. For what it's worth, my understanding is that the parties' deadline to oppose intervention under the schedule set by your motion is this Monday, and you should have our papers two days before that. So I am having trouble understanding how the amicus brief affects the timing of the existing briefing schedule, which, again, we understand was established on your end. I'm happy to discuss timing issues with you some more, but for now this is how we plan to approach the Court with our amicus motion. Feel free to call my cell (617-921-6165) if you would like to talk, and thank you again for reaching out.

Wes

From: Wesley Kelman
Sent: Saturday, January 25, 2020 6:26 AM
To: Matthew D. Hardin <MatthewDHardin@protonmail.com>; Francis Menton <fmenton@manhattancontrarian.com>
Cc: kim.berger@ag.ny.gov; janderson@paulweiss.com
Subject: RE: People v. Exxon Mobil, No. 452044/2018 (Supreme Court NY Co.)

Thanks to all of you for accepting service on email. We didn't file or serve anything Friday night after all, but I appreciate the quick responses.

Mr. Hardin: I will check with my client on your offer and get back to you.