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May 19, 2022

Via ECF

Maria R. Hamilton
Clerk of Court
U.S. Court of Appeals for the First Circuit
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

Re: *State of Rhode Island v. Shell Oil Prods. Co., et al.*, No. 19-1818
Plaintiff-Appellee's Citation of Supplemental Authorities

Dear Ms. Hamilton,

Plaintiff-Appellee State of Rhode Island writes to inform the Court of the Fourth Circuit's unanimous denial of rehearing en banc in *Mayor & City Council of Baltimore v. BP P.L.C.*, No. 19-1644, Dkt. 283 (4th Cir. May 17, 2022) ("Order") (**Ex. A**).

As Plaintiff-Appellee explained in a prior 28(j) letter (Entry ID 6489978, filed April 15, 2022), *Baltimore* involved analogous attempts to remove climate-related claims to federal court. A panel of the Fourth Circuit affirmed the district court's remand order, "resoundingly" rejecting many of the same jurisdictional arguments advanced by Defendants-Appellants here. *See Mayor & City Council of Baltimore v. BP P.L.C.*, 31 F.4th 178, 195, 199 (4th Cir. 2022). Those include nearly identical theories of (1) federal-common-law removal, *id.* at 199–208; (2) *Grable* jurisdiction, *id.* at 208–16; (3) complete preemption, *id.* at 215–17; (4) federal-enclave jurisdiction, *id.* at 217–19; (5) OCSLA jurisdiction, *id.* at 219–22; (6) bankruptcy removal, *id.* at 222–25; (7) admiralty jurisdiction, *id.* at 225–27; and (8) federal-officer removal, *id.* at 228–38.

The defendants in *Baltimore* then petitioned for rehearing en banc. "No judge," however, "requested a poll under Fed. R. App. P. 35." Order at 2. The full court therefore denied the petition without dissent.

Respectfully submitted,

/s/ Victor M. Sher

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cc: All Counsel of Record (via ECF)