

**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 hereby notifies the Court of supplemental authority with respect to its Motion to Remand (Dkt. 46). *See City of Annapolis v. BP P.L.C.*, Case Nos. 21-00772 & 21-01323, 2022 WL 4548226 (D. Md. Sept. 29, 2022) (**Ex. A**). In *City of Annapolis*, the District of Maryland granted motions to remand two climate-related cases brought in state court by the City of Annapolis and the County of Anne Arundel, Maryland.

The opinion holds that the defendants' assertions of federal common law, *Grable*, Outer Continental Shelf Lands Act, federal officer, and federal enclave jurisdiction have each "already been considered and rejected by the Fourth Circuit in Baltimore's case." Ex. A at \*3. Although the defendants claimed to "present a materially expanded evidentiary record" in support of federal officer jurisdiction and a new argument for *Grable* jurisdiction, the court found the new arguments still "fail to provide grounds for federal jurisdiction." *Id.* at \*4. Specifically, despite the defendants submitting new evidence allegedly showing they "acted under" federal officers, the court held "their arguments meet with no greater success" because "[n]one of Defendants' new examples of

federal authority relates to the alleged concealment of the harms of fossil fuel products.” *Id.* at \*7; *see also id.* at \*8 (“The fact that the federal government may have been a target of Defendants’ misrepresentations does not manufacture a federal relationship Defendants may now rely upon to access federal courts.”).

Respectfully Submitted,

Dated: September 30, 2022

**KARL A. RACINE**  
**Attorney General for the District of Columbia**

By: /s/ Kathleen Konopka

KATHLEEN KONOPKA [5531538]  
Deputy Attorney General  
Public Advocacy Division  
DAVID S. HOFFMANN [983129]  
Assistant Attorney General  
441 4<sup>th</sup> St., N.W.  
Washington, DC 20001  
(202) 741-5226  
kathleen.konopka@dc.gov  
david.hoffmann@dc.gov

By: /s/ Quentin C. Karpilow

VICTOR M. SHER (*pro hac vice*)  
MATTHEW K. EDLING [1020217]  
KATIE H. JONES (*pro hac vice*)  
QUENTIN C. KARPILOW [1659323]  
**SHER EDLING LLP**  
100 Montgomery St., Ste. 1410  
San Francisco, CA 94104  
(628) 231-2500  
vic@sheredling.com  
matt@sheredling.com  
katie@sheredling.com  
quentin@sheredling.com

HASSAN A. ZAVAREEI [456161]  
ANNA C. HAAC [979449]  
KRISTEN G. SIMPLICIO [977556]  
**TYCKO & ZAVAREEI, LLP**  
1828 L Street NW, Suite 1000  
Washington, DC 20036  
(202) 973-0900  
hzavareei@tzlegal.com  
ahaac@tzlegal.com  
ksimplicio@tzlegal.com

*Attorneys for the District of Columbia*