

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO.: 1984-CV-03333-BLS1

COMMONWEALTH OF MASSACHUSETTS,)
)
)
 Plaintiff,)
)
 v.)
)
 EXXON MOBIL CORPORATION,)
)
)
 Defendant.)

JOINT MOTION TO AMEND PLEADING DEADLINES

By Joint Motion filed on April 9, 2020 and allowed by the Court on April 14, 2020, the Court set certain pleading deadlines for the case, subject to further adjustments made necessary by disruptions caused by COVID-19. The parties now request a three-week adjustment to each of those deadlines due to the ongoing disruptions caused by COVID-19. Under the proposed amended pleading deadlines, the Commonwealth’s Amended Complaint shall be served no later than June 5, 2020; ExxonMobil’s motion to dismiss the Commonwealth’s Amended Complaint shall be served no later than August 5, 2020; the Commonwealth’s opposition to ExxonMobil’s motion shall be served no later than October 5, 2020; and ExxonMobil’s reply in further support of its motion shall be served and filed along with the Rule 9A Package no later than November 5, 2020.

As grounds for this joint motion, the parties state:

1. The parties previously jointly proposed, and the Court entered an Order, setting the following pleading deadlines: (1) the Commonwealth shall serve an Amended Complaint no later than May 15, 2020; (2) ExxonMobil shall serve any motion to dismiss the Amended Complaint

no later than July 15, 2020; (3) the Commonwealth shall serve its Opposition to any motion to dismiss no later than September 15, 2020; and (4) ExxonMobil shall serve its reply in further support of any motion to dismiss and file the Rule 9A Package no later than October 15, 2020.

The parties also agreed that service by email will constitute service under the Rules.

2. The parties further agreed that these deadlines might need to be further adjusted in light of the significant disruptions and challenges presented by the COVID-19 pandemic and that such adjustments may be directed by the Court or requested by the parties.

3. In light of the ongoing COVID-19 pandemic disruptions, the parties met and conferred about the Commonwealth's proposal to extend the pleading deadlines. ExxonMobil consented to the Commonwealth's proposal, and the parties agreed to request a three-week adjustment in the pleading deadlines.

4. Accordingly, the parties jointly propose and request that the Court amend the pleadings deadlines as follows: the Commonwealth's Amended Complaint shall be served no later than June 5, 2020; ExxonMobil's motion to dismiss the Commonwealth's Amended Complaint shall be served no later than August 5, 2020; the Commonwealth's opposition to ExxonMobil's motion shall be served no later than October 5, 2020; and ExxonMobil's reply in further support of its motion shall be served and filed along with the Rule 9A Package no later than November 5, 2020.

5. The parties further agree that ExxonMobil, by filing this joint motion to amend the pleading deadlines and thereby appearing in this matter under Rules 11(b)(1) and (b)(3), does not waive its right to raise the defenses set forth in Rule 12(h)(1), including lack of personal jurisdiction.

The parties believe there is good cause under Rule 6(b) supporting the proposed amended pleading deadlines and respectfully request the Court to grant the 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

Justin Anderson*
2001 K Street, NW
Washington, D.C. 20006-1047
Tel: (202) 223-7300
Fax: (202) 223-7420

*Pro hac vice forthcoming

By: Thomas C. Frongillo (TF)
Thomas C. Frongillo (BBO# 180690)
224 Hinckley Road
Milton, MA 02186
(617) 459-1282
tom.frongillo@verizon.net

COMMONWEALTH OF MASSACHUSETTS

MAURA HEALEY, ATTORNEY GENERAL

By: James A. Sweeney
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

Date: May 14, 2020