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

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

21 Plaintiff,

22 v.

23 CHEVRON CORP., et al.,

24 Defendants.
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26
27
28

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

**DEFENDANTS' NOTICE OF APPEAL AND
REPRESENTATION STATEMENT**

CASE NO. 3:17-CV-4929-VC

The CITY OF IMPERIAL BEACH, a
municipal corporation, individually and on
behalf of THE PEOPLE OF THE STATE OF
CALIFORNIA,

CASE NO. 3:17-CV-4934-VC

Plaintiff,

v.

CHEVRON CORP., et al.,

Defendants.

The COUNTY OF MARIN, individually and
on behalf of THE PEOPLE OF THE STATE
OF CALIFORNIA,

CASE NO. 3:17-CV-4935-VC

Plaintiff,

v.

CHEVRON CORP., et al.,

Defendants.

[Additional Counsel Listed on Signature Page]

NOTICE OF APPEAL *

Pursuant to 28 U.S.C. §§ 1291 and 1447(d), notice is hereby given that Defendants in the above-named cases hereby appeal to the United States Court of Appeals for the Ninth Circuit from the orders entered on March 16, 2018 granting Plaintiffs' motions to remand these actions to state court. *See* 3:17-cv-04929, ECF No. 223; 3:17-cv-04934, ECF No. 207; 3:17-cv-04935, ECF No. 208. Defendants removed these cases from state court pursuant to, *inter alia*, 28 U.S.C. § 1442 (the federal officer removal statute). *See, e.g.*, No. 17-cv-04929, ECF No. 1 at 1. Although Section 1447(d) generally prohibits appellate review of remand orders, it provides that "an order remanding a case to the State court from which it was removed pursuant to section 1442 or 1443 of this title shall be reviewable by appeal or otherwise." 28 U.S.C. § 1447(d). Accordingly, the Court of Appeals has jurisdiction to review the district court's remand order, which concluded, *inter alia*, that removal was not warranted under the federal officer removal statute. No. 17-cv-04929, ECF No. 223 at 5. In addition, because section 1447(d) expressly authorizes review of the *order* remanding these actions to state court, the Court of Appeals may review the *entire order* to determine whether removal was proper under any of Defendants' other grounds of removal.

March 26, 2018

Respectfully submitted,

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* This Notice of Appeal is submitted subject to and without waiver of any defense, affirmative defense, or objection, including personal jurisdiction, insufficient process, or insufficient service of process.

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Pursuant to Rule 12(b) of the Federal Rules of Appellate Procedure and Circuit Rules 3-2(b) and 12-2, Defendants submit this Representation Statement. The following list identifies all parties to the action, and also identifies their respective counsel by name, firm, address, telephone number, and email, where appropriate.

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