

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KING COUNTY,

Plaintiff,

v.

BP P.L.C., a public limited company of
England and Wales, CHEVRON
CORPORATION, a Delaware corporation,
CONOCOPHILLIPS, a Delaware
corporation, EXXON MOBIL
CORPORATION, a New Jersey
corporation, ROYAL DUTCH SHELL PLC,
a public limited company of England and
Wales, and DOES 1 through 10,

Defendants.

Case No. 2:18-cv-00758-RSL

**CONSENTED-TO MOTION OF
INDIANA AND ELEVEN OTHER
STATES FOR LEAVE TO FILE
AMICUS BRIEF IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
FIRST AMENDED COMPLAINT**

**NOTE ON MOTION CALENDAR:
Friday, October 19, 2018**

The States of Indiana, Alabama, Arkansas, Colorado, Georgia, Louisiana, Nebraska,
Oklahoma, South Carolina, Texas, Utah, and Wisconsin respectfully move for leave to file an
amicus curiae brief in support of the Defendants' Motion to Dismiss First Amended Complaint,
ECF No. 120. A copy of the proposed brief is attached as Exhibit A to this motion. Defendants
and Plaintiff have consented to the filing of this motion and the accompanying amicus brief.

CONSENTED-TO MOTION OF INDIANA & ELEVEN
OTHER STATES FOR LEAVE TO FILE AMICUS
BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO
DISMISS FIRST AMENDED COMPLAINT
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Tupper Mack Wells PLLC
2025 First Avenue
Suite 1100
Seattle, Washington 98121
TEL 206.493.2300 FAX
206.493.2310

1 the Court in understanding that impact. The Court should exercise its discretion to permit the
2 State Amici to file the attached amicus brief.

3 Plaintiff must file any responses to Defendants' motions to dismiss within nine days—by
4 October 11, 2018, *see* Order Granting Parties' Stipulated Mot. Regarding Briefing Schedule for
5 Defs.' Mot. to Dismiss Pursuant to Local Civil Rules 7(d)(1) & 10(g), ECF No. 121—but the
6 parties are familiar with the State Amici's arguments because the State Amici previously filed a
7 similar amicus brief in suits brought against Defendants by the cities of Oakland and San
8 Francisco, represented by the same counsel as Plaintiff, in the U.S. District Court for the
9 Northern District of California. *See* Amicus Br. of Indiana & Fourteen Other States in Support of
10 Dismissal, *City of Oakland v. BP P.L.C.*, Nos. C 17-06011 WHA, C 17-06012 WHA (N.D. Cal.
11 Apr. 19, 2018), ECF No. 224-1. Moreover, the State Amici are familiar with the parties'
12 arguments and will not reprise them. Rather, the State Amici will draw on their expertise as
13 sovereigns, regulators, and energy consumers to describe how Plaintiff's claims in this case
14 should not go forward.
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17 CONCLUSION

18 For these reasons, the Amici States respectfully request that the Court grant them leave to
19 file the amicus brief attached as Exhibit A.
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1 Dated: October 3, 2018

Respectfully Submitted,

2 TUPPER MACK WELLS PLLC

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4 By: s/ James A. Tupper, Jr.
5 James A. Tupper, Jr., WSBA No. 16873
6 Tupper Mack Wells PLLC
7 2025 First Avenue, Suite 1100
8 Seattle, WA 98121
9 Telephone: (206) 493-2300
10 Email: Tupper@tmw-law.com

OFFICE OF THE ATTORNEY GENERAL

11 Thomas M. Fisher, Solicitor General*
12 Office of the Attorney General
13 302 W. Washington Street, IGCS 5th Floor
14 Indianapolis, IN 46204-2770
15 Telephone: (317) 924-3005
16 Email: Tom.Fisher@atg.in.gov

17 Kian J. Hudson, Deputy Attorney General*
18 Office of the Attorney General
19 302 W. Washington Street, IGCS 5th Floor
20 Indianapolis, IN 46204-2770
21 Telephone: (317) 924-3005
22 Email: Kian.Hudson@atg.in.gov

23 Attorneys for *Amici Curiae* States of Indiana,
24 Alabama, Arkansas, Colorado, Georgia,
25 Louisiana, Nebraska, Oklahoma, South
26 Carolina, Texas, Utah, and Wisconsin
27 *Pro hac vice motions pending

CERTIFICATE OF SERVICE

I certify under penalty of perjury that on this date, I caused the foregoing document to be electronically filed with the United States District Court Clerk using the CM/ECF system, and that service of the foregoing document will be accomplished by the CM/ECF system.

Dated at Seattle, Washington this 3rd day of October, 2018.

/s/James A. Tupper, Jr.
James A. Tupper, Jr, WSBA No. 16873

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