

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

STATE OF MINNESOTA, by its  
Attorney General, Keith Ellison,

Plaintiff,

v.

AMERICAN PETROLEUM  
INSTITUTE, EXXON MOBIL  
CORPORATION, EXXONMOBIL OIL  
CORPORATION, KOCH INDUSTRIES,  
INC., FLINT HILLS RESOURCES LP,  
FLINT HILLS PINE BEND,

Defendants.

Case No. 20-cv-1636-JRT-HB

**PLAINTIFF STATE OF MINNESOTA'S  
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff the State of Minnesota (“State”) hereby notifies the Court of supplemental authority with respect to the Motion to Stay filed by Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend (Dkt. 58), and the State’s subsequent Opposition (Dkt. 68).

Following the order granting plaintiffs’ motion to remand in *City & County of Honolulu v. Sunoco LP*, Case No. 20-cv-00163-DKW-RT, 2021 WL 531237 (D. Haw. Feb. 12, 2021) (“*Honolulu*”), and *County of Maui v. Chevron U.S.A. Inc.*, Case No. 20-cv-00470-DKW-KJM, 2021 WL 531237 (D. Haw. Feb. 12, 2021) (“*Maui*”),<sup>1</sup> Defendants in those cases moved to stay the execution of the remand orders pending an appeal to the Ninth Circuit. The U.S. District Court for the District of Hawaii, relying on the four factors set forth in *Nken v. Holder*, 556 U.S. 418, 434 (2009), held that each factor weighed against a stay and denied defendants’ motion. The order is attached hereto as **Exhibit A**.

Respectfully Submitted,

Dated: March 9, 2021

KEITH ELLISON  
Attorney General  
State of Minnesota

By: /s/ Leigh Currie

LIZ KRAMER  
Solicitor General  
Atty. Reg. No. 0325089

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<sup>1</sup> The State previously filed a Notice of Supplemental Authority regarding these remand orders. *See* Dkt. 71.

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