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Chevron Corp. and Chevron U.S.A. Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CITY OF HOBOKEN

Plaintiff,

v.

EXXON MOBIL CORP.,
EXXONMOBIL OIL CORP., ROYAL
DUTCH SHELL PLC, SHELL OIL
COMPANY, BP P.L.C., BP AMERICA
INC., CHEVRON CORP., CHEVRON
U.S.A. INC., CONOCOPHILLIPS,
CONOCOPHILLIPS COMPANY,
PHILLIPS 66, PHILLIPS 66

Civil Action No. 2:20-cv-14243

NOTICE OF REMOVAL

COMPANY, AMERICAN
PETROLEUM INSTITUTE,

Defendants.

**TO THE CLERK OF THE ABOVE-TITLED COURT AND TO PLAINTIFF
THE CITY OF HOBOKEN AND ITS COUNSEL OF RECORD:**

PLEASE TAKE NOTICE THAT Defendants Chevron Corp. and Chevron U.S.A. Inc. (collectively, “the Chevron Parties”) remove this action—with reservation of all defenses and rights—from the Superior Court of New Jersey, Law Division: Hudson County, No. HUD-L-003179-20, to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. §§ 1331, 1332(d), 1367(a), 1441(a), 1442, 1446, and 1367(a), and 43 U.S.C. § 1349(b). All other defendants that have been joined and served (collectively, “Defendants”) have consented to this Notice of Removal.

This Court has original federal question jurisdiction under 28 U.S.C. § 1331 because the Complaint necessarily arises under federal laws and treaties and presents substantial federal questions as well as claims that are completely preempted by federal law. Removal is also proper pursuant to the federal officer removal statute, 28 U.S.C. § 1442, as well as 28 U.S.C. §§ 1332(d), 1441(a), and 1446, and 43 U.S.C. § 1349(b). This Court has supplemental jurisdiction under 28 U.S.C. § 1367(a) over any claims for which it does not have original federal question jurisdiction because

they form part of the same case or controversy as those claims over which the Court has original jurisdiction.

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I. INTRODUCTION

For many decades, United States policy has expressly recognized the fundamental strategic importance of oil and gas to the Nation’s economic well-being and national security. It is not an accident that the United States Department of Defense is the single largest consumer of energy in the United States and one of the world’s largest users of petroleum fuels. And when certain OPEC countries embargoed oil sales to the United States in 1973-74, the U.S. Congress responded by, among other things, creating the Strategic Petroleum Reserve to blunt the use of petroleum as a weapon. *See* Energy Policy and Conservation Act of 1975, Pub. L. No. 94-163, 89 Stat. 871 (1975). For similar reasons, Congress enacted the Naval Petroleum Reserves Production Act of 1976, Pub. L. No. 94-258, 90 Stat. 303, 307-08 (1976), which “authorized and directed” that petroleum from the federal petroleum reserve at Elk Hills, California—which Defendant Chevron Corp. had operated for thirty-one years, developing and exploiting this capacity—“be produced at the maximum efficient rate for up to 6 years.”¹

In fact, for vital security and economic reasons, every Administration since that of Franklin D. Roosevelt has taken active steps to increase U.S. oil production. While the alleged risks of global climate change have increased focus on alternative

¹ *See also* Declaration of Joshua D. Dick (“Dick Decl.”), Ex. 2 (Steven Rattner, *Long-Inactive Oilfield is Open—for Now*, N.Y. Times (Oct. 31, 1977)); *id.* Ex. 3 (Robert Lindsey, *Elk Hills Reserve Oil Will Flow Again*, N.Y. Times (July 3, 1976)).

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