

No. 18-16663

IN THE
United States Court of Appeals for the Ninth Circuit

CITY OF OAKLAND, a Municipal Corporation, and THE PEOPLE OF THE STATE OF CALIFORNIA, acting by and through the Oakland City Attorney Barbara J. Parker; CITY AND COUNTY OF SAN FRANCISCO, a Municipal Corporation, and THE PEOPLE OF THE STATE OF CALIFORNIA, acting by and through the San Francisco City Attorney Dennis J. Herrera,

Plaintiffs-Appellants,

v.

B.P. P.L.C., a public limited company of England and Wales;
CHEVRON CORPORATION, a Delaware corporation;
CONOCOPHILLIPS, a Delaware corporation;
EXXON MOBIL CORPORATION, a New Jersey corporation;
ROYAL DUTCH SHELL PLC, a public limited company of England and Wales;
and DOES, 1 through 10

Defendants-Appellees.

On Appeal from The United States District Court, Northern District of California
Case Nos. 3:17-cv-06011-WHA, 3:17-cv-06012-WHA (Hon. William H. Alsup)

**MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR PANEL REHEARING AND/OR REHEARING EN BANC**

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Pursuant to Federal Rule of Appellate Procedure 26(b), Defendants-Appellees respectfully move for an extension of 30 days to file a petition for panel rehearing and/or rehearing en banc. This Court issued its opinion on May 26, 2020, and any rehearing petition is currently due on June 9, 2020. This motion, if granted, would extend the time for filing the petition to Thursday, July 9, 2020.

There is good cause to extend the deadline for filing a petition for panel rehearing and/or rehearing en banc. Defendants-Appellees are currently considering whether to file a petition for panel rehearing and/or rehearing en banc or, in the alternative, whether to file a petition for writ of certiorari in the United States Supreme Court. If Defendants-Appellees decide to file a petition for panel rehearing and/or rehearing en banc, they intend to file a single petition on behalf of all Defendants-Appellees. Moreover, Defendants-Appellees are coordinating this decision with the numerous additional Defendants-Appellants who are considering whether to seek rehearing or, in the alternative, a writ of certiorari in the United States Supreme Court in *County of San Mateo v. Chevron Corp.*, Nos. 18-15499+ (9th Cir.), which was decided by the same panel and on the same day as this appeal. An extension of time beyond the 14 days allotted by Federal Rules of Appellate Procedure 35(c) and 40(a)(1) is necessary to prepare any petition and to ensure coordination among all of the relevant parties.

An extension would not prejudice any other party. The district court found that it had jurisdiction under 28 U.S.C. § 1331 and dismissed this action for failure to state a claim and, as to four defendants, for lack of personal jurisdiction. Although the panel vacated the district court's jurisdictional holding, it did not preclude the district court from finding jurisdiction on other grounds, nor did it address the district court's findings that Plaintiffs failed to state a viable claim on the merits and that the court lacked personal jurisdiction over four defendants.

Undersigned counsel has exercised diligence and will file any rehearing petition within the time requested. Defendants-Appellees have not made a previous request for an extension of time within which to file a petition for panel rehearing and/or rehearing en banc.

Undersigned counsel has conferred with opposing counsel about this motion. Opposing counsel do not oppose this motion for an extension.

Dated: June 2, 2020

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Respectfully submitted,

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**** Pursuant to Ninth Circuit L.R. 25-5(e), counsel attests that all other parties on whose behalf the filing is submitted concur in the filing's contents**

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