

Cases Underway to Make Climate Polluters Pay

CONSUMER PROTECTION			
Case	Summary	Legal Claims Asserted	Procedural Status
The State of Vermont <i>Vermont v. Exxon et al.</i> Filed: September 14, 2021	The Vermont Attorney General's Office filed a consumer protection lawsuit against Exxon, Shell, and other major oil and gas companies for "numerous deceptive acts and unfair practices in connection with their marketing, distribution, and sale of gasoline and other fossil fuel products to consumers within the State."	<ul style="list-style-type: none"> Consumer protection 	Complaint filed in Vermont state court. Defendants removed the case to federal court (D.Vt.). Parties awaiting federal district court decision on motion to remand the case to state court.
The City of New York <i>New York City v. Exxon et al.</i> Filed: April 22, 2021	New York City filed a consumer protection lawsuit against ExxonMobil, Shell, BP and the American Petroleum Institute for engaging in deceptive trade practices "about the central role their products play in causing the climate crisis," in violation of the city's consumer protection law.	<ul style="list-style-type: none"> Consumer protection 	Complaint filed in New York state court. Defendants removed the case to federal court (S.D.N.Y.). Plaintiff's motion to remand stayed pending the appeal of remand in Connecticut v Exxon.
The State of Connecticut <i>Connecticut v. Exxon</i> Filed: Sept. 14, 2020	Connecticut Attorney General William Tong is suing ExxonMobil under the state's consumer protection law for the company's "ongoing, systematic campaign of lies and deception to hide from the public what ExxonMobil has known for decades — that burning fossil fuels undeniably contributes to climate change."	<ul style="list-style-type: none"> Consumer protection 	Complaint filed in Connecticut state court. Defendants removed the case to federal court (D.Conn.), which remanded the case to state court. Defendants appealed district court's remand decision. Parties awaiting Second Circuit decision on motion to remand. Remand stayed while appeal is pending.
The District of Columbia <i>DC v. Exxon et al.</i> Filed: June 25, 2020	D.C. Attorney General Karl A. Racine filed a consumer protection lawsuit against ExxonMobil, BP, Chevron, and Shell for misleading consumers about the role their fossil fuel products play in causing climate change.	<ul style="list-style-type: none"> Consumer protection 	Complaint filed in D.C. Superior Court. Defendants removed the case to federal court (D.D.C.), which remanded the case to state court. Defendants appealed district court's remand decision to D.C. Circuit, which declined to stay motion to remand pending appeal. Oral argument is scheduled for 5/8/23.
The State of Minnesota <i>Minnesota v. Exxon, Koch Industries and API</i> Filed: June 24, 2020	Minnesota Attorney General Keith Ellison filed a consumer fraud lawsuit against ExxonMobil, Koch Industries, and the American Petroleum Institute for conducting a "campaign of deception" to mislead consumers about the science of climate change and failing to disclose their knowledge that fossil fuel products cause global warming.	<ul style="list-style-type: none"> Consumer protection Fraud Misrepresentation Failure to warn 	Complaint filed in Minnesota state court. Defendants removed the case to federal court (D.Minn), which remanded the case to state court. Eighth Circuit affirmed remand. Case will proceed in state court.

<p>The Commonwealth of Massachusetts</p> <p><i>Massachusetts v. Exxon</i></p> <p><i>Filed: Oct. 24, 2019</i></p>	<p>The Massachusetts Attorney General's Office filed a consumer and investor fraud lawsuit against ExxonMobil in state court, charging the fossil fuel company with systematically and intentionally misleading consumers and investors about its role in causing climate change.</p>	<ul style="list-style-type: none"> • Consumer protection 	<p>Complaint filed in Massachusetts state court. Defendant removed the case to federal court (D.Mass.), which remanded the case to state court. State court denied defendant's motions to dismiss, including its anti-SLAPP motion to dismiss. Massachusetts Supreme Judicial Court affirmed denial of anti-SLAPP motion on 5/24/22. Case is in pre-trial discovery in state court.</p>
COST RECOVERY			
Case	Summary	Legal Claims Asserted	Procedural Status
<p>Maui County, Hawai'i</p> <p><i>Maui v. Sunoco, et al.</i></p> <p><i>Filed: Oct. 12, 2020</i></p>	<p>The county's lawsuit against Exxon, BP, Chevron, Shell, and more than a dozen other fossil fuel companies outlines an array of harms its four islands suffer as a result of Big Oil's deception: 2019 was the county's warmest year on record. The county's fire season, which used to last only a few months but now runs year-round, burned six times as many acres in 2019 than 2018. And more than \$3.2 billion in assets, including the county's five harbors and five airports, are threatened by chronic flooding and sea-level rise.</p>	<ul style="list-style-type: none"> • Public nuisance • Private nuisance • Trespass • Failure to warn 	<p>Complaint filed in Hawai'i state court. Defendants removed the case to federal court (D.Haw.), which remanded the case to state court. Ninth Circuit affirmed remand. Supreme Court denied cert. In state court, parties awaiting decision on defendants' motion to dismiss for lack of personal jurisdiction.</p>
<p>Honolulu (City and County), Hawai'i</p> <p><i>Honolulu v. Sunoco, et al.</i></p> <p><i>Filed: March 9, 2020</i></p>	<p>The City and County of Honolulu is suing major oil and gas companies to hold them accountable for the cost of climate damages they knew their businesses would create and intensify.</p>	<ul style="list-style-type: none"> • Public nuisance • Private nuisance • Trespass • Failure to warn 	<p>Complaint filed in Hawai'i state court. Defendants removed the case to federal court (D.Haw.), which remanded the case to state court. Ninth Circuit affirmed remand. Supreme Court denied cert. In state court, Hawai'i Supreme Court to hear defendants' appeal of trial court's decision denying motion to dismiss.</p>

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Pacific Coast Federation of Fishermen's Associations <i>PCFFA v. Chevron, et al.</i> Filed: Nov. 14, 2018	The Pacific Coast Federation of Fishermen's Associations, the largest commercial fishermen's association on the West Coast, sued 30 fossil fuel companies including Chevron, ExxonMobil and BP — marking the first climate liability suit to be filed by one industry against another.	<ul style="list-style-type: none"> • Public nuisance • Negligence • Design defect • Failure to warn 	Complaint filed in California state court. Defendants removed the case to federal court (N.D.Cal). Case stayed pending appeal of remand in San Mateo v Chevron (cert denied by Supreme Court) and Oakland v BP (on appeal to Ninth Circuit).
The State of Rhode Island <i>Rhode Island v. Chevron, et al.</i> Filed: July 2, 2018	With 400 miles of vulnerable shoreline, Rhode Island became the first state to file suit against a fleet of fossil fuel companies — including ExxonMobil, Shell, Chevron, and BP — to recover costs from climate damages, ranging from severe storms and drought to considerable sea level rise and coastal flooding.	<ul style="list-style-type: none"> • Public nuisance • Trespass • Design defect • Failure to warn • Impairment of Public Trust Resources • State Environmental Rights Act 	Complaint filed in Rhode Island state court. Defendants removed the case to federal court (D.R.I.), which remanded the case to state court. First Circuit affirmed remand. Supreme Court denied cert. Case will proceed in state court.
Oakland and San Francisco (City and County), California <i>Oakland et al. v. BP et al.</i> Filed: Sept. 19, 2017	The Bay Area municipalities are seeking to hold ExxonMobil, Chevron, Shell, BP, and ConocoPhillips accountable for a wide range of costs to protect their communities from rising seas, floods, and other climate damages.	<ul style="list-style-type: none"> • Public nuisance 	Complaints filed in California state court. Defendants removed the case to federal court (N.D.Cal), which denied plaintiffs' motion to remand to state court. Per Ninth Circuit decision reversing lower court's decision, district court granted plaintiffs' renewed motion to remand on 10/24/22. Defendants appealed district court's remand decision to the Ninth Circuit.
San Mateo, Santa Cruz, and Marin counties; Cities of Richmond, Imperial Beach, and Santa Cruz, California <i>San Mateo et al. v. Chevron et al.</i> Filed: July 17, 2017	These California lawsuits jump-started climate cost recovery suits in the U.S. Calling out 36 of the world's largest oil companies, the complaints point to impacts such as more frequent flooding, beach erosion and the possibility of water inundating roads, sewage treatment plants and other real estate — including the international airport.	<ul style="list-style-type: none"> • Public nuisance • Private nuisance • Negligence • Trespass • Design defect • Failure to warn 	Complaints filed in California state court. Defendants removed the case to federal court (N.D.Cal), which remanded the case to state court. Ninth Circuit affirmed remand. Supreme Court denied cert. Cases will proceed in state court.

COST RECOVERY AND CONSUMER PROTECTION

Case	Summary	Legal Claims Asserted	Procedural Status
The State of New Jersey <i>Platkin v. ExxonMobil, et al.</i> Filed: Oct. 18, 2022	New Jersey Attorney General Matthew Platkin filed a lawsuit against ExxonMobil, Chevron, Shell, BP, ConocoPhillips, and the American Petroleum Institute for the damage that their climate deception is causing to communities across the state.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Failure to warn • Negligence • Impairment of the Public Trust 	Complaint filed in New Jersey state court. Defendants removed the case to federal court (D.N.J.). Plaintiffs filed motion to remand the case to state court, and Defendants filed motion to stay pending outcome of petitions for cert before the Supreme Court. Parties awaiting decision on motion to stay.
Anne Arundel County, Maryland <i>Anne Arundel County v. BP, et al.</i> Filed: April 26, 2021	Anne Arundel County is seeking to hold major oil companies and the American Petroleum Institute accountable for their climate deception – and to make them pay a fair share of the climate damages they knowingly caused.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Failure to warn 	Complaint filed in Maryland state court. Defendants removed the case to federal court (D.Md.), which remanded the case to state court. Defendants appealed district court’s remand decision to the Fourth Circuit. Remand stayed while appeal is pending.
Annapolis, Maryland <i>Annapolis v. BP, et al.</i> Filed: Feb. 22, 2021	The City of Annapolis is seeking to hold major oil companies and the American Petroleum Institute accountable for their climate deception – and to make them pay a fair share of the climate damages they knowingly caused.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Failure to warn 	Complaint filed in Maryland state court. Defendants removed the case to federal court (D.Md.), which remanded the case to state court. Defendants appealed district court’s remand decision to the Fourth Circuit. Remand stayed while appeal is pending.
The State of Delaware <i>Delaware v. BP, et al.</i> Filed: Sept. 10, 2020	Delaware Attorney General Kathy Jennings filed a lawsuit against 31 fossil fuel companies “to hold them accountable for decades of deception about the role their products play in causing climate change, the harm that is causing in Delaware, and for the mounting costs of surviving those harms.”	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Trespass • Failure to warn 	Complaint filed in Delaware state court. Defendants removed the case to federal court (D.Del), which remanded the case to state court. Third Circuit affirmed remand. Parties awaiting decision on defendants’ petition for cert before the Supreme Court (to be considered on 5/11/23). Remand stayed while appeal is pending.

Case	Summary	Legal Claims Asserted	Procedural Status
Charleston, South Carolina <i>Charleston v. Brabham, et al.</i> Filed: Sept. 9, 2020	The City of Charleston is suing 24 fossil fuel companies to hold them accountable for lying about climate change harms they knowingly caused — and to make them pay a fair share of the damage. Charleston’s was the first such lawsuit filed in the American South.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Failure to warn 	Complaint filed in South Carolina state court. Defendants removed the case to federal court (D.S.C.). Parties are litigating motion to remand.
Hoboken, New Jersey <i>Hoboken v. Exxon, et al.</i> Filed: Sept. 2, 2020	Hoboken, the coastal “Mile Square City,” is the first municipality to file a climate liability lawsuit in New Jersey. The city’s lawsuit argues that ExxonMobil, Shell, BP, Chevron, ConocoPhillips and the American Petroleum Institute’s climate deception violates the state’s consumer fraud statute and provides grounds for common law claims of public and private nuisance, trespass and negligence.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Negligence • Trespass 	Complaint filed in New Jersey state court. Defendants removed the case to federal court (D.N.J.), which remanded the case to state court. Third Circuit affirmed remand. Parties awaiting decision on defendants’ petition for cert before the Supreme Court (to be considered on 5/11/23).
Baltimore, Maryland <i>Baltimore v. BP, et al.</i> Filed: July 20, 2018	The City of Baltimore is suing 26 oil and gas companies whose products — and the decades-long campaigns of deception regarding their repercussions — have left the city unduly exposed to an onslaught of climate-caused threats.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Negligence • Trespass • Design defect • Failure to warn 	Complaint filed in Maryland state court. Defendants removed the case to federal court (D.Md.), which remanded the case to state court. Fourth Circuit affirmed remand. Supreme Court denied cert. Case will proceed in state court.
Boulder (City and County), Colorado <i>Boulder County et al. v. Suncor and Exxon</i> Filed: April 17, 2018	In the first climate liability case filed by landlocked communities, three Colorado municipalities sued ExxonMobil and Suncor Energy to recover the cost of local climate damages the companies knowingly caused.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Conspiracy • Unjust Enrichment 	Defendants removed the case to federal court (D.Colo.), which remanded the case to state court. Tenth Circuit affirmed remand. Supreme Court denied cert. Case will proceed in state court.
San Miguel (County), Colorado <i>Boulder County et al. v. Suncor and Exxon</i> Filed: April 17, 2018	In the first climate liability case filed by landlocked communities, three Colorado municipalities sued ExxonMobil and Suncor Energy to recover the cost of local climate damages the companies knowingly caused.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Conspiracy • Unjust Enrichment 	Defendants removed the case to federal court (D.Colo.), which remanded the case to state court. Tenth Circuit affirmed remand. Supreme Court denied cert. Case will proceed in state court.

RACKETEERING

Case	Summary	Legal Claims Asserted	Procedural Status
<p>Municipalities of Puerto Rico</p> <p><i>The Municipalities of Puerto Rico vs. Exxon et al.</i></p> <p><i>Filed: Nov. 22, 2022</i></p>	<p>Sixteen Puerto Rico municipalities filed the first-ever federal class-action lawsuit that charges major fossil fuel companies with violating the Racketeer Influenced and Corrupt Organizations (RICO) Act and seeks damages for the 2017 hurricane season that devastated the U.S. territory.</p>	<ul style="list-style-type: none"> • Racketeering • Fraud • Antitrust • Product liability • Nuisance 	<p>Complaint filed in federal court (D.P.R) on 11/22/22.</p>