

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 (SECOND) NOTICE OF SUPPLEMENTAL AUTHORITY**

The State of Vermont provides notice of another recent decision relevant to its Motion to Remand (Doc. 36).<sup>1</sup> On April 19, 2022, the Ninth Circuit affirmed a district court’s order remanding state-law claims relating to oil and gas companies’ deceptive promotion and sale of fossil fuels. *County of San Mateo v. Chevron Corp.*, 2022 WL 1151275, at \*8 (9th Cir. Apr. 19, 2022). This decision likewise is pertinent to Defendants’ contentions that removal is appropriate on the basis of: (i) federal common law; (ii) the *Grable* doctrine; (iii) federal enclave jurisdiction; (iv) OCSLA jurisdiction; and (v) federal officer removal jurisdiction.

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<sup>1</sup> In response to the State’s Notice of Supplemental Authority (Doc. 59) simply informing the Court of the recent pertinent decision by the Fourth Circuit, Defendants submitted additional briefing and argument (Doc. 60). The State disagrees with Defendants’ extraneous submission and is prepared to provide additional briefing regarding the supplemental authorities, including a reply to Defendants’ submission, should the Court request it.

DATED: May 9, 2022

Respectfully submitted,

STATE OF VERMONT

THOMAS J. DONOVAN, JR.  
ATTORNEY GENERAL



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