

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 21-2728

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CITY OF HOBOKEN

v.

CHEVRON CORP; CHEVRON U.S.A. INC.; EXXON MOBIL CORP.;  
EXXONMOBIL OIL CORPORATION; SHELL PLC; BP P.L.C.;  
BP AMERICA, INC.; CONOCOPHILLIPS; CONOCOPHILLIPS COMPANY;  
PHILLIPS 66; PHILLIPS 66 COMPANY; AMERICAN PETROLEUM INSTITUTE;  
SHELL USA,

Appellants

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(D.N.J. No. 2:20-cv-14243)

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No. 22-1096

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STATE OF DELAWARE, ex rel. Kathleen Jennings,  
Attorney General of the State of Delaware

v.

B.P. AMERICA INC.; BP p.l.c; CHEVRON CORPORATION;  
CHEVRON U.S.A. INC.; CONOCOPHILLIPS; CONOCOPHILLIPS COMPANY;  
PHILLIPS 66; PHILLIPS 66 COMPANY; EXXON MOBIL CORPORATION;  
EXXONMOBIL OIL CORPORATION; XTO ENERGY INC.; HESS CORPORATION;  
MARATHON OIL CORPORATION; MARATHON PETROLEUM CORPORATION;  
MARATHON PETROLEUM COMPANY LP; SPEEDWAY LLC;  
MURPHY OIL CORPORATION; MURPHY USA INC.; SHELL PLC; SHELL USA;  
CITGO PETROLEUM CORPORATION; TOTALENERGIES SE.;  
OCCIDENTAL PETROLEUM CORPORATION; DEVON ENERGY CORPORATION;  
APACHE CORPORATION; CNX RESOURCES CORPORATION;  
CONSOL ENERGY INC.; OVINTIV, INC.; AMERICAN PETROLEUM INSTITUTE;  
TOTALENERGIES MARKETING USA, INC.,

Appellants

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(D. Del. No. 1:20-cv-01429)

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SUR PETITION FOR REHEARING

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Present: McKEE, JORDAN, SHWARTZ, RESTREPO,  
BIBAS, PORTER, and MATEY, Circuit Judges

The petition for rehearing filed by Appellants in the above-captioned case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc is **DENIED**.

By the Court,

s/Stephanos Bibas  
Circuit Judge

Dated: September 30, 2022  
Sb/cc: All Counsel of Record