VERMONT SUPERIOR COURT
WASHINGTON UNIT, CIVIL DIVISION

STATE OF VERMONT, Plaintiff, v. ATLANTIC RICHFIELD COMPANY, et al., Defendants.	Docket No. 340-6-14 Wncv

TOTAL PETROCHEMICALS & REFINING USA, INC.'S MOTION TO RECONSIDER, OR IN THE ALTERNATIVE FOR PERMISSION TO APPEAL THE COURT'S ORDER ON ITS MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

1. Pursuant to V.R.C.P. 54(b) and V.R.A.P. 5(b) Total Petrochemicals & Refining USA, Inc. ("TPRI") submits this Motion to Reconsider or in the Alternative for Permission to Appeal the Court's January 15, 2015 Order ("Opinion") denying its Motion to Dismiss Plaintiff's Original Complaint for Lack of Personal Jurisdiction, and would respectfully show the Court as follows:

I. INTRODUCTION

2. TPRI files this Motion to seek reconsideration or permission to appeal the Court's recently issued Opinion denying TPRI's Motion to Dismiss for Lack of Personal Jurisdiction ("Motion to Dismiss") for three main reasons: (1) the Opinion fails to address or distinguish more recently decided precedent confirming that neither the unilateral conduct of a third party nor participation in a national market is sufficient, alone, to support personal jurisdiction; (2) the Court's conclusion that TPRI's products were "undisputedly" distributed for sale in Vermont is incorrect and unsupported by the record; and (3) the Court's reliance on *Dall v. Kaylor* is misplaced due to the striking contrast of the fact patterns presented.

II. LEGAL STANDARD

3. Motions to reconsider interlocutory orders are reviewable subject to the Court's general power of revision contained in V.R.C.P. 54(b). Although there are no strict standards, "it is within the plenary power of a trial court to afford such relief as justice requires" and "in accordance with the principles of equity and fair play." *Dudley v. Snyder*, 436 A.2d 763, 764 (Vt. 1981); *Putney Sch. V. Schaaf*, 599 A.2d 322, 328 (Vt. 1991). A party is generally entitled to relief where it can "point to controlling decisions or data that the court overlooked – matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." *Latouche v. N. Country Union High Sch. Dist.*, 131 F. Supp. 2d. 568, 569 (D. Vt. 2001) (quoting *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995)). TPRI is filing this Motion to Reconsider because it believes the Court overlooked more recent controlling case law pertaining to the central legal question presented by TPRI's Motion to Dismiss and misinterpreted the factual positions of the parties as they relate to the critical issue of whether TPRI's product was ever delivered to the State of Vermont. A more fulsome understanding of either of these important matters could reasonably persuade the Court to alter its initial conclusion.

4. In the alternative, TPRI is requesting the Court's permission to seek an interlocutory appeal of its recent Opinion. Pursuant to V.R.A.P. 5(b), a defendant must show three elements to obtain an interlocutory appeal: "(1) the ruling to be appealed must involve a controlling question of law; (2) there must be a substantial ground for difference of opinion on that question of law; and (3) an immediate appeal must materially advance the termination of the litigation." *State v. Jenne*, 591 A.2d 85, 88 (Vt. 1991). As set forth in detail below, this Motion to Reconsider involves the controlling legal question of whether participation in a national

market can subject a non-resident defendant with no other constitutionally relevant ties to the State of Vermont to personal jurisdiction in the State. TPRI's substantial grounds for its difference of opinion with the Court's Opinion are primarily based on controlling United States Supreme Court precedent as applied by courts in both Vermont and outside of this jurisdiction. Because a ruling in TPRI's favor would result in a full dismissal with prejudice, it is unquestionable that the appeal sought would materially advance the termination of this litigation as to TPRI.

III. ARGUMENT

A. The Court's Failure to Address or Distinguish More Recent Case Law Mandates Reconsideration of its Opinion

5. In its Reply in Support of its Motion to Dismiss, TPRI argued that reliance on the United States District Court for the Southern District of New York's 2005 opinion in *In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation* would be improper in light of a number of more recently decided cases reaching the opposite conclusion, including one decided less than a year ago by the Southern District of New York itself. 399 F. Supp. 2d 325 (S.D.N.Y. 2005). The Court's almost exclusive reliance on the reasoning of the 2005 opinion coupled with the failure to distinguish or even address any of the more recent case law put forward by TPRI merits reconsideration of its Opinion.

6. As set forth in detail in TPRI's Reply, the overwhelming body of recently decided case law confirms the fact that neither participation in a national market nor the unilateral conduct of a third party can subject a non-resident defendant to personal jurisdiction in Vermont in the absence of other constitutionally relevant contacts. While TPRI is reluctant to burden the Court with a reiteration of the arguments presented in its Reply, it believes the following brief

timeline outlining only the most salient cases is critical to the Court's consideration of this Motion to Reconsider.

7. **January 14, 2011—*Emery v. Shell Oil Company*, No. 80-2-09 Wncv (Vt. Super. Ct. Jan. 14, 2011).** In *Emery,* the Honorable Geoffrey W. Crawford presided over this Court in addressing the issue of whether a chemical manufacturer who maintained no other constitutionally relevant ties to Vermont should nevertheless be "subject to suit in Vermont because it knew that its products were being marketed nationally." *Id.* at 6. The Court relied upon the controlling precedent developed in *World-Wide Volkswagen* and *Asahi* in summarily rejecting the theory. In the Court's view, the argument that a defendant "should be subject to the jurisdiction of every state because it knew its products were being marketed nationally" would reflect an even broader theory than that endorsed by Justice Brennan in his concurrence in *Ashahi*. *Id.* "[The] United States Supreme Court has never endorsed a stream of commerce theory as broad as that apparently advocated here . . . ." *Id.*

8. **June 27, 2011—*J. McIntyre Machinery, Ltd. V. Nicastro*, 131 S. Ct. 2780 (2011).** Less than six months later, in a plurality opinion written by Justice Kennedy, the United States Supreme Court overturned the Supreme Court of New Jersey's prior ruling that a foreign manufacturer could be subject to personal jurisdiction in State of New Jersey solely because it "knows or reasonably should know that its products are distributed through a nationwide distribution system that might lead to those products being sold in any of the fifty states." *Id.* at 2785 (citing *Nicastro v. McIntryre Machinery America, Ltd.*, 987 A.2d 575, 591, 592 (2010). Justice Breyer's concurring opinion agreed with the plurality on this critical point, arguing that this view "would permit every State to assert jurisdiction in a products-liability suit against any domestic manufacturer who sells its products . . . . to a national distributor . . . ." *Id.* at 2793.

9. This Court's Opinion cited to *McIntyre* for the proposition that a defendant "may in an appropriate case be subject to jurisdiction without entering the forum . . . ." Opinion at 2 (citing *McIntyre*, 131 S. Ct. at 2788). However it failed to address the Supreme Court's view on when such an appropriate case might arise: "The defendant's transmission of goods permits the exercise of jurisdiction **only where the defendant can be said to have targeted the forum**: as a general rule, it is not enough that the defendant might have predicted that its good will reach the forum State." *McIntyre*, 131 S. Ct. at 2788 (emphasis added).

10. **February 25, 2014—*Walden v. Fiore*, 134 S. Ct. 746 (2014).** In *Walden*, a unanimous Supreme Court reaffirmed the longstanding bedrock principle that personal jurisdiction must rest on a relationship that "the **defendant himself** creates with the forum State." *Id.* at 1122 (citing *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475 (1985)). The ruling confirms the fact that the unilateral activity of a third party cannot serve to confer jurisdiction over a non-resident defendant with no other constitutionally relevant ties to the forum. While *Walden* did not address the implications of its conclusion on existing stream-of-commerce jurisprudence, it has since been relied upon to reject the notion that a distributor can be subject to personal jurisdiction based solely on the actions of a third party—even where the defendant had full knowledge that the third party planned to and, in fact, did deliver its products to the forum. *In re MTBE Products Liability Litigation*, No. Master File No. 1:00-1898, MDL No. 1358 (SAS), No. M21-88, 2014 WL 1778984 (S.D.N.Y. May 5, 2014).

11. **May 5, 2014—*In re MTBE Products Liability Litigation*, 2014 WL 1778984.** Shortly after *Walden* was decided, the United States District Court for the Southern District of New York was presented with the opportunity to revisit the question of whether the exercise of personal jurisdiction is proper based on the stream-of-commerce theory alone. Here, the

defendant in question, who had no other ties to the forum State of Puerto Rico, sold neat MTBE to a third party who then delivered the product to Puerto Rico. *Id.* At *1, 3. While the defendant had no involvement in determining the ultimate destination of the product, it was fully aware that the product was destined for Puerto Rico. *Id.* at *10. The court nevertheless concluded that "the independent decision of [a third party] to ship the MTBE to Puerto Rico does not establish [personal] jurisdiction over [the defendant]." *Id.* at 11. The court rested its conclusion on the same Supreme Court precedent advanced herein by TPRI. It cited *World-Wide Volkswagen* for the principle that "foreseeability alone has never been a sufficient benchmark for personal jurisdiction under the Due Process Clause," and then looked to the recent holding in *Walden* in reasoning that "[i]nstead, '[d]ue process requires that a defendant be haled into court in a forum State based on *his own* affiliation with the State, not based on the random, fortuitous, or attenuated contacts he makes by interacting with persons affiliated with the State.'" *Id.* at 11 (citing *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 295 (1980); *Walden*, 134 S. Ct. at 1123) (emphasis in original). The court's reasoning is all the more compelling here because the defendant there was not simply aware that its products were being marketed nationally, but, in fact, was acutely aware that they were being shipped directly to the forum State. The Court's failure to address or even mention this more recent pronouncement from the Southern District of New York suggests it may have overlooked the opinion in reaching its conclusion.

B. The Court's Factual Conclusion that TPRI's Products were Distributed to Vermont is Unsupported by the Record

12. In conclusion, the Court's Opinion states as follows: "Because TPRI undisputedly manufactured neat MTBE and MTBE gasoline and sold those products to national distributors who in turn distributed those products for sale . . . in Vermont, TPRI has sufficient

contacts with the State of Vermont for the exercise of personal jurisdiction . . . ." Opinion at 3. The Court's factual conclusion that TPRI's products were "distributed . . . to Vermont" is wholly unsupported by the record and certainly not a matter of undisputed fact. There is no evidence in the record to support the conclusion that a single gallon of either neat MTBE or MTBE gasoline either manufactured or distributed by TPRI ever reached the State of Vermont. TPRI's briefing on its Motion to Dismiss is clear on that point. *See e.g.*, Reply at ¶¶ 12 ("Plaintiff here has failed to establish that any of TPRI's product was ever sold in Vermont."); 15 ("Far from establishing a 'regular course' of sales in Vermont, Plaintiff has failed to articulate anything more than a possibility that at some point in time, some unknown volume of TPRI's products may have 'ended up' in Vermont") (citing Burke Aff. at ¶¶ 23, 24, 25, 27); 20 ("The only material difference [between the facts presented here and those in the *Puerto Rico* personal jurisdiction decision] is the fact that Plaintiff here has no evidence that *any* of TPRI's product ever actually reached the State of Vermont.").

13. Having no actual evidence of TPRI's product reaching Vermont, Plaintiff was forced to hire an expert to opine as to what might have happened. However, Plaintiff's own expert is unable to state with any certainty whether TPRI's product was ever delivered to Vermont. In his twenty-page opinion, he never reaches any conclusion that TPRI's product was delivered to Vermont, only stating over and over that the possibility is merely "more likely than not." *See* Burke Aff. at ¶¶ 24, 25, 27. Based on the foregoing record, the Court's conclusion that TPRI's product "undisputedly" reached the State of Vermont is in error. TPRI finds the factual misstatement concerning both to the extent that it misstates the record and to the extent it provides a faulty foundation for the Court's ultimate conclusion.

14. The Court's Opinion also seems to suggest that TPRI's Motion to Dismiss is based on a desire to escape liability in "any jurisdiction." The Court writes that "although TPRI sold millions of gallons of MTBE containing gasoline into the northeastern United States gasoline market, [TPRI argues that] it cannot reasonably expect to be haled into **any specific jurisdiction** because it did not distribute the gasoline itself and remained ignorant of where its gasoline was distributed." Opinion at 3 (emphasis added). The statement both misrepresents the grounds of TPRI's Motion to Dismiss and displays an unawareness of TPRI's involvement in MTBE litigation pending in jurisdictions where it actually maintained the requisite level of minimum contacts. By way of example, TPRI is currently a defendant in the state-wide MTBE case brought by the New Jersey Department of Environmental Protection. *New Jersey Department of Environmental Protection v. Atlantic Richfield Co.*, Master File No. 1:00-1898, MDL 1358 (SAS), No. 08 Civ. 00312 (S.D.N.Y. filed Jan. 14, 2008). TPRI did not challenge personal jurisdiction in that matter because it maintained physical operations in New Jersey and actually made sales of gasoline containing MTBE in New Jersey. TPRI's Motion to Dismiss is not based on a desire to escape the jurisdiction of every court in the northeastern United States, but rather a good-faith objection to the exercise of personal jurisdiction in the State of Vermont—a state in which it has never refined, manufactured, blended, or otherwise made, marketed, advertised, or sold any product containing MTBE and one in which it is not even qualified to do business. Arterburn Aff. at ¶¶ 3, 4. The Court's misunderstanding of TPRI's motivation for filing its Motion to Dismiss exhibits a need to more fully consider its factual basis.

C. The Court's Reliance on *Dall v. Kaylor* is in Error

15. The Court's Opinion also relies heavily on its interpretation of the Supreme Court of Vermont's nearly twenty-year-old ruling in *Dall v. Kaylor*, 163 Vt. 274 (1995). The Court cited to *Dall* in reaching its conclusion that "where a defendant intentionally acts to place its product into a national distribution system in order to advance its commercial interests, 'it should reasonably anticipate being sued in Vermont if a dispute arises from these activities.'" Opinion at 2 (*citing Dall,* 163 Vt. at 276.). Not only is this statement at odds with the more recently decided precedent outlined above confirming that participation in a national market alone is insufficient to establish personal jurisdiction, it is an unreasonably broad expansion of the Vermont Supreme Court's holding in *Dall.*

16. In *Dall*, the defendant's product did not reach the forum State through a national distribution network, nor through the hands of a third party. The defendant advertised its products for sale in a nationally circulated publication that reached potential customers in Vermont "over a hundred times." *Id.* at 275. Upon viewing one such advertisement, the plaintiff contacted the defendant directly and entered into a contract for the sale of one of the advertised Hanoverian horses. *Id.* The parties arranged for delivery of the horse to Vermont, whereupon the plaintiff discovered that it suffered from a congenital and chronic bone disease and subsequently filed suit. *Id.*

17. The product in question reached the State of Vermont through the direct and purposeful conduct of the defendant, making the exercise of personal jurisdiction proper. The court reasoned that it did not offend the traditional notions of fair play and substantial justice to subject the defendant to personal jurisdiction in Vermont because the defendant not only advertised its products for sale in the state but also because it "'creat[ed] continuing relationships

and obligations' with [its] citizens." *Id.* at 277 (citing *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 473 (1985). TPRI never advertised its products for sale in Vermont, nor did it ever create any "continuing relationships [or] obligations" with its citizens. *See e.g.*, Motion to Dismiss at Ex. 1 (Affidavit of Kim Arterburn) at ¶ 3. In fact, there is no evidence that TPRI's product ever made it to the State of Vermont at all. None of the facts critical to the holding in *Dall v. Kaylor* are present here, making this Court's reliance on it to support its ruling questionable.

IV. CONCLUSION

18. Based on the foregoing, pursuant to V.R.C.P. 54(b) TPRI therefore respectfully requests that this Court grant this Motion to Reconsider and reverse its ruling on TPRI's Motion to Dismiss for Lack of Personal Jurisdiction. In the alternative, pursuant to V.R.A.P. 5(b), TPRI requests that this Court grant TPRI permission to seek an interlocutory appeal of its Opinion denying TPRI's Motion to Dismiss for Lack of Personal Jurisdiction.

Dated: February 2, 2015

Respectfully submitted,

RYAN SMITH & CARBINE, LTD.

Harry R. Ryan
Eric J. Morgan
98 Merchants Row/P.O. Box 310
Rutland, Vermont 05702-0310
Tel. (802) 786-1044
Fax (802) 786-1100
hrr@rsclaw.com
ejm@rsclaw.com

BRACEWELL & GIULIANI LLP

M. Coy Connelly – *admitted pro hac vice*
Amy E. Parker – *admitted pro hac vice*
Robert D. Ayers, Jr. – *admitted pro hac vice*
711 Louisiana Street, Suite 2300
Houston, Texas 77002-2770
Tel. (713) 221-1335
Fax (713) 221-1212
coy.connelly@bgllp.com
amy.parker@bgllp.com
robert.ayers@bgllp.com

Counsel for Defendant
Total Petrochemicals & Refining USA, Inc.

VERMONT SUPERIOR COURT
WASHINGTON UNIT, CIVIL DIVISION

STATE OF VERMONT, Plaintiff, v. ATLANTIC RICHFIELD COMPANY, et al., Defendants.	Docket No. 340-6-14 Wncv

CERTIFICATE OF SERVICE

Pursuant to V.R.C.P. Rule 5(d), on the 2nd day of February, 2015, I served the following:

- Total Petrochemicals & Refining USA, Inc.'s Motion to Reconsider, or in the Alternative for Permission to Appeal the Court's Order on its Motion to Dismiss for Lack of Personal Jurisdiction

on all parties by emailing copies of the same upon:

All Local Counsel of Record

DATED at Rutland, Vermont this 2nd day of February, 2015.

TOTAL PETROCHEMICALS & REFINING

By: _____

Harry R. Ryan, Esq.
Eric J. Morgan, Esq.
Ryan Smith & Carbine, Ltd.
P.O. Box 310
Rutland, Vermont 05702-0310
hrr@rsclaw.com
(802) 786-1040
ERN: 18

9366-001/574656

STATE OF VERMONT

Superior Court
Washington Unit

Civil Division
Docket No. 340-6-14 Wncv

State of Vermont

v.

Atlantic Richfield Co., et al.

STATE OF VERMONT'S OPPOSITION TO DEFENDANT TOTAL PETROCHEMICALS & REFINING USA, INC.'S MOTION TO RECONSIDER, OR IN THE ALTERNATIVE FOR PERMISSION TO APPEAL THE COURT'S ORDER ON ITS MOTION TO DISMISS PLAINTIFF'S ORIGINAL COMPLAINT FOR LACK OF PERSONAL JURISDICTION

Plaintiff, the State of Vermont, opposes Defendant Total Petrochemicals & Refining USA, Inc.'s Motion to Reconsider, or in the Alternative for Permission to Appeal the Court's Order on its Motion to Dismiss Plaintiff's Original Complaint for Lack of Personal Jurisdiction (filed Feb. 2, 2015) ("Motion"). In support of its Opposition, the State submits the following Memorandum of Law.

BACKGROUND

The State filed suit to recover damages arising from widespread contamination of Vermont's groundwater, public trust resources, public water wells, private water wells, and underground storage tank ("UST") sites with methyl tertiary butyl ether ("MTBE"), a chemical that was blended into gasoline sold in the United States from approximately 1980 to

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

2006. The State sued the petroleum companies, including Total Petrochemicals & Refining USA, Inc. ("TPRI"), that manufactured MTBE, produced gasoline containing MTBE, and/or blended MTBE into gasoline that was supplied in the State. *See* Plaintiff's Original Complaint ("Complaint") at ¶5. The Complaint alleges that all Defendants – including TPRI – "refined, marketed and/or otherwise supplied (directly or indirectly) MTBE and/or gasoline containing MTBE" that contaminates "the State's property and waters." *Id.* at ¶¶16, 16(x).

TPRI moved to dismiss the State's complaint under Rule 12(b)(2) on the ground that the Court lacks personal jurisdiction over TPRI. *See* Total Petrochemicals & Refining USA, Inc.'s Motion To Dismiss For Lack Of Personal Jurisdiction (filed Aug. 21, 2014) ("Motion to Dismiss"). TPRI argued that it is not subject to jurisdiction in Vermont courts because it did not physically make or personally sell MTBE or MTBE-containing gasoline in Vermont. In support of this contention, TPRI specifically asserted, with citations to an attached affidavit, that

> TPRI has never refined gasoline containing MTBE, manufactured MTBE, blended MTBE, supplied gasoline containing MTBE, or otherwise made, marketed, advertised, stored, or sold any product containing MTBE in Vermont. TPRI has never owned, operated, or leased any gasoline service stations, terminals, underground storage tanks, or other gasoline distribution facilities in Vermont. Additionally, TPRI has never entered into any contractual relationship with any jobber or other distributor for the delivery of MTBE or gasoline containing MTBE to gasoline service

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

> stations or other gasoline distribution or storage facilities located in Vermont.

Motion to Dismiss at 4 (internal citations omitted). TPRI also averred that it is a Delaware corporation with its principal place of business in Houston, Texas and has never owned real estate in, maintained an office in, assigned officers to, or maintained a bank account or physical address in Vermont. *Id.* at 3. Based on these facts, TPRI argued that it could not be subject to personal jurisdiction in Vermont courts. TPRI never stated that it had *not* placed its products in a stream of commerce known to reach Vermont, nor did it expressly deny that its products had reached the State.

In its Opposition, the State argued that, notwithstanding TPRI's physical absence from Vermont, controlling United States Supreme Court precedent demonstrated that the Court could properly exercise jurisdiction because TPRI knowingly and purposefully placed its products in a national stream of commerce that included Vermont. *See* State of Vermont's Opposition to TPRI's Motion to Dismiss (filed Sept. 19, 2014) ("Opposition") at 9-25. The State submitted a supporting affidavit from Bruce Burke, a chemical engineer and petroleum distribution expert, explaining three critical facts distinguishing gasoline from other consumer products. First, units of gasoline are functionally interchangeable or "fungible," so that any specific unit of gasoline at retail cannot be identified as the product of any particular refiner. Opposition, Exhibit A ("Burke Aff.") at ¶¶ 17-22. Second, gasoline moves from manufacturer to customer via a dedicated distribution

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

system involving thousands of miles of fixed pipelines, terminals, and delivery points. *Id.* at ¶¶ 6, 13-21. Third, refiners' gasolines are physically blended together or "commingled" during this transportation from refinery to station, so that the gasoline that arrives at any particular endpoint is an intentionally blended product made up of gasoline from many different refiners. *Id.* at ¶ 21-22. These facts demonstrate why no one — including TPRI — can identify the manufacturer or refiner of any given unit of gasoline that was the source of MTBE found in the environment. Complaint at ¶¶ 40-42, 176; Burke Aff. at ¶¶ 17-22.

To make a *prima facie* showing that TPRI's products were sold in Vermont (and, therefore, that jurisdiction is proper), the State pointed to TPRI's knowing participation in this distribution system (and the national stream of commerce) through four activities: (1) producing gasoline in Texas that was shipped via pipeline to gasoline distribution centers that supply the East Coast and Vermont; (2) blending MTBE into gasoline in New Jersey for sale to the East Coast and Vermont; (3) importing MTBE-gasoline into New Jersey for resale to the East Coast and Vermont; and (4) making and selling neat MTBE in Texas for sale to other national refiners who, in turn, blended that MTBE into gasoline marketed nationwide. Opposition at 9-12; Burke Aff. at ¶¶ 13, 24-27. The State's expert concluded that, based on these activities, it is more likely than not that TPRI's gasoline containing MTBE or neat MTBE supplied the State of Vermont. Opposition at 9-12; Burke Aff. at ¶¶ 13, 24-27. Moreover, the State's expert

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

concluded, based on his experience in the industry over decades and TPRI's "activities and the known national distribution system," that TPRI would have had "the expectation that some of its gasoline with MTBE, or neat MTBE would ultimately be sold into and used in Vermont." Burke Aff. at ¶ 28.

Notably, TPRI did not directly challenge these opinions nor offer in reply any contrary facts or expert opinion. TPRI instead rested on its three-page affidavit from one of its senior accountants without ever discussing or detailing any of its downstream operations.

In its Decision and Order of January 15, 2015 ("Decision"), the Court denied TPRI's Motion to Dismiss. The Decision first acknowledges that "TPRI has never refined gasoline, manufactured MTBE, blended MTBE into gasoline or itself sold, stored, marketed, or advertised gasoline containing MTBE or neat MTBE in Vermont." Decision at 1. The Court then explained that "TPRI has, however, sold MTBE gasoline and neat MTBE to national distributors," and refined gasoline in Texas that was then "distributed to the entire northeastern United States, including Vermont." *Id.* at 2. The Court concluded that "[b]ecause TPRI undisputedly manufactured neat MTBE and MTBE gasoline and sold those products to national distributors who in turn distributed those products for sale in the northeast market, including in Vermont, TPRI has sufficient contacts with the State of Vermont for the exercise of personal jurisdiction over it with respect to

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

alleged injuries resulting from the sale of MTBE gasoline in Vermont." *Id.* at 3.

LEGAL STANDARDS

The standard for granting a motion for reconsideration "'is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.'" *Latouche v. N. Country Union High Sch. Dist.*, 131 F. Supp. 2d 568, 569 (D. Vt. 2001) (*quoting Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995)); *see also Our Lady of Guadalupe Home Found., Inc. v. Massucco*, 2010 WL 3617110, at *4 (Vt. Super. Ct. June 22, 2010) (same). The Court should not grant a motion to reconsider where the moving party seeks solely to relitigate an issue already decided. *Latouche*, 131 F. Supp. 2d at 569. Nor should the Court grant such a motion where the moving party cites no new controlling decisions or data that could reasonably be expected to alter the court's conclusion. *Id.*; *see also Mansfield Heliflight, Inc. v. Heli-One Canada Inc.*, 2012 WL 5493583, at *1-2 (D. Vt. Nov. 13, 2012) (denying reconsideration of order denying motion to dismiss on personal jurisdiction grounds).

In the alternative, TPRI has moved for permission to take an interlocutory appeal. The Court must permit an appeal from an interlocutory order if the Court finds that: (A) the order or ruling involves a controlling question of law about which there exists substantial ground for

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

difference of opinion; and (B) an immediate appeal may materially advance the termination of the litigation. V.R.A.P. 5(b)(1); *see also In re Pyramid Co.*, 141 Vt. 294, 301, 449 A.2d 915, 918 (1982).

A question of law is an issue "capable of accurate resolution by an appellate court without the benefit of a factual record," and it is "controlling" where "reversal would have a substantial impact on the litigation, either by saving substantial litigation time, or by significantly narrowing the range of issues, claims, or defenses at trial." *In re Pyramid Co.*, 141 Vt. at 303-04. A "substantial ground for difference of opinion," exists where "a reasonable appellate judge could vote for reversal of the challenged order." *Id.* at 307. As no such ground exists here, and as TPRI merely presents to the Court the identical authority it relied on in its original motion, the Court should deny TPRI's motion in its entirety.

ARGUMENT

Neither reconsideration nor interlocutory appeal is warranted here. TPRI's Motion falls far short of demonstrating "new controlling decisions or data" or the existence of a "controlling question of law" about which there is "substantial ground for difference of opinion," resorting instead to reproducing the argument made in its original Motion to Dismiss.

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

I. Reconsideration Is Inappropriate Because TPRI Points To No New Controlling Decisions or Data That Could Reasonably Be Expected To Alter The Court's Conclusion.

A. TPRI Cites No New Controlling Authority.

As discussed in the State's Opposition at 14-25, in several cases the United States Supreme Court has addressed the circumstances under which an out-of-state manufacturer's placement of goods into the stream of commerce will subject it to jurisdiction in the forum state. Only one of those, *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297 (1980), stands as a majority opinion. Because the others, *Asahi Metal Industry Co., Ltd. v. Superior Court*, 480 U.S. 102 (1987) and *J. McIntyre Mach., Ltd. v. Nicastro*, 131 S. Ct. 2780, 2788 (2011), are not majority but plurality opinions, they are not binding decisions of the Court and do not supplant *World-Wide Volkswagen* as controlling precedent. *See In re Methyl Tertiary Butyl Ether ("MTBE") Prods. Liab. Litig.*, 2005 WL 106936, at *8 (S.D.N.Y. Jan. 18, 2005); *Marks v. United States*, 430 U.S. 188, 193 (1977) (the holding in a case resulting in a plurality is "that position taken by the Members who concurred in the judgment on the narrowest grounds").

Recognizing its precedential authority, this Court appropriately applied the *World-Wide Volkswagen* analysis to deny TPRI's motion. In *World-Wide Volkswagen*, the Supreme Court explained that when

> the sale of a product of a manufacturer or distributor such as Audi or Volkswagen is not simply an isolated occurrence, but arises from the efforts of the manufacturer or distributor to serve, directly or indirectly, the market for its product in other States, it is not unreasonable to subject it to suit in one of those States if its allegedly defective merchandise has there been the source of injury to its own or to others. The forum State does not exceed its powers under the Due Process Clause if it asserts personal jurisdiction over a corporation

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

> that delivers its products into the stream of commerce with the expectation that they will be purchased by consumers in the forum State.

444 U.S. at 297-98. These principles support this Court's finding that TPRI "took affirmative action when it chose to sell neat MTBE and MTBE blended gasoline through the national distribution scheme and specifically the Colonial Pipeline and its operations within New Jersey" and the conclusion that TPRI is, therefore, subject to jurisdiction in Vermont. As the State noted in its opposition and at oral argument on the motion to dismiss, the facts as alleged and as set forth in the State's expert affidavit were that "Total participated in a national market and distribution system that it understood and expected would place its product in Vermont." Transcript, Motions Hearing (Nov. 13, 2014) ("Tr.") at 69; Burke Aff. at ¶ 28.

To support its bid for reconsideration, TPRI charges that the Court erred by adhering to *World-Wide Volkswagen* and overlooking "more recent controlling case law." Motion at 2. TPRI points to four opinions as critical to the Court's consideration: *Walden v. Fiore*, 134 S. Ct. 746 (2014), *J. McIntyre Mach., Ltd. v. Nicastro*, 131 S. Ct. 2780 (2011), *In re Methyl Tertiary Butyl Ether ("MTBE") Prods. Liab. Litig.*, 2014 WL 1778984 (S.D.N.Y. May 5, 2014), and *Emery v. Shell Oil Company*, No. 80-2-09 Wncv (Vt. Super. Ct. Jan. 14, 2011). *Id.* at 4-6.

None of these cases are new, nor were they previously unavailable to the Court, however. TPRI cited all of these cases in its briefs on the Motion to Dismiss, and counsel raised all of them at oral argument. *See* Motion to

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

Dismiss at 1 (*citing In re MTBE*), 8 (*McIntyre*), 9 (*Walden*); Reply at 4, 10 (*Walden*), 8-10, 14 (*McIntyre*), 11-12 (*In re MTBE*), 15-16 (*Emery*); Tr. at 63-64, 72-73, 80. Thus, the Court did not "overlook" these authorities, as is required for reconsideration. *See Latouche*, 131 F. Supp. 2d at 569. The Court considered them and rejected TPRI's interpretation. In any event, none of these opinions would, even if considered anew, alter the Court's Decision because all are factually distinguishable and none are controlling. *See id.*

Each of these opinions was decided on a significantly different factual scenario than the one presented here because the commerce at issue in those cases was less a "regular flow" than a spray of random drops. In *McIntyre*, a British manufacturer sold a handful of machines to a U.S. distributor who then resold them in various states without any regular, planned distribution scheme. 131 S. Ct. at 2786. Similarly, in *In re MTBE*, a Texas company made isolated and discrete sales of MTBE to an oil company in Texas without any intent to serve the isolated island market of the forum jurisdiction (Puerto Rico). 2014 WL 1778984 at *1.[1]

Likewise, in *Emery*, an Iowa chemical company sold its products to another manufacturer, who incorporated them into its own products, but had not undertaken systematically to serve the Vermont market. No. 80-2-

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

[1] TPRI is simply incorrect to claim that in this *In re MTBE* opinion, the MDL court "reversed its thinking," Tr. at 65, or overruled its earlier opinions holding personal jurisdiction proper in Vermont over out-of-state defendants who deliberately participated in the national distribution system or supplied product to national distributors. Nowhere in the 2014 opinion did the court retreat from the rationale or conclusions of its earlier opinions. *See generally In re MTBE*, 2014 WL 1778984; 399 F. Supp. 2d 325, 332 (S.D.N.Y. 2005); 2005 WL 106936 (S.D.N.Y. Jan. 18, 2005).

09 Wncv at 2. Even further afield, *Walden* did not involve a stream-of-commerce analysis at all; the question at issue was whether a search and seizure performed in Georgia established jurisdiction in Nevada in individuals' intentional tort claims against a Georgia officer. 134 S. Ct. at 1119-21. Because none of these opinions analyze the knowing use of an established system for consistently serving the market of the forum state, and because the Court has already considered them and TPRI's arguments about them, these opinions do not require reconsideration.

Moreover, none of these is a "controlling" decision as required for reconsideration. *See Latouche*, 131 F. Supp. 2d at 569. As discussed above, *McIntyre* is a more recent opinion than *World-Wide Volkswagen* but is not a majority opinion. And in fact the plurality in *McIntyre* opined that jurisdiction should lie where (as here) a sale is part of the "regular flow" of commerce into the forum, 131 S. Ct. at 2792, and recognized that *World-Wide Volkswagen* stands for the "unexceptional proposition" that jurisdiction will lie "where manufacturers or distributors 'seek to serve' a given State's market." 131 S. Ct. at 2788. Just so; the allegations in the Complaint and the facts set forth in Mr. Burke's affidavit meet this standard exactly.

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

B. TPRI Offers No New Data That Would Alter the Court's Conclusion.

TPRI next attacks the Court's finding that the State had met its *prima facie* showing as to facts that would support the exercise of personal

jurisdiction. TPRI characterizes the Court's conclusion that TPRI's products were "'distributed ... to Vermont'" as "wholly unsupported by the record." Motion at 7. But TPRI fails to produce any new data that would alter the Court's factual conclusion, as required for reconsideration. *See Latouche*, 131 F. Supp. 2d at 569. And the record amply supported the Court's conclusion that TPRI's products reached Vermont. Indeed, the Court could not have reached any *other* factual conclusion based on the pleadings and submissions of the parties.

TPRI did not, does not, and cannot, challenge the Court's acceptance of the State's allegations and evidence. The State needed only to make a *prima facie* showing of jurisdiction and the Court "must consider the pleadings and affidavits in a light most favorable to the plaintiff." *N. Sec. Ins. Co. v. Mitec Elecs., Ltd.*, 2008 VT 96, ¶ 15, 184 Vt. 303, 965 A.2d 447 (quotation omitted). The Court must accept the evidence submitted by the plaintiff as true. *Schwartz v. Frankenhoff*, 169 Vt. 287, 295, 733 A.2d 74, 81 (1999). Thus, the Court properly accepted the State's assertions and evidence in the light most favorable to the State, as the law requires.

Contrary to TPRI's assertions, the Court correctly resolved the factual issues based on the pleadings and affidavits. The State's Complaint alleges that TPRI "refined, marketed and/or otherwise supplied (directly or indirectly) MTBE and/or gasoline containing MTBE" that contaminates "the State's property and waters." Complaint at ¶16. The State alleges that TPRI's MTBE and MTBE gasoline were fungible products, commingled with

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

those of other refiners in the distribution system. *Id.* at ¶¶ 17, 40-42, 176-177. The State then put into evidence the expert affidavit of Bruce Burke, who confirmed these allegations and further opined that based on TPRI's use of the established distribution system and sales to national distributors, TPRI's products were, more likely than not, supplied to Vermont. Burke Aff. at ¶¶ 13, 24-28. Finally, the State's evidence, which the Court was bound to accept at this stage, was that TPRI *understood and expected* that its products would reach Vermont. *Id.* ¶¶ 27-28. Contrary to TPRI's assertion, the Court had before it ample evidence that far more than "a single gallon" of TPRI's product was supplied to Vermont.

Although TPRI now takes issue with the characterization of these facts as "undisputed," Motion at 1,7, they were — quite literally — undisputed before this Court. TPRI did not present a competing set of facts for the Court's consideration. It could have submitted an expert affidavit countering Mr. Burke's opinions, but it did not. It could have submitted documentary evidence showing that its gasoline was *not* shipped via the pipeline system (if any such evidence exists), but it did not. It could have attempted to demonstrate that its gasoline or MTBE customers did *not* use this system or sell to Vermont, but it did not. TPRI's silence in the face of the evidence submitted by the State is telling. TPRI instead relied solely on the pat recitation that it lacks a physical or transactional presence in Vermont. The Court accepted that recitation, but disagreed with TPRI about the conclusions to be drawn from it. TPRI's unhappiness with the

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

Court's conclusion does not signal that the Court should have found otherwise. *See Mansfield Heliflight, Inc.*, 2012 WL 5493583, at *1-2.

TPRI has not produced new data that would alter the Court's factual conclusion, and thus its motion should be denied. *See Latouche*, 131 F. Supp. 2d at 569. TPRI argues that reconsideration is necessary to correct the "Court's misunderstanding of TPRI's motivation for filing its Motion to Dismiss." Motion at 8. Even if TPRI's litigation motives were somehow relevant to the Court's personal-jurisdiction analysis, which they are not, TPRI again claims that the Court should consider additional facts but fails to provide them. Because it has neither identified nor submitted new data, the Court must deny reconsideration.

TPRI's Motion to Reconsider adds nothing new or instructive that would alter the Court's Decision. Its current motion simply reargues the original motion to dismiss and cites, again, the original authorities. The Court should deny a motion to reconsider that seeks solely to relitigate an issue already decided. *Latouche*, 131 F. Supp. 2d at 569. Equally, the Court should deny such a motion where the moving party fails to offer any new controlling decisions or data that one could reasonably expect to alter the Court's conclusion. *Id.*

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

II. TPRI Waived Its Request for an Interlocutory Appeal by Failing to Include any Substantive Legal Argument.

To show entitlement to interlocutory appeal, TPRI must show that: (A) the order or ruling involves a controlling question of law about which

there exists substantial ground for difference of opinion; and (B) an immediate appeal may materially advance the termination of the litigation. V.R.A.P. 5(b)(1); *see also In re Pyramid Co.*, 141 Vt. 294, 301, 449 A.2d. 915, 918 (1982). Here, TPRI did neither. TPRI's entire argument is made in three wholly conclusory sentences. *See* Motion at 2-3. These conclusory statements are not substantiated by any developed argument or authorities supporting TPRI's right to interlocutory appeal. Since TPRI's argument was made "without elaboration or citation to legal authority," it is waived. *In re Citizens Utils. Co.*, 171 Vt. 447, 458, 769 A.2d 19, 29 (2000); *see also United States v. Zygmont*, 2013 WL 3246139, at *10 n.3 (D. Vt. June 26, 2013) ("'Issues not sufficiently argued in the briefs are considered waived'.") (quoting *Norton v. Sam's Club*, 145 F.3d 114, 117 (2d Cir. 1998)). Nowhere does TPRI demonstrate that personal jurisdiction is an issue "capable of accurate resolution by an appellate court without the benefit of a factual record," *In re Pyramid Co.*, 141 Vt. at 303-04, or cite opinions establishing that "a reasonable appellate judge could vote for reversal of the challenged order," *id.* at 307.

Even if, *arguendo*, TPRI had not waived this argument, however, appellate courts discourage interlocutory appeals of a trial court's initial determination of a *prima facie* showing of personal jurisdiction. *Koehler v. Bank of Bermuda Ltd.*, 101 F.3d 863, 866-67 (2d Cir. 1996); *Jenkins v. Miller*, 2014 WL 5421228, at *2 (D. Vt. Oct. 24, 2014) (denying motion for

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

certification of interlocutory appeal of denial of motion to dismiss for lack of personal jurisdiction).

In *Koehler*, the Second Circuit granted an interlocutory appeal of a district court's denial of a motion to dismiss for lack of personal jurisdiction before discovery had occurred. After observing that the appeal presented what was potentially "an incomplete record" and sought determination of "an ephemeral question of law that may disappear in the light of a complete and final record," it concluded that review was premature. *Koehler*, 101 F.3d at 866. "We conclude that certification of the personal jurisdiction question at this initial stage of the proceeding in the absence of discovery and a district court hearing to determine the jurisdictional question by a preponderance of the evidence was improvidently granted. Rather than advancing the cause of saving court time, this premature certification expanded it." *Id.* at 867.

The same concern exists here. In its Opposition to TPRI's Motion to Dismiss, the State requested that the Court allow jurisdictional discovery if TPRI's motion were not denied outright. Opposition at 33. Ignoring the State's right to such discovery before dismissal, TPRI now claims that a ruling in its favor "would result in a full dismissal with prejudice." Motion at 3. But in fact a ruling in TPRI's favor on an interlocutory appeal could, and likely would, simply result in the State being allowed the jurisdictional discovery to which it is entitled. Thus, it is not the case that interlocutory appeal "would materially advance the termination of this litigation as to

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

TPRI." *See id.*; *see also Jenkins*, 2014 WL 5421228 at *2 (same; noting also that because "the case involves more than one defendant . . . an interlocutory appeal by a single defendant will not materially advance the termination of the litigation).

CONCLUSION

TPRI has fallen far short of meeting the burden for either reconsideration or interlocutory appeal. Its Motion to Reconsider is merely an attempt to reargue the Motion to Dismiss without any new case law or data that might alter the Court's Decision. The State respectfully requests this Court deny TPRI's Motion to Reconsider, and its request for permission to take an interlocutory appeal.

Dated: February 13, 2015

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Scot L. Kline
Gavin J. Boyles
Robert F. McDougall
Assistant Attorneys General
109 State Street
Montpelier, VT 05609-1001
Phone: (802) 828-3186
scot.kline@state.vt.us
gavin.boyles@state.vt.us
robert.mcdougall@state.vt.us

Scott Summy, *pro hac vice*
Celeste Evangelisti, *pro hac vice*
Carla Burke, *pro hac vice*
BARON & BUDD, P.C.

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

Matthew F. Pawa, *pro hac vice*
Benjamin A. Krass, *pro hac vice*
PAWA LAW GROUP, P.C.

Robert J. Gordon, *pro hac vice*
Robin Greenwald, *pro hac vice*
William A. Walsh, *pro hac vice*
WEITZ & LUXENBERG, P.C.

Office of the ATTORNEY GENERAL
109 State Street
Montpelier, VT 05609

VERMONT SUPERIOR COURT
WASHINGTON UNIT, CIVIL DIVISION

2015 FEB 27 A 11:39

STATE OF VERMONT, Plaintiff, v. ATLANTIC RICHFIELD COMPANY, et al., Defendants.	Docket No. 340-6-14 Wncv

TOTAL PETROCHEMICALS & REFINING USA, INC.'S REPLY IN SUPPORT OF ITS MOTION TO RECONSIDER, OR IN THE ALTERNATIVE FOR PERMISSION TO APPEAL THE COURT'S ORDER ON ITS MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

1. Pursuant to V.R.C.P. 54(b) and V.R.A.P. 5(b), Total Petrochemicals & Refining USA, Inc. ("TPRI") submits this Reply in Support of its Motion to Reconsider or in the Alternative for Permission to Appeal the Court's January 15, 2015 Order ("Opinion") denying its Motion to Dismiss Plaintiff's Original Complaint for Lack of Personal Jurisdiction, and would respectfully show the Court as follows:

I. INTRODUCTION

2. TPRI files this Reply in order to briefly respond to the arguments raised Plaintiff's Opposition to TPRI's Motion to Reconsider.

II. ARGUMENT

A. Plaintiff Misstated the Legal Standard Applicable to Motions to Reconsider and Mischaracterized the Basis for TPRI's Motion

3. Plaintiff has misstated the standard for moving to reconsider, arguing incorrectly that such motions are only appropriate upon a showing of an intervening change in controlling case law or newly developed facts. Opp. at 6. To the contrary, even in the absence of either of these factors, reconsideration may also be necessary to "to correct clear error or prevent manifest

injustice." *In Touch Concepts, Inc. v. Cellco P'ship*, 2013 U.S. Dist. LEXIS 168185, at *5-6 (S.D.N.Y. Nov. 18, 2013). It is on these grounds that TPRI has moved to reconsider.

4. Plaintiff criticizes TPRI for advancing case law that was previously submitted in its Motion to Dismiss, however, the standard on a motion to reconsider expressly permits such motions where the moving party has a reasonable basis to believe the Court "overlooked controlling decisions . . . **that were put before it** on the underlying motion." *Walia v. Napolitano*, 986 F. Supp. 2d 169 (E.D.N.Y. 2014) (quoting *Vincent v. Money Store*, No. 03-CV-2876, 2011 U.S. Dist. LEXIS 136637, at *1 (S.D.N.Y. Nov. 29, 2011)) (emphasis added). Moving parties are, in fact, prohibited from advancing "new facts, issues, or arguments not previously presented to the court." *Walsh v. McGee*, 918 F. Supp. 107, 110 (S.D.N.Y. 1996).

5. TPRI's belief that the Court may have overlooked the decisions cited in its Motion to Reconsider is based on the fact that outside of a brief reference to *McIntyre*, the Court's Opinion lacks any discussion of the impact of those rulings. The Court instead concludes that TPRI's sale of MTBE and gasoline containing MTBE to so-called "national distributors" should subject it to personal jurisdiction in the State of Vermont without ever addressing any of the more recent authority to the contrary. The most significant example is the United States Supreme Court's refusal to accept a view of personal jurisdiction that "would permit every State to assert jurisdiction in a products-liability suit against any domestic manufacturer who sells its products . . . . to a national distributor . . . ." *J. McIntyre Machinery, Ltd. v. Nicastro*, 131 S. Ct. 2780, 2973 (2011).

6. The Court's failure to discuss *McIntyre* and the other cited decisions raises a reasonable concern that it may have overlooked them in reaching its conclusion. *See, e.g., Shrader v. CSX Transp. Inc.*, 70 F.3d 255, 257 (2d Cir. 1995) (upholding decision granting a

motion to reconsider where the movant pointed to legislative history that was presented to the district court but "not discussed in its original ruling"). TPRI is not seeking to relitigate an issue that was thoroughly considered by the Court, but rather seeking to highlight controlling case law that the Court appears to have overlooked in reaching its decision.

B. Plaintiff failed to Distinguish TPRI's Key Case Law

7. Furthermore, Plaintiff's attempts to distinguish the cited opinions are both lacking and oftentimes misleading. For example, Plaintiff asserts that "the plurality in *McIntyre* opined that jurisdiction should lie where (as here) a sale is part of the 'regular flow' of commerce into the forum, 131 S. Ct. at 2792 . . . ." Opp. at 11. The plurality in *McIntyre*, however, never reached that conclusion. The language cited by Plaintiff, in fact, originates from Justice Breyer's concurrence. It comes not from a statement made by Justice Breyer himself, but rather from one embedded in a parenthetical reference to Justice Brennan's concurrence in *Asahi*. *McIntyre*, 131 S. Ct. at 2792 (citing to *Asahi Metal Industry Co. v. Superior Court of Cal., Solano Cty.*, 480 U.S. 102, 117 (1987) (Brennan, J., concurring in part and concurring in judgment)). *McIntyre* instead stands for the proposition that personal jurisdiction cannot rest on the mere assertion that a manufacturer "knows or reasonably should know that its products are distributed through a nationwide distribution system that might lead to those products being sold in any of the fifty states." *Id.* at 2785 (citing *Nicastro v. McIntyre Mach. Am., Ltd.*, 987 A.2d 575, 591-592 (2010). Both the plurality and the concurrence are in agreement on that critical point.

8. Plaintiff similarly fails to explain how the spot sales at issue in *In re MTBE Prods. Liab. Litig.* materially differ from those at issue here. 2014 WL 1778984 (S.D.N.Y. May 5, 2014). As TPRI has noted previously, the only difference is the fact that the defendant there actually had direct knowledge that the product was destined for the forum State. Motion at ¶ 11. Plaintiff has repeatedly argued that the holding is somehow inapplicable solely because Puerto

Rico is an island and therefore receives product via barge rather than pipeline.[1] Plaintiff has failed to ever address why TPRI's purported knowledge that its products *might* reach the State of Vermont through an unidentified series of hypothetical third-party transactions should be relevant to the Court's analysis here when Tauber Oil's direct knowledge that its products were destined for delivery to Puerto Rico was deemed irrelevant to the jurisdictional analysis undertaken by the Southern District of New York. The true deciding factor in *In re MTBE* was the fact that the defendant's product reached the forum state at the unilateral discretion of a third party.

9. Plaintiff summarily dismisses the holding in *Emery* because the defendant there (who allegedly "knew that its products were being marketed nationally") "had not undertaken systematically to serve the Vermont market." Opp. at 9 (discussing *Emery v. Shell Oil Co.*, No. 80-2-09 Wncv (Vt. Super. Ct. Jan. 14, 2011)). Plaintiff, however, fails to explain how TPRI's sales of neat MTBE in Texas and Southern Louisiana could reasonably be characterized as evidencing such an intent.

10. While *Walden* did not address the stream-of-commerce theory, it conclusively (and unanimously) decided that personal jurisdiction may not lie based solely on the unilateral actions of a third party. *Walden v. Fiore*, 134 S. Ct. 746 (2014). This recent ruling by the Supreme Court is controlling here because even if any of TPRI's products ever reached the State of Vermont, it is **undisputed** that they would have done so at the hands of a third party. A fulsome consideration of each of these opinions is critical to any conclusion on TPRI's Motion to

[1] *See* 11/13/14 Hearing Tr. at 76 ("the difference . . . is factual. Puerto Rico is [not] part of that national distribution scheme. . . . Puerto Rico isn't on [the maps included in Mr. Burke's affidavit], Vermont is."); Opp. at 11 ("in *In re MTBE*, a Texas company made isolated and discrete sales . . . . without any intent to serve the isolated island market of . . . Puerto Rico").

Dismiss for Lack of Personal Jurisdiction, and it is primarily because the Court failed to include any discussion of them in its Opinion that TPRI has moved to reconsider.

C. The Court Incorrectly Concluded that TPRI's MTBE Products reached Vermont

11. Finally, as set forth in its Motion to Reconsider, TPRI believes reconsideration is necessary to correct the Court's misstatement of the factual record. TPRI has never made any admission that its products were distributed to the State of Vermont either directly or by a third party, and it therefore considers the Court's conclusion that TPRI's products "undisputedly" reached the State to be in error. Opinion at 3. Contrary to Plaintiff's assertion, TPRI is not required to put forth any new facts in support of its argument that the Court should reconsider its factual conclusion. Opp. at 12. It may instead advance its original position in an effort to prevent the "manifest injustice" that would result from an error of this magnitude remaining on the record unchallenged. *See In Touch Concepts, Inc.*, 2013 U.S. Dist. LEXIS 168185, at *5-6. While TPRI agrees that the Court must accept Plaintiff's well-pleaded allegations as true, the Court's conclusion goes beyond even the theory advanced by Plaintiff's own expert.

12. Mr. Burke never identifies any national distributor who purchased neat MTBE or gasoline containing MTBE from TPRI and "in turn distributed those products for sale . . . in Vermont." Opinion at 3. Nor does he identify the specific methods of transport necessary to result in TPRI's products reaching Vermont. He never concludes that TPRI's products ever reached the State at all, only stating over and over that the scenario he imagines is "more likely than not." *See* Burke Aff. at ¶¶ 24, 25, 27; *see also* Opp. at 4 ("The State's expert concluded that . . . it is ***more likely than not*** that TPRI's [products] supplied the State of Vermont.") and 13 ("The State put into evidence the expert affidavit of Bruce Burke, who . . . opined that . . .

TPRI's products were, ***more likely than not***, supplied to Vermont.") (emphasis added).[2] In light of this factual record, TPRI cannot reasonably allow the Court's factual conclusion that TPRI's products were "undisputedly . . . distributed . . . in Vermont" to stand unchallenged, particularly as it may have provided a faulty basis for its ultimate decision to deny TPRI's Motion to Dismiss.

D. Plaintiff's Assertion that TPRI has Waived its Request for an Interlocutory Appeal is Groundless

13. TPRI has moved, in the alternative, for the Court's permission to seek an interlocutory appeal of its Opinion denying TPRI's Motion to Dismiss for Lack of Personal Jurisdiction. As Plaintiff correctly notes, the standard for seeking such an appeal requires the movant to establish three elements: "(1) the ruling to be appealed must involve a controlling question of law; (2) there must be a substantial ground for difference of opinion on that question of law; and (3) an immediate appeal must materially advance the termination of the litigation." *State v. Jenne*, 591 A.2d 85, 88 (Vt. 1991). Plaintiff's argument that TPRI has somehow waived its right to seek an interlocutory appeal by failing to adhere to the foregoing standard, however, is meritless. TPRI identified the precise controlling question of law that it would seek to present on appeal, namely "whether participation in a national market can subject a non-resident defendant with no other constitutionally relevant ties to the State of Vermont to personal jurisdiction in the State." Motion at ¶ 4. TPRI further presented the substantial grounds for its difference of opinion on this issue in its recitation of the primary authority it believes to be

[2] Plaintiff criticizes TPRI for failing to directly challenge Mr. Burke's conclusions or to offer any contrary expert testimony of its own. Opp. at 5. TPRI's decision to refrain from doing so, however, does not reflect an acceptance of Mr. Burke's factual conclusions, but rather its firm belief that his opinions are irrelevant as a matter of law. Even accepting all of Mr. Burke's conclusions as true for purposes of its Motion to Dismiss, the most his opinions can stand for is the proposition that some unknown volume of TPRI's product reached the State of Vermont as a result of the unilateral decision of a third party. *See* Burke Aff. at ¶¶ 24, 25, 27. Because TPRI believes such contacts to be insufficient to support personal jurisdiction as a matter of law, it elected not to engage in an unnecessary factual dispute at this point in the pleadings. TPRI reserves all rights to contest Mr. Burke's conclusions should such an exercise become necessary in the future.

controlling. Motion at ¶¶ 5-11. TPRI directed the Court to four recent opinions that could very well cause "a reasonable appellate judge [to] vote for reversal of the challenged order." Opp. at 15 (citing *In re Pyramid Co.*, 449 A.2d 915, 922 (1982).

14. Plaintiff concludes by arguing that a decision in TPRI's favor would not materially advance the termination of the litigation because the ruling "could . . . result in the State being allowed the jurisdictional discovery" that it requested. Opp. at 16. The State fails to address how any such discovery would materially alter either this Court or an appellate court's analysis of the controlling question of law presented by TPRI's anticipated appeal. If the Vermont Supreme Court were to issue a ruling in TPRI's favor and decide, as a matter of law, that participation in a national market alone cannot subject a non-resident defendant to personal jurisdiction in Vermont, all claims against TPRI would be dismissed with prejudice. No amount of jurisdictional discovery could reasonably be expected to alter that result. Thus, because a decision in TPRI's favor would materially advance the termination of this litigation as to TPRI, its motion to seek an interlocutory appeal of the Court's Opinion is proper and in accordance with the legal standard for seeking such review.

III. CONCLUSION

15. Based on the foregoing, pursuant to V.R.C.P. 54(b) TPRI respectfully requests that this Court grant TPRI's Motion to Reconsider and reverse its ruling on TPRI's Motion to Dismiss for Lack of Personal Jurisdiction. In the alternative, pursuant to V.R.A.P. 5(b), TPRI requests that this Court grant TPRI permission to seek an interlocutory appeal of its Opinion denying TPRI's Motion to Dismiss for Lack of Personal Jurisdiction.

Dated: February 27, 2015

Respectfully submitted,

RYAN SMITH & CARBINE, LTD.

Harry R. Ryan
Eric J. Morgan
98 Merchants Row/P.O. Box 310
Rutland, Vermont 05702-0310
Tel. (802) 786-1044
Fax (802) 786-1100
hrr@rsclaw.com
ejm@rsclaw.com

BRACEWELL & GIULIANI LLP

M. Coy Connelly – *admitted pro hac vice*
Amy E. Parker – *admitted pro hac vice*
Robert D. Ayers, Jr. – *admitted pro hac vice*
711 Louisiana Street, Suite 2300
Houston, Texas 77002-2770
Tel. (713) 221-1335
Fax (713) 221-1212
coy.connelly@bgllp.com
amy.parker@bgllp.com
robert.ayers@bgllp.com

Counsel for Defendant
Total Petrochemicals & Refining USA, Inc.

STATE OF VERMONT

SUPERIOR COURT
Washington Unit

CIVIL DIVISION
Docket No. 340-6-14 Wncv

STATE OF VERMONT,
Plaintiff

v.

ATLANTIC RICHFIELD COMPANY, et al.
Defendants

DECISION
Defendant Total Petrochemicals & Refining USA, Inc.'s Motion to Reconsider or in the Alternative for Permission to take an Interlocutory Appeal

This matter is before the Court on a Motion to Reconsider the Court's January 16, 2015 Decision on Defendant Total Petrochemicals & Refining USA, Inc.'s ("TPRI") Motion to Dismiss for lack of personal jurisdiction. Plaintiff State of Vermont opposes the motion.

Background

This action relates to contamination of Vermont waters by methyl tertiary butyl ether ("MTBE"), a gasoline additive. The State has filed this action against 29 co-defendants, all of whom allegedly participated in the promotion, marketing, distribution, and/or sale of gasoline containing MTBE in Vermont. The State seeks remediation and recovery costs under a number of legal theories, including the violation of Vermont groundwater and natural resource protection statutes, negligence, strict products liability, public and private nuisance, trespass, and civil conspiracy.

TPRI sought to dismiss the State's claims against it for lack of personal jurisdiction. The Court denied the motion, concluding that TPRI had sufficiently directed its activities towards Vermont to support Vermont exercising personal jurisdiction over TPRI as it related to those acts. TPRI now asks the Court to reconsider this ruling, suggesting that the Court overlooked controlling precedent. In the alternative, TPRI asks for permission to take an interlocutory appeal of the Decision to the Vermont Supreme Court.

Analysis

Motion for Reconsideration

TPRI first asks the Court to reconsider the denial of its motion pursuant to Vermont Rule of Civil Procedure 54(b). Rule 54(b) provides that any order which resolve fewer than all of the

claims or rights and liabilities of fewer than all the parties "is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties." V.R.C.P. 54(b). The Court also has the inherent power to revise such an order. *Kelly v. Town of Barnard*, 155 Vt. 296, 307, 583 A.2d 614, 620 (1990) ("[U]ntil final decree the court always retains jurisdiction to modify or rescind a prior interlocutory order.") (quoting *Lindsey v. Dayton-Hudson Corp.*, 592 F.2d 1118, 1121 (10th Cir. 1979)). The Court may only revise such an interlocutory order "as justice requires and in accordance with the principle of equity and fair play." *Bostock v. City of Burlington*, 2011 VT 89, ¶ 14, 190 Vt. 582. TPRI argues that the Court overlooked controlling decisions in denying its motion and it is therefore entitled to this relief.

The cases TPRI suggests the Court overlooked were fully briefed and fully considered by the Court in deciding the initial motion, and they do not call for reconsideration. TPRI focuses on caselaw suggesting that mere knowledge of national distribution or the unilateral acts of third parties are, by themselves, insufficient to support personal jurisdiction. That reasoning is applicable to some sets of factual circumstances, but the facts of this case are easily distinguishable. TPRI took active steps in sending its products through the Colonial Pipeline from Texas to New Jersey and conducted activities in New Jersey that actively directed its products for distribution and use throughout the entire northeastern United States gasoline market, including Vermont, such that it could have foreseen being haled into court in Vermont as a destination state.

TPRI also cites to a more recent MTBE case which concluded that jurisdiction was not appropriate in Puerto Rico where the defendant had no ties to Puerto Rico other than its knowledge, *after the fact*, that a third party distributor had transported its products for sale in that territory following isolated stand-alone sales. *In re MTBE Prods. Liab. Litig.*, 2014 WL 1778984 (S.D.N.Y May 5, 2014). This case is also distinguishable. Here, TPRI directed its products through a national distribution network from Texas to New Jersey and from New Jersey to the northeastern United States. It did not engage in individual stand-alone sales of specified quantities "on the spot" with no reason to know the ultimate destination of the product.

Finding no reason to reconsider or amend the decision on TPRI's Motion to Dismiss, the Motion for Reconsideration is denied.

Motion for Interlocutory Appeal

TPRI also moves for permission to take an interlocutory appeal to the Vermont Supreme Court regarding whether Vermont has personal jurisdiction over it in this matter. A party is entitled to permission to appeal an interlocutory order only where the Court concludes the question of law addressed in the order is controlling, there exists substantial grounds for difference of opinion regarding that question, and resolution of the question through interlocutory appeal will materially advance the termination of the litigation. V.R.A.P. 5(b)(1); *In re Pyramid Co. of Burlington*, 141 Vt. 294, 301 (1982).

First, "an order may be 'controlling' if reversal would have a substantial impact on the litigation, either by saving substantial litigation time, or by significantly narrowing the range of issues, claims, or defenses at trial." *Pyramid Co. of Burlington*, 141 Vt. at 303. Regarding

TPRI's involvement as a Defendant in this case, the ruling was certainly controlling. If reversed, the State's claims against TPRI would necessarily be dismissed and TPRI would avoid this litigation altogether.

Second, there exists substantial ground for difference of opinion regarding an issue if "a reasonable appellate judge could vote for reversal of the challenged order." *Id.* at 307. The issue of when a defendant can be haled into a forum state based on its active participation in what has been called "the stream of commerce" is one that has proved difficult for even the United States Supreme Court. See *Asahi Metal Indus. Co., Ltd. v. Superior Court*, 480 U.S. 102 (1987); *J. McIntyre Mach., Ltd. v. Nicastro*, __ U.S. __, 131 S. Ct. 2780 (2011). This Court cannot say that a reasonable appellate judge could not determine that TPRI lacked sufficient contacts with the State of Vermont, and reverse the conclusion that personal jurisdiction over TPRI is proper.

Finally, resolution of this issue will determine whether or not TPRI must defend itself in what is likely to be a long and complex litigation. As the Court is permitting the State of Vermont to take an interlocutory appeal regarding the applicability of the statute of limitations, it will further the ultimate termination of this matter to resolve whether TPRI is a Defendant or not at this time as well.

Conclusion

The Court did not overlook any controlling precedent and the caselaw cited by TPRI does not alter the Court's decision on the motion to dismiss. An appeal of the Decision on TPRI's Motion to Dismiss is, however, appropriate given the nature of the legal issue decided and the criteria applicable to interlocutory appeals.

Order

For the forgoing reasons, TPRI's Motion for Reconsideration is *denied,* and

TPRI's Motion in the Alternative for Permission to take an Interlocutory Appeal is *granted.*

Dated at Montpelier, Vermont this 21st day of May 2015.

Mary Miles Teachout

Mary Miles Teachout
Superior Judge

ENTRY ORDER

SUPREME COURT DOCKET NO. 2015-204

JUNE TERM, 2015

State of Vermont	}	APPEALED FROM:
	}	
	}	
v.	}	Superior Court, Washington Unit,
	}	Civil Division
Atlantic Richfield Company, et al.	}	
	}	DOCKET NO. 340-6-14 Wncv

In the above-entitled cause, the Clerk will enter:

On May 22, 2015, the trial court issued an order in this matter granting the motion for interlocutory appeal filed by defendant Total Petrochemicals & Refining USA, Inc. (TPRI) The Court accepts review of the appeal. Appellant TPRI's docketing statement and transcript order, or a statement indicating the transcripts are not necessary for the appeal, shall be filed within ten days of this order.

BY THE COURT:

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Marilyn S. Skoglund, Associate Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

From: Cynthia Proulx <cproulx@DINSE.COM>
Sent: Tuesday, August 18, 2015 12:08 PM
To: 'scot.kline@state.vt.us'; 'gavin.boyles@state.vt.us'; 'rebecca.ronga@state.vt.us'; 'robert.mcdougall@state.vt.us'; 'rstern@pdsclaw.com'; 'bfawley@drm.com'; 'plynn@lynnlawvt.com'; 'hrr@rsclaw.com'; 'gvitt@vittandassociates.com'; 'mbyrne@gravelshea.com'; 'jsartore@pfclaw.com'; 'bcouture@pfclaw.com'; 'cnolan@sheeheyvt.com'; 'gweimer@lynnlawvt.com'; 'hhammond@gravelshea.com'; 'ejm@rsclaw.com'; 'emorgan84@gmail.com'; 'angela.vicari@kayescholer.com'; 'james.herschlein@kayescholer.com'; 'theodore.tsekerides@weil.com'; 'david.lender@weil.com'; 'allison.brown@weil.com'; 'cheryl.james@weil.com'; 'jed.winer@weil.com'; 'melody.akhavan@weil.com'; 'cburke@baronbudd.com'; 'ssummy@baronbudd.com'; 'cevangelisti@baronbudd.com'; 'michael.maroney@hklaw.com'; 'deborah.barnard@hklaw.com'; 'lmeyer@eimerstahl.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'glenn.pogust@kayescholer.com'; 'ellisond@gtlaw.com'; 'jbennett@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'sleifer@bakerbotts.com'; 'christopher.danley@bakerbotts.com'; 'andrew.running@kirkland.com'; 'andrew.langan@kirkland.com'; 'andrew.kassof@kirkland.com'; 'sylvia.winston@kirkland.com'; 'dkrainin@bdlaw.com'; 'jguttmann@bdlaw.com'; 'ncoppinger@bdlaw.com'; 'jmaher@kslaw.com'; 'jjanderson@kslaw.com'; 'lincoln.lande@gmail.com'; 'jaspinall@dowdbennett.com'; 'wkelman@pawalaw.com'; 'ccorrell@kslaw.com'; 'Rick.Wallace@sedgwicklaw.com'; 'peter.condron@sedgwicklaw.com'; 'monty.cooper@sedgwicklaw.com'; 'paul.pittman@sedgwicklaw.com'; 'mimi.dennis@sedgwicklaw.com'; 'matthew.thurlow@lw.com'; 'alan.kraus@lw.com'; 'rgordon@weitzlux.com'; 'mp@pawalaw.com'; 'ejm@rsclaw.com'; 'wwalsh@weitzlux.com'; 'bkrass@pawalaw.com'; 'rgreenwald@weitzlux.com'; Ritchie Berger; Angela Clark
Subject: 2015-201; Exxon Mobil Corp., ExxonMobile Oil Corp., and Mobil Corp.; Appellees' Brief; August 18, 2015
Attachments: BRIEF OF APPELLEES 8-18-15 (B1426956xA047C).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Counsel,

Attached please find Appellees Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Mobil Corporation's Brief, which was filed in the Supreme Court today.

Thank you.

Cindy Proulx
Legal Assistant to
W. Scott Fewell,
Angela R. Clark and
Kelli Rockandel

Dinse, Knapp & McAndrew, P.C.
209 Battery Street

P.O. Box 988
Burlington, VT 05402
W: 802-864-5751 | F: 802-862-6409
cproulx@dinse.com | www.dinse.com

IN THE SUPREME COURT OF THE STATE OF VERMONT
DOCKET NO. 2015-201

STATE OF VERMONT,
Plaintiff-Appellant

v.

ATLANTIC RICHFIELD COMPANY, et al.,
Defendants-Appellees.

INTERLOCUTORY APPEAL
FROM WASHINGTON SUPERIOR COURT
Docket No. 340-6-14 Wncv

Brief of the Appellees Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Mobil Corporation

---

Ritchie E. Berger, Esq.
DINSE, KNAPP & MCANDREW, P.C.
P.O. Box 988
209 Battery Street
Burlington, VT 05402-0988
Tel. (802) 864-5751

Deborah E. Barnard, Esq. (*pro hac vice*)
Michael T. Maroney, Esq. (*pro hac vice*)
HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116

David J. Lender, Esq. (*pro hac vice*)
Theodore E. Tsekerides, Esq. (*pro hac vice*)
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153

Attorneys for Appellees

ISSUES PRESENTED

At issue in this appeal is whether the State is subject to the six-year statute of limitations applicable to tort claims for alleged damage to groundwater by MTBE—an additive primarily used in the 1990s and early 2000s pursuant to federal regulations designed to make gasoline cleaner-burning—or whether it has a right to sit on its hands and pursue claims whenever it wishes. It is undisputed that the State has known about the presence of MTBE in groundwater, and has been involved in cleaning it up at gasoline spill sites, for over twenty years. The State has also known of the impact to groundwater in Vermont since at least 2005, when it passed legislation banning the use of MTBE in gasoline. In fact, in that legislation, the Legislature expressly mentioned lawsuits almost identical to this one brought by two Vermont municipalities and the State of New Hampshire in 2003. Despite this knowledge, the State elected to wait a decade, until June 5, 2014, to file this suit. Then, rather than identify and pursue specific sites at which MTBE was discovered in the six years preceding its filing—and the State claims there are numerous such sites—the State alleged a generalized injury to all of Vermont's groundwater for all time, regardless of its historic MTBE knowledge.

Defendants[1] moved to dismiss, asserting that the State's claims were time-barred under 12 V.S.A § 511, which provides that a plaintiff can only bring suit for claims that accrued within six years before the filing of the Complaint—in this case on or after June 5, 2008. Although the

[1] "Defendants" refers to Defendants Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Mobil Corporation. The following defendants also joined in Defendants' motion to dismiss and join in this appeal brief: Atlantic Richfield Company; BP Products North America Inc.; Chevron U.S.A. Inc.; CITGO Petroleum Corporation; CITGO Refining and Chemicals Company, L.P.; Coastal Eagle Point Oil Company; El Paso Merchant Energy-Petroleum Company; Equilon Enterprises LLC; Hess Corporation; Highland Fuel Delivery, LLC; Irving Oil Limited; Motiva Enterprises LLC; PDV Midwest Refining, L.L.C.; Shell Oil Company; Shell Oil Products Company LLC; Shell Petroleum, Inc.; Shell Trading (US) Company; Sunoco Inc. (R&M); Ultramar Energy, Inc.; Valero Energy Corporation; Valero Marketing and Supply Company; and Valero Refining-Texas, LP.

Vermont Legislature has expressly made statutes of limitation applicable to the State, see 12 V.S.A. § 461, the State argued that no limitations should apply to it. The State relied on 12 V.S.A. § 462, a limited exemption that only applies to adverse possession and prescriptive claims involving land. The State also claimed that 10 V.S.A. § 1390 created a new cause of action that was timely because it could not have been brought until the statute's effective date of June 9, 2008. The Superior Court correctly rejected both of these arguments and dismissed claims for any alleged impact to the general groundwater of Vermont, but permitted the State to amend its Complaint to put Defendants on notice of any claims that may be timely under the applicable limitations period. Rather than doing so, the State sought interlocutory review by this Court.

The issues on appeal are:

1. Whether the trial court correctly determined that 12 V.S.A. § 462 does not exempt the State's claims from the statute of limitations? (pp. 6-15)

2. Whether the trial court correctly determined that 10 V.S.A. § 1390 neither creates a new cause of action nor relieves the State of its obligation to comply with the applicable statute of limitations? (pp. 15-22)

TABLE OF CONTENTS

ISSUES PRESENTED i

TABLE OF CONTENTS iii

TABLE OF AUTHORITIES iv

STATEMENT OF THE CASE 1

STANDARD OF REVIEW 3

SUMMARY OF THE ARGUMENT 4

ARGUMENT 6

I. 12 V.S.A. § 462 Does Not Save the State's Untimely Claims 6

A. The Plain Language, History, and Extensive Case Law Construing 12 V.S.A. § 462 Demonstrate That It Only Applies to Adverse Possession and Prescriptive Claims 6

B. The State's "Common Sense" Argument and Efforts to Redefine Its Claims Do Not Support Expanding the Scope of § 462 12

II. The 2007 Amendment to 10 V.S.A. § 1390 Did Not Create a New Public Trust Cause of Action, and, Even if It Did, It Could Not Be Applied Retroactively 15

A. Section 1390 Did Not Create a New Cause of Action 15

B. Even if § 1390 Was Deemed to Have Created a New Cause of Action, It Could Not Be Applied Retroactively in This Case 19

CONCLUSION 22

CERTIFICATE OF COMPLIANCE 24

TABLE OF AUTHORITIES

Cases

Agency of Nat. Res. v. Godnick, 162 Vt. 588, 652 A.2d 988 (1994) 20

Ahmad v. Int'l Bus. Mach. Corp., No. 5:10-CV-310, 2012 WL 1940666 (D. Vt. May 29, 2012) 3

Alpine Haven Prop. Owners Ass'n, Inc. v. Deptula, 2003 VT 51, 175 Vt. 559, 830 A.2d 78 19

Bay Area Laundry & Dry Cleaning Pension Trust Fund v. Ferbar Corp., 522 U.S. 192 (1997) 22

Bd. of Regents of Univ. of State of N.Y. v. Tomanio, 446 U.S. 478 (1980) 14

Benson v. Hodgdon, 2010 VT 11, 187 Vt. 607, 922 A.2d 1053 9

Bock v. Gold, 2008 VT 81, 184 Vt. 575, 959 A.2d 990 4

Capron v. Romeyn, 137 Vt. 553, 409 A.2d 565 (1979) 20

Carpenter v. Vermont Dep't of Motor Vehicles, 143 Vt. 329, 465 A.2d 1379 (1983) 20

Chittenden v. Waterbury Ctr. Cmty. Church, Inc., 168 Vt. 478, 726 A.2d 20 (1998) 8, 9, 10, 12

City of Attica v. Mull Drilling Co., Inc., 676 P.2d 769 (Kan. Ct. App. 1984) 14

Curran v. Marcille, 152 Vt. 247, 565 A.2d 1362 (1989) 21

DeMichele v. Greenburgh Cent. Sch. Dist. No. 7, 167 F.3d 784 (2d Cir. 1999) 14

Eaton v. Prior, 2012 VT 54, 192 Vt. 249, 58 A.3d 200 22

Garbitelli v. Town of Brookfield, 2011 VT 122, 191 Vt. 76, 38 A.3d 1133 7

Hazen v. Perkins, 92 Vt. 414, 105 A. 249 (1918) 9, 11

In re .88 Acres of Prop., 165 Vt. 17, 676 A.2d 778 (1996) 9, 13

In re MTBE Prods. Liab. Litig., No. 1:00-1898, 2013 WL 6869410 (S.D.N.Y. Dec. 30, 2013) 14

In re N.E. Wash. Cnty. Cmty. Health Ctr., 148 Vt. 113, 115, 530 A.2d 558, 559 (1987) 7

In re Omya Solid Waste Facility Final Certification, No. 96-6-10 Vtec, 2011 WL 1055575 (Vt. Super. Ct. Feb. 28, 2011) 18

Inv. Props., Inc. v. Lyttle, 169 Vt. 487, 739 A.2d 1222 (1999) 14

Jarvis v. Gillespie, 155 Vt. 633, 587 A.2d 981 (1991) 9, 11

Kaplan v. Morgan Stanley & Co., 2009 VT 78, 186 Vt. 605, 987 A.2d 258 ..... 2, 4

Loiselle v. Barsalow, 2006 VT 16, 180 Vt. 531, 904 A.2d 1168 17

MacDonough-Webster Lodge No. 26 v. Wells, 2003 VT 70, 175 Vt. 382, 834 A.2d 25 ..... passim

Mahoney v. Tara, LLC, 2011 VT 3, 189 Vt. 557, 15 A.3d 122 9

O'Brien v. Island Corp., 157 Vt. 135, 596 A.2d 1295 (1991) 18

Roy v. Woodstock Cmty. Trust, 2013 VT 100A, 195 Vt. 427, 94 A.3d 530 9

State v. Carpenter, 138 Vt. 140, 412 A.2d 285 (1980) 19

State v. Carroll, 2003 VT 57, 175 Vt. 571, 830 A.2d 89 ..... 6, 13

State v. Cent. Vt. Ry, Inc., 153 Vt. 337, 571 A.2d 1128 (1989) 9, 10

State v. Dreibelbis, 147 Vt. 98, 511 A.2d 307 (1986) 19

State v. Hess Corp., 20 A.3d 212 (N.H. 2011) 18, 19

State v. Malmquist, 114 Vt. 96, 40 A.2d 534 (1944) 9

United States v. U.S. Fid. & Guar. Co., 80 Vt. 84, 66 A. 809 (1907) 21

Vermont Human Rights Comm'n v. State Agency of Transp., 2012 VT 88, 192 Vt. 552, 60 A.3d 702 ..... 14, 15

Vermont v. Hurley, 2015 VT 46, — Vt. —, — A.3d — 16

Wesco, Inc. v. Sorrell, 2004 VT 102, 177 Vt. 287, 865 A.2d 350 7

Statutes

1 V.S.A. § 214(b)(2) 19

10 V.S.A. § 1390 ..... passim

10 V.S.A. § 1390(5) ..... passim

10 V.S.A. § 1410 ..... 16, 17

10 V.S.A. § 1410(a)(5) 10

10 V.S.A. § 1417(a) 21

10 V.S.A. § 1418(a) 21

10 V.S.A. § 1418(i) 16, 17

10 V.S.A. § 8003(a) 17

10 V.S.A. § 8003(a)(6) 17

10 V.S.A. § 8015 ..... 6, 15

10 V.S.A. § 8221 17

12 V.S.A § 511 ..... passim

12 V.S.A. § 461 ..... passim

12 V.S.A. § 462 ..... passim

32 V.S.A. § 639(b) 21

32 V.S.A. §§ 630 21

N.H. Rev. Stat. Ann. § 485-C:1, II 19

P.A. No. 26 (2005 Vt., Bien. Sess.) 1

Other Authorities

An Act for Settling Disputes Respecting Landed Property," June 17, 1785, *reprinted in* 14 *State Papers of Vermont* 20 (J.A. Williams ed., 1966) 8

S.304, 2007-2008 Gen. Assem., Adj. Sess. (Vt. 2008) 18

Rules

V.R.A.P. 32(a)(7)(A) 24

V.R.A.P. 5(b) 19

V.R.C.P. 12(b)(6) 2, 3

STATEMENT OF THE CASE

The State has long known about MTBE in Vermont. The State brought this tort action against gasoline refiners and suppliers based on their decisions between 1979 and 2006 to use and sell gasoline containing methyl tertiary butyl ether ("MTBE"). MTBE was a gasoline additive approved by the United States Environmental Protection Agency in 1979 and was used as an octane enhancer to replace lead in gasoline and later as the principle oxygenate used on the East Coast in the 1990s and early 2000s to comply with federal Clean Air Act regulations designed to improve air quality. The State has been aware of MTBE in Vermont for decades. Indeed, for over twenty years the State's existing regulatory framework has been working to investigate and address MTBE impacts. PC-121-122.

In 2003 and then in 2004, two Vermont communities (Hartland and Craftsbury) commenced litigation alleging that the defendants' involvement in the marketing, sale, and production of gasoline containing MTBE resulted in harm to Vermont's water supply. PC-123. Those lawsuits alleged facts nearly identical to those alleged here, many of which the State copied verbatim in its Complaint. PC-123. The *State itself* also previously commenced an action in 2003 arising out of the Hartland situation. PC-123.

Further, the Vermont Legislature knew about MTBE's presence in the State's waters for at least a decade before this suit was filed. PC-123. On May 24, 2005, the Legislature enacted P.A. No. 26 (2005 Vt., Bien. Sess.): "An Act Relating to Prohibiting the Sale and Storage of Fuel Products Containing the Additive MTBE," which banned the sale and storage of gasoline containing MTBE statewide. PC-123. That legislation specifically noted the Hartland and Craftsbury lawsuits, as well as MTBE litigation commenced by the State of New Hampshire in 2003. PC-123 to 124. The legislation took effect on January 1, 2007. PC-124.

The State's Complaint was not timely filed. Despite knowing of MTBE's presence and potential impact on Vermont's waters, the State did not file its Complaint until June 5, 2014. The Complaint alleges that Defendants are liable for damages to Vermont's groundwater under a variety of legal theories, all of which are subject to a six year statute of limitations. PC-088 to 108. The Complaint identified no specific sites allegedly contaminated with MTBE. Rather, it generally alleged harm to all of Vermont's groundwater. PC-039 to 112. Moreover, the Complaint does not allege that any of the Defendants' conduct took place after the statute of limitations cut-off date of June 2008. PC-039 to 112.

Defendants filed a V.R.C.P. 12(b)(6) motion to dismiss on the ground that, because the Complaint alleged a generalized, statewide harm to Vermont's groundwater, Vermont's six-year statute of limitations barred the State's claims. Title 12, § 511 provides that a civil action such as this must be commenced within "six years after the cause of action accrues and not thereafter." Under Vermont law, a cause of action generally accrues not upon the occurrence of the claimed injury, but rather upon the discovery of facts constituting the basis of the cause of action, or the existence of facts sufficient to put a person of ordinary intelligence and prudence on inquiry which, if pursued would lead to the discovery. PC-125 (citing *Kaplan v. Morgan Stanley & Co.*, 2009 VT 78, ¶ 7, 186 Vt. 605, 987 A.2d 258). Given the information available about MTBE in Vermont, and known by the State, Defendants argued that the claim for generalized harm to Vermont waters was time-barred. PC-125 to 127.[2]

The Superior Court granted Defendants' motion. By decision dated January 15, 2015 (the "Decision"), the court determined that the six-year statute of limitations in § 511 applied and

[2] To the extent the State can identify sites where it did not know or have reason to know that MTBE had been detected within the limitations period, it could bring a claim as to those specific sites. PC-129.

the motion "must be granted to the extent the State asserts a generalized claim of harm to the State's groundwater system as a whole." PC-003. The court rejected the State's argument that 12 V.S.A. § 462 exempts its claims from the statute of limitations, concluding that § 462 applies only to preclude claims of adverse possession or prescriptive rights and does not extend to claims for injuries to groundwater as a public trust resource. The court also rejected the State's contention that even if a limitations period applies, its claim under 10 V.S.A. § 1390 should not be dismissed because that statute went into effect on June 9, 2008, and the State filed its action within six years thereafter. The court held that § 1390 did not create a new cause of action that relieved the State of its obligation to meet the statute of limitations.[3] PC-002 to 004.

The State was given leave to amend to identify specific sites where it asserts MTBE has been discovered in the six years prior to the filing of the Complaint. PC-004. Instead of amending, the State sought interlocutory review of the Decision. PC-173 to 205. The Superior Court granted the State's motion as to "the statute of limitations issues based on 12 V.S.A. § 462 and on 10 V.S.A. § 1390 arguments." PC-318. On June 24, 2015, this Court accepted review of those two issues.

STANDARD OF REVIEW

Under Vermont Rule of Civil Procedure 12(b)(6), dismissal of an action is appropriate when, assuming all well pleaded factual allegations in the complaint and reasonable inferences

[3] The State claims that in resolving these issues, the Superior Court improperly accepted arguments Defendants made for the first time in their reply brief. See Appellant State of Vermont's Brief ("State Brief") at 5-6. On the contrary, as the Superior Court recognized, Defendants included these arguments in response to issues raised by the State in its opposition to Defendants' motion. See PC-267 at n.5 (citing Transcript of Nov. 13, 2014 Motions Hearing at 49:10-14 ("MR. KLINE: [I]t shouldn't simply be done on a reply memorandum..." "THE COURT: Well, you're the one who made this argument in your opposition."). See also *Ahmad v. Int'l Bus. Mach. Corp.*, No. 5:10-CV-310, 2012 WL 1940666, at *3 n.2 (D. Vt. May 29, 2012) (trial court has discretion to consider timeliness question raised in defendant's reply to motion to dismiss).

derived therefrom are true, it "is beyond doubt that there exist no facts or circumstances that would entitle to the plaintiff to relief." *Kaplan v. Morgan Stanley & Co.,* 2009 VT 78, ¶ 7, 186 Vt. 605, 987 A.2d 258 (citations and internal quotations omitted). Dispositions on motions to dismiss are reviewed *de novo* and may be "affirm[ed] on any appropriate ground." *Bock v. Gold*, 2008 VT 81, ¶ 4, 184 Vt. 575, 959 A.2d 990. "[S]ince averments of time and place are material for testing the sufficiency of a complaint, defenses based on a failure to comply with the applicable statute of limitations are properly raised in a motion to dismiss." *Kaplan*, 2009 VT 78, ¶ 7 (quotation omitted). In ruling on a dismissal motion, courts may properly consider documents merged into the pleadings as well as matters subject to judicial notice, such as statutes, regulations and matters of public record. *Id.* ¶ 10 n.4 (citations omitted).

SUMMARY OF THE ARGUMENT

In every other case involving alleged environmental injury, the Legislature has prescribed—and the State operates within—statutes of limitation requiring action within a specified period of time. Such limits on the State's right to pursue environmental claims are neither unusual nor inequitable. In this suit, however, the State argues that it should be allowed to pursue claims relating to alleged MTBE impact to groundwater whenever it wants. Ignoring 12 V.S.A. § 511, which provides a six-year limitations period, and 12 V.S.A. § 461, which unequivocally declares that statutes of limitations apply to the State, the State offers two overarching arguments, based on 12 V.S.A. § 462 and 10 V.S.A. § 1390(5). Each fails.

First, 12 V.S.A. § 462 does not eliminate the statute of limitations for claims alleging injury to the State's groundwater. PC-003. The statutory language, history, and all case law construing § 462 demonstrate that it applies only to claims of adverse possession or prescriptive rights against real property of the State and religious and charitable organizations. The plain

language of § 462 limits the exemption from the applicable statute of limitations to actions involving "lands given, granted, sequestered or appropriated to a public, pious or charitable use, or to lands belonging to the state." As the Superior Court recognized, § 462 has never been applied "to common law tort actions or actions by the State to enforce environmental statutes, even where a public trust resource is involved." PC-003. The State's interpretation is not only refuted by the plain language of the statute and prior case law, but would also unreasonably extend liability from torts committed against land of the State, as well as those of pious and charitable organizations, *forever*. Any church, charitable organization or the State could bring claims for damages today based on conduct and harm that occurred over a century ago and before, even if they were fully aware of the alleged injuries at the time they occurred. The Superior Court's conclusion that § 462 only applies to adverse possession and prescriptive claims is the only reasonable interpretation of that statute.

Second, the Superior Court also properly held that § 1390(5) "does not, on its face, authorize a specific new cause of action" and "does not relieve the State from meeting the statute of limitations requirement." PC-004. The provision's plain language, its context within the statutory scheme, and the Act's legislative history make clear that § 1390(5) was intended as a statement of the State's policy on protecting and managing its groundwater as a public trust resource, and did not create a new cause of action. Moreover, even if § 1390 were deemed to authorize a new cause of action, it could not be applied retroactively to conduct that occurred prior to the Act's enactment under clear Vermont precedent prohibiting retroactive application of a statute.

ARGUMENT

I. 12 V.S.A. § 462 Does Not Save the State's Untimely Claims

Vermont law expressly subjects the State to the same statutes of limitation as other litigants. Title 12, § 461 declares: "The limitations prescribed . . . for the commencement of actions shall apply to the same actions when brought in the name of the state . . . as in actions brought by citizens." There is no question that suits by the State seeking to remedy environmental injuries are subject to limitations in Vermont. See *State v. Carroll*, 2003 VT 57, ¶ 6, 175 Vt. 571, 830 A.2d 89 (noting the State's agreement that 12 V.S.A. § 511 applied to its action for recovery of payments it made in part to remediate groundwater contamination); cf. 10 V.S.A. § 8015 (setting forth a statute of limitations for certain environmental enforcement actions by the State). Here, the State was aware of the alleged injury to the groundwater in Vermont caused by MTBE since at least 2005, and yet it failed to bring this suit within § 511's six-year statute of limitations.

The State attempts to defend its untimely claims by asserting that 12 V.S.A. § 462—Vermont's codification of the common law rule precluding adverse possession claims against State lands—completely eliminates any statute of limitations defense where the State alleges harm to a public trust resource. As the Superior Court correctly concluded, the plain language and purpose of § 462, and this Court's numerous decisions interpreting it, establish that § 462 is not applicable to—and does not save—the State's claims.

A. The Plain Language, History, and Extensive Case Law Construing 12 V.S.A. § 462 Demonstrate That It Only Applies to Adverse Possession and Prescriptive Claims

Title 12, § 462 states: "Nothing contained in this chapter shall extend to lands given, granted, sequestered or appropriated to a public, pious or charitable use, or to lands belonging to

the state."[4] In construing this statute, the Court's primary objective must be "to effectuate the Legislature's intent." *Wesco, Inc. v. Sorrell*, 2004 VT 102, ¶ 14, 177 Vt. 287, 865 A.2d 350. In doing so, the Court looks to "the words of the statute itself, the legislative history and circumstances surrounding its enactment, and the legislative policy it was designed to implement." *Garbitelli v. Town of Brookfield*, 2011 VT 122, ¶ 12, 191 Vt. 76, 38 A.3d 1133 (quotation omitted). Additionally, because the statute is an exemption from the general rule applying statutes of limitation to the State, this Court has specifically recognized that § 462 must be "construed most strongly against those claiming the benefits." *MacDonough-Webster Lodge No. 26 v. Wells*, 2003 VT 70, ¶ 16, 175 Vt. 382, 834 A.2d 25 (quotation omitted); see also *In re N.E. Wash. Cnty. Cmty. Health Ctr.*, 148 Vt. 113, 115, 530 A.2d 558, 559 (1987) ("An exemption will be strictly construed against the party claiming it, and any doubts as to its application will be interpreted against the exemption.") (citations omitted).

The plain language of § 462 is clear that it applies only to "lands given, granted, sequestered or appropriated to a public, pious or charitable use, or to lands belonging to the state." Nothing in the statute says anything about "water," "groundwater," or the notion of "public resources" that the State relies on, or in any way equates "groundwater" with "land." There is nothing to suggest that the statute was intended as a mechanism for freeing the State, charities, and religious organizations from the statute of limitations for property tort claims. Indeed, this Court has recognized that the purpose of § 462 is to "exempt[] from any limitation period all *ownership claims* relating to 'lands given, granted, sequestered, or appropriated to a public, pious or charitable use, or to lands belonging to the state.'" *Chittenden v. Waterbury Ctr.*

[4] The State incorrectly asserts that "no party contests that the plain language of § 462 applies to most State claims to protect State lands from private depredations." State Brief at 8. On the contrary, Defendants have consistently argued that § 462 only applies to adverse possession and prescriptive claims. See PC-002 to 005 and PC-267 to 270.

Cmty. Church, Inc., 168 Vt. 478, 483, 726 A.2d 20, 24 (1998) (quoting 12 V.S.A. § 462) (emphasis added).

In addition to the clear statutory language, the legislative history and purpose of the statute, as well as *every single case* interpreting § 462—including the cases cited by the State—demonstrate that § 462 applies only to adverse possession and prescriptive property claims. The Court considered the legislative history of § 462 in *MacDonough-Webster Lodge No. 26*, noting that the statute dates back to the so-called quieting act of 1785. 2003 VT 70, ¶ 7. That act was passed to address the widespread problem of defective land titles held by early Vermont settlers and created a remedy whereby those with legal title to land were required to pay for improvements made to the land by ejected settlers. *Id.* There was an exception, however, which provided that it did not "extend to any persons settled on Lands granted or sequestered for public, pious, or charitable uses." *Id.* ¶ 8 (quoting "An Act for Settling Disputes Respecting Landed Property," June 17, 1785, *reprinted in* 14 *State Papers of Vermont* 20 (J.A. Williams ed., 1966)). That exemption "survives today in 12 V.S.A. § 462." *Id.* Thus, § 462 derives from an act that concerned disputed claims to *title* of real property.

Over the years, § 462 has undergone minor revisions, but the Legislature has not, contrary to the State's assertion, State Brief at 9-11, changed the core meaning and intent of the statute.[5] As the Court recognized in 1998, the current version of the statute "was adopted in a form *substantially identical to its present form* in 1801, see Laws of 1801, at 13," and "its

[5] One such revision was the removal of language authorizing possessory actions and actions of ejectment to recover lands sequestered or appropriated for public or pious uses, or lands belonging to the State. The removal of that language, however, did not change the scope of the statute since the language was plainly superfluous. No one would suggest that, in the absence of that language, the State, charities and religious organizations are powerless to file actions to recover their lands. The language was simply unnecessary and its removal in no way changed the meaning of the statute.

substance derives from laws adopted before [Vermont's] statehood." *Chittenden*, 168 Vt. at 485, 726 A.2d at 25 (emphasis added). Since that time, the statute has been consistently interpreted and understood as exempting public lands from claims of adverse possession.[6] The Court has specifically recognized that the statute "is a variation on the traditional common law rule that protects public landowners at all governmental levels against adverse possession claims." *MacDonough-Webster Lodge*, 2003 VT 70, ¶ 8; *see also In re .88 Acres of Prop.*, 165 Vt. 17, 19, 676 A.2d 778, 780 (1996) ("Section 462, which has remained unchanged since 1801, is Vermont's version of the generally accepted, common-law rule that a claim of title or right by adverse possession does not lie against public lands.") (citation omitted); *Mahoney v. Tara, LLC*, 2011 VT 3, ¶ 4, 189 Vt. 557, 15 A.3d 122 ("[Section 462] exempts from adverse possession claims 'lands given, granted, sequestered or appropriated to a public, pious or charitable use.'") (citation omitted). The clear purpose of the statute, therefore, is to shield property owned by the State or devoted to public, pious or charitable uses from adverse ownership claims. *Chittenden*, 168 Vt. at 486-87, 726 A.2d at 26 ("Here, plaintiffs generate no evidence to suggest that the effect of § 462 is any different from *its purpose*, which is not to advance religion *but to shield real property devoted to charitable purposes from adverse ownership claims*.") (emphasis added); *Roy v. Woodstock Cmty. Trust*, 2013 VT 100A, ¶ 43, 195 Vt. 427, 94 A.3d 530 (recognizing that policy concern behind § 462 is to prevent the loss of public lands).

[6] See e.g., *Benson v. Hodgdon*, 2010 VT 11, 187 Vt. 607, 922 A.2d 1053 (holding that public lands are statutorily exempted from adverse possession); *Jarvis v. Gillespie*, 155 Vt. 633, 587 A.2d 981 (1991) (holding that lands given to public use are exempt from claims of adverse possession); *State v. Cent. Vt. Ry, Inc.*, 153 Vt. 337, 571 A.2d 1128 (1989) (involving prescriptive property rights); *State v. Malmquist*, 114 Vt. 96, 40 A.2d 534 (1944) (holding no prescriptive rights against land held in public trust); *Hazen v. Perkins*, 92 Vt. 414, 105 A. 249 (1918) (holding that no prescriptive claims can apply to property owned by the state).

The State asks this Court to ignore the text of § 462, its legislative history, and all prior case law interpreting the statute, and broaden the scope of this statute based on common law principles that plainly apply to landowners and not the trustee of a public resource. Although under the common law landowners owned the groundwater underlying their real property, this does not mean, as the State claims, that the "lands belonging to the state" referenced in § 462 should be read to encompass groundwater, let alone all groundwater in Vermont. Just because the State is the trustee of groundwater throughout Vermont does not mean that it "owns" that groundwater; plainly, it does not. *Cent. Vermont Ry., Inc.*, 153 Vt. at 341, 571 A.2d at 1130 ("Title to these lands [held under the public trust doctrine] is deemed to be held in trust for the people of the State . . . . The character of this title is distinctive as compared to state-held title in other lands, ..."") (citations and quotations omitted); see also 10 V.S.A. § 1410(a)(5) (abolishing the doctrine of absolute ownership of groundwater).

Absent actual ownership, the State's trusteeship of this public resource does not make groundwater—wherever found—the equivalent of "lands belonging to the state." Because application of § 462 is expressly predicated on the State's *ownership* of the lands at issue, it is not applicable here, even if groundwater could be considered "land" under the statute. 12 V.S.A. § 462 ("lands *belonging* to the state") (emphasis added); *Chittenden*, 168 Vt. at 490, 726 A.2d at 28 (explaining that § 462 "is essentially an infinite limitation period ...protect[ing] owners of land dedicated to public, pious or charitable uses as well as *the state as landowner*") (emphasis added). At best, the State's citation to common law property authorities might support the argument that groundwater underlying lands *actually owned by the State* is immune under § 462 *from prescriptive claims of ownership*; those authorities do not provide a basis for extending

§ 462 to tort claims concerning all groundwater under privately and publicly owned land everywhere in Vermont.

The State's reliance on *Hazen v. Perkins*, 92 Vt. 414, 105 A. 249 (1918), is no more persuasive. The trial court considered *Hazen* and correctly concluded that it is a case about adverse possession and prescriptive rights. See PC-002 to 003. The defendant in that case claimed to have "a prescriptive right to control the flow of water from . . . [Lake Morey] by means of a dam or gate at the outlet." *Hazen*, 92 Vt. at 420, 105 A. at 251. In considering this claim, the Court held, based on the statutory predecessor to § 462, that "[w]ith such a statute in force, *no prescriptive rights*, such as are here claimed by defendant, affecting *real property* of the state could be acquired." *Id.* (emphasis added). The defendant, therefore, had no right to install a gate and flashboards on the State's property, where the dam and sluice had been erected at the outlet of the lake under the direction of the General Assembly, and then use the gate and flashboards to control the height of the water of the lake. *Id.* at 420-21, 105 A. at 251. In short, *Hazen* merely confirms that *title* to public trust resources cannot be obtained by adverse possession and does not support the State's attempt to expand the scope of § 462. The Superior Court thus correctly determined that *Hazen* is consistent with § 462 cases generally, i.e., that one cannot acquire interests in real property owned by the State through adverse possession. PC-003.

In sum, this Court has consistently interpreted § 462 narrowly (as exemption statutes must be) and rejected attempts to expand the statute beyond its long-recognized, intended purpose. See, e.g., *MacDonough-Webster Lodge No. 26,* 2003 VT 70, ¶¶ 7-16 (applying the exemption for "public, pious, or charitable use" narrowly to exclude the Masons); *Jarvis*, 155 Vt. at 641-44, 587 A.2d at 987-88 (finding that a city was not exempt because the property at issue was not given to a public use, and rejecting New Hampshire authority interpreting a similar

statute more broadly). The Court should reject the State's novel and unsupported interpretation of § 462, which would grant the State, charities and religious organizations an "infinite limitations period," *Chittenden*, 168 Vt. at 490, 726 A.2d at 28, within which to assert a host of different tort claims that are allegedly related to the lands they own.

B. The State's "Common Sense" Argument and Efforts to Redefine Its Claims Do Not Support Expanding the Scope of § 462

Faced with an unbroken line of cases uniformly recognizing that § 462 applies to exempt the State, charities and religious organizations only from adverse possession and prescriptive claims, the State resorts to arguing that "common sense" requires a different result. See State Brief at 16, 20. The State's arguments, however, fail to provide any persuasive reason to disregard the clear and long-recognized purpose, intent and meaning of § 462. First, the State suggests that limiting § 462 to possessory claims would be "ruinous public policy" because it would require the State to act promptly in pursuing its claims and it should not be punished if its officers and servants are negligent in doing so. State Brief at 16. This rationale, however, would apply whenever the State sustains any alleged injury and suggests that the State should never be subject to a statute of limitation. That is not the rule in Vermont. To the contrary, the Legislature made unmistakably clear in 12 V.S.A. § 461 that *the State is subject to the same statutes of limitation as its citizens*. This is true even though the State could lose important rights if its officers are negligent or dilatory in asserting the State's claims. Indeed, the existence of § 461, which was enacted over 150 years ago, flatly refutes the State's argument that applying the statute of limitations against it would be "ruinous public policy."

As a matter of public policy, it is entirely reasonable for the Legislature to have created a very narrow exemption from the statutes of limitations for possessory claims to lands owned by the State, charities and religious organizations. Without such an exemption, the lands owned by

those entities could be lost forever to private citizens. As the Court recognized in *In re .88 Acres of Property*, "[t]he principal policy consideration behind [§ 462] is that it would be injurious to the public to *allow adverse possession of lands* dedicated to public use." 165 Vt. at 19, 676 A.2d at 780 (emphasis added). See also *MacDonough-Webster Lodge No. 26*, 2003 VT 70, ¶¶ 9-10 (considering Missouri case law interpreting comparable statute and finding that to allow the statute of limitations to run against the State as to adverse possession claims would be "ruinous public policy, for under it school lands, roads, parks, streets, etc., were lost to the state and public through the laches or ignorance of the public or of officials representing it" (quotation omitted)). The State's expansive interpretation and application of § 462 simply cannot be squared with the language, history and purpose of that statute.[7]

Similarly unconvincing is the State's second "common sense" argument that even if § 462 only applies to prescriptive claims, there is no difference between those claims and the environmental injury claims it has asserted here. State Brief at 20-21. Far from being an "academic" difference as the State contends, there is nothing to suggest, let alone support, that Defendants are attempting to take possession or ownership of the State's waters or claiming a permanent right to trespass on land owned by the State. On the contrary, the Complaint makes plain that this is a case premised on environmental damage allegedly caused by Defendants' tortious conduct in manufacturing and marketing a product—damage the State has long known about and its regulatory framework is already addressing.

This case is no different than any other case claiming damage to real property, to which the general statute of limitations in § 511 clearly applies. Interpreting a statute similar to § 462, a

[7] Contrary to the position it has taken in this case, the State has previously acknowledged in *State v. Carroll*, that 12 V.S.A. § 511—the same statute of limitations Defendants assert applies in this case—governed that action, which also involved the State's efforts to address injury to groundwater. *Carroll*, 2003 VT 57, ¶ 6 n.1.

Kansas court rejected an attempt to contort the statute to include environmental claims like the State alleges here, reasoning that it would "emasculate the provisions" of the statute applying limitations periods to the government. See *City of Attica v. Mull Drilling Co., Inc.*, 676 P.2d 769, 774 (Kan. Ct. App. 1984) (rejecting the argument that a Kansas statute exempting adverse possession claims extends to nuisance or trespass claims for contamination of municipal water wells). See also *In re MTBE Prods. Liab. Litig.*, No. 1:00-1898, 2013 WL 6869410, at *5 (S.D.N.Y. Dec. 30, 2013) (finding the Commonwealth of Puerto Rico's claims time-barred and rejecting its authority regarding adverse possession claims because "they say nothing about *the statute of limitations* for tort claims brought *by* the Commonwealth").

Finally, the State's "common sense" arguments ignore the important policy underlying statutes of limitation. "Statutes of limitations are not simply technicalities. On the contrary, they have long been respected as fundamental to a well-ordered judicial system." *Vermont Human Rights Comm'n v. State Agency of Transp.*, 2012 VT 88, ¶ 14, 192 Vt. 552, 60 A.3d 702 (quoting *Bd. of Regents of Univ. of State of N.Y. v. Tomanio*, 446 U.S. 478, 487 (1980)). This Court has recognized that statutory time limits "reflect legislative judgments concerning the relative values of repose on the one hand, and vindication of both public and private legal rights on the other." *Id.* (quoting *DeMichele v. Greenburgh Cent. Sch. Dist. No. 7*, 167 F.3d 784, 788 (2d Cir. 1999)). Statutes of limitation "serve several governmental purposes, including fairness to defendants, protecting the court's interest in reliance and repose, and guarding against stale demands." *Id.*; see also *Inv. Props., Inc. v. Lyttle*, 169 Vt. 487, 492, 739 A.2d 1222, 1227 (1999) (statutes of limitations "protect defendants and the courts from having to deal with cases in which the search for truth may be seriously impaired by the loss of evidence, whether by death or disappearance of witnesses, fading memories, disappearance of documents, or otherwise") (quotations omitted).

Limiting the amount of time in which an action—including those by the State—can be brought is a "long-standing legislative prerogative." *Vermont Human Rights Comm'n*, 2012 VT 88, ¶ 14. Here, the Legislature long ago exercised that prerogative by enacting § 461 and expressly providing that the State must comply with the same statutes of limitations as its citizens, subject only to the narrow exception for possessory claims in § 462.[8]

In sum, the State cannot cite any authority to support its interpretation of § 462. The language, history and purpose of the statute demonstrate that the statute only exempts land owned by the State, charities and religious organizations from adverse possession and prescriptive claims. The Superior Court's decision that § 462 does not apply, and that the State's claims are subject to the six-year statute of limitation in § 511, should be affirmed.

II. The 2007 Amendment to 10 V.S.A. § 1390 Did Not Create a New Public Trust Cause of Action, and, Even if It Did, It Could Not Be Applied Retroactively

A. Section 1390 Did Not Create a New Cause of Action

The provision of 10 V.S.A. § 1390(5) at issue here states: "The designation of the groundwater resources of the state as a public trust resource shall not be construed to allow a new right of legal action by an individual other than the State of Vermont. . . ." The Superior Court correctly held that § 1390 is a statement of the State's "policy on protecting and managing the State's groundwater" and "does not, on its face, authorize a specific new cause of action." See PC-004. The State disagrees, arguing that this language in § 1390(5) authorizes a new stand-alone cause of action. However, the State's interpretation lacks support in both the plain language of the amendment and the clear legislative history behind the statutory scheme. Rather

[8] While not at issue here, further undermining the State's policy arguments is that the primary mechanism for protecting the State's environmental resources—the enforcement provisions in Chapters 201 and 211 of Title 10—are subject to a statute of limitations. See 10 V.S.A. § 8015. Thus, it cannot be against public policy to subject the State to a limitations period in actions involving environmental resources.

than creating a new cause of action, that language simply confers standing to the State to enforce the policies set forth in § 1390 in its capacity as trustee, through pre-existing regulatory and enforcement mechanisms, while restricting standing for individuals.

As the Superior Court noted, § 1390 is titled "Policy." See PC-004; *Vermont v. Hurley*, 2015 VT 46, ¶ 11, — Vt. —, — A.3d — ("We have long held that the title of a chapter, subchapter, or section . . . may be considered in interpreting a statute."). Consistent with that, § 1390 sets forth a series of broad policy principles to guide the State's management and enforcement of laws related to groundwater. Among those is subsection (5), which declares a new *policy* requiring that the State protect its groundwater resources and hold those resources in trust for the public. Against this backdrop, it is clear that § 1390 was designed to establish policies for groundwater—not to create a new cause of action. The statute does not expressly establish a cause of action nor does it indicate what the elements of any implied cause of action would be.[9]

The State argues that this interpretation would render it powerless to enforce the new policy. State Brief at 25. Not so. The State has an arsenal of tools at its disposal to enforce the groundwater policies of § 1390, most notably 10 V.S.A. § 1410, which *expressly* created a cause

[9] The State argues that the reference to "the public trust requirements of the state" in 10 V.S.A. § 1418(i) (relating to groundwater withdrawal permits), State Brief at 25, proves that the amendment to § 1390 was intended to create a new cause of action. But, its contention ignores the plain language of § 1390(5) as well as the purpose of § 1418. Section 1390(5) provides, "[t]he state shall manage its groundwater resources in accordance with the *policy* of this section, the *requirements* of subchapter 6 of this chapter, and section 1392 of this title for the benefit of citizens who hold and share rights in such waters." (emphasis added). Section 1418(i), which is included within subchapter 6's Groundwater Withdrawal Program, simply identifies certain groundwater withdrawals that are deemed to comply with the groundwater withdrawal requirements set out in § 1418 generally, and in no way implies that "the public trust requirements of the state" or their enforcement mechanisms are found in § 1390. In fact, § 1390(5) clearly identifies § 1390 as a statement of policy as distinct from other provisions of Title 10, which do contain substantive requirements.

of action enabling the State to bring suit for groundwater-related claims.[10] In fact, if § 1390 created a new cause of action for equitable relief or damages to remedy injury to groundwater, it would be entirely duplicative of the cause of action set forth in § 1410, which unambiguously created such a cause of action. See 10 V.S.A. § 1410 ("[The State] may maintain under this section an action for equitable relief or an action in tort to recover damages, or both, for the unreasonable harm caused by another person withdrawing, diverting or altering the character or quality of groundwater."). When engaging in statutory interpretation, courts must "presume that the Legislature does not enact meaningless legislation, and that it chooses its language advisedly so as not to create surplusage." *Loiselle v. Barsalow,* 2006 VT 16, ¶ 16, 180 Vt. 531, 904 A.2d 1168 (internal citations omitted). The State has offered no explanation as to how its putative cause of action—which it describes in vague, catch-all terms as "the broad 'right of legal action' to protect groundwater," State Brief at 24—or the relief it seeks under § 1390 differs from a cause of action under § 1410.

The legislative history of the Act, titled "An Act Relating to a Groundwater Withdrawal Permit Program," also confirms that the Legislature deliberately chose *not* to incorporate a new right of legal action into the amendment to § 1390. The law as originally proposed included the following section—outside the groundwater policy section—which would have been codified at 10 V.S.A. § 1419 and titled "Public Trust Cause of Action":

> Any person may bring an action for equitable relief or an action in tort to recover damages, or both, for violation of the public trust in groundwater by another

[10] In addition to § 1410, the State also has broad powers under Chapters 201 and 211 to enforce various provisions of Title 10 that concern groundwater, including Chapter 48, relating to groundwater withdrawal, and Chapter 159, related to hazardous waste and hazardous materials. 10 V.S.A. § 8003(a); 10 V.S.A. § 8221. Accordingly, the State's proffered concern that it would be impotent to enforce a provision like 10 V.S.A. § 1418(i) unless it has a new cause of action under § 1390 is misplaced. State Brief at 25. The provisions of that section are plainly enforceable under either Chapter 201 or 211 of Title 10. See 10 V.S.A. § 8003(a)(6).

person withdrawing, diverting, or altering the character or quality of groundwater. A person bringing a cause of action under this section shall have standing to sue.

S.304, 2007-2008 Gen. Assem., Adj. Sess. (Vt. 2008) (PC-311 to 312). The State argues that this language would have provided for a "broad *private* right of action," as distinct from one reserved to the State, and thus the Legislature's decision not to adopt it and, instead, to include the phrase "other than the State of Vermont" in § 1390(5) "confirms the Legislature's intent to create a new cause of action for the State." State Brief at 26.

To the contrary, this rejected proposal makes clear that the Legislature specifically contemplated and decided against a new cause of action arising from the public trust designation in § 1390(5). From this legislative history, it is easy to discern that if the Legislature intended to create such a cause of action, it would have used language similar to that of the draft of proposed § 1419—the fact that it did not confirms that § 1390 was not designed to create a new cause of action. Cf. *O'Brien v. Island Corp.*, 157 Vt. 135, 140 n.3, 596 A.2d 1295, 1298 n.3 (1991) (declining to find implied cause of action "when it is clear that the Legislature could have done so, knew it could do so, and did not do so").[11]

Finally, the State places great emphasis on a New Hampshire case, *State v. Hess Corp.*, 20 A.3d 212 (N.H. 2011), claiming that the court there "considered a statute designating the state as trustee of the groundwater and held that it authorized a public trust cause of action." State Brief at 27. The State's reliance on *Hess*—in which the State of New Hampshire did not even assert a "public trust" cause of action—is misplaced. The New Hampshire court did not, as the

[11] Nowhere does the Environmental Court's decision in *In re Omya Solid Waste Facility Final Certification*, No. 96-6-10 Vtec, 2011 WL 1055575 (Vt. Super. Ct. Feb. 28, 2011), cited by the State, hold that a new public trust cause of action was created by the 2007 amendments or was needed to enforce the policies set out in the Act. There, in connection with an application for certification of a solid waste facility, the court held simply that the amendments obligated the ANR to undertake a public trust analysis of the project and its potential impact on groundwater quality. *Id.* at 8.

State represents, "construe[] a 'statement of purpose' in a New Hampshire statute that gave the state "general responsibility for groundwater management in the public trust and interest." State Brief at 27. In fact, the New Hampshire provision, which the State claims is analogous to 10 V.S.A. § 1390(5), N.H. Rev. Stat. Ann. § 485-C:1, II, is referenced only once in *Hess* during the court's discussion of *parens patriae* standing. *Id.* at 221. While the *Hess* court mentions, in dicta, that the public trust doctrine is its own cause of action in New Hampshire, it never states that this cause of action derives from § 485-C:1, II—the "Statement of Purpose" section of New Hampshire's Groundwater Protection Act—or from any specific state legislation. In short, the *Hess* opinion, which speaks primarily to *parens patriae* standing, applied a distinct body of law from a different state and is irrelevant to this Court's interpretation of the 2007 amendments passed by the Vermont Legislature.

The Superior Court's ruling that § 1390 did not create a new cause of action was correctly decided and should be affirmed.

B. Even if § 1390 Was Deemed to Have Created a New Cause of Action, It Could Not Be Applied Retroactively in This Case

Even assuming that the 2007 amendment to § 1390 created a new cause of action, the State's claim must still be dismissed because the statute could not be applied retroactively to conduct that predated enactment of the legislation.[12] Vermont law generally prohibits retroactive application of a new or amended law. 1 V.S.A. § 214(b)(2) ("The amendment or repeal of an act or statutory provision . . . , shall not . . . [a]ffect any *right, privilege, obligation or liability acquired, accrued or incurred* prior to the effective date of the amendment or repeal.")

[12] Although the trial court did not rule on this basis, the Court may affirm the trial court's decision on alternate grounds. See *Alpine Haven Prop. Owners Ass'n, Inc. v. Deptula*, 2003 VT 51, ¶ 10, 175 Vt. 559, 830 A.2d 78. A certified question in the context of V.R.A.P. 5(b) "is a landmark, not a boundary, and this Court will not hesitate to reach issues outside its scope where they are fairly raised by the order appealed." *State v. Dreibelbis*, 147 Vt. 98, 100, 511 A.2d 307, 308 (1986) (quoting *State v. Carpenter*, 138 Vt. 140, 146, 412 A.2d 285, 289 (1980)).

(emphasis added). Indeed, retroactive application is prohibited when the statute, as here, "take[s] away or impair[s] vested rights acquired under existing laws, or create[s] a new obligation, impose[s] a new duty, or attach[es] a new disability in respect to transactions or considerations already past." *Agency of Nat. Res. v. Godnick*, 162 Vt. 588, 595, 652 A.2d 988, 992 (1994) (quoting *Carpenter v. Vermont Dep't of Motor Vehicles*, 143 Vt. 329, 333, 465 A.2d 1379, 1382 (1983)).

If § 1390 created a new, distinct cause of action that did not exist prior to the statute's effective date on June 9, 2008, it would undoubtedly fall within the category of statutes that create new obligations or impose new duties, and thus, cannot be applied retroactively under Vermont law. In fact, the State insists § 1390 was an entirely new legal construct. See State Brief at 23 (describing section 1390 as creating "a *new* claim for the State to protect its trust rights in groundwater" (emphasis added)); 25 ("[The statute] expressly identifies groundwater, *for the first time*, as a 'public trust resource,' and *obligates* the State to 'manage' and 'protect' this resource 'in trust for the public'" (emphasis added)); and 25 ("Other parts of the Act also cite the statute's public-trust designation as *creating legal obligations and duties*." (emphasis added)).

The State cannot plausibly argue that on the one hand, § 1390 confers upon it a brand new cause of action with new substantive obligations, and on the other hand, claim the statute applies retroactively. If a new cause of action is found to exist—which it should not—it is clear that permitting the amendment to § 1390 to apply retroactively would affect the State's rights, privileges, and obligations, and Defendants' potential liability based on conduct that predated the effective date of the amendment. See *Capron v. Romeyn*, 137 Vt. 553, 555-56, 409 A.2d 565, 566-67 (1979) (holding that plaintiff's 1978 action for medical malpractice which occurred in

1971 was time-barred; although an intervening amendment to the operative statute of limitations in 1976 would have rendered the action timely, applying the amended rule would constitute retroactive application of a statute).

The sole exception to the prohibition against retroactive legislation is where the Legislature uses "the most clear and unequivocal language" to expressly provide for retrospective application. *Curran v. Marcille*, 152 Vt. 247, 250, 565 A.2d 1362, 1364 (1989); *United States v. U.S. Fid. & Guar. Co.*, 80 Vt. 84, 97, 66 A. 809, 814 (1907) ("[T]he rule is that a statute should not be construed to act retrospectively, or to affect contracts made prior to its enactment, unless its language is so clear as to admit of no other construction."). The recent enactment of Vermont's False Claims Act illustrates that the Legislature understands and adheres to this principle. See 32 V.S.A. §§ 630 *et seq.* There, the Legislature expressly provided that "[a] civil action under this act *may be brought for activity prior to enactment*, if the limitations period set in subsection (a) of this section has not lapsed." 32 V.S.A. § 639(b) (emphasis added). In contrast, there is no language—much less "clear and unequivocal language"—in the 2007 amendments to § 1390 that even suggests the Legislature intended for it to apply retroactively.[13]

The State fails to address Vermont's rule against retrospective statutory application, instead arguing that its § 1390 claims are timely because "these claims did not come into existence until the Groundwater Protection Act went into effect, less than six years before the

[13] To the contrary, the Legislature made clear that it did not intend for this statutory scheme to apply retroactively given that it repeatedly makes reference to the *future* application of the Act. See, e.g., 10 V.S.A. § 1418(a) ("On and after July 1, 2010, no person, for commercial or industrial uses, shall make a new or increased groundwater withdrawal of more than . . . ."); 10 V.S.A. § 1417(a) ("Beginning September 1, 2009, any person that withdraws more than 20,000 gallons per day . . . shall file a groundwater report with the secretary of natural resources on or before September 1 for the preceding calendar year.").

State filed its complaint."[14] State Brief at 28. However, even assuming § 1390 created a cause of action that could be applied retroactively, the State's assertion rests on the insupportable premise that the triggering event for accrual under the statute of limitations is passage of the legislation as opposed to the conduct or injury that gives rise to the claim. By this logic, every new statute and amendment enacted by the Legislature would have unlimited retroactive application to conduct that occurred decades prior to its enactment. Under the State's theory it could bring claims under § 1390 for groundwater contamination that occurred 100 years ago or more. The State's argument defies both reason and well-established legal principles governing the retroactivity of newly enacted legislation.

CONCLUSION

The Superior Court's Decision partially granting Defendants' Motion to Dismiss should be affirmed because 12 V.S.A. § 462 does not eliminate the statute of limitations for causes of action for injury to the State's waters as a public trust resource, and 10 V.S.A. § 1390 does not create a new cause of action or relieve the State from meeting the controlling statute of limitations.

[14] The State suggests that its cause of action is timely because a claim cannot accrue until a cause of action comes into existence. The State's argument relies on language plucked out of context from two cases, neither of which has anything to do with the supposed creation of a new cause of action or says anything to help the State get around the prohibition against retroactive legislation. See *Eaton v. Prior*, 2012 VT 54, ¶ 13, 192 Vt. 249, 58 A.3d 200 (evaluating when the plaintiffs knew about the issues giving rise to their claim); *Bay Area Laundry & Dry Cleaning Pension Trust Fund v. Ferbar Corp.*, 522 U.S. 192, 201-202 (1997) (holding that a cause of action was not ripe until the conditions to sue under a federal statute were met).

Dated: August 18, 2015

DINSE, KNAPP & MCANDREW, P.C.

By: _____

Ritchie E. Berger, Esq.
DINSE, KNAPP & MCANDREW, P.C.
P.O. Box 988
209 Battery Street
Burlington, VT 05402-0988
Tel. (802) 864-5751

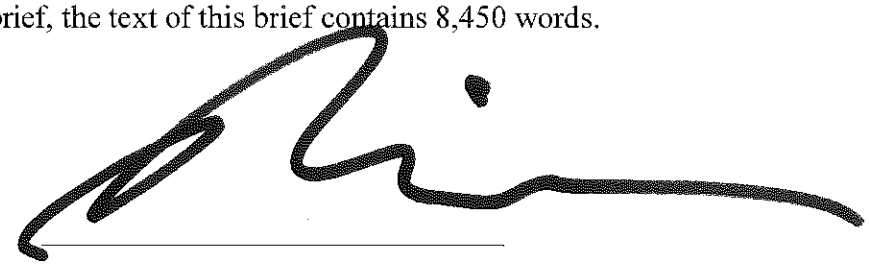
David J. Lender, Esq. (*pro hac vice*)
Theodore E. Tsekerides, Esq. (*pro hac vice*)
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153

Deborah E. Barnard, Esq. (*pro hac vice*)
Michael T. Maroney, Esq. (*pro hac vice*)
HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116

Attorneys for Defendants-Appellees
Exxon Mobil Corporation,
ExxonMobil Oil Corporation, and
Mobil Corporation

CERTIFICATE OF COMPLIANCE

Ritchie E. Berger, Counsel of Record for the appellees Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Mobil Corporation, certifies that this brief complies with the word count limit in V.R.A.P. 32(a)(7)(A). According to the word count of the Microsoft Word processing software used to prepare this brief, the text of this brief contains 8,450 words.



Ritchie E. Berger, Esq.

From: Waters, Donna
Sent: Tuesday, August 25, 2015 3:52 PM
To: Kline, Scot; 'rstern@pdsclaw.com'; 'bfawley@drm.com'; 'plynn@lynnlawvt.com'; 'hrr@rsclaw.com'; 'gvitt@vittandassociates.com'; 'jsartore@pfclaw.com'; 'rberger@dinse.com'; 'mbyrne@gravelshea.com'; 'hrr@rsclaw.com'; 'bfawley@drm.com'; 'cnolan@sheeheyvt.com'; Boyles, Gavin; McDougall, Robert; 'gweimer@lynnlawvt.com'; 'hhammond@gravelshea.com'; 'ejm@rsclaw.com'; 'angela.vicari@kayescholer.com'; 'james.herschlein@kayescholer.com'; 'theodore.tsekerides@weil.com'; 'david.lender@weil.com'; 'allison.brown@weil.com'; 'cheryl.james@weil.com'; 'Jed.Winer@weil.com'; 'melody.akhavan@weil.com'; 'cburke@baronbudd.com'; 'ssummy@baronbudd.com'; 'cevangelisti@baronbudd.com'; 'michael.maroney@hklaw.com'; 'deborah.barnard@hklaw.com'; 'lmeyer@eimerstahl.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'glenn.pogust@kayescholer.com'; 'ellisond@gtlaw.com'; 'jbennett@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sleifer@bakerbotts.com'; 'christopher.danley@bakerbotts.com'; 'andrew.running@kirkland.com'; 'andrew.langan@kirkland.com'; 'andrew.kassof@kirkland.com'; 'sylvia.winston@kirkland.com'; 'ncoppinger@bdlaw.com'; 'dkrainin@bdlaw.com'; 'jguttmann@bdlaw.com'; 'jmaher@kslaw.com'; 'jjanderson@kslaw.com'; 'rgreenwald@weitzlux.com'; 'bkrass@pawalaw.com'; 'wwalsh@weitzlux.com'; 'ejm@rsclaw.com'; 'mp@pawalaw.com'; 'rgordon@weitzlux.com'; 'marianna.chapleau@kirkland.com'; 'gweimer@lynnlawvt.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'lmeyer@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'alan.kraus@lw.com'; 'matthew.thurlow@lw.com'; 'andrew.langan@kirkland.com'; 'mimi.dennis@sedgwicklaw.com'; 'paul.pittman@sedgwicklaw.com'; 'monty.cooper@sedgwicklaw.com'; 'john.kampman@sedgwicklaw.com'; 'peter.condron@sedgwicklaw.com'; 'Rick.Wallace@sedgwicklaw.com'; 'ccorrell@kslaw.com'; 'wkelman@pawalaw.com'; 'jaspinall@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'allenbr@gtlaw.com'
Cc: Ronga, Rebecca; 'asweeney@pdsclaw.com'; 'jnichols@drm.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'ebower@vittandassociates.com'; 'bcouture@pfclaw.com'; 'jgeary@pfclaw.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'docketclerk@gravelshea.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'jnichols@drm.com'; 'chemsley@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; Ronga, Rebecca; Ronga, Rebecca; 'mdailey@lynnlawvt.com'; 'docketclerk@gravelshea.com'; 'emorgan84@gmail.com'; 'albert.cora@kayescholer.com'; 'managingattorneyofficeassignments@kayescholer.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; 'NYMAO@weil.com'; 'sbednarski@baronbudd.com'; 'lphilpott@baronbudd.com'; 'emcintosh@baronbudd.com'; 'spetersen@baronbudd.com'; 'maryann.luddy@hklaw.com'; 'fharvey@eimerstahl.com'; 'jwiltscheck@eimerstahl.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'sunocomtbe@bdlaw.com'; 'rsylvester@bdlaw.com'; 'znorris@bdlaw.com'; 'tdawson@bdlaw.com'; 'tkirkpatrick@kslaw.com'; 'yrodriguez@kslaw.com'; 'atrepel@weitzlux.com'; 'nhaney@weitzlux.com'; 'emorgan84@gmail.com'; 'mdailey@lynnlawvt.com'; 'fharvey@eimerstahl.com'; 'jwiltscheck@eimerstahl.com'; 'christine.coleman@sedgwicklaw.com'; 'roussy.brizuela@sedgwicklaw.com'; 'kristine.mccormick@sedgwicklaw.com'; 'keith.kaider@sedgwicklaw.com'; 'Keith.Kaider@sedgwicklaw.com';

Cc: 'kristin.mccormick@sedgwicklaw.com'; 'tjohnson@kslaw.com'; 'dverduga@kslaw.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'
Subject: Docket No. 340-6-14 Wncv, State of Vermont vs. Atlantic Richfield Company et, ORDER
Attachments: State of Vermont v. Atlantic Richfield, et al.; 340-6-14Wncv.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please see the attached document: ORDER

Donna Waters

Washington Civil Division, Vermont Superior Court
65 State Street, Montpelier, Vermont 05602
Civil (802)828-2091^Small Claims (802)828-5551
www.vermontjudiciary.org

***** DO NOT REPLY ***** This email account is not monitored for responses. Please contact the court in person, by phone, or by U.S. mail if you need assistance.

***** CONFIDENTIAL ***** This email message and related attachments may contain personal and/or privileged information. If you are not the intended recipient, do not disseminate, distribute or copy this email message or any attachments. Please immediately notify JUD.Helpdesk@vermont.gov and permanently delete this email message and any attachments from your computer. For all other assistance, please contact the court.

EMAIL RECIPIENT INFORMATION:

SCOT L. KLINE (scot.kline@vermont.gov; rebecca.ronga@vermont.gov)
Phone: (000)828-0033, ERN 3154

ROBIN L. STERN (rstern@pdsclaw.com; asweeney@pdsclaw.com)
Phone: (802)257-7244, ERN 3029

ROBERT BRADFORD FAWLEY (bfawley@drm.com; jnichols@drm.com)
Phone: (802)258-3070, ERN 3514

PIETRO J LYNN (plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com)
Phone: (802)860-1500, ERN 3695

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

GEOFFREY J. VITT (gvitt@vittandassociates.com; ebower@vittandassociates.com)
Phone: (802)649-5700, ERN 1787

JOHN T. SARTORE (jsartore@pfclaw.com; bcouture@pfclaw.com; jgeary@pfclaw.com)
Phone: (802)658-2311, ERN 2176

RITCHIE E. BERGER (rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com)
Phone: (802)864-5751, ERN 2871

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

ROBERT BRADFORD FAWLEY (bfawley@drm.com; jnichols@drm.com)
Phone: (802)258-3070, ERN 3514

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; chemsley@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

GAVIN J BOYLES (gavin.boyles@vermont.gov; rebecca.ronga@vermont.gov)
Phone: (802)828-1059, ERN 1713

ROBERT F. MCDOUGALL (robert.mcdougall@state.vt.us; rebecca.ronga@state.vt.us)
Phone: (000)828-3186, ERN 2973

GREGORY A. WEIMER (gweimer@lynnlawvt.com; mdailey@lynnlawvt.com)
Phone: (802)860-1500, ERN 1791

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ANGELA R. VICARI (angela.vicari@kayescholer.com)
Phone: (212)836-8000, ERN 6728

JAMES D HERSCHLEIN (james.herschlein@kayescholer.com; albert.cora@kayescholer.com; managingattorneyofficeassignments@kayescholer.com)

Phone: (212)836-8000, ERN 6726

THEODORE E. TSEKERIDES (theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com)
Phone: (212)310-8218, ERN 6708

DAVID J. LENDER (david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com)
Phone: (212)310-8153, ERN 6707

ALLISON M. BROWN (allison.brown@weil.com)
Phone: (609)968-1104, ERN 6754

CHERYL ALLISON JAMES (cheryl.james@weil.com)
Phone: (212)310-8325, ERN 6758

JED P. WINER (Jed.Winer@weil.com; NYMAO@weil.com)
Phone: (212)310-8177, ERN 6709

MELODY AKHAVAN (melody.akhavan@weil.com)
Phone: (212)310-8004, ERN 6753

CARLA BURKE (cburke@baronbudd.com; sbednarski@baronbudd.com; lphilpott@baronbudd.com)
Phone: (214)521-3605, ERN 6740

PAUL SCOTT SUMMY (ssummy@baronbudd.com; emcintosh@baronbudd.com; spetersen@baronbudd.com)
Phone: (214)521-3605, ERN 6735

CELESTE EVANGELISTI (cevangelisti@baronbudd.com)
Phone: (214)521-3605, ERN 6734

MICHAEL THOMAS MARONEY (michael.maroney@hklaw.com; maryann.luddy@hklaw.com)
Phone: (617)305-2029, ERN 6732

DEBORAH E BARNARD (deborah.barnard@hklaw.com)
Phone: (617)619-9240, ERN 6731

LISA MEYER (lmeyer@eimerstahl.com)
Phone: (312)660-7605, ERN 6742

NATHAN P EIMER (neimer@eimerstahl.com)
Phone: (312)660-7601, ERN 6733

PAMELA HANEBUTT (phanebutt@eimerstahl.com; fharvey@eimerstahl.com; jwiltscheck@eimerstahl.com)
Phone: (312)660-7625, ERN 6730

AMERI KLAFETA (aklafeta@eimerstahl.com)
Phone: (312)660-7635, ERN 6727

GLENN POGUST (glenn.pogust@kayescholer.com)
Phone: (212)836-8000, ERN 6729

DAWN ALLISON ELLISON (ellisond@gtlaw.com)
Phone: (202)331-3159, ERN 6820

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

STEVEN LEIFER (sleifer@bakerbotts.com)
Phone: (202)639-7723, ERN 6819

CHRISTOPHER DANLEY (christopher.danley@bakerbotts.com)
Phone: (202)639-7842, ERN 6817

ANDREW RICHARD RUNNING (andrew.running@kirkland.com)
Phone: (312)862-2000, ERN 6777

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

ANDREW KASSOF (andrew.kassof@kirkland.com)
Phone: (312)862-2000, ERN 6778

SYLVIA NICHOLE WINSTON (sylvia.winston@kirkland.com)
Phone: (312)862-2000, ERN 6775

NESSA HOREWITCH COPPINGER (ncoppinger@bdlaw.com; sunocomtbe@bdlaw.com)
Phone: (202)789-6053, ERN 6762

DANIEL M. KRAININ (dkrainin@bdlaw.com; rsylvester@bdlaw.com; znorris@bdlaw.com)
Phone: (212)702-5417, ERN 6765

JOHN S GUTTMANN JR. (jguttmann@bdlaw.com; tdawson@bdlaw.com)
Phone: (202)789-6020, ERN 6763

JAMES J MAHER (jmaher@kslaw.com; tkirkpatrick@kslaw.com; yrodriguez@kslaw.com)
Phone: (713)276-7403, ERN 6791

JEREMIAH J ANDERSON (jjanderson@kslaw.com)
Phone: (713)276-7417, ERN 6818

ROBIN GREENWALD (rgreenwald@weitzlux.com; atrepel@weitzlux.com; nhaney@weitzlux.com)
Phone: (212)558-5802, ERN 6761

BENJAMIN KRASS (bkrass@pawalaw.com)
Phone: (617)641-9550, ERN 6772

WILLIAM A WALSH (wwalsh@weitzlux.com)
Phone: (212)558-5836, ERN 6843

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

MATTHEW PAWA (mp@pawalaw.com)
Phone: (617)641-9550, ERN 6821

ROBERT J GORDON (rgordon@weitzlux.com)
Phone: (212)558-5505, ERN 6785

GREGORY A. WEIMER (gweimer@lynnlawvt.com; mdailey@lynnlawvt.com)
Phone: (802)860-1500, ERN 1791

NATHAN P EIMER (neimer@eimerstahl.com)
Phone: (312)660-7601, ERN 6733

PAMELA HANEBUTT (phanebutt@eimerstahl.com; fharvey@eimerstahl.com; jwiltscheck@eimerstahl.com)
Phone: (312)660-7625, ERN 6730

LISA MEYER (lmeyer@eimerstahl.com)
Phone: (312)660-7605, ERN 6742

AMERI KLAFETA (aklafeta@eimerstahl.com)
Phone: (312)660-7635, ERN 6727

ALAN E KRAUS (alan.kraus@lw.com)
Phone: (212)906-3014, ERN 6826

MATTHEW D THURLOW (matthew.thurlow@lw.com)
Phone: (202)637-1051, ERN 6825

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

MARIE DENNIS (mimi.dennis@sedgwicklaw.com; christine.coleman@sedgwicklaw.com)
Phone: (202)204-3739, ERN 6804

FREGGIE P PITTMAN III (paul.pittman@sedgwicklaw.com; roussy.brizuela@sedgwicklaw.com; kristine.mccormick@sedgwicklaw.com)

Phone: (202)204-1000, ERN 6790

HARMON L. COOPER (monty.cooper@sedgwicklaw.com)
Phone: (301)875-5399, ERN 6848

PETER C. CONDRON (peter.condron@sedgwicklaw.com; keith.kaider@sedgwicklaw.com)
Phone: (202)204-1000, ERN 6784

RICHARD E WALLACE JR. (Rick.Wallace@sedgwicklaw.com; Keith.Kaider@sedgwicklaw.com; kristin.mccormick@sedgwicklaw.com)
Phone: (202)204-1000, ERN 6830

CHARLES CORRELL JR. (ccorrell@kslaw.com; tjohnson@kslaw.com; dverduga@kslaw.com)
Phone: (415)318-1209, ERN 6793

WESLEY H KELMAN (wkelman@pawalaw.com)
Phone: (617)641-9553, ERN 7110

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

STATE OF VERMONT

SUPERIOR COURT
WASHINGTON UNIT

CIVIL DIVISION
DOCKET NO. 340-6-14 Wncv

STATE OF VERMONT

v.

ATLANTIC RICHFIELD COMPANY, *ET AL.*

ORDER

It is hereby ordered that Defendants Atlantic Richfield Company and BP Products North America, Inc.'s Motion for Admission *Pro Hac Vice* of Marianna Caruso Chapleau, Esq. is granted and her appearance shall be entered on behalf of Defendants Atlantic Richfield Company and BP Products North America, Inc. in the above captioned action.

DATED at Montpelier, Vermont this 25th day of August 2015.

Date

Mary Miles Teachout
Presiding Judge

From: JUD - Supreme Court
Sent: Wednesday, August 26, 2015 11:02 AM
To: 'cevangelisti@baronbudd.com'; 'rgreenwald@weitzlux.com'; 'atrepel@weitzlux.com'; 'nhaney@weitzlux.com'; 'cburke@baronbudd.com'; 'sbednarski@baronbudd.com'; 'lphilpott@baronbudd.com'; 'wkelman@pawalaw.com'; Boyles, Gavin; Ronga, Rebecca; 'bkrass@pawalaw.com'; 'mp@pawalaw.com'; 'ssummy@baronbudd.com'; 'emcintosh@baronbudd.com'; 'spetersen@baronbudd.com'; 'wwalsh@weitzlux.com'; 'david.lender@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; McDougall, Robert; Ronga, Rebecca; 'theodore.tsekerides@weil.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'michael.maroney@hklaw.com'; 'maryann.luddy@hklaw.com'; 'deborah.barnard@hklaw.com'; 'rstern@pdsclaw.com'; 'asweeney@pdsclaw.com'; 'bfawley@drm.com'; 'jnichols@drm.com'; 'bfawley@drm.com'; 'jnichols@drm.com'; 'plynn@lynnlawvt.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; Kline, Scot; Ronga, Rebecca; 'hrr@rsclaw.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'cnolan@sheeheyvt.com'; 'chemsley@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'gvitt@vittandassociates.com'; 'ebower@vittandassociates.com'; 'mbyrne@gravelshea.com'; 'docketclerk@gravelshea.com'; 'rberger@dinse.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'jsartore@pfclaw.com'; 'bcouture@pfclaw.com'; 'jgeary@pfclaw.com'
Subject: Docket No. 2015-201, State v. Atlantic Richfield, et al.
Attachments: ORAL ARGUMENT 2015-201.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please see the attached document: Oral Argument

Thank you for your attention to this matter.

Sincerely,

Gerrie Denison
Supreme Court Docket Clerk
Vermont Supreme Court
109 State Street
Montpelier, VT 05609
Office: (802) 828-4774
Fax: (802) 828-4750

****

or any attachments. Please immediately notify JUD.Helpdesk@vermont.gov and permanently delete this email message and any attachments from your computer. For all other assistance, please contact the court.

****

THE FOLLOWING ECABINET USERS ARE COPIED RECIPIENTS.

CELESTE EVANGELISTI
ERN: 6734
Attorney: 9000858
Phone: (214)521-3605
cevangelisti@baronbudd.com

ROBIN GREENWALD
ERN: 6761
Attorney: 9000872
Phone: (212)558-5802
rgreenwald@weitzlux.com
atrepel@weitzlux.com
nhaney@weitzlux.com

CARLA BURKE
ERN: 6740
Attorney: 9000859
Phone: (214)521-3605
cburke@baronbudd.com
sbednarski@baronbudd.com
lphilpott@baronbudd.com

WESLEY H KELMAN
ERN: 7110
Attorney: 9000943
Phone: (617)641-9553
wkelman@pawalaw.com

GAVIN J BOYLES
ERN: 1713
Attorney: 4371
Phone: (802)828-1059
gavin.boyles@vermont.gov
rebecca.ronga@vermont.gov

BENJAMIN KRASS
ERN: 6772
Attorney: 9000885
Phone: (617)641-9550
bkrass@pawalaw.com

MATTHEW PAWA
ERN: 6821
Attorney: 9000890
Phone: (617)641-9550
mp@pawalaw.com

PAUL SCOTT SUMMY
ERN: 6735
Attorney: 9000857
Phone: (214)521-3605
ssummy@baronbudd.com
emcintosh@baronbudd.com
spetersen@baronbudd.com

WILLIAM A WALSH
ERN: 6843
Attorney: 9000871
Phone: (212)558-5836
wwalsh@weitzlux.com

DAVID J. LENDER
ERN: 6707
Attorney: 9000846
Phone: (212)310-8153
david.lender@weil.com
Allison.Brown@weil.com
Cheryl.James@weil.com

ROBERT F. MCDOUGALL
ERN: 2973
Attorney: 3986
Phone: (000)828-3186
robert.mcdougall@state.vt.us
rebecca.ronga@state.vt.us

THEODORE E. TSEKERIDES
ERN: 6708
Attorney: 9000843
Phone: (212)310-8218
theodore.tsekerides@weil.com
jed.winer@weil.com
carolyn.davis@weil.com

MICHAEL THOMAS MARONEY
ERN: 6732
Attorney: 9000856
Phone: (617)305-2029

michael.maroney@hklaw.com
maryann.luddy@hklaw.com

DEBORAH E BARNARD
ERN: 6731
Attorney: 9000855
Phone: (617)619-9240
deborah.barnard@hklaw.com

ROBIN L. STERN
ERN: 3029
Attorney: 1205
Phone: (802)257-7244
rstern@pdsclaw.com
asweeney@pdsclaw.com

ROBERT BRADFORD FAWLEY
ERN: 3514
Attorney: 2831
Phone: (802)258-3070
bfawley@drm.com
jnichols@drm.com

ROBERT BRADFORD FAWLEY
ERN: 3514
Attorney: 2831
Phone: (802)258-3070
bfawley@drm.com
jnichols@drm.com

PIETRO J LYNN
ERN: 3695
Attorney: 2429
Phone: (802)860-1500
plynn@lynnlawvt.com
mdailey@lynnlawvt.com
ndaley@lynnlawvt.com

SCOT L. KLINE
ERN: 3154
Attorney: 2373
Phone: (000)828-0033
scot.kline@vermont.gov
rebecca.ronga@vermont.gov

HARRY R. RYAN III
ERN: 1833
Attorney: 1106

Phone: (802)786-1040
hrr@rsclaw.com
cbm@rsclaw.com
ejm@rsclaw.com

CRAIG SCOTT NOLAN
ERN: 4420
Attorney: 3334
Phone: (802)864-9891
cnolan@sheeheyvt.com
chemsley@sheeheyvt.com
cjoliver@sheeheyvt.com

GEOFFREY J. VITT
ERN: 1787
Attorney: 2463
Phone: (802)649-5700
gvitt@vittandassociates.com
ebower@vittandassociates.com

MATTHEW B. BYRNE
ERN: 2486
Attorney: 4282
Phone: (000)658-0220
mbyrne@gravelshea.com
docketclerk@gravelshea.com

RITCHIE E. BERGER
ERN: 2871
Attorney: 187
Phone: (802)864-5751
rberger@dinse.com
dwilliams@dinse.com
lreese@dinse.com

JOHN T. SARTORE
ERN: 2176
Attorney: 1116
Phone: (802)658-2311
jsartore@pfclaw.com
bcouture@pfclaw.com
jgeary@pfclaw.com

SUPREME COURT OF VERMONT

(802) 828-3278 (Voice)
(802) 828-3234 (TTY)

Mailing Address:
109 State Street
Montpelier, Vermont
05609-0801

August 26, 2015

PARTY COPY

IN RE Vermont Supreme Court, Docket No. 2015-201

STATE OF VERMONT* v. ATLANTIC RICHFIELD, et al**

This case is now ready to be scheduled for argument or conference. The screening decision limits argument to **30** minutes before the full Court.

If you desire to present oral argument, please advise the clerk's office in writing by 09/09/2015 (filed not postmarked) and send a copy to all other counsel and pro se parties.

If no party requests oral argument by the specified date, argument will be deemed waived, and the matter will be considered by the Court based on the briefs and the record on appeal. If a party requests oral argument, the matter will be scheduled for the next available term.

Until your case is scheduled, it is your responsibility to notify the clerk's office of dates you will be unavailable for oral argument. Once scheduled, a case will not be continued except by motion and upon a showing of extraordinary circumstances.

Sincerely,

Gerrie Denison, Docket Clerk

Copies sent to Attorneys of Record and Pro Se Litigants:
Ritchie E. Berger, Gavin Boyles, Matthew B. Byrne, R. B. Fawley,
Scot L. Kline, Pietro J. Lynn, Robert F. McDougall, Craig S. Nolan,
BENJAMIN KRASS, ESQ., CARLA M. BURKE,ESQ., CELESTE A. EVANGELISTI, ESQ., DAVID LENDE
DEBORAH E. BARNARD, ESQ., MATTHEW PAWA, ESQ., MICHAEL MARONEY, ESQ., PAUL SCOTT SUMM
ROBERT GORDON, ESQ., ROBIN GREENWALD, ESQ., THEODORE E. TSEKERIDES, ESQ., WESLEY KEL
WILLIAM WALSH, ESQ., Harry R. Ryan, III, John T. Sartore, Robin L. Stern,
Geoffrey J. Vitt

From: Debbie Williams <dwilliams@DINSE.COM>
Sent: Tuesday, September 8, 2015 2:07 PM
To: 'scot.kline@state.vt.us'; 'gavin.boyles@state.vt.us'; 'rebecca.ronga@state.vt.us'; 'robert.mcdougall@state.vt.us'; 'rstern@pdsclaw.com'; 'bfawley@drm.com'; 'plynn@lynnlawvt.com'; 'hrr@rsclaw.com'; 'gvitt@vittandassociates.com'; 'mbyrne@gravelshea.com'; 'jsartore@pfclaw.com'; 'bcouture@pfclaw.com'; 'cnolan@sheeheyvt.com'; 'gweimer@lynnlawvt.com'; 'hhammond@gravelshea.com'; 'ejm@rsclaw.com'; 'emorgan84@gmail.com'; 'angela.vicari@kayescholer.com'; 'james.herschlein@kayescholer.com'; 'theodore.tsekerides@weil.com'; 'david.lender@weil.com'; 'allison.brown@weil.com'; 'cheryl.james@weil.com'; 'jed.winer@weil.com'; 'melody.akhavan@weil.com'; 'cburke@baronbudd.com'; 'ssummy@baronbudd.com'; 'cevangelisti@baronbudd.com'; 'michael.maroney@hklaw.com'; 'deborah.barnard@hklaw.com'; 'lmeyer@eimerstahl.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'glenn.pogust@kayescholer.com'; 'ellisond@gtlaw.com'; 'jbennett@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'sleifer@bakerbotts.com'; 'christopher.danley@bakerbotts.com'; 'andrew.running@kirkland.com'; 'andrew.langan@kirkland.com'; 'andrew.kassof@kirkland.com'; 'sylvia.winston@kirkland.com'; 'dkrainin@bdlaw.com'; 'jguttmann@bdlaw.com'; 'ncoppinger@bdlaw.com'; 'jmaher@kslaw.com'; 'jjanderson@kslaw.com'; 'lincoln.lande@gmail.com'; 'jaspinall@dowdbennett.com'; 'wkelman@pawalaw.com'; 'ccorrell@kslaw.com'; 'Rick.Wallace@sedgwicklaw.com'; 'peter.condron@sedgwicklaw.com'; 'monty.cooper@sedgwicklaw.com'; 'paul.pittman@sedgwicklaw.com'; 'mimi.dennis@sedgwicklaw.com'; 'matthew.thurlow@lw.com'; 'alan.kraus@lw.com'; 'rgordon@weitzlux.com'; 'mp@pawalaw.com'; 'ejm@rsclaw.com'; 'wwalsh@weitzlux.com'; 'bkrass@pawalaw.com'; 'rgreenwald@weitzlux.com'; Ritchie Berger; Angela Clark
Subject: State of Vermont v. Atlantic Richfield Company, et al.
Attachments: Letter to Gerri Denison at Vermont Supreme Court 090815 (B1435916xA047C).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Counsel,

Attached please find Appellees Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Mobil Corporation's letter to the Vermont Supreme Court regarding availability for oral argument.

This letter was mailed to the Supreme Court today.

Thank you.

Deborah Williams
Legal Assistant

Dinse, Knapp & McAndrew, P.C.
209 Battery Street
P.O. Box 988
Burlington, VT 05402

W: 802-864-5751 | F: 802-862-6409
dwilliams@dinse.com | www.dinse.com

DINSE Burlington, Vermont Plattsburgh, New York

Ritchie E. Berger, Esq.
Email: *rberger@dinse.com*

September 8, 2015

Gerri Denison
Supreme Court Docket Clerk
Vermont Supreme Court
109 State Street
Montpelier, VT 05609

Re: State of Vermont v. Atlantic Richfield Company, et al.
Docket No.: 2015-201

Dear Ms. Denison:

Appellees Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Mobil Corporation are unavailable for oral argument on the following dates:

October 26 – October 29

November 9 – November 13

Thank you.

Very truly yours,

DINSE, KNAPP & McANDREW, P.C.

Ritchie E. Berger, Esq.

REB/djw

cc: Counsel of record

From: Waters, Donna
Sent: Tuesday, September 15, 2015 3:11 PM
To: Kline, Scot; 'rstern@pdsclaw.com'; 'rstern@pdsclaw.com'; 'bfawley@drm.com'; 'plynn@lynnlawvt.com'; 'plynn@lynnlawvt.com'; 'hrr@rsclaw.com'; 'gvitt@vittandassociates.com'; 'hrr@rsclaw.com'; 'mbyrne@gravelshea.com'; 'rberger@dinse.com'; 'rberger@dinse.com'; 'hrr@rsclaw.com'; 'jsartore@pfclaw.com'; 'jsartore@pfclaw.com'; 'rberger@dinse.com'; 'mbyrne@gravelshea.com'; 'plynn@lynnlawvt.com'; 'mbyrne@gravelshea.com'; 'mbyrne@gravelshea.com'; 'mbyrne@gravelshea.com'; 'mbyrne@gravelshea.com'; 'hrr@rsclaw.com'; 'mbyrne@gravelshea.com'; 'hrr@rsclaw.com'; 'bfawley@drm.com'; 'cnolan@sheeheyvt.com'; 'cnolan@sheeheyvt.com'; 'cnolan@sheeheyvt.com'; 'cnolan@sheeheyvt.com'; Boyles, Gavin; McDougall, Robert; 'gweimer@lynnlawvt.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'angela.vicari@kayescholer.com'; 'angela.vicari@kayescholer.com'; 'james.herschlein@kayescholer.com'; 'james.herschlein@kayescholer.com'; 'theodore.tsekerides@weil.com'; 'theodore.tsekerides@weil.com'; 'theodore.tsekerides@weil.com'; 'david.lender@weil.com'; 'david.lender@weil.com'; 'david.lender@weil.com'; 'allison.brown@weil.com'; 'allison.brown@weil.com'; 'allison.brown@weil.com'; 'cheryl.james@weil.com'; 'cheryl.james@weil.com'; 'cheryl.james@weil.com'; 'Jed.Winer@weil.com'; 'Jed.Winer@weil.com'; 'Jed.Winer@weil.com'; 'melody.akhavan@weil.com'; 'melody.akhavan@weil.com'; 'melody.akhavan@weil.com'; 'cburke@baronbudd.com'; 'ssummy@baronbudd.com'; 'cevangelisti@baronbudd.com'; 'michael.maroney@hklaw.com'; 'michael.maroney@hklaw.com'; 'michael.maroney@hklaw.com'; 'deborah.barnard@hklaw.com'; 'deborah.barnard@hklaw.com'; 'deborah.barnard@hklaw.com'; 'lmeyer@eimerstahl.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'glenn.pogust@kayescholer.com'; 'glenn.pogust@kayescholer.com'; 'ellisond@gtlaw.com'; 'ellisond@gtlaw.com'; 'jbennett@dowdbennett.com'; 'jbennett@dowdbennett.com'; 'jbennett@dowdbennett.com'; 'jbennett@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sleifer@bakerbotts.com'; 'christopher.danley@bakerbotts.com'; 'andrew.running@kirkland.com'; 'andrew.running@kirkland.com'; 'andrew.langan@kirkland.com'; 'andrew.langan@kirkland.com'; 'andrew.kassof@kirkland.com'; 'andrew.kassof@kirkland.com'; 'sylvia.winston@kirkland.com'; 'sylvia.winston@kirkland.com'; 'ncoppinger@bdlaw.com'; 'dkrainin@bdlaw.com'; 'jguttmann@bdlaw.com'; 'jmaher@kslaw.com'; 'jmaher@kslaw.com'; 'jjanderson@kslaw.com'; 'jjanderson@kslaw.com'; 'rgreenwald@weitzlux.com'; 'bkrass@pawalaw.com'; 'wwalsh@weitzlux.com'; 'ejm@rsclaw.com'; 'mp@pawalaw.com'; 'rgordon@weitzlux.com'; 'gweimer@lynnlawvt.com'; 'gweimer@lynnlawvt.com'; 'neimer@eimerstahl.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'lmeyer@eimerstahl.com'; 'lmeyer@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'alan.kraus@lw.com'; 'matthew.thurlow@lw.com'; 'andrew.langan@kirkland.com'; 'andrew.langan@kirkland.com'; 'mimi.dennis@sedgwicklaw.com';

To: 'paul.pittman@sedgwicklaw.com'; 'monty.cooper@sedgwicklaw.com'; 'peter.condron@sedgwicklaw.com'; 'Rick.Wallace@sedgwicklaw.com'; 'ccorrell@kslaw.com'; 'wkelman@pawalaw.com'; 'jaspinall@dowdbennett.com'; 'jaspinall@dowdbennett.com'; 'jaspinall@dowdbennett.com'; 'jaspinall@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'jmessenger@gordonrees.com'; 'jmessenger@gordonrees.com'

Cc: Ronga, Rebecca; 'asweeney@pdsclaw.com'; 'asweeney@pdsclaw.com'; 'jnichols@drm.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'ebower@vittandassociates.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'docketclerk@gravelshea.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'bcouture@pfclaw.com'; 'jgeary@pfclaw.com'; 'bcouture@pfclaw.com'; 'jgeary@pfclaw.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'docketclerk@gravelshea.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'docketclerk@gravelshea.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'jnichols@drm.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; Ronga, Rebecca; Ronga, Rebecca; 'mdailey@lynnlawvt.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'albert.cora@kayescholer.com'; 'managingattorneyofficeassignments@kayescholer.com'; 'albert.cora@kayescholer.com'; 'managingattorneyofficeassignments@kayescholer.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; 'NYMAO@weil.com'; 'NYMAO@weil.com'; 'NYMAO@weil.com'; 'sbednarski@baronbudd.com'; 'lphilpott@baronbudd.com'; 'emcintosh@baronbudd.com'; 'spetersen@baronbudd.com'; 'maryann.luddy@hklaw.com'; 'maryann.luddy@hklaw.com'; 'maryann.luddy@hklaw.com'; 'fharvey@eimerstahl.com'; 'jwiltscheck@eimerstahl.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'sunocomtbe@bdlaw.com'; 'rsylvester@bdlaw.com'; 'znorris@bdlaw.com'; 'tdawson@bdlaw.com'; 'tkirkpatrick@kslaw.com'; 'yrodriguez@kslaw.com'; 'tkirkpatrick@kslaw.com'; 'yrodriguez@kslaw.com'; 'atrepel@weitzlux.com'; 'nhaney@weitzlux.com'; 'emorgan84@gmail.com'; 'mdailey@lynnlawvt.com'; 'mdailey@lynnlawvt.com'; 'fharvey@eimerstahl.com'; 'jwiltscheck@eimerstahl.com'; 'fharvey@eimerstahl.com'; 'jwiltscheck@eimerstahl.com'; 'christine.coleman@sedgwicklaw.com'; 'roussy.brizuela@sedgwicklaw.com'; 'kristine.mccormick@sedgwicklaw.com'; 'keith.kaider@sedgwicklaw.com';

Cc:	'Keith.Kaider@sedgwicklaw.com'; 'kristin.mccormick@sedgwicklaw.com'; 'tjohnson@kslaw.com'; 'dverduga@kslaw.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'jmessenger@gordonrees.com'; 'jmessenger@gordonrees.com'
Subject:	Docket No. 340-6-14 Wncv, State of Vermont vs. Atlantic Richfield Company et, ORDER
Attachments:	State of VT v. Atlantic Richfield, et al.; 340-6-14Wncv.pdf
Follow Up Flag:	Follow up
Flag Status:	Completed

Please see the attached document: ORDER

Donna Waters

Washington Civil Division, Vermont Superior Court
65 State Street, Montpelier, Vermont 05602
Civil (802)828-2091^Small Claims (802)828-5551
www.vermontjudiciary.org

***** DO NOT REPLY ***** This email account is not monitored for responses. Please contact the court in person, by phone, or by U.S. mail if you need assistance.

***** CONFIDENTIAL ***** This email message and related attachments may contain personal and/or privileged information. If you are not the intended recipient, do not disseminate, distribute or copy this email message or any attachments. Please immediately notify JUD.Helpdesk@vermont.gov and permanently delete this email message and any attachments from your computer. For all other assistance, please contact the court.

EMAIL RECIPIENT INFORMATION:

SCOT L. KLINE (scot.kline@vermont.gov; rebecca.ronga@vermont.gov)
Phone: (000)828-0033, ERN 3154

ROBIN L. STERN (rstern@pdsclaw.com; asweeney@pdsclaw.com)
Phone: (802)257-7244, ERN 3029

ROBIN L. STERN (rstern@pdsclaw.com; asweeney@pdsclaw.com)
Phone: (802)257-7244, ERN 3029

ROBERT BRADFORD FAWLEY (bfawley@drm.com; jnichols@drm.com)
Phone: (802)258-3070, ERN 3514

PIETRO J LYNN (plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com)
Phone: (802)860-1500, ERN 3695

PIETRO J LYNN (plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com)
Phone: (802)860-1500, ERN 3695

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

GEOFFREY J. VITT (gvitt@vittandassociates.com; ebower@vittandassociates.com)
Phone: (802)649-5700, ERN 1787

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

RITCHIE E. BERGER (rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com)
Phone: (802)864-5751, ERN 2871

RITCHIE E. BERGER (rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com)
Phone: (802)864-5751, ERN 2871

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

JOHN T. SARTORE (jsartore@pfclaw.com; bcouture@pfclaw.com; jgeary@pfclaw.com)
Phone: (802)658-2311, ERN 2176

JOHN T. SARTORE (jsartore@pfclaw.com; bcouture@pfclaw.com; jgeary@pfclaw.com)
Phone: (802)658-2311, ERN 2176

RITCHIE E. BERGER (rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com)
Phone: (802)864-5751, ERN 2871

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

PIETRO J LYNN (plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com)
Phone: (802)860-1500, ERN 3695

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

ROBERT BRADFORD FAWLEY (bfawley@drm.com; jnichols@drm.com)
Phone: (802)258-3070, ERN 3514

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

GAVIN J BOYLES (gavin.boyles@vermont.gov; rebecca.ronga@vermont.gov)
Phone: (802)828-1059, ERN 1713

ROBERT F. MCDOUGALL (robert.mcdougall@vermont.gov; rebecca.ronga@vermont.gov)
Phone: (000)828-3186, ERN 2973

GREGORY A. WEIMER (gweimer@lynnlawvt.com; mdailey@lynnlawvt.com)
Phone: (802)860-1500, ERN 1791

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ANGELA R. VICARI (angela.vicari@kayescholer.com)
Phone: (212)836-8000, ERN 6728

ANGELA R. VICARI (angela.vicari@kayescholer.com)
Phone: (212)836-8000, ERN 6728

JAMES D HERSCHLEIN (james.herschlein@kayescholer.com; albert.cora@kayescholer.com; managingattorneyofficeassignments@kayescholer.com)

Phone: (212)836-8000, ERN 6726

JAMES D HERSCHLEIN (james.herschlein@kayescholer.com; albert.cora@kayescholer.com; managingattorneyofficeassignments@kayescholer.com)

Phone: (212)836-8000, ERN 6726

THEODORE E. TSEKERIDES (theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com)
Phone: (212)310-8218, ERN 6708

THEODORE E. TSEKERIDES (theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com)
Phone: (212)310-8218, ERN 6708

THEODORE E. TSEKERIDES (theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com)
Phone: (212)310-8218, ERN 6708

DAVID J. LENDER (david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com)
Phone: (212)310-8153, ERN 6707

DAVID J. LENDER (david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com)
Phone: (212)310-8153, ERN 6707

DAVID J. LENDER (david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com)
Phone: (212)310-8153, ERN 6707

ALLISON M. BROWN (allison.brown@weil.com)
Phone: (609)968-1104, ERN 6754

ALLISON M. BROWN (allison.brown@weil.com)
Phone: (609)968-1104, ERN 6754

ALLISON M. BROWN (allison.brown@weil.com)
Phone: (609)968-1104, ERN 6754

CHERYL ALLISON JAMES (cheryl.james@weil.com)
Phone: (212)310-8325, ERN 6758

CHERYL ALLISON JAMES (cheryl.james@weil.com)
Phone: (212)310-8325, ERN 6758

CHERYL ALLISON JAMES (cheryl.james@weil.com)
Phone: (212)310-8325, ERN 6758

JED P. WINER (Jed.Winer@weil.com; NYMAO@weil.com)
Phone: (212)310-8177, ERN 6709

JED P. WINER (Jed.Winer@weil.com; NYMAO@weil.com)
Phone: (212)310-8177, ERN 6709

JED P. WINER (Jed.Winer@weil.com; NYMAO@weil.com)
Phone: (212)310-8177, ERN 6709

MELODY AKHAVAN (melody.akhavan@weil.com)
Phone: (212)310-8004, ERN 6753

MELODY AKHAVAN (melody.akhavan@weil.com)
Phone: (212)310-8004, ERN 6753

MELODY AKHAVAN (melody.akhavan@weil.com)
Phone: (212)310-8004, ERN 6753

CARLA BURKE (cburke@baronbudd.com; sbednarski@baronbudd.com; lphilpott@baronbudd.com)
Phone: (214)521-3605, ERN 6740

PAUL SCOTT SUMMY (ssummy@baronbudd.com; emcintosh@baronbudd.com; spetersen@baronbudd.com)
Phone: (214)521-3605, ERN 6735

CELESTE EVANGELISTI (cevangelisti@baronbudd.com)
Phone: (214)521-3605, ERN 6734

MICHAEL THOMAS MARONEY (michael.maroney@hklaw.com; maryann.luddy@hklaw.com)
Phone: (617)305-2029, ERN 6732

MICHAEL THOMAS MARONEY (michael.maroney@hklaw.com; maryann.luddy@hklaw.com)
Phone: (617)305-2029, ERN 6732

MICHAEL THOMAS MARONEY (michael.maroney@hklaw.com; maryann.luddy@hklaw.com)
Phone: (617)305-2029, ERN 6732

DEBORAH E BARNARD (deborah.barnard@hklaw.com)
Phone: (617)619-9240, ERN 6731

DEBORAH E BARNARD (deborah.barnard@hklaw.com)
Phone: (617)619-9240, ERN 6731

DEBORAH E BARNARD (deborah.barnard@hklaw.com)
Phone: (617)619-9240, ERN 6731

LISA MEYER (lmeyer@eimerstahl.com)
Phone: (312)660-7605, ERN 6742

NATHAN P EIMER (neimer@eimerstahl.com)
Phone: (312)660-7601, ERN 6733

PAMELA HANEBUTT (phanebutt@eimerstahl.com; fharvey@eimerstahl.com; jwiltscheck@eimerstahl.com)
Phone: (312)660-7625, ERN 6730

AMERI KLAFETA (aklafeta@eimerstahl.com)
Phone: (312)660-7635, ERN 6727

GLENN POGUST (glenn.pogust@kayescholer.com)
Phone: (212)836-8000, ERN 6729

GLENN POGUST (glenn.pogust@kayescholer.com)
Phone: (212)836-8000, ERN 6729

DAWN ALLISON ELLISON (ellisond@gtlaw.com)
Phone: (202)331-3159, ERN 6820

DAWN ALLISON ELLISON (ellisond@gtlaw.com)
Phone: (202)331-3159, ERN 6820

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

STEVEN LEIFER (sleifer@bakerbotts.com)
Phone: (202)639-7723, ERN 6819

CHRISTOPHER DANLEY (christopher.danley@bakerbotts.com)
Phone: (202)639-7842, ERN 6817

ANDREW RICHARD RUNNING (andrew.running@kirkland.com)
Phone: (312)862-2000, ERN 6777

ANDREW RICHARD RUNNING (andrew.running@kirkland.com)
Phone: (312)862-2000, ERN 6777

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

ANDREW KASSOF (andrew.kassof@kirkland.com)
Phone: (312)862-2000, ERN 6778

ANDREW KASSOF (andrew.kassof@kirkland.com)
Phone: (312)862-2000, ERN 6778

SYLVIA NICHOLE WINSTON (sylvia.winston@kirkland.com)
Phone: (312)862-2000, ERN 6775

SYLVIA NICHOLE WINSTON (sylvia.winston@kirkland.com)
Phone: (312)862-2000, ERN 6775

NESSA HOREWITCH COPPINGER (ncoppinger@bdlaw.com; sunocomtbe@bdlaw.com)
Phone: (202)789-6053, ERN 6762

DANIEL M. KRAININ (dkrainin@bdlaw.com; rsylvester@bdlaw.com; znorris@bdlaw.com)
Phone: (212)702-5417, ERN 6765

JOHN S GUTTMANN JR. (jguttmann@bdlaw.com; tdawson@bdlaw.com)
Phone: (202)789-6020, ERN 6763

JAMES J MAHER (jmaher@kslaw.com; tkirkpatrick@kslaw.com; yrodriguez@kslaw.com)
Phone: (713)276-7403, ERN 6791

JAMES J MAHER (jmaher@kslaw.com; tkirkpatrick@kslaw.com; yrodriguez@kslaw.com)
Phone: (713)276-7403, ERN 6791

JEREMIAH J ANDERSON (jjanderson@kslaw.com)
Phone: (713)276-7417, ERN 6818

JEREMIAH J ANDERSON (jjanderson@kslaw.com)
Phone: (713)276-7417, ERN 6818

ROBIN GREENWALD (rgreenwald@weitzlux.com; atrepel@weitzlux.com; nhaney@weitzlux.com)
Phone: (212)558-5802, ERN 6761

BENJAMIN KRASS (bkrass@pawalaw.com)
Phone: (617)641-9550, ERN 6772

WILLIAM A WALSH (wwalsh@weitzlux.com)
Phone: (212)558-5836, ERN 6843

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

MATTHEW PAWA (mp@pawalaw.com)
Phone: (617)641-9550, ERN 6821

ROBERT J GORDON (rgordon@weitzlux.com)
Phone: (212)558-5505, ERN 6785

GREGORY A. WEIMER (gweimer@lynnlawvt.com; mdailey@lynnlawvt.com)
Phone: (802)860-1500, ERN 1791

GREGORY A. WEIMER (gweimer@lynnlawvt.com; mdailey@lynnlawvt.com)
Phone: (802)860-1500, ERN 1791

NATHAN P EIMER (neimer@eimerstahl.com)
Phone: (312)660-7601, ERN 6733

NATHAN P EIMER (neimer@eimerstahl.com)
Phone: (312)660-7601, ERN 6733

PAMELA HANEBUTT (phanebutt@eimerstahl.com; fharvey@eimerstahl.com; jwiltscheck@eimerstahl.com)
Phone: (312)660-7625, ERN 6730

PAMELA HANEBUTT (phanebutt@eimerstahl.com; fharvey@eimerstahl.com; jwiltscheck@eimerstahl.com)
Phone: (312)660-7625, ERN 6730

LISA MEYER (lmeyer@eimerstahl.com)
Phone: (312)660-7605, ERN 6742

LISA MEYER (lmeyer@eimerstahl.com)
Phone: (312)660-7605, ERN 6742

AMERI KLAFETA (aklafeta@eimerstahl.com)
Phone: (312)660-7635, ERN 6727

AMERI KLAFETA (aklafeta@eimerstahl.com)
Phone: (312)660-7635, ERN 6727

ALAN E KRAUS (alan.kraus@lw.com)
Phone: (212)906-3014, ERN 6826

MATTHEW D THURLOW (matthew.thurlow@lw.com)
Phone: (202)637-1051, ERN 6825

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

MARIE DENNIS (mimi.dennis@sedgwicklaw.com; christine.coleman@sedgwicklaw.com)
Phone: (202)204-3739, ERN 6804

FREGGIE P PITTMAN III (paul.pittman@sedgwicklaw.com; roussy.brizuela@sedgwicklaw.com; kristine.mccormick@sedgwicklaw.com)

Phone: (202)204-1000, ERN 6790

HARMON L. COOPER (monty.cooper@sedgwicklaw.com)
Phone: (301)875-5399, ERN 6848

PETER C. CONDRON (peter.condron@sedgwicklaw.com; keith.kaider@sedgwicklaw.com)
Phone: (202)204-1000, ERN 6784

RICHARD E WALLACE JR. (Rick.Wallace@sedgwicklaw.com; Keith.Kaider@sedgwicklaw.com; kristin.mccormick@sedgwicklaw.com)
Phone: (202)204-1000, ERN 6830

CHARLES CORRELL JR. (ccorrell@kslaw.com; tjohnson@kslaw.com; dverduga@kslaw.com)
Phone: (415)318-1209, ERN 6793

WESLEY H KELMAN (wkelman@pawalaw.com)
Phone: (617)641-9553, ERN 7110

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

JAMES L MESSENGER (jmessenger@gordonrees.com; jmessenger@gordonrees.com)
Phone: (617)413-3891, ERN 7247

JAMES L MESSENGER (jmessenger@gordonrees.com; jmessenger@gordonrees.com)
Phone: (617)413-3891, ERN 7247

VERMONT SUPERIOR COURT
WASHINGTON UNIT, CIVIL DIVISION

STATE OF VERMONT, Plaintiff, v. ATLANTIC RICHFIELD COMPANY, et al., Defendants.

Docket No. 340-6-14 Wncv

Order 7, 9

It is hereby ordered that Harry R. Ryan, Esq.'s Motion for Admission *Pro Hac Vice* of James L. Messenger, Esq. is granted, and Attorney Messenger's appearance shall be entered on behalf of Defendants Coastal Eagle Point Oil Company and El Paso Merchant Energy-Petroleum Company in the above-captioned action.

9/14/15
Date

Presiding Judge

9366-004/609848

From: Waters, Donna
Sent: Tuesday, September 22, 2015 3:53 PM
To: Kline, Scot; 'rstern@pdsclaw.com'; 'rstern@pdsclaw.com'; 'bfawley@drm.com'; 'plynn@lynnlawvt.com'; 'plynn@lynnlawvt.com'; 'hrr@rsclaw.com'; 'gvitt@vittandassociates.com'; 'hrr@rsclaw.com'; 'mbyrne@gravelshea.com'; 'rberger@dinse.com'; 'rberger@dinse.com'; 'hrr@rsclaw.com'; 'jsartore@pfclaw.com'; 'jsartore@pfclaw.com'; 'rberger@dinse.com'; 'mbyrne@gravelshea.com'; 'plynn@lynnlawvt.com'; 'mbyrne@gravelshea.com'; 'mbyrne@gravelshea.com'; 'mbyrne@gravelshea.com'; 'mbyrne@gravelshea.com'; 'hrr@rsclaw.com'; 'mbyrne@gravelshea.com'; 'hrr@rsclaw.com'; 'bfawley@drm.com'; 'cnolan@sheeheyvt.com'; 'cnolan@sheeheyvt.com'; 'cnolan@sheeheyvt.com'; 'cnolan@sheeheyvt.com'; Boyles, Gavin; McDougall, Robert; 'gweimer@lynnlawvt.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'angela.vicari@kayescholer.com'; 'angela.vicari@kayescholer.com'; 'james.herschlein@kayescholer.com'; 'james.herschlein@kayescholer.com'; 'theodore.tsekerides@weil.com'; 'theodore.tsekerides@weil.com'; 'theodore.tsekerides@weil.com'; 'david.lender@weil.com'; 'david.lender@weil.com'; 'david.lender@weil.com'; 'allison.brown@weil.com'; 'allison.brown@weil.com'; 'allison.brown@weil.com'; 'cheryl.james@weil.com'; 'cheryl.james@weil.com'; 'cheryl.james@weil.com'; 'Jed.Winer@weil.com'; 'Jed.Winer@weil.com'; 'Jed.Winer@weil.com'; 'melody.akhavan@weil.com'; 'melody.akhavan@weil.com'; 'melody.akhavan@weil.com'; 'cburke@baronbudd.com'; 'ssummy@baronbudd.com'; 'cevangelisti@baronbudd.com'; 'michael.maroney@hklaw.com'; 'michael.maroney@hklaw.com'; 'michael.maroney@hklaw.com'; 'deborah.barnard@hklaw.com'; 'deborah.barnard@hklaw.com'; 'deborah.barnard@hklaw.com'; 'lmeyer@eimerstahl.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'glenn.pogust@kayescholer.com'; 'glenn.pogust@kayescholer.com'; 'ellisond@gtlaw.com'; 'ellisond@gtlaw.com'; 'jbennett@dowdbennett.com'; 'jbennett@dowdbennett.com'; 'jbennett@dowdbennett.com'; 'jbennett@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sleifer@bakerbotts.com'; 'christopher.danley@bakerbotts.com'; 'andrew.running@kirkland.com'; 'andrew.running@kirkland.com'; 'andrew.langan@kirkland.com'; 'andrew.langan@kirkland.com'; 'andrew.kassof@kirkland.com'; 'andrew.kassof@kirkland.com'; 'sylvia.winston@kirkland.com'; 'sylvia.winston@kirkland.com'; 'ncoppinger@bdlaw.com'; 'dkrainin@bdlaw.com'; 'jguttmann@bdlaw.com'; 'jmaher@kslaw.com'; 'jmaher@kslaw.com'; 'jjanderson@kslaw.com'; 'jjanderson@kslaw.com'; 'rgreenwald@weitzlux.com'; 'bkrass@pawalaw.com'; 'wwalsh@weitzlux.com'; 'ejm@rsclaw.com'; 'mp@pawalaw.com'; 'rgordon@weitzlux.com'; 'gweimer@lynnlawvt.com'; 'gweimer@lynnlawvt.com'; 'neimer@eimerstahl.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'lmeyer@eimerstahl.com'; 'lmeyer@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'alan.kraus@lw.com'; 'matthew.thurlow@lw.com'; 'andrew.langan@kirkland.com'; 'andrew.langan@kirkland.com'; 'mimi.dennis@sedgwicklaw.com';

To: 'paul.pittman@sedgwicklaw.com'; 'monty.cooper@sedgwicklaw.com'; 'peter.condron@sedgwicklaw.com'; 'Rick.Wallace@sedgwicklaw.com'; 'ccorrell@kslaw.com'; 'wkelman@pawalaw.com'; 'jaspinall@dowdbennett.com'; 'jaspinall@dowdbennett.com'; 'jaspinall@dowdbennett.com'; 'jaspinall@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'jmessenger@gordonrees.com'; 'jmessenger@gordonrees.com'

Cc: Ronga, Rebecca; 'asweeney@pdsclaw.com'; 'asweeney@pdsclaw.com'; 'jnichols@drm.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'ebower@vittandassociates.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'docketclerk@gravelshea.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'bcouture@pfclaw.com'; 'jgeary@pfclaw.com'; 'bcouture@pfclaw.com'; 'jgeary@pfclaw.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'docketclerk@gravelshea.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'docketclerk@gravelshea.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'jnichols@drm.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; Ronga, Rebecca; Ronga, Rebecca; 'mdailey@lynnlawvt.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'albert.cora@kayescholer.com'; 'managingattorneyofficeassignments@kayescholer.com'; 'albert.cora@kayescholer.com'; 'managingattorneyofficeassignments@kayescholer.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; 'NYMAO@weil.com'; 'NYMAO@weil.com'; 'NYMAO@weil.com'; 'sbednarski@baronbudd.com'; 'lphilpott@baronbudd.com'; 'emcintosh@baronbudd.com'; 'spetersen@baronbudd.com'; 'maryann.luddy@hklaw.com'; 'maryann.luddy@hklaw.com'; 'maryann.luddy@hklaw.com'; 'fharvey@eimerstahl.com'; 'jwiltscheck@eimerstahl.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'sunocomtbe@bdlaw.com'; 'rsylvester@bdlaw.com'; 'znorris@bdlaw.com'; 'tdawson@bdlaw.com'; 'tkirkpatrick@kslaw.com'; 'yrodriguez@kslaw.com'; 'tkirkpatrick@kslaw.com'; 'yrodriguez@kslaw.com'; 'atrepel@weitzlux.com'; 'nhaney@weitzlux.com'; 'emorgan84@gmail.com'; 'mdailey@lynnlawvt.com'; 'mdailey@lynnlawvt.com'; 'fharvey@eimerstahl.com'; 'jwiltscheck@eimerstahl.com'; 'fharvey@eimerstahl.com'; 'jwiltscheck@eimerstahl.com'; 'christine.coleman@sedgwicklaw.com'; 'roussy.brizuela@sedgwicklaw.com'; 'kristine.mccormick@sedgwicklaw.com'; 'keith.kaider@sedgwicklaw.com';

Cc: 'Keith.Kaider@sedgwicklaw.com'; 'kristin.mccormick@sedgwicklaw.com'; 'tjohnson@kslaw.com'; 'dverduga@kslaw.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'jmessenger@gordonrees.com'; 'jmessenger@gordonrees.com'

Subject: Docket No. 340-6-14 Wncv, State of Vermont vs. Atlantic Richfield Company et, ENTRY ORDER

Attachments: State of VT v. Atlantic Richfield, et al.; 340-6-14Wncv.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please see the attached document: ENTRY ORDER

Donna Waters

Washington Civil Division, Vermont Superior Court
65 State Street, Montpelier, Vermont 05602
Civil (802)828-2091^Small Claims (802)828-5551
www.vermontjudiciary.org

***** DO NOT REPLY ***** This email account is not monitored for responses. Please contact the court in person, by phone, or by U.S. mail if you need assistance.

***** CONFIDENTIAL ***** This email message and related attachments may contain personal and/or privileged information. If you are not the intended recipient, do not disseminate, distribute or copy this email message or any attachments. Please immediately notify JUD.Helpdesk@vermont.gov and permanently delete this email message and any attachments from your computer. For all other assistance, please contact the court.

EMAIL RECIPIENT INFORMATION:

SCOT L. KLINE (scot.kline@vermont.gov; rebecca.ronga@vermont.gov)
Phone: (000)828-0033, ERN 3154

ROBIN L. STERN (rstern@pdsclaw.com; asweeney@pdsclaw.com)
Phone: (802)257-7244, ERN 3029

ROBIN L. STERN (rstern@pdsclaw.com; asweeney@pdsclaw.com)
Phone: (802)257-7244, ERN 3029

ROBERT BRADFORD FAWLEY (bfawley@drm.com; jnichols@drm.com)
Phone: (802)258-3070, ERN 3514

PIETRO J LYNN (plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com)
Phone: (802)860-1500, ERN 3695

PIETRO J LYNN (plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com)
Phone: (802)860-1500, ERN 3695

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

GEOFFREY J. VITT (gvitt@vittandassociates.com; ebower@vittandassociates.com)
Phone: (802)649-5700, ERN 1787

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

RITCHIE E. BERGER (rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com)
Phone: (802)864-5751, ERN 2871

RITCHIE E. BERGER (rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com)
Phone: (802)864-5751, ERN 2871

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

JOHN T. SARTORE (jsartore@pfclaw.com; bcouture@pfclaw.com; jgeary@pfclaw.com)
Phone: (802)658-2311, ERN 2176

JOHN T. SARTORE (jsartore@pfclaw.com; bcouture@pfclaw.com; jgeary@pfclaw.com)
Phone: (802)658-2311, ERN 2176

RITCHIE E. BERGER (rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com)
Phone: (802)864-5751, ERN 2871

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

PIETRO J LYNN (plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com)
Phone: (802)860-1500, ERN 3695

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

ROBERT BRADFORD FAWLEY (bfawley@drm.com; jnichols@drm.com)
Phone: (802)258-3070, ERN 3514

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

GAVIN J BOYLES (gavin.boyles@vermont.gov; rebecca.ronga@vermont.gov)
Phone: (802)828-1059, ERN 1713

ROBERT F. MCDOUGALL (robert.mcdougall@vermont.gov; rebecca.ronga@vermont.gov)
Phone: (000)828-3186, ERN 2973

GREGORY A. WEIMER (gweimer@lynnlawvt.com; mdailey@lynnlawvt.com)
Phone: (802)860-1500, ERN 1791

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ANGELA R. VICARI (angela.vicari@kayescholer.com)
Phone: (212)836-8000, ERN 6728

ANGELA R. VICARI (angela.vicari@kayescholer.com)
Phone: (212)836-8000, ERN 6728

JAMES D HERSCHLEIN (james.herschlein@kayescholer.com; albert.cora@kayescholer.com; managingattorneyofficeassignments@kayescholer.com)

Phone: (212)836-8000, ERN 6726

JAMES D HERSCHLEIN (james.herschlein@kayescholer.com; albert.cora@kayescholer.com; managingattorneyofficeassignments@kayescholer.com)

Phone: (212)836-8000, ERN 6726

THEODORE E. TSEKERIDES (theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com)
Phone: (212)310-8218, ERN 6708

THEODORE E. TSEKERIDES (theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com)
Phone: (212)310-8218, ERN 6708

THEODORE E. TSEKERIDES (theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com)
Phone: (212)310-8218, ERN 6708

DAVID J. LENDER (david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com)
Phone: (212)310-8153, ERN 6707

DAVID J. LENDER (david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com)
Phone: (212)310-8153, ERN 6707

DAVID J. LENDER (david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com)
Phone: (212)310-8153, ERN 6707

ALLISON M. BROWN (allison.brown@weil.com)
Phone: (609)968-1104, ERN 6754

ALLISON M. BROWN (allison.brown@weil.com)
Phone: (609)968-1104, ERN 6754

ALLISON M. BROWN (allison.brown@weil.com)
Phone: (609)968-1104, ERN 6754

CHERYL ALLISON JAMES (cheryl.james@weil.com)
Phone: (212)310-8325, ERN 6758

CHERYL ALLISON JAMES (cheryl.james@weil.com)
Phone: (212)310-8325, ERN 6758

CHERYL ALLISON JAMES (cheryl.james@weil.com)
Phone: (212)310-8325, ERN 6758

JED P. WINER (Jed.Winer@weil.com; NYMAO@weil.com)
Phone: (212)310-8177, ERN 6709

JED P. WINER (Jed.Winer@weil.com; NYMAO@weil.com)
Phone: (212)310-8177, ERN 6709

JED P. WINER (Jed.Winer@weil.com; NYMAO@weil.com)
Phone: (212)310-8177, ERN 6709

MELODY AKHAVAN (melody.akhavan@weil.com)
Phone: (212)310-8004, ERN 6753

MELODY AKHAVAN (melody.akhavan@weil.com)
Phone: (212)310-8004, ERN 6753

MELODY AKHAVAN (melody.akhavan@weil.com)
Phone: (212)310-8004, ERN 6753

CARLA BURKE (cburke@baronbudd.com; sbednarski@baronbudd.com; lphilpott@baronbudd.com)
Phone: (214)521-3605, ERN 6740

PAUL SCOTT SUMMY (ssummy@baronbudd.com; emcintosh@baronbudd.com; spetersen@baronbudd.com)
Phone: (214)521-3605, ERN 6735

CELESTE EVANGELISTI (cevangelisti@baronbudd.com)
Phone: (214)521-3605, ERN 6734

MICHAEL THOMAS MARONEY (michael.maroney@hklaw.com; maryann.luddy@hklaw.com)
Phone: (617)305-2029, ERN 6732

MICHAEL THOMAS MARONEY (michael.maroney@hklaw.com; maryann.luddy@hklaw.com)
Phone: (617)305-2029, ERN 6732

MICHAEL THOMAS MARONEY (michael.maroney@hklaw.com; maryann.luddy@hklaw.com)
Phone: (617)305-2029, ERN 6732

DEBORAH E BARNARD (deborah.barnard@hklaw.com)
Phone: (617)619-9240, ERN 6731

DEBORAH E BARNARD (deborah.barnard@hklaw.com)
Phone: (617)619-9240, ERN 6731

DEBORAH E BARNARD (deborah.barnard@hklaw.com)
Phone: (617)619-9240, ERN 6731

LISA MEYER (lmeyer@eimerstahl.com)
Phone: (312)660-7605, ERN 6742

NATHAN P EIMER (neimer@eimerstahl.com)
Phone: (312)660-7601, ERN 6733

PAMELA HANEBUTT (phanebutt@eimerstahl.com; fharvey@eimerstahl.com; jwiltscheck@eimerstahl.com)
Phone: (312)660-7625, ERN 6730

AMERI KLAFETA (aklafeta@eimerstahl.com)
Phone: (312)660-7635, ERN 6727

GLENN POGUST (glenn.pogust@kayescholer.com)
Phone: (212)836-8000, ERN 6729

GLENN POGUST (glenn.pogust@kayescholer.com)
Phone: (212)836-8000, ERN 6729

DAWN ALLISON ELLISON (ellisond@gtlaw.com)
Phone: (202)331-3159, ERN 6820

DAWN ALLISON ELLISON (ellisond@gtlaw.com)
Phone: (202)331-3159, ERN 6820

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

STEVEN LEIFER (sleifer@bakerbotts.com)
Phone: (202)639-7723, ERN 6819

CHRISTOPHER DANLEY (christopher.danley@bakerbotts.com)
Phone: (202)639-7842, ERN 6817

ANDREW RICHARD RUNNING (andrew.running@kirkland.com)
Phone: (312)862-2000, ERN 6777

ANDREW RICHARD RUNNING (andrew.running@kirkland.com)
Phone: (312)862-2000, ERN 6777

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

ANDREW KASSOF (andrew.kassof@kirkland.com)
Phone: (312)862-2000, ERN 6778

ANDREW KASSOF (andrew.kassof@kirkland.com)
Phone: (312)862-2000, ERN 6778

SYLVIA NICHOLE WINSTON (sylvia.winston@kirkland.com)
Phone: (312)862-2000, ERN 6775

SYLVIA NICHOLE WINSTON (sylvia.winston@kirkland.com)
Phone: (312)862-2000, ERN 6775

NESSA HOREWITCH COPPINGER (ncoppinger@bdlaw.com; sunocomtbe@bdlaw.com)
Phone: (202)789-6053, ERN 6762

DANIEL M. KRAININ (dkrainin@bdlaw.com; rsylvester@bdlaw.com; znorris@bdlaw.com)
Phone: (212)702-5417, ERN 6765

JOHN S GUTTMANN JR. (jguttmann@bdlaw.com; tdawson@bdlaw.com)
Phone: (202)789-6020, ERN 6763

JAMES J MAHER (jmaher@kslaw.com; tkirkpatrick@kslaw.com; yrodriguez@kslaw.com)
Phone: (713)276-7403, ERN 6791

JAMES J MAHER (jmaher@kslaw.com; tkirkpatrick@kslaw.com; yrodriguez@kslaw.com)
Phone: (713)276-7403, ERN 6791

JEREMIAH J ANDERSON (jjanderson@kslaw.com)
Phone: (713)276-7417, ERN 6818

JEREMIAH J ANDERSON (jjanderson@kslaw.com)
Phone: (713)276-7417, ERN 6818

ROBIN GREENWALD (rgreenwald@weitzlux.com; atrepel@weitzlux.com; nhaney@weitzlux.com)
Phone: (212)558-5802, ERN 6761

BENJAMIN KRASS (bkrass@pawalaw.com)
Phone: (617)641-9550, ERN 6772

WILLIAM A WALSH (wwalsh@weitzlux.com)
Phone: (212)558-5836, ERN 6843

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

MATTHEW PAWA (mp@pawalaw.com)
Phone: (617)641-9550, ERN 6821

ROBERT J GORDON (rgordon@weitzlux.com)
Phone: (212)558-5505, ERN 6785

GREGORY A. WEIMER (gweimer@lynnlawvt.com; mdailey@lynnlawvt.com)
Phone: (802)860-1500, ERN 1791

GREGORY A. WEIMER (gweimer@lynnlawvt.com; mdailey@lynnlawvt.com)
Phone: (802)860-1500, ERN 1791

NATHAN P EIMER (neimer@eimerstahl.com)
Phone: (312)660-7601, ERN 6733

NATHAN P EIMER (neimer@eimerstahl.com)
Phone: (312)660-7601, ERN 6733

PAMELA HANEBUTT (phanebutt@eimerstahl.com; fharvey@eimerstahl.com; jwiltscheck@eimerstahl.com)
Phone: (312)660-7625, ERN 6730

PAMELA HANEBUTT (phanebutt@eimerstahl.com; fharvey@eimerstahl.com; jwiltscheck@eimerstahl.com)
Phone: (312)660-7625, ERN 6730

LISA MEYER (lmeyer@eimerstahl.com)
Phone: (312)660-7605, ERN 6742

LISA MEYER (lmeyer@eimerstahl.com)
Phone: (312)660-7605, ERN 6742

AMERI KLAFETA (aklafeta@eimerstahl.com)
Phone: (312)660-7635, ERN 6727

AMERI KLAFETA (aklafeta@eimerstahl.com)
Phone: (312)660-7635, ERN 6727

ALAN E KRAUS (alan.kraus@lw.com)
Phone: (212)906-3014, ERN 6826

MATTHEW D THURLOW (matthew.thurlow@lw.com)
Phone: (202)637-1051, ERN 6825

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

MARIE DENNIS (mimi.dennis@sedgwicklaw.com; christine.coleman@sedgwicklaw.com)
Phone: (202)204-3739, ERN 6804

FREGGIE P PITTMAN III (paul.pittman@sedgwicklaw.com; roussy.brizuela@sedgwicklaw.com; kristine.mccormick@sedgwicklaw.com)

Phone: (202)204-1000, ERN 6790

HARMON L. COOPER (monty.cooper@sedgwicklaw.com)
Phone: (301)875-5399, ERN 6848

PETER C. CONDRON (peter.condron@sedgwicklaw.com; keith.kaider@sedgwicklaw.com)
Phone: (202)204-1000, ERN 6784

RICHARD E WALLACE JR. (Rick.Wallace@sedgwicklaw.com; Keith.Kaider@sedgwicklaw.com; kristin.mccormick@sedgwicklaw.com)
Phone: (202)204-1000, ERN 6830

CHARLES CORRELL JR. (ccorrell@kslaw.com; tjohnson@kslaw.com; dverduga@kslaw.com)
Phone: (415)318-1209, ERN 6793

WESLEY H KELMAN (wkelman@pawalaw.com)
Phone: (617)641-9553, ERN 7110

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

JAMES L MESSENGER (jmessenger@gordonrees.com; jmessenger@gordonrees.com)
Phone: (617)413-3891, ERN 7247

JAMES L MESSENGER (jmessenger@gordonrees.com; jmessenger@gordonrees.com)
Phone: (617)413-3891, ERN 7247

STATE OF VERMONT

SUPERIOR COURT
Washington Unit

CIVIL DIVISION
Docket No. 340-6-14 Wncv

State of Vermont vs. Atlantic Richfield Company et

ENTRY REGARDING MOTION

Count 1, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 2, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 3, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 4, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 5, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 6, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 7, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 8, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 9, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 10, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 11, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 12, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 13, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 14, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 15, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 16, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 17, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 18, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 19, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 20, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 21, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 22, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 23, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 24, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 25, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 26, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 27, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 28, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)
Count 29, Natural Resources Damages/Groundwater pr (340-6-14 Wncv)

Title:	Motion (Renewed)For Designation as Complex Acti (Motion 71)
Filer:	Exxon Mobil Corporation
Attorney:	Ritchie E. Berger
Filed Date:	June 12, 2015

Response filed on 07/06/2015 by Attorney Scot L. Kline for Plaintiff State of Vermont
Response filed on 07/15/2015 by Attorney Ritchie E. Berger for Defendant Mobil Corporation

Defts reply in support of their renewed Mo. for Designation as a complex action attachments;

The motion is GRANTED IN PART.

The undersigned approves the Motion (Renewed) for Designation as a Complex Action but reserves the appointment of a specific judge to sit as presiding judge over the case until the interlocutory appeal is resolved. In the interim period, the presiding Judge in the Washington Civil Division shall address any motions or other matters relating to the case that do not relate to the merits of the action.

So ordered.

Electronically signed on September 22, 2015 at 09:18 AM pursuant to V.R.E.F. 7(d).

Brian J. Grearson
Superior Court Judge

Notifications:
Scot L. Kline (ERN 3154), Attorney for Plaintiff State of Vermont
Robin L. Stern (ERN 3029), Attorney for Defendant Atlantic Richfield Company
Robin L. Stern (ERN 3029), Attorney for Defendant BP Products North America Inc.
R. Bradford Fawley (ERN 3514), Attorney for Defendant Chevron U.S.A.Inc.
Pietro J. Lynn (ERN 3695), Attorney for Defendant CITGO Petroleum Corporation
Pietro J. Lynn (ERN 3695), Attorney for Defendant CITG Refining and Chemicals
Harry R. Ryan (ERN 1833), Attorney for Defendant Coastal Eagle Point Oil
Geoffrey J. Vitt (ERN 1787), Attorney for Defendant ConocoPhillips Company
Harry R. Ryan (ERN 1833), Attorney for Defendant El Paso Merchant Energy-Petroleu
Matthew B. Byrne (ERN 2486), Attorney for Defendant Equilon Enterprises LLC
Ritchie E. Berger (ERN 2871), Attorney for Defendant Exxon Mobil Corporation
Ritchie E. Berger (ERN 2871), Attorney for Defendant ExxonMobil Oil Corporation
Harry R. Ryan (ERN 1833), Attorney for Defendant Hess Corporation
John Thornton Sartore (ERN 2176), Attorney for Defendant Highlands Fuel Delivery, LLC
John Thornton Sartore (ERN 2176), Attorney for Defendant Irving Oil Limited
Ritchie E. Berger (ERN 2871), Attorney for Defendant Mobil Corporation
Matthew B. Byrne (ERN 2486), Attorney for Defendant Motiva Enerprises LLC
Pietro J. Lynn (ERN 3695), Attorney for Defendant PDV Midwest Refining, LLC
Matthew B. Byrne (ERN 2486), Attorney for Defendant Shell Oil Company
Matthew B. Byrne (ERN 2486), Attorney for Defendant Shell Oil Products Company
Matthew B. Byrne (ERN 2486), Attorney for Defendant Shell Petroleum Inc.
Matthew B. Byrne (ERN 2486), Attorney for Defendant Shell Trading(US) Company
Harry R. Ryan (ERN 1833), Attorney for Defendant Sunoco, Inc. (R&M)
Matthew B. Byrne (ERN 2486), Attorney for Defendant TMR Company
Harry R. Ryan (ERN 1833), Attorney for Defendant Total Petrochemicals &
R. Bradford Fawley (ERN 3514), Attorney for Defendant TRMI-H LLC
Craig S. Nolan (ERN 4420), Attorney for Defendant Ultramar Energy, Inc.
Craig S. Nolan (ERN 4420), Attorney for Defendant Valero Energy Corporation

Craig S. Nolan (ERN 4420), Attorney for Defendant Valero Marketing and Supply
Craig S. Nolan (ERN 4420), Attorney for Defendant Valero Refining-Texas, L.P.
Gavin Boyles (ERN 1713), Attorney for party 1 Co-counsel
Robert F. McDougall (ERN 2973), Attorney for party 1 Co-counsel
Gregory A. Weimer (ERN 1791), Attorney for party 5 Co-counsel
Heather Rider Hammond (ERN 3938), Attorney for party 10 Co-counsel
Heather Rider Hammond (ERN 3938), Attorney for party 17 Co-counsel
Heather Rider Hammond (ERN 3938), Attorney for party 19 Co-counsel
Heather Rider Hammond (ERN 3938), Attorney for party 20 Co-counsel
Heather Rider Hammond (ERN 3938), Attorney for party 21 Co-counsel
Heather Rider Hammond (ERN 3938), Attorney for party 22 Co-counsel
Heather Rider Hammond (ERN 3938), Attorney for party 24 Co-counsel
Eric J. Morgan (ERN 6466), Attorney for party 23 Co-counsel
Eric J. Morgan (ERN 6466), Attorney for party 13 Co-counsel
Eric J. Morgan (ERN 6466), Attorney for party 7 Co-counsel
Eric J. Morgan (ERN 6466), Attorney for party 23 Co-counsel
Eric J. Morgan (ERN 6466), Attorney for party 9 Co-counsel
Angela R. Vicari (ERN 6728), Attorney for party 14 Co-counsel
Angela R. Vicari (ERN 6728), Attorney for party 15 Co-counsel
James D. Herschlein (ERN 6726), Attorney for party 14 Co-counsel
James D. Herschlein (ERN 6726), Attorney for party 15 Co-counsel
Theodore E. Tsekerides (ERN 6708), Attorney for party 11 Co-counsel
Theodore E. Tsekerides (ERN 6708), Attorney for party 12 Co-counsel
Theodore E. Tsekerides (ERN 6708), Attorney for party 16 Co-counsel
David J. Lender (ERN 6707), Attorney for party 11 Co-counsel
David J. Lender (ERN 6707), Attorney for party 12 Co-counsel
David J. Lender (ERN 6707), Attorney for party 16 Co-counsel
Allison M. Brown (ERN 6754), Attorney for party 11 Co-counsel
Allison M. Brown (ERN 6754), Attorney for party 12 Co-counsel
Allison M. Brown (ERN 6754), Attorney for party 16 Co-counsel
Cheryl A. James (ERN 6758), Attorney for party 11 Co-counsel
Cheryl A. James (ERN 6758), Attorney for party 12 Co-counsel
Cheryl A. James (ERN 6758), Attorney for party 16 Co-counsel
Jed P. Winer (ERN 6709), Attorney for party 11 Co-counsel
Jed P. Winer (ERN 6709), Attorney for party 12 Co-counsel
Jed P. Winer (ERN 6709), Attorney for party 16 Co-counsel
Melody E. Akhavan (ERN 6753), Attorney for party 11 Co-counsel
Melody E. Akhavan (ERN 6753), Attorney for party 12 Co-counsel
Melody E. Akhavan (ERN 6753), Attorney for party 16 Co-counsel
Carla M. Burke (ERN 6740), Attorney for party 1 Co-counsel
Paul S. Summy (ERN 6735), Attorney for party 1 Co-counsel
Celeste A. Evangelisti (ERN 6734), Attorney for party 1 Co-counsel
Michael T. Maroney (ERN 6732), Attorney for party 11 Co-counsel
Michael T. Maroney (ERN 6732), Attorney for party 12 Co-counsel
Michael T. Maroney (ERN 6732), Attorney for party 16 Co-counsel
Deborah E. Barnard (ERN 6731), Attorney for party 11 Co-counsel
Deborah E. Barnard (ERN 6731), Attorney for party 12 Co-counsel
Deborah E. Barnard (ERN 6731), Attorney for party 16 Co-counsel
Lisa S. Meyer (ERN 6742), Attorney for party 5 Co-counsel

Nathan P. Eimer (ERN 6733), Attorney for party 5 Co-counsel
Pamela R. Hanebutt (ERN 6730), Attorney for party 5 Co-counsel
Ameri R. Klafeta (ERN 6727), Attorney for party 5 Co-counsel
Glenn Pogust (ERN 6729), Attorney for party 14 Co-counsel
Glenn Pogust (ERN 6729), Attorney for party 15 Co-counsel
Brent H. Allen (ERN N/A), Attorney for party 7 Co-counsel
Brent H. Allen (ERN N/A), Attorney for party 9 Co-counsel
Dawn A. Ellison (ERN 6820), Attorney for party 7 Co-counsel
Dawn A. Ellison (ERN 6820), Attorney for party 9 Co-counsel
James F. Bennett (ERN 6827), Attorney for party 27 Co-counsel
James F. Bennett (ERN 6827), Attorney for party 28 Co-counsel
James F. Bennett (ERN 6827), Attorney for party 29 Co-counsel
James F. Bennett (ERN 6827), Attorney for party 30 Co-counsel
Selena L. Evans (ERN 6823), Attorney for party 27 Co-counsel
Selena L. Evans (ERN 6823), Attorney for party 28 Co-counsel
Selena L. Evans (ERN 6823), Attorney for party 29 Co-counsel
Selena L. Evans (ERN 6823), Attorney for party 30 Co-counsel
Steven L. Leifer (ERN 6819), Attorney for party 13 Co-counsel
Christopher D. Danley (ERN 6817), Attorney for party 13 Co-counsel
party 2 Co-counsel
Andrew R. Running (ERN 6777), Attorney for party 2 Co-counsel
Andrew R. Running (ERN 6777), Attorney for party 3 Co-counsel
James A. Langan (ERN 6776), Attorney for party 2 Co-counsel
James A. Langan (ERN 6776), Attorney for party 3 Co-counsel
Andrew A. Kassof (ERN 6778), Attorney for party 2 Co-counsel
Andrew A. Kassof (ERN 6778), Attorney for party 3 Co-counsel
Sylvia N. Winston (ERN 6775), Attorney for party 2 Co-counsel
Sylvia N. Winston (ERN 6775), Attorney for party 3 Co-counsel
Nessa H. Coppinger (ERN 6762), Attorney for party 23 Co-counsel
Daniel M. Krainin (ERN 6765), Attorney for party 23 Co-counsel
John S. Guttmann (ERN 6763), Attorney for party 23 Co-counsel
James J. Maher (ERN 6791), Attorney for party 4 Co-counsel
James J. Maher (ERN 6791), Attorney for party 26 Co-counsel
Jeremiah J. Anderson (ERN 6818), Attorney for party 4 Co-counsel
Jeremiah J. Anderson (ERN 6818), Attorney for party 26 Co-counsel
Robin L. Greenwald (ERN 6761), Attorney for party 1 Co-counsel
Benjamin A. Krass (ERN 6772), Attorney for party 1 Co-counsel
William Walsh (ERN 6843), Attorney for party 1 Co-counsel
Eric J. Morgan (ERN 6466), Attorney for party 25 Co-counsel
Robert E. Meadows (ERN N/A), Attorney for party 4 Co-counsel
Robert E. Meadows (ERN N/A), Attorney for party 26 Co-counsel
Matthew Pawa (ERN 6821), Attorney for party 1 Co-counsel
Robert J. Gordon (ERN 6785), Attorney for party 1 Co-counsel
Gregory A. Weimer (ERN 1791), Attorney for party 6 Co-counsel
Gregory A. Weimer (ERN 1791), Attorney for party 18 Co-counsel
Nathan P. Eimer (ERN 6733), Attorney for party 6 Co-counsel
Nathan P. Eimer (ERN 6733), Attorney for party 18 Co-counsel
Pamela R. Hanebutt (ERN 6730), Attorney for party 6 Co-counsel
Pamela R. Hanebutt (ERN 6730), Attorney for party 18 Co-counsel

Lisa S. Meyer (ERN 6742), Attorney for party 6 Co-counsel
Lisa S. Meyer (ERN 6742), Attorney for party 18 Co-counsel
Ameri R. Klafeta (ERN 6727), Attorney for party 6 Co-counsel
Ameri R. Klafeta (ERN 6727), Attorney for party 18 Co-counsel
Alan E. Kraus (ERN 6826), Attorney for party 8 Co-counsel
Matthew D. Thurlow (ERN 6825), Attorney for party 8 Co-counsel
James A. Langan (ERN 6776), Attorney for party 2 Co-counsel
James A. Langan (ERN 6776), Attorney for party 3 Co-counsel
John W. Kampman (ERN N/A), Attorney for party 19 Co-counsel
Marie S. Dennis (ERN 6804), Attorney for party 19 Co-counsel
Freggie P. Pittman (ERN 6790), Attorney for party 19 Co-counsel
Harmon Cooper (ERN 6848), Attorney for party 19 Co-counsel
Peter C. Condron (ERN 6784), Attorney for party 19 Co-counsel
Richard E. Wallace (ERN 6830), Attorney for party 19 Co-counsel
Charles C. Correll (ERN 6793), Attorney for party 4 Co-counsel
Wesley Kelman (ERN 7110), Attorney for party 1 Co-counsel
Jennifer Aspinall (ERN 7066), Attorney for party 27 Co-counsel
Jennifer Aspinall (ERN 7066), Attorney for party 28 Co-counsel
Jennifer Aspinall (ERN 7066), Attorney for party 29 Co-counsel
Jennifer Aspinall (ERN 7066), Attorney for party 30 Co-counsel
Kelly J.H. Murrie (ERN 7065), Attorney for party 27 Co-counsel
Kelly J.H. Murrie (ERN 7065), Attorney for party 28 Co-counsel
Kelly J.H. Murrie (ERN 7065), Attorney for party 29 Co-counsel
Kelly J.H. Murrie (ERN 7065), Attorney for party 30 Co-counsel
Marianna Caruso Chapleau (ERN N/A), Attorney for party 2 Co-counsel
Marianna Caruso Chapleau (ERN N/A), Attorney for party 3 Co-counsel
James L. Messenger (ERN 7247), Attorney for party 7 Co-counsel
James L. Messenger (ERN 7247), Attorney for party 9 Co-counsel

From: Debbie Williams <dwilliams@DINSE.COM>
Sent: Wednesday, October 7, 2015 2:00 PM
To: 'scot.kline@state.vt.us'; 'gavin.boyles@state.vt.us'; 'rebecca.ronga@state.vt.us'; 'robert.mcdougall@state.vt.us'; 'rstern@pdsclaw.com'; 'bfawley@drm.com'; 'plynn@lynnlawvt.com'; 'hrr@rsclaw.com'; 'gvitt@vittandassociates.com'; 'mbyrne@gravelshea.com'; 'jsartore@pfclaw.com'; 'bcouture@pfclaw.com'; 'cnolan@sheeheyvt.com'; 'gweimer@lynnlawvt.com'; 'hhammond@gravelshea.com'; 'ejm@rsclaw.com'; 'emorgan84@gmail.com'; 'angela.vicari@kayescholer.com'; 'james.herschlein@kayescholer.com'; 'theodore.tsekerides@weil.com'; 'david.lender@weil.com'; 'allison.brown@weil.com'; 'cheryl.james@weil.com'; 'jed.winer@weil.com'; 'melody.akhavan@weil.com'; 'cburke@baronbudd.com'; 'ssummy@baronbudd.com'; 'cevangelisti@baronbudd.com'; 'michael.maroney@hklaw.com'; 'deborah.barnard@hklaw.com'; 'lmeyer@eimerstahl.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'glenn.pogust@kayescholer.com'; 'ellisond@gtlaw.com'; 'jbennett@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'sleifer@bakerbotts.com'; 'christopher.danley@bakerbotts.com'; 'andrew.running@kirkland.com'; 'andrew.langan@kirkland.com'; 'andrew.kassof@kirkland.com'; 'sylvia.winston@kirkland.com'; 'dkrainin@bdlaw.com'; 'jguttmann@bdlaw.com'; 'ncoppinger@bdlaw.com'; 'jmaher@kslaw.com'; 'jjanderson@kslaw.com'; 'lincoln.lande@gmail.com'; 'jaspinall@dowdbennett.com'; 'wkelman@pawalaw.com'; 'ccorrell@kslaw.com'; 'Rick.Wallace@sedgwicklaw.com'; 'peter.condron@sedgwicklaw.com'; 'monty.cooper@sedgwicklaw.com'; 'paul.pittman@sedgwicklaw.com'; 'mimi.dennis@sedgwicklaw.com'; 'matthew.thurlow@lw.com'; 'alan.kraus@lw.com'; 'rgordon@weitzlux.com'; 'mp@pawalaw.com'; 'ejm@rsclaw.com'; 'wwalsh@weitzlux.com'; 'bkrass@pawalaw.com'; 'rgreenwald@weitzlux.com'; Ritchie Berger; Angela Clark
Subject: State of Vermont v. Atlantic Richfield Company, et al.
Attachments: Letter to Gerri Denison at Vermont Supreme Court 100715 (B1449397xA047C).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Counsel,

Attached please find Appellees Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Mobil Corporation's letter to the Vermont Supreme Court regarding availability for oral argument.

This letter was mailed to the Supreme Court today.

Thank you.

Deborah Williams
Legal Assistant

Dinse, Knapp & McAndrew, P.C.
209 Battery Street
P.O. Box 988
Burlington, VT 05402

W: 802-864-5751 | F: 802-862-6409
dwilliams@dinse.com | www.dinse.com

DINSE Burlington, Vermont Plattsburgh, New York

Ritchie E. Berger, Esq.
Email: *rberger@dinse.com*

October 7, 2015

Ms. Gerri Denison
Supreme Court Docket Clerk
Vermont Supreme Court
109 State Street
Montpelier, VT 05609

Re: State of Vermont v. Atlantic Richfield Company, et al.
Docket No.: 2015-201

Dear Ms. Denison:

Based on our conversation that this case will not be scheduled for argument until December, please be advised that counsel for Appellees Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Mobil Corporation are unavailable for oral argument on the following dates:

December 3, 4, 10, 11, and 18

Thank you.

Very truly yours,

DINSE, KNAPP & McANDREW, P.C.

Ritchie E. Berger, Esq.

REB/djw

cc: Counsel of record

From: JUD - Supreme Court
Sent: Tuesday, November 3, 2015 11:27 AM
To: rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com; wjbloomer76 @myfairpoint.net; Boulbol, Greg; Lashua, Kimberley; Seckington, Donna; Boyles, Gavin; Ronga, Rebecca; Brochu, Heather; Charboneau, Shelly; Miller, Ruth; mbyrne@gravelshea.com; docketclerk@gravelshea.com; ecatlin@dunkielsaunders.com; kfetrow@dunkielsaunders.com; Chater, Ben; Hebert, Cynthia; Dion, Patty; bdunkiel@dunkielsaunders.com; lwhite@dunkielsaunders.com; gbergeron@dunkielsaunders.com; bfawley@drm.com; jnichols@drm.com; rfletcher@firmspf.com; jgrindle@firmspf.com; 'allyfulch@aol.com'; office@martinassociateslaw.com; mfurlan@furlanlawvt.com; ballen@furlanlawvt.com; dpatch@furlanlawvt.com; ghand@dunkielsaunders.com; gbergeron@dunkielsaunders.com; lwhite@dunkielsaunders.com; brian@hehirlaw.com; brianhehir@comcast.net; hhuessy@mskvt.com; reception@mskvt.com; lgoodrich@mskvt.com; Johnson, Pam; jadams@neklaw.com; mkenny@kennygatos.com; lori@kennygatos.com; Kline, Scot; Ronga, Rebecca; klumpkin@sheeheyvt.com; chemsley@sheeheyvt.com; mbouchard@sheeheyvt.com; plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com; dmccabe@adlerandmccabe.com; valarie@adlerandmccabe.com; chris@adlerandmccabe.com; Robert McClallen (rob@mcclallenlaw.com); court_notices@mcclallenlaw.com; McDougall, Robert; Ronga, Rebecca; kemcnamaralaw@gmail.com; katiemcnamara79@gmail.com; Christopher C. Moll (ccmoll@yahoo.com); SAS - Orleans County; lmurphy@mskvt.com; terickson@mskvt.com; reception@mskvt.com; Nagurney, Gregory; gregory.nagurney@gmail.com; gregory.nagurney@me.com; cnolan@sheeheyvt.com; 'arobinson@sheeheyvt.com'; cjoliver@sheeheyvt.com; O'Hara, Josh; ohara.josh@gmail.com; Gattone, Cathy; Pahl, Marshall; Gattone, Cathy; bkrass@pawalaw.com; cburke@baronbudd.com; sbednarski@baronbudd.com; lphilpott@baronbudd.com; cevangelisti@baronbudd.com; david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com; 'deborah.barnard@hklaw.com'; mp@pawalaw.com; 'michael.maroney@hklaw.com'; 'maryann.luddy@hklaw.com'; ssummy@baronbudd.com; emcintosh@baronbudd.com; spetersen@baronbudd.com; rgordon@weitzlux.com; rgreenwald@weitzlux.com; atrepel@weitzlux.com; nhaney@weitzlux.com; theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com; wkelman@pawalaw.com; wwalsh@weitzlux.com; hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com; jsartore@pfclaw.com; 'bcouture@pfclaw.com'; jgeary@pfclaw.com; Saxman, Anna; Gattone, Cathy; rstern@pdsclaw.com; asweeney@pdsclaw.com; 'mjstraub@innevi.com'; straub.esq@gmail.com; 'ksturtevant@burlingtonvt.gov'; lblanchard@burlingtonvt.gov; gvitt@vittandassociates.com; ebower@vittandassociates.com; nwilliams@gravelshea.com; docketclerk@gravelshea.com
Subject: Vermont Supreme Court
Attachments: supremecrtcalendar-dec15term.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please see the attached document: December 2015 Term Calendar

Thank you for your attention to this matter.

Sincerely,

Gerrie Denison
Supreme Court Docket Clerk
Vermont Supreme Court
109 State Street
Montpelier, VT 05609
(802) 828-4774

****

PLEASE DO NOT REPLY: This email account is not monitored for responses. Please contact the court in person, by phone, or by U.S. mail if you need assistance.

CONFIDENTIAL: This email message and related attachments may contain personal and/or privileged information. If you are not the intended recipient, do not disseminate, distribute or copy this email message or any attachments. Please immediately notify JUD.Helpdesk@vermont.gov and permanently delete this email message and any attachments from your computer. For all other assistance, please contact the court.

****

THE FOLLOWING ECABINET USERS ARE COPIED RECIPIENTS.

RITCHIE E. BERGER
ERN: 2871
Attorney: 187
Phone: (802)864-5751
rberger@dinse.com
dwilliams@dinse.com
lreese@dinse.com

WILLIAM J BLOOMER
ERN: 3734
Attorney: 213
Phone: (802)775-0404
wjbloomer76@myfairpoint.net

GREGORY J. BOULBOL
ERN: 1712
Attorney: 4442
Phone: (802)828-3309
greg.boulbol@state.vt.us
Kimberley.Lashua@state.vt.us
donna.seckington@state.vt.us

GAVIN J BOYLES
ERN: 1713
Attorney: 4371
Phone: (802)828-1059
gavin.boyles@vermont.gov
rebecca.ronga@vermont.gov

HEATHER J. BROCHU
ERN: 4967
Attorney: 4154
Phone: (802)524-7920
heather.brochu@state.vt.us
shelly.charboneau@state.vt.us
ruth.miller@state.vt.us

MATTHEW B. BYRNE
ERN: 2486
Attorney: 4282
Phone: (000)658-0220
mbyrne@gravelshea.com
docketclerk@gravelshea.com

ELIZABETH H CATLIN
ERN: 5012
Attorney: 4570
Phone: (802)860-1003
ecatlin@dunkielsaunders.com
kfetrow@dunkielsaunders.com

BENJAMIN CHATER
ERN: 3904
Attorney: 4837
Phone: (802) 652-0389
ben.chater@state.vt.us
cynthia.hebert@state.vt.us

STEVE DUNHAM
ERN: 5526
Attorney: 441
Phone: (802)524-7979
patty.dion@state.vt.us

BRIAN DUNKIEL
ERN: 4594
Attorney: 3292
Phone: (802)860-1003
bdunkiel@dunkielsaunders.com

lwhite@dunkielsaunders.com
gbergeron@dunkielsaunders.com

ROBERT BRADFORD FAWLEY
ERN: 3514
Attorney: 2831
Phone: (802)258-3070
bfawley@drm.com
jnichols@drm.com

ROBERT E. FLETCHER
ERN: 2918
Attorney: 496
Phone: (802)343-3593
rfletcher@firmspf.com
jgrindle@firmspf.com

ALLISON N. FULCHER
ERN: 1048
Attorney: 2635
Phone: (802)479-0568
allyfulch@aol.com
office@martinassociateslaw.com

MARK E FURLAN
ERN: 3727
Attorney: 2706
Phone: (802)775-2508
mfurlan@furlanlawvt.com
ballen@furlanlawvt.com
dpatch@furlanlawvt.com

GEOFFREY HOBART HAND
ERN: 4755
Attorney: 4011
Phone: (802)922-0541
ghand@dunkielsaunders.com
gbergeron@dunkielsaunders.com
lwhite@dunkielsaunders.com

BRIAN PAUL HEHIR
ERN: 4252
Attorney: 3123
Phone: (802)862-2006
brian@hehirlaw.com
brianhehir@comcast.net

HANS G. HUESSY
ERN: 1813
Attorney: 3036
Phone: (802)861-7000
hhuessy@mskvt.com
reception@mskvt.com
lgoodrich@mskvt.com

PAMELA L JOHNSON
ERN: 4017
Attorney: 2305
pam.johnson@state.vt.us

JILL E JOURDAN
ERN: 4502
Attorney: 3894
Phone: (802)334-7911
jadams@neklaw.com

MICHELLE A. KENNY
ERN: 3694
Attorney: 4016
Phone: (802)855-8940
mkenny@kennygatos.com
lori@kennygatos.com

SCOT L. KLINE
ERN: 3154
Attorney: 2373
Phone: (000)828-0033
scot.kline@vermont.gov
rebecca.ronga@vermont.gov

KEVIN LUMPKIN
ERN: 6480
Attorney: 5147
Phone: (802)865-6313
klumpkin@sheeheyvt.com
chemsley@sheeheyvt.com
mbouchard@sheeheyvt.com

PIETRO J LYNN
ERN: 3695
Attorney: 2429
Phone: (802)860-1500
plynn@lynnlawvt.com
mdailey@lynnlawvt.com
ndaley@lynnlawvt.com

DANIEL D MCCABE
ERN: 4211
Attorney: 4671
Phone: (802)748-8161
dmccabe@adlerandmccabe.com
valarie@adlerandmccabe.com
chris@adlerandmccabe.com

ROBERT P. MCCLALLEN
ERN: 2970
Attorney: 832
Phone: (000)775-7372
rob@mcclallenlaw.com
court_notices@mcclallenlaw.com

ROBERT F. MCDOUGALL
ERN: 2973
Attorney: 3986
Phone: (000)828-3186
robert.mcdougall@vermont.gov
rebecca.ronga@vermont.gov

KATHERINE E MCNAMARA
ERN: 5890
Attorney: 4999
Phone: (802)318-7674
kemcnamaralaw@gmail.com
katiemcnamara79@gmail.com

CHRISTOPHER C. MOLL
ERN: 4762
Attorney: 2100
Phone: (802)318-0027
ccmoll@yahoo.com
sas.shareorleans@state.vt.us

LIAM MURPHY
ERN: 3953
Attorney: 922
Phone: (802)861-7000
lmurphy@mskvt.com
terickson@mskvt.com
reception@mskvt.com

GREGORY SCOTT NAGURNEY JR.
ERN: 4175
Attorney: 4167
Phone: (802)828-2891

gregory.nagurney@state.vt.us
gregory.nagurney@gmail.com
gregory.nagurney@me.com

CRAIG SCOTT NOLAN
ERN: 4420
Attorney: 3334
Phone: (802)864-9891
cnolan@sheeheyvt.com
arobinson@sheeheyvt.com
cjoliver@sheeheyvt.com

JOSHUA S. O'HARA
ERN: 2136
Attorney: 4507
Phone: (802)828-3168
josh.ohara@vermont.gov
ohara.josh@gmail.com
cathy.gattone@state.vt.us

MARSHALL PAHL
ERN: 4279
Attorney: 4771
Phone: (802)828-3168
marshall.pahl@state.vt.us
Cathy.Gattone@state.vt.us

BENJAMIN KRASS
ERN: 6772
Attorney: 9000885
Phone: (617)641-9550
bkrass@pawalaw.com

CARLA BURKE
ERN: 6740
Attorney: 9000859
Phone: (214)521-3605
cburke@baronbudd.com
sbednarski@baronbudd.com
lphilpott@baronbudd.com

CELESTE EVANGELISTI
ERN: 6734
Attorney: 9000858
Phone: (214)521-3605
cevangelisti@baronbudd.com

DAVID J. LENDER
ERN: 6707
Attorney: 9000846
Phone: (212)310-8153
david.lender@weil.com
Allison.Brown@weil.com
Cheryl.James@weil.com

DEBORAH E BARNARD
ERN: 6731
Attorney: 9000855
Phone: (617)619-9240
deborah.barnard@hklaw.com

MATTHEW PAWA
ERN: 6821
Attorney: 9000890
Phone: (617)641-9550
mp@pawalaw.com

MICHAEL THOMAS MARONEY
ERN: 6732
Attorney: 9000856
Phone: (617)305-2029
michael.maroney@hklaw.com
maryann.luddy@hklaw.com

PAUL SCOTT SUMMY
ERN: 6735
Attorney: 9000857
Phone: (214)521-3605
ssummy@baronbudd.com
emcintosh@baronbudd.com
spetersen@baronbudd.com

ROBERT J GORDON
ERN: 6785
Attorney: 9000886
Phone: (212)558-5505
rgordon@weitzlux.com

ROBIN GREENWALD
ERN: 6761
Attorney: 9000872
Phone: (212)558-5802
rgreenwald@weitzlux.com
atrepel@weitzlux.com
nhaney@weitzlux.com

THEODORE E. TSEKERIDES
ERN: 6708
Attorney: 9000843
Phone: (212)310-8218
theodore.tsekerides@weil.com
jed.winer@weil.com
carolyn.davis@weil.com

WESLEY H KELMAN
ERN: 7110
Attorney: 9000943
Phone: (617)641-9553
wkelman@pawalaw.com

WILLIAM A WALSH
ERN: 6843
Attorney: 9000871
Phone: (212)558-5836
wwalsh@weitzlux.com

HARRY R. RYAN III
ERN: 1833
Attorney: 1106
Phone: (802)786-1040
hrr@rsclaw.com
cbm@rsclaw.com
ejm@rsclaw.com

JOHN T. SARTORE
ERN: 2176
Attorney: 1116
Phone: (802)658-2311
jsartore@pfclaw.com
bcouture@pfclaw.com
jgeary@pfclaw.com

ANNA E. SAXMAN
ERN: 4230
Attorney: 1818
Phone: (802)828-3168
anna.saxman@state.vt.us
cathy.gattone@state.vt.us

ROBIN L. STERN
ERN: 3029
Attorney: 1205
Phone: (802)257-7244

rstern@pdsclaw.com
asweeney@pdsclaw.com

MICHAEL J STRAUB
ERN: 3998
Attorney: 2880
Phone: (802)864-6766
mjstraub@innevi.com
straub.esq@gmail.com

KIMBERLEE J. STURTEVANT
ERN: 4778
Attorney: 3411
Phone: (802)865-7121
ksturtevant@burlingtonvt.gov
lblanchard@burlingtonvt.gov

GEOFFREY J. VITT
ERN: 1787
Attorney: 2463
Phone: (802)649-5700
gvitt@vittandassociates.com
ebower@vittandassociates.com

NORMAN C. WILLIAMS
ERN: 2739
Attorney: 1344
Phone: (000)658-0220
nwilliams@gravelshea.com
docketclerk@gravelshea.com

VERMONT SUPREME COURT

HEARING CALENDAR

DECEMBER TERM, 2015

Inquiries on any case set for hearing should be directed to:

Gerrie Denison, Docket Clerk
Vermont Supreme Court
109 State Street
Montpelier, VT 05609-0801

prior to Monday, 11/16/2015 at 12 noon.

The Justices have scrutinized all briefs, and counsel may assume that the Court is familiar with the facts. Therefore, counsel is encouraged to best use their time by restricting their arguments to matters of law.

* indicates appellant or moving party in cases where a motion is being heard.
** indicates cross-appellant if applicable.

Where cases are scheduled with oral argument limited to 15 minutes per side and are scheduled back-to-back, counsel for the second case should be present and prepared to argue 20 minutes prior to scheduled time.

==========

1. WEDNESDAY, DECEMBER 2, 2015 at 9:00 AM (30 min. hearing)

2014-281
STATE OF VERMONT v. RICHARD E. LADUE*
Chater, Benjamin, Esq. Malone, Rachel, Esq.
Johnson, Pamela, Esq. Pahl, Marshall, Esq.
Saxman, Anna, Esq.

2. WEDNESDAY, DECEMBER 2, 2015 at 9:30 AM (30 min. hearing)

2015-131
LAURITZ RASMUSSEN* v. TOWN OF FAIR HAVEN
Pro Se Bloomer, William, Esq.

3. WEDNESDAY, DECEMBER 2, 2015 at 10:30 AM (30 min. hearing)

2015-044
STATE OF VERMONT* v. STEPHEN HOWARD
Brochu, Heather, Esq. Dunham, Steve, Esq.
Saxman, Anna, Esq.

4. WEDNESDAY, DECEMBER 2, 2015 at 11:00 AM (30 min. hearing)

2015-260
IN RE
BURNS TWO-UNIT RESIDENTIAL BUILDING Charles Burns and Cynthia Burns
Michael Long,* Caryn Long, * Alex Friend,* Mary Moynihan,* Greg Hancock,* Kari Hanicock,* et al* City of Burlington
Williams, Norman, Esq. Hehir, Brian, Esq.

5. WEDNESDAY, DECEMBER 2, 2015 at 1:30 PM (30 min. hearing)

2014-048

STATE OF VERMONT	v.	MICHAEL RONDEAU*
Moll, Christopher, Esq.		Jourdan, Jill, Esq. Pahl, Marshall, Esq.

6. WEDNESDAY, DECEMBER 2, 2015 at 2:00 PM (30 min. hearing)

2015-201

STATE OF VERMONT*	v.	ATLANTIC RICHFIELD, et al** BP Products North America Inc. Chevron USA Inc.
Boyles, Gavin, Esq. Kline, Scot, Esq. McDougall, Robert, Esq.		Berger, Ritchie, Esq. Byrne, Matthew, Esq. Fawley, R., Esq. Lynn, Pietro, Esq. Nolan, Craig, Esq. Ryan, Harry, Esq.

7. WEDNESDAY, DECEMBER 2, 2015 at 2:30 PM (30 min. hearing)

2014-273

STATE OF VERMONT	v.	JASON ATHERTON* aka MELTON
Moll, Christopher, Esq.		McCabe, Daniel, Esq. O'Hara, Joshua, Esq.

==========

8. THURSDAY, DECEMBER 3, 2015 at 9:00 AM (30 min. hearing)

2015-253

SYNECOLOGY PARTNERS L3C*	v.	BUSINESS RUNTIME et al Edward Grossman, Jeanne Conde, Thomas Reynolds, Toby Leong, and Paul Stankiewicz
Pro Se		Lumpkin, Kevin, Esq.

9. THURSDAY, DECEMBER 3, 2015 at 9:30 AM (30 min. hearing)

2015-091

TOWN OF MILTON BOARD OF HEALTH	v.	ARMAND BRISSON*
Fletcher, Robert, Esq.		McNamara, Katherine, Esq.

10. THURSDAY, DECEMBER 3, 2015 at 10:30 AM (30 min. hearing)

2014-427

STATE OF VERMONT	v.	TISA FARROW*
Nagurney, Gregory, Esq.		Furlan, Mark, Esq.

11. THURSDAY, DECEMBER 3, 2015 at 11:00 AM (30 min. hearing)

2015-133

RAYMOND KNUTSEN	v.	KAREN CEGALIS*
McClallen, Robert, Esq.		Pro Se

==========

The following cases will be submitted to the Court on the briefs filed, without oral argument during the December Term.

12. **2015-001**

STATE OF VERMONT
Johnson, Pamela, Esq.

v. JAMES CAREAU
Fulcher, Allison, Esq.
Straub, Michael, Esq.

13. **2015-259**
Justice Dooley disqualified. Judge Tomasi to substitute.

IN RE:
WATERFRONT PARK ACT 250 AMENDMENT

Alison Lockwood*
Huessy, Hans, Esq.
Murphy, Liam, Esq.

City of Burlington
Natural Resource Board

Catlin, Elizabeth, Esq.
Dunkiel, Brian, Esq.
Hand, Geoffrey, Esq.
McDougall, Robert, Esq.

From: Ronga, Rebecca
Sent: Monday, November 9, 2015 2:28 PM
To: 'Celeste Evangelisti (cevangelisti@baronbudd.com)'; 'rgreenwald@weitzlux.com'; 'atrepel@weitzlux.com'; 'nhaney@weitzlux.com'; 'cburke@baronbudd.com'; 'sbednarski@baronbudd.com'; 'lphilpott@baronbudd.com'; 'wkelman@pawalaw.com'; Ronga, Rebecca; 'bkrass@pawalaw.com'; 'mp@pawalaw.com'; 'ssummy@baronbudd.com'; 'emcintosh@baronbudd.com'; 'spetersen@baronbudd.com'; 'wwalsh@weitzlux.com'; 'david.lender@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; McDougall, Robert; Ronga, Rebecca; 'theodore.tsekerides@weil.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'michael.maroney@hklaw.com'; 'maryann.luddy@hklaw.com'; 'deborah.barnard@hklaw.com'; 'rstern@pdsclaw.com'; 'asweeney@pdsclaw.com'; 'bfawley@drm.com'; 'jnichols@drm.com'; 'bfawley@drm.com'; 'jnichols@drm.com'; 'plynn@lynnlawvt.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; Kline, Scot; Ronga, Rebecca; 'hrr@rsclaw.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'cnolan@sheeheyvt.com'; 'chemsley@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'gvitt@vittandassociates.com'; 'ebower@vittandassociates.com'; 'mbyrne@gravelshea.com'; 'docketclerk@gravelshea.com'; 'rberger@dinse.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'jsartore@pfclaw.com'; 'bcouture@pfclaw.com'; 'jgeary@pfclaw.com'; 'hhammond@gravelshea.com'
Subject: Motion to Extend Argument Time 2015-201
Attachments: 20151105 Motion to Extend Argument Time.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Counsel,

Attached please find the State of Vermont's Motion to Extend Argument Time in Docket 2015-201. If you have any questions please contact our office.
Thank you.

Cc : all counsel of record

Rebecca Ronga
Paralegal Technician II
Office of the Attorney General
Civil Rights Unit and Environmental Protection Division
109 State Street, 2nd Floor
Montpelier, VT 05609-1001
(P) 802.828.3186
(F) 802.828.2154
Email: Rebecca.ronga@vermont.gov
www.ago.vermont.gov

PLEASE MAKE NOTE OF MY NEW E-MAIL ADDRESS ABOVE EFFECTIVE 7/27/15.

WILLIAM H. SORRELL
ATTORNEY GENERAL

SUSANNE R. YOUNG
DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY GENERAL

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

TEL: (802) 828-3171
FAX: (802) 828-3187
TTY: (802) 828-3665

http://www.ago.vermont.gov

November 5, 2015

Gerrie Denison
Supreme Court Docket Clerk
Vermont Supreme Court
111 State Street
Montpelier, VT 05609

Re: *State of Vermont v. Atlantic Richfield Company, et al.*
Docket No. 2015-201

Dear Ms. Denison:

Please find enclosed the State of Vermont's Motion to Extend Argument Time in the matter captioned above. Please do not hesitate to contact this office if you have any questions.

Sincerely,

Rebecca Ronga
Paralegal

Enc.
cc: Service List (via e-mail)

IN THE SUPREME COURT OF THE STATE OF VERMONT
DOCKET NO. 2015-201

STATE OF VERMONT,
Plaintiff-Appellant,

v.

ATLANTIC RICHFIELD COMPANY, et al.
Defendants-Appellees.

INTERLOCUTORY APPEAL
FROM WASHINGTON SUPERIOR COURT
Docket No. 340-6-14 Wncv

State of Vermont's Motion to Extend Argument Time

The State hereby moves to extend the time for argument from 15 to 30 minutes per side for the above appeal.[1] The State respectfully submits that additional time is necessary to ensure an "adequate presentation of argument," *see* V.R.A.P. 34(b) (providing that additional time will be liberally given in such circumstances). The appeal raises significant legal issues that the Court must evaluate in light of the State's vital obligation to preserve and protect Vermont's groundwater, which it holds in trust for the people of the State. Additional time is needed to allow an adequate presentation of the two legal issues on which the Court granted interlocutory appeal.

[1] Counsel for the State contacted Appellees' counsel, who declined to join this motion.

The first issue is whether 12 V.S.A. § 462 exempts the State from a limitation period on claims to protect public-trust rights in groundwater. The State's arguments in favor of exemption address the statute's plain language, the provision's statutory history over more than two centuries, this Court's public-trust decisions over more than a century, and other jurisdictions' analysis of the public-trust doctrine. The second issue is whether the 2008 amendment to the Groundwater Protection Act, 10 V.S.A. § 1390(5), created a new cause of action exclusive to the State via express statutory language identifying the State as public trustee over groundwater and stating that no one "other than the state of Vermont" had been granted a "new right of legal action."

The issues on appeal are — in addition to their complexity — of significant public importance because they define the State's authority to protect groundwater and other public-trust resources. The State alleges in this case that defendants have contaminated groundwater throughout the State. A similar case by the State of New Hampshire recently resulted in an affirmance of a nine-figure verdict against defendant ExxonMobil Corporation. *See State v. Exxon Mobil Corp.*, 2015 WL 5766678 (N.H. Oct. 2, 2015), *motion for reconsideration denied*, Oct. 22, 2015.

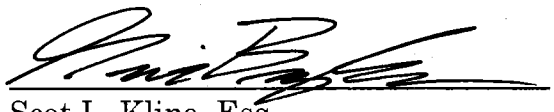
In short, the State submits that the significance of the legal issues presented, the importance of groundwater to the State, and the ramification of any constraint on the State's ability to fulfill its public-trust obligations to its citizens justifies additional argument time.

WHEREFORE, the State of Vermont respectfully requests that the Court provide 30 minutes per side for argument of this appeal.

Dated: November 5, 2015

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL



Scot L. Kline, Esq.
Gavin J. Boyles, Esq.
Robert F. McDougall, Esq.
Assistant Attorneys General
109 State Street
Montpelier, VT 05609-1001
Phone: (802) 828-3186
scot.kline@vermont.gov
gavin.boyles@vermont.gov
robert.mcdougall@vermont.gov

Matthew F. Pawa, Esq. *pro hac vice*
Benjamin A. Krass, Esq. *pro hac vice*
Wesley Kelman, Esq. *pro hac vice*
PAWA LAW GROUP, P.C.

Scott Summy, Esq. *pro hac vice*
Celeste Evangelisti, Esq. *pro hac vice*
Carla Burke, Esq. *pro hac vice*
BARON & BUDD, P.C.

Robert J. Gordon, Esq. *pro hac vice*
Robin Greenwald, Esq. *pro hac vice*
William A. Walsh, Esq. *pro hac vice*
WEITZ & LUXENBERG, P.C.

From: Paula Godfrey <pgodfrey@DINSE.COM>
Sent: Thursday, November 12, 2015 9:04 AM
To: Debbie Williams; 'scot.kline@state.vt.us'; 'gavin.boyles@state.vt.us'; 'rebecca.ronga@state.vt.us'; 'robert.mcdougall@state.vt.us'; 'rstern@pdsclaw.com'; 'bfawley@drm.com'; 'plynn@lynnlawvt.com'; 'hrr@rsclaw.com'; 'gvitt@vittandassociates.com'; 'mbyrne@gravelshea.com'; 'jsartore@pfclaw.com'; 'bcouture@pfclaw.com'; 'cnolan@sheeheyvt.com'; 'gweimer@lynnlawvt.com'; 'hhammond@gravelshea.com'; 'ejm@rsclaw.com'; 'emorgan84@gmail.com'; 'angela.vicari@kayescholer.com'; 'james.herschlein@kayescholer.com'; 'theodore.tsekerides@weil.com'; 'david.lender@weil.com'; 'allison.brown@weil.com'; 'cheryl.james@weil.com'; 'jed.winer@weil.com'; 'melody.akhavan@weil.com'; 'cburke@baronbudd.com'; 'ssummy@baronbudd.com'; 'cevangelisti@baronbudd.com'; 'michael.maroney@hklaw.com'; 'deborah.barnard@hklaw.com'; 'lmeyer@eimerstahl.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'glenn.pogust@kayescholer.com'; 'ellisond@gtlaw.com'; 'jbennett@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'sleifer@bakerbotts.com'; 'christopher.danley@bakerbotts.com'; 'andrew.running@kirkland.com'; 'andrew.langan@kirkland.com'; 'andrew.kassof@kirkland.com'; 'sylvia.winston@kirkland.com'; 'dkrainin@bdlaw.com'; 'jguttmann@bdlaw.com'; 'ncoppinger@bdlaw.com'; 'jmaher@kslaw.com'; 'jjanderson@kslaw.com'; 'lincoln.lande@gmail.com'; 'jaspinall@dowdbennett.com'; 'wkelman@pawalaw.com'; 'ccorrell@kslaw.com'; 'Rick.Wallace@sedgwicklaw.com'; 'peter.condron@sedgwicklaw.com'; 'monty.cooper@sedgwicklaw.com'; 'paul.pittman@sedgwicklaw.com'; 'mimi.dennis@sedgwicklaw.com'; 'matthew.thurlow@lw.com'; 'alan.kraus@lw.com'; 'rgordon@weitzlux.com'; 'mp@pawalaw.com'; 'ejm@rsclaw.com'; 'wwalsh@weitzlux.com'; 'bkrass@pawalaw.com'; 'rgreenwald@weitzlux.com'; Ritchie Berger; Angela Clark
Subject: State of Vermont v. Atlantic Richfield Company, et al.
Attachments: Opposition to The State of Vermont's Motion to Extend Argument Time (B1464808xA047C).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Counsel,

Attached please find Appellees Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Mobil Corporation's Opposition to the State of Vermont's Motion to Extend Argument Time which was hand-delivered to the Vermont Supreme Court today.

Thank you.

Paula J. Godfrey
Legal Assistant to Shapleigh Smith, Jr.,
N. Joseph Wonderly and Justin B. Barnard

Dinse, Knapp & McAndrew, P.C.
209 Battery Street

P.O. Box 988
Burlington, VT 05402
W: 802-859-7088 | F: 802-859-8788
pgodfrey@dinse.com | www.dinse.com

DINSE Burlington, Vermont Plattsburgh, New York

Ritchie E. Berger, Esq.
Email: *rberger@dinse.com*

November 12, 2015

Via Hand Delivery

Gerrie Denison
Supreme Court Docket Clerk
Vermont Supreme Court
111 State Street
Montpelier, VT 05609

Re: State of Vermont v. Atlantic Richfield Company, et al.
Docket No.: 2015-201

Dear Ms. Denison:

Enclosed for filing with the Court are the original and one copy of Appellees Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Mobil Corporation's Opposition to the State of Vermont's Motion to Extend Argument Time.

Thank you.

Very truly yours,

DINSE, KNAPP & McANDREW, P.C.

for Ritchie E. Berger, Esq.

REB/pjg

cc: Counsel of record (via email)

IN THE SUPREME COURT
OF THE
STATE OF VERMONT

STATE OF VERMONT, Plaintiff-Appellant, v. ATLANTIC RICHFIELD COMPANY, et al., Defendants-Appellees.	Supreme Court Docket No. 2015-201 Appealed from Washington Unit Civil Division, Docket No. 340-6-14 Wncv

APPELLEES EXXON MOBIL CORPORATION, EXXONMOBIL OIL CORPORATION, AND MOBIL CORPORATION'S OPPOSITION TO THE STATE OF VERMONT'S MOTION TO EXTEND ARGUMENT TIME

Appellees Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Mobil Corporation ("Appellees"), by and through their attorneys, Dinse, Knapp & McAndrew, P.C., submit the following Opposition to the State of Vermont's Motion to Extend Argument Time.

The time allotted for argument on December 2, 2015, is more than adequate given the issues in this interlocutory appeal. Although the rules permit additional argument time where "necessary for the adequate presentation of argument," V.R.A.P. 34(b), this appeal boils down to a straightforward question: whether the State's claims are subject to 12 V.S.A. § 511's six-year statute of limitations, consistent with the general rule that the same limitations periods apply to claims by the State as to those by private citizens. See 12 V.S.A. § 461. This is not a final appeal following a complex trial with many claims of error, nor does it raise multiple and distinct questions for resolution by the Court. Rather, it is an interlocutory appeal on a statute of limitations issue. While the State argues that the issue is important and thus warrants additional

time, that is a non-sequitur; a party's perception of the significance of a legal issue does not impact the time it takes to argue the legal merits before the Court.

Because the legal questions presented can readily be addressed in the allotted time, Appellees submit that the Court should deny the State's motion.

DATED at Burlington, Vermont, this 12th day of November, 2015.

DINSE, KNAPP & MCANDREW, P.C.

By: for

Ritchie E. Berger, Esq.
DINSE, KNAPP & MCANDREW, P.C.
P.O. Box 988
209 Battery Street
Burlington, VT 05402-0988
Tel. (802) 864-5751
rberger@dinse.com
eCabinet Registration No. 2871

David J. Lender, Esq. (*pro hac vice*)
Theodore E. Tsekerides, Esq. (*pro hac vice*)
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Tel. (212) 310-8000
david.lender@weil.com
theodore.tsekerides@weil.com

Deborah E. Barnard, Esq. (*pro hac vice*)
Michael T. Maroney, Esq. (*pro hac vice*)
HOLLAND & KNIGHT LLP
10 St. James Avenue
11th Floor
Boston, MA 02116
Tel. (617) 619-9240
deborah.barnard@hklaw.com
Tel. (617) 305-2029
michael.maroney@hklaw.com

Attorneys for Appellees
Exxon Mobil Corporation,
ExxonMobil Oil Corporation, and
Mobil Corporation

From: Ronga, Rebecca
Sent: Thursday, November 12, 2015 3:54 PM
To: 'Celeste Evangelisti (cevangelisti@baronbudd.com)'; 'rgreenwald@weitzlux.com'; 'atrepel@weitzlux.com'; 'nhaney@weitzlux.com'; 'cburke@baronbudd.com'; 'sbednarski@baronbudd.com'; 'lphilpott@baronbudd.com'; 'wkelman@pawalaw.com'; Ronga, Rebecca; 'bkrass@pawalaw.com'; 'mp@pawalaw.com'; 'ssummy@baronbudd.com'; 'emcintosh@baronbudd.com'; 'spetersen@baronbudd.com'; 'wwalsh@weitzlux.com'; 'david.lender@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; McDougall, Robert; Ronga, Rebecca; 'theodore.tsekerides@weil.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'michael.maroney@hklaw.com'; 'maryann.luddy@hklaw.com'; 'deborah.barnard@hklaw.com'; 'rstern@pdsclaw.com'; 'asweeney@pdsclaw.com'; 'bfawley@drm.com'; 'jnichols@drm.com'; 'bfawley@drm.com'; 'jnichols@drm.com'; 'plynn@lynnlawvt.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; Kline, Scot; Ronga, Rebecca; 'hrr@rsclaw.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'cnolan@sheeheyvt.com'; 'chemsley@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'gvitt@vittandassociates.com'; 'ebower@vittandassociates.com'; 'mbyrne@gravelshea.com'; 'docketclerk@gravelshea.com'; 'rberger@dinse.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'jsartore@pfclaw.com'; 'bcouture@pfclaw.com'; 'jgeary@pfclaw.com'; 'hhammond@gravelshea.com'
Subject: State of Vermont's Motion Admission Pro Hac Vice of L. Michael Messina, Esq.
Attachments: 20151112 State of Vermont's Motion for Admission Pro Hac Vice of L. Michael Messina, Esq.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon,

Please find attached the State of Vermont's Motion for Admission Pro Hac Vice of L. Michael Messina, Esq. filed today in Washington Superior Court. Please contact our office if you have any questions. Thank you.

Rebecca Ronga
Paralegal Technician II
Office of the Attorney General
Civil Rights Unit and Environmental Protection Division
109 State Street, 2nd Floor
Montpelier, VT 05609-1001
(P) 802.828.3186
(F) 802.828.2154
Email: Rebecca.ronga@vermont.gov
www.ago.vermont.gov

PLEASE MAKE NOTE OF MY NEW E-MAIL ADDRESS ABOVE EFFECTIVE 7/27/15.

WILLIAM H. SORRELL
ATTORNEY GENERAL

SUSANNE R. YOUNG
DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY GENERAL

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

TEL: (802) 828-3171
FAX: (802) 828-3187
TTY: (802) 828-3665

http://www.ago.vermont.gov

November 12, 2015

Tina dela Bruere, Court Clerk
Washington Civil Division
65 State Street
Montpelier, Vermont 05602

Re: *State of Vermont v. Atlantic Richfield Co., et al.*
Docket No. 340-6-14 Wncv

Dear Ms. dela Bruere:

Please find enclosed the State of Vermont's Motion for Admission Pro Hac Vice of L. Michael Messina, Esq. Please contact our office with any questions. Thank you.

Rebecca Ronga
Paralegal
Environmental Protection Division

cc: Service List

STATE OF VERMONT

SUPERIOR COURT
WASHINGTON UNIT

CIVIL DIVISION

STATE OF VERMONT

v.

ATLANTIC RICHFIELD CO., *et al.*

No. 340–6–14 Wncv

State of Vermont's Motion for Admission *Pro Hac Vice* of L. Michael Messina, Esq.

Plaintiff, the State of Vermont, by and through the Attorney General, hereby moves pursuant to V.R.C.P. 79.1(e) for the admission *pro hac vice* of L. Michael Messina. In support of the Motion, the State states as follows:

1) Scot L. Kline is a member in good standing of the Vermont bar, and is an Assistant Attorney General for the State of Vermont.
2) William E. Griffin is a member in good standing of the Vermont bar, and is the Chief Assistant Attorney General for the State of Vermont.
3) L. Michael Messina is a sole practitioner with an office at 2219 Vista Larga N.E., Albuquerque, New Mexico, 87106. Mr. Messina's phone number is (502) 243-0503 and his email address is lmessina99@yahoo.com.
4) Mr. Messina is a member in good standing of the state bar of New Mexico.
5) Mr. Messina is one of the outside counsel representing the State of Vermont in the above-captioned matter.
6) Attorney Messina's *Pro Hac Vice Licensing Statement*, associated paperwork, and fees, were submitted to Attorney Licensing, and he has

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

been issued *Pro Hac Vice* License No. 9001003; the licensing card is attached.

7) Scot L. Kline, Assistant Attorney General, will act as lead counsel in this action, and will be a signatory to all papers filed with the Court, attend proceedings as the Court requires, and remain associated with Attorney Messina in this matter.

WHEREFORE, the State of Vermont respectfully requests that the Court grant this motion for Attorney Messina's admission *pro hac vice* in this matter. A proposed Order is attached.

Dated: November 12, 2015

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By its attorneys,

William E. Griffin, Chief Assistant Attorney General
Scot L. Kline, Assistant Attorney General
109 State Street
Montpelier, VT 05609
Tel: (802) 828-3186
bill.griffin@vermont.gov
scot.kline@vermont.gov

cc: Counsel of record

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

Vermont Pro Hac Vice License

I hereby certify that

L. Michael Messina

Pro Hac Vice License # 9001003

is an attorney duly licensed in Docket No 340-6-14 Wncv and has paid the fee required by the Licensing of Attorneys Rules § 13.

Patricia Gabel

Court Administrator

STATE OF VERMONT

SUPERIOR COURT
DIVISION
WASHINGTON UNIT

CIVIL

STATE OF VERMONT

v.

ATLANTIC RICHFIELD CO., *et al.*

No. 340–6–14 Wncv

ORDER

It is hereby ordered that the State of Vermont's Motion for Admission *Pro Hac Vice* of L. Michael Messina, Esq. is granted, and his appearance shall be entered on behalf of the State in this matter.

_____
Date

_____
Hon. Timothy B. Tomasi
Presiding Judge

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609

From: Waters, Donna
Sent: Tuesday, November 17, 2015 1:49 PM
To: Kline, Scot; 'rstern@pdsclaw.com'; 'rstern@pdsclaw.com'; 'bfawley@drm.com'; 'plynn@lynnlawvt.com'; 'plynn@lynnlawvt.com'; 'hrr@rsclaw.com'; 'gvitt@vittandassociates.com'; 'hrr@rsclaw.com'; 'mbyrne@gravelshea.com'; 'rberger@dinse.com'; 'rberger@dinse.com'; 'hrr@rsclaw.com'; 'jsartore@pfclaw.com'; 'jsartore@pfclaw.com'; 'rberger@dinse.com'; 'mbyrne@gravelshea.com'; 'plynn@lynnlawvt.com'; 'mbyrne@gravelshea.com'; 'mbyrne@gravelshea.com'; 'mbyrne@gravelshea.com'; 'mbyrne@gravelshea.com'; 'hrr@rsclaw.com'; 'mbyrne@gravelshea.com'; 'hrr@rsclaw.com'; 'bfawley@drm.com'; 'cnolan@sheeheyvt.com'; 'cnolan@sheeheyvt.com'; 'cnolan@sheeheyvt.com'; 'cnolan@sheeheyvt.com'; Boyles, Gavin; McDougall, Robert; 'gweimer@lynnlawvt.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'hhammond@gravelshea.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'ejm@rsclaw.com'; 'angela.vicari@kayescholer.com'; 'angela.vicari@kayescholer.com'; 'james.herschlein@kayescholer.com'; 'james.herschlein@kayescholer.com'; 'theodore.tsekerides@weil.com'; 'theodore.tsekerides@weil.com'; 'theodore.tsekerides@weil.com'; 'david.lender@weil.com'; 'david.lender@weil.com'; 'david.lender@weil.com'; 'allison.brown@weil.com'; 'allison.brown@weil.com'; 'allison.brown@weil.com'; 'cheryl.james@weil.com'; 'cheryl.james@weil.com'; 'cheryl.james@weil.com'; 'Jed.Winer@weil.com'; 'Jed.Winer@weil.com'; 'Jed.Winer@weil.com'; 'melody.akhavan@weil.com'; 'melody.akhavan@weil.com'; 'melody.akhavan@weil.com'; 'cburke@baronbudd.com'; 'ssummy@baronbudd.com'; 'cevangelisti@baronbudd.com'; 'michael.maroney@hklaw.com'; 'michael.maroney@hklaw.com'; 'michael.maroney@hklaw.com'; 'deborah.barnard@hklaw.com'; 'deborah.barnard@hklaw.com'; 'deborah.barnard@hklaw.com'; 'lmeyer@eimerstahl.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'glenn.pogust@kayescholer.com'; 'glenn.pogust@kayescholer.com'; 'ellisond@gtlaw.com'; 'ellisond@gtlaw.com'; 'jbennett@dowdbennett.com'; 'jbennett@dowdbennett.com'; 'jbennett@dowdbennett.com'; 'jbennett@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sevans@dowdbennett.com'; 'sleifer@bakerbotts.com'; 'christopher.danley@bakerbotts.com'; 'andrew.running@kirkland.com'; 'andrew.running@kirkland.com'; 'andrew.langan@kirkland.com'; 'andrew.langan@kirkland.com'; 'andrew.kassof@kirkland.com'; 'andrew.kassof@kirkland.com'; 'sylvia.winston@kirkland.com'; 'sylvia.winston@kirkland.com'; 'ncoppinger@bdlaw.com'; 'dkrainin@bdlaw.com'; 'jguttmann@bdlaw.com'; 'jmaher@kslaw.com'; 'jmaher@kslaw.com'; 'jjanderson@kslaw.com'; 'jjanderson@kslaw.com'; 'rgreenwald@weitzlux.com'; 'bkrass@pawalaw.com'; 'wwalsh@weitzlux.com'; 'ejm@rsclaw.com'; 'mp@pawalaw.com'; 'rgordon@weitzlux.com'; 'gweimer@lynnlawvt.com'; 'gweimer@lynnlawvt.com'; 'neimer@eimerstahl.com'; 'neimer@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'phanebutt@eimerstahl.com'; 'lmeyer@eimerstahl.com'; 'lmeyer@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'aklafeta@eimerstahl.com'; 'alan.kraus@lw.com'; 'matthew.thurlow@lw.com'; 'andrew.langan@kirkland.com'; 'andrew.langan@kirkland.com'; 'mimi.dennis@sedgwicklaw.com';

To: 'paul.pittman@sedgwicklaw.com'; 'monty.cooper@sedgwicklaw.com'; 'peter.condron@sedgwicklaw.com'; 'Rick.Wallace@sedgwicklaw.com'; 'ccorrell@kslaw.com'; 'wkelman@pawalaw.com'; 'jaspinall@dowdbennett.com'; 'jaspinall@dowdbennett.com'; 'jaspinall@dowdbennett.com'; 'jaspinall@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'kmurrie@dowdbennett.com'; 'jmessenger@gordonrees.com'; 'jmessenger@gordonrees.com'

Cc: Ronga, Rebecca; 'asweeney@pdsclaw.com'; 'asweeney@pdsclaw.com'; 'jnichols@drm.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'ebower@vittandassociates.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'docketclerk@gravelshea.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'bcouture@pfclaw.com'; 'jgeary@pfclaw.com'; 'bcouture@pfclaw.com'; 'jgeary@pfclaw.com'; 'dwilliams@dinse.com'; 'lreese@dinse.com'; 'docketclerk@gravelshea.com'; 'mdailey@lynnlawvt.com'; 'ndaley@lynnlawvt.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'docketclerk@gravelshea.com'; 'cbm@rsclaw.com'; 'ejm@rsclaw.com'; 'jnichols@drm.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; 'arobinson@sheeheyvt.com'; 'cjoliver@sheeheyvt.com'; Ronga, Rebecca; Ronga, Rebecca; 'eturpin@lynnlawvt.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'docketclerk@gravelshea.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'emorgan84@gmail.com'; 'albert.cora@kayescholer.com'; 'managingattorneyofficeassignments@kayescholer.com'; 'albert.cora@kayescholer.com'; 'managingattorneyofficeassignments@kayescholer.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'jed.winer@weil.com'; 'carolyn.davis@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; 'Allison.Brown@weil.com'; 'Cheryl.James@weil.com'; 'NYMAO@weil.com'; 'NYMAO@weil.com'; 'NYMAO@weil.com'; 'sbednarski@baronbudd.com'; 'lphilpott@baronbudd.com'; 'emcintosh@baronbudd.com'; 'spetersen@baronbudd.com'; 'maryann.luddy@hklaw.com'; 'maryann.luddy@hklaw.com'; 'maryann.luddy@hklaw.com'; 'fharvey@eimerstahl.com'; 'jwiltscheck@eimerstahl.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'bshaw@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'sunocomtbe@bdlaw.com'; 'rsylvester@bdlaw.com'; 'znorris@bdlaw.com'; 'tdawson@bdlaw.com'; 'tkirkpatrick@kslaw.com'; 'yrodriguez@kslaw.com'; 'tkirkpatrick@kslaw.com'; 'yrodriguez@kslaw.com'; 'atrepel@weitzlux.com'; 'nhaney@weitzlux.com'; 'emorgan84@gmail.com'; 'eturpin@lynnlawvt.com'; 'eturpin@lynnlawvt.com'; 'fharvey@eimerstahl.com'; 'jwiltscheck@eimerstahl.com'; 'fharvey@eimerstahl.com'; 'jwiltscheck@eimerstahl.com'; 'christine.coleman@sedgwicklaw.com'; 'roussy.brizuela@sedgwicklaw.com'; 'kristine.mccormick@sedgwicklaw.com'; 'keith.kaider@sedgwicklaw.com';

Cc:	'Keith.Kaider@sedgwicklaw.com'; 'kristin.mccormick@sedgwicklaw.com'; 'tjohnson@kslaw.com'; 'dverduga@kslaw.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'dlynn@dowdbennett.com'; 'jmessenger@gordonrees.com'; 'jmessenger@gordonrees.com'
Subject:	Docket No. 340-6-14 Wncv, State of Vermont vs. Atlantic Richfield Company et, ORDER
Attachments:	State of VT v. Atlantic Richfield, et al.; 340-6-14Wncv.pdf
Follow Up Flag:	Follow up
Flag Status:	Completed

Please see the attached document: ORDER

Donna Waters

Washington Civil Division, Vermont Superior Court
65 State Street, Montpelier, Vermont 05602
Civil (802)828-2091^Small Claims (802)828-5551
www.vermontjudiciary.org

***** DO NOT REPLY ***** This email account is not monitored for responses. Please contact the court in person, by phone, or by U.S. mail if you need assistance.

***** CONFIDENTIAL ***** This email message and related attachments may contain personal and/or privileged information. If you are not the intended recipient, do not disseminate, distribute or copy this email message or any attachments. Please immediately notify JUD.Helpdesk@vermont.gov and permanently delete this email message and any attachments from your computer. For all other assistance, please contact the court.

EMAIL RECIPIENT INFORMATION:

SCOT L. KLINE (scot.kline@vermont.gov; rebecca.ronga@vermont.gov)
Phone: (000)828-0033, ERN 3154

ROBIN L. STERN (rstern@pdsclaw.com; asweeney@pdsclaw.com)
Phone: (802)257-7244, ERN 3029

ROBIN L. STERN (rstern@pdsclaw.com; asweeney@pdsclaw.com)
Phone: (802)257-7244, ERN 3029

ROBERT BRADFORD FAWLEY (bfawley@drm.com; jnichols@drm.com)
Phone: (802)258-3070, ERN 3514

PIETRO J LYNN (plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com)
Phone: (802)860-1500, ERN 3695

PIETRO J LYNN (plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com)
Phone: (802)860-1500, ERN 3695

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

GEOFFREY J. VITT (gvitt@vittandassociates.com; ebower@vittandassociates.com)
Phone: (802)649-5700, ERN 1787

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

RITCHIE E. BERGER (rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com)
Phone: (802)864-5751, ERN 2871

RITCHIE E. BERGER (rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com)
Phone: (802)864-5751, ERN 2871

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

JOHN T. SARTORE (jsartore@pfclaw.com; bcouture@pfclaw.com; jgeary@pfclaw.com)
Phone: (802)658-2311, ERN 2176

JOHN T. SARTORE (jsartore@pfclaw.com; bcouture@pfclaw.com; jgeary@pfclaw.com)
Phone: (802)658-2311, ERN 2176

RITCHIE E. BERGER (rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com)
Phone: (802)864-5751, ERN 2871

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

PIETRO J LYNN (plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com)
Phone: (802)860-1500, ERN 3695

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

MATTHEW B. BYRNE (mbyrne@gravelshea.com; docketclerk@gravelshea.com)
Phone: (000)658-0220, ERN 2486

HARRY R. RYAN III (hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com)
Phone: (802)786-1040, ERN 1833

ROBERT BRADFORD FAWLEY (bfawley@drm.com; jnichols@drm.com)
Phone: (802)258-3070, ERN 3514

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

CRAIG SCOTT NOLAN (cnolan@sheeheyvt.com; arobinson@sheeheyvt.com; cjoliver@sheeheyvt.com)
Phone: (802)864-9891, ERN 4420

GAVIN J BOYLES (gavin.boyles@vermont.gov; rebecca.ronga@vermont.gov)
Phone: (802)828-1059, ERN 1713

ROBERT F. MCDOUGALL (robert.mcdougall@vermont.gov; rebecca.ronga@vermont.gov)
Phone: (000)828-3186, ERN 2973

GREGORY A. WEIMER (gweimer@lynnlawvt.com; eturpin@lynnlawvt.com)
Phone: (802)860-1500, ERN 1791

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

HEATHER RIDER HAMMOND (hhammond@gravelshea.com; docketclerk@gravelshea.com)
Phone: (802)658-0220, ERN 3938

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

ANGELA R. VICARI (angela.vicari@kayescholer.com)
Phone: (212)836-8000, ERN 6728

ANGELA R. VICARI (angela.vicari@kayescholer.com)
Phone: (212)836-8000, ERN 6728

JAMES D HERSCHLEIN (james.herschlein@kayescholer.com; albert.cora@kayescholer.com; managingattorneyofficeassignments@kayescholer.com)

Phone: (212)836-8000, ERN 6726

JAMES D HERSCHLEIN (james.herschlein@kayescholer.com; albert.cora@kayescholer.com; managingattorneyofficeassignments@kayescholer.com)

Phone: (212)836-8000, ERN 6726

THEODORE E. TSEKERIDES (theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com)
Phone: (212)310-8218, ERN 6708

THEODORE E. TSEKERIDES (theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com)
Phone: (212)310-8218, ERN 6708

THEODORE E. TSEKERIDES (theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com)
Phone: (212)310-8218, ERN 6708

DAVID J. LENDER (david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com)
Phone: (212)310-8153, ERN 6707

DAVID J. LENDER (david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com)
Phone: (212)310-8153, ERN 6707

DAVID J. LENDER (david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com)
Phone: (212)310-8153, ERN 6707

ALLISON M. BROWN (allison.brown@weil.com)
Phone: (609)968-1104, ERN 6754

ALLISON M. BROWN (allison.brown@weil.com)
Phone: (609)968-1104, ERN 6754

ALLISON M. BROWN (allison.brown@weil.com)
Phone: (609)968-1104, ERN 6754

CHERYL ALLISON JAMES (cheryl.james@weil.com)
Phone: (212)310-8325, ERN 6758

CHERYL ALLISON JAMES (cheryl.james@weil.com)
Phone: (212)310-8325, ERN 6758

CHERYL ALLISON JAMES (cheryl.james@weil.com)
Phone: (212)310-8325, ERN 6758

JED P. WINER (Jed.Winer@weil.com; NYMAO@weil.com)
Phone: (212)310-8177, ERN 6709

JED P. WINER (Jed.Winer@weil.com; NYMAO@weil.com)
Phone: (212)310-8177, ERN 6709

JED P. WINER (Jed.Winer@weil.com; NYMAO@weil.com)
Phone: (212)310-8177, ERN 6709

MELODY AKHAVAN (melody.akhavan@weil.com)
Phone: (212)310-8004, ERN 6753

MELODY AKHAVAN (melody.akhavan@weil.com)
Phone: (212)310-8004, ERN 6753

MELODY AKHAVAN (melody.akhavan@weil.com)
Phone: (212)310-8004, ERN 6753

CARLA BURKE (cburke@baronbudd.com; sbednarski@baronbudd.com; lphilpott@baronbudd.com)
Phone: (214)521-3605, ERN 6740

PAUL SCOTT SUMMY (ssummy@baronbudd.com; emcintosh@baronbudd.com; spetersen@baronbudd.com)
Phone: (214)521-3605, ERN 6735

CELESTE EVANGELISTI (cevangelisti@baronbudd.com)
Phone: (214)521-3605, ERN 6734

MICHAEL THOMAS MARONEY (michael.maroney@hklaw.com; maryann.luddy@hklaw.com)
Phone: (617)305-2029, ERN 6732

MICHAEL THOMAS MARONEY (michael.maroney@hklaw.com; maryann.luddy@hklaw.com)
Phone: (617)305-2029, ERN 6732

MICHAEL THOMAS MARONEY (michael.maroney@hklaw.com; maryann.luddy@hklaw.com)
Phone: (617)305-2029, ERN 6732

DEBORAH E BARNARD (deborah.barnard@hklaw.com)
Phone: (617)619-9240, ERN 6731

DEBORAH E BARNARD (deborah.barnard@hklaw.com)
Phone: (617)619-9240, ERN 6731

DEBORAH E BARNARD (deborah.barnard@hklaw.com)
Phone: (617)619-9240, ERN 6731

LISA MEYER (lmeyer@eimerstahl.com)
Phone: (312)660-7605, ERN 6742

NATHAN P EIMER (neimer@eimerstahl.com)
Phone: (312)660-7601, ERN 6733

PAMELA HANEBUTT (phanebutt@eimerstahl.com; fharvey@eimerstahl.com; jwiltscheck@eimerstahl.com)
Phone: (312)660-7625, ERN 6730

AMERI KLAFETA (aklafeta@eimerstahl.com)
Phone: (312)660-7635, ERN 6727

GLENN POGUST (glenn.pogust@kayescholer.com)
Phone: (212)836-8000, ERN 6729

GLENN POGUST (glenn.pogust@kayescholer.com)
Phone: (212)836-8000, ERN 6729

DAWN ALLISON ELLISON (ellisond@gtlaw.com)
Phone: (202)331-3159, ERN 6820

DAWN ALLISON ELLISON (ellisond@gtlaw.com)
Phone: (202)331-3159, ERN 6820

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

JAMES F BENNETT (jbennett@dowdbennett.com; bshaw@dowdbennett.com; bshaw@dowdbennett.com)
Phone: (314)889-7300, ERN 6827

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

SELENA L EVANS (sevans@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7308, ERN 6823

STEVEN LEIFER (sleifer@bakerbotts.com)
Phone: (202)639-7723, ERN 6819

CHRISTOPHER DANLEY (christopher.danley@bakerbotts.com)
Phone: (202)639-7842, ERN 6817

ANDREW RICHARD RUNNING (andrew.running@kirkland.com)
Phone: (312)862-2000, ERN 6777

ANDREW RICHARD RUNNING (andrew.running@kirkland.com)
Phone: (312)862-2000, ERN 6777

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

ANDREW KASSOF (andrew.kassof@kirkland.com)
Phone: (312)862-2000, ERN 6778

ANDREW KASSOF (andrew.kassof@kirkland.com)
Phone: (312)862-2000, ERN 6778

SYLVIA NICHOLE WINSTON (sylvia.winston@kirkland.com)
Phone: (312)862-2000, ERN 6775

SYLVIA NICHOLE WINSTON (sylvia.winston@kirkland.com)
Phone: (312)862-2000, ERN 6775

NESSA HOREWITCH COPPINGER (ncoppinger@bdlaw.com; sunocomtbe@bdlaw.com)
Phone: (202)789-6053, ERN 6762

DANIEL M. KRAININ (dkrainin@bdlaw.com; rsylvester@bdlaw.com; znorris@bdlaw.com)
Phone: (212)702-5417, ERN 6765

JOHN S GUTTMANN JR. (jguttmann@bdlaw.com; tdawson@bdlaw.com)
Phone: (202)789-6020, ERN 6763

JAMES J MAHER (jmaher@kslaw.com; tkirkpatrick@kslaw.com; yrodriguez@kslaw.com)
Phone: (713)276-7403, ERN 6791

JAMES J MAHER (jmaher@kslaw.com; tkirkpatrick@kslaw.com; yrodriguez@kslaw.com)
Phone: (713)276-7403, ERN 6791

JEREMIAH J ANDERSON (jjanderson@kslaw.com)
Phone: (713)276-7417, ERN 6818

JEREMIAH J ANDERSON (jjanderson@kslaw.com)
Phone: (713)276-7417, ERN 6818

ROBIN GREENWALD (rgreenwald@weitzlux.com; atrepel@weitzlux.com; nhaney@weitzlux.com)
Phone: (212)558-5802, ERN 6761

BENJAMIN KRASS (bkrass@pawalaw.com)
Phone: (617)641-9550, ERN 6772

WILLIAM A WALSH (wwalsh@weitzlux.com)
Phone: (212)558-5836, ERN 6843

ERIC J MORGAN (ejm@rsclaw.com; emorgan84@gmail.com)
Phone: (978)852-4107, ERN 6466

MATTHEW PAWA (mp@pawalaw.com)
Phone: (617)641-9550, ERN 6821

ROBERT J GORDON (rgordon@weitzlux.com)
Phone: (212)558-5505, ERN 6785

GREGORY A. WEIMER (gweimer@lynnlawvt.com; eturpin@lynnlawvt.com)
Phone: (802)860-1500, ERN 1791

GREGORY A. WEIMER (gweimer@lynnlawvt.com; eturpin@lynnlawvt.com)
Phone: (802)860-1500, ERN 1791

NATHAN P EIMER (neimer@eimerstahl.com)
Phone: (312)660-7601, ERN 6733

NATHAN P EIMER (neimer@eimerstahl.com)
Phone: (312)660-7601, ERN 6733

PAMELA HANEBUTT (phanebutt@eimerstahl.com; fharvey@eimerstahl.com; jwiltscheck@eimerstahl.com)
Phone: (312)660-7625, ERN 6730

PAMELA HANEBUTT (phanebutt@eimerstahl.com; fharvey@eimerstahl.com; jwiltscheck@eimerstahl.com)
Phone: (312)660-7625, ERN 6730

LISA MEYER (lmeyer@eimerstahl.com)
Phone: (312)660-7605, ERN 6742

LISA MEYER (lmeyer@eimerstahl.com)
Phone: (312)660-7605, ERN 6742

AMERI KLAFETA (aklafeta@eimerstahl.com)
Phone: (312)660-7635, ERN 6727

AMERI KLAFETA (aklafeta@eimerstahl.com)
Phone: (312)660-7635, ERN 6727

ALAN E KRAUS (alan.kraus@lw.com)
Phone: (212)906-3014, ERN 6826

MATTHEW D THURLOW (matthew.thurlow@lw.com)
Phone: (202)637-1051, ERN 6825

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

ANDREW LANGAN (andrew.langan@kirkland.com)
Phone: (312)862-2000, ERN 6776

MARIE DENNIS (mimi.dennis@sedgwicklaw.com; christine.coleman@sedgwicklaw.com)
Phone: (202)204-3739, ERN 6804

FREGGIE P PITTMAN III (paul.pittman@sedgwicklaw.com; roussy.brizuela@sedgwicklaw.com; kristine.mccormick@sedgwicklaw.com)

Phone: (202)204-1000, ERN 6790

HARMON L. COOPER (monty.cooper@sedgwicklaw.com)
Phone: (301)875-5399, ERN 6848

PETER C. CONDRON (peter.condron@sedgwicklaw.com; keith.kaider@sedgwicklaw.com)
Phone: (202)204-1000, ERN 6784

RICHARD E WALLACE JR. (Rick.Wallace@sedgwicklaw.com; Keith.Kaider@sedgwicklaw.com; kristin.mccormick@sedgwicklaw.com)
Phone: (202)204-1000, ERN 6830

CHARLES CORRELL JR. (ccorrell@kslaw.com; tjohnson@kslaw.com; dverduga@kslaw.com)
Phone: (415)318-1209, ERN 6793

WESLEY H KELMAN (wkelman@pawalaw.com)
Phone: (617)641-9553, ERN 7110

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

JENNIFER L ASPINALL (jaspinall@dowdbennett.com; dlynn@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7066

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

KELLY J MURRIE (kmurrie@dowdbennett.com; dlynn@dowdbennett.com)
Phone: (314)889-7300, ERN 7065

JAMES L MESSENGER (jmessenger@gordonrees.com; jmessenger@gordonrees.com)
Phone: (617)413-3891, ERN 7247

JAMES L MESSENGER (jmessenger@gordonrees.com; jmessenger@gordonrees.com)
Phone: (617)413-3891, ERN 7247

STATE OF VERMONT

SUPERIOR COURT
DIVISION
WASHINGTON UNIT

CIVIL

STATE OF VERMONT

v.

ATLANTIC RICHFIELD CO., *et al.*

No. 340–6–14 Wncv

ORDER

It is hereby ordered that the State of Vermont's Motion for Admission *Pro Hac Vice* of L. Michael Messina, Esq. is granted, and his appearance shall be entered on behalf of the State in this matter.

11/16/15
Date

Hon. Timothy B. Tomasi
Presiding Judge

Office of the ATTORNEY GENERAL
109 State Street
Montpelier, VT 05609

From: JUD - Supreme Court
Sent: Tuesday, November 17, 2015 2:23 PM
To: cevangelisti@baronbudd.com; rgordon@weitzlux.com; rgreenwald@weitzlux.com; atrepel@weitzlux.com; nhaney@weitzlux.com; cburke@baronbudd.com; sbednarski@baronbudd.com; lphilpott@baronbudd.com; wkelman@pawalaw.com; Boyles, Gavin; Ronga, Rebecca; bkrass@pawalaw.com; mp@pawalaw.com; ssummy@baronbudd.com; emcintosh@baronbudd.com; spetersen@baronbudd.com; wwalsh@weitzlux.com; david.lender@weil.com; Allison.Brown@weil.com; Cheryl.James@weil.com; theodore.tsekerides@weil.com; jed.winer@weil.com; carolyn.davis@weil.com; 'deborah.barnard@hklaw.com'; McDougall, Robert; Ronga, Rebecca; 'michael.maroney@hklaw.com'; 'maryann.luddy@hklaw.com'; rstern@pdsclaw.com; asweeney@pdsclaw.com; bfawley@drm.com; jnichols@drm.com; plynn@lynnlawvt.com; mdailey@lynnlawvt.com; ndaley@lynnlawvt.com; Kline, Scot; Ronga, Rebecca; hrr@rsclaw.com; cbm@rsclaw.com; ejm@rsclaw.com; cnolan@sheeheyvt.com; 'arobinson@sheeheyvt.com'; cjoliver@sheeheyvt.com; gvitt@vittandassociates.com; ebower@vittandassociates.com; mbyrne@gravelshea.com; docketclerk@gravelshea.com; rberger@dinse.com; dwilliams@dinse.com; lreese@dinse.com; jsartore@pfclaw.com; 'bcouture@pfclaw.com'; jgeary@pfclaw.com
Subject: Docket No. 2015-201, State v. Atlantic Richfield Company, et al.
Attachments: ENTRY ORDER 2015-201.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please see the attached document: Entry Order

Thank you for your attention to this matter.

Sincerely,

Gerrie Denison
Supreme Court Docket Clerk
Vermont Supreme Court
109 State Street
Montpelier, VT 05609
(802) 828-4774

****

or any attachments. Please immediately notify JUD.Helpdesk@vermont.gov and permanently delete this email message and any attachments from your computer. For all other assistance, please contact the court.

****

THE FOLLOWING ECABINET USERS ARE COPIED RECIPIENTS.

CELESTE EVANGELISTI
ERN: 6734
Attorney: 9000858
Phone: (214)521-3605
cevangelisti@baronbudd.com

ROBERT J GORDON
ERN: 6785
Attorney: 9000886
Phone: (212)558-5505
rgordon@weitzlux.com

ROBIN GREENWALD
ERN: 6761
Attorney: 9000872
Phone: (212)558-5802
rgreenwald@weitzlux.com
atrepel@weitzlux.com
nhaney@weitzlux.com

CARLA BURKE
ERN: 6740
Attorney: 9000859
Phone: (214)521-3605
cburke@baronbudd.com
sbednarski@baronbudd.com
lphilpott@baronbudd.com

WESLEY H KELMAN
ERN: 7110
Attorney: 9000943
Phone: (617)641-9553
wkelman@pawalaw.com

GAVIN J BOYLES
ERN: 1713
Attorney: 4371
Phone: (802)828-1059
gavin.boyles@vermont.gov
rebecca.ronga@vermont.gov

BENJAMIN KRASS
ERN: 6772
Attorney: 9000885
Phone: (617)641-9550
bkrass@pawalaw.com

MATTHEW PAWA
ERN: 6821
Attorney: 9000890
Phone: (617)641-9550
mp@pawalaw.com

PAUL SCOTT SUMMY
ERN: 6735
Attorney: 9000857
Phone: (214)521-3605
ssummy@baronbudd.com
emcintosh@baronbudd.com
spetersen@baronbudd.com

WILLIAM A WALSH
ERN: 6843
Attorney: 9000871
Phone: (212)558-5836
wwalsh@weitzlux.com

DAVID J. LENDER
ERN: 6707
Attorney: 9000846
Phone: (212)310-8153
david.lender@weil.com
Allison.Brown@weil.com
Cheryl.James@weil.com

THEODORE E. TSEKERIDES
ERN: 6708
Attorney: 9000843
Phone: (212)310-8218
theodore.tsekerides@weil.com
jed.winer@weil.com
carolyn.davis@weil.com

DEBORAH E BARNARD
ERN: 6731
Attorney: 9000855
Phone: (617)619-9240
deborah.barnard@hklaw.com

ROBERT F. MCDOUGALL
ERN: 2973
Attorney: 3986
Phone: (000)828-3186
robert.mcdougall@vermont.gov
rebecca.ronga@vermont.gov

MICHAEL THOMAS MARONEY
ERN: 6732
Attorney: 9000856
Phone: (617)305-2029
michael.maroney@hklaw.com
maryann.luddy@hklaw.com

ROBIN L. STERN
ERN: 3029
Attorney: 1205
Phone: (802)257-7244
rstern@pdsclaw.com
asweeney@pdsclaw.com

ROBERT BRADFORD FAWLEY
ERN: 3514
Attorney: 2831
Phone: (802)258-3070
bfawley@drm.com
jnichols@drm.com

PIETRO J LYNN
ERN: 3695
Attorney: 2429
Phone: (802)860-1500
plynn@lynnlawvt.com
mdailey@lynnlawvt.com
ndaley@lynnlawvt.com

SCOT L. KLINE
ERN: 3154
Attorney: 2373
Phone: (000)828-0033
scot.kline@vermont.gov
rebecca.ronga@vermont.gov

HARRY R. RYAN III
ERN: 1833
Attorney: 1106
Phone: (802)786-1040
hrr@rsclaw.com

cbm@rsclaw.com
ejm@rsclaw.com

CRAIG SCOTT NOLAN
ERN: 4420
Attorney: 3334
Phone: (802)864-9891
cnolan@sheeheyvt.com
arobinson@sheeheyvt.com
cjoliver@sheeheyvt.com

GEOFFREY J. VITT
ERN: 1787
Attorney: 2463
Phone: (802)649-5700
gvitt@vittandassociates.com
ebower@vittandassociates.com

MATTHEW B. BYRNE
ERN: 2486
Attorney: 4282
Phone: (000)658-0220
mbyrne@gravelshea.com
docketclerk@gravelshea.com

RITCHIE E. BERGER
ERN: 2871
Attorney: 187
Phone: (802)864-5751
rberger@dinse.com
dwilliams@dinse.com
lreese@dinse.com

JOHN T. SARTORE
ERN: 2176
Attorney: 1116
Phone: (802)658-2311
jsartore@pfclaw.com
bcouture@pfclaw.com
jgeary@pfclaw.com

ENTRY ORDER

SUPREME COURT DOCKET NO. 2015-201

NOVEMBER TERM, 2015

State of Vermont	}	APPEALED FROM:
	}	
v.	}	Superior Court, Washington Unit, Civil Division
Atlantic Richfield Company, et al.	}	
	}	DOCKET NO. 340-6-14

In the above-entitled cause, the Clerk will enter:

Appellant, the State of Vermont, requests additional time for oral argument pursuant to Vermont Rule of Appellate Procedure 34(b). That request is denied.

FOR THE COURT:

Beth Robinson, Associate Justice