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July 20, 2015

BY HAND DELIVERY AND ELECTRONIC MAIL

The Honorable Shira A. Scheindlin  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Room 1620  
New York, New York 10007-1312

Re: Master File C.A. No. 1:00-1898 (SAS), M21-88, MDL No. 1358  
*Defendants' Pre-Conference Letter for July 28, 2015 Status Conference*

Dear Judge Scheindlin:

Defendants respectfully submit this letter in advance of the July 28, 2015 conference.

## **JOINT AGENDA ITEM**

### **I. Commonwealth of Pennsylvania: Report on CMO Negotiations**

The parties are continuing to meet and confer regarding a joint proposed CMO. Defendants will provide the Court with an update on those discussions in their reply letter.

## **PLAINTIFFS' AGENDA ITEM**

### **I. Commonwealth of Puerto Rico I & II: Implications of Post-Fraguada Development in Puerto Rico Law**

On July 14, Plaintiffs submitted a letter to the Court indicating that they had discovered a number of post-*Fraguada* cases allegedly impacting certain of the Court's prior rulings on statute of limitations. As also indicated in that letter, Plaintiffs discussed these cases – and their alleged implication – in opposition to the motion for summary judgment of certain Shell defendants. *See Ltr. from S. Kauff to Court* (July 14, 2015), at 1 n.1. Therefore, the moving Shell entities will timely respond to Plaintiffs' new arguments in their reply brief, which is due Friday, July 24. In the interim, it is sufficient to say that Defendants disagree that these cases would have had any impact on the Court's prior decisions or that they demonstrate a

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“development” in Puerto Rico law. Defendants will be ready to address this issue with the Court on July 28 should the Court have any questions.

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As always, we appreciate your Honor’s attention to this matter and ask that this letter be docketed by the Clerk’s Office so that it is part of the Court’s file.

Sincerely,

*James A. Pardo*

James A. Pardo

cc: All Counsel of Record by LNFS, Service on Plaintiffs’ Liaison Counsel