

# GIBSON DUNN

Gibson, Dunn & Crutcher LLP

333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Tel 213.229.7000  
www.gibsondunn.com

October 5, 2020

Theodore J. Boutrous, Jr.  
Direct: +1 213.229.7804  
Fax: +1 213.229.6804  
TBoutrous@gibsondunn.com

VIA ECF

Maria R. Hamilton  
Clerk of Court  
U.S. Court of Appeals for the First Circuit  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 2500  
Boston, MA 02210

Re: *State of Rhode Island v. Shell Oil Prods. Co., et al.*, No. 19-1818

Dear Ms. Hamilton:

Pursuant to Federal Rule of Appellate Procedure 28(j), Chevron writes to inform the Court that the Supreme Court granted review on October 2, 2020 in *BP p.l.c. v. Mayor & City Council of Baltimore*, No. 19-1189 (U.S.), *see* Ex. A (order granting certiorari), presenting the question whether 28 U.S.C. § 1447(d) permits a court of appeals to review any issue encompassed in a district court's order remanding a removed case to state court where the removing defendant premised removal in part on the federal-officer removal statute, 28 U.S.C. § 1442, or the civil-rights removal statute, 28 U.S.C. § 1443. The same issue is pending before this Court in this case. *See* Opening Br. of Appellants 9–14. The Supreme Court is likely to decide *BP* this Term.

Sincerely,

/s/ Theodore J. Boutrous, Jr.

Theodore J. Boutrous Jr.  
GIBSON, DUNN & CRUTCHER LLP

*Counsel for Defendants-Appellants  
Chevron Corporation and Chevron U.S.A.*

cc: All counsel of record (via ECF)

# **EXHIBIT A**

(ORDER LIST: 591 U.S.)

FRIDAY, OCTOBER 2, 2020

**CERTIORARI GRANTED**

- 19-1155 ) BARR, ATT'Y GEN. V. DAI, MING
- )
- 19-1156 ) BARR, ATT'Y GEN. V. ALCARAZ-ENRIQUEZ, CESAR

The petitions for writs of certiorari are granted. The cases are consolidated, and a total of one hour is allotted for oral argument.

- 19-1189 BP P.L.C., ET AL. V. MAYOR AND CITY COUNCIL BALTIMORE

The petition for a writ of certiorari is granted. Justice Alito took no part in the consideration or decision of this petition.

- 19-1231 ) FCC, ET AL. V. PROMETHEUS RADIO PROJECT, ET AL.
- )
- 19-1241 ) ASSN. OF BROADCASTERS, ET AL. V. PROMETHEUS RADIO PROJECT, ET AL.

The petitions for writs of certiorari are granted. The cases are consolidated, and a total of one hour is allotted for oral argument.

- 19-1257 ) BRNOVICH, ATT'Y GEN. OF AZ V. DEMOCRATIC NAT. COMM., ET AL.
- )
- 19-1258 ) ARIZONA REPUBLICAN PARTY, ET AL. V. DEMOCRATIC NAT. COMM., ET AL.

The petitions for writs of certiorari are granted. The cases are consolidated, and a total of one hour is allotted for oral argument.