

CITY OF ANNAPOLIS,

Plaintiff,

v.

BP PLC, ET AL.,

Defendants.

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IN THE
CIRCUIT COURT FOR
ANNE ARUNDEL COUNTY
MARYLAND
Case No.: C-02-CV-21-000250

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ANNE ARUNDEL COUNTY
MARYLAND,

Plaintiff,

v.

BP PLC, ET AL.,

Defendants.

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IN THE
CIRCUIT COURT FOR
ANNE ARUNDEL COUNTY
MARYLAND
Case No.: C-02-CV-21-000565

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ORDER OF COURT

Upon review and consideration of the Defendants’ [Joint] Motion to Dismiss Plaintiff’s Complaint for Lack of Personal Jurisdiction, and Request for Hearing and the Joint Opening Brief in Support of Certain Defendants’ Motion to Dismiss for Lack of Personal Jurisdiction, docketed on October 2, 2023, the Defendants’ [Joint] Motion to Dismiss Plaintiff’s Complaint for Failure to State a Claim Upon Which Relief Can Be Granted, and Request for Hearing and the Memorandum of Law in Support of Defendants’ Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted, docketed on October 2, 2023, the Defendants’ Individual Motions to Dismiss, all of the Oppositions filed, the Replies, and the oral arguments at the Motions Hearing on March 8, 2024, and the Court having taken the matter under advisement and a

05/16/2024 SMB

Memorandum Opinion and Order of Court being issued, it is, by the Circuit Court for Anne Arundel County, Maryland, hereby,

ORDERED, that the Defendants' [Joint] Motion to Dismiss Plaintiff's Complaint for Lack of Personal Jurisdiction, and Request for Hearing¹ is **DENIED**; and it is further

ORDERED, that the Court will exercise its discretion pursuant to Maryland Rule 2-322(c) and **DEFER** the determination of the Defendants' [Joint] Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim Upon Which Relief Can Be Granted, and Request for Hearing²; and it is further

ORDERED, that the Court will exercise its discretion pursuant to Maryland Rule 2-322(c) and **DEFER** the determination of Defendant, CNX Resources Corporation's Individual Motion to Dismiss for Failure to State a Claim³; and it is further

ORDERED, that the Defendant, CNX Resources Corporation's Individual Motion to Dismiss for Lack of Personal Jurisdiction⁴ is **DENIED**; and it is further

¹ A Joint Opening Brief in Support of Certain Defendants' Motion to Dismiss for Lack of Personal Jurisdiction was also filed with the Defendants' [Joint] Motion to Dismiss Plaintiff's Complaint for Lack of Personal Jurisdiction, and Request for Hearing.

² A Memorandum of Law in Support of Defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted was also filed with the Defendants' [Joint] Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim Upon Which Relief Can Be Granted, and Request for Hearing.

³ A Memorandum of Law in Support of its Individual Motion to Dismiss for Failure to State a Claim and for Lack of Personal Jurisdiction was also filed with the Defendant, CNX Resources Corporation's Individual Motion to Dismiss for Failure to State a Claim and for Lack of Personal Jurisdiction and Request for Hearing. The Court is ruling separately on the defenses of failure to state a claim and lack of personal jurisdiction that were in the Defendant, CNX Resources Corporation's Individual Motion to Dismiss for Failure to State a Claim and for Lack of Personal Jurisdiction and Request for Hearing.

⁴ A Memorandum of Law in Support of its Individual Motion to Dismiss for Failure to State a Claim and for Lack of Personal Jurisdiction was also filed with the Defendant, CNX Resources Corporation's Individual Motion to Dismiss for Failure to State a Claim and for Lack of Personal Jurisdiction and Request for Hearing and Memorandum of Law in Support of its Individual Motion to Dismiss for Failure to State a Claim and for Lack of Personal Jurisdiction. The Court is ruling separately on the defenses of failure to state a claim and lack of personal jurisdiction that were in the Defendant, CNX Resources Corporation's Individual Motion to Dismiss for Failure to State a Claim and for Lack of Personal Jurisdiction and Request for Hearing.

ORDERED, that the Court will exercise its discretion pursuant to Maryland Rule 2-322(c) and **DEFER** the determination of Defendant, CITGO Petroleum Corporation's Motion to Dismiss for Failure to State a Claim⁵; and it is further

ORDERED, that the Court will exercise its discretion pursuant to Maryland Rule 2-322(c) and **DEFER** the determination of the Defendants, BP P.L.C., BP America Inc., and BP Products North America Inc.'s Individual Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted and Request for Hearing⁶; and it is further

ORDERED, that the Court will exercise its discretion pursuant to Maryland Rule 2-322(c) and **DEFER** the determination of the Defendants, CONSOL Energy Inc.'s and CONSOL Marine Terminals LLC's Supplemental Motion to Dismiss for Failure to State a Claim⁷; and it is further

ORDERED, that the Defendants, CONSOL Energy Inc.'s and CONSOL Marine Terminals LLC's Supplemental Motion to Dismiss for Lack of Personal Jurisdiction is **DENIED**⁸; and it is further

ORDERED, that the Defendant, American Petroleum Institute's Motion to Dismiss⁹ is **GRANTED** with thirty (30) days leave to amend **GRANTED** to Plaintiffs to include if alleged a separate conspiracy Count; and it is further

⁵ A Memorandum of Law in Support of its Motion to Dismiss for Failure to State a Claim was also filed with Defendant, CITGO Petroleum Corporation's Motion to Dismiss for Failure to State a Claim.

⁶ A Memorandum of Law in Support of BP P.L.C., BP America Inc., and BP Products North America Inc.'s Individual Motion to Dismiss for Failure to State a Claim was also filed with the Defendants, BP P.L.C., BP America Inc., and BP Products North America Inc.'s Individual Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted and Request for Hearing.

⁷ A Memorandum of Law in Support of Their Supplemental Motion to Dismiss for Failure to State a Claim was also filed with the Defendants, CONSOL Energy Inc.'s and CONSOL Marine Terminals LLC's Supplemental Motion to Dismiss for Failure to State a Claim.

⁸ A Memorandum of Law in Support of their Supplemental Motion to Dismiss for Lack of Personal Jurisdiction was also filed with the Defendants, CONSOL Energy Inc.'s and CONSOL Marine Terminals LLC's Supplemental Motion to Dismiss for Lack of Personal Jurisdiction.

⁹ A Memorandum of Law in Support of its Motion to Dismiss was also filed with the Defendant, American Petroleum Institute's Motion to Dismiss.

⁹ Defendant, American Petroleum Institute is still expected to attend the Case Management and Scheduling Conference on May 24, 2024 at 9:00 a.m. as this Order is not yet final.

ORDERED, that the Court will exercise its discretion pursuant to Maryland Rule 2-322(c) and **DEFER** the determination of the Defendant, Hess Corp's Supplemental Motion to Partially Dismiss Plaintiff's Complaint for Failure to State a Claim Upon Which Relief Can Be Granted on Statute of Limitations Grounds and Request for Hearing¹⁰; and it is further

ORDERED, that the Court will exercise its discretion pursuant to Maryland Rule 2-322(c) and **DEFER** the determination of the Defendants, Crown Central LLC's, Crown Central New Holdings LLC's and Rosemore Inc.'s Defendant-Specific Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted¹¹; and it is further

ORDERED, that the Court will exercise its discretion pursuant to Maryland Rule 2-322(c) and **DEFER** the determination of the Defendants, Marathon Petroleum Corporation and Speedway LLC's Motion to Dismiss for Failure to State a Claim¹²; and it is further

ORDERED, that the Court will exercise its discretion pursuant to Maryland Rule 2-322(c) and **DEFER** the determination of the Defendants, Chevron Corporation and Chevron U.S.A. Inc Motion to Dismiss the Complaint Under Maryland's ANTI-SLAPP Law, and Request for Hearing¹³; and it is further

¹⁰ A Memorandum of Law in Support of its Supplemental Motion to Partially Dismiss Plaintiff's Complaint for Failure to State a Claim Upon Which Relief Can Be Granted on Statute of Limitations Grounds was also filed with the Defendant, Hess Corp's Supplemental Motion to Partially Dismiss Plaintiff's Complaint for Failure to State a Claim Upon Which Relief Can Be Granted on Statute of Limitations Grounds and Request for Hearing.

¹¹ A Memorandum in Support of Crown Central LLC's, Crown New Holdings LLC's and Rosemore Inc.'s Defendant-Specific Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted was also filed with the Defendants, Crown Central LLC's, Crown Central New Holdings LLC's and Rosemore Inc.'s Defendant-Specific Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted.

¹² A Memorandum of Law in Support of Their Motion to Dismiss for Failure to State a Claim was also filed with the Defendants, Marathon Petroleum Corporation and Speedway LLC's Motion to Dismiss for Failure to State a Claim.

¹³ A Memorandum of Law in Support of Motion to Dismiss the Complaint Under Maryland's ANTI-SLAPP Law was also filed with the Defendants, Chevron Corporation and Chevron U.S.A. Inc Motion to Dismiss the Complaint Under Maryland's ANTI-SLAPP Law, and Request for Hearing.

ORDERED, that the Court will exercise its discretion pursuant to Maryland Rule 2-322(c) and **DEFER** the determination of the Defendants, Shell PLC and Shell USA, Inc.'s Individual Motion to Dismiss for Failure to State a Claim¹⁴; and it is further

ORDERED, that the Court will exercise its discretion pursuant to Maryland Rule 2-322(c) and **DEFER** the determination of the Defendants, Marathon Oil Corporation's & Marathon Oil Company's Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted¹⁵; and it is further

ORDERED, that if the Plaintiffs desire to allege a "conspiracy" against the Defendants, the Plaintiffs are required to plead that in a separate Court pursuant to Md. Rule 2-303(a) and this Court will **GRANT** the Plaintiffs thirty (30) days leave to amend the Complaints to properly allege a conspiracy pursuant to Md. Rule 2-322; and it is further

ORDERED, that the Court will **GRANT** each of the Defendants' Motions to Dismiss all claims for punitive damages in these cases.

5/16/24

Date



Steven I. Platt, Senior Judge
Circuit Court for Anne Arundel County

¹⁴ An Individual Memorandum of Law in Support of Shell Defendants' Motion to Dismiss was also filed with the Defendants, Shell PLC and Shell USA, Inc.'s Individual Motion to Dismiss for Failure to State a Claim.

¹⁵ A Memorandum of Law in Support of Marathon Oil Corporation's and Marathon Oil Company's Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted was also filed with the Defendants, Marathon Oil Corporation's & Marathon Oil Company's Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted.