

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

STATE OF VERMONT,)	
Plaintiff,)	
)	
v.)	
)	
EXXON MOBIL CORPORATION,)	
EXXONMOBIL OIL CORPORATION,)	
ROYAL DUTCH SHELL PLC, SHELL OIL)	Case No. 2:21-cv-260
COMPANY, SHELL OIL PRODUCTS)	
COMPANY LLC, MOTIVA ENTERPRISES)	
LLC, SUNOCO LP, SUNOCO, LLC, ETC)	
SUNOCO HOLDINGS LLC, ENERGY)	
TRANSFER (R&M), LLC, ENERGY)	
TRANSFER LP, and CITGO PETROLEUM)	
CORPORATION,)	
Defendants.)	

PLAINTIFF’S (SIXTH) NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff provides notice of recent actions by the United States Supreme Court that are relevant to Plaintiff’s Motion to Remand (Doc. 36). On April 24, 2023, the Supreme Court denied petitions for writ of certiorari to review decisions of courts of appeals for the First, Fourth, Ninth, and Tenth Circuits, in which those courts had affirmed district court orders remanding lawsuits relating to oil and gas companies’ deceptive promotion and sale of fossil fuels. *Rhode Island v. Shell Oil Products Co., LLC*, 35 F.4th 44 (1st Cir. 2022), *cert denied sub nom. Shell Oil Products Co. v Rhode Island*, 2023 WL 3046229 (U.S. Apr. 24, 2023); *Mayor & City Council of Baltimore v. BP P.L.C.*, 31 F.4th 178 (4th Cir. 2022), *cert denied sub nom. BP P.L.C. v. Mayor and City Council Baltimore*, 2023 WL 3046224 (U.S. Apr. 24, 2023); *City & Cnty. of Honolulu v. Sunoco LP*, 39 F.4th 1101 (9th Cir. 2022), *cert. denied sub nom. Sunoco LP v. Honolulu*, No. 22-523, 2023 WL 3046227 (U.S. Apr. 24, 2023); *County of San Mateo v.*

Chevron Corp., 32 F.4th 733 (9th Cir. 2022), *cert denied sub nom. Chevron Corp. v. San Mateo County*, 2023 WL 3046226 (U.S. Apr. 24, 2023); and *Bd. of Cnty. Comm'r of Boulder Cnty. v. Suncor Energy (U.S.A.) Inc.*, 25 F.4th 1238 (10th Cir. 2022), *cert denied sub nom. Suncor Energy v. Bd. Comm'rs Boulder*, 2023 WL 3046222 (U.S. Apr. 24, 2023).

These decisions of the courts of appeals were addressed in Plaintiff's prior notices of Supplemental Authority (Docs. 59, 61, 62, 66) or in Plaintiff's Reply in Support of Motion to Remand (Doc. 55). The Supreme Court decisions to deny certiorari are pertinent to Defendants' contentions here that removal is appropriate on the basis of: (i) federal common law; (ii) the *Grable* doctrine; (iii) federal enclave jurisdiction; (iv) OCSLA jurisdiction; and (v) federal officer removal jurisdiction.

DATED: April 28, 2023

Respectfully submitted,

STATE OF VERMONT

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ATTORNEY GENERAL



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** Pro hac vice*