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14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

17 CITY OF OAKLAND, a Municipal
 Corporation, and THE PEOPLE OF THE
 18 STATE OF CALIFORNIA, acting by and
 through Oakland City Attorney BARBARA J.
 PARKER,

19 Plaintiffs,

20 v.

21 BP P.L.C., a public limited company of
 22 England and Wales, CHEVRON
 CORPORATION, a Delaware corporation,
 23 CONOCOPHILLIPS COMPANY, a Delaware
 corporation, EXXON MOBIL
 24 CORPORATION, a New Jersey corporation,
 ROYAL DUTCH SHELL PLC, a public
 25 limited company of England and Wales, and
 DOES 1 through 10,

26 Defendants

First Filed Case No. 3:17-cv-6011-WHA
 Related to Case No. 3:17-cv-6012-WHA

**THE PEOPLE’S NOTICE OF
 SUPPLEMENTAL AUTHORITY**

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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,

v.

BP P.L.C., a public limited company of England and Wales, CHEVRON CORPORATION, a Delaware corporation, CONOCOPHILLIPS COMPANY, 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. 3:17-cv-6012-WHA

1 Plaintiff the People of the State of California, by and through the City Attorney for the City
2 of Oakland and the City Attorney for the City and County of San Francisco (the “People”), hereby
3 notify the Court of supplemental authority with respect to their Renewed Motions to Remand (Dkt.
4 342 and Dkt. 286, respectively).

5 On March 31, 2021, the U.S. District Court for the District of Minnesota issued an order
6 granting the State of Minnesota’s motion to remand and denying the defendants’ motion to stay in
7 *State of Minnesota v. American Petroleum Institute, et al.*, Case No. 20-cv-01636-JRT-HB,
8 Dkt. 76, 2021 WL 1215656 (D. Min. Mar. 31, 2021) (“*Minnesota*”), attached hereto as **Exhibit A**
9 (hereinafter, “Order”). Like the case at bar, the plaintiff state in *Minnesota* asserts state-law claims
10 against fossil fuel companies, alleging that the defendant companies deceived the public for
11 decades about harms that they knew would result from the use of their products. In granting the
12 motion to remand, the court analyzed and rejected each theory of removal jurisdiction that
13 Defendants have also asserted here:

14 (1) **Jurisdiction under *Grable & Sons. Metal Prods., Inc. v. Darue Eng’g & Mfg.*,**
15 **545 U.S. 308 (2005).** See Order at 17–22 (holding that defendants did not satisfy any of the four
16 *Grable* factors).

17 (2) **Federal officer removal.** See Order at 22–25 (rejecting federal officer jurisdiction
18 because “there does not appear to be any direction from or connection to the federal government
19 related to the specific claims alleged here”).

20 (3) **Outer Continental Shelf Lands Act.** See Order at 26–27 (finding no OCSLA
21 jurisdiction because “the State’s claims are rooted not in the Defendants’ fossil fuel production,
22 but in its alleged misinformation campaign,” and because “Defendants offer no basis for the Court
23 to conclude that Minnesota’s alleged injuries would not have occurred but-for the Defendants’
24 extraction activities on the OCS”).

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1 (4) **Federal enclave jurisdiction.** *See* Order at 27–30 (holding that “the burden is on
2 Defendants to demonstrate that federal enclaves are the locus in which the claims arose, and they
3 have not done so”).¹

4 Dated: April 2, 2021 Respectfully submitted,

5 **CITY OF OAKLAND**

6 By: /s/ Barbara J. Parker

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20 * Pursuant to Civ. L.R. 5-1(i)(3), the electronic
21 filer has obtained approval from this signatory.

22 **CITY AND COUNTY OF SAN
23 FRANCISCO**

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¹ The court in *Minnesota* also rejected removal jurisdiction on additional grounds, including the federal common law theory the Ninth Circuit already rejected in this case. *See* Order at 11–17 (concluding that each of the federal common law theories defendants invoke “lacks a substantial relationship to the actual claims alleged and would require the Court to invent a separate cause of action,” and holding that “federal common law is not a sufficient independent basis for removal in this matter”). In sum “[t]he Court decline[d] Defendants’ invitation to interpret this well-pleaded consumer protection action as a wholesale attack on all features of global fossil fuel extraction, production, and policy.” Order at 14.

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