PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP 2001 K STREET, NW

TELEPHONE (202) 223-7300

WASHINGTON, DC 20006-1047

1285 AVENUE OF THE AMERICAS NEW YORK, NY 10019-6064 TELEPHONE (212) 373-3000

UNIT 5201, FORTUNE FINANCIAL CENTER 5 DONGSANHUAN ZHONGLU CHAOYANG DISTRICT, BEIJING 100020, CHINA TELEPHONE (86-10) 5828-6300

SUITES 3601 - 3606 & 3610 36/F. GLOUCESTER TOWER THE LANDMARK 15 QUEEN'S ROAD, CENTRAL HONG KONG TELEPHONE (852) 2846-0300

10 NOBLE STREET LONDON EC2V 7JU, UNITED KINGDOM TELEPHONE (44 20) 7367 1600

535 MISSION STREET, 24TH FLOOR SAN FRANCISCO, CA 94105 TELEPHONE (628) 432-5100

FUKOKU SEIMEI BUILDING 2-2 UCHISAIWAICHO 2-CHOME CHIYODA-KU, TOKYO 100-0011, JAPAN TELEPHONE (81-3) 3597-8101

77 KING STREET WEST, SUITE 3100 P.O. BOX 226 TORONTO, ONTARIO M5K 1J3 TELEPHONE (416) 504-0520

500 DELAWARE AVENUE, SUITE 200 POST OFFICE BOX 32 WILMINGTON, DE 19899-0032 TELEPHONE (302) 655-4410

KANNON K. SHANMUGAM

TELEPHONE (202) 223-7325 FACSIMILE (202) 204-7397 E-MAIL: kshanmugam@paulweiss.com

October 4, 2022

## VIA ELECTRONIC FILING

Michael E. Gans Clerk of Court U.S. Court of Appeals for the Eighth Circuit 111 South Tenth Street Room 24.329 St. Louis, MO 63102

> Re: State of Minnesota v. American Petroleum Institute, et al., No. 21-1752; American Petroleum Institute, et al.

> > v. State of Minnesota, No. 21-8005

Dear Mr. Gans:

Pursuant to Federal Rule of Appellate Procedure 28(j), appellants write to notify the Court that the Supreme Court has invited the Solicitor General to file a brief expressing the views of the United States on the petition for a writ of certiorari in Suncor Energy (U.S.A.) Inc. v. Board of County Commissioners of Boulder County, No. 21-1550. As appellants explained in their previous letter regarding Suncor, the questions presented there are, first, whether federal common law necessarily and exclusively governs claims seeking redress for injuries allegedly caused by the effect of interstate greenhouse-gas emissions on the global climate; and second, whether a federal district court has jurisdiction under 28 U.S.C. § 1331 over claims necessarily and exclusively governed by federal common law but labeled as arising under state law.

We would appreciate it if you would circulate this letter to the panel at your earliest convenience.

Respectfully submitted,

/s/ Kannon K. Shanmugam Kannon K. Shanmugam

All counsel of record (via electronic filing) cc:

Appellate Case: 21-1752 Page: 1 Date Filed: 10/04/2022 Entry ID: 5204795

## CERTIFICATE OF SERVICE

I, Kannon K. Shanmugam, counsel for defendants-appellants Exxon Mobil Corporation and ExxonMobil Oil Corporation, and a member of the bar of this Court, certify that, on October 4, 2022, the foregoing document was filed through the Court's electronic filing system. I further certify that all parties required to be served have been served.

/s/ Kannon K. Shanmugam Kannon K. Shanmugam

Appellate Case: 21-1752 Page: 2 Date Filed: 10/04/2022 Entry ID: 5204795