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15 *Attorneys for Plaintiffs*

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 17 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 18 **SAN FRANCISCO DIVISION**

19 The COUNTY OF SAN MATEO, individually
 20 and on behalf of THE PEOPLE OF THE
 STATE OF CALIFORNIA,

21 Plaintiff,

22 v.

23 CHEVRON CORP., et al.,

24 Defendants.

CASE NO. 3:17-cv-04929-VC

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 28 **NOTICE OF DISMISSAL OF**
DEFENDANT PEABODY ENERGY
CORP. WITH PREJUDICE

1 PLEASE TAKE NOTICE that Plaintiff the County of San Mateo, individually and on
2 behalf of The People of the State of California, has been ordered by the United States Bankruptcy
3 Court for the Eastern District of Missouri to dismiss its claims in the above-captioned matter as to
4 defendant Peabody Energy Corp. with prejudice. *See In Re Peabody Energy Corp.*, No. 16-42529-
5 399, Dkt.3514 (Bankr. E.D. Mo., Oct. 24, 2017) (“Bankruptcy Court Order”). The United States
6 Court of Appeals for the Eighth Circuit affirmed the Bankruptcy Court Order and denied Plaintiff’s
7 motion for a stay pending appeal on May 6, 2020. *See In re Peabody Energy Corp.*, 958 F.3d 717
8 (8th Cir. 2020). The Court of Appeals denied Plaintiff’s motion to stay the mandate on May 27,
9 2020, and the formal mandate issued that day. *See In re Peabody Energy Corp.*, No. 18-3242,
10 Entry ID Nos. 4916971 & 4916981 (8th Cir. May 27, 2020). Associate Justice Gorsuch of the
11 United States Supreme Court, sitting as Circuit Justice for the Eighth Circuit, denied Plaintiff’s
12 application to recall the mandate and stay the Bankruptcy Court Order pending Plaintiff’s
13 anticipated petition for certiorari on June 24, 2020. *See San Mateo Cty. et al. v. Peabody Energy*
14 *Corp.*, No. 19A1051 (U.S. June 24, 2020). The Eighth Circuit’s mandate affirming the Bankruptcy
15 Court Order therefore stands.

16 Plaintiff therefore requests that the clerk of the court dismiss defendant Peabody Energy
17 Corp. from the docket in the above-captioned matter. Plaintiff reserves all rights to seek any
18 available relief as to Peabody Energy Corp. from this Court, or from any court of the State of
19 California after remand thereto, in the event that the Bankruptcy Court Order is later reversed,
20 vacated, or modified upon further proceedings.

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Dated: July 1, 2020

**OFFICE OF THE COUNTY COUNSEL
COUNTY OF SAN MATEO**

By: /s/ John C. Beiers
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