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October 7, 2019

VIA ECF

The Honorable William E. Smith
United States District Court for the District of Rhode Island
One Exchange Terrace
Federal Building and Courthouse
Providence, RI 02903

Re: *State of Rhode Island v. Chevron Corp., et al.*, 1:18-cv-00395-WES-LDA
(D.R.I.)

Dear Chief Judge Smith:

I write on behalf of Defendants in regard to the Court's text order of September 11, 2019, in which the Court ordered that in accordance with the [128] Consent Order, the Remand Order would not be entered until October 10, 2019.¹

Defendants have a fully briefed expedited motion in the First Circuit to stay this Court's remand decision pending appeal (the reply brief was filed on September 26, 2019), but the circuit court has not yet ruled on the motion. In addition, on Friday, October 4, the Chief Justice of the United States requested a response by October 18, 2019, to an application by Defendants to stay a remand order by Judge Hollander in a virtually identical case brought by the Mayor and City Council of Baltimore in state court and removed to the United States District Court for the District of Maryland. That application to stay followed the Fourth Circuit's denial of Defendants' motion to stay in the Fourth Circuit. *Mayor and City Council of Baltimore v. BP P.L.C., et al.*, No. 19-1644 (4th Cir.).

In light of the fact that the First Circuit has not yet acted on the expedited motion to stay, and that the Supreme Court will be considering the application to stay in the Baltimore case after the response is filed on October 18, 2019, Defendants request that the Court

¹ This letter is submitted subject to and without waiver of any defense, affirmative defense or objection, including personal jurisdiction, insufficient process, or insufficient service of process.

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order that the Remand Order will not be entered until after the First Circuit and Supreme Court have acted on the pending motion and application to stay.

Defendants also have notified the First Circuit of the Chief Justice's request for a response to the application to stay. A copy of Defendants' letter to the First Circuit is attached.

Sincerely,

/s/ John A. Tarantino
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Attachment