

KANNON K. SHANMUGAM

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October 19, 2021

BY ELECTRONIC FILING

Christopher M. Wolpert  
Clerk of Court  
United States Court of Appeals for the Tenth Circuit  
Byron White U.S. Courthouse  
1823 Stout Street  
Denver, CO 80257

Re: *Board of County Commissioners of Boulder County, et al.*  
*v. Suncor Energy (U.S.A.) Inc., et al.*, No. 19-1330

Dear Mr. Wolpert:

I am counsel for Exxon Mobil Corporation and ExxonMobil Oil Corporation and write on behalf of all appellants to provide the Court with an update regarding a similar appeal being litigated in the Fourth Circuit. After the Supreme Court issued its decision in *BP p.l.c. v. Mayor & City Council of Baltimore*, 141 S. Ct. 1532 (2021), the Court remanded the case to the Fourth Circuit for the court to decide whether the climate-change claims at issue in that case were removable on any ground other than the federal-officer ground. *See id.* at 1543. The Fourth Circuit authorized supplemental briefing after remand and has now tentatively scheduled oral argument for December 6-10, 2021. *See Order*, No. 19-1644 (Oct. 8, 2021) (Dkt. 225).

The appeals in *BP* and this case present similar legal issues and are in a similar procedural posture. In accordance with appellants' prior requests, appellants believe that oral argument would assist the Court in resolving the remaining legal issues in this appeal and respectfully ask that oral argument be scheduled at the Court's earliest convenience.

Respectfully submitted,

/s/ Kannon K. Shanmugam  
Kannon K. Shanmugam

cc: All counsel of record (via electronic filing)

**CERTIFICATE OF SERVICE**

I, Kannon K. Shanmugam, hereby certify that, on October 19, 2021, a copy of the foregoing letter was filed through the Court's electronic filing system with the Clerk of the Court. I further certify that all parties required to be served have been served.

/s/ Kannon K. Shanmugam

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