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October 7, 2019

VIA ECF

Maria R. Hamilton  
Clerk of Court  
U.S. Court of Appeals for the First Circuit  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

Re: *Rhode Island v. Shell Oil Prods. Co., LLC*, No. 19-1818 – Defendant-Appellant BP plc’s Rule 28(j) Letter<sup>1</sup>

Dear Ms. Hamilton:

Defendant-Appellant BP plc writes to notify the Court that the district court’s stay of the remand order will expire on Wednesday, October 9, 2019. It further notifies the Court that on Friday, October 4, 2019, the Chief Justice of the United States requested that plaintiffs in parallel climate-change litigation file by October 18 a response to an application for a stay pending appeal.

This Court has before it in the above-referenced appeal a fully briefed Expedited Motion for a Stay Pending Appeal. That motion seeks a stay of the district court’s remand order.

The appeal in this action is virtually identical to an appeal currently pending in the Fourth Circuit, *Mayor and City Council of Baltimore v. BP P.L.C., et al.*, No. 19-1644 (4th Cir.). In that case, in that case, as in this one, Defendants-Appellants filed a motion for a stay pending appeal. On October 1, 2019, the Fourth Circuit denied the motion to stay pending appeal. Later that same day, Defendants-Appellants filed an Application to Stay Remand Order with Chief Justice Roberts. *BP P.L.C., et al. v. Mayor and City Council of Baltimore*, Application No. 19A368. On October 4, 2019, Chief Justice Roberts requested a response to the application by October 18, 2019 at 3 p.m. ET.

<https://www.supremecourt.gov/search.aspx?filename=/docket/DocketFiles/html/Public/19A368.html>

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<sup>1</sup> This letter 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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To ensure that the temporary stay of the district court's remand order in the present case is not allowed to expire on October 10, 2019 and before a decision by the Supreme Court in parallel action, this Court should grant the pending stay motion while the Supreme Court is considering the stay application in the *Baltimore* case. Defendants-Appellants will promptly apprise this Court of any further developments by the Supreme Court.

Sincerely,

/s/ John A. Tarantino  
[jtarantino@apslaw.com](mailto:jtarantino@apslaw.com)