

Company LLC, Chevron Corp., Chevron USA Inc., BP p.l.c., BP America Inc., ConocoPhillips, ConocoPhillips Company, Phillips 66, Phillips 66 Company, and Woodside Energy Hawaii, Inc. (f/k/a BHP Hawaii, Inc.) (collectively, “**Defendants**”) filed their Motion to Stay Proceedings (“**Motion**”) (Dkt. 2329). On April 22, 2026, Plaintiffs filed their Opposition (Dkt. 2373). On April 27, 2026, Defendants filed their Reply Memorandum (Dkt. 2377). On April 29, 2026, the Court entered an Order Granting Plaintiffs’ Ex Parte Motion for Leave to Cite Supplemental Authority (Dkt. 2387).

On April 30, 2026, the Motion came before the above-entitled Court for oral argument. Andrea Smith, counsel for the Chevron Defendants, argued on behalf of Defendants. Victor Sher and Stephanie Biehl argued on behalf of Plaintiffs. Remote and in-person appearances were also entered by Deputy Corporation Counsel Glenn Uesugi and Jeff Lau for Plaintiffs; Michi Momose for the Sunoco and Aloha Petroleum Defendants; Paul Alston and Claire Wong Black for the Exxon Defendants; Joachim Cox for the Shell Defendants; Melvin Miyagi and Summer Kaiawe for the Chevron Defendants; Lanson Kupau for Woodside Energy Hawaii, Inc.; Lisa Bail and David Hoftiezer for the BP Defendants; Ian Luthringer for the ConocoPhillips Defendants; and David Abitbol for the Phillips 66 Defendants.

The Court, having heard the arguments of counsel at the hearing on the Motion, and being duly advised of the record and files herein and finding good cause therefor, hereby DENIES the Motion to Stay Proceedings.

A court possesses the inherent power to stay proceedings to control its docket for the economy of time and effort for itself, counsel, and litigants. *City of Honolulu v. Ing*, 100 Hawai’i 182, 194 n.16, 58 P.3d 1229, 1240 n.16 (2002). A stay may be appropriate

where the issues in a case are “inextricably intertwined with or affected by the resolution of other pending matters.” *Blake v. Cnty. of Kaua’i Planning Comm’n*, 131 Hawai’i 123, 138, 315 P.3d 749, 764 (2013) (citations omitted). However, “[a] court’s discretion to stay proceedings for purposes of judicial economy is not without limitations.” *Id.* at 137 n.13, 315 P.3d at 763 n.13 (citing *Sapp v. Wong*, 62 Haw. 34, 41, 609 P.2d 137, 142 (1980) for proposition that a “wide variety of circumstances may arise which call for the exercise of judicial discretion in determining whether to grant or refuse a continuance[,] including whether a continuance would be prejudicial to the opposing party, or whether the denial of a continuance would prevent the moving party from having a reasonable opportunity to present its case on the merits[.]”).¹

The Court “must weigh [the] competing interests and maintain an even balance,” and “if there is even a fair possibility that the stay . . . will work damage to some one else,” then parties moving for a stay “must make out a clear case of hardship or inequity.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55, 57 S. Ct. 163, 166, 81 L. Ed. 153 (1936).

In balancing the potential benefits of a stay for judicial economy against the prejudice to Plaintiffs that would be caused by the delay, the Court finds that the following considerations weigh strongly against ordering a stay:

¹ This portion of the legal standard was stated in the Order Denying Defendants’ Motion to Stay Proceedings Filed June 17, 2025 (Dkt. 24), entered by Judge Kimura in Civ. No. 1CCV-25-0000717, *State v. BP plc, et al.* Opp., Dkt. 2373, Exh. 1. The same standard is applicable here—and both Plaintiffs and Defendants cited to *Ing* and *Blake* in briefing the legal standard for this Court.

(1) The Hawai'i Supreme Court, in *City & County of Honolulu v. Sunoco LP*, 153 Hawai'i 326, 537 P.3d 1173 (2023), clearly stated that this lawsuit is not preempted by federal law and may proceed under Hawai'i tort law. The Court expressly stated that “[t]his suit does not seek to regulate emissions and does not seek damages for interstate emissions[,]” and that “[t]he source of Plaintiffs’ injury is not pollution, nor emissions[,]” but “alleged failure to warn and deceptive promotion.” *Sunoco*, 153 Hawai'i at 334 & 354, 537 P.3d at 1181 & 1201.² This Court is firmly bound by that decision, particularly as the U.S. Supreme Court denied the petitions for writ of certiorari from that opinion. No other State court, in considering federal preemption arguments or in ordering stays of similar proceedings pending the U.S. Supreme Court’s decision in *Suncor Energy (U.S.A.) Inc. v. County Commissioners of Boulder County*, No. 25-170 (“*Boulder*”), is so bound.³

(2) For the reasons stated in Plaintiffs’ Opposition, the eventual outcome of the *Boulder* appeal is too uncertain to justify a stay that would halt the litigation in this matter for (as explained at the hearing) at minimum another 13 to 16 months, if not longer, given the possibility that the U.S. Supreme Court will not reach the merits in *Boulder*, based on the Court’s request for additional briefing on its appellate jurisdiction.

² See also *Mayor & City Council of Baltimore v. B.P. p.l.c.*, No. 11, — A.3d —, 2026 WL 809501, at *37 (Md. Mar. 24, 2026) (Killough, J., concurring in part and dissenting in part) (“Of course, a suit demanding that Defendants emit less would be preempted. But Plaintiffs filed no such suit[.]”).

³ As examples of other State courts ordering stays pending resolution of the *Boulder* appeal, Defendants offered copies of: (1) the *Sua Sponte* Order entered in *Platkin v. Exxon Mobil Corp.*, No. A-001641-24 (N.J. Super. Ct. App. Div. Mar. 2, 2026), and (2) the Stipulation and Order Regarding Stay of Proceedings entered in *Kennedy v. Exxon Mobil Corp.*, No. 2:25-cv-02378 (W.D. Wash. Mar. 3, 2026). With respect to the second example, it is significant that the stay was stipulated and not opposed.

Moreover, the Petition for Writ of Certiorari in *Boulder* presents the U.S. Supreme Court with the question of “whether federal law precludes state-law claims seeking relief for injuries allegedly caused by the effects of interstate and international greenhouse-gas emissions.” Motion, Dkt. 2329, Exh. C. Because the Hawai‘i Supreme Court has expressly determined that the First Amended Complaint in this case “does not seek damages for interstate emissions,” even if the U.S. Supreme Court agrees with Petitioners’ reasoning and answers the question presented in the affirmative, it is unclear that such a decision will require dismissal of this case.


(3) In light of the extensive delays caused by prior stays of this matter, Plaintiffs would be significantly prejudiced by an additional 13-to-16 month delay. All of Plaintiffs’ arguments in the Opposition on this point are well stated, but the Court emphasizes that delaying the resolution of this matter does not merely delay “damages or other monetary relief,” as argued in the Motion. Dkt. 2329, Memo in Support at 12. The purpose of the relief sought by Plaintiffs in this case is “to address and mitigate the calamitous effects of climate change.” Opp., Dkt. 2373, at 15 (quoting *Maine v. BP P.L.C.*, No. 2:25-cv-00001-SDN, 2026 WL 74096, at *5 (D. Me. Jan. 9, 2026)). Forcing Plaintiffs to wait an additional year and a half or longer before resuming litigation is additional time and opportunity lost for the City to determine how best to respond to any impacts caused by Defendants’ alleged failure to warn and deceptive promotion. As Judge Kimura also stated, “[t]he desire to avoid litigation costs or to await potentially favorable, but speculative, rulings in other cases does not outweigh the prejudice to the [City] and the public interest in the timely adjudication of these claims.” Opp., Dkt. 2373, Exh. 1 at 6.

(4) A stay of 13-to-16 months will also not serve judicial economy, as such a stay would effectively push the discovery phase to at least 2028—eight years after the filing of the action—and would further necessitate the assignment of a new judge, unfamiliar with the complex history and issues of this case, by the time the matter goes to trial.

(5) On Defendants' point that the burdens of discovery are extraordinary in this case, the Court appreciates that discovery in this case—in terms of its scope and nature, as well as the resulting discovery disputes—will be substantial. However, that in and of itself does not justify to this Court the need for another stay. The case was filed six years ago. No one has a glass ball, and past attempts to predict what other courts may do have not been particularly accurate. Accordingly, at this time, the Court believes it prudent to continue to move forward with discovery until, if and when, it is ever clear that discovery in this case will be unnecessary.

For the foregoing reasons, the Court respectfully declines to use its inherent power to stay the proceedings, and the Motion is denied.⁴

DATED: Honolulu, Hawai'i, May 6, 2026.

/s/ Lisa W. Cataldo 

Judge of the Above-Entitled Court

⁴ To the extent that the Motion requested a protective order pursuant to HRCP 26(c), motions for protective orders under that Rule must be accompanied by a certification of good faith efforts to confer with opposing counsel. Further, motions for protective orders are within the purview of the Discovery Master in the first instance.