

1 BRIAN E. WASHINGTON (SBN 146807)
bWASHINGTON@marincounty.org
2 BRIAN C. CASE (SBN 254218)
bcase@marincounty.org
3 **OFFICE OF THE COUNTY COUNSEL OF MARIN**
4 3501 Civic Center Drive Suite 275
San Rafael, CA 94903
5 Tel: (415) 473-6117
6 Fax: (415) 473-3796

7 VICTOR M. SHER (SBN 96197)
vic@sheredling.com
8 MATTHEW K. EDLING (SBN 250940)
matt@sheredling.com
9 MARTIN D. QUIÑONES (SBN 293318)
marty@sheredling.com

10 KATIE H. JONES (SBN 300913)
katie@sheredling.com
11 **SHER EDLING LLP**
12 100 Montgomery Street, Ste. 1410
San Francisco, CA 94104
13 Tel: (628) 231-2500
14 Fax: (628) 231-2929
Attorneys for Plaintiff
15 *The County of Marin, Individually*
and on behalf of the People of the State of California

16
17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 THE COUNTY OF MARIN, individually and
on behalf of THE PEOPLE OF THE STATE
21 OF CALIFORNIA

22 Plaintiff,

23 v.

24 CHEVRON CORP., et al.,

25 Defendants.
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Case No.: 3:17-cv-04935-VC

**NOTICE OF DISMISSAL OF
DEFENDANT PEABODY ENERGY
CORP. WITH PREJUDICE**

1 PLEASE TAKE NOTICE that Plaintiff the County of Marin, individually and on behalf of
 2 The People of the State of California, has been ordered by the United States Bankruptcy Court for
 3 the Eastern District of Missouri to dismiss its claims in the above-captioned matter as to defendant
 4 Peabody Energy Corp. with prejudice. *See In Re Peabody Energy Corp.*, No. 16-42529-399,
 5 Dkt.3514 (Bankr. E.D. Mo., Oct. 24, 2017) (“Bankruptcy Court Order”). The United States Court
 6 of Appeals for the Eighth Circuit affirmed the Bankruptcy Court Order and denied Plaintiff’s
 7 motion for a stay pending appeal on May 6, 2020. *See In re Peabody Energy Corp.*, 958 F.3d 717
 8 (8th Cir. 2020). The Court of Appeals denied Plaintiff’s motion to stay the mandate on May 27,
 9 2020, and the formal mandate issued that day. *See In re Peabody Energy Corp.*, No. 18-3242,
 10 Entry ID Nos. 4916971 & 4916981 (8th Cir. May 27, 2020). Associate Justice Gorsuch of the
 11 United States Supreme Court, sitting as Circuit Justice for the Eighth Circuit, denied Plaintiff’s
 12 application to recall the mandate and stay the Bankruptcy Court Order pending Plaintiff’s
 13 anticipated petition for certiorari on June 24, 2020. *See San Mateo Cty. et al. v. Peabody Energy*
 14 *Corp.*, No. 19A1051 (U.S. June 24, 2020). The Eighth Circuit’s mandate affirming the Bankruptcy
 15 Court Order therefore stands.

16 Plaintiff therefore requests that the clerk of the court dismiss defendant Peabody Energy
 17 Corp. from the docket in the above-captioned matter. Plaintiff reserves all rights to seek any
 18 available relief as to Peabody Energy Corp. from this Court, or from any court of the State of
 19 California after remand thereto, in the event that the Bankruptcy Court Order is later reversed,
 20 vacated, or modified upon further proceedings.

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Dated: July 1, 2020

**OFFICE OF THE COUNTY COUNSEL
COUNTY OF MARIN**

By: /s/ Brian C. Case
BRIAN E. WASHINGTON
BRIAN C. CASE

SHER EDLING LLP

By: /s/ Matthew K. Edling
MATTHEW K. EDLING
VICTOR M. SHER
MARTIN D. QUIÑONES
KATIE H. JONES

*Attorneys for The County of Marin,
individually and on behalf of the People of
the State of California*