

In the  
**United States Court of Appeals**  
for the Eighth Circuit

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STATE OF MINNESOTA, by its Attorney General Keith Ellison,

*Plaintiff-Appellee,*

v.

AMERICAN PETROLEUM INSTITUTE; EXXON MOBIL CORPORATION;  
EXXONMOBIL OIL CORPORATION; KOCH INDUSTRIES; FLINT HILLS  
RESOURCES LP; FLINT HILLS RESOURCES PINE BEND,

*Defendants-Appellants.*

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Appeal from the United States District Court  
for the District of Minnesota, No. 0:20-cv-01636-JRT.  
The Honorable **John R. Tunheim**, Judge Presiding.

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**MOTION FOR LEAVE TO FILE BRIEF OF  
AMICUS CURIAE ENERGY POLICY ADVOCATES  
IN SUPPORT OF DEFENDANTS-APPELLANTS ARGUING FOR  
REVERSAL**

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Energy Policy Advocates*



## CORPORATE DISCLOSURE STATEMENT

Energy Policy Advocates certifies that it is a nonstock corporation organized under the laws of Washington State. It issues no stock, has no stockholders, and has no parent or subsidiary corporation.

Dated: June 23, 2021

/s/ Matthew D. Hardin

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Proposed *Amicus Curiae* Energy Policy Advocates, having obtained information highly relevant to this proceeding through public record requests, hereby moves for leave to file an *amicus* brief in support of the Defendants-Appellants in this matter. In support of this Motion, and pursuant to Rule 29 (a)(3) of the Federal Rules of Appellate Procedure, Energy Policy Advocates states as follows:

1. The proposed *Amicus Curiae* is a nonprofit corporation organized in Washington State and conducts research on how government entities formulate public policy, with a focus on energy and environmental policies. To this end, Energy Policy Advocates files public records requests under state and federal laws, several of which have uncovered documents which are relevant to this Court's consideration of the merits.
2. Energy Policy Advocates wishes to support the Defendants-Appellants in this matter. Its proposed brief will illuminate key facts from public records it has obtained, including records which illustrate the genesis of this suit and the importance of keeping this suit and other like it in the federal courts.
3. Pursuant to Rule 29 (a)(3) the proposed *amicus* brief is attached to this Motion as Exhibit 1.
4. Undersigned counsel requested consent of the parties to the filing of Energy Policy Advocates' *amicus* brief. Counsel for the State of Minnesota has

indicated it objects to the filing of the brief. Minnesota's counsel has not elaborated upon the basis for the State's opposition. Counsel for the appellants indicated that all appellants consent to the filing of the *amicus curiae* brief and to this Motion.

Wherefore, Energy Policy Advocates respectfully requests that this Court grant it leave to file the proposed *Amicus* Brief.

Dated: June 23, 2021

Respectfully submitted,

*/s/ Matthew D. Hardin* \_\_\_\_\_

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## CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2)(A). This motion contains 272 words, excluding the parts of the motion exempted by Federal Rule of Appellate Procedure 32(f).

This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6). This brief has been prepared in a proportionally spaced typeface using Microsoft Office 365 ProPlus in fourteen (14) point Times New Roman font.

Dated: June 23, 2021

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 23, 2021, an electronic copy of the Motion for Leave to File Brief of *Amicus Curiae* Energy Policy Advocates in Support of Defendants-Appellants was filed with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. The undersigned certifies that all participants in this case are registered CM/ECF users and that service of the Brief will be accomplished by the CM/ECF system.

Dated: June 23, 2021

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