

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

PEDRO RAMIREZ, JR., Individually and  
on Behalf of All Others Similarly  
Situated,

Plaintiff,

v.

EXXON MOBIL CORPORATION, REX W.  
TILLERSON, ANDREW P. SWIGER,  
JEFFREY J. WOODBURY, and DAVID S.  
ROSENTHAL,

Defendants.

Case No. 3:16-cv-3111-K

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME**

Defendants respectfully submit this response to Plaintiff's Motion for Extension of Time to Respond to Defendants' Supplemental Brief Addressing New Case Development and Defendants' Motion for Reconsideration of Their Motions to Dismiss and to Strike Based on New Case Development. (ECF No. 124.)

Defendants write to correct the inaccurate description of their position set forth in Plaintiff's motion, and to present a full picture of the matters before the Court. Defendants did not—and do not—oppose an extension of time for Plaintiff to respond to Defendants' recent filings (ECF Nos. 120 & 122). Defendants' concern is that the Court have all of the relevant briefing before the anticipated evidentiary hearing on class certification and be able to address matters in an appropriate sequence. Accordingly, subject to the Court's approval, Defendants proposed that the parties stipulate that (i) Plaintiff would have its requested extension of time, and (ii) the class certification hearing would take place after completion of the briefing on Defendants' recent filings and the Court's consideration of and decision on Defendants' Motion for Reconsideration based

on the post-trial decision in the New York Attorney General lawsuit (the “NYAG Decision”) (ECF No. 122). As Defendants explained to Plaintiff, sequencing proceedings in this manner is sensible and efficient because the NYAG Decision has significant implications for this case and, in particular, for the Court’s ruling on Plaintiff’s class certification motion. Plaintiff refused Defendants’ proposal.<sup>1</sup>

Accordingly, if Plaintiff’s requested extension is granted, Defendants respectfully request that the Court schedule the previously ordered evidentiary hearing on Plaintiff’s class certification motion after briefing on both of Defendants’ submissions is completed and the Court has had an opportunity to decide Defendants’ Motion for Reconsideration.

Dated: August 6, 2020

/s/ Daniel J. Kramer  
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*Counsel for Rex W. Tillerson*

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<sup>1</sup> Plaintiff’s suggestions that Defendants’ submissions are somehow belated and that Defendants spent the past seven months working on these submissions are not accurate. Defendants refrained from filing these submissions pending completion of the mediation that the Court ordered one month after the NYAG Decision was issued. The mediation concluded in early July, following a deferral because of the COVID-19 pandemic. In addition, although there are over 600 pages of exhibits in total to both submissions, the vast majority—if not all—of the documents are familiar to Plaintiff, including the NYAG’s October 2018 Complaint, the June 2, 2017 Oleske Affirmation (which is Exhibit A to Plaintiff’s Complaint), and various filings from the NYAG action.

*/s/ Nina Cortell*

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and David S. Rosenthal*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served by electronic CM/ECF filing, on this 6th day of August, 2020.

*/s/ Daniel J. Kramer*

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Daniel J. Kramer