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April 8, 2020

**VIA ELECTRONIC FILING**

Christopher Wolpert  
Clerk of Court  
U.S. Court of Appeals for the Tenth Circuit  
Byron White United States Courthouse  
1823 Stout Street  
Denver, CO 80257

Re: *Board of County Commissioners of Boulder County, et al.*  
*v. Suncor Energy (U.S.A.) Inc., et al.*, No. 19-1330

Dear Mr. Wolpert:

I am counsel of record for appellant Exxon Mobil Corporation (ExxonMobil) in the above-captioned matter, which is currently scheduled for oral argument on May 6.

Your recent notice indicated that cases set for argument in May will be argued telephonically, submitted on the briefs, or reset for in-person argument at a later date. I am writing on behalf of all appellants to express appellants' preference for telephonic argument, rather than postponement of the argument. Appellants have previously expressed their view that this appeal presents substantial issues that warrant oral argument. As the Court is aware, this appeal arises from an order remanding the case to state court, which was entered on October 8, 2019, and was not stayed. Because the parties are continuing to litigate in state court, it would serve the parties' interests, as well as those of judicial efficiency, for the Court to resolve the question of whether this case belongs in federal or state court at the earliest opportunity.

We would appreciate it if you would circulate this letter to the panel at your convenience.

Very truly yours,

/s/ Kannon K. Shanmugam  
Kannon K. Shanmugam

cc: Counsel of record (via electronic filing)

**CERTIFICATE OF DIGITAL SUBMISSION,  
ANTIVIRUS SCAN, AND PRIVACY REDACTIONS**

I hereby certify, pursuant to the Tenth Circuit CM/ECF User's Manual, that the foregoing letter, as submitted in digital form via the Court's electronic-filing system, has been scanned for viruses using Malwarebytes Anti-Malware (version 2020.04.08.07, updated April 8, 2020) and, according to that program, is free of viruses. I also certify that any hard copies submitted are exact copies of the document submitted electronically, and that all required privacy redactions have been made.

/s/ Kannon K. Shanmugam  
Kannon K. Shanmugam

April 8, 2020