

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

DISTRICT OF COLUMBIA

Plaintiff,

v.

EXXON MOBIL CORP., *et al.*

Defendants.

Civil Action No. 20-1932 (TJK)

**PLAINTIFF DISTRICT OF COLUMBIA'S  
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff District of Columbia hereby notifies the Court of supplemental authority with respect to its Motion to Remand (Dkt. 46).

On September 8, 2021, the United States District Court for the District of New Jersey granted plaintiff's Motion to Remand to State Court in *City of Hoboken v. Exxon Mobil Corp. et al.*, Case No. 20-cv-14243-JMV, Dkt. 121 (D.N.J. Sept. 8, 2021), attached hereto as **Exhibit A** ("Order").

Like the case at bar, the plaintiff in *Hoboken* asserts state-law claims against fossil fuel industry entities, alleging that the defendants deceived the public about harms that they knew would result from the use of their products. In granting the motion to remand, the court analyzed and rejected six theories of removal jurisdiction that Defendants have also asserted here:

- (1) **Federal common law.** *See* Order at 9–13 (concluding that there is no removal jurisdiction because "Defendants are in essence raising the affirmative defense that the federal common law preempts Plaintiff's claims").

- (2) **Jurisdiction under *Grable & Sons. Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308 (2005).** See Order at 13–16 (explaining that defendants’ “general concern that federal law might be implicated or may guide the Court’s analysis is materially different than a claim, like that in *Grable*, that is dependent on the interpretation of federal law”).
- (3) **Outer Continental Shelf Lands Act.** See Order at 16–18 (applying “but-for test” and finding no OCSLA jurisdiction because defendants’ “chain of causation is too attenuated”).
- (4) **Federal officer removal.** See Order at 18–22 (rejecting federal officer jurisdiction because “Hoboken’s complaint is focused on Defendants’ decades long misinformation campaign that was utilized to boost Defendants’ sales to consumers. Defendants do not claim that any federal officer directed them to engage in the alleged misinformation campaign”).
- (5) **Federal enclave jurisdiction.** See Order at 23–24 (rejecting federal enclave jurisdiction because “[t]he focus of Hoboken’s claims is on harm that occurred in Hoboken rather than in a federal enclave”).
- (6) **Class Action Fairness Act.** See Order at 24 (rejecting CAFA jurisdiction “in short order because Plaintiff is not bringing this matter under Rule 23 or any similar state law”).

Respectfully Submitted,

Dated: September 9, 2021

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