

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

EXXON MOBIL CORPORATION,

Defendant.

Civil Action No. 19-CV-12430-MLW

JOINT EMERGENCY MOTION TO EXTEND RESPONSIVE PLEADING DEADLINES

Pursuant to Fed. R. Civ. P. 6(b), Plaintiff Commonwealth of Massachusetts (“Commonwealth”) and Defendant Exxon Mobil Corporation (“ExxonMobil”) jointly move for an extension of time for ExxonMobil to answer or move to dismiss the Commonwealth’s Complaint and, in the event ExxonMobil files a motion to dismiss, for the Commonwealth to respond to ExxonMobil’s motion until after the Court’s ruling on the Commonwealth’s anticipated motion to remand. As grounds for this joint motion, the parties state:

1. On October 24, 2019, the Commonwealth filed the Complaint in this case against ExxonMobil in Suffolk Superior Court. The Complaint spans 205 pages and contains 830 paragraphs. It asserts four causes of action alleging ExxonMobil violated G. L. c. 93A, § 2 and various regulations promulgated by the Commonwealth’s Attorney General.

2. On October 24, 2019, the Commonwealth provided counsel for ExxonMobil with a copy of the Complaint by e-mail. On October 28, 2019, the Suffolk Superior Court allowed the Commonwealth’s Ex Parte Motion for Appointment of a Special Process Server, and ExxonMobil was served on October 30, 2019.

3. On November 8, 2019, given the length and complexity of the Complaint, the parties filed a Joint Motion to Extend Responsive Pleading Deadlines in the Suffolk Superior Court, which extended ExxonMobil's deadline to file an answer or move to dismiss the Complaint to and including January 13, 2020, and in the event ExxonMobil served a motion to dismiss, extended the Commonwealth's deadline to respond to the motion to March 9, 2020. The Joint Motion to Extend Responsive Pleading Deadlines was granted by the Suffolk Superior Court on November 13, 2019.

4. On November 29, 2019, ExxonMobil filed a Notice of Removal, removing the case to this Court. Pursuant to Fed. R. Civ. P. 81(c)(2)(C), ExxonMobil's answer or motion to dismiss is currently due on December 6, 2019. If ExxonMobil were to serve a motion to dismiss on that date, the Commonwealth's response would be due on December 20, 2019.

5. The parties anticipate that the Commonwealth will file a motion to remand this action to Suffolk Superior Court within 30-days. In the event the Court denies the Commonwealth's anticipated motion to remand, the parties jointly request that the Court extend ExxonMobil's deadline to answer or move to dismiss the Complaint to a date 60 days after the Court's denial of the Commonwealth's motion to remand. In the event the Court denies the Commonwealth's anticipated motion to remand and ExxonMobil files a motion to dismiss, the parties further request that the Court extend the Commonwealth's deadline to respond to 60 days after ExxonMobil files its motion. In the event the anticipated motion to remand is granted, the parties have agreed to request the same deadlines from the Suffolk Superior Court.

6. The parties believe there is good cause under Rule 6(b) supporting the requested extended deadlines, and respectfully request the Court to grant this joint motion.

Respectfully submitted,

EXXON MOBIL CORPORATION,

By its attorneys,

Patrick J. Conlon*
patrick.j.conlon@exxonmobil.com
22777 Springwoods Village Parkway
Spring, TX 77389
Tel: (832) 624-6336

PAUL, WEISS, RIFKIND,
WHARTON & GARRISON, LLP

Theodore V. Wells, Jr.*
Daniel J. Toal*
1285 Avenue of the Americas
New York, NY 10019-6064
Tel: (212) 373-3000
Fax: (212) 757-3990

*Pro hac vice forthcoming

PIERCE BAINBRIDGE BECK PRICE &
HECHT LLP

By: /s/ Thomas C. Frongillo
Thomas C. Frongillo (BBO No. 180690)
Christina N. Lindberg (BBO No. 690443)
tfrongillo@piercebainbridge.com
clindberg@piercebainbridge.com
One Liberty Square, 13th Floor
Boston, MA 02109
Tel: (617) 313-7401

DATE: December 2, 2019

COMMONWEALTH OF MASSACHUSETTS,

MAURA HEALEY, ATTORNEY GENERAL,

By: /s/ Richard A. Johnston (with permission)
Richard A. Johnston, BBO #253420
Chief Legal Counsel
richard.johnston@mass.gov
Melissa A. Hoffer, BBO #641667
*Assistant Attorney General and Chief, Energy and
Environment Bureau*
melissa.hoffer@mass.gov
Christophe G. Courchesne, BBO #660507
*Assistant Attorney General and Chief,
Environmental Protection Division*
christophe.courchesne@mass.gov
Glenn Kaplan, BBO #567308
*Assistant Attorney General and Chief, Insurance
and Financial Services Division*
glenn.kaplan@mass.gov
Shennan Kavanagh, BBO #655174
*Assistant Attorney General and Deputy Chief,
Consumer Protection Division*
shennan.kavanagh@mass.gov
I. Andrew Goldberg, BBO #560843
*Assistant Attorney General, Environmental
Protection Division*
andy.goldberg@mass.gov
Timothy Reppucci, BBO #678629
*Assistant Attorney General, Energy and
Telecommunications Division*
timothy.repucci@mass.gov
James A. Sweeney, BBO #54363
State Trial Counsel
jim.sweeney@mass.gov
Matthew Q. Berge, BBO#560319
*Assistant Attorney General, Senior Trial Counsel,
Public Protection and Advocacy Bureau*
matthew.berge@mass.gov
OFFICE OF THE ATTORNEY GENERAL
One Ashburton Place, 18th Floor
Boston, MA 02108
Tel: (617) 727-2200

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above document was served upon the Attorney General's Office by e-mail and by U.S. Mail on this 2nd day of December 2019.

/s/ Thomas C. Frongillo
Thomas C. Frongillo