

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

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STATE OF RHODE ISLAND

*Plaintiff,*

vs.

Case Number: 1:18-cv-00395-WES-LDA

CHEVRON CORP.;  
CHEVRON U.S.A. INC.;  
EXXONMOBIL CORP.;  
BP P.L.C.;  
BP AMERICA, INC.;  
BP PRODUCTS NORTH AMERICA, INC.;  
ROYAL DUTCH SHELL PLC;  
MOTIVA ENTERPRISES, LLC;  
SHELL OIL PRODUCTS COMPANY LLC;  
CITGO PETROLEUM CORP.;  
CONOCOPHILLIPS;  
CONOCOPHILLIPS COMPANY;  
PHILLIPS 66;  
MARATHON OIL COMPANY;  
MARATHON OIL CORPORATION;  
MARATHON PETROLEUM CORP.;  
MARATHON PETROLEUM COMPANY LP;  
SPEEDWAY LLC;  
HESS CORP.;  
LUKOIL PAN AMERICAS, LLC;  
GETTY PETROLEUM MARKETING, INC.;  
AND  
DOES 1 through 100, inclusive,

[Removal from the Providence Superior  
Court of Rhode Island, C.A. No. PC-  
2018-4716]

*Defendants.*

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**THE STATE OF RHODE ISLAND'S  
NOTICE OF SUPPLEMENTAL AUTHORITY**

The State of Rhode Island files this notice of supplemental of authority in order to bring to this Honorable Court's attention a recent decision of the United States District Court for the District of Maryland remanding the City of Baltimore's case against twenty six (26) multinational

oil and gas companies for “climate change related injuries” including “a rise in sea level along Maryland’s coast, as well as an increase in storms, floods, heatwaves, drought, extreme precipitation, and other conditions.” *Mayor and City Council of Baltimore v. BP P.L.C., et al.*, No. ELH-18-2357 at 1 (D. Md. June 10, 2019) (Attached). The Complaint in that matter “asserts eight causes of action, all founded on Maryland law: public nuisance (Count I); private nuisance (Count II); strict liability for failure to warn (Count III); strict liability for design defect (Count IV); negligent design defect (Count V); negligent failure to warn (Count VI); trespass (Count VII) and Maryland statutory violations. *Id.* at 1–2. The case was removed on “a battery of grounds for removal by Chevron that underscores that the case concerns ‘global emissions’ . . . with ‘unique federal interests’ . . . that implicate ‘bedrock federal-state divisions of responsibility[.]’” *Id.* at 2 (emphasis in original).

The District Court recounted “the eight grounds for removal as follows:

(1) the case is removable under 28 U.S.C. § 1441(a) and § 1331, because the City’s claims are governed by federal common law, not state common law; (2) the action raises disputed and substantial issues of federal law that must be adjudicated in a federal forum; (3) the City’s claims are completely preempted by the Clean Air Act (“CAA”), 42 U.S.C. § 7401 *et seq.*, and/or other federal statutes and the Constitution; (4) this Court has original jurisdiction under the Outer Continental Shelf Lands Act (“OCSLA”), 43 U.S.C. § 1349(b); (5) removal is authorized under the federal officer removal statute, 28 U.S.C. § 1442(a)(1); (6) this Court has federal question jurisdiction under 28 U.S.C. § 1331 because the City’s claims are based on alleged injuries to and/or conduct on federal enclaves; (7) removal is authorized under 28 U.S.C. § 1452(a) and 28 U.S.C. § 1334(b), because the City’s claims are related to federal bankruptcy cases; and (8) the City’s claims fall within the Court’s original admiralty jurisdiction under 28 U.S.C. § 1333. ECF 1 at 6–12, ¶¶ 5–12.”

*Id.* at 2–3.

The District Court, after a thorough analysis of all the grounds for removal, found that “the case was not properly removed to federal court” and “[t]herefore, the case must be remanded by the Circuit Court for Baltimore City, pursuant to 28 U.S.C. 1447(c).” *Id.* at 46.

Dated: June 17, 2019

Respectfully submitted,

**STATE OF RHODE ISLAND**  
PETER F. NERONHA,  
ATTORNEY GENERAL  
By his Attorneys,

*/s/ Neil F.X. Kelly*

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2018, the foregoing document was filed electronically and is available for viewing and downloading through the ECF system. Notice of this filing will be sent electronically to the registered participants identified on the Notice of Electronic Filing.

*/s/ Neil F.X. Kelly*

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