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September 7, 2022

**Via ECF**

Michael E. Gans  
Clerk of Court  
Thomas F. Eagleton Courthouse  
111 South 10th Street, Room 24.329  
St. Louis, MO 63102

Re: *State of Minnesota v. American Petroleum Institute et al.*, No. 21-1752  
Plaintiff–Appellee’s Citations of Supplemental Authority

Dear Mr. Gans,

Plaintiff-Appellee State of Minnesota submits as supplemental authority the brief opposing certiorari filed by the respondents in *Suncor Energy (U.S.A.) Inc., et al. v. Board of County Commissioners of Boulder County, et al.*, No. 21-1550 (U.S. Aug. 10, 2022) (“*Boulder*”).

The State maintains the position expressed in its letter of June 30, 2022, that the Court should not consider the certiorari briefs before the Supreme Court in the *Boulder* matter because they do not represent authorities cognizable under Fed. R. App. P. 28(j), and because the *Boulder* petition itself was submitted by a party to this appeal and signed by the same counsel representing that party here. *See* Letter re: Plaintiff–Appellee’s Citations of Supplemental Authority, Entry ID: 5173913 (June 30, 2022). If, however, the Court is inclined to consider the Defendants-Appellants’ submission of the *Boulder* petition, it should in fairness also consider the respondents’ brief in opposition to the petition. To that end, the State provides that opposition brief for the Court’s convenience.

Respectfully submitted,

/s/ Victor M. Sher

Victor M. Sher

**Sher Edling LLP**

*Counsel for Plaintiff–Appellee*

cc: All Counsel of Record (via ECF)