

1 JENNIFER LYON (SBN 215905)
jlyon@mcdougallove.com

2 STEVEN E. BOEHMER (SBN 144817)
sboehmer@mcdougallove.com

3 **McDOUGAL, LOVE, BOEHMER, FOLEY, LYON & CANLAS**
CITY ATTORNEY FOR CITY OF IMPERIAL BEACH

4 8100 La Mesa Boulevard, Ste. 200
La Mesa, CA 91942
5 Tel: (619) 440-4444
6 Fax: (619) 440-4907

7 VICTOR M. SHER (SBN 96197)
vic@sheredling.com

8 MATTHEW K. EDLING (SBN 250940)
matt@sheredling.com

9 MARTIN D. QUINONES (SBN 293318)
marty@sheredling.com

10 KATIE H. JONES (SBN 300913)
katie@sheredling.com

11 **SHER EDLING LLP**
100 Montgomery Street, Ste. 1410
12 San Francisco, CA 94104
13 Tel: (628) 231-2500
14 Fax: (628) 231-2929

14 *Attorneys for Plaintiff*
15 *The City of Imperial Beach, a municipal corporation*
16 *individually and on behalf of the People of the State of California*

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

19 THE CITY OF IMPERIAL BEACH, a
20 municipal corporation, individually and on
21 behalf of THE PEOPLE OF THE STATE OF
22 CALIFORNIA,

22 Plaintiff,

23 v.

24 CHEVRON CORP., et al.,

25 Defendants.

CASE NO. 3:17-cv-04934-VC

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

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

**McDOUGAL, LOVE, BOEHMER, FOLEY,
LYON & CANLAS, CITY ATTORNEY FOR
CITY OF IMPERIAL BEACH**

By: /s/ Jennifer Lyon
JENNIFER LYON, City Attorney
STEVEN E. BOEHMER, Assistant City Attorney

SHER EDLING LLP

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

*Attorneys for The City of Imperial Beach,
individually and on behalf of the People of the
State of California*