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5 Attorney for Petitioner,
6 CALIFORNIA ATTORNEYS, ADMINISTRATIVE
LAW JUDGES AND HEARING OFFICERS IN
7 STATE EMPLOYMENT

ELECTRONICALLY FILED
Superior Court of California
County of Sacramento
04/24/2025
By: B. Prasad Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SACRAMENTO**

10

11 CALIFORNIA ATTORNEYS,)
ADMINISTRATIVE LAW JUDGES AND)
12 HEARING OFFICERS IN STATE)
EMPLOYMENT,)
13)
Petitioner,)
14)
vs.)
15)
CALIFORNIA STATE PERSONNEL)
16 BOARD)
Respondent,)
17)
OFFICE OF THE ATTORNEY GENERAL,)
18)
Real Party in Interest.)
19)
20)

Case No.: 25WM000029
**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF PETITIONER'S OPENING
BRIEF RE PETITION FOR WRIT OF
ADMINISTRATIVE MANDATE**
Hearing Date: June 27, 2025
Tim: 11:00 a.m.
Dept: 21
Judge: Hon. Shelleyanne W.L. Chang
Action Filed: February 21, 2025

21

22 **TO RESPONDENT, REAL PARTY IN INTEREST, AND THEIR ATTORNEYS OF**
23 **RECORD:**

24 Pursuant to Evidence Code sections 451 and 452, Petitioner, California Attorneys,
25 Administrative Law Judges and Hearing Officers in State Employment hereby requests this Court
26 take judicial notice of the March 20, 2025 letter (attached hereto as Exhibit 1) received from Real
27 Party in Interest, Office Of The Attorney General, providing notice of employing a second outside
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1 law firm, Sher Edling, LLP. This document is an official act of an executive department of the State
2 of California, pursuant to Evidence Code section 452, subdivision (c).

3 Petitioner also requests judicial notice of the Request for Dismissal, dated March 26, 2025
4 attached hereto as Exhibit 2. This document is from the online docket in the case of *People of the*
5 *State of California ex rel. Rob Bonta, Attorney General of California v. Exxon Mobil Corporation*
6 *et al.* (San Francisco Superior Court, Case No. CJC-24-005310), and as such is an official court
7 record of a court of California pursuant to Evidence Code section 452, subdivision (d).

8 Both documents are relevant to demonstrate that the Attorney General is continuing to hire
9 private law firms to work on a matter that should be handled by civil service attorneys.

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DATED: April 23, 2025

THE LAW OFFICE OF PATRICK WHALEN



By: _____
PATRICK J. WHALEN
Attorney for Petitioner,
CALIFORNIA ATTORNEYS, ADMINISTRATIVE
LAW JUDGES AND HEARING OFFICERS IN
STATE EMPLOYMENT

EXHIBIT 1



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Rob Bonta
Attorney General

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OAKLAND, CA 94612-0550

Public: (510) 879-1300
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E-Mail: Laura.Zuckerman@doj.ca.gov

March 20, 2025

VIA E-MAIL ONLY

Katherine Regan
Director of Labor Relations, CASE
1231 I Street, Suite 300
Sacramento, CA 95814
Kregan@calattorneys.org

RE: Employment of Outside Counsel in *People of the State of California ex rel. Rob Bonta, Attorney General of California v. Exxon Mobil Corporation et al.* (San Francisco Superior Court, Case No. CJC-24-005310).

Dear Ms. Regan:

The Attorney General has determined, pursuant to Government Code section 12520, subdivision (b), that the Attorney General's Office ("AGO") needs to employ a second law firm, Sher Edling LLP ("Sher Edling"), as outside counsel to assist it in litigating its groundbreaking case, *People of the State of California ex rel. Rob Bonta, Attorney General of California v. Exxon Mobil Corporation et al.* ("the Lawsuit").¹ As required by Section 11045, subdivision (d)(1), a copy of the First Amended Complaint is attached hereto. This letter will serve as the notification to the Designated Representative of State Employees Bargaining Unit 2 required by section 11045, subdivisions (a)(3) and (d).

The Lawsuit is brought against five major fossil fuel companies (Exxon Mobil, Shell, BP, ConocoPhillips, and Chevron) and their trade group, the American Petroleum Institute, and seeks to hold defendants accountable for deceiving the public and policy makers about the impact of fossil fuels on climate change. The First Amended Complaint alleges statewide injury from substantial climate-related harms and contains multiple causes of action including, public nuisance, damage to natural resources under section 12607, violation of the Business and Professions Code, and products liability. The Lawsuit seeks to recover from these defendants—in the form of abatement, injunctive relief, damages, and penalties—some of the manifold costs of climate change to the State of California.

¹ Unless otherwise specified, all subsequent references to statutory provisions are to the Government Code.

This climate deception lawsuit is one of the largest, most high-profile, and most significant cases the Department of Justice has ever litigated. The Lawsuit affects the whole of California and its residents, and it is brought against multiple well-resourced defendants. The Lawsuit has been designated complex and has been coordinated with eight similar cases filed by municipalities throughout California.

Section 11045, subdivision (d)(3), requires a state agency seeking to hire outside counsel to provide CASE with a written description of the nature of services to be performed under the contract. The AGO has previously retained Lief Cabraser Heimann & Bernstein LLP (“Lief Cabraser”) as outside counsel to assist in prosecuting this action.² The AGO attorneys remain the lead attorneys in the case, with Lief Cabraser serving as the AGO’s primary day-to-day litigation counsel. By contrast, Sher Edling will serve in a limited role as consulting co-counsel in the Lawsuit. Sher Edling will use its highly-specialized legal and technical knowledge—not available within the civil service or in any other firm—to provide the AGO attorneys and Lief Cabraser with targeted legal advice and consultation. Sher Edling’s services will primarily include advice and consultation in the following areas: legal strategy and objectives; evidentiary and scientific issues; discovery strategy and coordination; and identifying and working strategically with experts. Importantly, Sher Edling is also uniquely positioned to assist the AGO in coordinating with other plaintiffs in California and nationwide, and will do so.

Section 11045, subdivisions (d)(4) and (d)(5), require a state agency seeking to hire outside counsel to provide CASE with written notice of the estimated hourly wages to be paid under the contract and the estimated length of the contract. Hourly wages to be paid under the contract range from \$175 to \$625 per hour, and the initial contract term is March 12, 2025, to December 11, 2026, although the contract may be extended.

Section 11045, subdivision (d)(2), requires a state agency seeking to hire outside counsel to provide CASE with written notice of the justification for the contract, consistent with the grounds enumerated in section 19130, subdivision (b). The contract with Sher Edling is justified under section 19130, subdivisions (b)(3), (b)(5), and (b)(10).

The AGO needs Sher Edling’s unique expertise in representing governments in high-stakes climate deception litigation³ to provide it with critical support that it would not otherwise have available. Retention of Sher Edling is therefore justified by section 19130, subdivision (b)(3). Since 2017, when Sher Edling helped Imperial Beach and San Mateo and Marin Counties file the first climate deception cases in the nation, the firm’s representations have grown to include six states, two tribes, 16 cities and counties, and the District of Columbia. This represents more than two-thirds of all climate deception lawsuits in the United States. On behalf of these public entities, Sher Edling has successfully litigated jurisdictional motions,

² Pursuant to section 11045, subdivisions (a)(3) and (d), notice to CASE of the contract with Lief Cabraser was provided by letter dated September 15, 2023.

³ Climate deception litigation encompasses a suite of cases filed to date by numerous states, cities, and counties throughout the United States seeking to hold fossil fuel industry defendants accountable for their decades-long campaigns of deception regarding the science of climate change and the role that fossil fuel products play in causing it.

Katherine Regan

March 20, 2025

Page 3

demurrers/motions to dismiss, and numerous appeals as these hard-fought cases have advanced. It has done so in numerous state and federal trial courts, state appellate and supreme courts, the federal circuit courts of appeals, and the United States Supreme Court. Sher Edling has also conducted extensive factual and evidentiary investigation and discovery, and consulted with numerous experts across the varied fields of climate science that are relevant to these cases. Sher Edling is therefore extremely familiar with the claims asserted in the Lawsuit, as well as defenses thereto.

The firm also has unparalleled knowledge, not available within the civil service or at any other law firm, of the relevant facts, the evidence procured to date in climate deception litigation, the key players and experts, and the developing science. The AGO will rely on Sher Edling's knowledge, expertise, and contacts to provide it with guidance on strategic and evidentiary issues, and coordinate with the many state and local government entity plaintiffs that the firm represents throughout the country. Because of its experience litigating climate deception cases across different jurisdictions on behalf of other public entity plaintiffs, the firm can also provide an independent, outside perspective on the Lawsuit that is not available within the state civil service. The firm's retention is therefore justified by section 19130, subdivision (b)(5). Absent retention of Sher Edling, and with its access to these specialized resources and perspective, the ability of the AGO to successfully litigate this once-in-a-generation lawsuit could be significantly compromised. (See § 19130, subs. (b)(3), (b)(5).)

Nor could the AGO feasibly duplicate or timely acquire the type of expertise that Sher Edling possesses. The AGO has appropriately staffed the Lawsuit with experienced and skilled environmental litigators. However, developing the type of expertise that Sher Edling has in climate deception litigation, which it acquired through many years of extensive work in this area, across many stages of investigation and litigation and across numerous jurisdictions, could take years. The AGO cannot afford to wait to develop its own expertise and resources in climate deception litigation. It needs Sher Edling's services now—as the case approaches the discovery and merits briefing phases—to adequately prosecute this important litigation. Retention of Sher Edling is therefore justified by section 19130, subdivision (b)(10).

Please note that pursuant to subdivision (f)(3) of Government Code section 11045, any disclosures made within this letter are deemed to be privileged communications, and this written notice shall not be construed to be a waiver of any applicable privilege or exemption provided by law.

Sincerely,

/s/ Laura J. Zuckerman

LAURA J. ZUCKERMAN
Supervising Deputy Attorney General

For ROB BONTA
Attorney General

EXHIBIT 2

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 300913
NAME: Katie H. Jones
FIRM NAME: Sher Edling LLP
STREET ADDRESS: 100 Montgomery St., Suite 1410
CITY: San Francisco STATE: CA ZIP CODE: 94104
TELEPHONE NO.: (628) 231-2500 FAX NO.: (628) 231-2929
EMAIL ADDRESS: katie@sheredling.com
ATTORNEY FOR (name): Plaintiffs the County of San Mateo, individually and on behalf of the people of the State of California, and the San Mateo County Flood and Sea Level Rise Resiliency District

FOR COURT USE ONLY
ELECTRONICALLY FILED
Superior Court of California, County of San Francisco
03/26/2025
Clerk of the Court
BY: VERA MU Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
STREET ADDRESS: 400 McAllister St.
MAILING ADDRESS: 400 McAllister St.
CITY AND ZIP CODE: San Francisco, CA 94102
BRANCH NAME: Civil Division

PLAINTIFF/PETITIONER: Plaintiffs the County of San Mateo, individually and on behalf of the People of the State of California, et al.
DEFENDANT/RESPONDENT: Chevron Corporation et al.

REQUEST FOR DISMISSAL

CASE NUMBER: CJC-24-005310
specific to case no.: 17CIV03222 (San Mateo County Superior Court)

A conformed copy will not be returned by the clerk unless a method of return is provided with the document.
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)

1. TO THE CLERK: Please dismiss this action as follows:
a. (1) [] With prejudice (2) [x] Without prejudice (3) [] Without prejudice and with the court retaining jurisdiction (Code Civ. Proc., § 664.6)
b. (1) [] Complaint (2) [] Petition
(3) [] Cross-complaint filed on (date): by (name):
(4) [] Cross-complaint filed on (date): by (name):
(5) [] Entire action of all parties and all causes of action
(6) [x] Other (specify)*: Dismissal of the First Amended Complaint without prejudice as to Defendant Occidental Petroleum Corporation.
2. (Complete in all cases except family law cases.) Each party to bear their own attorney's fees and costs.
The court [] did [x] did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed.)

Date: March 26, 2025
Katie H. Jones
(TYPE OR PRINT NAME OF [x] ATTORNEY [] PARTY WITHOUT ATTORNEY)
* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed

[Signature] (SIGNATURE)
Attorney or party without attorney for
[x] Plaintiff/Petitioner [] Defendant/Respondent
[] Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.†
Date: March 26, 2025
Katie H. Jones
(TYPE OR PRINT NAME OF [x] ATTORNEY [] PARTY WITHOUT ATTORNEY)
† If item 1a(3) is checked, all parties must sign.
If a cross-complaint—or Response—Marriage/Domestic Partnership (form FL-120) seeking affirmative relief—is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).

[Signature] (SIGNATURE)
Attorney or party without attorney for
[x] Plaintiff/Petitioner [] Defendant/Respondent
[] Cross-Complainant

[] Check here and use form MC-025 or a separate page for additional signatures. Include date, printed name, and party information.

4. [] Dismissal entered as requested on (date):
5. [] Dismissal entered on (date): as to only (name):
6. [] Dismissal not entered as requested for the following reasons (specify):
7. a. [] Attorney or party without attorney notified on (date):
b. [] Attorney or party without attorney not notified. Filing party failed to provide [] a copy to be conformed [] means to return conformed copy

DISMISSAL ENTERED
03/26/2025
By: VERA MU
Deputy Clerk

Date: Clerk, by , Deputy

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| PLAINTIFF/PETITIONER: Plaintiffs the County of San Mateo DEFENDANT/RESPONDENT: Chevron Corporation et al. | CASE NUMBER: CJC-24-005310 specific to case no.: 17CIV03222 (San Mateo County Superior Court) |
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COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*
 - a. not recovering anything of value by this action.
 - b. recovering less than \$10,000 in value by this action.
 - c. recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and court costs that were waived in this action have been paid to the court *(check one)*: Yes No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

 _____
(SIGNATURE)

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PROOF OF SERVICE

I am employed in San Francisco County where service of the documents referred to below occurred. I am over the age of 18 and not a party to the within action. My business address is Sher Edling LLP, 100 Montgomery Street, Suite 1410 San Francisco, CA 94104. I am readily familiar with the firm’s practices for the service of documents. On this date, I served or caused to be served a true copy of the following:


REQUEST FOR DIMISSAL AS TO DEFENDANT OCCIDENTAL PETROLEUM CORPORATION

XXX **BY EMAIL:** My email address is oni@sheredling.com and service of this document(s) occurred on the date shown below. This document is being served electronically and the transmission was reported as complete and without error.

XXX **BY FILE&SERVEXPRESS:** By electronic service through *File&ServeXpress* I caused the service of this document(s) on the date shown below. This document is being served electronically and the transmission was reported complete and without error.

SEE SERVICE LIST

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on March 26, 2025.



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SERVICE LIST

Via FILE&SERVEXPRESS

CITY OF IMPERIAL BEACH

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12 Lauren Kaplan
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20 **DEFENDANT MARATHON OIL COMPANY**

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27 **DEFENDANT OCCIDENTAL PETROLEUM CORP.**

28 David L. Schrader, Bar No. 149638
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Duke McCall (*pro hac vice pending*)
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|----------------------------------|--|--|
| 4 5 6 7 8 9 10 | Theodore J. Boutrous, Jr. (SBN 132099) Joshua D. Dick (SBN 268853) GIBSON, DUNN & CRUTCHER LLP 333 South Grand Avenue Los Angeles, CA 90071 Tel: (213) 229-7000 Fax: (213) 229-7520 E-mail: tboutrous@gibsondunn.com E-mail: JDick@gibsondunn.com | |
|----------------------------------|--|--|

DEFENDANTS SHELL PLC (F/K/A ROYAL DUTCH SHELL PLC) and SHELL OIL PRODUCTS COMPANY LLC

| | | |
|--|---|---|
| 11 12 13 14 15 16 17 18 19 20 21 22 23 | Gary T. Lafayette LAFAYETTE & KUMAGAI LLP 1300 Clay Street, Suite 810 Oakland, CA 94612 Tel: (415) 357-4600 Fax: (415) 357-4605 Email: glafayette@lkclaw.com | David C. Frederick (<i>pro hac vice</i> forthcoming) James M. Webster, III (<i>pro hac vice</i> forthcoming) Daniel S. Severson (<i>pro hac vice</i> forthcoming) Grace W. Knofczynski (<i>pro hac vice</i> forthcoming) KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C. 1615 M Street, N.W., Suite 400 Washington, DC 20036 Tel: (202) 326-7900 Fax: (202) 326-7999 Email: dfrederick@kellogghansen.com Email: jwebster@kellogghansen.com Email: dseverson@kellogghansen.com Email: gknofczynski@kellogghansen.com |
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DEFENDANT HESS CORPORATION

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|----------------------------|---|---|
| 24 25 26 27 28 | Megan Berge (CA Bar No. 332536) BAKER BOTTS L.L.P. 101 California Street, Suite 3200 San Francisco, CA 94111 Telephone: (202) 639-1308 Facsimile: (202) 639-1171 Email: megan.berge@bakerbotts.com | J. Scott Janoe (<i>pro hac vice</i> forthcoming) BAKER BOTTS L.L.P. 910 Louisiana Street Houston, Texas 77002 Telephone: (713) 229-1553 Facsimile: (713) 229 7953 Email: scott.janoe@bakerbotts.com |
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| | Sterling A. Marchand (<i>pro hac vice</i> forthcoming) BAKER BOTTS LLP 700 K Street N.W. Washington, D.C. 20001 Tel.: (202) 639-1113 Fax: (202) 508-9313 Email: sterling.marchand@bakerbotts.com |
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DEFENDANTS CONOCOPHILLIPS AND CONOCOPHILLIPS COMPANY

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DEFENDANTS PHILLIPS 66 AND PHILLIPS 66 COMPANY

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|--|--|
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|--|--|

Via EMAIL

DEFENDANTS CHEVRON CORPORATION and CHEVRON U.S.A., INC

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I, KRISTY JONES, declare as follows:

I am employed in the County of Sacramento, State of California. I am over the age of eighteen and not a party to the within action. My business address is 1231 I Street, Suite 300, Sacramento, CA 95814; kjones@calattorneys.org.

On April 24, 2025, I served the foregoing document(s) described as **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PETITIONER’S OPENING BRIEF RE PETITION FOR WRIT OF ADMINISTRATIVE MANDATE** on the interested parties in this action as follows:

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BY ELECTRONIC SERVICE

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 24th day of April 2025 in Madera County, California.



Kristy Jones