



OFFICE OF THE ATTORNEY GENERAL
CONNECTICUT

April 24, 2023

VIA 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. ExxonMobil Corporation*, No. 21-1446

Dear Ms. Wolfe:

Pursuant to F.R.A.P. 28(j), Appellee State of Connecticut writes to inform the Court that today the Supreme Court denied five petitions for certiorari filed by ExxonMobil and other oil company defendants seeking review of the same arguments for removal that ExxonMobil asserts here. See *Suncor Energy, Inc. v. Bd. Comm'rs Boulder Cty.*, No. 21-1550; *BP P.L.C. v. Mayor and City Council Baltimore*, No. 22-361; *Chevron Corp. v. San Mateo County*, No. 22-495; *Sunoco LP v. Honolulu*, No. 22-523; *Shell Oil Products Co. v. Rhode Island*, No. 22-524. These denials of certiorari leave in place the decisions of the First, Fourth, Ninth, and Tenth Circuits, each of which rejected ExxonMobil's arguments for removal and affirmed a district court's order to remand to state court.

The Supreme Court has now repeatedly declined to review the decisions of sister Circuits affirming remand when presented with the arguments for removal that ExxonMobil asserts here. See also *Chevron Corp. v. City of Oakland*, 2021 U.S. LEXIS 3100 (S. Ct. Jun. 14, 2021). The Court's lack of interest in cases that are similarly governed by the black letter law of removal and remand is instructive.

Respectfully Submitted,

/s/ Benjamin Cheney
Benjamin Cheney
Assistant Attorney General
State of Connecticut

cc: All counsel of record (via electronic filing)