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November 16, 2015

VIA EMAIL AND FEDERAL EXPRESS

The Honorable Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, New York 10007

Re: *In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation
Commonwealth of Pennsylvania v. Exxon Mobil Corp., et al.*
MDL No. 1358; Case No. 1:14-cv-06228-SAS
Extension of Time to File Second Amended Complaint

Dear Judge Scheindlin:

This Court gave permission to the Commonwealth of Pennsylvania to file a Second Amended Complaint by November 6, 2015. On that date, the Commonwealth filed its Second Amended Complaint through the CM/ECF system and served the Complaint on previously named defendants via both ECF and File & ServeXpress. The Commonwealth has also requested summonses in order to begin the process of serving new defendants.

The clerk's office for the Southern District of New York subsequently issued a rejection notice for the Second Amended Complaint due to technical defects in the filing involving identification of the new defendants on the CM/ECF system. Over the next several days, counsel for Plaintiff consulted with the clerk's office on several occasions to address this issue. As a consequence, the Second Amended Complaint was docketed as Docket numbers 173, 174 and 175. The clerk's office, however, is now rejecting the filing due to the fact the Court's permission to file the Second Amended Complaint expired on November 6, 2015.

Counsel diligently attempted to effectuate the filing of the Second Amended Complaint on November 6, 2015. The defendants were served both through ECF and File & ServeXpress on November 6, 2015.

We respectfully request that the Court enter an order allowing the Commonwealth to file its Second Amended Complaint as served on November 6, 2015 *nunc pro tunc*. No party would

be prejudiced by such an order. As always, we appreciate the Court's consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Michael Axline". The signature is written in a cursive style with a large initial "M".

Michael Axline
Counsel for the Commonwealth of Pennsylvania

Encl.

cc: All Counsel via File & ServeXpress

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL ETHER
("MTBE") PRODUCTS LIABILITY
LITIGATION

Master File No. 1:00-1898
MDL 1358 (SAS) M21-88

This document relates to:

*Commonwealth of Pennsylvania, et al. v. Exxon
Mobil Corporation, et al.,*
Case No. 1:14-cv-06228 SAS

[PROPOSED] ORDER

Now this _____ day of November, 2015, the Clerk of Court shall accept and deem the Commonwealth of Pennsylvania's Second Amended Complaint (Docket No. 173, 174 and 175) as being filed as of November 6, 2015. Defendants' have until December 7, 2015, to respond.

SO ORDERED

DATED: New York, New York
_____, 2015

Shira A. Scheindlin, U.S.D.J.