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CHEVRON CORPORATION
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

CITY AND COUNTY OF HONOLULU,

Plaintiff,

v.

SUNOCO LP; ALOHA PETROLEUM,
LTD.; ALOHA PETROLEUM LLC;
EXXON MOBIL CORP.;
EXXONMOBIL OIL CORPORATION;
ROYAL DUTCH SHELL PLC; SHELL
OIL COMPANY; SHELL OIL
PRODUCTS COMPANY LLC;
CHEVRON CORP; CHEVRON USA
INC.; BHP GROUP LIMITED; BHP
GROUP PLC; BHP HAWAII INC.; BP
PLC; BP AMERICA INC.; MARATHON
PETROLEUM CORP.;
CONOCOPHILLIPS;
CONOCOPHILLIPS COMPANY;
PHILLIPS 66; PHILLIPS 66 COMPANY;
AND DOES 1 through 100, inclusive,

Defendants.

CASE NO.: CV 20-00163 DKW-RT
(Other Civil Action)

**JOINT RESPONSE TO MAY 1,
2020 ORDER**

Action Filed: March 9, 2020
No Trial Date Set

JOINT RESPONSE TO MAY 1, 2020 ORDER

Pursuant to the Court's Order of May 1, 2020 (Dkt No. 80), the parties jointly submit this status report and plan for next steps.

On May 26, 2020, the Ninth Circuit issued decisions in *County of San Mateo, et al. v. Chevron Corp., et al.*, Nos. 18-15499, 18-15502, 18-15503, and 18-

16376 (9th Cir.) and *City of Oakland, et al. v. B.P. PLC, et al.*, No. 18-16663 (9th Cir.). On June 2, 2020, the defendants in those cases filed unopposed motions for 30-day extensions of time to file petitions for panel rehearing and/or rehearing en banc in both cases, which would extend the deadlines from June 9, 2020 to July 9, 2020. On June 8, 2020, the motions were granted.

In light of the ongoing proceedings in the Ninth Circuit, the parties agree and respectfully submit that the stay in this matter should continue and the parties should submit another status report to the Court within 14 days of the later of:

(a) the expiration of the deadline for filing a petition for panel rehearing and/or rehearing en banc if no such petition(s) are filed, or (b) the Ninth Circuit's denial of petition(s) filed in one or both cases; or (c) issuance of decision(s) by the Ninth Circuit resolving any petition(s) filed in one or both cases. The Defendants note that the recent Ninth Circuit decisions do not address all bases for federal jurisdiction asserted in their Notice of Removal here and the Notice of Removal also presents new facts and authority that support federal jurisdiction beyond those raised in the cases before the Ninth Circuit. The City believes it is premature to speculate about issues that might be encompassed by any future motion practice until after the Ninth Circuit rules on the potential petitions for rehearing.

DATED: June 9, 2020

Respectfully Submitted,

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