

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO.: 16-1888F

IN RE CIVIL INVESTIGATIVE
DEMAND NO. 2016-EPD-36,
ISSUED BY THE OFFICE OF THE
ATTORNEY GENERAL

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE

2016 JUN 22 AM 8:45

MICHAEL JOSEPH O'DONOVAN
CLERK/MAGISTRATE

**JOINT MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO
EMERGENCY MOTION AND PETITION, WITH PROPOSED BRIEFING
SCHEDULE AND REQUEST FOR LEAVE TO FILE REPLIES**

The Commonwealth of Massachusetts, by its counsel Attorney General Maura Healey, and the petitioner Exxon Mobil Corporation ("ExxonMobil"), by its counsel, hereby jointly move the Court to: (i) allow additional time to the Commonwealth to respond to the Emergency Motion of ExxonMobil to Set Aside or Modify the Civil Investigative Demand or Issue a Protective Order, filed June 16, 2016 (the "Motion to Set Aside or Modify the CID"), and for the Commonwealth to respond to ExxonMobil's Petition to Set Aside or Modify the Civil Investigative Demand or Issue a Protective Order (the "Petition to Set Aside or Modify the CID"); and (ii) allow each of ExxonMobil and the Commonwealth leave to file reply memoranda respectively as set forth in accordance with the schedule below.

The grounds for this joint motion are that the Motion to Set Aside or Modify the CID and Petition to Set Aside or Modify the CID include extensive documents and present multiple asserted legal bases for relief. The interests of the Commonwealth, ExxonMobil, and the Court will be served by providing adequate time for full consideration and briefing of the relevant facts and applicable law in accordance with the

6.23.16

Amended
Maura Healey

schedule proposed below.

The Commonwealth and ExxonMobil have agreed that neither party will use this agreement on a briefing schedule to support any claim or argument raised in this litigation, and it is the intention of the parties that neither party will be otherwise unfairly prejudiced for having entered into this agreement.

The Commonwealth has agreed not to move to enforce the CID during the pendency of this litigation and the litigation commenced by ExxonMobil on June 15, 2016, in the United States District Court for the Northern District of Texas, other than by filing a cross-motion to compel as described below.

Accordingly, the parties hereby move the Court to enter an order allowing the following schedule for the service and filing, pursuant to Superior Court Rule 9A, of the following pleadings in this matter:

- 1) The Commonwealth shall serve its opposition to the Motion to Set Aside or Modify the CID and its response to the Petition to Set Aside or Modify the CID on or before August 8, 2016;
- 2) ExxonMobil is granted leave to file a reply memorandum in further support of the Motion to Set Aside or Modify the CID, which reply memorandum shall be served on or before September 8, 2016;
- 3) ExxonMobil is granted leave to file an opposition to any motion to dismiss filed by the Commonwealth in response to the Petition to Set Aside or Modify the CID, which opposition shall be served on or before September 8, 2016;
- 4) The Commonwealth shall serve any cross-motion to compel compliance with the CID (the "Cross-Motion to Compel Compliance") on or before August 8, 2016;
- 5) ExxonMobil shall serve any opposition to the Commonwealth's Cross-Motion to Compel Compliance on or before September 8, 2016; and

- 6) The Commonwealth is granted leave to file a reply memorandum in further support of any Cross-Motion to Compel Compliance, which reply memorandum shall be served on or before October 10, 2016.

The Commonwealth and ExxonMobil have reached a similar agreement on the briefing schedule for ExxonMobil's Complaint for Declaratory and Injunctive Relief and Motion for a Preliminary Injunction, filed in the United States District Court for the Northern District of Texas on June 15, 2016.

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WHEREFORE, the Commonwealth and ExxonMobil jointly and respectfully request that the Court allow this joint motion and issue an order reflecting the schedule for the filing of motions and memoranda set forth above.

Dated: June 22, 2016

Respectfully submitted,

THE COMMONWEALTH OF
MASSACHUSETTS

EXXON MOBIL CORPORATION

By its attorney:

MAURA HEALEY
ATTORNEY GENERAL



Melissa A. Hoffer, BBO# 641667
Christophe Courchesne, BBO# 660507
I. Andrew Goldberg, BBO# 560843
Assistant Attorneys General
Environmental Protection Division
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, MA 02108
(617) 963-2436
andy.goldberg@state.ma.us

By: Patrick J. Conlon (by JAG
to well-wire)
Patrick J. Conlon, Esq.
(patrick.j.conlon.@exxonmobil.com)
(*pro hac vice* pending)
Daniel E. Bolia, Esq.
(Daniel.e.bolia@exxonmobil.com)
(*pro hac vice* pending)
1301 Fannin Street
Houston, TX 77002
(832) 624-6336

PAUL, WEISS, RIFKIND, WHARTON
& GARRISON, LLP

Justin Andrews (by JAG
to well-wire)
Theodore V. Wells, Jr., Esq.
(*pro hac vice* pending)
Michele Hirshman, Esq.
(*pro hac vice* pending)
Daniel J. Toal
(*pro hac vice* pending)
1285 Avenue of the Americas
New York, NY 10019-6064
(212) 373-3000
Fax: (212) 757-3990

Justin Anderson, Esq.
(*pro hac vice* pending)
2001 K Street, NW
Washington, D.C. 20006-1047
(202) 223-7300
Fax: (202) 223-7420

FISH & RICHARDSON P.C.

By: Thomas C. Frongillo (*by JMS as authorized*)
Thomas C. Frongillo, Esq., BBO # 180690
(frongillo@fr.com)
Caroline K. Simons, Esq., BBO # 680827
(simons@fr.com)
One Marina Park Drive
Boston, MA 02210
(617) 542-5070