

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

Conservation Law Foundation, Inc.,

Plaintiff,

v.

Equilon Enterprises LLC d/b/a/ Shell Oil
Products US,
Shell Oil Company,
Shell Petroleum, Inc.,
Shell Trading (US) Company,
Motiva Enterprises LLC, and
Triton Terminaling LLC,

Defendants.

No. 1:17-cv-00396-WES-LDA

**DEFENDANTS' CROSS-MOTION FOR PROTECTIVE ORDER
GOVERNING THE PRODUCTION AND EXCHANGE OF DISCOVERY**

Pursuant to Federal Rules of Civil Procedure 26(b) and (c), Defendants Shell USA, Inc. (f/k/a Shell Oil Company), Shell Petroleum, Inc., Shell Trading (US) Company, Motiva Enterprises LLC, Triton Terminaling LLC, and Equilon Enterprises LLC d/b/a Shell Oil Products US (“Defendants”) hereby request that the Court, by way of protective order, or in the alternative, by case management order, enter an order requiring the following:

1. Discovery must be tailored to issues relating to the operation, design, maintenance, stormwater permitting, or waste management of the Providence Terminal; or imminent or current risks posed to the Providence Terminal by precipitation or flooding.
2. Discovery requests utilizing the terms “climate change,” “greenhouse gas effect(s)” or similar terms with no limitation must be tailored so that such requests are limited to current or imminent precipitation or flooding risks to the Terminal,

consistent with the scope of Plaintiff's claims under the Clean Water Act and the Resource Conservation and Recovery Act and the Court's Order on Defendants' Motion to Dismiss.

3. All discovery is subject to the parties' agreed-upon temporal limitation of 2008 to the present (excluding subjects relevant to Claim 21).
4. Plaintiff must reimburse the Defendants' reasonable expenses incurred in bringing this motion, including for attorneys' fees, pursuant to Rule No. 26(c)(3) and 37(a)(5).

The grounds for this relief are set forth in the attached Memorandum of Law.

Dated: April 1, 2022

Respectfully submitted,

/s/ Bina Reddy

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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2022, the foregoing Cross-Motion for Protective Order Governing the Production and Exchange of Discovery by Defendants Shell USA, Inc. (f/k/a Shell Oil Company), Shell Petroleum, Inc., Shell Trading (US) Company, Motiva Enterprises LLC, Triton Terminaling LLC, and Equilon Enterprises LLC d/b/a Shell Oil Products US was filed through the Court's electronic filing system ("ECF"), through which the document is available for viewing and downloading from the ECF system, and a copy of the filing will be sent electronically to all parties registered with the ECF system.

/s/ Bina Reddy