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CITY AND COUNTY OF SAN FRANCISCO
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CITY OF OAKLAND, a Municipal
Corporation, and THE PEOPLE OF THE
STATE OF CALIFORNIA, acting by and
through Oakland City Attorney BARBARA J.
PARKER,

Plaintiffs,

v.

BP P.L.C., a public limited company of
England and Wales, CHEVRON
CORPORATION, a Delaware corporation,
CONOCOPHILLIPS COMPANY, a Delaware
corporation, EXXON MOBIL
CORPORATION, a New Jersey corporation,
ROYAL DUTCH SHELL PLC, a public
limited company of England and Wales, and
DOES 1 through 10,

Defendants.

First-Filed Case No. 3:17-cv-6011-WHA
Related to Case No. 3:17-cv-6012-WHA

**THE PEOPLE'S NOTICE OF RECENT
DECISION**

Date: September 22, 2022
Time: 8:00 a.m. (PT)
Place: Courtroom 12

CITY AND COUNTY OF SAN
FRANCISCO, a Municipal Corporation, and
THE PEOPLE OF THE STATE OF
CALIFORNIA, acting by and through the San
Francisco City Attorney DAVID CHIU,

Plaintiffs,

v.

BP P.L.C., a public limited company of
England and Wales, CHEVRON
CORPORATION, a Delaware corporation,
CONOCOPHILLIPS COMPANY, a Delaware
corporation, EXXON MOBIL
CORPORATION, a New Jersey corporation,
ROYAL DUTCH SHELL PLC, a public
limited company of England and Wales, and
DOES 1 through 10,

Defendants.

Case No. 3:17-cv-6012-WHA

1 The People of the State of California hereby notify the Court of *City of Hoboken v. Chevron*
 2 *Corp.*, No. 21-2728, __ F.4th__, 2022 WL 3440653 (3d Cir. Aug. 17, 2022) (“*Hoboken &*
 3 *Delaware*”) (Ex. A), a recent Third Circuit decision that supports the People’s Renewed Motion
 4 to Remand (Dkts. 342, 286), which is set to be heard on September 22, 2022.

5 The Third Circuit in *Hoboken & Delaware* affirmed remand orders in two climate-related
 6 cases, one brought by the City of Hoboken, New Jersey, and the other by the State of Delaware,
 7 which had alleged state law public nuisance and several other tort claims against the four
 8 defendants in this case and other oil and gas companies. Ex. A at *2. The Court of Appeal rejected
 9 each asserted ground for federal removal jurisdiction.

10 First, the Third Circuit held that the “First Amendment problems” raised by the defendants
 11 did not present a substantial, disputed federal question under *Grable & Sons Metal Prods., Inc. v.*
 12 *Darue Eng’g & Mfg.*, 545 U.S. 308 (2005). See Ex. A at *3–4.

13 Second, the Court of Appeals concluded that Hoboken’s and Delaware’s claims were not
 14 removeable under the Outer Continental Shelf Lands Act, because those claims for relief did not
 15 “target actions on or closely connected to the Shelf,” and because even if the public entities’
 16 nuisance and trespass claims were construed as challenging “the oil companies’ entire business,
 17 from production through sale,” rather than just defendants’ climate-related misrepresentations, the
 18 allegedly tortious conduct was too far removed from “exploration and production on the Shelf” to
 19 give rise to OCSLA jurisdiction. See *id.* at *4–7.

20 Third, the Court of Appeals held that the public entities’ claims were not removable under
 21 the federal-officer removal statute, because the defendants’ claimed “business connections to the
 22 federal government” were either “compl[iance] with run-of-the-mill regulations on oil and gas
 23 production [that] is not enough for federal jurisdiction,” or were disclaimed as a basis for liability
 24 in the plaintiffs’ complaints. See *id.* at *7–8.¹

25
 26 ¹ In *Hoboken & Delaware*, the defendants based their federal-officer arguments on the same full
 27 set of documents that allegedly demonstrated their involvement in leasing “drilling rights on the
 28 [Outer Continental] Shelf,” “contribut[ing] oil to the government’s Strategic Petroleum Reserve,”
 “operat[ing] the [Elk Hills Petroleum Reserve] from World War II through the 1970s,”
 “produc[ing] specialty materials for the war effort” during World War II, and “continu[ing] to
 contribute specialty fuels [to the military] since.” See *id.* at *7–8.

1 Dated: August 25, 2022

Respectfully submitted,

2 **CITY OF OAKLAND**

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11 * Pursuant to Civ. L.R. 5-1(i)(3), the electronic
12 filer has obtained approval from this signatory.

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