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U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JUN 15 2016
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CLERK, U.S. DISTRICT COURT
By _____
Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

EXXON MOBIL CORPORATION,

Plaintiff,

v.

MAURA TRACY HEALEY, Attorney
General of Massachusetts, in her
official capacity,

Defendant.

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CIVIL ACTION NO. 4:16-CV-469-A

ORAL ARGUMENT REQUESTED

**PLAINTIFF EXXON MOBIL CORPORATION'S
MOTION FOR A PRELIMINARY INJUNCTION**

Patrick J. Conlon (*pro hac vice* pending)
Daniel E. Bolia
EXXON MOBIL CORPORATION
State Bar No. 24064919
1301 Fannin Street
Houston, TX 77002

Ralph H. Duggins
Philip A. Vickers
Alix D. Allison
CANTEY HANGER LLP
600 West 6th Street, Suite 300
Fort Worth, TX 76102
Tel: (817) 877-2800
Fax: (817) 877-2807

Theodore V. Wells, Jr. (*pro hac vice* pending)
Michele Hirshman (*pro hac vice* pending)
Daniel J. Toal (*pro hac vice* pending)
Justin Anderson (*pro hac vice* pending)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Tel: (212) 373-3000
Fax: (212) 757-3990

Nina Cortel
HAYNES & BOONE, LLP
2323 Victory Avenue
Suite 700
Dallas, TX 75219
Tel: (214) 651-5579
Fax: (214) 200-0411

Counsel for Exxon Mobil Corporation

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Exxon Mobil Corporation (“ExxonMobil”) respectfully submits this Motion for a Preliminary Injunction.

In support thereof, Plaintiff shows the Court as follows:

1. Plaintiff moves the Court for a preliminary injunction to prohibit the Defendant’s enforcement of the civil investigative demand (“CID”) it issued to Plaintiff on April 19, 2016.

2. As set out more fully in Plaintiff’s Memorandum of Law in Support of Plaintiff’s Motion for a Preliminary Injunction, Plaintiff has a substantial likelihood of prevailing on the merits of its claims that enforcement of the CID would violate Plaintiff’s rights under the United States and Texas constitutions.

3. There is a substantial threat that failure to grant the requested injunction will result in imminent irreparable injury to Plaintiff. Any threatened injury to Defendant from a preliminary injunction is outweighed by the threatened injury to Plaintiff if the injunction is not entered. Finally, granting the injunction will not disserve the public interest.

4. Plaintiff is willing to post a bond in the amount the Court deems appropriate.

PRAYER

For these reasons, and those set out in the Memorandum of Law in Support of Plaintiff Exxon Mobil Corporation’s Motion for a Preliminary Injunction, Plaintiff requests that the Court enter a preliminary injunction prohibiting Defendant from enforcing the CID.

Dated: June 15, 2016

Respectfully submitted,

EXXON MOBIL CORPORATION

Patrick J. Conlon

(*pro hac vice* pending)

State Bar No. 24054300

Daniel E. Bolia

State Bar No. 24064919

daniel.e.bolia@exxonmobil.com

1301 Fannin Street

Houston, TX 77002

(832) 624-6336

Theodore V. Wells, Jr.

(*pro hac vice* pending)

twells@paulweiss.com

Michele Hirshman

(*pro hac vice* pending)

Daniel J. Toal

(*pro hac vice* pending)

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON, LLP

1285 Avenue of the Americas

New York, NY 10019-6064

(212) 373-3000

Fax: (212) 757-3990

Justin Anderson

(*pro hac vice* pending)

janderson@paulweiss.com

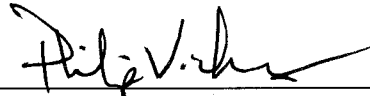
2001 K Street, NW

Washington, D.C. 20006-1047

(202) 223-7300

Fax: (202) 223-7420

Counsel for Exxon Mobil Corporation



Ralph H. Duggins

State Bar No. 06183700

rduggins@canteyhanger.com

Philip A. Vickers

State Bar No. 24051699

pvickers@canteyhanger.com

Alix D. Allison

State Bar. No. 24086261

aallison@canteyhanger.com

CANTEY HANGER LLP

600 West 6th Street, Suite 300

Fort Worth, TX 76102

(817) 877-2800

Fax: (817) 877-2807

Nina Cortell

State Bar No. 04844500

nina.cortell@haynesboone.com

HAYNES & BOONE, LLP

2323 Victory Avenue

Suite 700

Dallas, TX 75219

(214) 651-5579

Fax: (214) 200-0411

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2016, a copy of the foregoing instrument was served on the following party via **certified mail, return receipt requested**, in accordance with the Federal Rules of Civil Procedure:

Maura Healey
Massachusetts Attorney General's Office
One Ashburton Place
Boston, MA 02108-1518



Philip A. Vickers

CERTIFICATE OF CONFERENCE

I hereby certify that at approximately 10:15 a.m., CDT, on June 15, 2016, Michele Hirshman (who is one of Plaintiff's attorneys in this matter and whose application for *pro hav vice* admission is pending) and I called Andy Goldberg, Assistant Attorney General for Massachusetts. Mr. Goldberg is the Assistant Attorney General Defendant Healey has previously designated and authorized to communicate with ExxonMobil in connection with the CID. We informed Mr. Goldberg in the message of the filing of the Complaint in this Court and of ExxonMobil's intention to file today a Motion for Preliminary Injunction asking the Court to enjoin enforcement of the CID. We requested that Mr. Goldberg call Ms. Hirshman and me before 11:30 a.m. CDT to advise us of Defendant's position with respect to the request for a preliminary injunction. Ms. Hirshman also asked Mr. Goldberg to speak with Defendant Healey promptly to determine when her office would be prepared to confer concerning Plaintiff's motion.

Ms. Hirshman and I then called Mr. Goldberg's colleague, and apparently his supervisor, Cristophe Courchesne, the Chief of the Massachusetts Attorney General's Environmental Protection Division, and left a similar voicemail. At 10:30 a.m. CDT, a copy of the Complaint was emailed to Mr. Goldberg, Mr. Courchesne, and to Melissa Hoffer, who is believed to be Mr. Courchesne's colleague and supervisor. The email explained that Plaintiff intended to file an application for a preliminary injunction. Each of Mr. Goldberg, Mr. Courchesne and Ms. Hoffer were asked to contact us by 11:30 a.m. CDT to propose a time when a representative of Defendant Healey would be available to confer.

At approximately 11:25 a.m. CDT, Mr. Goldberg called and left a message for Ms. Hirshman. Ms. Hirshman, Patrick Conlon of ExxonMobil, and I returned Mr. Goldberg's call at approximately 11:40 a.m. CDT. Ms. Hirshman advised him of ExxonMobil's intention to file a motion for preliminary injunction to enjoin enforcement of the CID. Mr. Goldberg advised that Defendant would not agree to the relief sought so this motion is presented to the Court for its consideration.



Philip A. Vickers