

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

KEELY ROBERTS, individually and as
parent and next friend of C.R. and L.R., and
JASON ROBERTS, individually and as
parent and next friend of C.R. and L.R.,

Plaintiffs,

v.

SMITH & WESSON BRANDS, INC.,
SMITH & WESSON SALES COMPANY,
SMITH & WESSON, INC.,
BUDSGUNSHOP.COM, LLC, RED DOT
ARMS, INC., ROBERT CRIMO, JR., and
ROBERT CRIMO, III,

Defendants.

Lead Case No. 1:22-cv-06169

Related Case Nos. 1:22-cv-06178

1:22-cv-06181

1:22-cv-06183

1:22-cv-06171

1:22-cv-06185

1:22-cv-06186

1:22-cv-06190

1:22-cv-06191

1:22-cv-06193

1:22-cv-06359

1:22-cv-06361

Lead Case Removed from Case No. 22
LA 00000497 in the Circuit Court of Lake
County, Illinois

Hon. Steven C. Seeger

**NOTICE OF SUPPLEMENTAL AUTHORITIES IN SUPPORT OF
PLAINTIFFS' MOTIONS TO REMAND**

Plaintiffs¹ submit this Notice of Supplemental Authorities in support of their Motions to Remand, and in furtherance thereof, state as follows:

Since the parties completed briefing on the Motion to Remand (ECF No. 26), additional opinions pertinent to the arguments raised in Smith & Wesson's Brief in Opposition to Plaintiffs'

¹ Counsel for plaintiffs in all consolidated cases are jointly filing this motion in support of their respective Motions to Remand (collectively, "Plaintiffs").

Motions to Remand (ECF No. 48) have been issued, including the following supplemental authorities, attached hereto:

1. *Minnesota by Ellison v. Am. Petroleum Institute, et al.*, 63 F.4th 703 (8th Cir. 2023): Affirming the district court’s decision to remand the State of Minnesota’s suit against fossil fuel producers for common law fraud and violations of Minnesota’s consumer protection statutes on multiple grounds, including holding that (1) there is no preemption since any federal common law concerning transboundary pollution does not “occupy the same substantive realm as state-law fraud, negligence, products liability, or consumer protection claims” and (2) “the relationship between Minnesota’s claims and any federal authority over a portion of [the fossil fuel producers’] production and sale of fossil-fuel products is too tenuous to support removal” under the federal officer statute because “none of Minnesota’s claims try to hold the [fossil fuel producers] liable for production activities—only marketing.”
2. On April 23, 2023, the United States Supreme Court denied certiorari in *Suncor Energy, Inc., et al. v. Bd. Comm’rs Boulder Cty., et al.* (No. 21-1550); *BP P.L.C., et al. v. Mayor & City Council Baltimore* (No. 22-361); *Chevron Corp., et al. v. San Mateo Cty, CA, et al.* (No. 22-495); *Sunoco LP, et al. v. Honolulu, HI, et al.* (No. 22-523); and *Shell Oil Products Co., et al. v. Rhode Island* (No. 22-524), in which federal courts remanded suits alleging state-law violations against fossil fuel producers who sought removal on the same grounds as those sought in *Minnesota by Ellison v. Am. Petroleum Institute, et al.*

Dated: May 17, 2023

Respectfully submitted,

/s/ David A. Neiman
David A. Neiman

/s/ J. Eli Wade-Scott
J. Eli Wade-Scott

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Counsel for Plaintiffs in 1:22-cv-06359 and 1:22-cv-06361

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