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**VIA FEDERAL EXPRESS AND ELECTRONIC FILING**

Ms. Molly C. Dwyer  
Clerk of Court  
U.S. Court of Appeals for the Ninth Circuit  
95 Seventh Street  
San Francisco, CA 94103

Re: *City of Oakland, et al. v. BP p.l.c., et al.*, No. 18-16663  
(scheduled for oral argument Feb. 5, 2020)

Dear Ms. Dwyer:

Pursuant to Federal Rule of Appellate Procedure 28(j), appellees BP p.l.c., ConocoPhillips, Exxon Mobil Corporation, and Royal Dutch Shell plc file this letter to bring to the Court's attention the Supreme Court's recent grant of certiorari in *Ford Motor Co. v. Montana Eighth Judicial District Court*, No. 19-368, and *Ford Motor Co. v. Bandemer*, No. 19-369 (Jan. 17, 2020). Those consolidated cases present the question of what causal nexus is required for purposes of specific personal jurisdiction in order to demonstrate that the plaintiff's claim "arises out of or relates to" a defendant's forum-related contacts.

In this circuit, only a "but-for" connection between the plaintiff's claims and the defendant's forum-related conduct is required to establish specific jurisdiction. See *Menken v. Emm*, 503 F.3d 1050, 1058 (9th Cir. 2007). Many courts of appeals require a closer causal connection, and the Supreme Court will likely resolve that division of authority in the *Ford Motor* cases. See Br. of Appellees BP et al. 30 (citing division). Yet as appellees have explained (Br. 13-15), appellants have not satisfied even this Court's more lenient standard. Only if the Supreme Court were to eliminate the causal requirement entirely, or this Court were to determine that plaintiffs satisfied its but-for standard, could a decision in the *Ford Motor* cases affect the outcome here.

Because this case is set for oral argument next Wednesday, we would appreciate it if you would circulate this letter to the panel at your earliest convenience.

Yours sincerely,

/s/ Kannon K. Shanmugam  
Kannon K. Shanmugam

cc: All counsel of record (via electronic filing)