

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

CITY OF CHARLESTON,

Plaintiff,

v.

Civil Action No. 2:20-cv-03579-BHH

BRABHAM OIL COMPANY, INC.;
COLONIAL GROUP, INC.; ENMARK
STATIONS, INC.; COLONIAL
PIPELINE COMPANY; PIEDMONT
PETROLEUM CORP.; EXXON MOBIL
CORPORATION; EXXONMOBIL OIL
CORPORATION; ROYAL DUTCH
SHELL PLC; SHELL OIL COMPANY;
SHELL OIL PRODUCTS COMPANY
LLC; CHEVRON CORPORATION;
CHEVRON U.S.A. INC.; BP P.L.C.; BP
AMERICA INC.; MARATHON
PETROLEUM CORPORATION;
MARATHON PETROLEUM
COMPANY LP; SPEEDWAY LLC;
MURPHY OIL CORPORATION;
MURPHY OIL USA, INC.; HESS
CORPORATION; CONOCOPHILLIPS;
CONOCOPHILLIPS COMPANY;
PHILLIPS 66; AND PHILLIPS 66
COMPANY,

Defendants.

STIPULATION AND [PROPOSED] ORDER TO STAY PROCEEDINGS¹

¹ This stipulation does not operate as an admission of any factual allegation or legal conclusion and is submitted subject to and without waiver of any right, defense, affirmative defense, claim, or objection, including lack of subject matter jurisdiction, or lack of personal jurisdiction, insufficient process, or insufficient service of process.

WHEREAS, on September 9, 2020, Plaintiff, the City of Charleston (“Plaintiff”), filed a complaint against 24 Defendants (“Defendants”) in the Court of Common Pleas, Ninth Judicial Circuit, No. 2020-CP-10-03975, Charleston County, State of South Carolina;

WHEREAS, on October 9, 2020, Defendants Chevron Corp. and Chevron U.S.A., with the consent of all Defendants, timely removed this action from South Carolina state court to this Court;

WHEREAS, on November 5, 2020, Plaintiff filed its procedural motion to remand and filed its memorandum of points and authorities in support of the motion to remand on February 26, 2021;

WHEREAS, briefing on Plaintiff’s motion to remand is complete;

WHEREAS, on November 13, 2020, Defendants moved to stay proceedings pending the outcome of *BP p.l.c. v. Mayor & City Council of Baltimore*, No. 19-1189 (U.S.);

WHEREAS, on May 17, 2021, the Supreme Court issued a ruling in that case, vacating the Fourth Circuit’s decision in *Mayor & City Council of Baltimore v. BP p.l.c.*, 952 F.3d 452 (4th Cir. 2020), and remanding to the Fourth Circuit. *See BP P.L.C. v. Mayor & City Council of Baltimore*, 2021 WL 1951777, at *1 (U.S. May 17, 2021);

WHEREAS, on remand, the Fourth Circuit is poised to address grounds for removal it has not previously addressed, including a number of grounds asserted by Defendants in this case;

WHEREAS, on May 19, 2021, the District of Maryland stayed the parallel *Annapolis* case pending the Fourth Circuit’s decision in *Baltimore*. *See City of Annapolis v. BP p.l.c.*, 2021 WL 2000469, at *1 (D. Md. May 19, 2021);

WHEREAS, the Parties agree that proceedings in this case should also be stayed pending the Fourth Circuit’s decision on remand from the Supreme Court in *Baltimore*;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT THE PARTIES SHALL JOINTLY REQUEST AN ORDER OF THE COURT PROVIDING:

1. Further proceedings in this case shall be stayed until the Fourth Circuit issues a decision on remand from the Supreme Court in *Baltimore*.

2. Within 14 days of the Fourth Circuit's decision on remand from the Supreme Court in *Baltimore*, the Parties shall file a joint submission outlining the Parties' positions on next steps in this case.

Respectfully submitted,

Dated: May 25, 2021

By: /s/ Joel H. Smith
Joel H. Smith

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