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PROTECTING PEOPLE AND THE PLANET

April 28, 2023

Via ECF

Patricia S. Connor
Clerk of Court
U.S. Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219

Re: *Anne Arundel County, Maryland v. BP P.L.C., et al.*, and *City of Annapolis, Maryland v. BP P.L.C., et al.*, Case Nos. 22-2082 and 22-2101
Plaintiffs-Appellees' Citation of Supplemental Authorities

Dear Ms. Connor,

Plaintiffs-Appellees City of Annapolis and Anne Arundel County write pursuant to Fed. R. App. P. 28(j) to notify the Court of recent supplemental authority relevant to the above-named appeals. The U.S. Supreme Court on April 24, 2023, denied the defendants' petition for a writ of certiorari from the opinion of this Court affirming remand to state court in *BP P.L.C. v. Mayor & City Council of Baltimore*, No. 22-361, 2023 WL 3046224 (U.S. Apr. 24, 2023).

The Supreme Court also denied four materially similar petitions for certiorari from orders affirming remand from the First, Ninth, and Tenth Circuits, which the parties discuss in their respective briefs. *See Shell Oil Prods. Co. v. Rhode Island*, No. 22-524, 2023 WL 3046229 (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); *Suncor Energy, Inc. v. Bd. of Comm'rs of Boulder Cnty.*, No. 21-1550, 2023 WL 3046222 (U.S. Apr. 24, 2023). The Supreme Court's Order List is attached as **Exhibit A**. The relevant denials appear on page four.

The Supreme Court's order leaves in place this Court's decision affirming remand of Baltimore's materially similar lawsuit. *See Mayor & City Council of Baltimore v. BP P.L.C.*, 31 F.4th 178 (4th Cir. 2022). The issues decided in *Baltimore* that Defendants "preserve[d] . . . for further review," Defendants-Appellants' Opening Brief at 1–2, are now final and binding. *See also id.* at 6 n.2, 12, 67.

Respectfully submitted,

/s/ Victor M. Sher

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Anne Arundel County, Maryland and
City of Annapolis, Maryland*

cc: All Counsel of Record (via ECF)