

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA,

Plaintiff,

v.

EXXON MOBIL CORP., EXXONMOBIL
OIL CORPORATION, ROYAL DUTCH
SHELL PLC, SHELL OIL COMPANY, BP
P.L.C., BP AMERICA INC., CHEVRON
CORPORATION, CHEVRON U.S.A. INC.,

Defendants.

Civil Action No. 1:20-cv-01932-TJK

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants write in response to Plaintiff's Notice of Supplemental Authority (ECF No. 110), regarding the Ninth Circuit's decision in *City & County of Honolulu v. Sunoco LP*, 2022 WL 2525427 (9th Cir. July 7, 2022).¹ The D.C. Circuit has not yet addressed the issues relevant to the pending motion to remand in this case, and the Ninth Circuit's reasoning in *Honolulu* is not persuasive for many of the same reasons set forth in Defendants' Response to Plaintiff's Notice of Supplemental Authority regarding *County of San Mateo v. Chevron Corp.*, 32 F.4th 733 (9th Cir. 2022). See ECF No. 106. Indeed, the defendants in *Honolulu* intend to seek further review of that decision by petitioning the U.S. Supreme Court for a writ of certiorari.

¹ By filing this response, Defendants do not waive any right, defense, affirmative defense, or objection, including any challenges to personal jurisdiction over Defendants.

DATED: July 27, 2022

Respectfully submitted,

By: /s/ Theodore V. Wells, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that, on July 27, 2022, I caused the foregoing Response to Plaintiff's Notice of Supplemental Authority to be electronically filed using the Court's CM/ECF system, and service was effected electronically pursuant to Local Rule 5.3 to all counsel of record.

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