

SHER EDLING LLP

PROTECTING PEOPLE AND THE PLANET

July 16, 2021

Via ECF

Molly C. Dwyer
Clerk of Court
U.S. Court of Appeals for the Ninth Circuit
95 Seventh Street
San Francisco, CA 94103-1526

Re: *County of San Mateo v. Chevron Corp.*, No. 18-15499, consolidated with *City of Imperial Beach v. Chevron Corp.*, No. 18-15502; *County of Marin v. Chevron Corp.*, No. 18-15503; *County of Santa Cruz v. Chevron Corp.*, No. 18-16376; Plaintiffs-Appellees' Citation of Supplemental Authorities

Dear Ms. Dwyer,

Plaintiff-Appellees County of San Mateo et al. write pursuant to Fed. R. App. P. 28(j) to apprise the Court of certain relevant decisions since the Court's opinion of May 26, 2020 that address the removal jurisdiction questions remaining before the Court. The opinions listed below each granted a motion to remand in a suit alleging analogous state law causes of action and rejected one or more of the grounds for removal before the Court here.

- *City & Cty. of Honolulu v. Sunoco LP*, No. 20-CV-00163-DKW-RT, 2021 WL 531237 (D. Haw. Feb. 12, 2021), *appeal pending*, No. 21-15318 (9th Cir.) (Ex. A). The court granted two municipal plaintiffs' motions to remand nuisance, trespass, and product defect claims alleging that the defendants "conceal[ed] the dangers of fossil fuels." *Id.* at *1. The court rejected removal based on the federal enclave doctrine and the Outer Continental Shelf Lands Act ("OCSLA"). *Id.* at *3, *8.
- *Earth Island Inst. v. Crystal Geyser Water Co.*, No. 20-CV-02212-HSG, 2021 WL 684961 (N.D. Cal. Feb. 23, 2021) (Ex. B). The court granted the plaintiff nonprofit's motion to remand nuisance, product defect, and other California law claims alleging that the defendants misled consumers and the public about plastic waste generated by the defendants' products. *Id.* at *1. The court rejected removal based on federal enclave and admiralty grounds. *Id.* at *9–11.
- *Minnesota v. Am. Petroleum Inst.*, No. CV 20-1636 (JRT/HB), 2021 WL 1215656 (D. Minn. Mar. 31, 2021) (Ex. C). The court granted Minnesota's motion to remand state law claims also alleging that the defendants misled consumers about climate change. *Id.* at *1–2. The court rejected removal based on the federal enclave doctrine and OCSLA. *See id.* at *10–11.

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- *Connecticut v. Exxon Mobil Corp.*, No. 3:20-CV-1555 (JCH), 2021 WL 2389739 (D. Conn. June 2, 2021) (Ex. D). The court granted Connecticut's motion to remand its unfair trade practices claims alleging that the fossil fuel company defendant misled consumers about climate change. *Id.* at *1. The court rejected removal based on the federal enclave doctrine and OCSLA. *See id.* at *12–13.

Respectfully submitted,

/s/ Victor M. Sher

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Counsel for Plaintiffs-Appellees
in Nos. 18-15499, 18-15502,
18-15503, and 18-16376

cc: All Counsel of Record (via ECF)