



The Office of  
**Minnesota Attorney General Keith Ellison**  
helping people afford their lives and live with dignity and respect • [www.ag.state.mn.us](http://www.ag.state.mn.us)

July 31, 2023

VIA ECF

**Re: *State of Minnesota v. American Petroleum Institute, Exxon, and Flint Hills*, No. 20-cv-01636-JRT-HB: Request to Lift Stay**

Dear Judge Tunheim

Having received permission from chambers to file a letter to the docket, I write on behalf Plaintiff the State of Minnesota regarding the above-captioned matter. The State requests that this Court lift the stay currently in place given the following developments:

- On August 20, 2021, this Court entered a stay of execution of its remand order pending appellate review. Docket No. 116 at 12.
- On March 23, 2023, the Eighth Circuit issue an opinion affirming this Court's remand decision.
- On May 16, 2023, the Eighth Circuit Court of Appeals denied the Appellants' motion to stay the mandate.
- On May 17, 2023, the Eighth Circuit Court of Appeals issued the mandate.

The State has corresponded with Defendants, but they do not join in this request.

In the alternative to entering an order lifting the stay and issuing the remand, Plaintiff requests a status conference to be scheduled at the Court's earliest convenience.

Sincerely yours,

/s/ *Peter Surdo*

PETER SURDO  
Special Assistant Attorney General  
(651) 757-1061 (Voice)  
(651) 297-4139 (Fax)  
[peter.surdo@ag.state.mn.us](mailto:peter.surdo@ag.state.mn.us)