

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-8001

September Term, 2020

1:20-cv-01815-TJK

Filed On: April 23, 2021

In re: Exxon Mobil Corporation,

Petitioner

BEFORE: Tatel, Pillard, and Walker, Circuit Judges

ORDER

Upon consideration of the petition for permission to appeal and the emergency motion for stay pending appeal, the response thereto, and the reply; and the administrative stay entered April 6, 2021, it is

ORDERED that the administrative stay be dissolved. It is

FURTHER ORDERED that the petition for permission to appeal be denied. The court declines to accept an appeal from the district court's order remanding this case to the Superior Court of the District of Columbia. See 28 U.S.C. § 1453(c)(1) (“[A] court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed”). It is unclear as a matter of District of Columbia law whether respondent's action for injunctive relief under the District of Columbia Consumer Protection Procedures Act must be litigated as a class action. See D.C. Code § 28-3095(k)(1)(D). Accordingly, the District of Columbia courts should determine how this action should proceed. See In re: U-Haul Int'l, Inc., No. 08-7122, 2009 WL 902414 (D.C. Cir. Apr. 6, 2009); In re: General Mills, Inc., No. 10-8001 (D.C. Cir. June 25, 2010) (per curiam). It is

FURTHER ORDERED that the emergency motion for stay pending appeal be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. Because no appeal has been allowed, no mandate will issue. The Clerk is directed to transmit a copy of this order to the district court.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Scott H. Atchue
Deputy Clerk