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November 30, 2017

BY ECF

Hon. Valerie E. Caproni  
United States District Judge  
United States District Court for the  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square, Room 240  
New York, NY 10007

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\*NOT ADMITTED TO THE NEW YORK BAR

Re: *Exxon Mobil Corp. v. Healey & Schneiderman*, 17-cv-2301-VEC

Dear Judge Caproni:

Attached to this letter as Exhibit 1 is the demonstrative Exxon Mobil Corporation introduced at today's oral argument.

Sincerely,

/s/ Justin Anderson  
Justin Anderson, Esq.

cc: Counsel of record (by ECF)

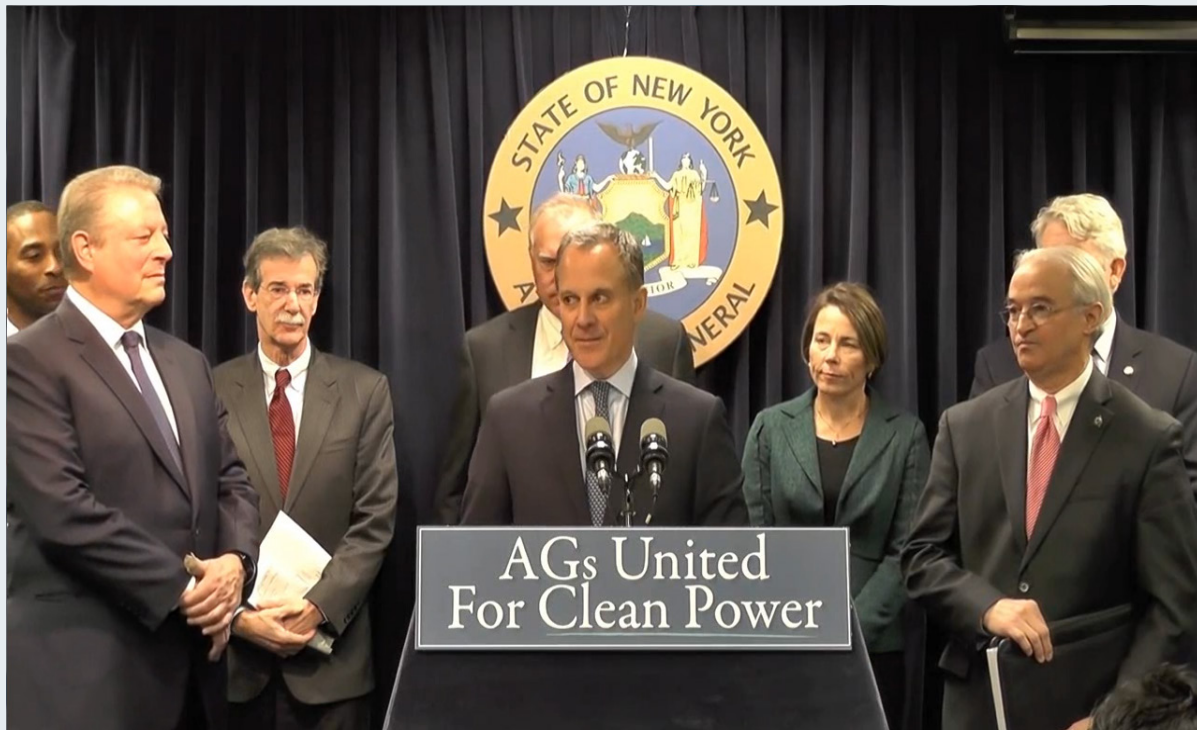
# Exhibit 1

Exxon Mobil Corporation  
v.  
Eric Tradd Schneiderman & Maura Tracy Healey  
No. 17 Civ. 2301 (VEC) (SN)

November 30, 2017

*Presentation of Plaintiff Exxon Mobil Corporation*

# March 29, 2016 - “AGs United for Clean Power” Press Conference



“We have heard the scientists. We know what’s happening to the planet. There is no dispute but there is confusion, and confusion sowed by those with an interest in profiting from the confusion and creating misperceptions in the eyes of the American public that really need to be cleared up.”

04:30-04:53

“Today, in the face of the gridlock in Washington, we are assembling a group of state actors to send the message that we are prepared to step into this breach.”

05:43-05:52

“We know that in Washington there are good people who want to do the right thing on climate change but everyone from President Obama on down is under a relentless assault from well-funded, highly aggressive and morally vacant forces that are trying to block every step by the federal government to take meaningful action. So today, we’re sending a message that, at least some of us – actually a lot of us – in state government are prepared to step into this battle with an unprecedented level of commitment and coordination.”

08:41-09:11

# March 29, 2016 - “AGs United for Clean Power” Press Conference



“We know from the science and we know from experience the very real consequences of our failure to address this issue. Climate change is and has been for many years a matter of extreme urgency, but, unfortunately, it is only recently that this problem has begun to be met with equally urgent action. Part of the problem has been one of public perception, and it appears, certainly, that certain companies, certain industries, may not have told the whole story, leading many to doubt whether climate change is real and to misunderstand and misapprehend the catastrophic nature of its impacts.”

34:29-35:08

“Fossil fuel companies that deceived investors and consumers about the dangers of climate change should be, must be, held accountable. That’s why I, too, have joined in investigating the practices of ExxonMobil. We can all see today the troubling disconnect between what Exxon knew, what industry folks knew, and what the company and industry chose to share with investors and with the American public.”

35:09-35:35

“By quick, aggressive action, educating the public, holding accountable those who have needed to be held accountable for far too long, I know we will do what we need to do to address climate change and to work for a better future.”

36:56-37:10



# March 29, 2016 - “AGs United for Clean Power” Press Conference



“I really believe that years from now this convening by Attorney General Eric Schneiderman and his colleagues here today may well be looked back upon as a real turning point in the effort to hold to account those commercial interests that have been – according to the best available evidence – deceiving the American people, communicating in a fraudulent way, both about the reality of the climate crisis and the dangers it poses to all of us.”

14:21-15:04

“[ExxonMobil] began giving grants – according to the evidence collected – to groups that specialize in climate denial, groups that put out information purposely designed to confuse the public into believing that the climate crisis was not real. And according to what I’ve heard from the preliminary inquiries that some of these attorneys general have made, the same may be true of information that they have put out concerning the viability of competitors in the renewable energy space.”

52:33-53:13

# The AGs Target Their Political Opponents



MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
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## CIVIL INVESTIGATIVE DEMAND

BY HAND DELIVERY

Demand No.: 2016-EPD-36

Date Issued: April 19, 2016

Issued To: Exxon Mobil Corporation  
c/o Corporation Service Company, its Registered Agent  
84 State Street  
Boston, Massachusetts 02109

This Civil Investigative Demand ("CID") is issued to Exxon Mobil Corporation ("Exxon" or "You") pursuant to Massachusetts General Laws c. 93A, § 6, as part of a pending investigation concerning potential violations of M.G.L. c. 93A, § 2, and the regulations promulgated thereunder arising both from (1) the marketing and/or sale of energy and other fossil fuel derived products to consumers in the Commonwealth of Massachusetts (the "Commonwealth"); and (2) the marketing and/or sale of securities, as defined in M.G.L. c. 110A, § 401(k), to investors in the Commonwealth, including, without limitation, fixed- and floating rate-notes, bonds, and common stock, sold or offered to be sold in the Commonwealth.

This CID requires You to produce the documents identified in Schedule A below, pursuant to M.G.L. c. 93A, § 6(1). The Documents identified in Schedule A must be produced by May 19, 2016, by delivering them to:

I. Andrew Goldberg  
Assistant Attorney General  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

The documents shall be accompanied by an affidavit in the form attached hereto. AAG Goldberg and such other employees, agents, consultants, and experts of the Office of the Attorney General as needed in its discretion, shall review Your affidavit and the documents produced in conjunction with our investigation.

1 of 25



5. Documents and Communications with any of Acton Institute, AEI, Americans for Prosperity, ALEC, API, Beacon Hill Institute at Suffolk University, CEI, CIP, George C. Marshall Institute, The Heartland Institute, The Heritage Foundation, and/or Mercatus Center at George Mason University, concerning Climate Change and/or Global Warming, Climate Risk, Climate Science, and/or communications regarding Climate Science by fossil fuel companies to the media and/or to investors or consumers, including Documents and Communications relating to the funding by Exxon of any of those organizations.



AMERICANS FOR  
PROSPERITY



ACTON INSTITUTE



# The AGs Target Their Political Opponents



TO: S. Jack Bolegia, Jr.  
Vice-President and General Counsel  
Exxon Mobil Corporation  
Corporate Headquarters  
999 Las Colinas Boulevard  
Irving, Texas 75039-2298

6. All Documents and Communications Concerning Climate Change, within Time Period 1, prepared by or for trade associations or industry groups, or exchanged between You and trade associations or industry groups, or sent from or to trade associations or industry groups, including but not limited to the: (i) American Petroleum Institute; (ii) Petroleum Industry Environmental Conservation Association; (PIECA); (iii) US Oil & Gas Association; (iv) Petroleum Marketers Association of America; and (v) Empire State Petroleum Association.

Witness your hand and the seal of the Office of the Attorney General, State of New York, this 10th day of November, 2015.

7. All Documents and Communications, within Time Period 1, related to Your support or funding for organizations relating to communications or research of Climate Change, including decisions to cease funding or supporting such organizations.

Witness your hand and the seal of the Office of the Attorney General, State of New York, this 10th day of November, 2015.



## Has Exxon Mobil misled the public about its climate change research?

November 10, 2015 at 6:45 PM EST

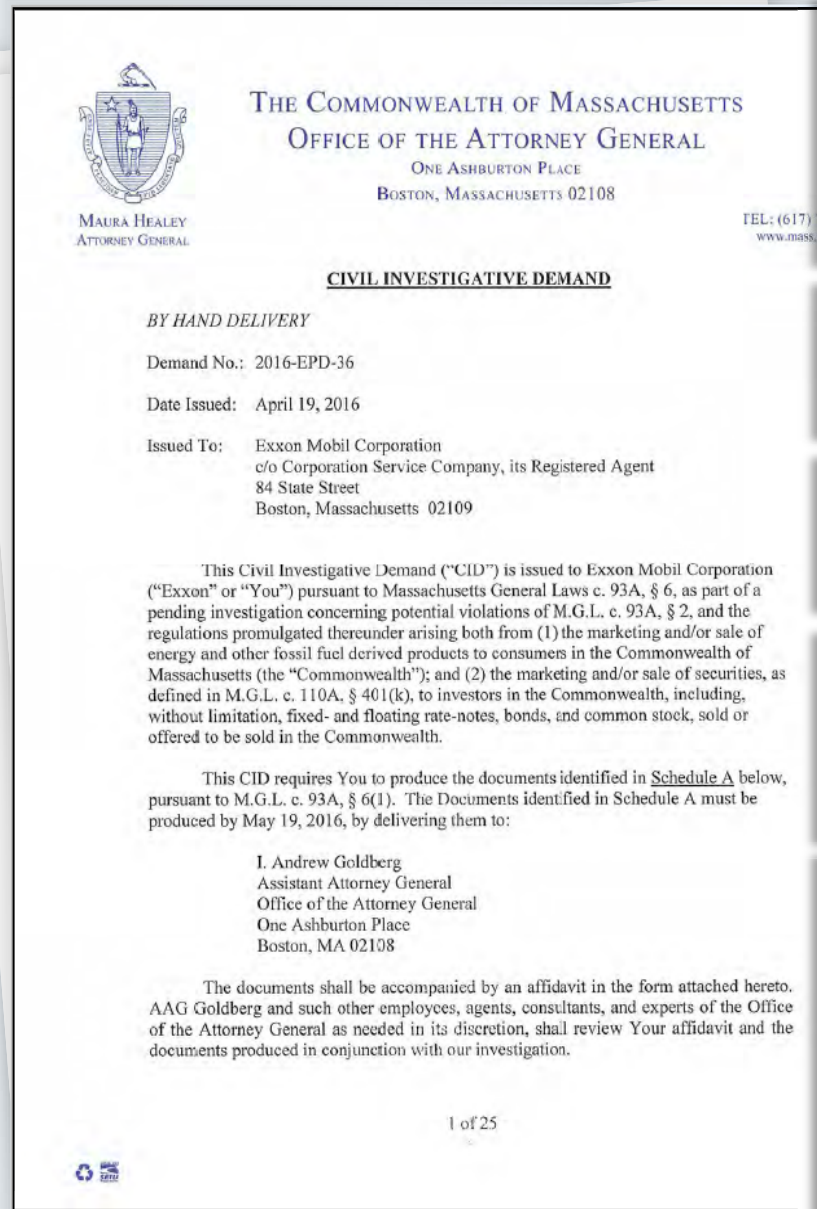
**ERIC SCHNEIDERMAN:** We know that they have been issuing public statements that are at odds with that, and that they have been funding organizations that are even more aggressive climate change deniers.

And they have made numerous statements, both Exxon officials and in Exxon reports, but also through these organizations they fund, like the American Enterprise Institute, ALEC, the American Legislative Exchange Council, through their activities with the American Petroleum Institute, so directly and through other organizations, Exxon has said a lot of things that conflict with the statement that they have always been forthcoming about the realities of climate change.





# The AGs Target Statements They Consider Unacceptable



- To achieve this kind of reduction in carbon dioxide emissions most advocates are talking about, **governments would have to resort to energy rationing** administered by a vast international bureaucracy responsible to no one. (Raymond WPC Statements, p. 10)
- **Humans have long adapted to change**, and governments should create policies to cope with the Earth's rising temperatures.
- Changes to weather patterns that move crop production areas around – we'll adapt to that. **It's an engineering problem and it has engineering solutions.**
- **Issues such as global poverty [are] more pressing than climate change**, and billions of people without access to energy would benefit from oil and gas supplies.
- [W]e see world GDP growing at a rate that exceeds population growth through [the year 2040], almost tripling in size from what it was globally in 2000 [fn. omitted]. It is largely the poorest and least developed of the world's countries that benefit most from this anticipated growth. However, **this level of GDP growth requires more accessible, reliable and affordable energy to fuel growth, and it is vulnerable populations who would suffer most should that growth be artificially constrained.** (pp. 3 – 4)

# Attorney General Healey Travelled to New York in Furtherance of Torts



Commonwealth of Massachusetts  
Office of the Comptroller  
**TRAVELER VOUCHER INPUT FORM**

Date	Description
3/17/16	Purchased airline ticket to attend meeting in New York on 3/29/16 regarding Exxon- Clean Power Plan.

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Date	Description
3/28/16	Trip to NYC for Exxon Case

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## The *Colorado River* Factors Weigh Against Abstention

Threshold Question: Are there “parallel” litigations in state and federal court with same claims, parties, and relief?

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- ☐ Does the controversy involve a *res*?
- ☐ Was the state action filed first/has it progressed further?
- ☐ Is the federal forum less convenient than the state forum?
- ☐ Does state law provide the rule of decision?
- ☐ Will abstention avoid piecemeal litigation?
- ☐ Are state procedures adequate to protect federal rights?