

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

DISTRICT OF COLUMBIA

Plaintiff,

v.

EXXON MOBIL CORP., *et al.*

Defendants.

Civil Action No. 20-1932 (TJK)

**PLAINTIFF DISTRICT OF COLUMBIA'S
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff District of Columbia writes to inform the Court of supplemental authority with respect to its Motion to Remand (Dkt. 46). On May 17, 2022, the Fourth Circuit unanimously denied rehearing en banc in *Mayor & City Council of Baltimore v. BP P.L.C.*, No. 19-1644, Dkt. 283 (4th Cir. May 17, 2022) (“Order”) (**Ex. A**).

The defendants in *Baltimore* attempted to remove climate-related claims to federal court. A panel of the Fourth Circuit affirmed the district court’s remand order, “resoundingly” rejecting many of the same jurisdictional arguments advanced by Defendants here. *See Mayor & City Council of Baltimore v. BP P.L.C.*, 31 F.4th 178, 195, 199 (4th Cir. 2022); *see also* Dkt. 103. Those include nearly identical theories of (1) federal-common-law removal, *id.* at 199–208; (2) *Grable* jurisdiction, *id.* at 208–16; (3) federal-enclave jurisdiction, *id.* at 217–19; (4) OCSLA jurisdiction, *id.* at 219–22; and (5) federal-officer removal, *id.* at 228–38.

The defendants in *Baltimore* then petitioned for rehearing en banc. “No judge,” however, “requested a poll under Fed. R. App. P. 35.” Order at 2. The full court therefore denied the petition without dissent.

Dated: May 19, 2022

Respectfully Submitted,

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