

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

EXXON MOBIL CORPORATION,)	
)	
)	
Plaintiff,)	
)	
v.)	No. 4:16-CV-469-K
)	
MAURA TRACY HEALEY, Attorney)	
General of Massachusetts, in her official)	
capacity,)	
)	
Defendant.)	
)	

**ATTORNEY GENERAL HEALEY’S MOTION
TO RECONSIDER JURISDICTIONAL DISCOVERY ORDER**

Defendant Massachusetts Attorney General Maura Healey hereby requests that the Court grant her Motion to Dismiss (Doc. No. 41) and, alternatively, moves that the Court reconsider and vacate its Order of October 13, 2016 (Doc. No. 73), that jurisdictional discovery by both parties be permitted, pending further consideration of the Motion to Dismiss.

As set forth in Attorney General Healey’s opening brief in support of her motion to dismiss (Doc. No. 42), at 4-13, in her reply to Plaintiff Exxon Mobil Corporation’s (“Exxon”) opposition to that motion (Doc. No. 65), at 3-8, and in her brief accompanying this motion (“Br.”), at 3-7, Exxon has failed to establish that the Texas long-arm statute and due process permit personal jurisdiction in this Court over Attorney General Healey. Deciding the case on the fully briefed issue of personal jurisdiction now pending before the Court will limit the potential for federal intrusion into the Massachusetts state court’s authority to determine the lawfulness of the subject civil investigative demand issued by Attorney General Healey pursuant to Massachusetts law, *see* Br. at 5-6, and will avoid the potential for improper investigation into

privileged or protected information and contentious discovery disputes, *see id.* at 9-10.

PRAYER

For these reasons, the Attorney General requests that the Court grant Attorney General Healey's Motion to Dismiss (Doc. No. 41) and, alternatively, moves that the Court reconsider and vacate its Order of October 13, 2016 (No. 73), that jurisdictional discovery by both parties be permitted, pending further consideration of the Motion to Dismiss. In the event that the Court neither dismisses the complaint nor reconsiders its Order, the Attorney General requests that the Court transfer the action to the District of Massachusetts or stay its order to allow the Attorney General to seek immediate review by the United States Court of Appeals for the Fifth Circuit.

Respectfully submitted,

MAURA HEALEY
ATTORNEY GENERAL OF
MASSACHUSETTS

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Dated: October 20, 2016

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on October 20, 2016, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system. Any other counsel of record will be served in accordance with the Federal Rules of Civil Procedure.

s/ Douglas A. Cawley

Douglas. A. Cawley

CERTIFICATE OF CONFERENCE

On October 19, 2016, I conferred with Ralph Duggins, an attorney representing Exxon Mobil Corporation in this action, and advised Mr. Duggins that Attorney General Healey would be filing a motion to reconsider the jurisdictional discovery order in the case. Counsel for Exxon responded that Exxon opposes the motion and would not consent to the relief sought in the motion.

s/ Richard A. Kamprath

Richard A. Kamprath