

---

No. 18-1170

---

In the  
UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

---

EXXON MOBIL CORPORATION,

Plaintiff-Appellant,

v.

MAURA TRACY HEALEY, IN HER OFFICIAL CAPACITY AS  
ATTORNEY GENERAL OF THE STATE OF MASSACHUSETTS,  
LETITIA JAMES, ATTORNEY GENERAL OF NEW YORK, IN HER  
OFFICIAL CAPACITY,

Defendants-Appellees.

---

**MOTION TO WITHDRAW THE STATE OF MICHIGAN  
FROM AUGUST 10, 2018 AMICUS BRIEF  
IN SUPPORT OF PLAINTIFF-APPELLANT**

---

The State of Michigan moves to withdraw its support for the amicus brief filed in this case in support of plaintiff-appellant and provides the following in support of its motion:

1. On August 10, 2018, the State of Michigan under Attorney General Bill Schuette joined an amicus brief in support of plaintiff-appellant. A corrected amicus brief was filed on October 23, 2018.
2. On January 1, 2019, the new Attorney General in Michigan, Dana Nessel, took office.

3. In Michigan, the Attorney General is the chief law enforcement officer of the State, *Fieger v. Cox*, 734 N.W.2d 602, 604 (Mich. Ct. App. 2007), and the Attorney General has the authority to intervene in any action in which the Attorney General believes the interests of the People of the State of Michigan are implicated, Mich. Comp. Laws §§ 14.28, 14.101.

4. Likewise, under federal law, the State Attorney General represents the legal position for the State. *Cf.* 28 U.S.C. § 2403(b); Fed. R. Civ. P. 5(a)(1)(B).

5. In this matter, Attorney General Nessel has determined that the amicus brief filed on August 10, 2018, no longer represents the legal position of the State of Michigan. Thus, she seeks to withdraw Michigan's support for this amicus brief.

Wherefore, the State of Michigan respectfully asks this Court to grant this motion to withdraw its support for the previously filed amicus brief.

Respectfully submitted,

Dana Nessel  
Attorney General

/s/ Fadwa A. Hammoud  
Fadwa A. Hammoud (P74185)  
Solicitor General  
Counsel of Record  
Attorney for State of Michigan  
P.O. Box 30212  
Lansing, MI 48909  
(517) 241-8403  
HammoudF1@michigan.gov

Date: February 7, 2019

### **CERTIFICATE OF SERVICE**

I certify that on February 7, 2019, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

/s/ Fadwa A. Hammoud  
Fadwa A. Hammoud (P74185)  
Solicitor General  
Counsel of Record  
Attorney for State of Michigan  
P.O. Box 30212  
Lansing, MI 48909  
(517) 241-8403  
HammoudF1@michigan.gov