

1 Theodore J. Boutrous, Jr., SBN 132099
tboutrous@gibsondunn.com
2 Andrea E. Neuman, SBN 149733
aneuman@gibsondunn.com
3 William E. Thomson, SBN 187912
wthomson@gibsondunn.com
4 Ethan D. Dettmer, SBN 196046
edettmer@gibsondunn.com
5 Joshua S. Lipshutz, SBN 242557
jlipshutz@gibsondunn.com
6 GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
7 Los Angeles, CA 90071
Telephone: 213.229.7804
8 Facsimile: 213.229.6804

9 Herbert J. Stern (*pro hac vice*)
hstern@sgklaw.com
10 Joel M. Silverstein (*pro hac vice*)
jsilverstein@sgklaw.com
11 STERN & KILCULLEN, LLC
325 Columbia Turnpike, Suite 110
12 P.O. Box 992
Florham Park, NJ 07932-0992
13 Telephone: 973. 535.2600
Facsimile: 973.535.9664

14 Attorneys for Defendants CHEVRON
15 CORPORATION and CHEVRON U.S.A., INC.

16
17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 The COUNTY OF SAN MATEO, individually
21 and on behalf of THE PEOPLE OF THE
STATE OF CALIFORNIA,

22 Plaintiff,

23 v.

24 CHEVRON CORP.; CHEVRON U.S.A.,
25 INC.; EXXONMOBIL CORP.; BP P.L.C.; BP
AMERICA, INC.; ROYAL DUTCH SHELL
26 PLC; SHELL OIL PRODUCTS COMPANY
LLC; CITGO PETROLEUM CORP.;
27 CONOCOPHILLIPS; CONOCOPHILLIPS
COMPANY; PHILLIPS 66; PEABODY
28 ENERGY CORP.; TOTAL E&P USA INC.;
TOTAL SPECIALTIES USA INC.; ARCH

First-Filed Case: No. 3:17-cv-4929-VC
Related Case: No. 3:17-cv-4934-VC
Related Case: No. 3:17-cv-4935-VC
Related Case: No. 5:18-cv-00450-NC
Related Case: No. 5:18-cv-00458-NC

**ADMINISTRATIVE MOTION TO RELATE
CASES**

[Removal from the Superior Court of the State of
California, County of San Mateo, Case No. 17
CIV 03222]

Action Filed: July 17, 2017

1 COAL, INC.; ENI S.p.A.; ENI OIL & GAS
2 INC.; RIO TINTO PLC; RIO TINTO LTD.;
3 RIO TINTO ENERGY AMERICA INC.; RIO
4 TINTO MINERALS, INC.; RIO TINTO
5 SERVICES INC.; STATOIL ASA;
6 ANADARKO PETROLEUM CORP.;
7 OCCIDENTAL PETROLEUM CORP.;
8 OCCIDENTAL CHEMICAL CORP.;
9 REPSOL S.A.; REPSOL ENERGY NORTH
10 AMERICA CORP.; REPSOL TRADING USA
11 CORP.; MARATHON OIL COMPANY;
12 MARATHON OIL CORPORATION;
13 MARATHON PETROLEUM CORP.; HESS
14 CORP.; DEVON ENERGY CORP.; DEVON
15 ENERGY PRODUCTION COMPANY, L.P.;
16 ENCANA CORP.; APACHE CORP.; and
17 DOES 1 through 100, inclusive,

The Honorable Vince Chhabria

10 Defendants.

1 **I. Introduction**

2 Pursuant to Civil Local Rule 3-12(b), Chevron Corporation and Chevron U.S.A. Inc. (the
3 “Chevron Parties”) give notice of the following actions in which they are defendants: *City of Santa*
4 *Cruz v. Chevron Corp. et al.*, Case No. 5:18-cv-00458-NC and *County of Santa Cruz v. Chevron*
5 *Corp. et al.*, Case No. 5:18-cv-00450-NC (collectively, the “Santa Cruz Actions”). Each action was
6 removed to this District on January 19, 2018. The Santa Cruz Actions are related to each other, as
7 well as to the above-captioned action, *County of San Mateo v. Chevron Corp. et al.*, Case No. 3:17-
8 cv-4929-VC, and the two actions this Court has already deemed related to that action, *City of Impe-*
9 *rial Beach v. Chevron Corp. et al.*, Case No. 3:17-cv-4934-VC, and *County of Marin v. Chevron*
10 *Corp. et al.*, Case No. 3:17-cv-4935-VC (collectively, the “San Mateo Actions”). The Chevron Par-
11 ties further contend that the Santa Cruz Actions are also related to two additional cases that have been
12 related to each other and are currently pending before Judge Alsup: *City Attorney of Oakland v. BP*
13 *p.l.c. et al.*, Case No. 3:17-cv-06011, and *City Attorney of San Francisco v. BP p.l.c. et al.*, Case No.
14 3:17-cv-06012 (collectively, the “San Francisco Actions”).

15 This District’s Executive Committee has, however, previously declined to deem the San
16 Mateo and San Francisco Actions “related” within the meaning of the Local Rules. The Chevron
17 Parties respectfully disagree, because all of these climate change actions present similar legal theories
18 with overlapping defendants and “factual” allegations, and all derive from the exact same “transac-
19 tion”—defendants’ worldwide production and sale of oil and gas that for many decades have pow-
20 ered the Nation’s way of life. Accordingly, the Chevron Parties contend that the cases should all be
21 deemed “related” and adjudicated before a single judge in order to maximize efficiency and prevent
22 inconsistent rulings. Absent such a determination, however, the Chevron Parties respectfully request
23 that the Santa Cruz Actions be related to the San Mateo Actions.¹

24 Cases are related when: “(1) The actions concern substantially the same parties, property,
25 transaction or event; and (2) It appears likely that there will be an unduly burdensome duplication of
26 labor and expense or conflicting results if the cases are conducted before different Judges.” Civ. L.R.
27

28 ¹ This motion is not intended to operate as an admission of any factual allegation or legal conclu-
sion and is submitted subject to and without waiver of any right, defense, or objection.

1 3-12(a). The Santa Cruz and San Mateo Actions are related under this standard, and such a finding
2 will avoid the waste of the considerable judicial (and party) resources and potential for conflicting
3 results that would stem from duplicative, uncoordinated litigations before different judges. Counsel
4 for plaintiffs in the Santa Cruz Actions agrees and has stipulated that the cases are related to the San
5 Mateo Actions. *See* Stipulation and Proposed Order (filed concurrently herewith).

6 The Santa Cruz and San Mateo Actions all concern substantially the same parties, property,
7 transactions and events. In each of the five cases, a waterfront California city or county seeks, among
8 other things, compensatory damages and equitable relief, including funds for “abatement” of alleged
9 past and anticipated future harm to its territory and property from rising sea levels caused by global
10 climate change supposedly caused by the defendants’ production, sale, and marketing of fossil fuels
11 (the common “transaction” or “event”). The cases assert the exact same causes of action for public
12 nuisance, private nuisance, strict liability, negligence and trespass. The plaintiffs in each case are po-
13 litical subdivisions—represented by the same outside counsel (Sher Edling LLP)—bringing suit on
14 behalf of themselves and the People of California. And each of the 29 named defendants in the Santa
15 Cruz Actions is also a defendant in the San Mateo Actions (which names 37 defendants). While the
16 Santa Cruz Actions contain additional “factual” allegations relating to the “hydrologic cycle,” the
17 factual and legal overlap between the actions is nonetheless overwhelming and dispositive.

18 **II. Background.**

19 On July 17, 2017, the San Mateo Actions were filed against 37 named defendants, asserting
20 eight causes of action and alleging that the defendants’ conduct has contributed to climate change that
21 has caused and will continue to cause sea levels to rise, and seeking damages, abatement, and declar-
22 atory relief. (*See* Dick Decl. Ex. A-C (San Mateo Actions Complaints).) These cases were removed
23 to this District and, on September 12, 2017, were related to each other and assigned to this Court.

24 On September 19, 2017, the San Francisco Actions were filed against a subset of five defend-
25 ants, asserting a cause of action for public nuisance, and alleging that defendants’ conduct has con-
26 tributed to climate change that has caused and will continue to cause sea levels to rise, and seeking
27 abatement and declaratory relief. (*See, e.g.*, Dick Decl. Ex. D-E (San Francisco Actions Com-
28 plaints).) These cases were removed to this District on October 20, 2017. On October 27, 2017,

1 plaintiffs in the San Francisco Actions filed an administrative motion to relate those two cases, which
2 Judge Alsup granted on October 31, 2017. Oakland Action, Dkt. 32.

3 On November 2, 2017, the defendants in the San Francisco Actions filed an administrative
4 motion to relate those cases to the San Mateo Actions. On November 6, 2017, this Court referred that
5 motion to the Executive Committee. On November 8, 2017, the Executive Committee issued an or-
6 der denying the motion based on its determination that the San Mateo and San Francisco Actions “do
7 not concern ‘substantially the same parties, property, transaction or event’ and are not related.” San
8 Mateo Action, Dkt. 175 (quoting Civil L.R. 3-12(a)).²

9 On December 20, 2017, the Santa Cruz Actions were filed against a subset of defendants as-
10serting the exact same eight causes of actions and seeking the exact same relief as in the San Mateo
11 Actions based on virtually identical allegations that defendants’ conduct contributed to climate
12 change. (*See, e.g.*, Dick Decl. Ex. F-G (Santa Cruz Actions Complaints).) On January 19, 2018, the
13 Chevron Parties removed the Santa Cruz Actions to this District.

14 **III. The Santa Cruz Actions Are Related to the San Mateo Actions.**

15 **A. The Santa Cruz Actions and the San Mateo Actions Involve the Same Events, Al-** 16 **legations, Legal Theories and Overlapping Parties.**

17 Each of the defendants in the Santa Cruz Actions is named as a defendant in the San Mateo
18 Actions. While the five actions have been filed by five different municipalities, each one purports to
19 be brought on behalf of (at least in part) the People of the State of California, and all five municipali-
20 ties are represented by the same outside counsel.

21 The Santa Cruz Actions and the San Mateo Actions involve substantially the same factual al-
22 legations, events, and legal theories. Just as in the Santa Cruz Actions, the complaints in the San
23 Mateo Actions allege that the “pollution from the production and use of defendants’ fossil fuel prod-
24

25 ² The Chevron Parties contend that the Santa Cruz Actions meet Local Civil Rule 3-12(b)’s defini-
26 tion of “related” with respect to the San Francisco Actions, for the same reasons asserted in de-
27 fendants’ administrative motion to relate the San Mateo Actions to the San Francisco Actions.
28 (Dkt. 170). As noted above, the Executive Committee denied that motion. While the Chevron
Parties believe that their initial position was correct, in view of the Executive Committee’s prior
decision the Chevron Parties will not reassert points raised in that motion here to demonstrate the
Santa Cruz Actions are related to the San Francisco Actions. Moreover, counsel for plaintiffs in
the San Francisco Actions has declined to stipulate to relate these actions. *See* Dick Decl. ¶ 3.

1 ucts plays a direct and substantial role in the unprecedented rise in emissions of greenhouse gas pol-
2 lution and increased atmospheric CO₂ concentrations” and “gravely dangerous changes occurring to
3 the global climate.” (*See, e.g.*, San Mateo Compl. ¶ 2.) Indeed, these allegations are contained in the
4 *same numbered paragraph* in all five complaints. (*See, e.g.*, San Mateo Compl. ¶ 2; Santa Cruz
5 Compls. ¶ 2).

6 Also just as in the Santa Cruz Actions, the San Mateo Actions allege that defendants “have
7 known for nearly a half century that unrestricted production and use of their fossil fuel products cre-
8 ate greenhouse gas pollution that warms the planet and changes our climate” but “nevertheless en-
9 gaged in a coordinated, multi-front effort to conceal and deny their own knowledge of those threats,
10 discredit the growing body of publicly available scientific evidence, and persistently create doubt
11 . . . about the reality and consequences of the impacts of their fossil fuel pollution.” (*See e.g.*, San
12 Mateo Compl. ¶ 1; Santa Cruz Compls. ¶ 1).

13 Moreover, the San Mateo Actions allege identical types of injuries as the Santa Cruz Actions.
14 Just like the Santa Cruz Actions, the complaints in the San Mateo Actions allege that plaintiffs—po-
15 litical subdivisions “bordered on two [or three] sides by water”—are “among the most vulnerable
16 counties to sea level rise in California” and “particularly susceptible to injuries from sea level” rise.
17 (*See e.g.*, San Mateo Compl. ¶ 8; Santa Cruz Compls. ¶ 8). Once again, these allegations are made in
18 the same numbered paragraph in all five complaints.

19 The Santa Cruz Actions and the San Mateo Actions involve the exact same eight causes of
20 action and seek identical relief. All five complaints assert one cause of action for public nuisance on
21 behalf of the People of the State of California and seven causes of action on behalf of themselves for
22 public nuisance, strict liability for failure to warn, strict liability for design defect, private nuisance,
23 negligence, negligence for failure to warn, and trespass. For these asserted claims, each complaint
24 requests identical relief: compensatory damages, equitable relief to abate the alleged nuisances, puni-
25 tive damages, disgorgement of profits, costs of suit, and attorneys’ fees.

26 **B. Relating the San Mateo Actions and Santa Cruz Actions Will Promote Judicial**
27 **Economy and Reduce the Risk of Conflicting Results.**

28 Because these actions involve the exact same causes of action brought by the same counsel
for similarly-situated plaintiffs against substantially the same defendants based on the same alleged

1 conduct, relation certainly will prevent “unduly burdensome duplication of labor and expense or con-
 2 flicting results” that could occur if the cases are “conducted before different Judges.” *See* Civ. L.R.
 3 3-12(a)(2). Indeed, given the similarity of the factual allegations, events, and legal theories, early mo-
 4 tion practice and discovery (should the cases proceed to that stage) will be almost identical. For ex-
 5 ample, in their notices of removal, the San Mateo defendants asserted seven independent grounds for
 6 removal and provided comprehensive legal arguments and authority in support. Plaintiffs filed a mo-
 7 tion to remand, which has been fully briefed, and oral argument is scheduled for February 15. The
 8 Santa Cruz defendants have filed substantially similar notices of removal, asserting the same seven
 9 grounds and legal arguments. Requiring different judges to analyze and rule on almost identical sets
 10 of papers would be a tremendous waste of the resources of the parties and the Court.

11 Relating these cases also will reduce the risk of inconsistent or conflicting rulings with respect
 12 to the legal issues framed by each complaint, including whether there is federal jurisdiction over
 13 plaintiffs’ claims and whether any complaint states a claim upon which relief may be granted. As
 14 noted, plaintiffs’ motion to remand in the San Mateo Actions is already fully briefed and oral argu-
 15 ment has been scheduled. Moreover, defendants in both sets of cases plan, at the appropriate time, to
 16 move to dismiss the complaints under Rule 12. Because the complaints assert the same eight causes
 17 of actions, predicated on essentially identical factual allegations and legal theories, these motions will
 18 be substantially similar to one another. Having these motions heard by a single judge will not only
 19 reduce the possibility of “conflicting results” within this District, but will prevent “unduly burden-
 20 some duplication of labor and expense.” *See* Civ. L.R. 3-12(a)(2).

21 **IV. Conclusion**

22 For the foregoing reasons, this Motion should be granted.

23 Respectfully submitted,

24 Dated: January 25, 2018

GIBSON, DUNN & CRUTCHER LLP

26 By: /s/ Theodore J. Boutrous, Jr.

Theodore J. Boutrous, Jr.

27 *Attorneys for Defendants Chevron Corporation and*
 28 *Chevron U.S.A., Inc.*

CERTIFICATE OF SERVICE

I, Kelsey J. Helland, declare as follows:

I am employed in the County of San Francisco, State of California, I am over the age of eighteen years and am not a party to this action; my business address is 555 Mission Street, Suite 3000, San Francisco, CA 94105-0921, in said County and State.

I hereby certify that on January 25, 2018, the foregoing Administrative Motion to Relate Cases was filed with the Clerk of the Court via CM/ECF. Notice of this filing will be sent by email to all registered parties by operation of the Court’s electronic filing systems.

I further certify that on January 25, 2018, the foregoing Administrative Motion to Relate Cases was served on the following parties by the means described below:

- BY ELECTRONIC SERVICE:** On the above-mentioned date, the documents were sent to the persons at the electronic notification addresses as shown below.
- I am employed in the office of Ethan D. Dettmer, a member of the bar of this court, and the foregoing document(s) was(were) printed on recycled paper.

<u>Attorneys for Plaintiff The County of Santa Cruz</u>	<u>Attorneys for Plaintiffs The City and The County of Santa Cruz</u>
--	--

Dana McRae
 dana.mcrae@santacruzcounty.us
 Jordan Sheinbaum
 jordan.scheinbaum@santacruzcounty.us
 SANTA CRUZ OFFICE OF THE COUNTY
 COUNSEL
 701 Ocean Street, Room 505
 Santa Cruz, CA 95060
 Tel: (831) 454-2040
 Fax: (831) 454-2115

Victor M. Sher
 vic@sheredling.com
 Matthew K. Edling
 matt@sheredling.com
 Meredith S. Wilensky
 meredith@sheredling.com
 Timothy R. Sloane
 tim@sheredling.com
 Martin D. Quiñones
 marty@sheredling.com
 Katie H. Jones
 katie@sheredling.com
 SHER EDLING LLP
 100 Montgomery Street, Suite 1410
 San Francisco, CA 94104
 Tel: (628) 231-2500
 Fax: (628) 231-2929

Attorneys for Plaintiff The City of Santa Cruz

Anthony P. Condotti
tcondotti@abc-law.com
ATCHISON, BARISONE & CONDOTTI,
APC
City Attorney for City of Santa Cruz
333 Church Street
Santa Cruz, CA 95060
Tel: (831) 423-8383
Fax: (831) 576-2269

Attorneys for Defendant Encana Corp.

Michael F. Healy
Michael L. Fox
Sedgwick L.L.P.
333 Bush Street
30th Floor
San Francisco, CA 94104-2834
Telephone: (415) 781-7900
E-mail: michael.healy@sedgwicklaw.com
michael.fox@sedgwicklaw.com

Attorneys for Defendant Anadarko Petroleum Corp.

James J. Dragna
Bryan Killian
Yardena Zwang-Weissman
Morgan, Lewis & Bockius LLP
300 South Grand Ave., 22nd Floor
Los Angeles, CA 90071-3132
Telephone: (213) 680-6436
E-Mail: jim.dragna@morganlewis.com
bryan.killian@morganlewis.com
yardena.zwang-weissman@morganlewis.com

Attorneys for Defendants Devon Energy Corp.; Devon Energy Production Co., L.P.

Joy C. Fuhr
Greg Evans
Steven Williams
McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Telephone: (804) 775-4341
E-Mail: jfuhr@mcguirewoods.com
gevans@mcguirewoods.com
srwilliams@mcguirewoods.com

Attorneys for Defendants ConocoPhillips, ConocoPhillips Co.; Phillips66

Carol M. Wood
King & Spalding
1100 Louisiana, Suite 4000
Houston, TX 77002
Telephone: (713) 751-3209
E-Mail: cwood@kslaw.com

Attorneys for Defendants Eni S.p.A. and Eni Oil & Gas Inc.

David E. Cranston
Greenberg Glusker Fields Claman & Machtinger LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, CA 90067
Telephone: (310) 785-6897
E-Mail: Dcranston@greenbergglusker.com

Attorneys for Defendants BP P.L.C. and BP America, Inc.

Attorneys for Defendant CITGO Petroleum Corporation

Philip H. Curtis
Nancy Milburn
Matthew T. Heartney
John D. Lombardo
Jonathan W. Hughes
Arnold & Porter Kaye Scholer
250 West 55th Street
New York, NY 10019-9710
Telephone: (212) 836-7199
E-Mail: Philip.Curtis@apks.com
Nancy.Milburn@apks.com
Matthew.Heartney@apks.com
John.Lombardo@apks.com
Jonathan.Hughes@apks.com

Peter Duchesneau
Craig A. Moyer
Jeffrey Davidson
Douglas Boggs
Manatt, Phelps & Phillips, LLP
11355 W. Olympic Blvd.
Los Angeles, CA 90064
Telephone: (310) 312-4209
E-Mail: pduchesneau@manatt.com
cmoyer@manatt.com
JDavidson@manatt.com
DBoggs@manatt.com

Attorneys for Defendant Apache Corporation

Attorneys for Defendant Exxon Mobil Corp.

Patrick W. Mizell
Vinson & Elkins LLP
1001 Fannin St., Suite 2500
Houston, TX 77002
Telephone: (713) 758-2932
E-Mail: pmizell@velaw.com

Jaren Janghorbani
Paul, Weiss, Rifkind, Wharton
& Garrison LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: (212) 373-3211
E-Mail: jjanghorbani@paulweiss.com

Dawn Sestito
O'Melveny & Myers LLP
400 South Hope Street, 18th Floor
Los Angeles, CA 90071
Telephone: (213) 430-6352
E-Mail: dsestito@omm.com

Attorneys for Defendant Hess Corporation

**Attorneys for Defendants Marathon Oil Co.,
Marathon Oil Corp.**

J. Scott Janoe
Chris Carr
Jonathan Shapiro
Baker Botts LLP
One Shell Plaza 910 Louisiana Street
Houston, TX 77002-4995
Telephone: (713) 229-1553
E-Mail: scott.janoe@bakerbotts.com
chris.carr@bakerbotts.com
jonathan.shapiro@bakerbotts.com

J. Scott Janoe
Chris Carr
Jonathan Shapiro
Baker Botts LLP
One Shell Plaza 910 Louisiana Street
Houston, TX 77002-4995
Telephone: (713) 229-1553
E-Mail: scott.janoe@bakerbotts.com
chris.carr@bakerbotts.com
jonathan.shapiro@bakerbotts.com

**Attorneys for Defendant Marathon Petro-
leum Corp.**

**Attorneys for Defendants Occidental Petro-
leum Corp. and Occidental Chemical Corp.**

Shawn Regan
Ann Marie Mortimer
Shannon S. Broome
Clare Ellis
Jennifer L. Bloom
Hunton & Williams LLP
200 Park Ave., 52nd Floor
New York, NY 10166
E-Mail: sregan@hunton.com
amortimer@hunton.com
sbroome@hunton.com
cellis@hunton.com
JBloom@hunton.com

Matthew R. Stammel
Vinson & Elkins LLP
Trammell Crow Center
2001 Ross Avenue, Suite 3700
Dallas, TX 75201-2975
Telephone: (214) 220-7776
E-Mail: mstammel@velaw.com

**Attorneys for Defendants Total E&P USA
Inc., Total Specialties USA Inc.**

**Attorneys for Defendants Repsol S.A.,
Repsol Energy North America Corp., and
Repsol Trading USA Corp.**

Paul D. Clement
Andy Clubock
Susan Engel
Andy McGaan
Anna Rotman
Kirkland & Ellis LLP
655 Fifteenth Street, N.W.
Washington, D.C. 20005-5793
Telephone: (202) 879-5000
E-Mail: Paul.clement@kirkland.com
Andrew.clubok@kirkland.com
Susan.engel@kirkland.com
Andrew.mcgaan@kirkland.com
Anna.rotman@kirkland.com

J. Scott Janoe
Chris Carr
Jonathan Shapiro
Baker Botts LLP
One Shell Plaza 910 Louisiana Street
Houston, TX 77002-4995
Telephone: (713) 229-1553
E-Mail: scott.janoe@bakerbotts.com
chris.carr@bakerbotts.com
jonathan.shapiro@bakerbotts.com

**Attorneys for Defendants Royal Dutch Shell
p.l.c. and Shell Oil Products Co., LLC**

Daniel P. Collins
Jerry Roth
Munger Tolles & Olson LLP
350 South Grand Ave., 50th Floor
Los Angeles, CA 90071
Telephone: (213) 683-9125
E-Mail: daniel.collins@mto.com
jerome.roth@mto.com

David Frederick
Brendan Crimmins
Kellogg Hansen Todd Figel & Frederick PLLC
Sumner Square
1615 M Street, N.W., Suite 400
Washington, D.C. 20036
Telephone: (202) 326-7951
E-Mail: dfrederick@kellogghansen.com
bcrimmins@kellogghansen.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(FEDERAL) I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 25, 2018

By: /s/ Kelsey J. Helland

Kelsey J. Helland