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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MATTHEW J. PLATKIN, ATTORNEY  
GENERAL OF THE STATE OF NEW  
JERSEY; NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION; and  
CARI FAIS, ACTING DIRECTOR OF THE  
NEW JERSEY DIVISION OF CONSUMER  
AFFAIRS,

*Plaintiffs,*

v.

EXXON MOBIL CORPORATION;  
EXXONMOBIL OIL CORPORATION; BP  
P.L.C.; BP AMERICA INC.; CHEVRON  
CORPORATION; CHEVRON U.S.A. INC.;  
CONOCOPHILLIPS; CONOCOPHILLIPS  
COMPANY; PHILLIPS 66; PHILLIPS 66  
COMPANY; SHELL PLC; SHELL OIL  
COMPANY; and AMERICAN PETROLEUM  
INSTITUTE,

*Defendants.*

No. 3:22-cv-06733-RK-RLS

**PLAINTIFFS' CORRECTED NOTICE  
OF SUPPLEMENTAL AUTHORITIES**

Hon. Robert Kirsch, U.S.D.J.  
Hon. Rukhsanah L. Singh, U.S.M.J.

Plaintiffs hereby notify the Court of supplemental authority relevant to Plaintiffs' Motion to Remand (Dkt. 86) and Defendants' Motion to Stay Proceedings (Dkt. 75). Defendants assert that they removed "to avoid waiving their right to do so in the future" given the "significant likelihood" that the U.S. Supreme Court would grant their petition for certiorari review of *City of Hoboken v. Chevron Corp.*, 45 F.4th 699 (3d Cir. 2022) ("*Hoboken*"), in which the Third Circuit rejected "the same" removal grounds Defendants advance here. NOR (Dkt. 1) at 6, 4. Defendants' stay briefing likewise emphasizes the need to "await guidance from the Supreme Court on whether these types of climate change cases should be litigated in federal or state court." Defs' Mot. to Stay (Dkt. 75-1) at 2.

On May 15, 2023, the U.S. Supreme Court denied Defendants' petition for review of the Third Circuit's *Hoboken* decision. *See Chevron Corp. v. Hoboken*, No. 22-821, 2023 WL 3440749 (U.S. May 15, 2023). The Supreme Court's order leaves in place the Third Circuit precedent controlling remand here. Because the Supreme Court has denied the certiorari petition whose pendency formed the basis for Defendants' removal and Motion to Stay, this Court should decline to stay proceedings and should remand this case to state court.

Moreover, on May 16, 2023, the U.S. Circuit Court of Appeals for the Eighth Circuit denied the defendants-appellants' motion to stay the mandate of its order affirming remand, *Minnesota v. Am. Petroleum Inst.*, 63 F.4th 703 (8th Cir. 2023). The Eighth Circuit's order is attached as **Exhibit A**. The order further demonstrates that a stay of proceedings is not warranted here because the Supreme Court has definitively indicated that cases like this one belong in state court.

Respectfully submitted,

Dated: May 18, 2023

MATTHEW J. PLATKIN,  
Attorney General of the State of New Jersey

/s/ Andrew Reese

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 18, 2023, the document above was electronically filed with the Clerk of Court using the CM/ECF system, which automatically sent notification to all parties of record.

*/s/ Paul M. Stephan*

Paul M. Stephan

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