

MAYOR AND CITY COUNCIL
OF BALTIMORE

Plaintiff,

v.

BP P.L.C., *et al.*

Defendants.

* IN THE
* CIRCUIT COURT
* FOR BALTIMORE CITY
* Case No. 24-C-18-004219

CIVIL DIVISION

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CIRCUIT COURT FOR
BALTIMORE CITY

* * * * *

**JOINT STIPULATION FOR LIMITED AMENDMENT OF
JOINT STIPULATION REGARDING PRELIMINARY MOTIONS**

WHEREAS, Plaintiff, the Mayor and City Council of Baltimore (“Plaintiff”), and Defendants, Chevron Corporation (#7), Chevron U.S.A. Inc. (#8), BP Products North America Inc. (#3), BP America, Inc. (#2), BP p.l.c. (#1), Exxon Mobil Corporation (#9), ExxonMobil Oil Corporation (#10), Shell Oil Company (#12), Royal Dutch Shell, plc (#11), CITGO Petroleum Corporation (#13), ConocoPhillips (#14), ConocoPhillips Company (#15), Phillips 66 (#17), Phillips 66 Company (#18), Marathon Petroleum Corp. (#21), Speedway LLC (#22), Hess Corp. (#23), Marathon Oil Corporation (#20), Marathon Oil Company (#19), Crown Central LLC (#5), Crown Central New Holdings LLC (#6), CNX Resources Corporation (#24), CONSOL Energy Inc. (#25), and CONSOL Marine Terminals LLC (#26) (collectively, “Defendants”)¹ (Plaintiff and Defendants collectively referred to herein as “the Parties”) filed a Joint Stipulation Regarding Preliminary Motions (#28) on December 18, 2019;

WHEREAS, the Court entered an Order Denying Joint Stipulation Regarding Preliminary Motion (#28/1) on January 7, 2020;

¹ This Joint Stipulation does not operate as an admission of any factual allegation or legal conclusion and is submitted subject to and without waiver of any right, claim, defense, affirmative defense, or objection, including personal jurisdiction, subject matter jurisdiction, insufficient process and insufficient service of process. This Joint Stipulation is made on behalf of the above listed Defendants only.

WHEREAS, the Parties appeared before the Court for a Scheduling Conference on January 21, 2020;

WHEREAS, the Parties at the Scheduling Conference made a joint oral motion for reconsideration of the Order Denying Joint Stipulation Regarding Preliminary Motions;

WHEREAS, the Court entered an Order (#28/3) on January 24, 2020 that granted the joint oral motion for reconsideration, vacated the Order Denying Joint Stipulation Regarding Preliminary Motions, and granted the Joint Stipulation Regarding Preliminary Motions;

WHEREAS, the Parties have stipulated and agreed to a limited amendment of the Joint Stipulation Regarding Preliminary Motions that is in the interest of justice and efficiency, as set forth below:

JOINT STIPULATION

NOW THEREFORE, pursuant to Maryland Rule 2-311, Plaintiff and Defendants hereby stipulate and jointly agree to, and request that this Court order, as follows:

(1) Paragraph 8 of the Parties' Joint Stipulation Regarding Preliminary Motions (#28) shall be removed.

(2) Paragraphs 6, 9, 10, and 11 of the Parties' Joint Stipulation Regarding Preliminary Motions shall be amended as set forth in the redline attached hereto as **Exhibit 1**, and the clean version attached hereto as **Exhibit 2**.

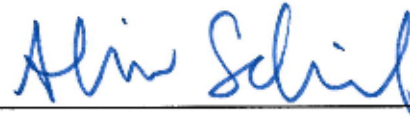
(3) Nothing set forth herein shall operate or be argued as an admission of any factual allegation or legal conclusion, or as a waiver of any right, defense, affirmative defense, negative defense, claim, or objection.

A proposed Order is attached.

Dated: February 7, 2020

Respectfully submitted,

 Andre Davis / *As* (with authorization)

 Alvin Schurick

Andre M. Davis (CPF No. 7911010082)
Suzanne Sangree (CPF No. 9712220006)
BALTIMORE CITY LAW DEPT.
100 N. Holliday Street, Suite 109
Baltimore, MD 21202
Telephone: (443) 388-2190
Facsimile: (410) 576-7203
Email: Andre.davis@baltimorecity.gov
Email: Suzanne.sangree2@baltimorecity.gov
Counsel for Plaintiff

Ty Kelly Cronin (CPF No. 0212180158)
Alison Schurick (CPF No. 1412180119)
**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**
100 Light Street, 19th Floor
Baltimore, MD 21202
Telephone: (410) 862-1049
Facsimile: (410) 547-0699
Email: tykelly@bakerdonelson.com
Email: aschurick@bakerdonelson.com

Theodore J. Boutrous, Jr. (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: (213) 229-7804
Facsimile: (213) 229-6804
Email: tboutrous@gibsondunn.com

Joshua S. Lipshutz (*pro hac vice*)
Peter E. Seley (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Telephone: (202) 955-8217
Facsimile: (202) 530-9614
Email: jlipshutz@gibsondunn.com
Email: pseley@gibsondunn.com

Anne Champion (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
Telephone: (212) 351-5361
Facsimile: (212) 351-5281
Email: achampion@gibsondunn.com

*Counsel for Defendants CHEVRON CORP.
(#7) and CHEVRON U.S.A. INC. (#8)*

John B. Isbister / JCS (with authorization)

John B. Isbister (CPF No. 7712010171)

Jaime W. Luse (CPF No. 0212190011)

TYDINGS & ROSENBERG LLP

One East Pratt Street, Suite 901

Baltimore, MD 21202

Telephone: (410) 752-9700

Facsimile: (410) 727-5460

Email: jisbister@tydingslaw.com

Email: jluse@tydingslaw.com

Nancy G. Milburn (*pro hac vice*)

Diana E. Reiter (*pro hac vice*)

ARNOLD & PORTER

KAYE SCHOLER LLP

250 West 55th Street

New York, NY 10019

Telephone: (212) 836-7452

Facsimile: (212) 836-8689

Email: nancy.milburn@arnoldporter.com

Email: diana.reiter@arnoldporter.com

Matthew T. Heartney (*pro hac vice*)

ARNOLD & PORTER

KAYE SCHOLER LLP

777 South Figueroa Street, 44th Floor

Los Angeles, CA 90017-5844

Telephone: (213) 243-4150

Facsimile: (213) 243-4199

Email: matthew.heartney@arnoldporter.com

Counsel for Defendants BP PRODUCTS

NORTH AMERICA INC. (#3), BP p.l.c. (#1),

and BP AMERICA INC. (#2)

Craig Thompson/As (with authorization)

Craig A. Thompson (CPF No. 9512140211)

VENABLE LLP

750 East Pratt Street, Suite 900

Baltimore, MD 21202

Telephone: (410) 244-7605

Facsimile: (410) 244-7742

Email: cathompson@venable.com

Theodore V. Wells, Jr. (*pro hac vice*)

Daniel J. Toal (*pro hac vice*)

Jaren E. Janghorbani (*pro hac vice*)

Yahonnes Cleary (*pro hac vice*)

Caitlin E. Grusauskas (*pro hac vice*)

PAUL, WEISS, RIFKIND,

WHARTON & GARRISON LLP

1285 Avenue of the Americas

New York, NY 10019-6064

Telephone: (212) 373-3089

Facsimile: (212) 492-0089

Email: twells@paulweiss.com

Email: dtoal@paulweiss.com

Email: jjanghorbani@paulweiss.com

Email: ycleary@paulweiss.com

Email: cgrusauskas@paulweiss.com

*Counsel for Defendants EXXON MOBIL
CORPORATION (#9) and EXXONMOBIL
OIL CORPORATION (#10)*

William Sinclair/As (with authorization)

William N. Sinclair (CPF No. 0808190003)

Abigail E. Ticse (CPF No. 1612140024)

SILVERMAN THOMPSON

SLUTKIN & WHITE, LLC

201 N. Charles Street, 26th Floor

Baltimore, MD 21201

Telephone: (410) 385-6248

Facsimile: (410) 547-2432

Email: bsinclair@silvermanthompson.com

Email: aticse@silvermanthompson.com

David C. Frederick (*pro hac vice*)

Brendan J. Crimmins (*pro hac vice*)

Grace W. Knofczynski (*pro hac vice*)

KELLOGG, HANSEN, TODD,

FIGEL & FREDERICK, P.L.L.C.

1615 M. Street, NW, Suite 400

Washington, DC 20036

Telephone: (202) 326-7900

Facsimile: (202) 326-7999

Email: dfrederick@kellogghansen.com

Email: bcrimmins@kellogghansen.com

Email: gknofczynski@kellogghansen.com

Jerome C. Roth (*pro hac vice*)

Elizabeth A. Kim (*pro hac vice*)

MUNGER, TOLLES & OLSON LLP

560 Mission Street, 27th Floor

San Francisco, CA 94105

Telephone: (415) 512-4000

Facsimile: (415) 512-4077

Email: Jerome.roth@mto.com

Email: Elizabeth.kim@mto.com

Daniel B. Levin (*pro hac vice*)

MUNGER, TOLLES & OLSON LLP

350 S. Grand Avenue, 50th Floor

Los Angeles, CA 9071

Telephone: (213) 683-9100

Facsimile: (213) 687-3702

Email: Daniel.levin@mto.com

Counsel for Defendants SHELL OIL CO. (#12)

and ROYAL DUTCH SHELL, PLC (#11)

Warren Weaver/ACS (with authorization)

Warren N. Weaver (CPF No. 8212010510)

**WHITEFORD TAYLOR &
PRESTON LLP**

7 Saint Paul Street., Suite 1400
Baltimore, MD 21202
Telephone: (410) 347-8757
Facsimile: (410) 223-4177
Email: wweaver@wtplaw.com

Nathan P. Eimer (*pro hac vice*)
Pamela R. Hanebutt (*pro hac vice*)
Lisa S. Meyer (*pro hac vice*)

EIMER STAHL LLP

224 S. Michigan Avenue, Suite 1100
Chicago, IL 60604
Telephone: (312) 660-7600
Facsimile: (312) 435-9348
Email: neimer@eimerstahl.com
Email: phanebutt@eimerstahl.com
Email: lmeyer@eimerstahl.com

*Counsel for Defendant CITGO PETROLEUM
CORPORATION (#13)*

*Michael Brown/As (with
attestation)*

Michael A. Brown (CPF No. 9006280027)

Peter W. Sheehan (CPF No. 0806170228)

Alexander L. Stimac (CPF No. 1706200178)

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

100 S. Charles Street, Suite 1200

Baltimore, MD 21202

Telephone: (443) 392-9400

Facsimile: (443) 392-9499

Email: mike.brown@nelsonmullins.com

Email: peter.sheehan@nelsonmullins.com

Email: alex.stimac@nelsonmullins.com

Steven M. Bauer (*pro hac vice*)

Margaret A. Tough (*pro hac vice*)

LATHAM & WATKINS LLP

505 Montgomery Street, Suite 2000

San Francisco, CA 94111-6538

Telephone: (415) 391-0600

Facsimile: (415) 395-8095

Email: steven.bauer@lw.com

Email: margaret.tough@lw.com

Matthew J. Peters (CPF No. 1212120369)

Jonathan Chunwei Su (*pro hac vice*)

LATHAM AND WATKINS LLP

555 Eleventh Street NW, Suite 1000

Washington, DC 20004-1304

Telephone: (202) 637-2200

Facsimile: (202) 637-2201

Email: matthew.peters@lw.com

Email: jonathan.su@lw.com

Sean C. Grimsley (*pro hac vice*)
Jameson R. Jones (*pro hac vice*)
Daniel R. Brody (*pro hac vice*)
BARTLIT BECK LLP
1801 Wewatta Street, Suite 1200
Denver, CO 80202
Telephone: (303) 592-3123
Facsimile: (303) 592-3140
Email: sean.grimsley@bartlit-beck.com
Email: jameson.jones@bartlit-beck.com
Email: dan.brody@bartlit-beck.com

*Counsel for Defendants CONOCOPHILLIPS
(#14) and CONOCOPHILLIPS
COMPANY (#15)*

Matthew Peters (with authorization)

Matthew J. Peters (CPF No. 1212120369)
Jonathan Chunwei Su (*pro hac vice*)
LATHAM AND WATKINS LLP
555 Eleventh Street NW, Suite 1000
Washington, DC 20004-1304
Telephone: (202) 637-1049
Facsimile: (202) 637-2201
Email: matthew.peters@lw.com
Email: jonathan.su@lw.com

Steven M. Bauer (*pro hac vice*)
Margaret A. Tough (*pro hac vice*)
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538
Telephone: (415) 391-0600
Facsimile: (415) 395-8095
Email: steven.bauer@lw.com
Email: margaret.tough@lw.com

*Counsel for Defendant PHILLIPS 66 (#17)
and PHILLIPS 66 COMPANY (#18)*

Perie Reiko Koyama (with authorization)

Perie Reiko Koyama (CPF No. 1612130346)

HUNTON ANDREWS KURTH LLP

2200 Pennsylvania Avenue, NW

Washington, DC 20037

Telephone: (202) 778-2247

Facsimile: (202) 778-2201

Email: PKoyama@huntonAK.com

Shannon S. Broome (*pro hac vice*)

HUNTON ANDREWS KURTH LLP

50 California Street, Suite 1700

San Francisco, CA 94111

Telephone: (415) 975-3700

Facsimile: (415) 975-3701

Email: sbroome@huntonak.com

Shawn Patrick Regan (*pro hac vice*)

HUNTON ANDREWS KURTH LLP

200 Park Avenue, 52nd Floor

New York, NY 10166

Telephone: (212) 309-1000

Facsimile: (212) 309-1100

Email: sregan@huntonak.com

Counsel for Defendants MARATHON

PETROLEUM CORPORATION (#21)

and SPEEDWAY LLC (#22)

Martha Thomsen (with authorization)

Martha Thomsen (CPF No. 1212130213)

Megan Berge (admitted *pro hac vice*)

BAKER BOTTS L.L.P.

700 K St. NW

Washington, D.C. 20001

Telephone: (202) 639-1308

Facsimile: (202) 639-1171

Email: martha.thomsen@bakerbotts.com

Email: megan.berge@bakerbotts.com

Scott Janoe (admitted *pro hac vice*)

BAKER BOTTS L.L.P.

910 Louisiana Street

Houston, Texas 77002

Telephone: (713) 229-1553

Email: scott.janoe@bakerbotts.com

Attorneys for Defendant HESS CORP. (#23)

Mark Saudek/ACS (with authorization)

Mark S. Saudek (CPF No. 9512140123)

Joseph C. Dugan (CPF No. 1812110109)

GALLAGHER EVELIUS & JONES LLP

218 North Charles Street, Suite 400

Baltimore, MD 21201

Telephone: (410) 347-1365

Facsimile: (410) 468-2786

Email: msaudek@gejlaw.com

Email: Jdugan@gejlaw.com

Robert P. Reznick (*pro hac vice*)

ORRICK, HERRINGTON &

SUTCLIFFE, LLP

1552 15th Street, NW

Washington, DC 20005-1706

Telephone: (202) 339-8409

Facsimile: (202) 339-8500

Email: rreznick@orrick.com

James Stengel (*pro hac vice*)

Mark R. Shapiro (*pro hac vice*)

ORRICK, HERRINGTON &

SUTCLIFFE, LLP

51 West 52nd Street

New York, NY 10019-6142

Telephone: (212) 506-3775

Facsimile: (212) 506-5151

Email: jstengel@orrick.com

Email: mshaprio@orrick.com

Catherine Y. Lui (*pro hac vice*)

ORRICK, HERRINGTON &

SUTCLIFFE, LLP

405 Howard Street

San Francisco, CA 94105-2669

Telephone: (415) 773-5571

Facsimile: (415) 773-5759

Email: clui@orrick.com

Counsel for Defendants MARATHON

OIL CORP. (#20) and MARATHON

OIL CO. (#19)

Thomas Prevas/As (with authorization)

Thomas K. Prevas (CPF No. 0812180042)
Michelle N. Lipkowitz (CPF No. 0212180016)
SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, Suite 900
Baltimore, MD 21202
Telephone: (410) 332-8683
Facsimile: (410) 332-8123
Email: thomas.prevas@saul.com
Email: michelle.lipkowitz@saul.com

*Counsel for Defendants CROWN CENTRAL
LLC (#5) and CROWN CENTRAL NEW
HOLDINGS LLC (#6)*

Jerome Murphy/As (with authorization)

Jerome A. Murphy (CPF No. 9212160248)
Kathleen Taylor Sooy (*pro hac vice*)
Tracy A. Roman (*pro hac vice*)
CROWELL & MORING LLP
1001 Pennsylvania Ave, NW
Washington, DC 20004
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
Email: jmurphy@crowell.com
Email: ksooy@crowell.com
Email: troman@crowell.com

Honor R. Costello (*pro hac vice*)
CROWELL & MORING LLP
590 Madison Avenue
New York, NY 10022
Telephone: (212) 223-4000
Facsimile: (212) 223-4134
Email: hcostello@crowell.com

*Counsel for Defendants CNX RESOURCES
CORPORATION (#24), CONSOL ENERGY
INC. (#25) and CONSOL MARINE
TERMINALS LLC. (#26)*

EXHIBIT 1

AMENDED JOINT STIPULATION

NOW THEREFORE, pursuant to Maryland Rule 2-311, Plaintiff the Mayor and City Council of Baltimore (“Plaintiff” or “City”) and Defendants Chevron Corporation, Chevron U.S.A., Inc., BP Products North America Inc., BP America Inc., BP p.l.c., Exxon Mobil Corporation, ExxonMobil Oil Corporation, Shell Oil Company, Royal Dutch Shell, plc, CITGO Petroleum Corporation, ConocoPhillips, ConocoPhillips Company, Phillips 66, [Phillips 66 Company](#), Marathon Petroleum Corp., Speedway LLC, Hess Corp., Marathon Oil Corporation, Marathon Oil Company, Crown Central LLC, Crown Central New Holdings LLC, CNX Resources Corporation, CONSOL Energy Inc., and CONSOL Marine Terminals LLC (collectively, “Defendants” and each a “Defendant”)¹ (Plaintiff and Defendants collectively referred to herein as “the Parties”), hereby stipulate and jointly agree to, and request that this Court order, as follows:

(1) By letter dated November 12, 2019, the Parties jointly requested assignment to the Business and Technology Case Management Program or, in the alternative, that the case be specially assigned to a single judge pursuant to this Court’s Civil Division Differentiated Case Management Plan (“Assignment Request”).

(2) By Joint Stipulation filed November 27, 2019, the Parties jointly agreed that, within 60 days after the Court’s ruling on the Parties’ Assignment Request, Defendants shall file their motions to dismiss (hereinafter, “Preliminary Motions”) pursuant to Md. Rule 2-322. On December 9, 2019, an Order was Entered in this Court assigning this case to the Honorable Videtta

¹ This Joint Stipulation does not operate as an admission of any factual allegation or legal conclusion and is submitted subject to and without waiver of any right, claim, defense, affirmative defense, or objection, including personal jurisdiction, subject matter jurisdiction, insufficient process and insufficient service of process. This Joint Stipulation is made on behalf of the above listed Defendants only.

A. Brown. Accordingly, within 60 days of December 9, 2019, *i.e.*, by February 7, 2020, Defendants' Preliminary Motions shall be filed as follows:

a. All Defendants will file one joint Merits Motion as to defenses enumerated in Md. Rule 2-322(b).

b. Personal Jurisdiction Motions or other motions to dismiss on any ground(s) enumerated in Md. Rule 2-322(a) will be filed collectively and/or individually by certain Defendants.

(3) The City shall file its opposition to Defendants' Merits Motion within 60 days after the filing of the motion.

(4) Defendants will file their reply in support of the Merits Motion within 30 days of the filing of the City's opposition.

(5) The City shall file any opposition to any Defendant's Personal Jurisdiction Motions within 120 days after the filing of the motions, subject to modification as to any individual Defendants if jurisdictional discovery is warranted based on factual claims put forward in any Defendant's Personal Jurisdiction Motion. The City and Defendants reserve their rights to seek or oppose jurisdictional discovery.

(6) Any Defendant's reply in support of a Personal Jurisdiction Motion shall be filed within 30 days of the filing of the State's opposition. The Parties will not conduct any general discovery until at least 60 days after the Personal Jurisdiction Motions are fully briefed and submitted or- a hearing on the Personal Jurisdiction Motions is held, whichever is sooner. The parties reserve all rights to oppose or contest any discovery, including filing a motion to stay discovery or a motion for a protective order. before the time for filing any reply pursuant to this paragraph expires.

(7) Defendants' Preliminary Motions shall be set for hearing(s) at a time or times as directed by the Court. The City and Defendants reserve all rights to request that the Court conduct separate or joint hearings on the various motions.

~~(8) Within 60 days of the Court's ruling on the Parties' Assignment Request, Defendants may file one or more motions to stay proceedings and/or to stay discovery pending the Court's resolution of the Preliminary Motions and/or final resolution of the appeal of the remand of this case pending in the U.S. Court of Appeals for the Fourth Circuit. The City shall file its opposition brief to any motion to stay within 30 days and Defendants shall file their reply brief within 20 days thereafter. The Parties will not conduct any general discovery before the motion(s) filed pursuant to this paragraph are fully briefed and submitted.~~

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(89) In the event the Court denies some or all of the Preliminary Motions, the remaining Defendants' answers shall be due within 30 days of the Court's Order ruling on the last pending Preliminary Motion(s).

~~(94) Within 60 days following the Court's ruling on any motion filed pursuant to paragraph 8 the Preliminary Motions, the Parties shall file a joint proposal for a case management order. If the Parties cannot agree to a joint proposal, the Parties will file separate proposals for the Court's consideration.~~

(104) Nothing set forth herein shall operate or be argued as an admission of any factual allegation or legal conclusion, or as a waiver of any right, defense, affirmative defense, negative defense, claim, or objection.

EXHIBIT 2

AMENDED JOINT STIPULATION

NOW THEREFORE, pursuant to Maryland Rule 2-311, Plaintiff the Mayor and City Council of Baltimore (“Plaintiff” or “City”) and Defendants Chevron Corporation, Chevron U.S.A., Inc., BP Products North America Inc., BP America Inc., BP p.l.c., Exxon Mobil Corporation, ExxonMobil Oil Corporation, Shell Oil Company, Royal Dutch Shell, plc, CITGO Petroleum Corporation, ConocoPhillips, ConocoPhillips Company, Phillips 66, Phillips 66 Company, Marathon Petroleum Corp., Speedway LLC, Hess Corp., Marathon Oil Corporation, Marathon Oil Company, Crown Central LLC, Crown Central New Holdings LLC, CNX Resources Corporation, CONSOL Energy Inc., and CONSOL Marine Terminals LLC (collectively, “Defendants” and each a “Defendant”)¹ (Plaintiff and Defendants collectively referred to herein as “the Parties”), hereby stipulate and jointly agree to, and request that this Court order, as follows:

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(9) Within 60 days following the Court's ruling on the Preliminary Motions, the Parties shall file a joint proposal for a case management order. If the Parties cannot agree to a joint proposal, the Parties will file separate proposals for the Court's consideration.

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MAYOR AND CITY COUNCIL
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Plaintiff,

v.

BP P.L.C., *et al.*

Defendants.

* IN THE
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* FOR BALTIMORE CITY
* Case No. 24-C-18-004219

* * * * *

[PROPOSED] CONSENT ORDER

Upon review and consideration of the Parties' Joint Stipulation for Limited Amendment of Joint Stipulation Regarding Preliminary Motions, it is this ____ day of _____, 2020, by the Circuit Court for Baltimore City, hereby

ORDERED, that the Joint Stipulation for Limited Amendment of Joint Stipulation Regarding Preliminary Motions is ENTERED AND ACCEPTED.

Judge Videtta A. Brown

cc: All counsel