

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

CONSERVATION LAW FOUNDATION, INC.,

Plaintiff,

v.

EXXON MOBIL CORPORATION,  
EXXONMOBIL OIL CORPORATION, and  
EXXONMOBIL PIPELINE COMPANY,  
Defendants.

Case No. 1:16-cv-11950-MLW

**DEFENDANTS' SUPPLEMENTAL REPORT ON RECENT DEVELOPMENTS**

Defendants Exxon Mobil Corporation, ExxonMobil Oil Corporation, and ExxonMobil Pipeline Company (“Defendants” or “ExxonMobil”) respectfully submit the following statement to apprise the Court of three recent developments since the parties submitted their Joint Report on August, 27, 2021.

*First*, on September 22, 2021, EPA advised ExxonMobil that it no longer expects to be able to issue a draft permit for the Everett Terminal in September or October of this year. EPA reported that it continues to make diligent efforts on the pending draft renewal permit for the Everett Terminal. EPA indicated that it has been balancing its commitment of resources between the draft permit for the Everett Terminal and another regional priority, specifically the finalization of NPDES permits for eight other bulk petroleum terminals in Massachusetts.

*Second*, ExxonMobil has begun to market the Everett Terminal for sale, following its regular evaluation of its global portfolio and the opportunities for growth, restructuring, and divestment in light of strategic business objectives. No buyer has yet been identified and no agreement has been reached. ExxonMobil has informed EPA, the Massachusetts Department of

Environmental Protection, and the City of Everett of this development. ExxonMobil will continue to operate the terminal in compliance with its regulatory obligations throughout the marketing process.

*Third*, on September 1, 2021—days after the parties filed their Joint Report concerning a discovery schedule in this case—CLF filed a joint motion to amend the discovery deadlines in its similar citizen suit against Shell in federal court in Rhode Island. The motion, which was granted on September 3, stated: “Following delays during the summer months, the Parties now believe that they will require additional time to complete factual discovery.”<sup>1</sup> Specifically, the motion asked the court to enter an order that extends the cutoff for fact discovery until 15 months after the parties exchanged initial disclosures, and almost 11 months after the discovery schedule was entered. As for expert discovery, even under the compressed timeline, the parties would have more than 6 months within which to complete expert discovery. By contrast, in this case, CLF asks the court to enter a discovery schedule that allots only 7 months for fact discovery, and 5 months for expert discovery. Under the amended Shell schedule, dispositive motions will now not be filed until February 1, 2023—more than two years after the parties exchanged initial disclosures and 22 months after the first discovery schedule was entered.

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<sup>1</sup> See ECF No. 63 at 2, *Conservation Law Foundation, Inc. v. Shell Oil Products US*, C.A. No. 1:17-cv-00396-WES-LDA (D.R.I. Sept. 1, 2021) (attached hereto as Exhibit A).

DATED: September 27, 2021

Respectfully submitted,

EXXON MOBIL CORPORATION,  
EXXONMOBIL OIL CORPORATION, and  
EXXONMOBIL PIPELINE COMPANY,

By their attorneys,

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**CERTIFICATE OF SERVICE**

In accordance with Local Rule 5.2(b), I, Deborah E. Barnard, hereby certify that this document filed through the ECF system on September 27, 2021 will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

*/s/ Deborah E. Barnard* \_\_\_\_\_

Deborah E. Barnard