

**STATE OF RHODE ISLAND  
PROVIDENCE, SC.**

**SUPERIOR COURT**

STATE OF RHODE ISLAND,  
Plaintiff,

v.

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

Defendants.

P.C. No. 2018-4716

**DEFENDANTS' MOTION TO DISMISS  
FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

Pursuant to R.I. R. Civ. P. 12(b)(6), Defendants<sup>1</sup> Chevron Corporation; Chevron U.S.A., Inc.; Exxon Mobil Corporation; BP Products North America Inc.; BP P.L.C.; BP America Inc.; Royal Dutch Shell, PLC; Motiva Enterprises, LLC; Shell Oil Products Company LLC; Citgo Petroleum Corporation; ConocoPhillips; ConocoPhillips Company; Phillips 66; Marathon Petroleum Corporation; Marathon Petroleum Company LP; Speedway, LLC; Hess Corp.; Marathon Oil Company; and Marathon Oil Corporation collectively move this Court to dismiss Plaintiff's Complaint with prejudice for failure to state a claim. Defendants rely upon the Complaint, all prior pleadings and proceedings and the contemporaneously filed Memorandum of Law in Support of Defendants' Motion for Failure to State a Claim Upon Which Relief Can be Granted.<sup>2</sup>

Dated: January 13, 2020

Respectfully submitted,

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<sup>1</sup> All Defendants join this motion except Lukoil Pan Americas, LLC, which Plaintiff dismissed from this lawsuit, *see* Notice of Voluntary Dismissal, *Rhode Island v. Chevron Corp. et al.*, PC-2018-4716 (R.I. Super. Ct. Dec. 6, 2019), and Getty Petroleum Marketing, Inc., which filed bankruptcy years before Plaintiff filed this lawsuit and has never responded to the Complaint.

<sup>2</sup> All Defendants contend they are not subject to personal jurisdiction in Rhode Island. Motions to dismiss for lack of personal jurisdiction have been filed contemporaneously with this motion to dismiss for failure to state a claim for relief. This motion is made without prejudice to the contemporaneously raised jurisdictional objections.

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2020, I filed and served this document through the Rhode Island Judiciary's Electronic Filing System on all counsel who are registered for e-service. This document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

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