
No. 18-1170

In the
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

EXXON MOBIL CORPORATION,

Plaintiff-Appellant,

v.

MAURA TRACY HEALEY, IN HER OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF THE STATE OF MASSACHUSETTS,
LETITIA JAMES, ATTORNEY GENERAL OF NEW YORK, IN HER
OFFICIAL CAPACITY,

Defendants-Appellees.

**MOTION TO WITHDRAW THE STATE OF MICHIGAN
FROM AUGUST 10, 2018 AMICUS BRIEF
IN SUPPORT OF PLAINTIFF-APPELLANT**

The State of Michigan moves to withdraw its support for the amicus brief filed in this case in support of plaintiff-appellant and provides the following in support of its motion:

1. On August 10, 2018, the State of Michigan under Attorney General Bill Schuette joined an amicus brief in support of plaintiff-appellant. A corrected amicus brief was filed on October 23, 2018.
2. On January 1, 2019, the new Attorney General in Michigan, Dana Nessel, took office.

3. In Michigan, the Attorney General is the chief law enforcement officer of the State, *Fieger v. Cox*, 734 N.W.2d 602, 604 (Mich. Ct. App. 2007), and the Attorney General has the authority to intervene in any action in which the Attorney General believes the interests of the People of the State of Michigan are implicated, Mich. Comp. Laws §§ 14.28, 14.101.

4. Likewise, under federal law, the State Attorney General represents the legal position for the State. *Cf.* 28 U.S.C. § 2403(b); Fed. R. Civ. P. 5(a)(1)(B).

5. In this matter, Attorney General Nessel has determined that the amicus brief filed on August 10, 2018, no longer represents the legal position of the State of Michigan. Thus, she seeks to withdraw Michigan's support for this amicus brief.

Wherefore, the State of Michigan respectfully asks this Court to grant this motion to withdraw its support for the previously filed amicus brief.

Respectfully submitted,

Dana Nessel
Attorney General

/s/ Fadwa A. Hammoud
Fadwa A. Hammoud (P74185)
Solicitor General
Counsel of Record
Attorney for State of Michigan
P.O. Box 30212
Lansing, MI 48909
(517) 241-8403
HammoudF1@michigan.gov

Date: February 7, 2019

CERTIFICATE OF SERVICE

I certify that on February 7, 2019, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

/s/ Fadwa A. Hammoud
Fadwa A. Hammoud (P74185)
Solicitor General
Counsel of Record
Attorney for State of Michigan
P.O. Box 30212
Lansing, MI 48909
(517) 241-8403
HammoudF1@michigan.gov

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 18-1170 Caption [use short title]

Motion for: Motion to Withdraw the State of Michigan from August 10, 2018 Amicus Brief in Support of Plaintiff-Appellant

Set forth below precise, complete statement of relief sought: On 8/10/2018, the State of Michigan joined a multi-state amicus brief supporting the Plaintiff-Appellant. Michigan no longer supports the position of this amicus brief. No changes for other amici states, we only represent the State of Michigan in this motion.

Exxon Mobil Corp. v. Maura Tracy Healey

MOVING PARTY: State of Michigan OPPOSING PARTY: Exxon Mobil Corp.

- Plaintiff Defendant Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Fadwa A. Hammoud OPPOSING ATTORNEY: Justin Anderson [name of attorney, with firm, address, phone number and e-mail] Fadaw A. Hammoud, Solicitor General for Michigan Paul, Weiss, Rifkind, Wharton & Garrison Michigan Department of Attorney General, PO Box 30212 2001 K St, NW, Washington DC 20006 Lansing, MI 48909, 517-335-7628, HammoudF1@michigan.gov 202-223-7321 janderson@paulweiss.com

Court- Judge/ Agency appealed from:

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1): Yes No (explain):

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below? Yes No Has this relief been previously sought in this court? Yes No Requested return date and explanation of emergency:

Opposing counsel's position on motion: Unopposed Opposed Don't Know Does opposing counsel intend to file a response: Yes No Don't Know

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted) Has argument date of appeal been set? Yes No If yes, enter date:

Signature of Moving Attorney: /s/ Fadwa A. Hammoud Date: 2/7/2019 Service by: CM/ECF Other [Attach proof of service]