

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

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No. 19-1818

STATE OF RHODE ISLAND,  
*Plaintiff/Appellee,*

v.

SHELL OIL PRODUCTS CO., LLC; CHEVRON CORP.; CHEVRON USA, INC.; EXXONMOBIL CORP.; BP, PLC; BP AMERICA, INC.; BP PRODUCTS NORTH AMERICA, INC.; ROYAL DUTCH SHELL PLC; MOTIVA ENTERPRISES, LLC; CITGO PETROLEUM CORP.; CONOCOPHILLIPS; CONOCOPHILLIPS COMPANY; PHILLIPS 66; MARATHON OIL COMPANY; MARATHON OIL CORPORATION; MARATHON PETROLEUM CORP.; MARATHON PETROLEUM COMPANY, LP; SPEEDWAY, LLC; HESS CORP.; LUKOIL PAN AMERICAS LLC; DOES 1-100,  
*Defendants/Appellants*

GETTY PETROLEUM MARKETING, INC.,  
*Defendant.*

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On Appeal from the United States District Court for the District of Rhode Island, No. 1:18-cv-00395-WES-LDA,  
The Honorable William E. Smith, Judge

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**AMICUS BRIEF OF INDIANA AND 14 OTHER STATES  
IN SUPPORT OF APPELLANTS AND REVERSAL**

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## INTEREST OF AMICI STATES

The States of Indiana, Alabama, Alaska, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, South Carolina, Texas, Utah, and Wyoming respectfully submit this brief as *amici curiae* in support of the defendant energy producers. The Supreme Court remanded this case in light of *BP P.L.C. v. Mayor & City Council of Baltimore*, 141 S. Ct. 1532, 1538 (2021), which held that 28 U.S.C. § 1447(d)—a statute that permits appellate review of orders remanding cases removed under the federal-officer or civil-rights removal statutes—authorizes appellate consideration of all grounds raised for removal. *Amici* States urge this Court to hold that federal law entitled the defendants to remove this case—and to thereby prevent a *state* court from resolving a common-law claim expressly premised on *global* climate change.

## SUMMARY OF THE ARGUMENT

In this case the State of Rhode Island seeks judicial resolution of one of the most complicated and contentious issues confronting policy-makers today—global climate change. It seeks abatement of injuries it claims are caused by global climate change, which it in turn argues is

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