

No. 18-16663

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CITY OF OAKLAND, et al.,
Plaintiffs/Appellants,

v.

B.P. p.l.c., et al.,
Defendants/Appellees.

Appeal from the United States District Court
for the Northern District of California
Nos. 3:17-cv-06011 and 3:17-cv-06012 (Hon. William H. Alsup)

**MOTION BY THE UNITED STATES AS AMICUS CURIAE
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT**

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Pursuant to Fed. R. App. P. 29(a)(8), the United States respectfully requests permission to participate as amicus curiae in support of Appellees BP p.l.c., Chevron Corporation, ConocoPhillips, Exxon Mobil Corporation, and Royal Dutch Shell PLC, in the oral argument scheduled for February 5, 2020. In the event that this Court grants the United States' request to participate, Appellees, through their counsel, have agreed to cede five minutes of their argument time to the United States. The United States contacted counsel for the Cities of Oakland and San Francisco, who stated that they do not oppose the United States' request. The grounds for this motion are as follows.

This case presents questions of federal law as to which the United States has a substantial interest. Domestically, the United States Environmental Protection Agency (EPA) has primary responsibility, pursuant to a delegation from Congress, for administering certain programs under the Clean Air Act (CAA), 42 U.S.C. §§ 7401 et seq., including decisions involving the regulation of greenhouse gas emissions. Internationally, the United States government engages in important and complex questions of diplomacy and foreign affairs relating to climate change. The United States filed an amicus brief addressing these questions and, with leave of the Court, would like to present its views for the Court's consideration at oral argument.

For the foregoing reasons, the United States respectfully requests permission to participate in oral argument in support of Appellees. Undersigned counsel

consulted with Joshua Lipshutz, who stated that Appellees would share five minutes of their argument time in the event that the Court allows the United States' participation.

Dated: January 13, 2020.

Respectfully submitted,

s/ Christine W. Ennis

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CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2020, I electronically filed the foregoing Motion by the United States as Amicus Curiae for Leave to Participate in Oral Argument with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: January 13, 2020

s/ Christine W. Ennis
Christine W. Ennis