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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.;
CONOCOPHILLIPS; CONOCOPHILLIPS

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

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 22, 2020, the Court issued a Clerk’s Notice Rescheduling Case Management Conference, which set a Case Management Conference for December 16, 2020, and ordered a case management statement to be filed by December 9, 2020. Dkt. No. 146. 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 Accordingly, proceedings are not yet resolved in the United States Supreme Court.

In light of the foregoing, the parties respectfully submit that this case remains stayed and request that the Court vacate the December 16 Case Management Conference and associated deadlines, pursuant to the Court’s order dated January 2, 2019 (Dkt. No. 91). The parties propose

¹ This request 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 request addresses or affects any party’s position in any other case, including *County of San Mateo* or *City of Oakland*.

² A similar petition for certiorari was granted and petitioners filed their Opening Brief on November 16, 2020 and amici filed briefs in support of petitioners on November 23, 2020. See *BP p.l.c. v. Mayor & City Council of Baltimore*, No. 19-1189.

that they notify the Court of the resolution of proceedings before the United States Supreme Court in *San Mateo* and *Oakland* within 14 days of such resolution of both actions.

Dated : November 25, 2020

Respectfully submitted,

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