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Attorneys for Defendants

CHEVRON CORPORATION

and CHEVRON U.S.A. INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

COUNTY OF MAUI

Plaintiff,

v.

SUNOCO LP; ALOHA PETROLEUM,
LTD.; ALOHA PETROLEUM LLC;
EXXON MOBIL CORP.; EXXONMOBIL
OIL CORPORATION; ROYAL DUTCH
SHELL PLC; SHELL OIL COMPANY;
SHELL OIL PRODUCTS COMPANY
LLC; CHEVRON CORP; CHEVRON
USA INC.; BHP GROUP LIMITED; BHP

CASE NO.: 20-00470 DKW-KJM

**JOINT REQUEST TO VACATE
SCHEDULING CONFERENCE**

[Removal from the Circuit Court
of the Second Circuit, State of
Hawai‘i]

Action Filed: October 12, 2020

(Caption continued on next page.)

GROUP PLC; BHP HAWAII INC.; BP PLC; BP AMERICA INC.; MARATHON PETROLEUM CORP.; CONOCOPHILLIPS; CONOCOPHILLIPS COMPANY; PHILLIPS 66; PHILLIPS 66 COMPANY; AND DOES 1 through 100, inclusive,

Defendants.

JOINT REQUEST TO VACATE SCHEDULING CONFERENCE

For the reasons set forth below, the parties respectfully request that the Court vacate the Rule 16 Scheduling Conference that is currently set for January 5, 2021.¹

On October 30, 2020, the Court set a Rule 16 Scheduling Conference in this action for November 30, 2020. Dkt. No. 8.

On November 4, 2020, the Court entered an order that (1) set a briefing schedule for Plaintiff's anticipated motion to remand; and (2) stayed all proceedings until the motion to remand is resolved. Dkt. No. 10. Specifically, the Order stated: "until the anticipated motion to remand is resolved, all proceedings and deadlines in this case (specifically including the deadlines for responsive pleadings) will be STAYED." *Id.* On November 24, 2020, the Court continued the Rule 16 Scheduling Conference to January 5, 2021, with Scheduling Conference statements due by December 29, 2020. Dkt. No. 71.

¹ In filing this Request, Defendants, do not waive, and expressly preserve, any right, defense, affirmative defense, or objection, including, without limitation, lack of personal jurisdiction, insufficient process, and/or insufficient service of process.

However, pursuant to this Court's November 4, 2020 Order, Dkt. No. 10, briefing on Plaintiff's motion to remand will not be completed until January 22, 2021. As a result, the motion to remand will not be resolved by the current date of the Scheduling Conference, January 5, 2021, and the case will remain stayed at that time.

In light of the foregoing, the Parties respectfully request that the Court vacate the January 5, 2021 Rule 16 Scheduling Conference and associated deadlines, pursuant to the Court's November 4 Order. Dkt. No. 10. The Parties propose that the Court set a date for the Rule 16 Scheduling Conference after Plaintiff's motion to remand is resolved. Respectfully Submitted,

DATED: Honolulu, Hawai'i, December 11, 2020.

By: /s/ Moana M. Lutey

Moana M. Lutey

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(Signatures continued on next page.)

DATED: Honolulu, Hawai'i, _____.

APPROVED AND SO ORDERED:

Hon. Kenneth J. Mansfield, Magistrate Judge