

Hon. Robert S. Lasnik

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KING COUNTY,

Plaintiff,

v.

BP 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.

Case No. 2:18-cv-00758RSL
JOINT FURTHER STATUS REPORT
NOTED: September 9, 2020

JOINT FURTHER STATUS REPORT

Pursuant to the Court’s Order of August 27, 2020 (Dkt. No. 156), the parties hereby submit this Further Status Report and provide their proposals regarding next steps for this action.¹

As noted in the parties’ initial joint status report (Dkt. No. 155), Defendants intend to file a petition for writ of certiorari to the Supreme Court of the United States seeking review of the Ninth Circuit’s decision in the *City of Oakland* action. *See City of Oakland v. BP PLC*, 960 F.3d 570 (9th Cir. 2020). The parties agree that the Supreme Court’s resolution of Defendants’ petition may have a significant impact on this action.

Defendants also note that the Supreme Court is scheduled to hear argument in two consolidated cases during the first week of the Court’s upcoming October Term that will address the legal standard for specific personal jurisdiction. *Ford Motor Co. v. Montana Eighth Dist. Ct.*, No. 19-368 and *Ford Motor Co. v. Bandemer*, No. 19-369 (collectively, the “*Ford Motor Cases*”). The Question Presented in the *Ford Motor Cases* is: “Whether the ‘arise out of or relate to’ requirement [for specific personal jurisdiction] is met when none of the defendant’s forum contacts caused the plaintiff’s claims, such that the plaintiff’s claims would be the same even if the defendant had no forum contacts.” Br. of Pet’r. at (i), *Ford Motor Co. v. Montana Eighth Judicial District Court*, No. 19-368 (U.S. Feb. 28, 2020). Because this is a central issue in Defendants’ pending motions to dismiss for lack of personal jurisdiction (Dkt. Nos. 106–110, 112), Defendants anticipate that the Supreme Court’s decision in the *Ford Motor Cases* may provide guidance to this Court in resolving those motions. Accordingly, Defendants believe this action should also continue to be stayed pending a decision from the Supreme Court in the *Ford Motor Cases*. Plaintiff does not believe this action should continue to be stayed pending resolution of the *Ford Motor Cases*, as it considers those cases to be readily distinguishable from this action.

¹ This submission does not operate as an admission of any factual allegation or legal conclusion and is submitted subject to and without waiver of any right, defense, affirmative defense, claim, or objection, including lack of personal jurisdiction, insufficient process, or insufficient service of process.

1 Accordingly, the parties agree, and respectfully submit, that the Court should maintain
2 the present stay of the action, and within 14 days of the earlier of (1) resolution of the petition
3 for certiorari in *City of Oakland* or (2) the decision in the *Ford Motor* Cases, the parties will
4 advise the Court on their views at that time as to the continuation of the stay currently in place
5 with respect to the Rule 12(b)(6) and/or Rule 12(b)(2) motions.²

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7 DATED this 9th day of September, 2020.
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27 ² To reiterate, Plaintiff King County believes it makes sense to stay this action until *City of Oakland* is resolved
28 by the Supreme Court, without regard to the *Ford Motor* cases. But the County agrees to put off resolving any
disagreement that may arise on this point until either of the above conditions comes to pass.

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** Pursuant to this Court’s Electronic Filing Procedure III.L, the electronic signatory has obtained approval from all other signatories

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