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October 2, 2023

Via ECF

Hon. Valerie E. Caproni
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square, Courtroom 443
New York, NY 10007

Re: *City of New York v. Exxon Mobil Corp., et al.*,
Case No. 1:21-cv-04807-VEC

Dear Judge Caproni,

Pursuant to the Court's order dated November 12, 2021 (Dkt. No. 58), Plaintiff the City of New York hereby notifies the Court that the Second Circuit issued its decision in *Connecticut v. Exxon Mobil* on September 27, 2023. *See Connecticut v. Exxon Mobil Corp.*, No. 21-1446, 2023 WL 6279941 (2d Cir. Sept. 27, 2023). The slip opinion is attached as **Exhibit A**.

In its opinion, the Second Circuit affirmed remand of a case alleging that Exxon Mobil "engaged in a decades-long 'campaign of deception' to knowingly mislead and deceive Connecticut consumers" about climate change and its relationship to fossil fuels. Ex. A at 3. The court addressed four of the same removal theories Defendants also assert in this case (federal question jurisdiction based on federal common law; federal question jurisdiction based on the substantial federal question doctrine; the federal officer removal statute, 28 U.S.C. § 1442; and the Outer Continental Shelf Lands Act, 43 U.S.C. § 1349(b)(1)), and it held that there was no federal jurisdiction.

Plaintiff respectfully asks the Court to lift the stay and decide Plaintiff's pending motion to remand, which has been fully briefed. *See* Dkt. Nos. 37, 38, 47 & 49. Plaintiff is separately submitting a notice of supplemental authority identifying other relevant decisions issued since briefing concluded.

Respectfully submitted,

/s/ Matthew K. Edling
Matthew K. Edling
Sher Edling LLP

Counsel for Plaintiff

cc: All Counsel of Record (via ECF)