

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE CITY OF NEW YORK,

Plaintiff,

vs.

EXXON MOBIL CORPORATION,
EXXONMOBIL OIL CORPORATION,
ROYAL DUTCH SHELL PLC, SHELL OIL
COMPANY, BP P.L.C., BP AMERICA INC.,
and AMERICAN PETROLEUM INSTITUTE,

Defendants.

Case Number: 1:21-CV-04807-VEC-SDA

**PLAINTIFF THE CITY OF NEW YORK'S
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff the City of New York (“the City”) hereby notifies the Court of supplemental authority with respect to its Motion to Remand (Dkt. 37).

Since November 2021, when the Court stayed the case pending the Second Circuit’s decision in *Connecticut v. Exxon Mobil* (Dkt. No. 58), courts around the country have issued additional decisions remanding or affirming remand of substantially similar climate deception cases. Each of the opinions is available through an official reporter or the Westlaw database, except for *City of Charleston v. Brabham Oil Co.*, No. 2:20-cv-03579, Dkt. 154 (D.S.C. July 6, 2023), *notice of appeal filed*, No. 23-1802 (3d. Cir. July 5, 2023), which is attached hereto as **Exhibit A**.

The opinions are:

- ***Rhode Island v. Shell Oil Prods. Co., L.L.C.*, 35 F.4th 44 (1st Cir. 2022), cert. denied, 143 S. Ct. 1796 (2023)** (rejecting jurisdictional arguments based on federal common law, complete preemption, the substantial federal question doctrine, the federal enclave

doctrine, the Outer Continental Shelf Lands Act, the federal officer removal statute, the admiralty jurisdiction statute, and the bankruptcy jurisdiction statutes).

- *City of Hoboken v. Chevron Corp.*, 45 F.4th 699 (3d Cir. 2022), *cert. denied*, 143 S. Ct. 2483 (2023) (rejecting jurisdictional arguments based on federal common law, the substantial federal question doctrine, the First Amendment, the Outer Continental Shelf Lands Act, and the federal officer removal statute).
- *Mayor & City Council of Baltimore v. BP P.L.C.*, 31 F.4th 178 (4th Cir. 2022), *cert. denied*, 143 S. Ct. 1795 (2023) (rejecting jurisdictional arguments based on federal common law, complete preemption, the substantial federal question doctrine, the federal enclave doctrine, the Outer Continental Shelf Lands Act, the federal officer removal statute, the admiralty jurisdiction statute, and the bankruptcy jurisdiction statutes).
- *Cnty. of San Mateo v. Chevron Corp.*, 32 F.4th 733 (9th Cir. 2022), *cert. denied*, 143 S. Ct. 1797 (2023) (rejecting jurisdictional arguments based on federal common law, complete preemption, the substantial federal question doctrine, the federal enclave doctrine, the Outer Continental Shelf Lands Act, the federal officer removal statute, the admiralty jurisdiction statute, and the bankruptcy jurisdiction statutes).
- *City & Cnty. of Honolulu v. Sunoco LP*, 39 F.4th 1101 (9th Cir. 2022), *cert. denied*, 143 S. Ct. 1795 (2023) (rejecting jurisdictional arguments based on the federal enclave doctrine, the Outer Continental Shelf Lands Act, and the federal officer removal statute).
- *Bd. of Cnty. Comm'rs of Boulder Cnty. v. Suncor Energy (U.S.A.) Inc.*, 25 F.4th 1238 (10th Cir. 2022), *cert. denied*, 143 S. Ct. 1795 (2023) (rejecting jurisdictional arguments based on federal common law, complete preemption, the substantial federal

question doctrine, the federal enclave doctrine, the Outer Continental Shelf Lands Act, and the federal officer removal statute).

- ***Minnesota v. Am. Petroleum Institute*, 63 F.4th 703 (8th Cir. 2023), petition for cert. filed, No. 23-168 (Aug. 22, 2023)** (rejecting jurisdictional arguments based on federal common law, the substantial federal question doctrine, the Outer Continental Shelf Lands Act, the federal officer removal statute, and the Class Action Fairness Act).
- ***District of Columbia v. Exxon Mobil Corp.*, 640 F. Supp. 3d 95 (D.D.C. 2022), appeal pending, No. 22-7163 (D.C. Cir.)** (rejecting jurisdictional arguments based on federal common law, complete preemption, the substantial federal question doctrine, the federal enclave doctrine, the Outer Continental Shelf Lands Act, the federal officer removal statute, and the Class Action Fairness Act).
- ***City of Oakland v. BP P.L.C.*, Nos. 17-06011-WHA & 17-06012-WHA, 2022 WL 14151421 (N.D. Cal. Oct. 24, 2022), appeal pending, No. 22-16810 (9th Cir.)** (rejecting jurisdictional arguments based on the substantial federal question doctrine, the First Amendment, the federal enclave doctrine, the Outer Continental Shelf Lands Act, and the federal officer removal statute).
- ***City of Annapolis v. BP P.L.C.*, Nos. SAG-21-00772 & SAG 21-01323, 2022 WL 4548226 (D. Md. Sept. 29, 2022), appeal pending, No. 22-2082 (4th Cir.)** (rejecting jurisdictional arguments based on the substantial federal question doctrine, the First Amendment, and the federal officer removal statute).
- ***New Jersey v. Exxon Mobil Corp.*, No. 22-cv-06733, 2023 WL 4086353 (D.N.J. June 20, 2023)** (rejecting jurisdictional arguments based on federal common law, complete

preemption, the federal enclave doctrine, the substantial federal question doctrine, the Outer Continental Shelf Lands Act, and the federal officer removal statute).

- *City of Charleston v. Brabham Oil Co.*, No. 2:20-cv-03579, Dkt. 154 (D.S.C. July 6, 2023), *notice of appeal filed*, No. 23-1802 (4th Cir. July 5, 2023) (rejecting jurisdictional arguments based on fraudulent joinder, the substantial federal question doctrine, the First Amendment, and the federal officer removal statute).

Dated: October 2, 2023

Respectfully submitted,

SYLVIA O. HINDS-RADIX
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CERTIFICATE OF SERVICE

I hereby certify that, on the 2nd day of October, 2023, the foregoing document was filed through the ECF system and will be sent electronically to the registered participants identified on the Notice of Electronic Filing.

/s/ Matthew K. Edling
Matthew K. Edling