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**BY ELECTRONIC FILING**

Catherine O'Hagan Wolfe  
Clerk of Court  
United States Court of Appeals for the Second Circuit  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *State of Connecticut v. Exxon Mobil Corp.*, No. 21-1446

Dear Ms. Wolfe:

Pursuant to Federal Rule of Appellate Procedure 28(j), appellant writes in response to appellee's letter regarding *Minnesota v. American Petroleum Institute*, Nos. 21-1752, 2023 WL 2607545 (8th Cir. Mar. 23, 2023). Appellant submits that the Eighth Circuit erred by rejecting federal jurisdiction.

In particular, the Eighth Circuit failed to grapple with this Court's holding in *City of New York v. Chevron Corp.*, 993 F.3d 81 (2021), that claims seeking redress for climate-change injuries arise exclusively under federal common law. This Court properly reasoned that such "sprawling" claims are incompatible with our Constitution's federalist structure and the need for uniformity on matters of national energy and environmental policy. *Id.* at 91-92. That reasoning controls here, where the claims are premised on harms from transboundary emissions. *See* J.A. 41-43, 51. The Eighth Circuit also erred in holding that a state-law claim may be removed only through operation of statutory complete preemption or the jurisdictional doctrine articulated in *Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing*, 545 U.S. 308 (2005). *See* Reply Br. 10-13.

Judge Stras's concurrence, moreover, explains why claims like appellee's should give rise to federal jurisdiction. Here, as in *Minnesota*, "[t]here is no hiding the obvious" that appellee seeks "a global remedy for a global issue." 2023 WL

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2607545, at \*9. Appellee's "wide-ranging request for injunctive relief"—which includes restitution "for all expenditures attributable to ExxonMobil that the State has made and will have to make to combat the effects of climate change" (J.A. 51)—"speaks for itself." 2023 WL 2607545, at \*10. In cases such as this one, which raise interstate disputes, "federal law still reigns supreme." *Id.* Appellee's contrary contention rings hollow, especially given that its claims overlap substantially with the consumer-protection claims in *Minnesota*.

In addition, Judge Stras's concurrence highlights why the Supreme Court may yet grant review in *Suncor Energy (U.S.A.) Inc. v. Board of County Commissioners of Boulder County*, S. Ct. No. 21-1550, to bring much needed clarity to this area of the 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

cc: All counsel of record (via electronic filing)