

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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CONSERVATION LAW FOUNDATION, Inc.,)	
)	
Plaintiff,)	
)	
v.)	Case 1:16-cv-11950 (MLW)
)	
EXXON MOBIL CORPORATION,)	
EXXONMOBIL OIL CORPORATION, and)	
EXXONMOBIL PIPELINE COMPANY,)	
)	
Defendants.)	
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MOTION TO STAY

Defendants Exxon Mobil Corporation, ExxonMobil Oil Corporation and ExxonMobil Pipeline Company (collectively, “ExxonMobil”), hereby move the Court to enter a stay pursuant to the doctrine of primary jurisdiction, pending a decision by the Environmental Protection Agency (“EPA”) on ExxonMobil’s pending permit renewal application for the Everett Terminal, which is likely to resolve most, if not all, of the disputed issues in this case. Such issues are best resolved by EPA in first instance because (i) Congress delegated authority and discretion to EPA to assess environmental risks and establish conditions for National Pollutant Discharge Elimination System (“NPDES”) permits in Massachusetts, (ii) the claims asserted by the Conservation Law Foundation, Inc. (“CLF”) require resolution of technical and policy-laden questions of first impression, within the special competency and expertise of EPA, (iii) allowing EPA to resolve this question would promote uniformity in the NPDES permitting regime, and

(iv) a decision by EPA on the permit renewal application would aid the Court. Moreover, granting a stay will not unduly prejudice CLF.

In support of this Motion, ExxonMobil respectfully directs the Court's attention to ExxonMobil's Memorandum of Law in Support of Its Motion to Stay Pursuant to the Doctrine of Primary Jurisdiction and supporting Declaration, filed herewith, and to any additional arguments that may be properly presented in support of the requested relief in this motion.

REQUEST FOR ORAL ARGUMENT

Defendants respectfully request oral argument on this Motion.

Respectfully submitted this 5th day of April, 2019,

EXXON MOBIL CORPORATION,
EXXONMOBIL OIL CORPORATION,
EXXONMOBIL PIPELINE COMPANY

By their attorneys,

/s/ Daniel J. Toal

Theodore V. Wells, Jr. (*pro hac vice*)

twells@paulweiss.com

Daniel J. Toal (*pro hac vice*)

dtoal@paulweiss.com

Jamie D. Brooks

jbrooks@paulweiss.com (*pro hac vice pending*)

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON, LLP

1285 Avenue of the Americas

New York, NY 10019-6064

(212) 373-3000

Fax: (212) 757-3990

and

/s/ Deborah E. Barnard

Deborah E. Barnard (BBO# 550654)

deborah.barnard@hklaw.com

Jessica R. Early (BBO# 672878)

jessica.early@hklaw.com

HOLLAND & KNIGHT LLP

10 St. James Avenue, 11th Floor

Boston, MA 02116

(617) 523-2700

Fax: (617) 523-6850

*Counsel for Defendants Exxon Mobil
Corporation, ExxonMobil Oil Corporation, and
ExxonMobil Pipeline Company*

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I hereby certify that the parties have previously conferred with respect to the relief requested in this motion and have attempted in good faith to resolve or narrow the issue, but have been unable to do so.

/s/ Deborah E. Barnard

Deborah E. Barnard

CERTIFICATE OF SERVICE

I, Deborah E. Barnard, hereby certify that, in accordance with Local Rule 5.2(b), this motion was filed through the ECF system on April 5, 2019 and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Deborah E. Barnard

Deborah E. Barnard