

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

STATE OF VERMONT,)
Plaintiff,)
)
v.)
)
EXXON MOBIL CORPORATION,)
EXXONMOBIL OIL CORPORATION,)
ROYAL DUTCH SHELL PLC, SHELL OIL)
COMPANY, SHELL OIL PRODUCTS)
COMPANY LLC, MOTIVA ENTERPRISES)
LLC, SUNOCO LP, SUNOCO, LLC, ETC)
SUNOCO HOLDINGS LLC, ENERGY)
TRANSFER (R&M), LLC, ENERGY)
TRANSFER LP, and CITGO PETROLEUM)
CORPORATION,)
Defendants.)

Case No. 2:21-cv-260

PLAINTIFF’S NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff State of Vermont hereby provides notice of pertinent supplemental authority relating to its Motion to Remand (Dkt. #36). On April 7, 2022, the Fourth Circuit, on remand from the U.S. Supreme Court, again affirmed the district court’s order remanding state-law claims relating to oil and gas companies’ deceptive promotion and sale of fossil fuels. *Mayor & City Council of Baltimore v. BP P.L.C.*, No. 19-1644, 2022 WL 1039685 (4th Cir. Apr. 7, 2022). The decision is pertinent to Defendants’ contentions that removal is appropriate on the basis of: (i) federal common law; (ii) *Grable* doctrine; (iii) federal enclave jurisdiction; (iv) Outer Continental Shelf Lands Act jurisdiction; and (v) federal officer removal jurisdiction.

DATED: April 14, 2022

Respectfully submitted,

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL



By: _____
Justin E. Kolber
Laura B. Murphy
Assistant Attorneys General
Joshua R. Diamond
Deputy Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05602
(802) 828-3186
Justin.Kolber@vermont.gov
Laura.Murphy@vermont.gov

LEWIS BAACH KAUFMANN
MIDDLEMISS PLLC

Eric L. Lewis*
Mark J. Leimkuhler*
1101 New York Avenue, Suite 1000
Washington, DC 20005
(202) 833-8900
Eric.Lewis@lbkmlaw.com
Mark.Leimkuhler@lbkmlaw.com
* *Pro hac vice*