

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-00758-RSL

**STIPULATED MOTION
REGARDING DEADLINES AND
PAGE LIMITS FOR BRIEFING OF
DEFENDANTS' MOTIONS TO
DISMISS**

NOTED: July 6, 2021

RECITALS

1
2 **WHEREAS**, on August 31, 2018, Defendants filed a consolidated motion to dismiss the
3 first amended complaint for failure to state a claim under Federal Rule of Civil Procedure
4 12(b)(6) (the “Rule 12(b)(6) Motion”) (Dkt. No. 120);

5 **WHEREAS**, on August 31, 2018, each Defendant also filed an individual motion to
6 dismiss for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2) (the
7 Rule 12(b)(2) Motion(s)”) (Dkt. Nos. 115–19);

8 **WHEREAS**, on October 17, 2018, the Court stayed proceedings in this case pending
9 resolution of appeals in *City of Oakland v. BP P.L.C.* (Dkt. No. 138), before Plaintiff filed
10 oppositions to the Rule 12(b)(6) Motion or the Rule 12(b)(2) Motion(s);

11 **WHEREAS**, the Parties agree that, in light of significant legal and factual developments
12 that have occurred over the past two and a half years since this case was first stayed, it would be
13 most efficient for Defendants to file a renewed consolidated Rule 12(b)(6) Motion and renewed
14 Rule 12(b)(2) Motion(s);

15 **WHEREAS**, the Parties have met and conferred about the time and number of pages
16 they will need to fully and adequately address the legal and factual issues in their respective
17 briefs;

18 **WHEREAS**, the Parties have also met and conferred about how briefing may be
19 coordinated and sequenced in order to increase efficiency and preserve judicial and party
20 resources, and agree that it would be most efficient for the Rule 12(b)(6) Motion to be briefed
21 and decided first, because, in part, if the Court grants Defendants’ consolidated Rule 12(b)(6)
22 Motion and dismisses the case as to all Defendants, the Court will not need to consider or decide
23 the individual Rule 12(b)(2) Motions;

24 **WHEREAS**, Plaintiff will not argue that proceeding to resolution of the Rule 12(b)(6)
25 Motion prior to resolution of the Rule 12(b)(2) Motion(s), operates as a waiver of any personal
26 jurisdiction argument or defense by any Defendant;

27 **WHEREAS**, this Stipulated Motion does not operate as an admission of any factual
28 allegation or legal conclusion and is submitted subject to and without waiver of any right,

1 defense, affirmative defense, claim, or objection, including lack of personal jurisdiction,
2 insufficient process, or insufficient service of process.

3 **STIPULATED MOTION**

4 **NOW THEREFORE**, the Parties hereby agree and stipulate, and respectfully move the
5 Court to enter an order, as follows:

6 1. Within 45 days of the Court's order granting this Stipulated Motion, Defendants
7 shall file a consolidated Rule 12(b)(6) Motion not to exceed 40 pages.

8 2. Defendants shall also file their individual Rule 12(b)(2) Motions within 45 days
9 of the Court's order granting this Stipulated Motion. Defendants reserve the right to file
10 individual Rule 12(b)(2) motions collectively and/or individually by certain defendants. The
11 Rule 12(b)(2) Motion(s) shall adhere to the page limits set forth in LCR 7(e). However, as
12 provided in paragraph 5, further briefing on the Rule 12(b)(2) Motions shall be stayed until the
13 Court decides Defendants' consolidated Rule 12(b)(6) Motion.

14 3. Plaintiff shall file its opposition to Defendants' Rule 12(b)(6) Motion within 45
15 days of its filing. Plaintiff's opposition shall not exceed 40 pages.

16 4. Defendants shall file a consolidated reply in support of their Rule 12(b)(6)
17 Motion within 30 days of the filing of Plaintiff's opposition. Defendants' consolidated reply
18 shall not exceed 25 pages.

19 5. Should the Court deny, in whole or in part, Defendants' Rule 12(b)(6) Motion,
20 the Parties shall meet and confer and then submit a proposed schedule for the completion of
21 briefing on Defendants' Rule 12(b)(2) Motion(s) for the Court's consideration within 14 days
22 of the entry of an Order denying Defendants' Rule 12(b)(6) Motion.

23 6. The sequencing of Defendants' motions to dismiss shall not operate or be
24 construed as a waiver of any personal jurisdiction defense by any Defendant, and Plaintiff shall
25 not argue in any way to the contrary.

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27 DATED this 6th day of July, 2021.

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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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