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FIRST CIRCUIT  
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Dkt. 2277 ORDD

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU  
and HONOLULU BOARD OF WATER  
SUPPLY,

Plaintiffs,

vs.

SUNOCO LP; ALOHA PETROLEUM,  
LTD.; ALOHA PETROLEUM LLC;  
EXXON MOBIL CORP.; EXXONMOBIL  
OIL CORPORATION; ROYAL DUTCH  
SHELL PLC; SHELL OIL COMPANY;  
SHELL OIL PRODUCTS COMPANY  
LLC; CHEVRON CORP; CHEVRON USA  
INC.; BHP GROUP LIMITED; BHP  
GROUP PLC; BHP HAWAII INC.; BP  
PLC; BP AMERICA INC.; MARATHON  
PETROLEUM CORP.;  
CONOCOPHILLIPS; CONOCOPHILLIPS  
COMPANY; PHILLIPS 66; PHILLIPS 66  
COMPANY; AND DOES 1 through 100,  
inclusive,

Defendants.

) CIVIL NO. 1CCV-20-0000380 (LWC)  
) (Other Non-Vehicle Tort)  
)

) ORDER DENYING DEFENDANTS  
) EXXON MOBIL CORPORATION AND  
) EXXONMOBIL OIL CORPORATION'S  
) MOTION FOR SUMMARY JUDGMENT,  
) FILED ON JUNE 13, 2025 (DKT. 1854)  
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ORDER DENYING DEFENDANTS EXXON MOBIL  
CORPORATION AND EXXONMOBIL OIL CORPORATION'S  
MOTION FOR SUMMARY JUDGMENT, FILED ON JUNE 13, 2025 (DKT. 1854)

The Court has reviewed and considered Defendants Exxon Mobil Corporation and Exxonmobil Oil Corporation's Motion for Summary Judgment, Filed on 13, 2025 (Dkt. 1854) ("Motion"), related substantive filings (Dkt. Nos. 1957 and 2093), and the arguments of counsel at the September 9, 2025, hearing. Being duly advised of the records and files herein and for good cause therefor, the Court DENIES the Motion.

ExxonMobil (as defined in the Motion) argues that it is entitled to judgment as a matter of law due to a lack of personal jurisdiction. Dkt. 1854 at 1.

[S]ummary judgment is appropriate if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. A fact is material if proof of that fact would have the effect of establishing or refuting one of the essential elements of a cause of action or defense asserted by the parties. The evidence must be viewed in the light most favorable to the non-moving party. In other words, we must view all of the evidence and inferences drawn therefrom in the light most favorable to the party opposing the motion.

*Ralston v. Yim*, 129 Hawai'i 46, 55–56, 292 P.3d 1276, 1285–86 (2013) (internal citations omitted). "[S]ummary judgment must be used with due regard for its purpose and should be cautiously invoked so that no person will be improperly deprived of a trial of disputed factual issues." *Miller v. Manuel*, 9 Haw. App. 56, 65–66, 828 P.2d 286, 292 (1991); see also *id.* at 66 (noting "the drastic nature of summary judgment proceedings").

The Parties' briefs and arguments at the hearing make clear that they disagree on virtually everything, including whether ExxonMobil met "its initial burden to establish

that no genuine issue of material fact exists regarding personal jurisdiction;" (Dkt. 1957 at 5), whether Plaintiffs demonstrated facts that present a genuine issue for trial, the admissibility of Plaintiffs' exhibits and the merit of Plaintiffs' HRCP 56(f) request. In *Ralston*, the Supreme Court noted that 56(f) requests "provide an additional safeguard against an improvident or premature grant of summary judgment" and "should be applied with a spirit of liberality." As such, the Supreme Court stated: "summary judgment should not be granted when there is still time for the non-movant to develop evidence for use at trial, unless there is a basis for concluding . . . that such an effort would be futile." *Ralston*, 129 Hawai'i at 63, 292 P.3d at 1293.

On the record before the Court, the Court cannot conclude continued discovery efforts would be futile. The Court's denial of the Motion based on the HRCP 56(f) request does not reflect the Court's determination of any of the other arguments raised in the briefs.

Regarding ExxonMobile's suggestion in its Reply that if the Court permitted "jurisdictional discovery," it should set an evidentiary hearing and limit discovery to certain discrete categories identified/characterized in the HRCP 56(f) request (Dkt. 2093 at n.3), the Court declines to set an evidentiary hearing at this time as the suggestion was made in the first instance in the Reply. The parties may address any issues regarding the scope of discovery with the Special Master.

DATED: Honolulu, Hawai'i, January 2, 2025.

/s/ Lisa W. Cataldo



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JUDGE OF THE ABOVE-ENTITLED COURT