

No. 19-1644

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

MAYOR AND CITY COUNCIL OF BALTIMORE,

Plaintiff – Appellee,

v.

BP P.L.C., et al.,

Defendants – Appellants.

Appeal from the United States District Court
for the District of Maryland, No. 1:18-cv-02357-ELH
The Honorable Ellen L. Hollander

**PLAINTIFF-APPELLEE’S NOTICE OF NON-OPPOSITION TO
DEFENDANTS’–APPELLANTS’ CONSENT MOTION FOR LEAVE
TO FILE SUPPLEMENTAL BRIEFING**

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The Mayor & City Council of Baltimore (“the City”) writes to clarify its position regarding Appellants’ Consent Motion for Supplemental Briefing and Oral Argument (Dkt. 164).

The City agrees there is good cause to grant Defendants’-Appellants’ Motion for supplemental briefing because several courts have issued relevant and persuasive decisions since this Court’s decision of March 6, 2020, which affirmed the district court’s order remanding this case to state court. *Mayor & City Council of Baltimore v. BP P.L.C.*, 952 F.3d 452 (4th Cir.), *cert. granted*, 141 S.Ct. 222 (2020), *and vacated and remanded*, 141 S.Ct. 1532 (2021).

However, the City strongly disagrees with Defendants’-Appellants’ characterization in their Consent Motion of the allegations in the City’s complaint and the holdings and analysis in those recently decided cases. The City will set forth its position on these and other issues in its forthcoming brief, but wishes to make clear that by consenting to Defendants-Appellants’ request for supplemental briefing, the City was neither agreeing with, nor acquiescing in, the accuracy or completeness of Defendants-Appellants’ characterizations of the City’s allegations in this cases or the cited legal authorities.

For these reasons, the City requests that the Court grant Defendants’-Appellants’ Consent Motion for Supplemental Briefing and Oral Argument.

Dated: June 29, 2021

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the undersigned certifies that this brief complies with the applicable typeface, type-style, and type-volume limitations. This brief was prepared using a proportionally spaced type (Times New Roman, 14 point). Exclusive of the portions exempted by Federal Rule of Appellate Procedure 32(f), this brief contains 203 words. This certificate was prepared in reliance on the word-count function of the word-processing system used to prepare this brief.

Dated: June 29, 2021

/s/ Victor M. Sher

Victor M. Sher

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2021, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: June 29, 2021

/s/ Victor M. Sher

Victor M. Sher