

**In the United States Court of Appeals
for the Fourth Circuit**

No. 19-1644

MAYOR AND CITY COUNCIL OF BALTIMORE,
PLAINTIFF-APPELLEE

v.

BP P.L.C.; BP AMERICA, INC.; BP PRODUCTS NORTH AMERICA, INC.; CROWN CENTRAL LLC; CROWN CENTRAL NEW HOLDINGS LLC; CHEVRON CORP.; CHEVRON U.S.A. INC.; EXXON MOBIL CORP.; EXXONMOBIL OIL CORPORATION; CITGO PETROLEUM CORP.; CONOCOPHILLIPS; CONOCOPHILLIPS COMPANY; PHILLIPS 66; MARATHON OIL COMPANY; MARATHON OIL CORPORATION; MARATHON PETROLEUM CORPORATION; SPEEDWAY LLC; HESS CORP.; CNX RESOURCES CORPORATION; CONSOL ENERGY, INC.; CONSOL MARINE TERMINALS LLC; SHELL PLC; SHELL USA, INC., DEFENDANTS-APPELLANTS

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR REHEARING EN BANC BY APPELLANTS**

Pursuant to Federal Rule of Appellate Procedure 27, appellants respectfully move for a 14-day extension of time to file their petition for rehearing en banc. Counsel for appellants have conferred with counsel for appellee, and appellees do not oppose this request.

1. Federal Rule of Appellate Procedure 26(b) provides that a party may receive an extension of time to file “[f]or good cause.”

2. On April 7, 2022, after remand from the Supreme Court for supplemental briefing on all of appellants' asserted grounds for removal, this Court affirmed the district court's remand of the action to Maryland state court.

3. Appellants' petition for rehearing en banc is currently due on April 21, 2022. Appellants request a 14-day extension of time to file their petition, which would make the petition due on May 5.

4. Good cause exists for appellants' request for an extension of time. This appeal encompasses complex issues of federal jurisdiction including whether claims seeking redress for harms allegedly caused by global climate change necessarily arise under federal common law and whether the Outer Continental Shelf Lands Act permits the removal of claims that necessarily implicate appellants' extraction and production of oil and gas from the Outer Continental Shelf. The panel evaluated those grounds for removal and six others in a 93-page opinion.

5. The undersigned counsel, who presented oral argument on behalf of all appellants in this matter and who has lead responsibility for preparing the petition for rehearing, has a number of impending deadlines over the next several weeks, including a reply brief for petitioner in *Oklahoma v. Castro-Huerta*, No. 21-429 (S. Ct.) (April 15, 2022) and oral argument in *Oklahoma v. Castro-Huerta*, No. 21-429 (S. Ct.) (April 27, 2022).

6. Appellants in this matter comprise 23 distinct entities represented by 19 different law firms, all of whom must approve the petition for rehearing before it can be filed.

7. The religious holidays of Easter and Passover fall within the current time for filing the petition for rehearing. The undersigned counsel, members of his team, and counsel for other appellants will be observing one of those holidays.

8. For the foregoing reasons, appellants' counsel require an additional 14 days to prepare the petition for rehearing en banc. This request for an extension of time is not made for delay, and no party will be prejudiced if it is granted.

9. Counsel for appellee has informed counsel for appellants that appellee does not oppose the requested extension.

Respectfully submitted,

/s/ Kannon K. Shanmugam
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APRIL 15, 2022

**CERTIFICATE OF COMPLIANCE
WITH TYPEFACE AND WORD-COUNT LIMITATIONS**

I hereby certify, pursuant to Federal Rules of Appellate Procedure 27(d)(2)(A), 32(a)(5), and 32(a)(6), that the attached Unopposed Motion for Extension of Time to File Petition for Rehearing En Banc is proportionately spaced, has a typeface of 14 points or more, and contains 412 words.

/s/ Kannon K. Shanmugam

KANNON K. SHANMUGAM