

## Cases Underway to Make Climate Polluters Pay

### CONSUMER PROTECTION

CASE	SUMMARY	LEGAL CLAIMS ASSERTED	PROCEDURAL STATUS
<b>State of Vermont</b> Vermont v. Exxon et al. Filed: September 14, 2021	Attorney General Thomas Donovan Jr. filed a state lawsuit against Exxon, Shell, Sonoco and other giant oil and gas companies for violating the state's consumer protection statute. Vermont alleges that, through their knowing, deceptive acts and practices, the defendants sought to mislead Vermont consumers about the risks and dangers of their products, and thereby deny Vermont consumers their opportunity to make informed and different decisions regarding fossil fuel purchases and consumption.	Consumer protection	Complaint filed in Vermont state court. Defendants expected to remove the case to federal court.
<b>New York City</b> New York City v. Exxon et al. Filed: April 22, 2021	New York City sued Exxon, 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.	Consumer protection	Complaint filed in New York state court. Defendants removed the case to federal court (S.D.N.Y.). Parties litigating plaintiff's motion to remand the case to state court.
<b>State of Connecticut</b> Connecticut v. Exxon Filed: Sept. 14, 2020	Attorney General William Tong filed a state lawsuit against Exxon for "an ongoing systematic campaign of lies and deception" about the company's role in causing climate change, in violation of the state's consumer protection law.	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 filed appeal with Second Circuit on 6/8/21. Remand stayed while appeal is pending before the Second Circuit.
<b>District of Columbia</b> DC v. Exxon et al. Filed: June 25, 2020	Attorney General Karl A. Racine filed a consumer protection lawsuit against Exxon, BP, Chevron, and Shell for misleading consumers about the role their products play in causing climate change.	Consumer protection	Complaint filed in D.C. Superior Court. Defendants removed the case to federal court (D.D.C.). Parties awaiting federal district court decision on motion to remand the case to state court.
<b>State of Minnesota</b> Minnesota v. Exxon, Koch Industries and API Filed: June 24, 2020	Attorney General Keith Ellison filed a consumer fraud lawsuit against three major architects of climate denial — Exxon, the American Petroleum Institute, and Koch Industries — 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 caused global warming.	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. Parties awaiting decision from Eighth Circuit on defendants' appeal of remand.
<b>Commonwealth of Massachusetts</b> Massachusetts v. Exxon Filed: Oct. 24, 2019	Attorney General Maura Healey filed a consumer and investor fraud lawsuit against Exxon in state court, charging the fossil fuel company with systematically and intentionally misleading consumers and investors about its role in causing climate change.	Consumer protection	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 special motion to dismiss. Defendant will now respond to the complaint.

### COST RECOVERY

CASE	SUMMARY	LEGAL CLAIMS ASSERTED	PROCEDURAL STATUS
<b>Maui County, Hawaii</b> Maui v. Sunoco, et al. Filed: Oct. 12, 2020	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.	Public nuisance, Private nuisance, Trespass, Failure to warn	Complaint filed in Hawaii state court. Defendants removed the case to federal court. Federal district court (D. Haw.) remanded the case to state court — district court's remand decision is on appeal before the Ninth Circuit.
<b>Honolulu City and County, Hawaii</b> Honolulu v. Sunoco, et al. Filed: March 9, 2020	The lawsuit seeks to hold including Exxon, BP, Shell, Chevron and other climate polluters accountable for climate damages they knew their products would cause. Officials estimate that the cost of lost land, beaches, roads, infrastructure, and displaced residents from sea-level rise and chronic flooding will be \$19 billion by century's end.	Public nuisance, Private nuisance, Negligence, Trespass, Failure to warn	Complaint filed in Hawaii state court. Defendants removed the case to federal court (D. Haw.), which remanded the case to state court. Parties awaiting decision from Ninth Circuit on defendants' appeal of remand. Hearings on defendants' motions to dismiss heard in state court on 8/27/21 and 10/8/21.

## COST RECOVERY CONTINUED

CASE	SUMMARY	LEGAL CLAIMS ASSERTED	PROCEDURAL STATUS
<b>Pacific Coast Federal of Fishermen's Association</b>  <i>PCFFA v. Chevron, et al.</i>  Filed: Nov. 14, 2018	<i>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, Exxon and BP – marking the first climate liability suit to be filed by one industry against another.</i>	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 management conference set for 12/8/2021 at 2 pm PT.
<b>State of Rhode Island</b>  <i>Rhode Island v. Chevron, et al.</i>  Filed: July 2, 2018	<i>With 400 miles of vulnerable shoreline, Rhode Island became the first state to file suit against a group of fossil fuel companies for current and impending consequences of climate change, ranging from severe storms and drought to considerable sea level rise and flooding along its coast.</i>	Public nuisance, Negligence, Trespass, Design defect, Failure to warn	Complaint filed in Rhode Island state court. Defendants removed the case to federal court (D.R.I.), which remanded the case to state court. Case proceeding in state and federal courts. Per Supreme Court decision in Baltimore v BP, 1st Circuit will consider additional arguments as to whether the federal district court has jurisdiction to hear the case. Remand stayed pending outcome of a personal jurisdiction case before the Rhode Island Supreme Court.
<b>King County, Washington</b>  <i>King County v. BP, et al.</i>  Filed: May 9, 2018	<i>King County filed a lawsuit against BP, Chevron, Exxon, Shell and ConocoPhillips seeking an order requiring the companies to fund the costs of climate adaptation, including stormwater infrastructure upgrades, salmon recovery, public health protections and other expenses.</i>	Public nuisance, Trespass	Complaint filed in Washington state court. Defendants removed the case to federal court (W.D. Wash). Plaintiff voluntarily dismissed the case on 9/28/21.
<b>New York City</b>  <i>New York City v. BP et al.</i>  Filed: Jan. 9, 2018	<i>The nation's largest city made waves when it announced its lawsuit against BP, Chevron, ConocoPhillips, Exxon and Shell to recover the billions it will need to spend to protect its coastlines, infrastructure and citizens from global warming.</i>	Public nuisance, Private nuisance, Trespass	Complaint filed in federal court (S.D.N.Y.). Case dismissed by the district court. Second Circuit affirmed the judgment.
<b>Oakland and San Francisco, California</b>  <i>Oakland et al. v. BP et al.</i>  Filed: Sept. 19, 2017	<i>San Francisco officials said they expect to pay \$500 million to fortify the 3-mile seawall along the Embarcadero to prevent roads, homes and businesses from being submerged. Long-term upgrades are projected to cost \$5 billion.</i>	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 the district court's remand decision, federal district court will reconsider plaintiffs' renewed motion to remand, though case is stayed pending outcome of Ninth Circuit decision in San Mateo v Chevron.
<b>San Mateo, Santa Cruz, and Marin counties; Cities of Richmond, Imperial Beach, and Santa Cruz, California</b>  <i>San Mateo et al. v. Chevron et al.</i>  Filed: July 17, 2017	<i>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.</i>	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. Per Supreme Court decision in Baltimore v BP, Ninth Circuit will consider additional arguments as to whether the federal district court has jurisdiction to hear the case. Remand stayed while appeal is pending before the Ninth Circuit.

## COST RECOVERY AND CONSUMER PROTECTION

CASE	SUMMARY	LEGAL CLAIMS ASSERTED	PROCEDURAL STATUS
<b>Anne Arundel County, Maryland</b>  <i>Anne Arundel County v. BP, et al.</i>  Filed: April 26, 2021	<i>The county's lawsuit seeks to hold major oil and gas companies – including Exxon, BP, Chevron, and Shell – and the American Petroleum Institute accountable for lying to the public about their products' role in climate change and to recover costs associated with sea-level rise, flooding, and other local climate damages that the companies knew their products would cause.</i>	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.). Plaintiff's motion to remand the case to state court has been stayed pending the Fourth Circuit's remand decision in the Baltimore case.
<b>Annapolis, Maryland</b>  <i>Annapolis v. BP, et al.</i>  Filed: Feb. 22, 2021	<i>The city's lawsuit seeks to hold major oil and gas companies – including Exxon, BP, Chevron, and Shell – and the American Petroleum Institute accountable for lying to the public about their products' role in climate change and to recover costs associated with sea-level rise, flooding, and other local climate damages that the companies knew their products would cause.</i>	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.). Plaintiff's motion to remand the case to state court has been stayed pending the Fourth Circuit's remand decision in the Baltimore case.

**COST RECOVERY AND CONSUMER PROTECTION CONTINUED**

CASE	SUMMARY	LEGAL CLAIMS ASSERTED	PROCEDURAL STATUS
<b>State of Delaware</b> <i>Delaware v. BP, et al.</i> Filed: Sept. 10, 2020	<i>The lawsuit brought by Attorney General Kathy Jennings seeks to hold 31 major fossil fuel companies accountable for defrauding the public about the climate change harms they knew their products would cause. The defendants in the case include BP, Chevron, Exxon, Shell, and the American Petroleum Institute, the largest oil and gas trade association.</i>	Consumer protection, Public nuisance, Trespass, Failure to warn	Complaint filed in Delaware state court. Defendants removed the case to federal court (D. Del). Parties awaiting decision on motion to remand the case to state court (hearing was held on 5/19/21).
<b>Charleston, South Carolina</b> <i>Charleston v. Brabham, et al.</i> Filed: Sept. 9, 2020	<i>The first climate liability lawsuit in the American South seeks to hold 24 fossil fuel companies accountable for lying about climate change harms they knew their products would cause. Charleston faces increasingly frequent and severe floods and sea-level rise, among other “devastating adverse impacts.”</i>	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.). Plaintiff’s motion to remand the case to state court has been stayed pending the Fourth Circuit’s remand decision in the Baltimore case.
<b>Hoboken, New Jersey</b> <i>Hoboken v. Exxon, et al.</i> Filed: Sept. 2, 2020	<i>The coastal city is seeking to hold Exxon, the American Petroleum Institute, and other fossil fuel companies accountable for their decades-long campaign of climate disinformation, as well as recover hundreds of millions of dollars in climate damages and costs to make the city more resilient.</i>	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. Defendants filed appeal with Third Circuit on 9/14/21.
<b>Baltimore, Maryland</b> <i>Baltimore v. BP, et al.</i> Filed: July 20, 2018	<i>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.</i>	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. Per Supreme Court decision, Fourth Circuit will consider additional arguments as to whether the federal district court has jurisdiction to hear the case. Remand stayed while appeal is pending before the Fourth Circuit.
<b>Boulder (City and County) and San Miguel County, Colorado</b> <i>Boulder County et al. v. Suncor and Exxon</i> Filed: April 17, 2018	<i>In the first climate cost recovery lawsuit led by landlocked communities, Boulder city and county, along with San Miguel county, are seeking to hold Exxon and Suncor Energy accountable for climate deception and make them pay their fair share of the cost of local climate damages.</i>	Consumer protection, Public nuisance, Private nuisance, Trespass, Conspiracy, Unjust Enrichment	Complaint filed in Colorado state court. Case proceeding in state and federal courts. Per U.S. Supreme Court order, Tenth Circuit will consider additional arguments as to whether the federal district court has jurisdiction to hear the case. Parties awaiting decision on motions to dismiss in state court proceedings.