

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORKPEOPLE OF THE STATE OF NEW YORK, by LETITIA  
JAMES, Attorney General of the State of New York,*Plaintiff,*

-against-

EXXON MOBIL CORPORATION,

*Defendant.*Index No. 452044/2018  
IAS Part 61  
Hon. Barry R. Ostrager  
Motion Sequence No. 10**AFFIRMATION OF JUSTIN  
ANDERSON IN RESPONSE TO  
PROPOSED INTERVENORS'  
MOTION TO INTERVENE**

JUSTIN ANDERSON, an attorney admitted to practice law in the State of New York and who is not a party to this action, affirms under penalty of perjury pursuant to CPLR 2106:

1. I am a partner at the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP, counsel for Defendant Exxon Mobil Corporation (“ExxonMobil” or the “Company”).

2. Pursuant to this Court’s February 10, 2020 Notice, I submit this Affirmation to state ExxonMobil’s position on the pending Motion to Intervene for the Limited Purpose of Seeking Public Access to Judicial Documents (the “Motion to Intervene” or the “Motion”). Dkt. No. 573. Proposed Intervenors seek access to certain documents ExxonMobil received from the Office of the Attorney General (“OAG”) during civil discovery. *See id.*; Dkt. Nos. 574-75.

3. On December 14, 2018, ExxonMobil propounded a document request to OAG, seeking, *inter alia*, documents concerning OAG’s communications with third parties. ExxonMobil sought those communications to support its affirmative defenses to OAG’s complaint.

4. In response to ExxonMobil’s document requests, OAG produced responsive documents, including those that are the subject of the Motion to Intervene, and designated some of those documents “confidential” under the parties’ protective order. Dkt. No. 46.

5. On April 24, 2019, OAG moved to permanently seal some of the documents it produced to ExxonMobil in discovery. Dkt. No. 159. ExxonMobil opposed the motion. Dkt. No. 206. On June 12, 2019, the Court granted OAG's motion to seal, after hearing argument from the parties.<sup>1</sup>

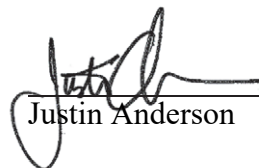
6. ExxonMobil did not seek reconsideration of, appeal, or otherwise challenge the Court's decision. In its filings, ExxonMobil either redacted or temporarily filed under seal "confidential" documents, consistent with the protective order.

7. From October 22, 2019 to November 7, 2019, this matter was tried before the Court, which returned a verdict in ExxonMobil's favor on December 10, 2019. OAG did not appeal the adverse ruling.

8. On January 10, 2020, Proposed Intervenors filed papers in this Court to unseal documents OAG produced to ExxonMobil during discovery. ExxonMobil takes no position on the pending Motion to Intervene or the Proposed Intervenors' application to this Court to unseal the documents.

9. ExxonMobil's taking no position on the pending Motion to Intervene is without prejudice to its right to seek production of the at-issue documents in other proceedings.<sup>2</sup>

Dated: February 25, 2020  
Washington, D.C.

  
Justin Anderson

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<sup>1</sup> The transcript of the June 12, 2019 hearing is attached as Exhibit A. The Court's order granting OAG's motion to seal is attached as Exhibit B.

<sup>2</sup> On February 18, 2020, the United States Court of Appeals for the Second Circuit heard oral argument in ExxonMobil's constitutional challenge to OAG's official misconduct against the Company. *Exxon Mobil Corp. v. Healey*, No. 18-1170 (2d Cir.). If that Court remands the case to the District Court and the parties proceed to discovery, ExxonMobil reserves the right to seek full disclosure of the documents placed at issue by the Motion to Intervene at an appropriate time.