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March 8, 2022

**VIA JEFS**

Honorable Judge Jeffrey P. Crabtree  
Circuit Court of the First Circuit  
Ka'ahumanu Hale  
777 Punchbowl Street, Fourth Floor  
Honolulu, Hawaii 96813

Re: Civil No. 1CCV-20-000380, City and County of Honolulu, et al. v. Sunoco LP, et al.,

Dear Judge Crabtree:

The parties write jointly to inform the Court that Defendants intend to file a motion for leave to file an interlocutory appeal from the Court's orders on Defendants' motions to dismiss for failure to state a claim and for lack of personal jurisdiction once those orders have been finalized and entered.<sup>1</sup> See Haw. Rev. Stat. § 641-1(b).

The Court noted in its February 22, 2022 ruling that "this case will be assigned back to Judge Cataldo as soon as this court decides the motions which remain under advisement." Dkt. 589 at 8. Given this Court's close familiarity with the substantial briefing on Defendants' motions to dismiss, and in the interest of judicial efficiency, the parties respectfully request that this Court decide Defendants' forthcoming motion for leave to file an interlocutory appeal before the case is transferred back to Judge Cataldo. The parties are, of course, available to discuss these issues with the Court should the Court find that to be helpful.

Respectfully Submitted,

**DANA M.O. VIOLA**  
**Corporation Counsel**

By: /s/ Robert M. Kohn

ROBERT M. KOHN  
NICOLETTE WINTER  
JEFF A. LAU  
Deputies Corporation Counsel

/s/ Melvyn M. Miyagi

**MELVYN M. MIYAGI**  
**ROSS T. SHINYAMA**  
**SUMMER H. KAIawe**

Attorneys for Defendants  
*CHEVRON CORPORATION and*  
*CHEVRON U.S.A., INC.*

<sup>1</sup> This letter is submitted subject to, and without waiver of, any defense, affirmative defense, or objection, including personal jurisdiction, insufficient process, or insufficient service of process.

**SHER EDLING LLP**

VICTOR M. SHER (*pro hac vice*)  
MATTHEW K. EDLING (*pro hac vice*)  
TIMOTHY R. SLOANE (*pro hac vice*)  
STEPHANIE D. BIEHL (*pro hac vice*)  
CORRIE J. YACKULIC (*pro hac vice*)  
ADAM M. SHAPIRO (*pro hac vice*)

*Attorneys for Plaintiffs*  
*CITY AND COUNTY OF HONOLULU and*  
*HONOLULU BOARD OF WATER SUPPLY*

*/s/ Joachim P. Cox*

**JOACHIM P. COX**  
**RANDALL C. WHATTOFF**

*Attorneys for Defendants*  
*ROYAL DUTCH SHELL PLC, SHELL OIL*  
*COMPANY, and SHELL OIL PRODUCTS*  
*COMPANY LLC*

*/s/ Margery S. Bronster*

**MARGERY S. BRONSTER**  
**LANSON K. KUPAU**  
**KELLY A. HIGA BROWN**

*Attorneys for Defendants*  
*BHP GROUP LIMITED, BHP GROUP PLC,*  
*and BHP HAWAII INC.*

*/s/ Crystal K. Rose*

**CRYSTAL K. ROSE**  
**ADRIAN L. LAVARIAS**  
**DAVID A. MORRIS**

*Attorneys for Defendants*  
*CONOCOPHILLIPS, CONOCOPHILLIPS*  
*COMPANY, PHILLIPS 66 and*  
*PHILLIPS 66 COMPANY*

*/s/ C. Michael Heihre*

**C. MICHAEL HEIHRE**  
**MICHI MOMOSE**

*Attorneys for Defendants*  
*SUNOCO LP, ALOHA PETROLEUM, LTD.*  
*and ALOHA PETROLEUM LLC*

*/s/ Lisa A. Bail*

**LISA A. BAIL**  
**DAVID J. HOFTIEZER**  
**RACHEL A. ZELMAN**

*Attorneys for Defendants*  
*BP P.L.C. and BP AMERICA INC.*

*/s/ Paul Alston*

**PAUL ALSTON**  
**JOHN-ANDERSON L. MEYER**  
**CLAIRE WONG BLACK**  
**GLENN T. MELCHINGER**

*Attorneys for Defendants*  
*EXXON MOBIL CORPORATION and*  
*EXXONMOBIL OIL CORPORATION*

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*/s/ Ted N. Pettit*

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**TED N. PETTIT**

Attorneys for Defendant

*MARATHON PETROLEUM CORP*

cc: The Honorable Judge Lisa W. Cataldo