



100 Westminster Street, Suite 1500
Providence, RI 02903-2319

p: 401-274-2000 f: 401-277-9600
hinckleyallen.com

Gerald J. Petros
gpetros@hinckleyallen.com

March 27, 2019

VIA ECF

The Honorable William E. Smith
United States District Court for the District of Rhode Island
One Exchange Terrace
Federal Building and Courthouse
Providence, RI 02903

Re: State of Rhode Island v. Chevron Corp., et al., 1:18-cv-00395-WES-LDA (D.R.I.)

Dear Judge Smith:

I write on behalf of the Defendants in regard to the Court hearing held on February 6, 2019 in connection with Plaintiff's pending motion to remand (Dkt. 40). At the hearing, the Court inquired about the appropriate procedure for staying the action to permit either side to appeal the Court's determination of the remand motion, and also asked about the status of other pending climate change actions, in particular those on appeal before the Court of Appeals for the Second and Ninth Circuits. *See* Hr'g Tr. at 45:9–48:6, 59:10–61:3.

Briefing has now concluded in one of the pending appeals in the Ninth Circuit, the consolidated appeals of six cases in which Judge Chhabria of the Northern District of California granted motions to remand but retained jurisdiction by immediately staying his order, and then subsequently granting a stay pending appeal, before the remand became effective. *See* Case Nos. 18-15499, 18-15502, 18-15503, 18-16376. Copies of the briefs in those appeals are attached hereto as Attachment A. Briefing has also concluded in a pending appeal in the Second Circuit in which Judge Keenan of the Southern District of New York dismissed the City of New York's complaint. *See* Case No. 18-2188. Copies of the briefs in that appeal are attached hereto as Attachment B.

We are available to furnish any additional information the Court may need.

Very truly yours,



/s/ Gerald J. Petros
Gerald J. Petros

Attachments