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September 14, 2022

BY ECF

Honorable Mark L. Wolf
United States District Judge
District of Massachusetts
1 Courthouse Way
Boston, Massachusetts 02210

Re: *Conservation Law Foundation, Inc. v. ExxonMobil Corp., ExxonMobil Oil Corp., ExxonMobil Pipeline Co., No. 1:16-cv-11950-MLW*

Dear Judge Wolf:

We write to update the Court on the status of ExxonMobil's decommissioning and sale of the property in Everett, Massachusetts (the "Everett Property") on which ExxonMobil previously operated a petroleum storage terminal, the subject of this litigation.

Yesterday, the Davis Company ("Davis") unilaterally terminated the Sale and Purchase Agreement for the Everett Property, dated May 31, 2022 (the "SPA"). The SPA therefore is no longer in effect and no longer binds the parties.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
The Honorable Mark L. Wolf

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At the time of Davis's termination, ExxonMobil had already met all of its decommissioning obligations under the SPA. As reported in its June 6 letter to the Court, ExxonMobil had ceased using the Everett Property for the storage and sale of petroleum products months ago, and all sellable petroleum products had been removed from the property. *See* June 6, 2022 Ltr. to J. Wolf (ECF No. 137 at 2). Moreover, as ExxonMobil indicated would happen in its August 4, 2022 Status Report to the Court, all remaining liquids—including those used in the decommissioning process—were removed from the Everett Property by August 31, 2022. *See* Defendants' Status Report, dated Aug. 4, 2022 (ECF No. 143 at 5). Accordingly, ExxonMobil continues to believe that the Conservation Law Foundation's claims concerning the Everett Property are moot. *See id.* at 6–9.

We will keep the Court apprised of any further, significant developments pertaining to the Everett Property.

Respectfully submitted,

/s/ Daniel J. Toal
Daniel J. Toal

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