



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
ATTORNEY GENERAL

(617) 727-2200  
(617) 727-4765 TTY  
[www.mass.gov/ago](http://www.mass.gov/ago)

**BY ECF**

August 1, 2017

Hon. Valerie E. Caproni  
United States District Judge  
United States District Court for the  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square, Room 240  
New York, NY 10007

Re: *Exxon Mobil Corp. v. Healey & Schneiderman*, 17-cv-02301-VEC

Dear Judge Caproni:

I write to notify the Court of recent events in Exxon Mobil Corporation's ("Exxon") Massachusetts state court appeal of the Massachusetts Superior Court order denying Exxon's motion to set aside Attorney General Healey's Civil Investigative Demand ("CID") and granting Attorney General Healey's motion to compel Exxon's compliance with the CID.

The parties completed briefing in the Massachusetts Appeals Court in June; in support of Attorney General Healey, all living former Massachusetts Attorneys General filed an amicus brief in the case.

On July 28, 2017, pursuant to Massachusetts Rule of Appellate Procedure 11(f), the Massachusetts Supreme Judicial Court ordered, *sua sponte*, that the appeal be transferred to it from the Massachusetts Appeals Court. Oral argument has not yet been scheduled.

By ensuring a single appellate proceeding before the Massachusetts Supreme Judicial Court, without need for any further proceedings before the Massachusetts Appeals Court, the July 28 transfer order further advances Exxon's fully briefed appeal toward its final resolution and provides additional support for abstention by this Court. *See* Mem. in Support of Attorney General Healey's Renewed Mot. to Dismiss First Amended Compl. (Doc No. 217) at 18-19.

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/s/ Richard A. Johnston

Richard A. Johnston

Chief Legal Counsel

Massachusetts Attorney General's Office

1 Ashburton Place, 20th Floor

Boston, MA 02108

(617) 963-2028

richard.johnston@state.ma.us

*Counsel for Defendant Maura T. Healey*

cc: Counsel of record, *via ECF*