

FILED
KING COUNTY, WASHINGTON

JUL 08 2026

SUPERIOR COURT CLERK
BY ~~Irina Poliansky~~
N. Mesker DEPUTY

ORIGINAL

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY**

MISTI LEON, as personal representative of the
ESTATE OF JULIANA LEON, a deceased
individual,

Plaintiff,

v.

EXXON MOBIL CORPORATION;
EXXONMOBIL OIL CORPORATION; BP
P.L.C.; BP AMERICA INC.; OLYMPIC PIPE
LINE COMPANY LLC; CHEVRON
CORPORATION; CHEVRON U.S.A., INC.;
SHELL PLC; SHELL USA, INC.;
CONOCOPHILLIPS; CONOCOPHILLIPS
COMPANY; PHILLIPS 66; PHILLIPS 66
COMPANY; and TRANSMONTAIGNE
PARTNERS LLC,

Defendants.

Case No. 25-2-15986-8 SEA

**ORDER DENYING DEFENDANTS'
JOINT MOTION TO DISMISS
PLAINTIFF'S FIRST
AMENDED COMPLAINT FOR
FAILURE TO STATE A CLAIM
[12(b)(6)]**

1 This matter came before the Court on Defendants' Joint Motion to Dismiss Plaintiff's First
2 Amended Complaint for Failure to State a Claim ("Joint 12(b)(6) Motion"). The Court considered
3 the following documents when reaching its decision:

- 4 1. Defendants' Joint 12(b)(6) Motion;
- 5 2. Plaintiff's Opposition to the Joint 12(b)(6) Motion;
- 6 3. Any reply in support of Defendants' Joint 12(b)(6) Motion; and
- 7 4. Other relevant court documents

8
9 The Court having been fully informed, hereby finds as follows:

- 10 1. The Court is aware that this matter is one of many cases being brought all over the
11 country and the parties have provided many, if not all, of the current decisions that have
12 been made regarding these types of suits. The Court is also aware the U.S. Supreme
13 Court has taken up review of the *Boulder* case. This case is factually distinguishable
14 from those cases, in that those cases involved cities or municipalities bringing claims
15 for the ongoing and continuing effects of climate change. This case is about a single
16 individual and an allegation that a single weather event contributed to her untimely
17 passing. It is seeking damages for her death and nothing else. In terms of any
18 prospective relief, it is not asking for anything regarding future emissions.
- 19 2. Further, as was clarified by Plaintiff's counsel at oral argument, these are state claims
20 premised solely on actions or inactions by the Defendants within the State. The theory
21 of liability is based on a failure to warn Washington consumers and for deceptive
22 marketing to Washington consumers. The causation theory is that if there had been
23 proper warnings in Washington and there had not been deceptive marketing in
24

1. Washington, then the Heat Dome in 2021 wouldn't have occurred. The Court's ruling
2. is based on this theory of liability, and the Plaintiff will be held to this stated theory
3. going forward.

4. 3. When considering a motion to dismiss, a court must presume that the plaintiff's factual
5. allegations are true and draw all reasonable inferences from the factual allegations in
6. the plaintiff's favor.

7. 4. As was discussed several times at oral argument, the issue of causation was not raised
8. in the motion to dismiss. Whether or not, the Plaintiff will be able to establish causation
9. is for another day.

10. 5. These state-law claims are not pre-empted or precluded by federal law nor are they pre-
11. empted by the Clean Air Act. This is so because these claims are not about regulating
12. emissions. Again, as stated above, this case is distinguishable from the other litigation
13. brought by government agencies. Those cases involved request for abatement or
14. damages to mitigate the effects of climate change and arguably those damages
15. constitute an attempt to regulate future emissions. That is not the case here and the
16. Court finds that the damages being requested in this matter are not an attempt to
17. regulate future emissions.

18. 6. The Clean Air Act does not address product liability or deceptive marketing and as
19. acknowledged by counsel for the Defendants, such complaints would be potentially
20. under the jurisdiction of other agencies, not the EPA. There is no conflict between
21. these claims and the Clean Air Act.

22. 7. The Plaintiff's claims are not non-justiciable political questions. They are simple torts
23. and do not invade the province of policy making that might implicate separation-of-
24.

1 powers concerns. Again, as stated at oral argument, the theory of causation rests on
2 what consumers might have done and how that would have affected emissions. While
3 the Court is skeptical of the Plaintiff's ability to connect that to emission amounts
4 during the relevant time period and to further establish causation regarding a particular
5 weather event in 2021, the Plaintiff has sufficiently alleged the causation to survive a
6 motion to dismiss under CR 12(b)(6).

7 8. The issue of the discovery rule and the statute of limitations is a disputed fact at this
8 stage and the Court declines to find as a matter of law that the Plaintiff can't establish
9 an exercise of due diligence. The Plaintiff has sufficiently pled the application of the
10 discovery rule.

11 9. The Plaintiff has properly pled both a Washington Product Liability Act WPLA and
12 public nuisance claim. The public nuisance claim is not pre-empted by the WPLA.

13 10. For the WPLA claim, the issue of whether the dangers were known or obvious is a
14 disputed fact.

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16 The Court hereby orders that Defendants' Joint Motion to Dismiss Plaintiff's First
17 Amended Complaint for Failure to State a Claim [12(b)(6)] is DENIED.

18
19 It is so ORDERED this 8th day of July, 2026.

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22 _____
23 Judge Matthew Lapin
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