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[Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE PEOPLE OF THE STATE OF
CALIFORNIA, acting by and through Oakland
City Attorney BARBARA J. PARKER,

Plaintiff and Real Party in Interest,
v.

BP P.L.C., a public limited company of
England and Wales, CHEVRON
CORPORATION, a Delaware corporation,
CONOCOPHILLIPS COMPANY, 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. 17-cv-6011-WHA
Case No. 17-cv-6012-WHA

**STIPULATION AND ~~PROPOSED~~ ORDER
REQUESTING CHANGE TO BRIEFING
SCHEDULE AND EXTENSION OF PAGE
LIMITS AS MODIFIED**

1 **WHEREAS**, Plaintiff the People of the State of California, by and through the San Francisco
2 City Attorney, filed this action in the Superior Court of the State of California, County of San
3 Francisco, on September 19, 2017;

4 **WHEREAS**, on the same day, the People of the State of California, by and through the
5 Oakland City Attorney, filed a related action against the same Defendants in the Superior Court of the
6 State of California, County of Alameda (collectively with the San Francisco City Attorney,
7 “Plaintiffs”);

8 **WHEREAS**, Defendants removed these cases to the United States District Court for the
9 Northern District of California on October 20, 2017 (Dkt. 1);

10 **WHEREAS**, on October 24, 2017, Plaintiffs and Defendants filed with this Court a stipula-
11 tion providing that all Defendants shall have until November 27, 2017 to answer or otherwise
12 respond to the complaints, and noting that the Parties intended to meet and confer to reach a
13 negotiated schedule on the anticipated motion to remand and other motions (Dkt. 8);

14 **WHEREAS**, on October 27, 2017, the Parties filed with this Court a stipulation to designate
15 the San Francisco and Oakland actions as related under Local Rule 3-12(b) (the “Related Cases”)
16 (Dkt. 31);

17 **WHEREAS**, on October 31, 2017, this Court designated the cases as being related (Dkt. 32);

18 **WHEREAS**, Plaintiffs intend to file a Motion to Remand, which Defendants intend to
19 oppose;

20 **WHEREAS**, the Parties agree it would be more efficient for the Parties and the Court for
21 Defendants to file Motions to Dismiss or other responses to the Complaints after Plaintiffs file a
22 Motion to Remand and the entry of an Order finally resolving any such motion;

23 **WHEREAS**, the Parties have met and conferred, and have agreed on a reasonable and orderly
24 briefing schedule for the Motion to Remand and Motions to Dismiss or other responses to the
25 Complaints that is in their respective interests and that will result in judicial efficiency; and

26 **WHEREAS**, the Parties have considered the page limitations set forth in the Local Rules and
27 this Court’s standing order and herein propose adjustments to the default page limitations that the
28 Parties believe will enable them to present adequate arguments on the Motion to Remand as across

1 the Related Cases in light of the number of Parties, the multiple asserted bases for removal, and the
2 nature of the issues raised therein:

3
4 **STIPULATION**

5 **NOW THEREFORE**, the Parties hereby agree and stipulate, and respectfully request the
6 Court pursuant to Local Rules 6-2 and 7-4(b) to enter an order, as follows:

7 1. Because the Related Cases contain essentially identical allegations and bases for re-
8 moval, the Parties agree that briefing for the Motion to Remand should be consolidated. Rather than
9 filing separate briefs in each case, the Parties shall file consolidated briefs that will apply to both of
10 the Related Cases.

11 2. On or before November 20, 2017, Plaintiffs shall file their Motion to Remand, along
12 with any supporting briefs and other materials. Plaintiffs shall file a consolidated motion in order to
13 avoid multiple briefs being filed. A Consolidated Motion to Remand in both Related Cases and on
14 behalf of all Plaintiffs shall be no more than 35 pages, excluding any exhibits and other supporting
15 materials. As recited above, the Parties believe this number of pages is appropriate given the number
16 of Parties, the multiple asserted bases for removal, and the nature of the issues raised therein.

17 3. On or before ~~January 17, 2018~~ **December 18, 2017**, Defendants shall file their response(s) to Plaintiffs'
18 Motion to Remand. Defendants shall coordinate their efforts to file a consolidated response to the
19 extent possible in order to avoid multiple briefs being filed, reserving the right of any Defendant to
20 file a separate brief to the extent a separate response is necessary. A Consolidated Opposition to
21 Motion to Remand in all Related Cases and on arguments common to the Defendants shall be no
22 more than ⁴⁰~~65~~ pages. Defendants believe this number of pages is appropriate given the number of par-
23 ties, the multiple asserted bases for remand, and the complexity of the issues raised therein; plaintiffs
24 do not oppose this request and take no position on the number of pages Defendants request.

25 4. On or before ~~February 7, 2018~~ **January 8**, Plaintiffs shall file their reply, if any, to Defend-
26 ants' response(s) in opposition to the Motion to Remand. Plaintiffs shall file a consolidated
27 reply that shall, consistent with Local Rule 7-3, be no longer than ³⁰~~thirty nine (39) pages, or sixty~~
28 ~~((60) percent of the number of pages Defendants are allotted for their Consolidated Opposition.~~

1 If Defendants file any separate opposition briefs, Plaintiffs' opposition to those individual briefs
2 shall be no longer than sixty (60) percent of the pages actually used by each Defendant in the
3 separate brief Plaintiffs are opposing.

4 5. Defendants will not be required to file Answers or Motions to Dismiss or otherwise
5 respond to Plaintiffs' Complaints until after the Court issues its ruling on the Motion to Remand and
6 Plaintiffs agree not to argue that such Motions to Dismiss or other responses are untimely so long as
7 they are filed as set forth in this briefing schedule. In the event the Court denies the Motion to
8 Remand, Defendants will not be required to file their responses to the Complaints until thirty (30)
9 days following entry of an Order denying the Motion to Remand, and Defendants reserve the right to
10 seek more time from the Court if appropriate.

11 6. This stipulation does not operate as an admission of any factual allegation or legal
12 conclusion and is submitted subject to and without waiver of any right, defense, affirmative defense,
13 claim, or objection, including lack of personal jurisdiction, lack of subject matter jurisdiction,
14 insufficient process, or insufficient service of process.

15
16 Dated: November 14, 2017.

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E-FILING ATTESTATION

I, Steve W. Berman, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Steve W. Berman

STEVE W. BERMAN

1 ~~PROPOSED~~ ORDER

2 Having considered the parties' Stipulation and supporting declarations, and good cause
3 appearing, the Court hereby GRANTS the parties' Stipulation. For purposes of Plaintiffs'
4 forthcoming Motion to Remand, the parties shall submit consolidated briefs that will apply to Case
5 No. 3:17-cv-06011-WHA and Case No. 3:17-cv-06012-WHA. All deadlines and page limits shall be
6 as set forth in the parties' Stipulation as modified therein.

7
8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9
10 DATED: November 16, 2017.



11 Hon. William H. Alsup
12 United States District Court Judge