

MS

SUFFOLK, ss.

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

Plaintiff,

## REQUEST FOR HEARING

**v.**

### Service Via Hand Delivery and E-Mail

Defendant.

Pursuant to Mass. R. Civ. P. 37(a)(2) and Superior Court Rule 9A, Defendant Exxon Mobil Corporation (“ExxonMobil”) respectfully requests that the Court allow ExxonMobil’s motion to compel and order the Commonwealth to comply promptly with Interrogatory No. 15 by identifying any allegedly deceptive statements the Commonwealth contends are false. As grounds for this motion, and as set forth in detail in ExxonMobil’s Memorandum of Law in Support, ExxonMobil states:

1. In response to ExxonMobil's interrogatories, the Commonwealth has currently identified 278 different ExxonMobil statements that it alleges to be deceptive, either because the statement is "false" or because the statement is "misleading." The Commonwealth has not, however, identified which specific statements it alleges to contain information that is "false." As a result, ExxonMobil has served Interrogatory No. 15, which requires the Commonwealth to

identify the information (if any) that is alleged to be false in each ExxonMobil statement. As set forth in the Memorandum of Law, this information should be provided because it bears on the Commonwealth's claims and ExxonMobil's defenses, and is necessary to provide ExxonMobil a full and fair opportunity to build the discovery record necessary for its defense. *See* Mass. R. Civ. P. 26(b)(1). Unless the Commonwealth provides this information, ExxonMobil will be forced to rebut allegations that it made false statements without knowing which statements are alleged to be false.

2. Therefore, the Commonwealth should be compelled to respond to Interrogatory No. 15 by identifying any information in each allegedly deceptive statement that is false or inaccurate.

3. In further support of its motion to compel, ExxonMobil also relies on and incorporates herein the accompanying (i) Memorandum of Law, (ii) Affidavit of Jack W. Pirozzolo ("Pirozzolo Affidavit"), and (iii) Exhibits 1 through 6, which are attached to the Pirozzolo Affidavit.

4. Pursuant to Superior Court Rule 9A(c), ExxonMobil respectfully requests a hearing on all issues raised in this motion and the accompanying Memorandum of Law. A hearing is warranted because this motion addresses discovery issues that are central to the claims and defenses in the case.

### **CONCLUSION**

For the foregoing reasons, ExxonMobil respectfully requests that this Court order the Commonwealth to respond to Interrogatory No. 15 by identifying any information in each allegedly deceptive statement that is false or inaccurate.

Dated: April 18, 2025

Respectfully submitted,

SIDLEY AUSTIN LLP

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo (BBO No. 564879)  
jpirozzolo@sidley.com  
60 State Street, 36th Floor  
Boston, MA 02109  
(617) 223-0304

PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON, LLP

Theodore V. Wells, Jr. (*pro hac vice*)  
twells@paulweiss.com  
Daniel J. Toal (*pro hac vice*)  
dtoal@paulweiss.com  
David K. Kessler (*pro hac vice*)  
dkessler@paulweiss.com  
1285 Avenue of the Americas  
New York, NY 10019-6064  
(212) 373-3000  
Fax: (212) 757-3990

Kyle Smith (*pro hac vice*)  
ksmith@paulweiss.com  
2001 K Street, NW  
Washington, D.C. 20006-1047  
(202) 223-7300  
Fax: (202) 223-7420

*Counsel for Exxon Mobil Corporation*

**CERTIFICATION UNDER SUPERIOR COURT RULE 9C**

Pursuant to Superior Court Rule 9C, counsel for Defendant Exxon Mobil and counsel for Plaintiff the Commonwealth of Massachusetts conducted a telephonic conference on February 24, 2025, exchanged multiple written communications on these issues, and made a good faith effort to reach agreement on the Commonwealth's responses to ExxonMobil's Interrogatory No. 15.

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo (BBO No. 564879)

jpirozzolo@sidley.com

60 State Street, 36th Floor

Boston, MA 02109

(617) 223-0304

**CERTIFICATE OF SERVICE**

I, Jack W. Pirozzolo, counsel for Defendant Exxon Mobil Corporation, hereby certify that on April 18, 2025, I caused a copy of this Motion to Compel to be served on counsel of record for Plaintiff the Commonwealth of Massachusetts (Richard Johnston, Seth Schofield, Brian Clappier, and Ezra Geggel) by hand delivery and e-mail at richard.johnston@mass.gov, seth.schofield@mass.gov, brian.clappier@mass.gov, and ezra.geggel@mass.gov.

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo (BBO No. 564879)  
jpirozzolo@sidley.com  
60 State Street, 36th Floor  
Boston, MA 02109  
(617) 223-0304