

GIBSON, DUNN & CRUTCHER LLP
Theodore J. Boutrous, Jr., SBN 132099
tboutrous@gibsondunn.com
Andrea E. Neuman, SBN 149733
aneuman@gibsondunn.com
William E. Thomson, SBN 187912
wthomson@gibsondunn.com
Joshua S. Lipshutz, SBN 242557
jlipshutz@gibsondunn.com
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: 213.229.7000
Facsimile: 213.229.7520

STERN KILCULLEN & RUFOLO LLC
Herbert J. Stern (*pro hac vice*)
hstern@sgklaw.com
Joel M. Silverstein (*pro hac vice*)
jsilverstein@sgklaw.com
325 Columbia Turnpike, Suite 110
P.O. Box 992
Florham Park, NJ 07932-0992
Telephone: 973.535.1900
Facsimile: 973.535.9664

Attorneys for Defendants CHEVRON
CORPORATION and CHEVRON U.S.A., INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, INC.,

Plaintiff,

v.

CHEVRON CORP.; CHEVRON U.S.A.,
INC.; EXXON MOBIL CORP.;
EXXONMOBIL OIL CORP.; BP P.L.C.; BP
AMERICA, INC.; ROYAL DUTCH SHELL
PLC; SHELL OIL PRODUCTS CO. LLC;
CITGO PETROLEUM CORP.;

Case No. 3:18-cv-07477-VC

**JOINT RESPONSE TO COURT'S NOTICE
AND REQUEST TO VACATE CASE
MANAGEMENT CONFERENCE**

Action Filed: November 14, 2018

CONOCOPHILLIPS; CONOCOPHILLIPS
CO.; PHILLIPS 66; TOTAL E&P USA INC.;
TOTAL SPECIALTIES USA INC.; ENI
S.P.A.; ENI OIL & GAS INC.; ANADARKO
PETROLEUM CORP.; OCCIDENTAL
PETROLEUM CORP.; OCCIDENTAL
CHEMICAL CORP.; REPSOL S.A.; REPSOL
ENERGY NORTH AMERICA CORP.;
REPSOL TRADING USA CORP.;
MARATHON OIL CO.; MARATHON OIL
CORP.; MARATHON PETROLEUM CORP.;
HESS CORP.; DEVON ENERGY CORP.;
DEVON ENERGY PRODUCTION CO., L.P.;
ENCANA CORP.; APACHE CORP.; and
DOES 1 through 100, inclusive,

Defendants.

On August 10, 2020, the Court issued a Clerk’s Notice Scheduling Case Management Conference, which set a further Case Management Conference for August 26, 2020, and ordered a joint case management statement to be filed by August 19, 2020. Dkt. No. 133. For the reasons set out below, the parties respectfully request that the case management conference be postponed until proceedings in the Supreme Court have concluded.¹

On January 2, 2019, the Court granted a joint stipulation to “stay further proceedings in this matter until both sets of appeals currently pending in the Ninth Circuit as Nos. 18-15499, 18-15502, 18-15503, 18-16376, and 18-16663 are finally resolved, including resolution of any en banc proceedings in the Ninth Circuit or proceedings in the United States Supreme Court.” Dkt. No. 91.

On May 26, 2020, the Ninth Circuit issued decisions in *County of San Mateo v. Chevron Corp.*, Nos. 18-15499, 18-15502, 18-15503, and 18-16376 (9th Cir.) and *City of Oakland v. BP PLC*, No. 18-16663 (9th Cir.). On July 8, 2020, the defendants filed a petition for panel rehearing and/or rehearing *en banc* in *City of Oakland*, and on July 9, 2020, defendants filed a petition for rehearing *en banc* in *County of San Mateo*. On August 4, 2020, and August 12, 2020, the Ninth Circuit denied the petitions in *County of San Mateo* and *City of Oakland*, respectively. Defendants intend to file petitions for writs of certiorari to the Supreme Court of the United States in both actions.² Proceedings are not yet resolved in the United States Supreme Court.

¹ This response is submitted subject to and without waiver of any defense, affirmative defense, or objection, including personal jurisdiction, insufficient process, or insufficient service of process. Nothing in this response addresses or affects any party’s position in any other case, including *County of San Mateo* or *City of Oakland*.

² At least one similar petition for certiorari is currently pending before the Supreme Court and will likely be acted upon at the beginning of the Court’s October Term. *See BP p.l.c. v. Mayor & City Council of Baltimore*, No. 19-1189 (distributed for Conference on Sept. 29, 2020).

In light of the foregoing, the parties respectfully submit that this case remains stayed and request that the Court vacate the August 26 Case Management Conference and associated deadlines, pursuant to the Court's order dated January 2, 2019 (Dkt. No. 91). The parties propose that they notify the Court of the resolution of proceedings in the United States Supreme Court within 14 days of such resolution.

Dated : August 19, 2020

Respectfully submitted,

By: **/s/ Victor M. Sher

By: /s/ Theodore J. Boutrous

Victor M. Sher
vic@sheredling.com
Matthew K. Edling
matt@sheredling.com
Timothy R. Sloane
tim@sheredling.com
Martin D. Quiñones
marty@sheredling.com
Meredith S. Wilensky
meredith@sheredling.com
SHER EDLING LLP
100 Montgomery Street, Suite 1410
San Francisco, CA 94104
Telephone: (628) 231-2500
Facsimile: (628) 231-2929

Attorneys for Plaintiff
THE PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, INC.

** Pursuant to Civ. L.R. 5-1(i)(3), the electronic signatory has obtained approval from this signatory

Theodore J. Boutrous, Jr. (SBN 132099)
William E. Thomson (SBN 187912)
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: wthomson@gibsondunn.com

Ethan D. Dettmer (SBN 196046)
Joshua S. Lipshutz (SBN 242557)
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105
Telephone: (415) 393-8200
Facsimile: (415) 393-8306
E-mail: edettmer@gibsondunn.com
E-mail: jlipshutz@gibsondunn.com

Andrea E. Neuman (SBN 149733)
Anne Champion (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
Telephone: (212) 351-4000
Facsimile: (212) 351-5281
E-mail: aneuman@gibsondunn.com
E-mail: achampion@gibsondunn.com

By: /s/ Kevin Orsini

Kevin Orsini
Vanessa A. Lavelly
CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, NY 10019
Tel: (212) 474-1718
Fax: (212) 474-3700
E-mail: korsini@cravath.com
E-mail: vlavelly@cravath.com

*Attorneys for Defendant
ANADARKO PETROLEUM CORPORATION*

** Pursuant to Civ. L.R. 5-1(i)(3), the
electronic signatory has obtained approval
from this signatory

By: **/s/ Jonathan W. Hughes

Jonathan W. Hughes (SBN 186829)
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@arnoldporter.com

Matthew T. Heartney (SBN 123516)
John D. Lombardo (SBN 187142)
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@arnoldporter.com
E-mail: john.lombardo@arnoldporter.com

Herbert J. Stern (*pro hac vice*)
hstern@sgklaw.com
Joel M. Silverstein (*pro hac vice*)
jsilverstein@sgklaw.com
STERN KILCULLEN & RUFOLO LLC
325 Columbia Turnpike, Suite 110
P.O. Box 992
Florham Park, NJ 07932-0992
Telephone: 973.535.1900
Facsimile: 973.535.9664

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

By: **/s/ Patrick W. Mizell

Mortimer Hartwell (SBN 154556)
VINSON & ELKINS LLP
555 Mission Street Suite 2000
San Francisco, CA 94105
Telephone: (415) 979-6930
E-mail: mhartwell@velaw.com

Patrick W. Mizell (*pro hac vice*)
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*

** Pursuant to Civ. L.R. 5-1(i)(3), the
electronic signatory has obtained approval
from this signatory

Philip H. Curtis (*pro hac vice* forthcoming)
Nancy Milburn (*pro hac vice* forthcoming)
ARNOLD & PORTER KAYE SCHOLER
LLP
250 West 55th Street
New York, NY 10019-9710
Telephone: (212) 836-8000
Facsimile: (212) 836-8689
E-mail: philip.curtis@arnoldporter.com
E-mail: nancy.milburn@arnoldporter.com

*Attorneys for Defendant
BP AMERICA INC.*

** Pursuant to Civ. L.R. 5-1(i)(3), the
electronic signatory has obtained approval
from this signatory

By: **/s/ Carol M. Wood

Megan R. Nishikawa (SBN 271670)
KING & SPALDING LLP
101 Second Street, Suite 2300
San Francisco, CA 94105
Telephone: (415) 318-1200
Facsimile: (415) 318-1300
Email: mnishikawa@kslaw.com

Tracie J Renfroe (*pro hac vice*)
Carol M. Wood (*pro hac vice*)
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

By: **/s/ Andrew McGaan

Christopher W. Keegan (SBN 232045)
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. (*pro hac vice*
forthcoming)
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. (*pro hac vice*
forthcoming)
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 (*pro hac vice* forthcoming)
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.*

** Pursuant to Civ. L.R. 5-1(i)(3), the
electronic signatory has obtained approval
from this signatory

*Attorneys for Defendants
CONOCOPHILLIPS and
CONOCOPHILLIPS COMPANY*

** Pursuant to Civ. L.R. 5-1(i)(3), the electronic signatory has obtained approval from this signatory

By: **/s/ Gregory Evans

Gregory Evans (SBN 147623)
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 (*pro hac vice*
forthcoming)
Joy C. Fuhr (*pro hac vice* forthcoming)
Brian D. Schmalzbach (*pro hac vice*
forthcoming)
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.*

** Pursuant to Civ. L.R. 5-1(i)(3), the electronic signatory has obtained approval from this signatory

By: **/s/ Peter Duchesneau

Craig A. Moyer (SBN 094187)
Peter Duchesneau (SBN 168917)
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

Nathan P. Eimer (*pro hac vice*)
Pamela Hanebutt (*pro hac vice*)
Lisa Meyer (*pro hac vice*)
EIMER STAHL, LLP
Suite 1100
224 South Michigan Avenue
Chicago, IL 60604
Telephone: (312) 660-7605
Facsimile: (312) 961-3204
E-mail: neimer@EimerStahl.com
E-mail: phanebutt@EimerStahl.com
E-mail: lmeyer@EimerStahl.com
E-mail: rjanove@EimerStahl.com

Robert E. Dunn (SBN 275600)
EIMER STAHL
99 S. Almaden Blvd. Suite 6620
San Jose, CA 95113
Telephone: (669) 231-8755
Facsimile: (312) 961-3204
E-mail: rdunn@eimerstahl.com

*Attorneys for Defendant
CITGO PETROLEUM CORPORATION*

** Pursuant to Civ. L.R. 5-1(i)(3), the electronic signatory has obtained approval from this signatory

By: **/s/ Michael F. Healy

Michael F. Healy (SBN 95098)
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 (SBN 173355)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957-3092
E-mail: MLFox@duanemorris.com

*Attorneys for Defendant
OVINTIV CANADA ULC (fka "ENCANA
CORPORATION")*

** Pursuant to Civ. L.R. 5-1(i)(3), the
electronic signatory has obtained approval
from this signatory

By: **/s/ David E. Cranston

David E. Cranston (SBN 122558)
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 Defendants
ENI OIL & GAS INC.*

By: **/s/ Steven M. Bauer

Steven M. Bauer
Margaret Tough
LATHAM & WATKINS LLP
505 Montgomery Street
Suite 2000
San Francisco, CA 94111-6538
Telephone: (415) 395-8083
Facsimile:
E-mail: steven.bauer@lw.com
E-mail: margaret.tough@lw.com

*Attorneys for Defendant
PHILLIPS 66*

** Pursuant to Civ. L.R. 5-1(i)(3), the
electronic signatory has obtained approval
from this signatory

By: **/s/ Dawn Sestito

M. Randall Oppenheimer (SBN 77649)
Dawn Sestito (SBN 214011)
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

** Pursuant to Civ. L.R. 5-1(i)(3), the electronic signatory has obtained approval from this signatory

By: **/s/ J. Scott Janoe

Christopher J. Carr (SBN 184076)
Jonathan A. Shapiro (SBN 257199)
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: jonathan.shapiro@bakerbotts.com

Scott Janoe (*pro hac vice*)
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 (*pro hac vice*)
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 (*pro hac vice*)
BAKER BOTTS L.L.P.
700 K Street, N.W.
Washington, D.C. 20001
Telephone: (202) 639-1308
Facsimile: (202) 639-1171
Email: megan.berge@bakerbotts.com

Theodore V. Wells, Jr. (*pro hac vice* forthcoming)
Daniel J. Toal (*pro hac vice* forthcoming)
Yahonnes Cleary (*pro hac vice* forthcoming)
Caitlin Grusauskas (*pro hac vice* forthcoming)
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: (212) 373-3000
Facsimile: (212) 757-3990
E-Mail: twells@paulweiss.com
E-Mail: dtoal@paulweiss.com
E-Mail: ycleary@paulweiss.com
E-Mail: cgrusauskas@paulweiss.com

*Attorneys for Defendants
EXXON MOBIL CORPORATION and
EXXONMOBIL OIL CORPORATION*

** Pursuant to Civ. L.R. 5-1(i)(3), the electronic signatory has obtained approval from this signatory

By: **/s/ Shannon Broome

Shannon S. Broome (SBN 150119)
HUNTON ANDREWS KURTH LLP
50 California Street, Suite 1700
San Francisco, CA 94111
Tel: (415) 975-3718
Fax: (415) 975-3701
E-mail: SBroome@HuntonAK.com

Ann Marie Mortimer (SBN 169077)
HUNTON ANDREWS KURTH LLP
550 South Hope Street, Suite 2000
Los Angeles, CA 90071
Tel: (213) 532-2103
Fax: (213) 312-4752
E-mail: AMortimer@HuntonAK.com

*Attorneys for Defendant
HESS CORPORATION, REPSOL S.A and
REPSOL ENERGY NORTH AMERICA
CORP.*

** Pursuant to Civ. L.R. 5-1(i)(3), the
electronic signatory has obtained approval
from this signatory

By: /s/ Kevin Orsini

Kevin Orsini
Vanessa A. Lavelly
CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, NY 10019
Tel: (212) 474-1718
Fax: (212) 474-3700
E-mail: korsini@cravath.com
E-mail: vlavelly@cravath.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.*

** Pursuant to Civ. L.R. 5-1(i)(3), the
electronic signatory has obtained approval
from this signatory

Shawn Patrick Regan (*pro hac vice*)
HUNTON ANDREWS KURTH LLP
200 Park Avenue
New York, NY 10166
Tel: (212) 309-1046
Fax: (212) 309-1100
E-mail: SRegan@HuntonAK.com

*Attorneys for Defendant
MARATHON PETROLEUM CORPORATION*

** Pursuant to Civ. L.R. 5-1(i)(3), the
electronic signatory has obtained approval
from this signatory

By: **/s/ Ross M. Petty

Ross M. Petty (SBN 166366)
NIXON PEABODY LLP
One Embarcadero Center, 32nd Floor
San Francisco, CA 94111
Telephone: (415) 984-8200
Facsimile: (866) 542-6538
E-mail: rpetty@nixonpeabody.com

David C. Frederick (*pro hac vice* pending)
Brendan J. Crimmins (*pro hac vice* pending)
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: dfrederick@kellogghansen.com
E-mail: bcrimmins@kellogghansen.com

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

By: **/s/ Catherine Y. Lui

** Pursuant to Civ. L.R. 5-1(i)(3), the electronic signatory has obtained approval from this signatory

Catherine Y. Lui (SBN 239648)
ORRICK, HERRINGTON & SUTCLIFFE,
LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105
Telephone: (415) 773-5571
Facsimile: (415) 773-5749
E-mail: clui@orrick.com

Robert P Reznick (*pro hac vice*)
ORRICK, HERRINGTON & SUTCLIFFE,
LLP
1152 15th Street, NW
Washington, DC 20005-1706
Telephone: (202) 339-8409
Facsimile: (202) 339-8500
Email: rreznick@orrick.com

James Stengel (*pro hac vice*)
ORRICK, HERRINGTON &
SUTCLIFFE, LLP
51 West 52nd Street
New York, NY 10019-6142
Telephone: (212) 506-3775
Facsimile: (212) 506-5151
Email: jstengel@orrick.com

Attorneys for Defendants
MARATHON OIL CORPORATION and
MARATHON OIL COMPANY

** Pursuant to Civ. L.R. 5-1(i)(3), the electronic signatory has obtained approval from this signatory