

1 ELIZABETH DEELEY (SBN 230798)
 2 edeeley@kirkland.com
 3 CASEY M. NOKES (SBN 240992)
 4 cnokes@kirkland.com
 5 KIRKLAND & ELLIS LLP
 555 California Street
 San Francisco, CA 94104
 Telephone: (415) 439-1861
 Facsimile: (415) 439-1500

6 Attorney for Defendant
 CONOCOPHILLIPS COMPANY

7 Matthew F. Pawa (*Pro hac vice*)
 mp@pawalaw.com
 8 LAW OFFICES OF MATTHEW F. PAWA, P.C.
 1280 Centre Street, Suite 230
 9 Newton Centre, MA 02459
 Telephone: (617) 641-9550
 10 Facsimile: (617) 641-9551

11 Attorneys for Plaintiffs
 NATIVE VILLAGE OF KIVALINA and CITY OF
 12 KIVALINA

[*Counsel Listing Continued on Next Page*]

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 OAKLAND DIVISION

16 NATIVE VILLAGE OF KIVALINA and CITY OF
 17 KIVALINA,

18 Plaintiffs,

19 vs.

20 EXXON MOBIL CORPORATION; BP P.L.C.; BP
 AMERICA INC.; BP PRODUCTS NORTH AMERICA
 21 INC.; CHEVRON CORPORATION; CHEVRON
 U.S.A., INC.; CONOCOPHILLIPS COMPANY;
 ROYAL DUTCH SHELL PLC; SHELL OIL
 22 COMPANY; PEABODY ENERGY CORPORATION;
 THE AES CORPORATION; AMERICAN ELECTRIC
 23 POWER COMPANY, INC.; AMERICAN ELECTRIC
 POWER SERVICES CORPORATION; DTE ENERGY
 24 COMPANY; DUKE ENERGY CORPORATION;
 DYNEGY HOLDINGS, INC.; EDISON
 25 INTERNATIONAL; MIDAMERICAN ENERGY
 HOLDINGS COMPANY; MIRANT CORPORATION;
 26 NRG ENERGY; PINNACLE WET CAPITAL
 CORPORATION; RELIANT ENERGY, INC.; THE
 27 SOUTHERN COMPANY; AND XCEL ENERGY,
 INC.,

28 Defendants.

CASE NO. C 08-01138 SBA

**ORDER RE: FORMAT FOR
 REPLY IN SUPPORT OF
 MOTION TO DISMISS**

[PROPOSED] ORDER RE FORMAT FOR
 REPLY IN SUPPORT OF MOTION TO
 DISMISS

CASE NO. CV-08 1138 SBA

1 RONALD L. OLSON (SBN 44597)
2 Ronald.Olson@mto.com
3 DANIEL P. COLLINS (SBN 139164)
4 Daniel.Collins@mto.com
5 MUNGER, TOLLES & OLSON LLP
6 355 South Grand Avenue, 35th Floor
7 Los Angeles, CA 90071-1560
8 Telephone: (213) 683-9100
9 Facsimile: (213) 687-3702

10 JEROME C. ROTH (SBN 159483)
11 Jerome.Roth@mto.com
12 MUNGER, TOLLES & OLSON LLP
13 560 Mission Street
14 San Francisco, CA 94105-2907
15 Telephone: (415) 512-4000
16 Facsimile: (415) 512-4077

17 Attorneys for Defendant
18 SHELL OIL COMPANY

19 STUART A. C. DRAKE (*Pro hac vice*)
20 sdrake@kirkland.com
21 ANDREW B. CLUBOK (*Pro hac vice*)
22 aclubok@kirkland.com
23 SUSAN E. ENGEL (*Pro hac vice*)
24 seengel@kirkland.com
25 KIRKLAND & ELLIS LLP
26 655 Fifteenth Street, N.W.
27 Washington, D.C. 20005
28 Telephone: (202) 879-5173
Facsimile: (202) 879-5200

ELIZABETH DEELEY (SBN 230798)
edeeley@kirkland.com
CASEY M. NOKES (SBN 240992)
cnokes@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, CA 94104
Telephone: (415) 439-1861
Facsimile: (415) 439-1500

Attorneys for CONOCOPHILLIPS COMPANY

ROBERT MEADOWS (*Pro hac vice*)
rmeadows@kslaw.com
TRACIE J. RENFROE (*Pro hac vice*)
trenfroe@kslaw.com
JONATHAN L. MARSH (*Pro hac vice*)
jlmarsh@kslaw.com
KING & SPALDING LLP
1100 Louisiana Street, Suite 4000
Houston, TX 77002-5213
Telephone: (713) 751-3200
Facsimile: (713) 751-3290

LISA KOBIALKA (SBN 191404)
lkobialka@kslaw.com
KING & SPALDING LLP
1000 Bridge Parkway, Suite 100
Redwood City, CA 94065
Telephone: (650) 590-0700
Facsimile: (650) 590-1900

Attorneys for Defendants
CHEVRON CORPORATION and
CHEVRON U.S.A. INC.

MATTHEW HEARTNEY (SBN 123516)
Matthew.Heartney@aporter.com
ARNOLD & PORTER LLP
777 S. Figueroa Street, 44th Floor
Los Angeles, CA 90017-5844
Telephone: (213) 243-4150
Facsimile: (213) 243-4199

PHILIP H. CURTIS (*Pro hac vice*)
Philip.Curtis@aporter.com
MICHAEL B. GERRARD (*Pro hac vice*)
Michael.Gerrard@aporter.com
ARNOLD & PORTER LLP
399 Park Avenue
New York, New York 10022
Telephone: (212) 715-1000
Facsimile: (212) 715-1399

Attorneys for BP AMERICA INC. AND BP
PRODUCTS NORTH AMERICA INC.

1 LUKE W. COLE (SBN 145505)
2 luke@igc.org
3 BRENT NEWELL (SBN 210312)
4 brent@igc.org
5 CENTER ON RACE, POVERTY & THE
6 ENVIRONMENT
7 47 Kearny Street, Suite 804
8 San Francisco, CA 94108
9 Telephone: (415) 346-4179
10 Facsimile: (415) 346-8723

11 HEATHER KENDALL MILLER (*Pro hac*
12 *vice*)
13 kendall@narf.org
14 NATIVE AMERICAN RIGHTS FUND
15 420 L Street, Suite 505
16 Anchorage, AD 99515
17 907-276-0680
18 FAX: 907-276-2466

19 STEVE W. BERMAN (*Pro hac vice*)
20 steve@hbsslw.com
21 HAGENS BERMAN SOBOL SHAPIRO
22 LLP
23 1301 Fifth Avenue, Suite 2900
24 Seattle, WA 98101
25 Telephone: (206) 623-7292
26 Facsimile: (206) 623-0594

27 REED R. KATHREIN (SBN 139304)
28 Email: reed@hbsslw.com
HAGENS BERMAN SOBOL SHAPIRO
LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
(510) 725-3000
Fax: (510) 725-3001

DENNIS J. REICH (*Pro hac vice*)
Email: dreich@reichandbinstock.com
REICH & BINSTOCK, LLP
4265 San Felipe Blvd., Suite 1000
Houston, TX 77027
713-622-7271
Fax: 713-623-8724

CHRISTOPHER A. SEEGER (*Pro hac vice*)
Email: cseeger@seegerweiss.com
STEPHEN A. WEISS
Email: sweiss@seegerweiss.com
SEEGER WEISS LLP
One William Street
New York, NY 10004
212-584-0700
Fax: 212-584-0799

STEPHEN D. SUSMAN
Email: ssusman@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1000 Louisiana Street
Suite 5100
Houston, TX 77002
713-651-9366

GARY E. MASON (*Pro hac vice*)
Email: gmason@masonlawdc.com
THE MASON LAW FIRM, LLP
1225 19th Street, NW
Suite 500
Washington, DC 20036
202-429-2290
Fax: 202-429-2294

1 Pursuant to the Stipulation between Plaintiffs and Defendants: ExxonMobil Corporation,
2 BP America, Inc., BP North America, Inc., Chevron Corporation, Chevron U.S.A., Inc.,
3 ConocoPhillips Company, and Shell Oil Company (collective "Oil Company Defendants"), and
4 FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED:

5 The Parties shall abide by the briefing format set forth below:
6

7 1. The Oil Company Defendants will file a single consolidated reply brief under Fed.
8 R. Civ. P. 12(b)(1) addressing counts 1 through 4 of the Complaint. The Oil Company
9 Defendants will also file a single consolidated brief under Fed. R. Civ. P. 12(b)(6) addressing
10 counts 1 through 4 of the Complaint. The total number of combined pages for these two briefs
11 shall not exceed 45 pages.
12

13 Dated: 11/18/08

14 By 
15 Hon. Sandra B. Armstrong
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28