

Nos. 18-15499, 18-15502, 18-15503, 18-16376

IN THE
United States Court of Appeals
for the Ninth Circuit

COUNTY OF SAN MATEO, Plaintiff-Appellee, v. CHEVRON CORPORATION, <i>et al.</i> , Defendants-Appellants.	No. 18-15499 No. 17-cv-4929-VC N.D. Cal., San Francisco Hon. Vince Chhabria presiding
CITY OF IMPERIAL BEACH, Plaintiff-Appellee, v. CHEVRON CORPORATION, <i>et al.</i> , Defendants-Appellants.	No. 18-15502 No. 17-cv-4934-VC N.D. Cal., San Francisco Hon. Vince Chhabria presiding
COUNTY OF MARIN, Plaintiff-Appellee, v. CHEVRON CORPORATION, <i>et al.</i> , Defendants-Appellants.	No. 18-15503 No. 17-cv-4935-VC N.D. Cal., San Francisco Hon. Vince Chhabria presiding
COUNTY OF SANTA CRUZ; <i>et al.</i> , Plaintiffs-Appellees v. CHEVRON CORPORATION; <i>et al.</i> Defendants-Appellants.	No. 18-16376 Nos. 18-cv-00450-VC; 18-cv-00458-VC; 18-cv-00732-VC N.D. Cal., San Francisco Hon. Vince Chhabria presiding

**MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR PANEL REHEARING AND/OR REHEARING EN BANC**

Joshua S. Lipshutz
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
(415) 393-8200
jlipshutz@gibsondunn.com

Theodore J. Boutrous, Jr.
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, California 90071-3197
(213) 229-7000
tboutrous@gibsondunn.com

*Counsel for Defendants-Appellants Chevron Corporation and
Chevron U.S.A. Inc.*

[Additional counsel listed on signature page]

Pursuant to Federal Rule of Appellate Procedure 26(b), Defendants-Appellants respectfully move for an extension of 30 days to file a petition for panel rehearing and/or rehearing en banc. This Court issued its opinion on May 26, 2020, and any rehearing petition is currently due on June 9, 2020. This motion, if granted, would extend the time for filing the petition to Thursday, July 9, 2020.

There is good cause to extend the deadline for filing a petition for panel rehearing and/or rehearing en banc. Defendants-Appellants—31 distinct corporate entities represented by 25 law firms—are currently considering whether to file a petition for panel rehearing and/or rehearing en banc or, in the alternative, whether to file a petition for writ of certiorari in the United States Supreme Court. If Defendants-Appellants decide to file a petition for panel rehearing and/or rehearing en banc, they intend to file a single petition on behalf of all Defendants-Appellants. An extension of time beyond the 14 days allotted by Federal Rules of Appellate Procedure 35(c) and 40(a)(1) is necessary to prepare any petition and ensure coordination among all of the relevant parties.

An extension would not materially prejudice any other party. The district court has already stayed the remand orders “pending appeal,” meaning that proceedings will not re-commence in that forum until the Supreme Court disposes of this action. *See County of San Mateo v. Chevron Corp.*, No. 17-cv-04929 (N.D.

Cal.), Dkt. 240; *see also County of Santa Cruz v. Chevron Corp.*, No. 18-cv-00450 (N.D. Cal.), Dkt. 140.

Undersigned counsel has exercised diligence and will file any rehearing petition within the time requested. Defendants-Appellants have not made a previous request for an extension of time within which to file a petition for rehearing en banc.

Undersigned counsel has conferred with opposing counsel about this motion. Opposing counsel do not oppose this motion for an extension.

Dated: June 2, 2020

Respectfully submitted,

By: /s/ Jonathan W. Hughes

By: **/s/ Theodore J. Boutrous, Jr.

Jonathan W. Hughes
ARNOLD & PORTER KAYE
SCHOLER LLP
Three Embarcadero Center, 10th Floor
San Francisco, California 94111-4024
Telephone: (415) 471-3100
Facsimile: (415) 471-3400
E-mail: jonathan.hughes@apks.com

Matthew T. Heartney
John D. Lombardo
ARNOLD & PORTER KAYE
SCHOLER LLP
777 South Figueroa Street, 44th Floor
Los Angeles, California 90017-5844
Telephone: (213) 243-4000
Facsimile: (213) 243-4199
E-mail: matthew.heartney@apks.com
E-mail: john.lombardo@apks.com

Philip H. Curtis
Nancy Milburn
ARNOLD & PORTER KAYE
SCHOLER LLP
250 West 55th Street
New York, NY 10019-9710
Telephone: (212) 836-8383
Facsimile: (212) 715-1399
E-mail: philip.curtis@apks.com
E-mail: nancy.milburn@apks.com

*Attorneys for Defendants BP P.L.C.
and BP AMERICA, INC.*

Theodore J. Boutrous, Jr.
Andrea E. Neuman
William E. Thomson
Joshua S. Lipshutz
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: (213) 229-7000
Facsimile: (213) 229-7520
E-mail: tboutrous@gibsondunn.com
E-mail: aneuman@gibsondunn.com
E-mail: wthomson@gibsondunn.com
E-mail: jlipshutz@gibsondunn.com

Herbert J. Stern
Joel M. Silverstein
STERN & KILCULLEN, LLC
325 Columbia Turnpike, Suite 110
Florham Park, NJ 07932-0992
Telephone: (973) 535-1900
Facsimile: (973) 535-9664
E-mail: hstern@sgklaw.com
E-mail: jsilverstein@sgklaw.com

Neal S. Manne
Johnny W. Carter
Erica Harris
Steven Shepard
SUSMAN GODFREY LLP
1000 Louisiana, Suite 5100
Houston, TX 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
E-mail: nmanne@susmangodfrey.com

E-mail: jcarter@susmangodfrey.com
E-mail: eharris@susmangodfrey.com
E-mail: shepard@susmangodfrey.com

*Attorneys for Defendants CHEVRON
CORP. and CHEVRON U.S.A., INC.*

** Pursuant to Ninth Circuit L.R. 25-5(e), counsel attests that all other parties on whose behalf the filing is submitted concur in the filing's contents

By: /s/ Sean C. Grimsley

Sean C. Grimsley
Jameson R. Jones
BARTLIT BECK LLP
1801 Wewatta St., Suite 1200
Denver, Colorado 80202
Telephone: 303-592-3123
Facsimile: 303-592-3140
Email: sean.grimsley@bartlitbeck.com
Email: jameson.jones@bartlitbeck.com

Megan R. Nishikawa
Nicholas A. Miller-Stratton
KING & SPALDING LLP
101 Second Street, Suite 2300
San Francisco, California 94105
Telephone: (415) 318-1200
Facsimile: (415) 318-1300
Email: mnishikawa@kslaw.com
Email: nstratton@kslaw.com

Tracie J. Renfroe
Carol M. Wood
KING & SPALDING LLP
1100 Louisiana Street, Suite 4000
Houston, Texas 77002
Telephone: (713) 751-3200
Facsimile: (713) 751-3290
Email: trenfroe@kslaw.com
Email: cwood@kslaw.com

Attorneys for Defendants
CONOCOPHILLIPS and
CONOCOPHILLIPS COMPANY

By: /s/ Dawn Sestito

M. Randall Oppenheimer
Dawn Sestito
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, California 90071-2899
Telephone: (213) 430-6000
Facsimile: (213) 430-6407
E-Mail: roppenheimer@omm.com
E-Mail: dsestito@omm.com

Theodore V. Wells, Jr.
Daniel J. Toal
Jaren E. Janghorbani
PAUL, WEISS, RIFKIND,
WHARTON &
GARRISON LLP
1285 Avenue of the Americas
New York, New York 10019-6064
Telephone: (212) 373-3000
Facsimile: (212) 757-3990
E-Mail: twells@paulweiss.com
E-Mail: dtoal@paulweiss.com
E-Mail: jjanghorbani@paulweiss.com

Attorneys for Defendant
EXXON MOBIL CORPORATION

By: /s/ Daniel B. Levin

Daniel B. Levin
MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue
Fiftieth Floor
Los Angeles, California 90071-3426
Telephone: (213) 683-9100
Facsimile: (213) 687-3702
E-mail: daniel.levin@mto.com

Jerome C. Roth
Elizabeth A. Kim
MUNGER, TOLLES & OLSON LLP
560 Mission Street
Twenty-Seventh Floor
San Francisco, California 94105-2907
Telephone: (415) 512-4000
Facsimile: (415) 512-4077
E-mail: jerome.roth@mto.com
E-mail: elizabeth.kim@mto.com

David C. Frederick
Brendan J. Crimmins
KELLOGG, HANSEN, TODD, FIGEL
& FREDERICK, P.L.L.C.
1615 M Street, N.W., Suite 400
Washington, D.C. 20036
Telephone: (202) 326-7900
Facsimile: (202) 326-7999
E-mail: frederick@kellogghansen.com
E-mail: crimmins@kellogghansen.com

*Attorneys for Defendants ROYAL
DUTCH SHELL PLC and SHELL OIL
PRODUCTS COMPANY LLC*

By: /s/ Bryan M. Killian

Bryan M. Killian
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave NW
Washington, DC 20004
Telephone: (202) 373-6191
E-mail: bryan.killian@morganlewis.com

James J. Dragna
Yardena R. Zwang-Weissman
MORGAN, LEWIS & BOCKIUS LLP
300 South Grand Ave., 22nd Floor
Los Angeles, CA 90071-3132
Telephone: (213) 680-6436
E-Mail:
jim.dragna@morganlewis.com
E-mail: yardena.zwang-
weissman@morganlewis.com

*Attorneys for Defendant
ANADARKO PETROLEUM
CORPORATION*

By: /s/ Thomas F. Koegel

Thomas F. Koegel
CROWELL & MORING LLP
Three Embarcadero Center, 26th Floor
San Francisco, CA 94111
Telephone: (415) 986-2800
Facsimile: (415) 986-2827
E-mail: tkoegel@crowell.com

Kathleen Taylor Sooy
Tracy A. Roman
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
E-mail: ksooy@crowell.com
E-mail: troman@crowell.com

*Attorneys for Defendant
ARCH COAL, INC.*

By: /s/ Patrick W. Mizell

Mortimer Hartwell
VINSON & ELKINS LLP
555 Mission Street Suite 2000
San Francisco, CA 94105
Telephone: (415) 979-6930
E-mail: mhartwell@velaw.com

Patrick W. Mizell
Deborah C. Milner
VINSON & ELKINS LLP
1001 Fannin Suite 2300
Houston, TX 77002
Telephone: (713) 758-2932
E-mail: pmizell@velaw.com
E-mail: cmilner@velaw.com

*Attorneys for Defendant
APACHE CORPORATION*

By: /s/ William M. Sloan

William M. Sloan
VENABLE LLP
101 California Street, Suite 3800
San Francisco, CA 94111
Telephone: (415) 343-4490
Facsimile: (415) 653-3755
E-mail: WMSloan@venable.com
Email: JGrant@venable.com

*Attorneys for Defendant
PEABODY ENERGY CORPORATION*

By: /s/ Andrew A. Kassof

Mark McKane, P.C.
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500
E-mail: mark.mckane@kirkland.com

Andrew A. Kassof, P.C.
Brenton Rogers
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
E-mail: andrew.kassof@kirkland.com
E-mail: brenton.rogers@kirkland.com

*Attorneys for Defendants
RIO TINTO ENERGY AMERICA INC.,
RIO TINTO MINERALS, INC., and
RIO TINTO SERVICES INC.*

By: /s/ Gregory Evans

Gregory Evans
MCGUIREWOODS LLP
Wells Fargo Center
South Tower
355 S. Grand Avenue, Suite 4200
Los Angeles, CA 90071-3103
Telephone: (213) 457-9844
Facsimile: (213) 457-9888
E-mail: gevans@mcguirewoods.com

Steven R. Williams
Joy C. Fuhr
Brian D. Schmalzbach
MCGUIREWOODS LLP
800 East Canal Street
Richmond, VA 23219-3916
Telephone: (804) 775-1141
Facsimile: (804) 698-2208
E-mail: srwilliams@mcguirewoods.com
E-mail: jfuhr@mcguirewoods.com
E-mail:
bschmalzbach@mcguirewoods.com

Attorneys for Defendants
DEVON ENERGY CORPORATION
and DEVON ENERGY PRODUCTION
COMPANY, L.P.

By: /s/ Andrew McGaan

Christopher W. Keegan
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500
E-mail: chris.keegan@kirkland.com

Andrew R. McGaan, P.C.
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
E-mail: andrew.mcgaan@kirkland.com

Anna G. Rotman, P.C.
KIRKLAND & ELLIS LLP
609 Main Street
Houston, Texas 77002
Telephone: (713) 836-3600
Facsimile: (713) 836-3601
E-mail: anna.rotman@kirkland.com

Bryan D. Rohm
TOTAL E&P USA, INC.
1201 Louisiana Street, Suite 1800
Houston, TX 77002
Telephone: (713) 647-3420
E-mail: bryan.rohm@total.com

Attorneys for Defendants
TOTAL E&P USA INC. and TOTAL
SPECIALTIES USA INC.

By: /s/ Michael F. Healy

Michael F. Healy
SHOOK HARDY & BACON LLP
One Montgomery St., Suite 2700
San Francisco, CA 94104
Telephone: (415) 544-1942
E-mail: mfhealy@shb.com

Michael L. Fox
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957-3902
E-mail: MLFox@duanemorris.com

*Attorneys for Defendant
OVINTIV CANADA ULC
(fka "Encana Corportion")*

By: /s/ Peter Duchesneau

Craig A. Moyer
Peter Duchesneau
MANATT, PHELPS & PHILLIPS, LLP
11355 West Olympic Boulevard
Los Angeles, CA 90064-1614
Telephone: (310) 312-4000
Facsimile: (310) 312-4224
E-mail: cmoyer@manatt.com
E-mail: pduchesneau@manatt.com

Stephanie A. Roeser
MANATT, PHELPS & PHILLIPS, LLP
One Embarcadero Center, 30th Floor
San Francisco, CA 94111
Telephone: (415) 291-7400
Facsimile: (415) 291-7474
E-mail: sroeser@manatt.com

Nathan P. Eimer
Lisa S. Meyer
Pamela R. Hanebutt
Raphael Janove
EIMER STAHL LLP
224 South Michigan Avenue, Suite 1100
Chicago, IL 60604
Telephone: (312) 660-7605
Facsimile: (312) 961-3204
Email: neimer@EimerStahl.com
Email: lmeyer@EimerStahl.com
Email: phanebutt@EimerStahl.com
Email: rjanove@EimerStahl.com

*Attorneys for Defendant
CITGO PETROLEUM CORPORATION*

By: /s/ J. Scott Janoe

Christopher J. Carr
Jonathan A. Shapiro
BAKER BOTTS L.L.P.
101 California Street
36th Floor, Suite 3600
San Francisco, California 94111
Telephone: (415) 291-6200
Facsimile: (415) 291-6300
Email: chris.carr@bakerbotts.com
Email: jona-
than.shapiro@bakerbotts.com

Scott Janoe
BAKER BOTTS L.L.P.
910 Louisiana Street
Houston, Texas 77002
Telephone: (713) 229-1553
Facsimile: (713) 229 7953
Email: scott.janoe@bakerbotts.com

Evan Young
BAKER BOTTS L.L.P.
98 San Jacinto Boulevard
Austin, Texas 78701
Telephone: (512) 322-2506
Facsimile: (512) 322-8306
Email: evan.young@bakerbotts.com

Megan Berge
BAKER BOTTS L.L.P.
1299 Pennsylvania Ave, NW
Washington, D.C. 20004
Telephone: (202) 639-7700
Facsimile: (202) 639-1171
Email: megan.berge@bakerbotts.com

By: /s/ Steven M. Bauer

Steven M. Bauer
Margaret A. Tough
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, California 94111-6538
Telephone: (415) 391-0600
Facsimile: (415) 395-8095
E-mail: steven.bauer@lw.com
E-mail: margaret.tough@lw.com

*Attorneys for Defendant
PHILLIPS 66*

By: /s/ David E. Cranston

David E. Cranston
GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor,
Los Angeles, CA 90067
Telephone: (310) 785-6897
Facsimile: (310) 201-2361
E-mail:
DCranston@greenbergglusker.com

*Attorneys for Defendant
ENI OIL & GAS INC.*

*Attorneys for Defendants
HESS CORPORATION, MARATHON
OIL COMPANY, MARATHON OIL
CORPORATION, REPSOL ENERGY
NORTH AMERICA CORP., and
REPSOL TRADING USA CORP*

By: /s/ Marc A. Fuller

Marc A. Fuller
Matthew R. Stammel
VINSON & ELKINS L.L.P.
2001 Ross Avenue, Suite 3700
Dallas, TX 75201-2975
Telephone: (214) 220-7881
Facsimile: (214) 999-7881
E-mail: mfuller@velaw.com
E-mail: mstammel@velaw.com

Stephen C. Lewis
R. Morgan Gilhuly
BARG COFFIN LEWIS & TRAPP,
LLP
350 California Street, 22nd Floor
San Francisco, California 94104-1435
Telephone: (415) 228-5400
Facsimile: (415) 228-5450
E-mail: slewis@bargcoffin.com
E-mail: mgilhuly@bargcoffin.com

*Attorneys for Defendants
OCCIDENTAL PETROLEUM CORP.
and OCCIDENTAL CHEMICAL
CORP.*

By: /s/ Shannon S. Broome

Shannon S. Broome
Ann Marie Mortimer
HUNTON ANDREWS KURTH LLP
50 California Street, Suite 1700
San Francisco, CA 94111
Telephone: (415) 975-3700
Facsimile: (415) 975-3701
E-mail: SBroome@HuntonAK.com
E-mail: AMortimer@HuntonAK.com

Shawn Patrick Regan
HUNTON ANDREWS KURTH LLP
200 Park Avenue
New York, NY 10166-0136
Telephone: (212) 309-1000
Facsimile: (212) 309-1100
E-mail: SRegan@HuntonAK.com

*Attorneys for Defendant
MARATHON PETROLEUM
CORPORATION*