

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
JOHN DOE I, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 01-1357 (RCL)
)	
EXXON MOBIL)	
CORPORATION, et al.,)	
)	
Defendants.)	
_____)	

_____)	
JOHN DOE VIII, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 07-1022 (RCL)
)	
EXXON MOBIL)	
CORPORATION, et al.,)	
)	
Defendants.)	
_____)	

ORDER

Today, the Court disposes of a number of pending motions in two separate but closely related cases, *John Doe I, et al. v. Exxon Mobil Corporation, et al.*, Civil No. 01-1357 (“*Doe I*”) and *John Doe VIII, et al. v. Exxon Mobil Corporation, et al.*, Civil No. 07-1022 (“*Doe VIII*”). Before the Court are defendants’ motion to dismiss [*Doe I*, ECF No. 426; *Doe VIII*, ECF No. 61]; plaintiffs’ motion for leave to file surreply in opposition to defendants’ motion to dismiss [*Doe I*, ECF No. 446, *Doe VIII*, ECF No. 76]; plaintiffs’ motion to modify the Court’s September 18, 2013 scheduling order, or in the alternative, motion for extension of time to file response to defendants’ motion to dismiss [*Doe I*, ECF No. 428; *Doe VIII*, ECF No. 63]; and

defendants' motion for reconsideration of the Court's September 18, 2013 scheduling order [*Doe I*, ECF No. 445; *Doe VIII*, ECF No. 75].

For the reasons stated in the memorandum opinion accompanying this Order and after consideration of the parties' briefing, the pleadings, and the applicable law, it is hereby:

ORDERED that plaintiffs' motion for leave to file surreply in opposition to defendants' motion to dismiss is **GRANTED**. It is further

ORDERED that defendants' motion to dismiss is **GRANTED IN PART AND DENIED IN PART**. The motion is granted as to Exxon Mobil Oil Indonesia, Inc. in *Doe VIII*. That defendant is dismissed from *Doe VIII* pursuant to the Court's Rule 21 power to dismiss non-diverse parties which defeat the Court's jurisdiction. The motion to dismiss is also granted as to plaintiffs' claims for intentional infliction of emotional distress in *Doe I* and *Doe VIII* and for negligent infliction of emotional distress in *Doe I*. In all other respects, the motion to dismiss is denied. As to the portion of the motion relating to plaintiffs' Alien Tort Statute claims, the motion is denied without prejudice to defendants renewing their arguments for dismissal based on failure to state a claim and the presumption against extraterritoriality after plaintiffs have had an opportunity to file for leave to amend their complaint as described below. It is further

ORDERED that defendants' motion to reconsider the Court's September 18, 2013 scheduling order pending disposition of their motion to dismiss is **DENIED**. It is further

ORDERED that plaintiffs' motion to modify the Court's September 18, 2013 scheduling order is **GRANTED IN PART AND DENIED IN PART**. Plaintiffs may file for leave to amend their complaint within 30 days of this date as to their Alien Tort Statute claims for the purpose of (1) restating their Alien Tort Statute claims and (2) alleging additional facts demonstrating that these claims sufficiently touch and concern the United States to displace the

presumption against extraterritoriality. Plaintiffs may seek any discovery authorized by the Court's September 18, 2013 scheduling order. Plaintiffs' motion is denied in all other respects.

It is **SO ORDERED**.

Signed by Royce C. Lamberth, United States District Judge, on September 23, 2014.