

1 DANA McRAE (SBN 142231)
 dana.mcrae@santacruzcounty.us
 2 JORDAN SHEINBAUM (SBN 190598)
 Jordan.sheinbaum@santacruzcounty.us
 3 **SANTA CRUZ OFFICE OF THE**
 4 **COUNTY COUNSEL**
 701 Ocean Street, Room 505
 5 Santa Cruz, CA 95060
 Tel: (831) 454-2040
 6 Fax: (831) 454-2115

7 *Attorneys for The County of Santa Cruz,*
 8 *Individually and on behalf of the People of the*
 9 *State of California*

10 ANTHONY P. CONDOTTI (SBN 149886)
 tcondotti@abc-law.com
 11 **ATCHISON, BARISONE &**
CONDOTTI, APC
 12 City Attorney for City of Santa Cruz
 333 Church St.
 13 Santa Cruz, CA 95060
 Tel: (831) 423-8383

14 *Attorneys for The City of Santa Cruz, a*
 15 *municipal corporation, and on behalf of the*
 16 *People of the State of California*

BRUCE REED GOODMILLER (SBN 121491)
 Bruce_goodmiller@ci.richmond.ca.us
 RACHEL H. SOMMOVILLA (SBN 231529)
 Rachel_sommovilla@ci.richmond.ca.us
CITY ATTORNEY’S OFFICE FOR
CITY OF RICHMOND
 450 Civic Center Plaza
 Richmond, CA 94804
 Tel: (510) 620-6509
 Fax: (510) 620-6518

Attorneys for The City of Richmond, a municipal
corporation, and on behalf of the People of the
State of California

[Additional Counsel Listed on Signature Page]

17
 18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA

20 THE COUNTY OF SANTA CRUZ,
 21 individually and on behalf of THE PEOPLE OF
 22 THE STATE OF CALIFORNIA,

Plaintiff,

vs.

23 CHEVRON CORP., et al.,

24 Defendants.

Case No. 3:18-cv-00450-VC

PLAINTIFFS’ NOTICE OF MOTION
AND MOTION TO REMAND TO STATE
COURT

Date: March 29, 2018

Time: 10:00 a.m.

Courtroom: 4, 17th Floor

Judge: Hon. Vince Chhabria

25
 26 THE CITY OF SANTA CRUZ, a municipal
 27 corporation, individually and on behalf of THE
 28 PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

Case No. 3:18-cv-00458-VC

PLAINTIFFS’ NOTICE OF MOTION AND MOTION TO REMAND TO STATE COURT;
CASE NOS. 3:18-cv-00450-VC, 3:18-cv-00458-VC, 3:18-cv-00732-VC

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vs.
CHEVRON CORP., et al.
Defendants.

THE CITY OF RICHMOND, a municipal
corporation, individually and on behalf of THE
PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,
vs.
CHEVRON CORP., et al.,
Defendants.

Case No. 3:18-cv-00732-VC

1 **NOTICE OF MOTION AND MOTION TO REMAND TO STATE COURT**

2 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD, PLEASE
3 TAKE NOTICE that Plaintiffs County of Santa Cruz, City of Santa Cruz, and the City of
4 Richmond, individually and on behalf of the People of the State of California, hereby move the
5 Court for an Order pursuant to 28 U.S.C. § 1447(c) to remand these matters to state court.

6 The plaintiffs in the related cases *County of San Mateo v. Chevron Corp.*, et al. (3:17-cv-
7 04929-VC), *City of Imperial Beach v. Chevron Corp.*, et al. (3:17-cv-04934-VC), and *County of*
8 *Marin v. Chevron Corp.*, et al. (3:17-cv-04935-VC), have already briefed and argued remand, as
9 reflected in the following:

10
11 **County of San Mateo (3:17-cv-04929-VC)**

- 12 • Plaintiff's Notice of Motion and Motion to Remand to State Court
13 (Dkt. 144)
- 14 • Memorandum of Points and Authorities in Support of Motion to
15 Remand (attaching [Proposed] Order Granting Plaintiffs' Motion to
16 Remand) (Dkt. 157)
- 17 • Reply to Defendants' Joint Opposition to Plaintiffs' Motion for
18 Remand (Dkt. 203)
- 19 • Reply to Supplemental Opposition to Plaintiffs' Motion for Remand
20 (Dkt. 204)

21 **City of Imperial Beach (3:17-cv-04934-VC)**

- 22 • Plaintiff's Notice of Motion and Motion to Remand to State Court
23 (Dkt. 140)
- 24 • Memorandum of Points and Authorities in Support of Motion to
25 Remand (attaching [Proposed] Order Granting Plaintiffs' Motion to
26 Remand) (Dkt. 154)
- 27 • Reply to Defendants' Joint Opposition to Plaintiffs' Motion for
28 Remand (Dkt. 194)
- Reply to Supplemental Opposition to Plaintiffs' Motion for Remand
 (Dkt. 195)

County of Marin (3:17-cv-04935-VC)

- Plaintiff's Notice of Motion and Motion to Remand to State Court (Dkt. 140)
- Memorandum of Points and Authorities in Support of Motion to Remand (attaching [Proposed] Order Granting Plaintiffs' Motion to Remand) (Dkt. 154)
- Reply to Defendants' Joint Opposition to Plaintiffs' Motion for Remand (Dkt. 190)
- Reply to Supplemental Opposition to Plaintiffs' Motion for Remand (Dkt. 191)

Plaintiffs refer to and incorporate fully by reference the arguments plaintiffs asserted in the briefing listing above as well as argument of counsel presented during the Court's February 15, 2018, hearing on the motions to remand in *County of San Mateo v. Chevron Corp.*, et al. (3:17-cv-04929-VC), *City of Imperial Beach v. Chevron Corp.*, et al. (3:17-cv-04934-VC), and *County of Marin v. Chevron Corp.*, et al. (3:17-cv-04935-VC). Should Defendants raise no additional arguments but, instead refer to and incorporate by reference the arguments Defendants asserted in their previous briefing, Plaintiffs do not intend to file a reply brief. If Defendants raise additional arguments, Plaintiffs intend to reply. Lastly, to the extent that Defendants intend to expand on the articulations set forth in their Notices of Removal, Plaintiffs contend and move that Defendants are limited to those bases articulated in the Notices. *See, e.g., In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, 488 F.3d 112, 124 ("In determining whether jurisdiction is proper, we look only to the jurisdictional facts alleged in the Notices of Removal"); *accord, e.g., Colorado v. Symes*, 286 U.S. 510, 518–19 (1932) ("The burden is upon him who claims the removal plainly to set forth by petition made, signed, and unequivocally verified by himself all the facts relating to the occurrence, as he claims them to be, on which the accusation is based").

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Respectfully submitted,

Dated: February 16, 2018

**OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CRUZ**

By: /s/ Dana M. McRae
DANA M. McRAE, County Counsel
JORDAN SHEINBAUM, Deputy County Counsel

Dated: February 16, 2018

**CITY ATTORNEY FOR CITY
OF SANTA CRUZ**

By: /s/ Anthony P. Condotti
ANTHONY P. CONDOTTI, City Attorney

Dated: February 16, 2018

CITY ATTORNEY FOR CITY OF RICHMOND

By: /s/ Bruce Reed Goodmiller
BRUCE REED GOODMILLER, City Attorney
RACHEL H. SOMMOVILLA, Assistant City Attorney

Dated: February 16, 2018

SHER EDLING LLP

By: /s/ Victor M. Sher
VICTOR M. SHER (SBN 96197)
vic@sheredling.com
MATTHEW K. EDLING (SBN 250940)
matt@sheredling.com
TIMOTHY R. SLOANE (SBN 292864)
tim@sheredling.com
MARTIN D. QUIÑONES (SBN 293318)
marty@sheredling.com
MEREDITH S. WILENSKY (SBN 309268)
meredith@sheredling.com
KATIE H. JONES (SBN 300913)
katie@sheredling.com
SHER EDLING LLP
100 Montgomery Street, Ste. 1410
San Francisco, CA 94104
Tel: (628) 231-2500
Fax: (628) 231-2929

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2018, the foregoing document(s) was filed with the Clerk of the Court via CM/ECF. Notice of this filing will be sent by email to all registered parties by operation of the Court's electronic filing systems.

February 16, 2018

/s/ Victor M. Sher

Victor M. Sher