

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

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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

3  
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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

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**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 3<sup>rd</sup> day of October, 2018.

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