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and American Petroleum Institute

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

KELSEY CASCADIA ROSE JULIANA, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 6:15-cv-01517-TC

**INTERVENOR-DEFENDANT
AMERICAN PETROLEUM
INSTITUTE’S OBJECTIONS AND
RESPONSES TO PLAINTIFFS’
REQUEST FOR PRODUCTION OF
DOCUMENTS**

Intervenor-Defendant the American Petroleum Institute (“API”), pursuant to Federal Rules of Civil Procedure 26 and 34, hereby respectfully submits the following Objections and

Responses to Plaintiffs' Requests for Production of Documents to Intervenor-Defendant American Petroleum Institute ("Requests"), submitted February 17, 2017, and states as follows:

GENERAL OBJECTIONS

1. API objects to the Requests to the extent that they seek information and documents which are not relevant to the claims or defenses of any party or proportional to the needs of the case, per Federal Rule of Civil Procedure 26(b)(1). Plaintiffs' Requests seek information far beyond the allegations at issue in this case, which do not assert any cause of action or concern any act or omission by API, and are aimed solely at the Federal Defendants.

2. API objects to the Requests, including the definitions and instructions contained therein, to the extent that they purport to impose discovery obligations beyond those required by the Federal Rules of Civil Procedure.

3. API objects to the Requests to the extent that they are oppressive, overly burdensome, would involve undue financial expense to API, particularly to the extent that they seek to impose upon API the obligation to perform an unreasonably or unduly burdensome investigation at substantial and unnecessary cost, or would require API to produce documents in an unreasonably or unduly burdensome manner. In addition, API objects to each and every request which seeks "each" document when the requested information may be supplied with fewer than "each" document. Demanding "each" document "referring, relating, regarding, or pertaining to" a particular subject is overly broad and unduly burdensome.

4. API objects to many of the underlying factual allegations within the Requests and the filing of these objections and responses does not in any way imply that API agrees with Plaintiffs' characterization of any activities, documents, factual assertions, or opinions. API

reserves its right to contest any and every factual allegation or characterization within the Requests.

5. API objects to the Requests as many demand documents going back as far as API's inception while others purport to have no time limitation at all. Such demands are unreasonable, overly broad, and unduly burdensome.

6. To the extent that the Requests seek the disclosure of information or documents protected from disclosure by any applicable privilege (including, but not limited to, the attorney-client privilege, the work product doctrine, the joint defense privilege, the common interest doctrine, or other statutory or common law privileges), API objects to the Requests and will identify the information or documents in the manner and to the extent required by the Federal Rules of Civil Procedure. Any inadvertent disclosure of privileged or protected information shall not constitute a waiver of any applicable privilege or protection.

7. API objects to the Requests to the extent they purport to impose duties with respect to the creation of a privilege log that differs from the duties described in Federal Rule of Civil Procedure 26(b)(5).

8. API objects to the Requests to the extent that they seek the identification, disclosure, or production of information or documents that are not within API's possession, custody, or control. This includes demands to produce information or documents believed to be within the possession, custody, or control of API's member companies. API has no ability to control or access information within member companies' possession, custody or control.

9. API objects to the Requests to the extent that they seek information beyond that reasonably known or reasonably knowable by API at this time.

10. API objects to the Requests to the extent that they seek documents from former API employees, and therefore, searches for potentially responsive documents and communications, to the extent that any exist, will be oppressive and overly burdensome and would require unreasonable and unnecessary costs.

11. API objects to the Requests to the extent that they are vague, ambiguous, rely upon undefined terms susceptible to multiple meanings, or otherwise fail to describe the information or documents sought with sufficient particularity to allow for a meaningful response by API. Accordingly, API makes no representation that the responses provided necessarily include the information intended by Plaintiffs.

12. API objects to the Requests to the extent that the discovery sought by any request is unreasonably cumulative or duplicative or is equally obtainable by the Plaintiffs from another source that is more convenient, less burdensome, or less expensive. This includes information or documents that could be obtained from the Federal Defendants, is a matter of public record, or where the burden or expense of attempting to ascertain the requested information outweighs any conceivable benefit, considering the needs of the case, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

13. API objects to the Requests to the extent that any objection and response to the Requests are deemed to be binding on, or otherwise speak for, any of API's member companies, Intervenor-Defendants American Fuel & Petrochemical Manufacturers or the National Association of Manufacturers, or any of their respective member companies.

14. API objects to the definition of "DOCUMENT," "DOCUMENTS," and "COMMUNICATION(S)" to the extent that they are defined to impose any obligations on API beyond those prescribed under the Federal Rules of Civil Procedure.

15. API objects to the definition of “AMERICAN PETROLEUM INSTITUTE” to the extent that it includes “members.” API is a national trade association and standard-setting organization. API is a distinct legal entity from its member companies and it lacks possession, custody, or control over the information and documents of its member companies.

16. API objects to the term “REFERS, RELATES, REGARDS, OR PERTAINS TO” as overly broad, unduly burdensome, and unreasonable. This term appears to require each and every document or communication that merely touches on the overly broad demands of the Request no matter how relevant to Plaintiffs’ claims or how non-substantive the document or communication may be.

17. API objects to the term “COMMUNICATION(S)” in that it calls for any “discussion between or among two or more PERSONS, including but not limited to, face-to-face and telephone conversations” even when not recorded.

18. API objects to the term “CLIMATE CHANGE” as defined in the requests as vague, confusing, overly broad, and subject to myriad interpretations, including, but not limited to, the interpretation of phrases such as “change in the state of the climate” without regard to the nature, severity, or causes of such changes, as well as the terms “attributed directly or indirectly to human activity” and “other impacts.”

19. API objects to these requests because they do not appear to be crafted for any purpose other than to annoy and harass. There appears to have been no attempt to narrowly or reasonably tailor them to the needs of this case.

20. API incorporates by reference every general objection set forth above into the specific responses set forth below. The failure to include any general objection in any specific response does not waive any general objection to the request.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST NO. 1:

Each DOCUMENT that REFERS, RELATES, REGARDS, or PERTAINS to AMERICAN PETROLEUM INSTITUTE'S computers, computer systems, electronic data, and electronic media storage.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 1 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. Further, API objects to Request No. 1 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit. API has been in existence since 1919 and has utilized computer systems for many years. The Request for virtually all documents in existence relating to API's computers, computer systems, electronic data, and electronic media storage, unbounded by any specified period of time, has no relevance to the allegations or the causes of action set forth in the First Amended Complaint. Accordingly, API is not producing any documents responsive to this request.

REQUEST NO. 2:

Each DOCUMENT that REFERS, RELATES, REGARDS, or PERTAINS to the organizational structure of AMERICAN PETROLEUM INSTITUTE from its inception to the date of API'S [sic] response.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 2 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. Further, API objects to Request No. 2 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit. API has been in existence since 1919. The request for documents related to API's organizational structure during the entirety of its existence has no relevance to the allegations or the causes of action set forth in the First Amended Complaint. API also objects to Request No. 2 on the grounds that it calls for information that is, in part, already available to the public. To the extent that Plaintiffs are interested in API's current organizational structure, and without waiving its objection to the relevancy of this Request, API directs Plaintiffs to its website. API is not producing any documents responsive to this request.

REQUEST NO. 3:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, or PERTAINS to internal API groups, committees, subcommittees, boards, or other organizational sub-groups concerning in whole or in part the issue of CLIMATE CHANGE and government engagement on the topic of CLIMATE CHANGE. DOCUMENTS and COMMUNICATIONS responsive to this Request for Production should include, but shall not be limited to, each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, or PERTAINS to:

- a. API's "CO₂ and Climate Change Task Force";
- b. API's "Climate Energy Task Force";
- c. API's Program Budget Committee;
- d. API's "Environmental Strategy Team";
- e. API's "Climate Team" and
- f. API's "Climate Change Steering Group."

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 3 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. Further, API objects to Request No. 3 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit. This request effectively demands every document and

communication, unbounded by any specified time period, that API has ever created or received that has any relation to the broad concept of climate change, even though such documents and communications have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API also objects to Request No. 3 to the extent that it demands information or documents protected from disclosure by any applicable privilege (including, but not limited to, the attorney-client privilege, the work product doctrine, the joint defense privilege, the common interest doctrine, or other statutory or common law privileges). Further, API objects to Request No. 3 for documents and correspondence related to its internal deliberations regarding “government engagement on the topic of CLIMATE CHANGE” as chilling API’s First Amendment’s rights to petition the government, free speech, political association, receive information and ideas, and to circulate publications. As discussed above, such internal deliberations have no relevance to the allegations or the causes of action set forth in the First Amended Complaint. Accordingly, API is not producing any documents responsive to this request.

REQUEST NO. 4:

Each DOCUMENT and COMMUNICATION exchanged between API members and internal API groups, committees, subcommittees, boards, or other organizational sub-groups that REFERS, RELATES, REGARDS, or PERTAINS TO the issue of CLIMATE CHANGE and government engagement on the topic of CLIMATE CHANGE. DOCUMENTS and COMMUNICATIONS responsive to this Request for Production should include, but shall not be limited to, each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO:

- a. COMMUNICATIONS between API and Climate Change Steering Group members, including but not limited to representatives from EXXON, Mobil, Equilon, Marathon, ARCO, CITGO, Texaco, and the White House Climate Change Task Force;
- b. COMMUNICATIONS between William “Bill” O’Keefe and API staff, including, but not limited to, Philip Cooney;

- c. COMMUNICATIONS between API and the API Program Budget Committee and its members relating to funding of public relations and government engagement pertaining to CLIMATE CHANGE;
- d. COMMUNICATIONS between API staff, including, but not limited to, Bill O’Keefe, Russell Jones, and Phillip Cooney, and API-funded groups engaged in COMMUNICATIONS on the issue of CLIMATE CHANGE, including, but not limited to: (i) the Heartland Institute; (ii) the Competitive Enterprise Institute (“CEI”); (iii) George C. Marshall Institute; and (iv) Myron Ebell of CIE;
- e. API Smoke and Fumes Committee, including COMMUNICATIONS to and from Vance Jenkins, C.A. Jones, and G.A. Lloyd; and
- f. API Committee on Air and Water.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 4 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs’ case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. Further, API objects to Request No. 4 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit.

This request not only demands every document and communication requested in Request No. 3, but enlarges the demand to effectively include every document or communication ever created or received by API related to the broad concept of climate change, unbounded by any

specified time period. None of these requested documents or communications have any relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API objects to Request No. 4 to the extent that it demands information or documents protected from disclosure by any applicable privilege (including, but not limited to, the attorney-client privilege, the work product doctrine, the joint defense privilege, the common interest doctrine, or other statutory or common law privileges).

API further objects to this request to the extent it seeks trade secrets or other confidential research, development or commercial information, or information for which API has a proprietary interest.

API objects to this request to the extent it seeks documents from former API employees, including Messrs. O’Keefe, Cooney and Jones, and therefore, searches for potentially responsive documents and communications, to the extent that any exist, will be oppressive and overly burdensome and would require unreasonable and unnecessary costs.

API objects to the request for communications with the “White House Climate Change Task Force” as such communications, should any exist, can be obtained from the Federal Defendants.

API further objects to the request for communications between API and its member companies to the extent it demands documents or communications not within the possession, custody, or control of API.

API also objects to the request for communications between William “Bill” O’Keefe and API staff, including but not limited to, Philip Cooney as this request is not limited to any particular time or topic.

API objects to the request for all documents and communications pertaining to the API “Smoke and Fumes Committee,” including communications to and from three particular individuals, as this request is not limited to any particular time or topic.

API objects to the request for all documents and communications pertaining to the API “Committee on Air and Water” as this request is not limited to any particular time or topic.

API objects to the request for documents and correspondence related to “COMMUNICATIONS on the issue of CLIMATE CHANGE” as chilling API’s First Amendment’s rights to petition the government, free speech, political association, receive information and ideas, and to circulate publications. Internal API deliberations have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API is not producing any documents responsive to this request.

REQUEST NO. 5:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO studies, research, reviews, events, or publications funded or created by API or its members or third parties funded, in whole or in part, through API concerning carbon dioxide, CLIMATE CHANGE, or sustained or increased use of fossil fuels. DOCUMENTS and COMMUNICATIONS responsive to this Request for Production should include, but shall not be limited to, each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO:

- a. The Stanford Research Institute’s work related to CLIMATE CHANGE;
- b. The Capital Research Center between 1985 and 1998;
- c. Mobil Oil Executive Dayton H. Clewell’s work on the Presidential Council on Oceans and Atmosphere;
- d. The report entitled “Sources, Abundance, and Fate of Gaseous Atmospheric Pollutants” (1968) by Elmer Robinson, including any communications regarding the alteration of this report;
- e. The publication entitled “Proxy climatic and environmental changes of the past 1000 years” (2003) by Willie Soon and Sallie Baliunas, and any other work by these authors;

- f. The Harvard-Smithsonian Center for Astrophysics;
- g. EXXON Engineering, EXXON Research and Engineering, EXXON Corporate Research Program, EXXON Science and Technology department, EXXON CO₂ Research Program, EXXON Board of Directors, Esso Natural Gas, and any EXXON or EXXONMOBIL department and individual working, in whole or in part, on climate science and climactic research as such research relates to carbon dioxide emissions and fossil fuels including, but not limited to, communications with Brian Flannery, James Black, Henry Shaw, and Bill Slick of API;
- h. The Natuna gas field project;
- i. Consumption and growth scenario studies from EXXON and EXXONMOBIL;
- j. Mobil's Environmental Health and Safety Department and J.P. McCullough; and
- k. Government classification or determination of carbon dioxide as a pollutant between 1960 and 1991.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 5 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API.

API further objects to this request to the extent it seeks trade secrets or other confidential research, development or commercial information, or information for which API has a proprietary interest.

API also objects to Request No. 5 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit. This request not only demands every document and communication that refers, relates, regards, or pertains to studies of climate change, but to “studies, research, reviews, events, or publications” regarding “sustained or increased use of fossil fuels.” Thus, given API’s mission, Request No. 5 is exceedingly broad in scope while lacking any relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API objects to Request No. 5 as it is unlimited in time and includes at least one specific demand for documents and communications going back to 1960. Such a demand is unreasonable, overly broad, and unduly burdensome.

API objects to the request for documents and communications related to “studies, research, reviews, events, or publications funded or created by API or its members or third parties funded, in whole or in part,” as chilling API’s First Amendment’s rights to political association, receive information and ideas, and to circulate publications. Internal API discussions on research issues have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API further objects to the request for communications between API and its member companies to the extent it demands documents or communications not within the possession, custody, or control of API.

API is not producing any documents responsive to this request.

REQUEST NO. 6:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO API membership and participation in groups, coalitions, or meetings focused in whole or in part on national and international public policies responding to CLIMATE CHANGE and policies relating to increased fossil fuel extraction, development, and consumption, or the expansion of energy alternatives to fossil fuels. DOCUMENTS and COMMUNICATIONS responsive to this Request for Production should include, but shall not be limited to, each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO:

- a. The Global Climate Coalition (“GCC”) between 1992 and 2001, including, but not limited to, COMMUNICATIONS with GCC members EXXON, Shell, BP America, Texaco, Phillips Petroleum, Amaco Corp., and ARCO;
- b. The “Global Climate Council,” the “Climate Council,” Don Pearlman, and Patton Boggs between 1999 and 2001;
- c. Non-privileged documents concerning Patton Boggs between 1999 and 2001;
- d. The Information Council on the Environment (“ICE”), public relations firm Burston-Marsteller, and the United States Chamber of Commerce between 1992 and 1996;
- e. The GCC and delegations and representatives to the United Nations Framework Convention and Climate Change (“UNFCCC”);
- f. The Global Climate Science Communications Team (“GCSCT”), including but not limited to the development of the Global Climate Science Communications Plan and COMMUNICATIONS with EXXON representative Arthur G. (“Randy”) Randol; and
- g. The Global Climate Information Project.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 6 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs’ case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant

to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API.

Further, API objects to Request No. 6 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit.

API also objects to this request to the extent it seeks trade secrets or other confidential research, development or commercial information, or information for which API has a proprietary interest.

API objects to the request for documents and communications related to “membership and participation in groups, coalitions, or meetings focused in whole or in part on national and international public policies responding to CLIMATE CHANGE and policies relating to increased fossil fuel extraction, development, and consumption, or the expansion of energy alternatives to fossil fuels” as chilling API’s First Amendment’s rights to political association, receive information and ideas, and to circulate publications. API further objects to demands for documents and communications related to public policy advocacy with respect to specific groups, member companies, United Nations delegates and representatives, and other individuals, including lobbying and public relations firms, law firms, and consulting firms on the same grounds. Documents and correspondence regarding API’s public policy advocacy have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API objects to Request No. 6 to the extent that particular requests are unlimited in time. Such a demand is unreasonable, overly broad, and unduly burdensome.

API further objects to the request for communications between API and its member companies to the extent it demands documents or communications not within the possession, custody, or control of API.

API is not producing any documents responsive to this request.

REQUEST NO. 7:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO lobbying efforts, expenditures, advocacy, and planning by API and its members relating to public policies concerning CLIMATE CHANGE and fossil fuel extraction, development, and consumption. DOCUMENTS and COMMUNICATIONS responsive to this Request for Production should include, but shall not be limited to, each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO:

- a. The creation, administration, funding, or mandate of the United States Global Change Research Program;
- b. The 1987 Global Climate Protection Act (P.L. 100-204);
- c. The Environmental Protection Agency (“EPA”) report “Policy Options for Stabilizing Global Climate” (1990), including DOCUMENTS relating to the science of climate change, projections for continued use of fossil fuels, climate modeling, and the economic costs of restricting carbon emissions;
- d. The Congressional Office of Technology Assessment report “Changing By Degrees: Steps to Reduce Greenhouse Gases” (1991);
- e. Ratification of the UNFCCC on October 15, 1992;
- f. The Clinton Administration’s “Climate Action Plan” (1993);
- g. The Clinton BTU Tax Plan or carbon tax (1992-1994), including COMMUNICATIONS to members of Congress and to White House staff, DOCUMENTS relating to API funding of a multi-million dollar campaign to aimed at [sic] defeating the proposed BTU tax, and communications from API to API-funded groups and organizations such as Intervenor-Defendant National Association of Manufacturers (“NAM”), American Energy Alliance, and Citizens for a Sound Economy;
- h. Senate Resolution 98 sponsored by Sen. Robert Byrd, S. Res. 98-105th Congress (1997-1998), including direct COMMUNICATIONS with Senator Byrd and 68 co-sponsors of Senate Resolution 98;

- i. Senator Jim Jefford's four-point pollutant bill in the 107th Congress (2001) including but not limited to COMMUNICATIONS with the Coalition for Affordable and Reliable Energy;
- j. The "Clear Skies" proposal announced in February 2002 and related legislation H.R. 5266 (2002), S. 2815 (2002), and S. 556 (2002) from the Senate Environment and Public Works Committee, and related regulatory proposals regarding a related New Source Rule under the Clean Air Act, including COMMUNICATIONS between API and the Office of the EPA Administrator Christine Todd Whitman and API and the Vice President's National Energy Policy Development Group, also known as the Cheney Task Force;
- k. COMMUNICATIONS between API and the "National Energy Policy Development Group" or "Energy Task Force" or "Cheney Task Force";
- l. President George W. Bush's Cabinet-level review committee for the National Academy of Sciences' Reports (2001-2003);
- m. EPA's Report on the Environment (2003);
- n. Influence over White House Staffing and Removal of Clinton officials'
- o. API and "National Energy Policy Development Group," "Energy Task Force," or "Cheney Task Force";
- p. President George W. Bush's cabinet-level review committee for National Academy of Sciences' Reports between 2001 and 2003;
- q. EPA's "Climate Action Plan" (2002);
- r. COMMUNICATIONS regarding White House Staffing of positions working in whole or in part on the issue of CLIMATE CHANGE;
- s. COMMUNICATIONS with any representative of administration [sic] of President George W. Bush pertaining to the removal of officials who had been working in the administration of former President William J. Clinton who, as part of their duties, were working on CLIMATE CHANGE;
- t. The President George W. Bush Administration's Climate Science Research Program;
- u. The President George W. Bush Administration's Climate Science Technology Program;
- v. The President George W. Bush Administration's Climate Science Technology Program;

- w. The President George W. Bush Administration's Committee on Climate Change Science and Technology Integration;
- x. The President George W. Bush Administration's Interagency Working Group on Climate Change Science and Technology
- y. The Climate Stewardship Act S. 139 (2003-2004), also known as the McCain-Lieberman bill;
- z. The 2005 Climate Stewardship Act;
- aa. The Energy Policy Act of 2005;
- bb. The 2007 Climate Stewardship and Innovation Act;
- cc. The Lieberman-Warner Climate Security Act of 2007;
- dd. The Kerry-Lieberman-Graham Bills in the 111th Congress, including COMMUNICATIONS with the U.S. Chamber of Commerce, CIE, the Heritage Foundation, American Energy Alliance, Burston-Marsteller, and NAM;
- ee. The Waxman-Markey American Clean Energy and Security Act of 2009, including, but not limited to, DOCUMENTS related to API funded "Energy Citizens" campaign;
- ff. EPA's "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act" (74 FR 66495) (2009), not including information available through the public record at the time of API's response to this Request for Production;
- gg. The Clean Power Plan; and
- hh. Policy work, government relations efforts, and lobbying through API, API-funded groups, or members regarding fuel-efficient, hybrid, and electric cars including the Corporate Average Fuel Economy ("CAFE") program, tax breaks for vehicles weighing more than 6,000 pounds (SUVs) between 1994 and 2014.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 7 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal

Defendants. Any internal information, discussion or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. Further, API objects to Request No. 7 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit.

API objects to the request for documents and communications related to “lobbying efforts, expenditures, advocacy, and planning by API and its members relating to public policies concerning CLIMATE CHANGE and fossil fuel development, and consumption” as chilling API’s First Amendment’s rights to petition the government, free speech, political association, receive information and ideas, and to circulate publications. API further objects to demands for documents and communications related to public policy advocacy with respect to specific proposed legislation, regulations, governmental programs, governmental reports, and various governmental committees or groups, as well as members of Congress and White House staff, on the same grounds. Documents and correspondence regarding API’s public policy advocacy have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API further objects to this request to the extent it seeks trade secrets or other confidential research, development or commercial information, or information for which API has a proprietary interest.

API objects to Request No. 7 to the extent it requests seeks the disclosure of information or documents protected from disclosure by any applicable privilege (including, but not limited

to, the attorney-client privilege, the work product doctrine, the joint defense privilege, the common interest doctrine, or other statutory or common law privileges).

API further objects to the request for communications between API and its member companies to the extent it demands documents or communications not within the possession, custody, or control of API.

API objects to Request No. 7 to the extent it seeks documents and communications that could be obtained from the Federal Defendants or are a matter of public record.

API objects to Request No. 7.g. as the term “API-funded groups and organizations” is undefined, vague, and ambiguous.

API objects to Request Nos. 7.n and 7.s demanding documents and communication regarding the removal of unnamed officials working in unidentified positions during the administration of President William J. Clinton as undefined, vague, and ambiguous.

API is not producing any documents responsive to this request.

REQUEST NO. 8:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO evaluations of API and their members pertaining to government reports, discussions, and knowledge on CLIMATE CHANGE and the future of fossil fuel extraction, development, and consumption. DOCUMENTS and COMMUNICATIONS responsive to this Request for Production should include, but not limited [sic] to, each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO:

- a. 1965 Report of President Lyndon Johnson’s Scientific Advisors, “Restoring the Quality of Our Environment”;
- b. Council on Environmental Quality Annual Reports (1970-1997);
- c. EPA’s “Social Cost of Carbon”;
- d. The Research Plan and National Assessment required by the Global Change Research Act I and III including, but not limited to, COMMUNICATIONS between API and CEI relating to the National Assessment, CEI’s lawsuit regarding the National Assessment, COMMUNICATIONS between API and CEI

representatives Myron Ebell and Chris Horner, COMMUNICATIONS between API and Senator James Inhofe;

- e. Climate Change Science Program Strategic Plan (2003);
- f. API contributions to Department of Commerce Panel on Electrically Power Vehicles Report “The Automobile and Air Pollution: A Program for Progress” (1967);
- g. COMMUNICATIONS to each of the Defendants in this action relating to the amount of greenhouse gas emissions and climate impacts produced from API member activity on public lands; and
- h. COMMUNICATIONS with United States Energy Information Administration regarding domestic and global fossil fuel projections relating to CLIMATE CHANGE.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 8 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs’ case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. Further, API objects to Request No. 8 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit.

API further objects to this request to the extent it seeks trade secrets or other confidential research, development or commercial information, or information for which API has a proprietary interest.

API objects to the request for documents and communications related to internal discussions of various government reports on climate change and “the future of fossil fuel extraction, development, and consumption” as chilling API’s First Amendment’s rights to petition the government, free speech, political association, receive information and ideas, and to circulate publications. API further objects to demands for documents and communications related to various lawsuits, discussions with individual representatives of other non-profit public policy advocacy groups, and a member of Congress, on the same grounds. Such documents and correspondence regarding API’s public policy advocacy have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API objects to Request No. 8 to the extent it requests seeks the disclosure of information or documents protected from disclosure by any applicable privilege (including, but not limited to, the attorney-client privilege, the work product doctrine, the joint defense privilege, the common interest doctrine, or other statutory or common law privileges).

API further objects to the request for documents and communications between API and its member companies to the extent it demands documents or communications not within the possession, custody, or control of API.

API objects to Request No. 8 to the extent it seeks documents and communications that could be obtained from the Federal Defendants or are a matter of public record.

API is not producing any documents responsive to this request.

REQUEST NO. 9:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES OR PERTAINS TO the Petition for Rulemaking and Collateral Relief Seeking the Regulation of Greenhouse Gas Emissions from [sic] New Motor Vehicles Under Section 202 of the Clean Air Act, or the CO₂ Petition (1999).

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 9 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. Further, API objects to Request No. 9 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit.

API objects to the request for documents and communications related to internal discussions of a petition for rulemaking filed with EPA by a third-party and API's strategy for potentially responding to the petition as chilling API's First Amendment's rights to petition the government, free speech, political association, receive information and ideas, and to circulate publications. Documents and correspondence regarding API's public policy advocacy have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API objects to Request No. 9 to the extent it requests seeks the disclosure of information or documents protected from disclosure by any applicable privilege (including, but not limited to, the attorney-client privilege, the work product doctrine, the joint defense privilege, the common interest doctrine, or other statutory or common law privileges).

API further objects to this request to the extent it seeks trade secrets or other confidential research, development or commercial information, or information for which API has a proprietary interest.

API further objects to the request for documents and communications between API and its member companies to the extent it demands documents or communications not within the possession, custody, or control of API.

API objects to Request No. 9 to the extent it seeks documents and communications that could be obtained from the Federal Defendants or are a matter of public record.

API is not producing any documents responsive to this request.

REQUEST NO. 10:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO lobbying efforts, advocacy, planning, COMMUNICATIONS with government officials by API and its members relating to UNFCC, and other international agreements pertaining to CLIMATE CHANGE, reduction in greenhouse gas emissions, and fossil fuel extraction, development, and consumption. DOCUMENTS and COMMUNICATIONS responsive to this Request for Production should include, but not limited [sic] to, each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO:

- a. The Rio Earth Summit (1992);
- b. The Berlin Mandate (1995);
- c. The Kyoto Protocol (1997), including COMMUNICATIONS between API or the GCC with the Global Climate Council or its lead representative, Donald Pearlman; DOCUMENTS related to The Global Climate Information Project; DOCUMENTS regarding the activities of API lobbyist Bill O'Keefe; DOCUMENTS regarding support, plans, and COMMUNICATIONS pertaining to CEI's presence and activities at the

UNFCCC meeting in Kyoto; and API's COMMUNICATIONS with White House Center for Environment Quality chief of staff Phillip Cooney (2001-2003);

- d. The Fifth Conference of the Parties ("COP5") to the UNFCCC in Bonn, including activities and COMMUNICATIONS involving Bill O'Keefe;
- e. The Seventh Session of the Conference of Parties ("COP7") in Marrakech (2001);
- f. The UNFCCC Bali Climate Change Conference (2007);
- g. The UNFCCC Poznan Climate Change Conference (2008);
- h. The UNFCCC Copenhagen Climate Change Conference (2009);
- i. The UNFCCC Cancun Climate Change Conference (2010); and
- j. The UNFCCC Paris Climate Change Conference (2015).

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 10 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and seeks information that is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. Further, API objects to Request No. 10 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit.

API objects to the request for documents and communications related to "lobbying efforts, advocacy, planning, COMMUNICATIONS with government officials by API and its

members” as chilling API’s First Amendment’s rights to petition the government, free speech, political association, receive information and ideas, and to circulate publications. API further objects to demands for documents and communication with non-profit public policy groups and individuals on the same grounds. Documents and correspondence regarding API’s public policy advocacy have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API further objects to this request to the extent it seeks trade secrets or other confidential research, development or commercial information, or information for which API has a proprietary interest.

API objects to Request No. 10 to the extent it requests seeks the disclosure of information or documents protected from disclosure by any applicable privilege (including, but not limited to, the attorney-client privilege, the work product doctrine, the joint defense privilege, the common interest doctrine, or other statutory or common law privileges).

API further objects to the request for documents and communications between API and its member companies to the extent it demands documents or communications not within the possession, custody, or control of API.

API objects to Request No. 10 to the extent it seeks documents and communications that could be obtained from the Federal Defendants or are a matter of public record.

API objects to Request No. 10.c. as the term “White House Center for Environmental Quality” is undefined, vague, and ambiguous.

API is not producing any documents responsive to this request.

REQUEST NO. 11:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES OR PERTAINS TO the 1997 World Petroleum Conference in Buenos Aires to the extent such DOCUMENT REFERS, RELATES OR PERTAINS TO CLIMATE CHANGE.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 11 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. Further, API objects to Request No. 11 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit.

API further objects to this request to the extent it seeks trade secrets or other confidential research, development or commercial information, or information for which API has a proprietary interest.

API objects to Request No. 11 to the extent that it requests documents and communications related to any type of public policy activities undertaken by API as chilling API's First Amendment's rights to petition the government, free speech, political association, receive information and ideas, and to circulate publications. Documents and correspondence

regarding API's public policy advocacy have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API objects to Request No. 11 to the extent it seeks documents and communications that could be obtained from the Federal Defendants or are a matter of public record.

API is not producing any documents responsive to this request.

REQUEST NO. 12:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO Intergovernmental Panel on Climate Change ("IPCC") Assessments 1-5, including DOCUMENTS relating to individual scientists involved in IPCC Assessments, including, but not limited to, Ben Santer.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 12 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. Further, API objects to Request No. 12 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit. API further objects to Request No. 12 in that it is unlimited in time, making it overly broad and unreasonable.

API further objects to this request to the extent it seeks trade secrets or other confidential research, development or commercial information, or information for which API has a proprietary interest.

API is not producing any documents responsive to this request.

REQUEST NO. 13:

Each DOCUMENT that REFERS, RELATES OR PERTAINS TO COMMUNICATIONS with any representative of EXXONMOBIL regarding CLIMATE CHANGE, including, but not limited to any COMMUNICATIONS to and from the following current and former representatives of EXXONMOBIL:

- a. Lee Raymond, former CEO;
- b. Rex Tillerson, former CEO;
- c. Frank Sprow, Vice President, Safety, Health & Environment;
- d. Kenneth Cohen, Vice President, Public and Government Affairs;
- e. Arthur G. (“Randy”) Randol III, Ph.D., Public Affairs Manager;
- f. Walt Buchholtz, Public and Government Affairs Manager;
- g. Brian P. Flannery, Science, Strategy and Programs Manger in Environmental Policy and Planning;
- h. David P. Bailey, Manager, Climate Policy;
- i. Mark D. Boudreaux, Senior Director, Federal Relations;
- j. Sherri Stuewer, Vice President Safety, Health & Environment;
- k. Jaime Spelling, Vice President Corporate Planning;
- l. David Kingston, Vice President Downstream Business Development and Portfolio Management;
- m. Elizabeth Beauvais, Advisor, Corporate Citizenship;
- n. Victoria Ceja, EXXONMOBIL Public Affairs, Corporate Citizenship and Community Investment Policy;

- o. Lynn A. Gelner; and
- p. Lauren Kerr.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 13 on the grounds that the information sought by this Request is not relevant to any claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. Further, API objects to Request No. 13 as overly broad and unduly burdensome and that the burden and expense of responding to the proposed discovery outweighs its likely benefit.

API objects to the request for documents and communications related to any type of public policy activities undertaken by API as chilling API's First Amendment's rights to petition the government, free speech, political association, receive information and ideas, and to circulate publications. Documents and correspondence regarding API's public policy advocacy have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API further objects to the request for documents and communications between API and its member companies to the extent it demands documents or communications not within the possession, custody, or control of API.

API further objects to Request No. 13 in that it is unlimited in time, making it overly broad and unreasonable.

API is not producing any documents responsive to this request.

REQUEST NO. 14:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO the likelihood that or the extent to which any of the products sold by or business activities carried out by any of the members of API directly or indirectly impact or contribute to CLIMATE CHANGE.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 14 on the grounds that it seeks documents and communications that are not relevant to the claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. API further objects to Request No. 14 in that it purports to be unlimited in time, making it overly broad and unreasonable. Additionally, API objects to the terms "likelihood" and "directly or indirectly impact" as undefined, vague, and ambiguous.

API further objects to this request to the extent it seeks trade secrets or other confidential research, development or commercial information, or information for which API has a proprietary interest.

API further objects to the request for documents and communications between API and its member companies to the extent it demands documents or communications not within the possession, custody, or control of API.

Documents and correspondence regarding API's members' products and business activities have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API is not producing any documents responsive to this request.

REQUEST NO. 15:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO the knowledge by API of the impacts of CLIMATE CHANGE, including DOCUMENTS pertaining to how sea level rise, extreme weather events, or other CLIMATE CHANGE impacts are, or may, impact offshore oil and gas extraction, facilities, design, operations, or future exploration sites.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 15 on the grounds that it seeks documents and communications regarding "the knowledge by API of the impacts of CLIMATE CHANGE," which is not relevant to the claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API. API further objects to Request No. 15 in that it purports to be unlimited in time, making it overly broad and unreasonable. Additionally, as used in this Request, API

objects to the terms “knowledge,” “climate change,” “extreme weather events,” “impacts,” and “impact” as undefined, vague, and ambiguous.

API further objects to this request to the extent it seeks trade secrets or other confidential research, development or commercial information, or information for which API has a proprietary interest.

Documents and correspondence regarding the “knowledge by API of the impacts of climate change, including documents pertaining to how sea level rise, extreme weather events, or other climate change impacts are, or may, impact offshore oil and gas extraction, facilities, design, operations, or future exploration sites” have no relevance to the allegations or the causes of action set forth in the First Amended Complaint.

API is not producing any documents responsive to this request.

REQUEST NO. 16:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO the research of Roger Revelle.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 16 on the grounds that it seeks documents and communications that are not relevant to the claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs’ case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly

from the Federal Defendants, not API. Searches for potentially responsive documents and communications, to the extent that any exist, would be oppressive and overly burdensome and would require unreasonable and unnecessary costs. API further objects to Request No. 16 in that it purports to be unlimited by topic or time, making it overly broad and unreasonable.

API is not producing any documents responsive to this request.

REQUEST NO. 17:

Each DOCUMENT and COMMUNICATION that REFERS, RELATES, REGARDS, OR PERTAINS TO the research of API's James Nelson.

OBJECTIONS:

API hereby incorporates by reference, as if fully set forth herein, the foregoing General Objections. In addition, API specifically objects to Request No. 17 on the grounds that it seeks documents and communications that are not relevant to the claim or defense of any party and is not proportional to the needs of the case. Indeed, Plaintiffs bring no causes of action and have no claims against API. The entirety of Plaintiffs' case is directed at the conduct of the Federal Defendants. Any internal information, discussion, or action by API cannot possibly be relevant to whether the Federal Defendants violated constitutional rights or the Public Trust Doctrine. To the extent that there is any possible connection between API and action of the Federal Defendants, that information is already in the public record and/or should be sought directly from the Federal Defendants, not API.

API objects to the phrase "research of API's James Nelson" as undefined, vague, and ambiguous.

API further objects to Request No. 17 in that it purports to be unlimited by topic or time, making it overly broad and unreasonable. Searches for potentially responsive documents and

communications, to the extent that any exist, will be oppressive and overly burdensome and would require unreasonable and unnecessary costs.

API is not producing any documents responsive to this request.

DATED this 20th day of March 2017

Respectfully submitted,

MILLER NASH GRAHAM & DUNN LLP

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and American Petroleum Institute*

I hereby certify that I served the foregoing Intervenor-Defendant American Petroleum Institute's Objections and Responses to Plaintiffs' Request For Production of Documents on the following:

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by the following indicated method or methods on the date set forth below:

email

/s/ Frank R. Volpe

Frank R. Volpe

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March 20, 2017