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Attorneys for Defendant ROYAL DUTCH SHELL PLC

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

14 CITY OF OAKLAND and THE PEOPLE OF
 THE STATE OF CALIFORNIA, acting by
 15 and through Oakland City Attorney
 BARBARA J. PARKER,

16 Plaintiffs,

17 vs.

18 BP P.L.C., et al.,

19 Defendants.

Case No. 17-06011 WHA

STATEMENT BY ROYAL DUTCH SHELL PLC RE EFFECT OF WAIVER OF SERVICE OF PROCESS PER THIS COURT'S MAY 29, 2018 ORDER

Judge: Hon. William Alsup

21 CITY AND COUNTY OF SAN FRANCISCO
 and THE PEOPLE OF THE STATE OF
 22 CALIFORNIA, acting by and through San
 Francisco City Attorney DENNIS J.
 23 HERRERA,

24 Plaintiffs,

25 vs.

26 BP P.L.C., et al.,

27 Defendants.

Case No. 17-06012 WHA

1 Pursuant to the Court’s May 29, 2018 “Order Re Service of Process,” Defendant Royal
2 Dutch Shell plc submits the following statement: If Plaintiffs take advantage of Royal Dutch Shell
3 plc’s offer to sign and return a waiver of service of summons as provided by and subject to the
4 provisions of Fed. R. Civ. P. 4(d), then upon the filing of such waiver the summons and complaint
5 are deemed served on Royal Dutch Shell plc, *see* Fed. R. Civ. P. 4(d)(4), and the current motion to
6 dismiss pursuant to Rule 12(b)(5) would be moot. To the extent that a waiver of service of
7 summons ordinarily affords an extension of time to respond to the complaint, *see* Fed. R. Civ. P.
8 4(d)(3), Royal Dutch Shell plc does not invoke any such extension or contend that it would be
9 applicable here, where Royal Dutch Shell plc has otherwise already also filed a motion to dismiss
10 under Rules 12(b)(2) and 12(b)(6). Accordingly, if the Rule 12(b)(5) motion is mooted by a
11 waiver of service of summons under Rule 4(d), then the issues raised by Royal Dutch Shell plc in
12 its pending motion to dismiss under Rules 12(b)(2) and 12(b)(6) need not be reargued.¹

13 DATED: May 30, 2018

Respectfully submitted,

14 By: /s/ Jerome C. Roth
15 Attorneys for Defendant ROYAL DUTCH SHELL PLC

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27 _____
28 ¹ Defendant Royal Dutch Shell plc does not by this submission, or by any subsequent waiver of
service of summons, waive objections to personal jurisdiction or venue.