

**In the United States Court of Appeals  
For the Eighth Circuit**

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No. 21-1752

STATE OF MINNESOTA, PLAINTIFF-APPELLEE

v.

AMERICAN PETROLEUM INSTITUTE, ET AL.,  
DEFENDANTS-APPELLANTS

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**RESPONSE OF PLAINTIFF-APPELLEE TO  
APPELLANTS' AMENDED MOTION FOR AN EXTENSION OF  
TIME TO FILE APPELLANT BRIEF**

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Plaintiff maintains its objection to Defendants’ motion to delay the briefing schedule. The Court set the briefing schedule months ago, and any ambiguity regarding the scope of the appeal has been clarified by today’s Supreme Court decision in *BP p.l.c. v. Mayor & City Council of Baltimore*, No. 19-1189. Moreover, this decision is consistent with Defendants’ position, and Defendants have failed to explain why the Supreme Court’s decision requires 30 additional days to brief the issues they appealed. In addition, unlike in *City & County of Honolulu v. Sunoco LP*, No. 21-15313, and *County of Maui v. Chevron USA Inc.*, No. 21-15318, where the underlying state action is moving forward, Defendants in this case are seeking to stay the underlying state action pending the outcome of this appeal. Accordingly, Plaintiff will be prejudiced by any further delay. Good cause does not exist for any extension of the briefing schedule—30 days or otherwise.

Dated: May 17, 2021

**KEITH ELLISON** Attorney General  
State of Minnesota

*/s/ Leigh Currie*

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**CERTIFICATE OF COMPLIANCE  
WITH TYPEFACE AND WORD-COUNT LIMITS**

I, Victor M. Sher, certify, pursuant to Federal Rules of Appellate Procedure 27(d)(1)(E) and (d)(2)(A) and 32(g)(1), that the foregoing Response to Appellants' Amended Motion for an Extension of Time to File Appellant Brief is proportionately spaced, has a type-face of 14 points or more, was prepared using Microsoft Word 2016, and contains 153 words. I further certify that the electronic version of this filing was automatically scanned for viruses and found to contain no known viruses.

May 17, 2021

/s/ Victor M. Sher  
VICTOR M. SHER

## CERTIFICATE OF SERVICE

I, Victor M. Sher, hereby certify that on May 17, 2021, I caused a copy of the foregoing to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

May 17, 2021

/s/ Victor M. Sher  
VICTOR M. SHER