

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION No. 1984-CV-03333-BLS1

_____)
COMMONWEALTH OF MASSACHUSETTS,)
)
<i>Plaintiff,</i>)
)
v.)
)
EXXON MOBIL CORPORATION,)
)
<i>Defendant.</i>)
_____)

**MOTION OF THE COMMONWEALTH TO STRIKE
CERTAIN DEFENSES IN EXXON MOBIL CORPORATION’S ANSWER**

The Commonwealth of Massachusetts, pursuant to Rule 12(f) of the Massachusetts Rules of Civil Procedure and Rule 9A of the Massachusetts Superior Court Rules, respectfully requests that the Court strike the Fourth, Seventh, Eighth, Twenty-Second, Twenty-Third, Twenty-Fourth, Twenty-Fifth, Twenty-Sixth, Thirtieth, Thirty-First, Thirty-Second, Thirty-Third, Thirty-Fourth, and Thirty-Fifth Defenses asserted by Defendant Exxon Mobil Corporation (ExxonMobil) in its Answer to the Commonwealth’s Amended Complaint. As grounds for this motion, the Commonwealth states that those defenses are insufficient as a matter of law because they are legally invalid, barred by *res judicata*, improperly pleaded, and cannot be applied to the Commonwealth’s G.L. c. 93A claims in this action. For the reasons described further in the accompanying Memorandum of Law, the Commonwealth respectfully requests that the Court allow this motion and enter an order striking, with prejudice, those fourteen defenses from ExxonMobil’s Answer.

Dated: September 24, 2021

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS,

By its attorneys,

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CERTIFICATE OF SERVICE

I, Seth Schofield, certify that on September 24, 2021, I served the foregoing document by sending a copy thereof by electronic service to:

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/s/ Seth Schofield

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