

April 28, 2023

Via ECF

Michael E. Gans
Clerk of Court
Thomas F. Eagleton Courthouse
111 South 10th Street, Room 24.329
St. Louis, MO 63102

Re: *State of Minnesota v. American Petroleum Institute et al.*, No. 21-1752
Plaintiff–Appellee’s Notice of Supplemental Authority

Dear Mr. Gans,

Plaintiff–Appellee State of Minnesota submits the attached supplemental authority supporting its opposition to Defendants–Appellants’ Motion for Stay of the Mandate (Apr. 12, 2023). Defendants–Appellants argued in their Motion that “this Court should stay issuance of the mandate pending the filing of a petition for a writ of certiorari in the United States Supreme Court, or, at a minimum, pending the Supreme Court’s resolution of the petition for certiorari” in *Suncor Energy (U.S.A.) Inc. v. Board of County Commissioners of Boulder County*, No. 21-1550 (U.S.), which they asserted has “substantial overlap” with their anticipated petition for certiorari in this case. Mot. at 12, 13.

On April 24, 2023, the Supreme Court denied the *Suncor* petition. *Suncor Energy, Inc. v. Bd. of Comm’rs of Boulder Cnty.*, No. 21-1550, 2023 WL 3046222 (U.S. Apr. 24, 2023). The Court also denied petitions for writs of certiorari from four orders affirming remand from the First, Fourth, and Ninth Circuits in similar state-law deception lawsuits against fossil fuel companies, which the parties have discussed in their briefing. See *Shell Oil Prods. Co. v. Rhode Island*, No. 22-524, 2023 WL 3046229 (U.S. Apr. 24, 2023); *BP P.L.C. v. Mayor & City Council of Baltimore*, No. 22-361, 2023 WL 3046224 (U.S. Apr. 24, 2023); *Chevron Corp. v. San Mateo Cnty.*, No. 22-495, 2023 WL 3046226 (U.S. Apr. 24, 2023); *Sunoco LP v. Honolulu*, No. 22-523, 2023 WL 3046227 (U.S. Apr. 24, 2023). The Supreme Court’s Order List is attached as **Exhibit A**. The relevant denials appear on page four.

The denials of certiorari in the *Suncor*, *San Mateo County*, *Baltimore*, *Rhode Island*, and *Honolulu* cases strongly indicate that the Supreme Court will not grant Defendants–Appellants’ anticipated petition from the Court’s affirmance of remand in this case.

Respectfully submitted,

/s/ Victor M. Sher

Victor M. Sher

Sher Edling LLP

Counsel for Plaintiff–Appellee

cc: All Counsel of Record (via ECF)