

**PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 21-2728

---

CITY OF HOBOKEN

v.

CHEVRON CORPORATION; CHEVRON U.S.A. INC.;  
EXXON MOBIL CORPORATION; EXXONMOBIL OIL  
CORPORATION; SHELL PLC; BP P.L.C.; BP AMERICA,  
INC.; CONOCOPHILLIPS; CONOCOPHILLIPS CO.;  
PHILLIPS 66; PHILLIPS 66 COMPANY; AMERICAN  
PETROLEUM INSTITUTE; SHELL USA,  
Appellants.

---

On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. No. 2:20-cv-14243)  
District Judge: Honorable John M. Vazquez

---

No. 22-1096

---

STATE OF DELAWARE, ex rel. Kathleen Jennings,  
Attorney General of the State of Delaware

v.

BP AMERICA INC.; BP P.L.C.; CHEVRON CORPORATION; CHEVRON U.S.A. INC.; CONOCOPHILLIPS; CONOCOPHILLIPS COMPANY; PHILLIPS 66; PHILLIPS 66 COMPANY; EXXON MOBIL CORPORATION; EXXONMOBIL OIL CORPORATION; XTO ENERGY INC.; HESS CORPORATION; MARATHON OIL CORPORATION; MARATHON PETROLEUM CORPORATION; MARATHON PETROLEUM COMPANY LP; SPEEDWAY LLC; MURPHY OIL CORPORATION; MURPHY USA INC.; SHELL PLC; SHELL USA; CITGO PETROLEUM CORPORATION; TOTALENERGIES SE.; OCCIDENTAL PETROLEUM CORPORATION; DEVON ENERGY CORPORATION; APACHE CORPORATION; CNX RESOURCES CORPORATION; CONSOL ENERGY INC.; OVINTIV, INC.; AMERICAN PETROLEUM INSTITUTE; TOTALENERGIES MARKETING USA, INC.,  
Appellants.

---

On Appeal from the United States District Court  
for the District of Delaware  
(D.C. No. 1:20-cv-01429)  
District Judge: Honorable Leonard P. Stark

---

Argued: June 21, 2022

Before: McKEE, RESTREPO, and BIBAS, *Circuit Judges*

(Filed: August 17, 2022)

---

Theodore J. Boutrous, Jr.  
GIBSON DUNN & CRUTCHER  
333 S. Grand Ave.  
Los Angeles, CA 90071

Thomas G. Hungar  
GIBSON DUNN & CRUTCHER  
1050 Connecticut Ave. NW  
Washington, DC 20036  
*Counsel for Appellants Chevron Corp. & Chevron USA  
Inc. (Nos. 21-2728 & 22-1096)*

Joel M. Silverstein  
Herbert J. Stern  
STERN KILCULLEN & RUFOLO  
325 Columbia Turnpike, Suite 110  
Florham Park, NJ 07932  
*Counsel for Appellants Chevron Corp. & Chevron USA  
Inc. (No. 21-2728)*

Joshua D. Dick  
GIBSON DUNN & CRUTCHER  
555 Mission St., Suite 3000  
San Francisco, CA 94105

Andrea E. Neuman  
GIBSON DUNN & CRUTCHER  
200 Park Ave., 47th Floor  
New York, NY 10166

William E. Thomson, III  
GIBSON DUNN & CRUTCHER  
333 S. Grand Ave.

Los Angeles, CA 90071  
*Counsel for Appellants Chevron Corp. & Chevron USA  
Inc. (No. 22-1096)*

William T. Marks  
Kannon K. Shanmugam  
PAUL WEISS RIFKIND WHARTON & GARRISON  
2001 K St. NW  
Washington, DC 20006

Daniel J. Toal  
Theodore V. Wells, Jr.  
PAUL WEISS RIFKIND WHARTON & GARRISON  
1285 Ave. of the Americas  
New York, NY 10019  
*Counsel for Appellants Exxon Mobil Corp. & ExxonMobil  
Oil Corp. (Nos. 21-2728 & 22-1096) & XTO Energy  
(No. 22-1096)*

Kevin H. Marino  
John D. Tortorella  
MARINO TORTORELLA & BOYLE  
437 S. Blvd.  
Chatham, NJ 07928  
*Counsel for Appellants Exxon Mobil Corp. & ExxonMobil  
Oil Corp. (No. 21-2728)*

Paul J. Fishman  
ARNOLD & PORTER KAYE SCHOLER  
One Gateway Ctr., Suite 1025  
Newark, NJ 07102

Matthew T. Heartney  
John D. Lombardo  
ARNOLD & PORTER KAYE SCHOLER  
777 S. Figueroa St., 44th Floor  
Los Angeles, CA 90017

Jonathan W. Hughes  
ARNOLD & PORTER KAYE SCHOLER  
3 Embarcadero Ctr., 10th Floor  
San Francisco, CA 94111

Nancy G. Milburn  
Diana E. Reiter  
ARNOLD & PORTER KAYE SCHOLER  
250 W. 55th St.  
New York, NY 10019  
*Counsel for Appellants BP PLC & BP America Inc.  
(Nos. 21-2728 & 22-1096)*

Steven M. Bauer  
Margaret Tough  
LATHAM & WATKINS  
505 Montgomery St., Suite 2000  
San Francisco, CA 94111

Daniel R. Brody  
Jameson R. Jones  
BARTLIT BECK  
1801 Wewatta St., Suite 1200  
Denver, CO 80202  
*Counsel for Appellants ConocoPhillips & ConocoPhillips  
Co. (Nos. 21-2728 & 22-1096)*

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.