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17 *The City of Imperial Beach, a municipal corporation*
18 *and on behalf of the People of the State of California*

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

21 COORDINATION PROCEEDING
SPECIAL TITLE [CRC 3.550(c)]

22 **FUEL INDUSTRY CLIMATE CASES**

23
24 **THIS CASE RELATES TO:**

25 *The City of Imperial Beach, a municipal*
26 *corporation, individually and on behalf of The*
27 *People of the State of California v. Chevron*
Corporation et al., Contra Costa County
28 *Superior Court, Case No.: C17-01227*

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 5310

Case No.: CJC-24-005310

FIRST AMENDED COMPLAINT FOR:

1. PUBLIC NUISANCE ON BEHALF OF THE PEOPLE OF THE STATE OF CALIFORNIA;
2. PUBLIC NUISANCE;
3. STRICT LIABILITY – FAILURE TO WARN;

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

06/10/2024
Clerk of the Court
BY: VERA MU
Deputy Clerk

1 THE CITY OF IMPERIAL BEACH, a
2 municipal corporation, individually and on
3 behalf of THE PEOPLE OF THE STATE OF
4 CALIFORNIA,

5 Plaintiffs,

6 vs.

7 CHEVRON CORPORATION; CHEVRON
8 U.S.A. INC.; EXXONMOBIL
9 CORPORATION; EXXONMOBIL OIL
10 CORPORATION; BP P.L.C.; BP AMERICA,
11 INC.; SHELL PLC; SHELL USA, INC.,
12 SHELL OIL PRODUCTS COMPANY LLC;
13 CITGO PETROLEUM CORP.;
14 CONOCOPHILLIPS; CONOCOPHILLIPS
15 COMPANY; PHILLIPS 66; PHILLIPS 66
16 COMPANY; TOTAL E&P USA INC.; TOTAL
17 SPECIALTIES USA INC.; ENI S.p.A.; ENI
18 OIL & GAS INC.; ANADARKO
19 PETROLEUM CORP.; OCCIDENTAL
20 PETROLEUM CORP.; OCCIDENTAL
21 CHEMICAL CORP.; REPSOL S.A.; REPSOL
22 ENERGY NORTH AMERICA CORP.;
23 REPSOL TRADING USA CORP.;
24 MARATHON OIL COMPANY; MARATHON
25 OIL CORPORATION; MARATHON
26 PETROLEUM CORP.; HESS CORP.; DEVON
27 ENERGY CORP.; DEVON ENERGY
28 PRODUCTION COMPANY, L.P.; ENCANA
CORP.; APACHE CORP.; and DOES 1
through 100, inclusive,

Defendants.

4. PRIVATE NUISANCE;
5. NEGLIGENCE;
6. NEGLIGENCE – FAILURE TO WARN; and
7. TRESPASS.

JURY TRIAL DEMANDED

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1 **I. INTRODUCTION**

2 1. Defendants, major corporate members of the fossil fuel industry, have known for
3 decades that unrestricted consumption of their fossil fuel products creates greenhouse gas pollution
4 that warms the planet and changes our climate. They have known for decades that those impacts
5 could be catastrophic and that only a narrow window existed to take action before the
6 consequences would become irreversible. They have nevertheless engaged in a coordinated, multi-
7 front effort to conceal and deny their own knowledge of those consequences, discredit the growing
8 body of publicly available scientific evidence connecting fossil fuel consumption to climate
9 change, and persistently create doubt in the minds of customers, consumers, the media, journalists,
10 teachers, and the public about the reality and severity of climate change. At the same time,
11 Defendants have promoted and profited from a massive increase in the consumption of oil, coal,
12 and natural gas, which has in turn caused an enormous, foreseeable, and avoidable increase in
13 global greenhouse gas pollution and a concomitant increase in the concentration of greenhouse
14 gases,¹ particularly carbon dioxide (“CO₂”) and methane, in the Earth’s atmosphere. Those
15 disruptions of the Earth’s otherwise balanced carbon cycle have substantially contributed to a wide
16 range of dire climate-related effects, including global warming, rising atmospheric and ocean
17 temperatures, ocean acidification, melting polar ice caps and glaciers, more extreme and volatile
18 weather, and sea level rise. Plaintiffs, the People of the State of California and the City of Imperial
19 Beach, along with the City’s residents, taxpayers, and infrastructure, suffer the consequences.

20 2. Defendants are vertically integrated extractors, producers, refiners, manufacturers,
21 distributors, promoters, marketers, and sellers of fossil fuel products. Decades of scientific
22 research show that pollution from Defendants’ fossil fuel products plays a direct and substantial
23 role in the unprecedented rise in emissions of greenhouse gas pollution and increased atmospheric
24 CO₂ concentrations since the mid-20th century. This dramatic increase in atmospheric CO₂ and
25
26

27 ¹ As used in this Complaint, “greenhouse gases” refers collectively to carbon dioxide, methane,
28 and nitrous oxide. Where a source refers to a specific gas or gases, or when a process relates only
to a specific gas or gases, this Complaint refers to them by name.

1 other greenhouse gases is the main driver of the gravely dangerous changes occurring to the global
2 climate.

3 3. Anthropogenic (human-caused) greenhouse gas pollution, primarily in the form of
4 CO₂, is far and away the dominant cause of climate change and sea level rise.² The primary source
5 of this pollution is the extraction, production and consumption of coal, oil, and natural gas, referred
6 to collectively in this Complaint as “fossil fuel products.”³

7 4. The rate at which Defendants have extracted and sold fossil fuel products has
8 exploded since the Second World War, as have emissions from those products. The substantial
9 majority of all greenhouse gas emissions in history has occurred since the 1950s, a period known
10 as the “Great Acceleration.”⁴ About three quarters of all industrial CO₂ emissions in history have
11 occurred since the 1960s,⁵ and more than half have occurred since the late 1980s.⁶ The annual rate
12 of CO₂ emissions from fossil fuels has increased by more than 60% since 1990.⁷

13 5. Defendants have known for more than 50 years that greenhouse gas pollution from
14 their fossil fuel products has a significant impact on the Earth’s climate and sea levels. Defendants’
15 awareness of the damaging consequences of their products’ ordinary use corresponds almost
16 exactly with the Great Acceleration, and with skyrocketing greenhouse gas emissions. Armed with
17 that knowledge, Defendants took steps to protect their own assets from these threats through
18

19 ² See IPCC, 2014: Climate Change 2014: Synthesis Report. Contribution of Working Groups I,
20 II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change
21 [Core Writing Team, R.K. Pachauri and L.A. Meyer (eds.)]. IPCC, Geneva, Switzerland. at 6,
22 Figure SMP.3, <https://www.ipcc.ch/report/ar5/syr/>.

23 ³ See C. Le Quéré et al., Global Carbon Budget 2016, *Earth Syst. Sci. Data* 8, 632 (2016),
24 <http://www.earth-syst-sci-data.net/8/605/2016/>. Cumulative emissions since the beginning of the
25 industrial revolution to 2015 were 413 GtC attributable to fossil fuels, and 190 GtC attributable
26 to land use change. *Id.* Global CO₂ emissions from fossil fuels and industry remained nearly
27 constant at 9.9 GtC in 2015, distributed among coal (41 %), oil (34 %), gas (19 %), cement (5.6
28 %), and gas flaring (0.7 %). at 629.

⁴ Will Steffen et al., The Trajectory of the Anthropocene: The Great Acceleration (2015),
<http://journals.sagepub.com/doi/abs/10.1177/2053019614564785>.

⁵ R. J. Andres et al., A Synthesis Of Carbon Dioxide Emissions From Fossil-Fuel Combustion,
Biogeosciences, 9, 1851 (2012), <http://www.biogeosciences.net/9/1845/2012/>.

⁶ *Id.*

⁷ C. Le Quéré et al., *supra* note 3, at 630.

1 immense internal investment in research, infrastructure improvements, and plans to exploit new
2 opportunities in a warming world.

3 6. But instead of warning consumers and the public about the dangers of fossil fuels,
4 Defendants mounted disinformation campaigns to undermine the burgeoning scientific consensus
5 on climate change; create doubt in the minds of consumers, the media, teachers, and the public
6 about the dire consequences of burning fossil fuels; and delay the necessary transition to a lower-
7 carbon future. Defendants' climate deception campaigns, and their aggressive promotion of fossil
8 fuel products despite knowing of their dangers, had the purpose and effect of unduly and
9 substantially inflating and sustaining the market for fossil fuels. Defendants' tortious and deceptive
10 conduct, both individually and collectively, drove fossil fuel consumption and delayed the
11 transition to a lower-carbon future. This caused an enormous, foreseeable, and avoidable increase
12 in anthropogenic greenhouse gas emissions and accelerated global warming, bringing devastating
13 consequences to the City and its people.

14 7. Extreme flooding events will more than double in frequency on California's Pacific
15 coast by 2050.⁸ Flooding and storms will become more frequent and more severe, and average sea
16 level will rise substantially along California's coast, including in Imperial Beach. The City,
17 bordered on three sides by water, is particularly vulnerable to sea level rise, and has already spent
18 significant funds to study and mitigate the effects of global warming. Sea level rise already
19 adversely affects Imperial Beach and jeopardizes the City's wastewater infrastructure, beaches,
20 roads, public transportation, schools, other civil infrastructure and essential public services, and
21 communities.

22 8. Defendants' promotion, marketing, and sale of fossil fuel products, simultaneous
23 concealment of the known hazards of those products, substantially, actually, and proximately
24 caused Plaintiffs' injuries.

25
26 ⁸ Sean Vitousek et al., Doubling of coastal flooding frequency within decades due to sea-level
27 rise, Scientific Reports, (May 18, 2017) ("Only 10 cm of SLR doubles the flooding potential in
28 high-latitude regions with small shape parameters, notably the North American west coast.");
USGS, In Next Decades, Frequency of Coastal Flooding Will Double Globally (May 18, 2017),
<https://www.usgs.gov/news/next-decades-frequency-coastal-flooding-will-double-globally>.

1 9. Accordingly, the City brings claims against Defendants for Public Nuisance on
2 behalf of the People of California as well as itself, Strict Liability for Failure to Warn, Private
3 Nuisance, Negligence, Negligent Failure to Warn, and Trespass.

4 10. Plaintiffs do not seek relief as to state-owned property and assets. Plaintiffs do not
5 seek any remedy for harms or violations for which the State or State agencies have exclusive
6 authority to recover damages or obtain injunctive relief.

7 11. Plaintiffs hereby disclaim injuries arising on federal property and those arising from
8 Defendants' provision of non-commercial, specialized fossil fuel products to the federal
9 government for military and national defense purposes. Plaintiffs seek no recovery or relief
10 attributable to these injuries.

11 12. Plaintiffs do not seek to impose liability on Defendants for their direct emissions of
12 greenhouse gases and do not seek to restrain Defendants from engaging in their business
13 operations.

14 13. By this action, the City seeks to ensure that the parties responsible for sea level rise
15 bear the costs of its impacts on the City, rather than Plaintiffs, local taxpayers, or residents.

16 **II. PARTIES**

17 **A. Plaintiffs**

18 14. Plaintiff, the People of the State of California (“the People”), by and through the
19 City Attorney for the City of Imperial Beach, brings this suit pursuant to Code of Civil Procedure
20 section 731, and Civil Code sections 3479, 3480, 3491, and 3494, to abate the nuisance caused by
21 the effects of climate change in the City’s jurisdiction.

22 15. Plaintiff City of Imperial Beach (“the City” or “Imperial Beach”) is a political
23 subdivision of the State of California. The City is located in southwestern San Diego County.

24 a. The City is bordered by water on three sides, with the Pacific Ocean to the
25 West, San Diego Bay and Otay River to the North, and the Tijuana River and Estuary to the South.⁹

26 b. Sea level has already risen significantly along both the City’s ocean side
27

28 ⁹ Revell Coastal, 2016 City of Imperial Beach Sea Level Rise Assessment (Sept. 2016) at 1-2.

1 and bay side. The City anticipates and is planning for significant sea level rise by the year 2100¹⁰,
2 and the State of California projects possible sea level rise well above the City’s estimates in that
3 same period under a “business-as-usual” emissions scenario.¹¹

4 c. The sea level rise impacts on the City associated with an increase in average
5 mean sea level height include, but are not limited to, increased inundation and flooding in natural
6 and built environments with higher tides and intensified wave and storm surge events; aggravated
7 wave impacts, including erosion, damage, and destruction of built structures, as well as natural
8 features like cliffs, beaches and dunes, with consequent landslides; changes in sediment supply
9 that could alter or destroy natural coastal habitats like beaches and wetlands, which would
10 otherwise naturally mitigate sea level rise impacts; saltwater intrusion on groundwater aquifers,
11 agricultural land, and infrastructure; and magnification of other climate change impacts, due to the
12 superimposition on sea level rise on shifts in precipitation patterns that result in more rain and
13 attendant flooding; increased frequency and severity of storms that cause erosion, flooding, and
14 temporary sea level rise increases; and others. Compounding these environmental impacts are
15 cascading social and economic impacts, which are secondary and tertiary injuries that arise out of
16 physical sea level rise injuries to the City.

17 d. The City’s civil infrastructure that will be impacted by climate change and
18 consequent sea level rise includes, but is not limited to, stormwater and sewage transport systems;
19 roads, bike paths and public transit facilities; schools; and real property, such as beaches and parks
20 and related infrastructure; that are on or near the Pacific Ocean, and which have already suffered
21 damage from rising sea levels and will suffer increasing damage in the future through rising sea
22 levels, extreme precipitation, and through the exacerbation of natural climate phenomena such as
23 coastal erosion and El Niño.

24
25
26 ¹⁰ Id. at 1-3.

27 ¹¹ Gary Griggs et al., Rising Seas in California: An Update on Sea-Level Rise Science, California
28 Ocean Science Trust, at 26, Table 1(b) (April 2017),
<http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf>.

1 **B. Defendants**

2 16. When reference in this complaint is made to an act or omission of the Defendants,
3 unless specifically attributed or otherwise stated, such references should be interpreted to mean
4 that the officers, directors, agents, employees, or representatives of the Defendants committed or
5 authorized such an act or omission, or failed to adequately supervise or properly control or direct
6 their employees while engaged in the management, direction, operation or control of the affairs of
7 Defendants, and did so while acting within the scope of their employment or agency.

8 17. **Chevron Entities: Chevron Corporation and Chevron U.S.A. Inc.**

9 a. Defendant **Chevron Corporation** is a multinational, vertically integrated
10 energy and chemicals company incorporated in Delaware, with its global headquarters and
11 principal place of business in San Ramon, California. Chevron Corporation, through its
12 predecessor Standard Oil Company of California, has been registered to do business in California
13 since 1926. Chevron Corporation was formerly known as, did or does business as, and/or is the
14 successor in liability to Standard Oil Company of California (also known as “Socal”), Texaco Inc.,
15 and ChevronTexaco Corporation.

16 b. Chevron Corporation operates through a web of United States and
17 international subsidiaries at all levels of the fossil fuel supply chain. Chevron Corporation and its
18 subsidiaries’ operations include, but are not limited to: exploration, development, production,
19 storage, transportation, and marketing of crude oil and natural gas; refining crude oil into
20 petroleum products and marketing those products; and manufacturing and marketing commodity
21 petrochemicals, plastics for industrial uses, and fuel and lubricant additives.

22 c. Chevron Corporation controls and has controlled group-wide decisions
23 about the quantity and rate of fossil fuel production and sales, including those of its subsidiaries.
24 Chevron Corporation determines whether and to what extent its corporate holdings market,
25 produce, and/or distribute fossil fuel products.

26 d. Chevron Corporation controls and has controlled group-wide decisions,
27 including those of its subsidiaries, related to marketing, advertising, greenhouse gas emissions and
28 climate change resulting from the company’s fossil fuel products, and communications strategies

1 concerning climate change and the link between fossil fuel use and climate-related impacts on the
2 environment and humans. Overall accountability for climate change within Chevron Corporation
3 lies with Chevron Corporation’s Board of Directors and Executive Committee.

4 e. Defendant **Chevron U.S.A. Inc.** is a wholly owned subsidiary of Chevron
5 Corporation that acts on Chevron Corporation’s behalf and is subject to Chevron Corporation’s
6 control. Chevron U.S.A. Inc. is a Pennsylvania corporation, with its principal place of business in
7 San Ramon, California. Through its predecessors, Chevron U.S.A. Inc. has been registered to do
8 business in California since 1965. Chevron U.S.A. Inc. was formerly known as, did or does
9 business as, and/or is the successor in liability to Gulf Oil Corporation, Gulf Oil Corporation of
10 Pennsylvania, Chevron Products Company, Chevron Chemical Company, and Chevron Chemical
11 Company LLC.

12 f. Defendants Chevron Corporation and Chevron U.S.A. Inc., together with
13 their predecessors, successors, parents, subsidiaries, affiliates, and divisions, are collectively
14 referred to herein as “Chevron.”

15 g. Plaintiffs’ claims against Chevron arise out of and are related to the acts and
16 omissions of Chevron in California and elsewhere that caused and will cause injuries in California,
17 including in Imperial Beach.

18 h. Chevron has purposefully directed its tortious conduct toward California by
19 distributing, marketing, advertising, promoting, and supplying its fossil fuel products in California,
20 with knowledge that the intended use of those products for combustion has caused and will
21 continue to cause climate change-related harms in Imperial Beach, including Plaintiffs’ injuries.
22 Chevron’s statements in California and elsewhere made in furtherance of its campaign of deception
23 about and denial of climate change, and Chevron’s affirmative promotion of its fossil fuel products
24 as safe with knowledge of how the intended use of those products would cause climate change-
25 related harms, were designed to conceal and mislead consumers and the public, including Imperial
26 Beach and its residents, about the serious adverse consequences that would result from continued
27 use of Chevron’s products. That conduct was purposefully directed to reach Imperial Beach and
28 obscure the dangers of Chevron’s fossil fuel products from Imperial Beach and its residents such

1 that use of Chevron's fossil fuel products in Imperial Beach would not decline. This resulted in
2 Plaintiffs' injuries.

3 i. Over the last several decades and continuing to the present day, Chevron
4 spent millions of dollars on radio, television, online, social media, and outdoor advertisements in
5 the California market related to its fossil fuel products. Since at least 1970, and continuing to the
6 present day, Chevron has advertised in print publications circulated widely to California
7 consumers, including but not limited to the following: The Atlantic, Life, National Geographic,
8 The New York Times, Sports Illustrated, Time Magazine, The Wall Street Journal, and The
9 Washington Post. As further detailed herein, these include advertisements containing false or
10 misleading statements, misrepresentations, and/or material omissions obfuscating the connection
11 between the production and use of Chevron's fossil fuel products and climate change, and/or
12 misrepresenting Chevron's products or Chevron itself as environmentally friendly.

13 j. Significant quantities of Chevron's fossil fuel products are or have been
14 transported, traded, distributed, promoted, marketed, manufactured, sold, and/or consumed in
15 California, from which activities Chevron derives and has derived substantial revenue. Chevron
16 conducts and controls, either directly or through franchise agreements, retail fossil fuel sales at gas
17 station locations throughout California, at which locations it promotes, advertises, and sells its
18 fossil fuel products under its various brand names, including Chevron, Texaco, and other brand
19 names. Chevron operates over 1,500 Chevron-branded petroleum service stations in California.
20 Chevron has owned and operated an oil refinery in Richmond, California, since 1902, and has
21 owned and operated an oil refinery in El Segundo, California, since 1911. During the period
22 relevant to this Complaint, Chevron sold a substantial percentage of all retail gasoline sold in
23 California.

24 k. Chevron historically directed its fossil fuel product advertising, marketing,
25 and promotional campaigns to California, including through maps that identified the locations of
26 its service stations in California. Chevron markets and advertises its fossil fuel products in
27 California to California residents by maintaining an interactive website available to prospective
28 customers by which it directs California residents to Chevron's nearby retail service stations.

1 Chevron markets and sells engine lubricants and motor oils to California customers under its Delo,
2 IsoClean, Techron, and Havoline brand names at retail outlets. Chevron offers a proprietary credit
3 card known as the “Chevron Techron Advantage Credit Card,” which allows consumers in
4 California to pay for gasoline and other products at Chevron-branded service stations, and which
5 encourages California consumers to use Chevron-branded service stations by offering various
6 rewards, including discounts on gasoline purchases at Chevron service stations and cash rebates.
7 Chevron further maintains two smartphone applications known as the “Chevron App” and the
8 “Texaco App,” both part of the “Chevron Texaco Rewards” program. The program offers
9 California consumers a cashless payment method for gasoline and other products at Chevron- and
10 Texaco-branded service stations. California consumers utilize the payment method by providing
11 their credit card information through the application. California consumers can also receive
12 rewards, including discounts on gasoline purchases, by registering their personal identifying
13 information in the apps and by using the applications to identify and activate gas pumps at Chevron
14 and Texaco service stations during a purchase.

15 18. **Exxon Entities: Exxon Mobil Corporation and ExxonMobil Oil Corporation**

16 a. Defendant **Exxon Mobil Corporation** is a New Jersey corporation
17 headquartered in Spring, Texas, and has been registered to do business in California since 1972.
18 Exxon Mobil Corporation is a multinational, vertically integrated energy and chemical company
19 and one of the largest publicly traded international oil and gas companies in the world. Exxon
20 Mobil Corporation was formerly known as, did or does business as, and/or is the successor in
21 liability to Exxon Corporation; ExxonMobil Refining and Supply Company; Exxon Chemical
22 U.S.A.; ExxonMobil Chemical Corporation; ExxonMobil Chemical U.S.A.; ExxonMobil Refining
23 & Supply Corporation; Exxon Company, U.S.A.; Standard Oil Company of New Jersey; and
24 Mobil Corporation.

25 b. Defendant **ExxonMobil Oil Corporation** is a wholly owned subsidiary of
26 Exxon Mobil Corporation, acts on Exxon Mobil Corporation’s behalf, and is subject to Exxon
27 Mobil Corporation’s control. ExxonMobil Oil Corporation is a New York corporation
28 headquartered in Spring, Texas, and has been registered to do business in California since 1959.

1 ExxonMobil Oil Corporation was formerly known as, did or does business as, and/or is the
2 successor in liability to Mobil Oil Corporation. ExxonMobil Oil Corporation is engaged in the
3 business of oil and natural gas production, refining, marketing, and distribution.

4 c. Exxon Mobil Corporation controls and has controlled group-wide decisions
5 about the quantity and rate of fossil fuel production and sales, including those of its subsidiaries.
6 Exxon Mobil Corporation's 2022 Form 10-K filed with the United States Securities and Exchange
7 Commission ("SEC") represents that its success, including its "ability to mitigate risk and provide
8 attractive returns to shareholders, depends on [its] ability to successfully manage [its] overall
9 portfolio, including diversification among types and locations of [its] projects, products produced,
10 and strategies to divest assets." Exxon Mobil Corporation determines whether and to what extent
11 its subsidiaries market, produce, and/or distribute fossil fuel products. For example, on October
12 11, 2023, Exxon Mobil Corporation announced its acquisition of Pioneer Natural Resources in a
13 press release that referred to the corporate family generally as "ExxonMobil."

14 d. Exxon Mobil Corporation controls and has controlled group-wide
15 decisions, including those of its subsidiaries, related to marketing, advertising, greenhouse gas
16 emissions and climate change resulting from the company's fossil fuel products, and
17 communications strategies concerning climate change and the link between fossil fuel use and
18 climate-related impacts on the environment and humans. Exxon Mobil Corporation's Board holds
19 the highest level of direct responsibility for climate change policy. Exxon Mobil Corporation's
20 Chairman of the Board and Chief Executive Officer, its President, and the other members of its
21 Management Committee have been actively engaged in discussions relating to greenhouse gas
22 emissions and the risks of climate change on an ongoing basis. Exxon Mobil Corporation requires
23 its subsidiaries, when seeking funding for capital investments, to provide estimates of project costs
24 related to greenhouse gas emissions.

25 e. Defendants Exxon Mobil Corporation, ExxonMobil Oil Corporation, and
26 their predecessors, successors, parents, subsidiaries, affiliates, and divisions, are collectively
27 referred to herein as "Exxon."
28

1 f. Plaintiffs' claims against Exxon arise out of and are related to the acts and
2 omissions of Exxon in California and elsewhere that caused and will cause injuries in California,
3 including in Imperial Beach.

4 g. Exxon consists of numerous divisions and affiliates in all areas of the fossil
5 fuel industry, including exploration for and production of crude oil and natural gas; manufacture
6 of petroleum products; and transportation, promotion, marketing, and sale of crude oil, natural gas,
7 and petroleum products. Exxon is also a major manufacturer and marketer of commodity
8 petrochemical products.

9 h. Exxon has purposefully directed its tortious conduct toward California by
10 distributing, marketing, advertising, promoting, and supplying its fossil fuel products in California,
11 with knowledge that the intended use of those products for combustion has caused and will
12 continue to cause climate change-related harms in Imperial Beach, including Plaintiffs' injuries.
13 Exxon's statements in California and elsewhere made in furtherance of its campaign of deception
14 about and denial of climate change, and Exxon's affirmative promotion of its fossil fuel products
15 as safe with knowledge of how the intended use of those products would cause climate change-
16 related harms, were designed to conceal and mislead consumers and the public, including Imperial
17 Beach and its residents, about the serious adverse consequences that would result from continued
18 use of Exxon's products. That conduct was purposefully directed to reach Imperial Beach and
19 obscure the dangers of Exxon's fossil fuel products from Imperial Beach and its residents such
20 that use of Exxon's fossil fuel products in Imperial Beach would not decline. This resulted in
21 Plaintiffs' injuries.

22 i. Over the past several decades and continuing to the present day, Exxon
23 spent millions of dollars on radio, television, online, social media, and outdoor advertisements in
24 the California market related to its fossil fuel products. Since at least 1972, and continuing to the
25 present day, Exxon has advertised its fossil fuel products in print publications circulated widely to
26 California consumers, including but not limited to: The Atlantic, Life, National Geographic, The
27 New York Times, People, Sports Illustrated, Time, The Wall Street Journal, and The Washington
28 Post. As further detailed herein, these include advertisements containing false or misleading

1 statements, misrepresentations, and/or material omissions designed to hide the connection between
2 the production and use of Exxon’s fossil fuel products and climate change, and/or misrepresenting
3 Exxon’s products or Exxon itself as environmentally friendly.

4 j. Significant quantities of Exxon’s fossil fuel products are or have been
5 transported, traded, distributed, promoted, marketed, manufactured, sold, and/or consumed in
6 California, from which activities Exxon derives and has derived substantial revenue. Exxon owns
7 and operates a petroleum storage and transport facility in the San Ardo Oil Field in San Ardo,
8 California. Exxon and its predecessors owned and operated an oil refinery in Torrance, California
9 from 1966 to 2016, shortly after an explosion disabled the refinery. Exxon Co. USA, an
10 ExxonMobil subsidiary, operated a petroleum refinery in Benicia, California, from 1968 to 2000.
11 Exxon also—both directly and through its subsidiaries and/or predecessors-in-interest—has
12 supplied substantial quantities of fossil fuel products to California during the period relevant to
13 this Complaint. Currently, Exxon promotes, markets, and sells gasoline and other fossil fuel
14 products to California consumers through approximately 600 Exxon- and Mobil-branded
15 petroleum service stations in California. During the period relevant to this Complaint, Exxon sold
16 a substantial percentage of all retail gasoline in California. Exxon also markets and sells petroleum
17 products, including engine lubricants and motor oils sold under the “Mobil 1” brand name, to
18 California customers through local retailers.

19 k. Exxon historically directed its fossil fuel product advertising, marketing,
20 and promotional campaigns to California residents, including through maps that identify the
21 locations of its service stations in California. To this day, Exxon continues to market and advertise
22 its fossil fuel products in California to California residents by maintaining an interactive website
23 available to prospective customers that directs California residents to Exxon’s nearby retail service
24 stations and lubricant distributors. Further, Exxon promotes its products in California by regularly
25 updating and actively promoting its mobile device application, “Exxon Mobil Rewards+,”
26 throughout California, which encourages California users to consume fuel at Exxon stations in
27 California in exchange for rewards on every fuel purchase.

1 19. **BP Entities: BP P.L.C. and BP America Inc.**

2 a. Defendant **BP P.L.C.** is a multinational, vertically integrated energy and
3 petrochemical public limited company, registered in England and Wales with its principal place of
4 business in London, England. BP P.L.C. consists of three main operating segments: (1) exploration
5 and production, (2) refining and marketing, and (3) “gas and low-carbon energy.” BP P.L.C. is the
6 ultimate parent company of numerous subsidiaries, referred to collectively as the “BP Group,”
7 which explore for and extract oil and gas worldwide; refine oil into fossil fuel products such as
8 gasoline; and market and sell oil, gasoline, other refined petroleum products, and natural gas
9 worldwide. BP P.L.C.’s subsidiaries explore for oil and natural gas under a wide range of licensing,
10 joint arrangement, and other contractual agreements.

11 b. BP P.L.C. controls and has controlled group-wide decisions about the
12 quantity and rate of fossil fuel production and sales, including those of its subsidiaries. BP P.L.C.
13 is the ultimate decisionmaker on fundamental decisions about the BP Group’s core business, i.e.,
14 the volume of group-wide fossil fuels to produce and market, including among BP P.L.C.’s
15 subsidiaries. For instance, BP P.L.C. reported that, in 2016–17, it brought online thirteen major
16 exploration and production projects. These contributed to a 12% increase in the BP Group’s overall
17 fossil fuel product production. These projects were carried out by BP P.L.C.’s subsidiaries. Based
18 on these projects, BP P.L.C. expects the BP Group to deliver to customers 900,000 barrels of new
19 product per day by 2021. BP P.L.C. further reported that in 2017 it sanctioned three new
20 exploration projects in Trinidad, India, and the Gulf of Mexico.

21 c. BP P.L.C. controls and has controlled group-wide decisions, including
22 those of its subsidiaries, related to marketing, advertising, climate change, and greenhouse gas
23 emissions from its fossil fuel products, as well as communications strategies concerning climate
24 change and the link between fossil fuel use and climate-related impacts on the environment and
25 humans. BP P.L.C. makes decisions on production and use of fossil fuel reserves for the entire BP
26 Group based on factors including climate change. BP P.L.C.’s Board of Directors is the company’s
27 highest decision-making body, with direct responsibility for the BP Group’s policies concerning
28 climate change policies. BP P.L.C.’s chief executive is responsible for maintaining the BP Group’s

1 system of internal control that governs the BP Group’s business conduct. BP P.L.C.’s senior
2 leadership directly oversees a carbon steering group, which manages climate-related matters and
3 consists of two committees—both overseen directly by the board—focused on climate-related
4 investments.

5 d. Defendant **BP America Inc.** is a wholly owned subsidiary of BP P.L.C. that
6 acts on BP P.L.C.’s behalf and is subject to BP P.L.C.’s control. BP America Inc. is a vertically
7 integrated energy and petrochemical company incorporated in the state of Delaware with its
8 headquarters and principal place of business in Houston, Texas. BP America Inc. is registered to
9 do business in California. BP America Inc. consists of numerous divisions and affiliates in all
10 aspects of the fossil fuel industry, including exploration for and production of crude oil and natural
11 gas; manufacture of petroleum products; and transportation, marketing, and sale of crude oil,
12 natural gas, and petroleum products. BP America Inc. was formerly known as, did or does business
13 as, is or was affiliated with, and/or is the successor in liability to Amoco Oil Company; Amoco
14 Production Company; ARCO Products Company; BP Exploration & Oil, Inc.; BP Products North
15 America Inc.; BP Amoco Corporation; BP Oil, Inc.; BP Oil Company; Sohio Oil Company;
16 Standard Oil of Ohio (SOHIO); Standard Oil (Indiana); and Atlantic Richfield Company (a
17 Pennsylvania Corporation) and its division, the Arco Chemical Company.

18 e. Defendants BP P.L.C. and BP America, Inc., together with their
19 predecessors, successors, parents, subsidiaries, affiliates, and divisions, are collectively referred to
20 herein as “BP.”

21 f. Plaintiffs’ claims against BP arise out of and are related to the acts and
22 omissions of BP in California and elsewhere that caused or will cause injuries in California,
23 including in Imperial Beach.

24 g. BP has purposefully directed its tortious conduct toward California by
25 distributing, marketing, advertising, promoting, and supplying its fossil fuel products in California,
26 with knowledge that the intended use of those products for combustion have caused and will
27 continue to cause climate change-related harms in Imperial Beach, including Plaintiffs’ injuries.
28 BP’s statements in California and elsewhere made in furtherance of its campaign of deception

1 about and denial of climate change, and BP’s affirmative promotion of its fossil fuel products as
2 safe with knowledge of how the intended use of those products would cause climate change-related
3 harms, were designed to conceal and mislead consumers and the public, including Imperial Beach
4 and its residents, about the serious adverse consequences that would result from continued use of
5 BP’s products. That conduct was purposefully directed to reach Imperial Beach and obscure the
6 dangers of BP’s fossil fuel products from Imperial Beach and its residents such that use of BP’s
7 fossil fuel products in Imperial Beach would not decline. This resulted in Plaintiffs’ injuries.

8 h. Over the last several decades and continuing to the present day, BP—
9 especially BP p.l.c.—spent millions of dollars on radio, television, online, social media, and
10 outdoor advertisements in the California market related to its fossil fuel products. Since at least
11 1988 and continuing to the present day, BP has advertised in print publications circulated widely
12 to California consumers, including but not limited to the following: The Atlantic, Life, National
13 Geographic, The New York Times, People, Sports Illustrated, Time, The Wall Street Journal, and
14 The Washington Post. As further detailed herein, these include advertisements containing false or
15 misleading statements, misrepresentations, and/or material omissions obfuscating the connection
16 between the production and use of BP’s fossil fuel products and climate change, and/or
17 misrepresenting BP’s products or BP itself as environmentally friendly.

18 i. Significant quantities of BP’s fossil fuel products are or have been
19 transported, traded, distributed, promoted, marketed, manufactured, sold, and/or consumed in
20 California, from which activities BP derives and has derived substantial revenue. BP conducts and
21 controls, either directly or through franchise agreements, retail fossil fuel sales at gas station
22 locations in substantial portions of California, at which locations it promotes, advertises, and sells
23 its fossil fuel products under its ARCO brand name. Among other operations, BP operates more
24 than 300 ARCO-licensed and branded gas stations in California. From 2000 to 2013, BP also
25 owned and operated an oil refinery in Carson, California. During the period relevant to this
26 Complaint, BP sold a substantial percentage of all retail gasoline sold in California. BP’s
27 marketing and trading business maintains an office in Irvine, California. BP maintains an energy
28 research center in San Diego, California.

1 j. BP also markets and sells other fossil fuel products, including engine
2 lubricant and motor oils, to Imperial Beach and California consumers under its Castrol brand name.

3 k. BP historically directed its fossil fuel product advertising, marketing, and
4 promotional campaigns to California, including through maps that identified the locations of its
5 service stations in California. BP markets and advertises its fossil fuel products in California to
6 California residents by maintaining an interactive website available to prospective customers by
7 which it directs California residents to BP's nearby retail service stations and/or lubricant
8 distributors.

9 l. By BP's own description, its "retail stations in California serve more than
10 640,000 customers every day."¹² BP claims to support 3,000 jobs in California, including at least
11 1,400 BP employees, and has invested over \$100 million through vendors in California.

12 20. **Shell Entities: Shell plc, Shell USA, Inc., and Shell Oil Products Company LLC**

13 a. Defendant **Shell plc** (formerly Royal Dutch Shell PLC) is a vertically
14 integrated multinational energy and petrochemical company. Shell plc is incorporated in England
15 and Wales, with its headquarters and principal place of business in The Hague, Netherlands. Shell
16 plc is the ultimate parent company of numerous divisions, subsidiaries, and affiliates, referred to
17 collectively as the "Shell Group," that engage in all aspects of fossil fuel production, including
18 exploration, development, extraction, manufacturing and energy production, transport, trading,
19 marketing, and sales.

20 b. Shell plc controls and has controlled group-wide decisions about the
21 quantity and extent of fossil fuel production and sales, including those of its subsidiaries. Shell
22 plc's Board of Directors determines whether and to what extent Shell subsidiary holdings around
23 the globe produce Shell-branded fossil fuel products.

24 c. Shell plc controls and has controlled group-wide decisions, including those
25 of its subsidiaries, related to marketing, advertising, greenhouse gas emissions and climate change
26

27 _____
28 ¹² BP, Bp in California, https://www.bp.com/content/dam/bp/country-sites/en_us/united-states/home/documents/where-we-operate/states/bp%20in%20California.pdf.

1 resulting from the company's fossil fuel products, and communications strategies concerning
2 climate change and the link between fossil fuel use and climate-related impacts on the environment
3 and humans. Overall accountability for climate change within the Shell Group lies with Shell plc's
4 Chief Executive Officer and Executive Committee. For instance, at least as early as 1988, Shell
5 plc, through its predecessors and subsidiaries, was researching company-wide CO₂ emissions and
6 concluded that the Shell Group accounted for 4% of the CO₂ emitted worldwide from combustion,
7 and that climatic changes could compel the Shell Group, as controlled by Shell plc, to examine the
8 possibilities of expanding and contracting its business accordingly.

9 d. Defendant **Shell USA, Inc.** (formerly Shell Oil Company) is a wholly
10 owned subsidiary of Shell plc that acts on Shell plc's behalf and is subject to Shell plc's control.
11 Shell USA, Inc. is incorporated in Delaware, with its principal place of business in Houston, Texas.
12 Shell USA, Inc. has been registered to do business in California since 1949. Shell USA, Inc. was
13 formerly known as, did or does business as, and/or is the successor in liability to Shell Oil
14 Company; Shell Oil; Deer Park Refining LP; Shell Oil Products US; Shell Chemical LP; Shell
15 Trading (US) Company; Shell Energy Resources Company; Shell Energy Services Company,
16 L.L.C.; The Pennzoil Company; and Pennzoil-Quaker State Company.

17 e. Defendant **Shell Oil Products Company LLC** is a wholly owned
18 subsidiary of Shell USA, Inc., that acts on Shell USA, Inc.'s behalf and is subject to Shell USA,
19 Inc.'s control. Shell Oil Products Company LLC is incorporated in Delaware, with its principal
20 place of business in Houston, Texas, and has been registered to do business in California since
21 2001. Shell Oil Products Company LLC was formerly known as, did or does business as, and/or
22 is the successor in liability to Shell Oil Products Company, which was a Delaware corporation that
23 converted to a limited liability company in 2001.

24 f. Defendants Shell plc, Shell USA, Inc., Shell Oil Products Company LLC,
25 and their predecessors, successors, parents, subsidiaries, affiliates, and divisions are collectively
26 referred to herein as "Shell."
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1 g. Plaintiffs' claims against Shell arise out of and are related to the acts and
2 omissions of Shell in California and elsewhere that caused and will cause injuries in California,
3 including in Imperial Beach.

4 h. Shell has purposefully directed its tortious conduct toward California by
5 distributing, marketing, advertising, promoting, and supplying its fossil fuel products in California,
6 with knowledge that the intended use of those products for combustion has caused and will
7 continue to cause climate change-related harms in Imperial Beach, including Plaintiffs' injuries.
8 Shell's statements in California and elsewhere made in furtherance of its campaign of deception
9 about and denial of climate change, and Shell's affirmative promotion of its fossil fuel products as
10 safe with knowledge of how the intended use of those products would cause climate change-related
11 harms, were designed to conceal these harms and mislead consumers and the public, including
12 Imperial Beach and its residents, about the serious adverse consequences that would result from
13 continued use of Shell's products. That conduct was purposefully directed to reach Imperial Beach
14 and obscure the dangers of Shell's fossil fuel products from Imperial Beach and its residents such
15 that use of Shell's fossil fuel products in Imperial Beach would not decline.

16 i. Over the last several decades and continuing to the present day, Shell spent
17 millions of dollars on radio, television, online, social media, and outdoor advertisements in the
18 California market related to its fossil fuel products. Since at least 1970, and continuing to the
19 present day, Shell has advertised its fossil fuel products in print publications circulated widely to
20 California consumers, including but not limited to the following: The Atlantic, Life, National
21 Geographic, The New York Times, People, Sports Illustrated, Time, The Wall Street Journal, and
22 The Washington Post. As further detailed herein, these include advertisements containing false or
23 misleading statements, misrepresentations, and/or material omissions obfuscating the connection
24 between the production and use of Shell's fossil fuel products and climate change, and/or
25 misrepresenting Shell's products or Shell itself as environmentally friendly.

26 j. Significant quantities of Shell's fossil fuel products are or have been
27 transported, traded, distributed, promoted, marketed, manufactured, sold, and/or consumed in
28 California, from which activities Shell derives and has derived substantial revenue. Shell conducts

1 and controls, either directly or through franchise agreements, retail fossil fuel sales at gas station
2 locations throughout California, at which locations it promotes, advertises, and sells its fossil fuel
3 products under its Shell brand name. Shell operates over 1,000 Shell-branded petroleum service
4 stations in California. During the period relevant to this Complaint, Shell sold a substantial
5 percentage of all retail gasoline sold in California. Shell also supplies, markets, and promotes its
6 Pennzoil line of lubricants at retail and service stations throughout California. From 1924 to 1992,
7 Shell owned and operated an oil refinery in Carson, California, where it now owns and operates
8 the property as a distribution facility for petroleum and petroleum products throughout Southern
9 California. From 1915 to 2020, Shell owned and operated an oil refinery in Martinez, California.
10 From 1998 to 2007, Shell owned and operated an oil refinery in Wilmington, California. From
11 1998 to 2005, Shell owned and operated an oil refinery in Bakersfield, California.

12 k. Shell historically directed its fossil fuel product advertising, marketing, and
13 promotional campaigns to California, including through maps that identified the locations of its
14 service stations in California. Shell markets and advertises its fossil fuel products in California to
15 California residents by maintaining an interactive website available to prospective customers by
16 which it directs California residents to Shell’s nearby retail service stations. Shell offers a
17 proprietary credit card known as the “Shell Fuel Rewards Card,” which allows consumers in
18 California to pay for gasoline and other products at Shell-branded service stations, and which
19 encourages consumers to use Shell-branded gas stations by offering various rewards, including
20 discounts on gasoline purchases. Shell further maintains a smartphone application known as the
21 “Shell US App” that offers California consumers a cashless payment method for gasoline and other
22 products at Shell-branded service stations. California consumers utilize the payment method by
23 providing their credit card information through the application. California consumers can also
24 receive rewards, including discounts on gasoline purchases, by registering their personal
25 identifying information in the Shell US App and using the application to identify and activate gas
26 pumps at Shell service stations during a purchase.

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1 21. **Citgo Petroleum Corporation (“Citgo”)**

2 a. Citgo is a direct, wholly owned subsidiary of PDV America, Incorporated,
3 which is a wholly owned subsidiary of PDV Holding, Incorporated. These organizations’ ultimate
4 parent is Petroleos de Venezuela, S.A. (“PDVSA”), an entity wholly owned by the Republic of
5 Venezuela that plans, coordinates, supervises, and controls activities carried out by its subsidiaries.
6 Citgo is incorporated in the State of Delaware and maintains its headquarters in Houston, Texas.

7 b. Citgo and its subsidiaries are engaged in the refining, marketing, and
8 transportation of petroleum products including gasoline, diesel fuel, jet fuel, petrochemicals,
9 lubricants, asphalt, and refined waxes.

10 c. Citgo is registered to do business in the State of California and has
11 designated an agent for service of process in California. Citgo further does substantial fossil fuel
12 product-related business in California, and a substantial portion of its fossil fuel products are
13 extracted, refined, transported, traded, distributed, marketed, and/or sold in California. For
14 instance, Citgo sells significant volumes of fossil-fuel derived consumer motor oils and automobile
15 lubricants through retail and wholesale distributors. Citgo further sells a wide variety of greases
16 and oils for use in construction, mining, agricultural, and metalworking machinery and vehicles,
17 and in many other industrial and commercial settings, through licensed distributors in California.

18 22. **ConocoPhillips Entities: ConocoPhillips, ConocoPhillips Company,**
19 **Phillips 66, and Phillips 66 Company**

20 a. Defendant **ConocoPhillips** is a multinational energy company incorporated
21 in Delaware, with its principal place of business in Houston, Texas. ConocoPhillips consists of
22 numerous divisions, subsidiaries, and affiliates that execute ConocoPhillips’s fundamental
23 decisions related to all aspects of fossil fuel production, including exploration, extraction,
24 production, manufacture, transport, and marketing.

25 b. ConocoPhillips controls and has controlled group-wide decisions about the
26 quantity and rate of fossil fuel production and sales, including those of its subsidiaries.
27 ConocoPhillips determines whether and to what extent its corporate holdings market, produce,
28 and/or distribute fossil fuel products. ConocoPhillips’s most recent annual report to the Securities

1 and Exchange Commission subsumes the operations of ConocoPhillips’s subsidiaries under its
2 name. In ConocoPhillips’s Form 10-K filed with the SEC for Fiscal Year 2022, the company
3 represents that its value—for which ConocoPhillips maintains ultimate responsibility—is a
4 function of its decisions to direct subsidiaries to develop crude oil, bitumen, natural gas, and natural
5 gas liquids from ConocoPhillips’s reserves into fossil fuel products and to explore for and replace
6 those reserves with more fossil fuels: “Unless we successfully develop resources, the scope of our
7 business will decline, resulting in an adverse impact to our business. . . . If we are not successful
8 in replacing the resources we produce with good prospects for future organic development or
9 through acquisitions, our business will decline.”

10 c. ConocoPhillips optimizes the ConocoPhillips group’s oil and gas portfolio
11 to fit ConocoPhillips’s strategic plan. For example, ConocoPhillips’s 10-K in 2022 summarizes
12 the “continued development of onshore assets” in the United States and new exploration activities
13 in Alaska, Canada, the North Sea, and elsewhere. Similarly, in November 2016, ConocoPhillips
14 announced a plan to generate \$5 billion to \$8 billion of proceeds over two years by optimizing its
15 business portfolio, including its fossil fuel product business, to focus on low cost-of-supply fossil
16 fuel production projects that strategically fit its development plans.

17 d. ConocoPhillips controls and has controlled group-wide decisions, including
18 those of its subsidiaries, related to marketing, advertising, climate change and greenhouse gas
19 emissions from its fossil fuel products, and communications strategies concerning climate change
20 and the link between fossil fuel use and climate-related impacts on the environment and
21 communities. For instance, ConocoPhillips’s board has the highest level of direct responsibility
22 for climate change policy within the company. ConocoPhillips has developed and purportedly
23 implements a corporate Climate Change Action Plan to govern climate change decision-making
24 across all entities in the ConocoPhillips group.

25 e. Defendant **ConocoPhillips Company** is a wholly owned subsidiary of
26 ConocoPhillips that acts on ConocoPhillips’s behalf and is subject to ConocoPhillips’s control.
27 ConocoPhillips Company is incorporated in Delaware, with its principal place of business in
28 Houston, Texas, and has been registered to do business in California since 1947. ConocoPhillips

1 Company was formerly known as, did or does business as, and/or is the successor in liability to
2 Phillips Petroleum Company.

3 f. Defendant **Phillips 66** is a multinational energy and petrochemical
4 company incorporated in Delaware, with its principal place of business in Houston, Texas. It
5 encompasses downstream fossil fuel processing, refining, transport, and marketing segments that
6 were formerly owned and/or controlled by ConocoPhillips.

7 g. Defendant **Phillips 66 Company** is a wholly owned subsidiary of Phillips
8 66 that acts on Phillips 66's behalf and is subject to Phillips 66's control. Phillips 66 Company is
9 incorporated in Delaware, with its principal place of business in Houston, Texas, and has been
10 registered to do business in California since 2011. Phillips 66 Company had been registered since
11 1964 under a different name, Phillips Chemical Company, which was a wholly owned subsidiary
12 of the Phillips Petroleum Company. Phillips Chemical Company changed its name to Phillips 66
13 Company in 1985, and that iteration of Phillips 66 Company was terminated in 1991. Phillips 66
14 Company was formerly known as, did or does business as, and/or is the successor in liability to
15 Phillips Petroleum Company; Phillips Chemical Company; Conoco, Inc.; Tosco Corporation; and
16 Tosco Refining Co.

17 h. Defendants ConocoPhillips, ConocoPhillips Company, Phillips 66, and
18 Phillips 66 Company, as well as their predecessors, successors, parents, subsidiaries, affiliates, and
19 divisions, are collectively referred to herein as "ConocoPhillips."

20 i. Plaintiffs' claims against ConocoPhillips arise out of and are related to the
21 acts and omissions of ConocoPhillips in California and elsewhere that caused and will cause
22 injuries in California, including in Imperial Beach.

23 j. ConocoPhillips has purposefully directed its tortious conduct toward
24 California by distributing, marketing, advertising, promoting, and supplying its fossil fuel products
25 in California, with knowledge that the intended use of those products for combustion has caused
26 and will continue to cause climate change-related harms in Imperial Beach, including Plaintiffs'
27 injuries. ConocoPhillips's statements in California and elsewhere made in furtherance of its
28 campaign of deception about and denial of climate change, and ConocoPhillips's affirmative

1 promotion of its fossil fuel products as safe with knowledge of how the intended use of those
2 products would cause climate change-related harms, were designed to conceal and mislead
3 consumers and the public, including Imperial Beach and its residents, about the serious adverse
4 consequences that would result from continued use of ConocoPhillips's products. That conduct
5 was purposefully directed to reach Imperial Beach and obscure the dangers of ConocoPhillips's
6 fossil fuel products from Imperial Beach and its residents such that use of ConocoPhillips's fossil
7 fuel products in Imperial Beach would not decline. This resulted in Plaintiffs' injuries.

8 k. Over the last several decades and continuing to the present day,
9 ConocoPhillips spent millions of dollars on radio, television, online, social media, and outdoor
10 advertisements in the California market related to its fossil fuel products. Since at least 1970, and
11 continuing to the present day, ConocoPhillips has advertised in print publications circulated widely
12 to California consumers, including but not limited to the following: The Atlantic, Life, National
13 Geographic, The New York Times, People, Sports Illustrated, Time, The Wall Street Journal, and
14 The Washington Post. As further detailed herein, these include advertisements containing false or
15 misleading statements, misrepresentations, and/or material omissions obfuscating the connection
16 between the production and use of ConocoPhillips's fossil fuel products and climate change,
17 and/or misrepresenting ConocoPhillips's products or ConocoPhillips itself as environmentally
18 friendly.

19 l. Significant quantities of ConocoPhillips's fossil fuel products are or have
20 been transported, traded, distributed, promoted, marketed, manufactured, sold, and/or consumed
21 in California, from which activities ConocoPhillips derives and has derived substantial revenue.
22 ConocoPhillips conducts and controls, either directly or through franchise agreements, retail fossil
23 fuel sales at gas station locations throughout California, at which locations it promotes, advertises,
24 and sells its fossil fuel products under its various brand names, including Conoco, Phillips 66, and
25 76. ConocoPhillips also markets and sells to California customers at retail outlets engine lubricants
26 and motor oils under its Phillips 66, Kendall, and Red Line brand names. ConocoPhillips operates
27 hundreds of 76-branded petroleum service stations throughout California. During the period
28

1 relevant to this Complaint, ConocoPhillips sold a substantial percentage of all retail gasoline sold
2 in California.

3 m. ConocoPhillips does substantial fossil fuel product-related business in
4 California, and a substantial quantity of its fossil fuel products are extracted, refined, transported,
5 traded, distributed, marketed, and/or sold in California. For instance, ConocoPhillips owns and/or
6 operates oil and natural gas terminals in Richmond and Los Angeles, California; owns and operates
7 oil refineries in Arroyo Grande, Colton, and Wilmington, California; and distributes
8 ConocoPhillips fossil fuel products throughout California. Phillips 66 also owns and operates oil
9 refineries in Rodeo, Santa Maria, and Los Angeles, California. All of these refineries were owned
10 and operated by ConocoPhillips and its predecessors-in-interest from 1997 to 2012.

11 n. ConocoPhillips has historically directed its fossil fuel product advertising,
12 marketing, and promotional campaigns to California, including through maps identifying its
13 services throughout California. ConocoPhillips markets and advertises its fossil fuel products in
14 California to California residents by maintaining an interactive website available to prospective
15 customers by which it directs California residents to ConocoPhillips's nearby retail service
16 stations. ConocoPhillips offers a proprietary credit card known as the "76 Credit Card," which
17 allows consumers in California to pay for gasoline and other products at 76-branded service
18 stations, and which encourages California consumers to use 76-branded service stations by
19 offering various rewards, including discounts on gasoline purchases at 76-branded service stations
20 and cash rebates. ConocoPhillips further maintains a nationwide smartphone application known as
21 the "Fuel Forward App." The application offers California consumers a cashless payment method
22 for gasoline and other products at 76-branded service stations. California consumers utilize the
23 payment method by providing their credit card information through the application. California
24 consumers can also apply for a 76 Credit Card through the application. By registering their
25 personal identifying information in the application and by using the application to identify and
26 activate gas pumps at 76-branded service stations, California consumers can receive additional
27 rewards, such as further discounts on ConocoPhillips gasoline purchases.

1 23. **Total Entities: Total E&P USA Inc. and Total Specialties USA Inc.**

2 a. **Total E&P USA Inc.** is a wholly owned subsidiary of Total S.A.—a French
3 energy conglomerate—engaged in the North American segment of Total SA’s fossil fuel products-
4 related business. Total E&P USA Inc. and its subsidiaries are involved in the exploration for,
5 extraction, transportation, research, and marketing of Total S.A.’s fossil fuel products. Total E&P
6 USA Inc. is registered to do business in the State of California and has designated an agent for
7 service of process in California.

8 b. **Total Specialties USA Inc.,** is a wholly owned subsidiary of Total SA,
9 involved in the marketing and distribution of Total S.A.’s fossil fuel products. Total Specialties
10 USA Inc. is incorporated in the State of Delaware and headquartered in Houston, Texas. Total
11 Specialties USA Inc. is registered to do business in the State of California and has designated an
12 agent for service of process in California. Total Specialties USA Inc. does substantial fossil fuel
13 product-related business in California, and a substantial portion of its fossil fuel products are
14 extracted, refined, transported, traded, distributed, marketed, and/or sold in California. For
15 instance, Total Specialties USA Inc. maintains regular distributorship relationships with several
16 California distributors of Total fossil fuel products, including engine oils, lubricants, greases, and
17 industrial petroleum products.

18 24. **Eni Entities: Eni S.p.A. and Eni Oil & Gas Inc.**

19 a. **Eni S.p.A.** is a vertically integrated, multinational energy company
20 focusing on petroleum and natural gas. Eni is incorporated in the Republic of Italy, with its
21 principal place of business in Rome, Italy. With its consolidated subsidiaries, Eni engages in the
22 exploration, development, and production of hydrocarbons; in the supply and marketing of gas,
23 liquid natural gas, and power; in the refining and marketing of petroleum products; in the
24 production and marketing of basic petrochemicals, plastics and elastomers; in commodity trading;
25 and in electricity marketing and generation.

26 b. **Eni Oil & Gas Inc.** is incorporated in Texas, with its principal place of
27 business in Houston, Texas. Eni Oil & Gas Inc. is a wholly owned subsidiary of Eni America Ltd.,
28 a Delaware corporation doing business in the United States. Eni America, Ltd. is a wholly owned

1 subsidiary of Eni UHL Ltd., a British corporation with its registered office in London, United
2 Kingdom. Eni UHL Ltd. is a wholly owned subsidiary of Eni ULT, Ltd., a British corporation with
3 its registered office on London, United Kingdom. Eni ULT, Ltd. is a wholly owned subsidiary of
4 Eni Lasmo Plc, a British corporation with its registered office in London, United Kingdom. Eni
5 Investments Plc, a British corporation with its registered office in London, United Kingdom, holds
6 a 99.9% ownership interest in Eni Lasmo Plc (the other 0.01% ownership interest is held by another
7 Eni entity, Eni UK Ltd, a British corporation with its registered office in London, United
8 Kingdom). Eni S.p.A owns a 99.99% interest in Eni Investments Plc. Eni UK Ltd. holds the
9 remainder interest in Eni Investments Plc. Collectively, these entities are referred to as “Eni.”

10 c. Eni Oil & Gas Inc. is a successor-in-interest to Golden Eagle Refining
11 Company, Inc. (“Golden Eagle”). At times relevant to this complaint, Golden Eagle did substantial
12 fossil fuel-related business in California. Specifically, Golden Eagle owned and/or operated oil
13 refineries in Carson (Los Angeles County) and Martinez (Contra Costa County), California, and
14 owned and/or operated oil pipelines in or near Long Beach (Los Angeles County), California.

15 25. **Anadarko Petroleum Corp. (“Anadarko”)**

16 a. Anadarko is incorporated in the State of Delaware and maintains its
17 principal place of business in The Woodlands, Texas. Anadarko is a multinational, vertically
18 integrated energy company comprised of multiple upstream and downstream segments. These
19 include exploration, production, gathering, processing, treating, transporting, marketing, and
20 selling fossil fuel products derived primarily from petroleum and natural gas. In the United States,
21 Anadarko entities operate fossil fuel product exploration and production concerns in Texas, the
22 Gulf of Mexico, Alaska, the Powder River Basin, Utah, Colorado, and the Marcellus Shale
23 Formation. Anadarko operates fossil fuel product production and exploration activities
24 internationally in Algeria, Ghana, Mozambique, and Columbia, among others. Anadarko
25 Petroleum Corporation is registered to do business in California and has designated an agent for
26 service of process in California.

27 b. Anadarko is a successor-in-interest to HS Resources Inc. (“HS”). HS was
28 an energy company headquartered in San Francisco, San Francisco County, California. It owned

1 natural gas reserves in Colorado, North Dakota, South Dakota, Montana, and along the coasts of
2 Texas and Louisiana, from which it extracted and imported natural gas to California. HS was
3 acquired by Kerr-McGee Corporation in 2001. Kerr-McGee was an energy exploration and
4 production company owning oil and natural gas rights in the Gulf of Mexico, Colorado, and Utah,
5 with its corporate headquarters in Oklahoma. Anadarko Petroleum Corporation acquired Kerr-
6 McGee Corporation in 2006.

7 26. **Occidental Entities: Occidental Petroleum Corporation and Occidental**
8 **Chemical Corporation**

9 a. **Occidental Petroleum Corporation** is a multinational, vertically
10 integrated energy and chemical company incorporated in the State of Delaware and with its
11 principal place of business in Houston, Texas. Occidental’s operations consist of three segments:
12 (1) the exploration for, extraction of, and production of oil and natural gas products; (2) the
13 manufacture and marketing of chemicals and vinyls; and (3) the processing, transport, storage,
14 purchase, and marketing of oil, natural gas, and power. Occidental Petroleum Corporation is
15 registered to do business in the State of California and has designated an agent for service of
16 process in the State of California.

17 b. **Occidental Chemical Corporation**, a manufacturer and marketer of
18 petrochemicals, such as polyvinyl chloride resins, is a wholly owned subsidiary of Occidental
19 Petroleum Corporation. Occidental Chemical Corporation is registered to do business in the State
20 of California and has designated an agent for service of process in the State of California.

21 c. Defendants Occidental Petroleum Corporation and Occidental Chemical
22 Corporation are collectively referred to as “Occidental.”

23 d. Occidental does substantial fossil fuel product-related business in the State
24 of California, and a substantial portion of its fossil fuel products are extracted, refined, transported,
25 traded, distributed, marketed and/or sold in California. For instance, Occidental extracted and
26 transported its fossil fuel products from approximately 30,900 drilling locations within the San
27 Joaquin, Los Angeles, Ventura, and Sacramento Basins in California.

28

1 e. In addition, Occidental conducts substantial activities in the state, including
2 marketing and promotion; efforts to avoid or minimize regulation of greenhouse gas pollution in
3 and from California; and efforts to influence statutory and regulatory debate regarding fossil fuel
4 consumption, electric power distribution, and greenhouse gas pollution policies such that the
5 exercise of jurisdiction comports with traditional notions of fair play and substantial justice. Since
6 1999, Occidental Petroleum Corp. and its subsidiaries have reported more than \$4.6 million in
7 lobbying expenditures directed at numerous statutory and regulatory proposals before the
8 California legislature and executive agencies, including the California Energy Commission,
9 California Air Resources Board, and California Public Utilities Commission, related to its fossil
10 fuel products business.

11 27. **Repsol Entities: Repsol S.A., Repsol Energy North America Corporation, and**
12 **Repsol Trading USA Corporation**

13 a. **Repsol S.A.** is a vertically integrated, multinational global energy company,
14 incorporated in the Kingdom of Spain, with its principal place of business in Madrid, Spain. Repsol
15 is involved in multiple aspects of the fossil fuel industry, including exploration, production,
16 marketing, and trading. Repsol engages in significant fossil fuel exploration and production
17 activities in the United States, including in the Gulf of Mexico, the Marcellus Shale in
18 Pennsylvania, the Eagle Ford Shale in South Texas, the Mississippi Lime in Oklahoma and Kansas,
19 the North Slope in Alaska, and the Trenton-Black River in New York

20 b. Repsol does substantial fossil fuel product-related business in the State of
21 California, and a substantial portion of its fossil fuel products are extracted, refined, transported,
22 traded, distributed, marketed and/or sold in California. For instance, Repsol subsidiary **Repsol**
23 **Energy North America Corporation**, incorporated in the State of Texas and with its principal
24 place of business in The Woodlands, Texas, is listed as a natural gas procurement, storage,
25 transportation, scheduling, and risk management provider by Pacific Gas and Electric, a California
26 utility. Repsol Energy North America Corporation is registered to do business in California and
27 has designated an agent for service of process in California. Repsol subsidiary **Repsol Trading**
28 **USA Corporation**, incorporated in the State of Texas and with its principal place of business in

1 The Woodlands, Texas, is also registered do business in California and has designated an agent
2 for service of process in California. Additionally, Repsol represents on its website that it is
3 engaging in strategic opportunities involving its fossil fuel products in California, which may
4 consist of crude oil, gasoline, diesel, and/or jet fuel.

5 28. **Marathon Entities: Marathon Oil Company, Marathon Oil Corporation, and**
6 **Marathon Petroleum Corporation**

7 a. **Marathon Oil Company** is an energy company incorporated in the State
8 of Ohio and with its principal place of business in Houston, Texas. Marathon Oil Company is
9 registered to do business in California and has designated an agent for service of process in
10 California. Marathon Oil Company is a corporate ancestor of Marathon Oil Corporation and
11 Marathon Petroleum Company.

12 b. **Marathon Oil Company** is a successor-in-interest to Husky Oil Ltd.
13 (“Husky”), which it acquired in 1984. During times relevant to this Complaint, Husky operated oil
14 production facilities near Santa Maria (Santa Barbara County), California, where it produced
15 nearly 1,100 barrels per day. During the period relevant to this litigation, Husky did substantial
16 fossil fuel product-related business in California.

17 c. **Marathon Oil Corporation** is a multinational energy company
18 incorporated in the State of Delaware and with its principal place of business in Houston, Texas.
19 Marathon Oil Corporation consists of multiple subsidiaries and affiliates involved in the
20 exploration for, extraction, production, and marketing of fossil fuel products.

21 d. **Marathon Petroleum Corporation** is a multinational energy company
22 incorporated in Delaware and with its principal place of business in Findlay, Ohio. Marathon
23 Petroleum Corporation was spun off from the operations of Marathon Oil Corporation in 2011. It
24 consists of multiple subsidiaries and affiliates involved in fossil fuel product refining, marketing,
25 retail, and transport, including both petroleum and natural gas products.

26 e. Defendants **Marathon Oil Company, Marathon Oil Corporation, and**
27 **Marathon Petroleum Corporation** are collectively referred to as “Marathon.”

1 f. Marathon has purposefully directed its tortious conduct toward California
2 by distributing, marketing, advertising, promoting, and supplying its fossil fuel products in
3 California, with knowledge that the intended use of those products for combustion has caused and
4 will continue to cause climate change-related harms in Imperial Beach, including Plaintiffs'
5 injuries. That conduct was purposefully directed to reach Imperial Beach and obscure the dangers
6 of Marathon's fossil fuel products from Imperial Beach and its residents such that the use of
7 Marathon's fossil fuel products in Imperial Beach would not decline.

8 29. **Hess Corporation ("Hess")**

9 a. Hess is a global, vertically integrated petroleum exploration and extraction
10 company incorporated in the State of Delaware with its headquarters and principal place of
11 business in New York, New York.

12 b. Hess is engaged in the exploration, development, production,
13 transportation, purchase, marketing and sale of crude oil and natural gas. Its oil and gas production
14 operations are located primarily in the United States, Denmark, Equatorial Guinea, Malaysia,
15 Thailand, and Norway. Prior to 2014, Hess also conducted extensive retail operations in its own
16 name and through subsidiaries. Hess owned and operated more than 1,000 gas stations throughout
17 the United States, including in California during times relevant to this complaint. Prior to 2013,
18 Hess also operated oil refineries in the continental United States and U.S. Virgin Islands.

19 c. Hess has purposefully directed its tortious conduct toward California by
20 distributing, marketing, advertising, promoting, and supplying its fossil fuel products in California,
21 with knowledge that the intended use of those products for combustion has caused and will
22 continue to cause climate change-related harms in Imperial Beach, including Plaintiffs' injuries.
23 That conduct was purposefully directed to reach Imperial Beach and obscure the dangers of Hess's
24 fossil fuel products from Imperial Beach and its residents such that the use of Hess's fossil fuel
25 products in Imperial Beach would not decline.

1 30. **Devon Energy Entities: Devon Energy Corp.; Devon Energy Production**
2 **Company, L.P.**

3 a. **Devon Energy Corp.** is an independent energy company engaged in the
4 exploration, development, and production of oil and natural gas. It is incorporated in the State of
5 Delaware and maintains its principal place of business in Oklahoma City, Oklahoma. Devon is
6 engaged in multiple aspects of the fossil fuel industry, including exploration, development,
7 production, and marketing of its fossil fuel products.

8 b. **Devon Energy Production Company, L.P.** is a Devon subsidiary
9 registered to do business in the State of California and with a designated agent for service of
10 process in California. Devon Energy does substantial fossil fuel product-related business in
11 California.

12 c. Devon Energy Corp. is a successor-in-interest to the Pauley Petroleum
13 Company (“Pauley”). At times relevant to this complaint, Pauley did substantial fossil-fuel related
14 business in California. Specifically, this included owning and operating a petroleum refinery in
15 Newhall (Los Angeles County), California from 1959 to 1989, and a refinery in Wilmington (Los
16 Angeles, Los Angeles County), California from 1988 to 1992. Pauley merged with Hondo Oil and
17 Gas Co. (“Hondo”) in 1987. Subsequently, Devon Energy Corp. acquired Hondo in 1992.

18 d. Defendants Devon Energy Production Company, L.P. and Devon Energy
19 Corp. are collectively referred to as “Devon.”

20 31. **Encana Corporation (“Encana”)**

21 a. Encana is a Canadian corporation with its principal place of business in
22 Calgary, Alberta, Canada. Encana is an extractor and marketer of oil and natural gas and has
23 facilities including gas plants and gas wells in Colorado, Texas, Wyoming, Louisiana, and
24 New Mexico. By approximately 2005, Encana was the largest independent owner and operator of
25 natural gas storage facilities in North America.

26 b. Encana has done and continues to do substantial fossil fuel product-related
27 business in California. Between 1997 and 2006, Encana owned and operated the Wild Goose
28 Storage underground natural gas storage facility in Butte County, California. In 2003, Encana

1 began transporting natural gas through a 25-mile pipeline from the Wild Goose Station to a Pacific
2 Gas & Electric Co. (“PG&E”) compressor station in Colusa County, where gas entered the main
3 PG&E pipeline. Encana invested in a 100 billion cubic foot expansion of the facility in 2004,
4 bringing gas storage capacity at Wild Goose to 24 billion cubic feet.

5 32. **Apache Corporation (“Apache”)**

6 a. Apache is a publicly traded Delaware corporation with its principal place of
7 business in Houston, Texas. Apache is an oil and gas exploration and production company, with
8 crude oil and natural gas exploration and extraction operations in the United States, Canada, Egypt,
9 and the North Sea.

10 b. During the time at issue, Apache extracted natural gas from wells developed
11 on approximately seven million acres of land held in the Canadian provinces of British Columbia,
12 Alberta, and Saskatchewan, and Apache did substantial fossil fuel product-related business in
13 California. Apache transported a substantial volume of the natural gas extracted from its Canadian
14 holdings to California, where it sold that gas to electric utilities, end-users, other fossil fuel
15 companies, supply aggregators, and other fossil fuel marketers. Apache directed sales of its natural
16 gas to California in addition to markets in Washington state, Chicago, and western Canada, to
17 intentionally retain a diverse customer base and maximize profits from the differential price rates
18 and demand levels in those respective markets.

19 **C. Doe Defendants**

20 33. The true names and capacities, whether individual, corporate, associate, or
21 otherwise of Defendants Does 1 through 100, inclusive, are unknown to Plaintiffs, who therefore
22 sue said Defendants by such fictitious names pursuant to California Code of Civil Procedure
23 Section 474. Plaintiffs are informed and believe, and on that basis allege, that each of the
24 fictitiously named Defendants is responsible in some manner for the acts and occurrences herein
25 alleged, and that Plaintiffs’ damages were caused by such Defendants.

26 **D. Relevant Non-Parties: Defendants’ Agents and Front Groups**

27 34. As detailed below, each Defendant had actual knowledge, or should have known,
28 that its fossil fuel products were hazardous because the intended use of the fossil fuel products for

1 combustion would substantially contribute to climate change and result in harms to Plaintiffs.
2 Defendants obtained knowledge of the hazards of their products independently and through their
3 membership and involvement in trade associations.

4 35. Defendants employed, financed, and participated in several industry-created front
5 groups to serve their mission of flooding the markets with climate change disinformation and
6 denialism. These organizations, acting on behalf of and under Defendants' supervision and control,
7 assisted the deception campaign by implementing public advertising and outreach campaigns to
8 discredit climate science, as well as funding scientists to cast doubt upon climate science and upon
9 the extent to which climate change is caused by human activity. In sum, Defendants, through their
10 front groups, engaged in a significant marketing campaign that misrepresented and concealed the
11 dangers of their fossil fuel products with the aim of protecting or enhancing sales of these products
12 to consumers, including consumers in California. Defendants actively supervised, facilitated,
13 consented to, and/or directly participated in the misleading messaging of these front groups, from
14 which Defendants profited significantly, including in the form of increased sales in California.

15 36. **The American Petroleum Institute (API)**

16 a. API is a national trade association representing the oil and gas industry,
17 formed in 1919. With more than 600 members, API is the country's largest oil trade association.
18 API's purpose is to advance its members' collective business interests, which includes increasing
19 consumer consumption of oil and gas for the financial profit of Defendants and other oil and gas
20 companies. Among other functions, API also coordinates members of the petroleum industry,
21 gathers information of interest to the industry, and disseminates that information to its members.

22 b. Acting on behalf of and under the supervision and control of Defendants,
23 API has, since at least 1988, participated in and led several coalitions, front groups, and
24 organizations that have promoted disinformation about the climate impacts of fossil fuel products
25 to consumers—including, but not limited to, the Global Climate Coalition, Partnership for a Better
26 Energy Future, Coalition for American Jobs, Alliance for Energy and Economic Growth, and
27 Alliance for Climate Strategies. These front groups were formed to promote climate disinformation
28 and advocacy from a purportedly objective source, when in fact these groups were financed and

1 controlled by Defendants and other oil and gas companies. Defendants have benefited from the
2 spread of this disinformation because, among other things, it has ensured a thriving consumer
3 market for oil and gas, resulting in substantial profits for Defendants. In effect, API acts and has
4 acted as a marketing arm for its member companies, including Defendants. Over the last several
5 decades, API has spent millions of dollars on television, newspaper, radio, social media, and
6 internet advertisements in the California market.

7 c. Member companies participate in API strategy, governance, and operation
8 through their membership dues and by contributing company officers and other personnel to API
9 boards, committees, and task forces. Defendants have collectively steered the policies and trade
10 practices of API through membership, Executive Committee roles, and/or providing budgetary
11 funding for API. Defendants have used their control over and involvement in API to develop and
12 execute a long-term advertising and communications campaign centered on climate change
13 denialism. The goal of the campaign was to influence consumer demand for Defendants' fossil
14 fuel products. Defendants directly controlled, supervised, and participated in API's misleading
15 messaging regarding climate change. That conduct directly impacted California, as Defendants
16 worked with API to create and disseminate misleading advertisements that promote consumption
17 of fossil fuel products in California.

18 d. The following Defendants and/or their predecessors in interest are and/or
19 have been API members at times relevant to this litigation: Chevron, ExxonMobil, Shell,
20 ConocoPhillips, Anadarko, Occidental, Repsol, Marathon, EnCana, BP, Citgo, Hess, and Apache.
21 Each of these Defendants consistently holds API leadership positions, participates in API
22 committees and task forces formed to address climate change issues, makes decisions that
23 determine API's conduct, and works with other Defendants to achieve these ends. Their control of
24 and leadership roles in API are longstanding, deeply rooted, and continuous throughout relevant
25 time periods.

26 e. For example, Defendants served as corporate officers during the relevant
27 time period, including executives from Exxon, Shell, Chevron, ConocoPhillips, Marathon, Hess
28 and BP serving as API Board Chairman and on the Board's Executive Committee. Exxon's CEO

1 served on API's Executive Committee, including as President and Chairman, for 21 of the 29 years
2 between 1991 and 2020.¹³ Multiple high-level executives from Exxon, such as Presidents, Vice
3 Presidents, CEOs, COOs, and Chairmans, served on API's Board in each year between 1994-2002.
4 BP's CEO served as API Chairman in 1988, 1989, and 1998. Multiple high-level executives from
5 BP served on API's Board of Directors between 1994-2002. The Chairman and CEO of BP's
6 predecessor ARCO served as API treasurer in 1998 and Chairman in 1999. Chevron's CEO served
7 as API Chairman in 1994, 1995, 1997, 1998, 2003, and 2012. In 2002, Chevron's CEO served as
8 API treasurer. Chairman and CEO of Chevron's predecessor Texaco served as API Board
9 Chairman in 2001, and as treasurer in 1999. Multiple high-level executives from Chevron served
10 on API's Board of Directors in each year between 1994-2002. Shell's President served as API
11 treasurer in 1997 and sat on the Board's executive committee from at least 2005-2006. Multiple
12 high-level Shell executives served on API's Board of Directors between 1994-2002.
13 ConocoPhillips Chairman and CEO was API Chairman from 2016-2018, and currently serves on
14 API's executive committee. In 2020, API elected Phillips 66 Chairman and CEO to serve a two-
15 year term as its Board President, and Phillips 66's current President and CEO is on the API Board's
16 executive committee. Multiple high-level ConocoPhillips executives served on API's Board of
17 Directors between 1994-2002. Marathon or its predecessors' CEOs served on the API Board's
18 executive committee across multiple decades, for example Marathon's then-CEO was Treasurer
19 and testified to Congress on behalf of API in 1994. Multiple high-level executives from Marathon
20 served on API's Board of Directors between 1994-2002. Multiple CITGO high-level executives
21 served on API's Board of Directors between 1995 and 2002. Hess high-level executives served on
22 API's Board of Directors in 1994 and 1995; and Hess' CEO currently serves on the API Board's
23 Executive Committee and served on API's Board of Directors from at least 2015 to 2021. Multiple
24 high-level executives from Occidental served on API's Board of Directors between 1994-2002.
25 Anadarko or its predecessors' high-level executives served on API's Board of Directors between
26
27

28 ¹³ 1991, 1996-1997, 2001, 2002, 2003, 2005-2016, 2018-2020.

1 1994-2002. Anadarko's then-President and COO served on API's executive committee as treasurer
2 in 2001.

3 f. Relevant information was shared among API and Defendants and
4 Defendants' predecessors-in-interest through the following: (1) API's distribution of information
5 to its members, and/or (2) participation of Defendants' officers and other personnel, and those of
6 Defendants' predecessors-in-interest, on API boards, committees, and task forces. This includes
7 representatives of Exxon, Chevron, BP, Shell, and ConocoPhillips sitting on both API's
8 Committee for Air and Water Conservation and a special advisory group to API's Committee for
9 Public Affairs, which worked together to develop research reports on air emissions and other
10 environmental topics. Different representatives of Exxon, Chevron, BP, Shell, ConocoPhillips, and
11 Marathon rotated in and out of these positions throughout the time periods discussed in this
12 complaint. Representatives from Marathon sat on the Executive Committee to API's Engineering
13 and Technical Research Committee and on the Committee for Air and Water Conservation.
14 Representatives from Chevron and Exxon chaired API's Engineering and Technical Research
15 Committee, and representatives from BP and Exxon chaired API's Health and Biological Research
16 Committee, also developing research documents. Different representatives of Exxon, Chevron,
17 BP, Shell, and ConocoPhillips rotated in and out of these positions throughout the time periods
18 discussed in this Complaint.¹⁴

19 37. **The Information Council for the Environment (ICE)** was formed by coal
20 companies and their allies, including Western Fuels Association and the National Coal
21 Association. Associated companies included Pittsburg and Midway Coal Mining (Chevron).¹⁵

22 38. **The Global Climate Coalition (GCC)** was an industry group formed to preserve
23 and expand consumer demand for fossil fuels by publicly casting doubt on climate science and
24

25 ¹⁴ American Petroleum Institute, Comm. For Air and Water Conservation & Comm. On Public
26 Affairs, Environmental Research: A Status Report (1972) (listing members of relevant
27 committees and their fossil fuel company affiliations),
<https://files.eric.ed.gov/fulltext/ED066339.pdf>.

28 ¹⁵ Hereinafter, parenthetical references to Defendants indicate corporate ancestry and/or
affiliation.

1 opposing greenhouse gas emission reduction initiatives. The GCC was founded in 1989 in reaction
2 to the first meeting of the Intergovernmental Panel on Climate Change (IPCC), the United Nations
3 body for assessing the science related to climate change, and to NASA scientist James Hansen's
4 presentation to the Senate Committee on Energy and Natural Resources, in which Hansen
5 emphasized that climate change was already happening and would lead to dire consequences if left
6 unaddressed. The GCC disbanded in or around 2001. Founding members included API, Shell Oil
7 Company (currently, Shell); Texaco, Inc. (currently, Chevron); Amoco (currently, BP); ARCO
8 (owned by BP at the time); and Phillips Petroleum Company (currently, ConocoPhillips). GCC
9 board membership during its existence included high-level executives from the founding members
10 and Chevron, Exxon, and Mobil (Exxon). Tom Lambrix, director of government relations for
11 Phillips Petroleum, was the first chairman of the GCC. Exxon was also a corporate member of the
12 GCC over the course of the GCC's existence.

13 **III. AGENCY**

14 39. At all times herein mentioned, each of the Defendants was the agent, servant,
15 partner, aider and abettor, co-conspirator, and/or joint venturer of each of the remaining
16 Defendants herein and was at all times operating and acting within the purpose and scope of said
17 agency, service, employment, partnership, conspiracy, and joint venture and rendered substantial
18 assistance and encouragement to the other Defendants, knowing that their conduct was wrongful
19 and/or constituted a breach of duty.

20 **IV. JURISDICTION AND VENUE**

21 40. This Court's personal jurisdiction over Defendants named herein is proper because
22 each Defendant maintains substantial contacts with California by and through their fossil fuel
23 business operations in this state, as described above, and because Plaintiffs' injuries described
24 herein arose out of and relate to those operations and occurred in California. Each Defendant
25 purposefully availed itself of the California market, and thus of the benefits of the laws of the State,
26 during all times relevant to this Complaint, so as to render California courts' exercise of
27 jurisdiction over each Defendant consistent with traditional notions of fair play and substantial
28 justice. Each Defendant researched, developed, manufactured, designed, marketed, distributed,

1 released, promoted, and/or otherwise sold its fossil fuel products in markets around the United
2 States, including within California.

3 41. Additionally, jurisdiction is proper over each non-resident Defendant for the
4 following reasons:

5 a. With respect to its subsidiaries, each non-resident Defendant controls and
6 has controlled its direct and indirect subsidiaries' decisions about the quantity and extent of its
7 fossil fuel production and sales; determines whether and to what extent to market, produce, and/or
8 distribute its fossil fuel products; and controls and has controlled its direct and indirect
9 subsidiaries' decisions related to its marketing and advertising, specifically communications
10 strategies concerning climate change and the link between fossil fuel use and impacts on the
11 environment. Each subsidiary Defendant is the agent of its parent Defendant. As agents, the
12 subsidiaries of each non-resident Defendant conducted activities in California at the direction and
13 for the benefit of its parent company. Specifically, the subsidiaries furthered each parent
14 company's campaign of deception and denial through misrepresentations, omissions, and
15 affirmative promotion of the company's fossil fuel products as safe with knowledge of the climate
16 change-related harms that would result from the intended use of those products, all of which
17 resulted in climate change-related injuries in Imperial Beach and increased sales to the parent
18 company. The subsidiaries' jurisdictional activities are properly attributed to each parent company
19 and serve as a basis to assert jurisdiction over each of the non-resident Defendant parent
20 companies.

21 b. Through their various agreements with dealers, franchises, or otherwise, the
22 Defendants direct and control the branding, marketing, sales, promotions, image development,
23 signage, and advertising of their branded fossil fuel products at their respectively branded gas
24 stations in California, including point-of-sale advertising and marketing. The Defendants dictate
25 which grades and formulations of their gasoline may be sold at their respectively branded stations.

26 c. Defendants, in coordination with API and other organizations, conspired to
27 conceal and misrepresent the known dangers of burning fossil fuels, to knowingly withhold
28 material information regarding the consequences of using fossil fuel products, to spread knowingly

1 false and misleading information to the public regarding the weight of climate science research,
2 and to promote their fossil fuel products which they knew were harmful. Through their own actions
3 and through their membership and participation in climate denialist front groups, API and each
4 Defendant were and are members of that conspiracy. Defendants committed substantial acts to
5 further the conspiracy in California by making misrepresentations and misleading omissions to
6 California consumers about the existence, causes, and effects of global warming; by affirmatively
7 promoting the Defendants' fossil fuel products as safe, with knowledge of the disastrous impacts
8 that would result from the intended use of those products; and by failing to warn California
9 consumers about the disastrous impacts of fossil fuel use. A substantial effect of the conspiracy
10 has also and will also occur in Imperial Beach, as the City and its residents have suffered and will
11 suffer injuries from Defendants' wrongful conduct, including but not limited to the following: sea
12 level rise, massive storms, flooding, extreme heat, reduced air quality, and other social and
13 economic consequences of these environmental changes. Defendants knew or should have known
14 based on information provided to them from their internal research divisions, affiliates, trade
15 associations, and industry groups that their actions in California and elsewhere would result in
16 these injuries in and to Imperial Beach and its residents. Finally, the climate effects described
17 herein are direct and foreseeable results of Defendants' conduct in furtherance of the conspiracy.

18 42. The Superior Court of California for San Francisco is a court of general jurisdiction
19 and therefore has subject matter jurisdiction over this action.

20 43. Venue is proper in Contra Costa County pursuant to Code of Civil Procedure
21 sections 395 and 395.5 because Chevron Corporation, a Defendant in this action, resides and has
22 its principal place of business in Contra Costa County.

23 44. Additionally, venue is also proper in San Francisco County for pre-trial purposes
24 pursuant to the February 5, 2024 order from Judge Treat in Contra Costa Superior Court and the
25 February 9, 2024 order from the Judicial Council of California. Those orders coordinated this and
26 other actions into JCCP 5310, Fuel Industry Climate Cases, in San Francisco County.

27
28

1 **V. FACTUAL BACKGROUND**

2 **A. Global Warming—Observed Effects and Known Cause**

3 45. The Earth is warming at a rate unprecedented in human history.

4 46. The Earth’s atmosphere is warming, sea level is rising, snow and ice cover is
5 diminishing, oceans are warming and acidifying, and hydrologic systems have been altered, among
6 other rapidly accelerating changes to our climate. These changes are directly harming people’s
7 health, lives, lifestyles, and livelihoods, including in Imperial Beach. According to the IPCC, the
8 evidence that humans are causing this warming of the Earth is unequivocal.¹⁶ Greenhouse gas
9 emissions caused by human activities are the most significant driver of climate change.¹⁷ Over the
10 past couple of decades, those emission rates have exceeded those predicted under previous “worst
11 case” global emissions scenarios.

12 47. Greenhouse gases are largely byproducts of human combustion of fossil fuels to
13 produce energy and use of fossil fuels to create petrochemical products. While there are several
14 greenhouse gases contributing to climate change, CO₂ is the primary greenhouse gas emitted as a
15 result of human activities.

16 48. Atmospheric and ocean temperatures have both increased substantially since the
17 beginning of the global industrial revolution, and the rate of warming has also dramatically
18 increased since the end of World War II.

19 49. In the geological short term, ocean and land surface temperatures have increased at
20 a rapid pace during the late 20th and early 21st centuries:

21 a. 2023 was the hottest year on record by globally averaged surface
22 temperatures, exceeding mid-20th century mean ocean and land surface temperatures by
23 approximately 2.12° F. Each month in 2023 was hotter by globally averaged surface temperatures
24 than those respective months in any previous year. June, July, August, September, October,
25

26 _____
27 ¹⁶ Climate Change 2021: The Physical Science Basis, The Intergovernmental Panel On Climate
28 Change, at v, 4, 41, 63, 150, 425, 506 (2021),
https://report.ipcc.ch/ar6/wg1/IPCC_AR6_WGI_FullReport.pdf.

¹⁷ Id. at 41.

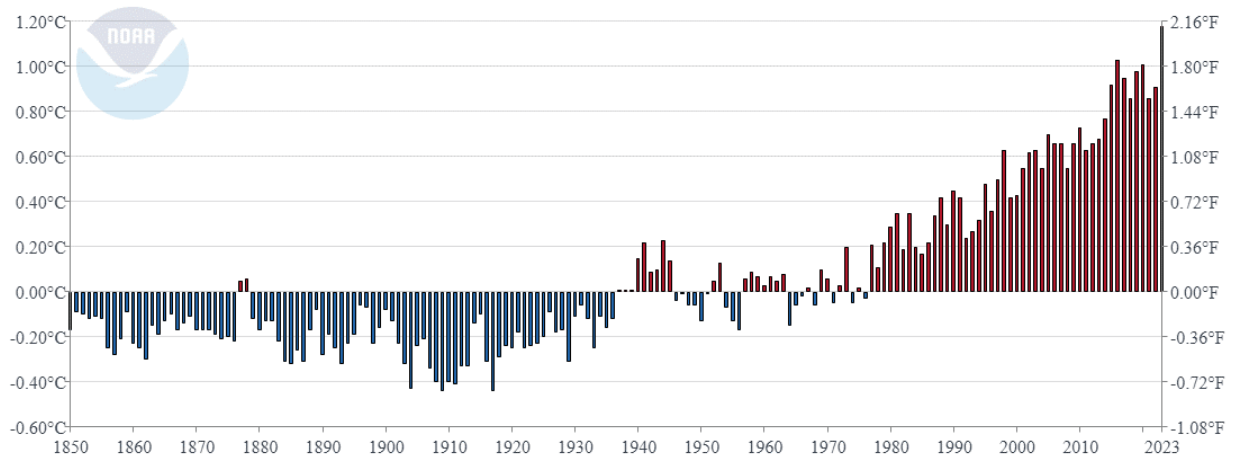
1 November, and December 2023 were all the hottest average surface temperatures for those
2 months.¹⁸

3 b. The second hottest year on record by globally averaged surface
4 temperatures was 2016, and the third hottest was 2020.¹⁹

5 c. The ten hottest years on record by globally averaged surface temperature
6 have all occurred since 2014.²⁰

7 50. The average global surface and ocean temperature in 2023 was approximately
8 2.12° F warmer than the 20th century baseline, which is the greatest positive anomaly observed
9 since at least 1850.²¹ The increase in hotter temperatures and more frequent positive anomalies
10 during the Great Acceleration is occurring both globally and locally, including in Imperial Beach.
11 The graph below shows the increase in global land and ocean temperature anomalies since 1850,
12 as measured against the 1901–2000 global average temperature.²²

13 **Global Land and Ocean**
14 **January-December Temperature Anomalies**



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21 **Figure 1: Global Land and Ocean Temperature Anomalies, January – December**

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23 51. Prior to World War II, most anthropogenic CO₂ emissions were caused by land-use

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25 ¹⁸ NOAA National Center for Environmental Information, NOAA, Annual 2023 Global Climate Report (Jan. 2024), <https://www.ncei.noaa.gov/access/monitoring/monthly-report/global/202313>.

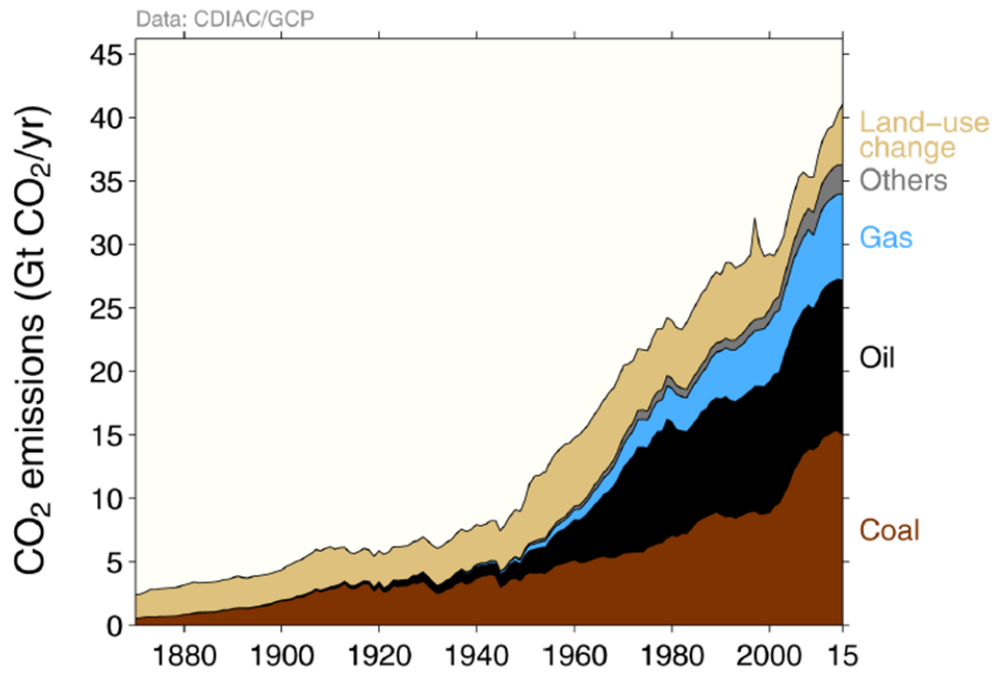
26 ¹⁹ Id.

27 ²⁰ Id.

28 ²¹ Id.

²² Id.

1 practices, such as forestry and agriculture, which altered the ability of the land and global biosphere
 2 to absorb CO₂ from the atmosphere; the impacts of such activities on Earth's climate were
 3 relatively minor. Since the beginning of the Great Acceleration, however, both the annual rate and
 4 total volume of human CO₂ emissions have increased enormously following the advent of major
 5 uses of oil, gas, and coal. The graph below shows that while CO₂ emissions attributable to forestry
 6 and other land-use changes have remained relatively constant, total emissions attributable to fossil



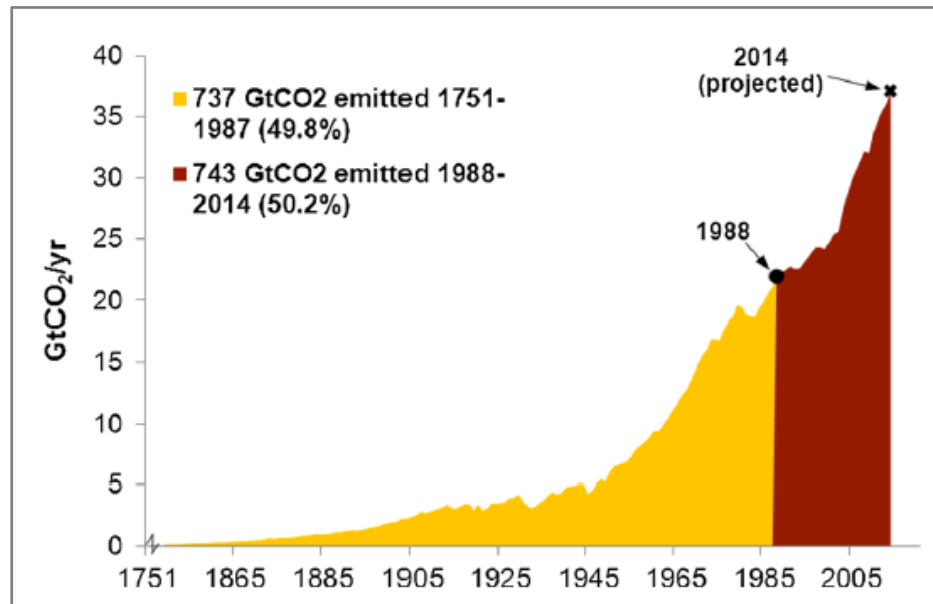
18 fuels have increased dramatically since the 1950s.²³

19 **Figure 2: Total Annual Carbon Dioxide Emissions by Source, 1860-2015:**

20 52. As human reliance on fossil fuels for industrial and mechanical processes has
 21 increased, so too have greenhouse gas emissions, especially of CO₂. The Great Acceleration is
 22 marked by a massive increase in the annual rate of fossil fuel emissions: More than half of all
 23

24
 25 ²³ Global Carbon Project, Global Carbon Budget 2016 (November 14, 2016),
 26 www.globalcarbonproject.org/carbonbudget/16/files/GCP_CarbonBudget_2016.pdf, citing
 27 CDIAC; R.A. Houghton et al., Carbon emissions from land use and land-cover change (2012),
 28 <http://www.biogeosciences.net/9/5125/2012/bg-9-5125-2012.html>; Louis Giglio et al., Analysis of daily, monthly, and annual burned area using the fourth-generation global fire emissions database (2013), <http://onlinelibrary.wiley.com/doi/10.1002/jgrg.20042/abstract>; C. Le Quéré et al., supra note 3, .

1 cumulative CO₂ emissions have occurred since 1988.²⁴ The rate of CO₂ emissions from fossil fuels
2 and industry, moreover, has increased threefold since the 1960s, and by more than 60% since
3 1990.²⁵ The graph below illustrates the increasing rate of global CO₂ emissions since the industrial
4 era began.²⁶



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Figure 3: Cumulative Annual Anthropogenic Carbon Dioxide Emissions, 1751-2014:

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16 53. Since 1960, the concentration of CO₂ in the atmosphere has spiked from under 320
17 parts per million (ppm) to approximately 423 ppm.²⁷ The concentration of atmospheric CO₂ has
18 also been accelerating. From 1960 to 1970, atmospheric CO₂ increased by an average of
19 approximately 0.9 ppm per year.²⁸

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22 ²⁴ R. J. Andres et al., A synthesis of carbon dioxide emissions from fossil-fuel combustion,
Biogeosciences, 9, 1851 (2012), <http://www.biogeosciences.net/9/1845/2012/>.

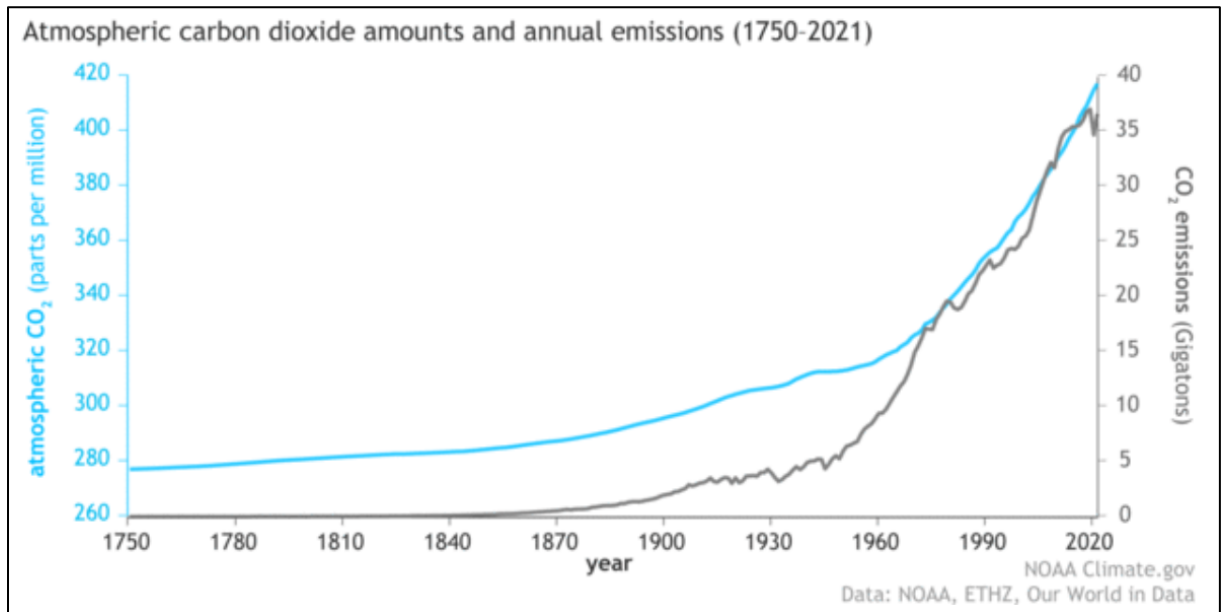
23 ²⁵ C. Le Quéré et al., supra note 3, at 625, 630 (“Global CO₂ emissions from fossil fuels and
24 industry have increased every decade from an average of 3.1±0.2 GtC/yr in the 1960s to an
25 average of 9.3±0.5 GtC/yr during 2006–2015”).

26 ²⁶ Peter Frumhoff et al. The Climate Responsibilities of Industrial Carbon Producers, 132
Climatic Change 157–171, 164 (2015).

27 ²⁷ Trends in Atmospheric Carbon Dioxide: Full Record, Global Monitoring Laboratory,
27 <https://gml.noaa.gov/ccgg/trends/mlo.html>.

28 ²⁸ Trends in Atmospheric Carbon Dioxide: Growth Rate, Global Monitoring Laboratory,
<https://gml.noaa.gov/ccgg/trends/gr.html>.

1 54. The graph below indicates the tight nexus between the sharp increase in emissions
2 from the combustion of fossil fuels and the steep rise of atmospheric concentrations of CO₂.



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13 **Figure 4: Atmospheric CO₂ Concentration and Annual Emissions**²⁹

14 Because of the increased burning of fossil fuel products, concentrations of greenhouse gases in the
15 atmosphere are now at an unprecedented level, one not seen in at least three million years.³⁰

16 55. As greenhouse gases accumulate in the atmosphere, the Earth radiates less energy
17 back to space. This accumulation and associated disruption of the Earth's energy balance have
18 myriad environmental and physical consequences, including, but not limited to, the following:

19 a. Warming of the Earth's average surface temperature, both locally and
20 globally, and increased frequency and intensity of heat waves.

21 b. Sea level rise, due to the thermal expansion of warming ocean waters and
22 runoff from melting glaciers and ice sheets.

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25 ²⁹ Rebecca Lindsey, Climate Change: Atmospheric Carbon Dioxide, CLIMATE.GOV (May 12,
26 2023), <https://www.climate.gov/news-features/understanding-climate/climate-change-atmospheric-carbon-dioxide>.

27 ³⁰ More CO₂ than ever before in 3 million years, shows unprecedented computer simulation,
28 Science Daily (Apr. 3, 2019), <https://www.sciencedaily.com/releases/2019/04/190403155436.htm>.

1 c. Changes to the global climate generally, bringing about longer droughts and
2 dry periods interspersed with fewer and more severe periods of precipitation, and associated
3 impacts to the quantity and quality of water resources available to both human and ecological
4 systems.

5 d. Increased frequency and intensity of extreme weather events due to
6 increases in evaporation, evapotranspiration, and precipitation, a consequence of the warming
7 atmosphere's increased ability to hold moisture.

8 e. Adverse impacts on human health associated with extreme weather,
9 extreme heat, worsening air quality, and vector-borne illnesses.

10 f. Flooding and inundation of land and infrastructure, increased erosion,
11 higher wave run-up and tides, increased frequency and severity of storm surges, saltwater
12 intrusion, and other impacts of higher sea levels.

13 g. Ocean acidification, primarily due to the increased uptake of atmospheric
14 carbon dioxide by the oceans.

15 h. Changes to terrestrial and marine ecosystems, and consequent impacts on
16 the populations and ranges of flora and fauna.

17 **B. Defendants Went to Great Lengths to Understand, and Either Knew or Should**
18 **Have Known the Dangers Associated With Their Fossil Fuel Products.**

19 56. For decades, Defendants have known that their fossil fuel products pose risks of
20 "severe" and even "catastrophic" impacts on the global climate through the work and warnings of
21 their own scientists and/or through trade associations such as API. Defendants consistently
22 researched or funded research into significant issues relevant to fossil fuels, and were aware of
23 significant scientific reports on climate change science and impacts at the time they were issued.
24 Thus, Defendants developed a sophisticated understanding of climate change that far exceeded the
25 knowledge of the public, ordinary consumers, and Plaintiffs. Yet each Defendant decided to
26 continue its conduct and commit itself to massive fossil fuel production. This was a deliberate
27 decision to place company profits ahead of human safety and well-being, and to foist onto the
28 public the costs of abating and adapting to the public nuisance of global warming.

1 57. Although concealed at the time, the industry’s knowledge was later uncovered
2 by journalists at Inside Climate News and the Los Angeles Times, among others. In 1954,
3 geochemist Harrison Brown and his colleagues at the California Institute of Technology wrote
4 to API, informing the trade association that preliminary measurements of natural archives
5 of carbon in tree rings indicated that fossil fuels had caused atmospheric carbon dioxide
6 levels to increase by about 5% since 1840.³¹ API provided those scientists funding for various
7 research projects, and measurements of carbon dioxide continued for at least one year and
8 possibly longer, although the results were never published or otherwise made available to the
9 public.³² In 1957, H.R. Brannon of Humble Oil Company (predecessor-in-interest to Exxon)
10 measured an increase in atmospheric carbon dioxide attributable to fossil fuels, similar to—and
11 in agreement with—that measured by Harrison Brown.³³

12 58. In 1959, API organized a centennial celebration of the American oil industry at
13 Columbia University in New York City.³⁴ High-level representatives of Defendants were in
14 attendance. One of the keynote speakers was nuclear physicist Edward Teller. Teller warned the
15 industry that “a temperature rise corresponding to a 10[%] increase in carbon dioxide will be
16 sufficient to melt the icecap and submerge . . . [a]ll the coastal cities.” Teller added that since “a
17 considerable percentage of the human race lives in coastal regions, I think that this chemical
18 contamination is more serious than most people tend to believe.”³⁵ Following his speech, Teller
19 was asked to “summarize briefly the danger from increased carbon dioxide content in the
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23 ³¹ See Benjamin Franta, Early Oil Industry Knowledge of CO₂ and Global Warming, 8 *Nature*
24 *Climate Change* at 1024, 1024–25 (2018).

25 ³² Id.

26 ³³ Id.; H.R. Brannon, Jr. et al., Radiocarbon Evidence on the Dilution of Atmospheric and
27 Oceanic Carbon by Carbon from Fossil Fuels, 38 *Am. Geophysical Union Transactions* 643,
28 644–46 (1957).

³⁴ See Allan Nevins & Robert G. Dunlop, Energy and Man: A Symposium (Appleton-Century-
Crofts, New York 1960). See also Franta (2018), *supra* note 31, at 1024–25.

³⁵ Edward Teller, Energy Patterns of the Future, in Energy and Man: A Symposium, at 53–72
(1960).

1 atmosphere in this century.” He responded that “there is a possibility the icecaps will start melting
2 and the level of the oceans will begin to rise.”³⁶

3 59. In 1965, the president of API, Frank Ikard, relayed the findings of a recent report
4 to leaders of the fossil fuel industry at API’s annual meeting, saying, “[o]ne of the most important
5 predictions of the report is that carbon dioxide is being added to the earth’s atmosphere by the
6 burning of coal, oil, and natural gas at such a rate that by the year 2000 the heat balance will be so
7 modified as possibly to cause marked changes in climate beyond local or even national efforts,”
8 and quoting the report’s finding that “the pollution from internal combustion engines is so serious,
9 and is growing so fast, that an alternative nonpolluting means of powering automobiles, buses, and
10 trucks is likely to become a national necessity.”³⁷

11 60. Thus, by 1965, Defendants and their predecessors-in-interest were aware that the
12 scientific community had found that fossil fuel products, if used profligately, would cause global
13 warming by the end of the century, and that such global warming would have wide-ranging and
14 costly consequences.

15 61. By 1965, concern about the risks of anthropogenic greenhouse gas emissions
16 reached the highest level of the United States’ scientific community. In that year, President Lyndon
17 B. Johnson’s Science Advisory Committee Panel on Environmental Pollution reported that by the
18 year 2000, anthropogenic CO₂ emissions would “modify the heat balance of the atmosphere to
19 such an extent that marked changes in climate . . . could occur.”³⁸ President Johnson announced in
20 a special message to Congress that “[t]his generation has altered the composition of the atmosphere
21 on a global scale through . . . a steady increase in carbon dioxide from the burning of fossil fuels.”³⁹

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23 ³⁶ Id. at 70.

24 ³⁷ Ikard, Meeting the Challenges of 1966, in Proceedings of the American Petroleum Institute
25 (1965) at 13, available at <https://www.documentcloud.org/documents/5348130-1965-API-Proceedings>.

26 ³⁸ President’s Science Advisory Committee, Restoring the Quality of Our Environment: Report
27 of the Environmental Pollution Panel, at 9 (November 1965),
<https://hdl.handle.net/2027/uc1.b4315678>.

28 ³⁹ President Lyndon B. Johnson, Special Message to Congress on Conservation and Restoration
of Natural Beauty (February 8, 1965), <http://acsc.lib.udel.edu/items/show/292>.

1 62. These statements from the Johnson Administration, at a minimum, put Defendants
2 on notice of the potentially substantial dangers to people, communities, and the planet associated
3 with use of their fossil fuel products. Moreover, Defendants had amassed a considerable body of
4 knowledge on the subject through their own independent efforts.

5 63. In 1968, API received a report from the Stanford Research Institute, which it had
6 hired to assess the state of research on environmental pollutants, including carbon dioxide.⁴⁰ The
7 assessment endorsed the findings of President Johnson’s Scientific Advisory Council from three
8 years prior, stating that carbon dioxide emissions were “almost certain” to produce “significant”
9 temperature increases by 2000, and that these emissions were almost certainly attributable to fossil
10 fuels. The report warned of “major changes in the earth’s environment” and a “rise in sea levels,”
11 and concluded: “there seems to be no doubt that the potential damage to our environment could be
12 severe.” The scientists warned of “melting of the Antarctic ice cap” and informed API that “[p]ast
13 and present studies of CO₂ are detailed and seem to explain adequately the present state of CO₂ in
14 the atmosphere.” What was missing, the scientists said, was work on “air pollution technology
15 and . . . systems in which CO₂ emissions would be brought under control.”⁴¹

16 64. In 1969, the Stanford Research Institute delivered a supplemental report on air
17 pollution to API, projecting with alarming particularity that atmospheric CO₂ concentrations
18 would reach 370 parts per million (“ppm”) by 2000.⁴² This projection turned out to almost exactly
19 match the actual CO₂ concentrations measured in 2000 of 369.64 ppm.⁴³ The report explicitly
20 connected the rise in CO₂ levels to the combustion of fossil fuels, finding it “unlikely that the
21 observed rise in atmospheric CO₂ has been due to changes in the biosphere.”

24 ⁴⁰ Elmer Robinson & R.C. Robbins, Sources, Abundance, and Fate of Gaseous Atmospheric
25 Pollutants, Stanford Rsch. Inst. (Feb. 1968),
<https://www.smokeandfumes.org/documents/document16>.

26 ⁴¹ Id. at 108, 112.

27 ⁴² Elmer Robinson & R.C. Robbins, Sources, Abundance, and Fate of Gaseous Atmospheric
Pollutants Supplement, Stanford Rsch. Inst. (June 1969).

28 ⁴³ NASA Goddard Institute for Space Studies, Global Mean CO₂ Mixing Ratios (ppm):
Observations, <https://data.giss.nasa.gov/modelforce/ghgases/fig1A.ext.txt>.

1 65. By virtue of their membership and participation in API at that time, Defendants
2 received or should have received the Stanford Research Institute reports and were on notice of
3 their conclusions.

4 66. In 1969, Shell memorialized an ongoing 18-month project to collect ocean data
5 from oil platforms to develop and calibrate environmental forecasting theories related to predicting
6 current changes and trends of waves, wind, storms, and sea level.⁴⁴ Several Defendants and/or their
7 predecessors in interest participated in the project, including Esso Production Research Company
8 (ExxonMobil), Mobil Research and Development Company (ExxonMobil), Pan American
9 Petroleum Corporation (BP), Gulf Oil Corporation (Chevron), Texaco Inc. (Chevron), and the
10 Chevron Oil Field Research Company.

11 67. In 1972, API members, including Defendants, received a status report on all
12 environmental research projects funded by API. The report summarized the 1968 SRI report
13 describing the impact of Defendants' fossil fuel products on the environment, including global
14 warming and sea level rise. Industry participants who received this report include: American
15 Standard of Indiana (BP), Asiatic (Shell), Ashland (Marathon), Atlantic Richfield (BP), British
16 Petroleum (BP), Chevron Standard of California (Chevron), Cities Service (Citgo), Continental
17 (ConocoPhillips), Dupont (former owner of Conoco), Esso Research (ExxonMobil), Ethyl
18 (formerly affiliated with Esso, which was subsumed by ExxonMobil), Getty
19 (Lukoil/ExxonMobil), Gulf (Chevron, among others), Humble Standard of New Jersey
20 (ExxonMobil/Chevron/BP), Marathon, Mobil (ExxonMobil), Pan American (BP), Phillips
21 (ConocoPhillips), Shell, Standard of Ohio (BP), Texaco (Chevron), Union (Chevron), Edison
22 Electric Institute (representing electric utilities), Bituminous Coal Research (coal industry research
23 group), Mid-Continent Oil & Gas Association (presently the U.S. Oil & Gas Association, a
24 national trade association), Western Oil & Gas Association, National Petroleum Refiners
25 Association (presently the American Fuel and Petrochemical Manufacturers Association, a

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28 ⁴⁴ M.M. Patterson, An Ocean Data Gathering Program for the Gulf of Mexico, Society of
Petroleum Engineers (1969), <https://www.onepetro.org/conference-paper/SPE-2638-MS>.

1 national trade association), Champlin (Anadarko), Skelly (Lukoil/ExxonMobil), Colonial Pipeline
2 (ownership has included BP, Citgo, ExxonMobil, ConocoPhillips, Chevron entities, among others)
3 and Caltex (Chevron), among others.⁴⁵

4 68. In 1977, James Black of Exxon gave a presentation to Exxon executives on the
5 “greenhouse effect,” which was summarized in an internal memo the following year. Black
6 reported that “current scientific opinion overwhelmingly favors attributing atmospheric carbon
7 dioxide increase to fossil fuel consumption,” and that doubling atmospheric carbon dioxide would,
8 according to the best climate model available, “produce a mean temperature increase of about 2°C
9 to 3°C over most of the earth,” with two to three times as much warming at the poles.⁴⁶ Black
10 reported that the impacts of global warming would include “more rainfall,” which would “benefit
11 some areas and would harm others,” and that “[s]ome countries would benefit, but others could
12 have their agricultural output reduced or destroyed.” “Even those nations which are favored,
13 however, would be damaged for a while since their agricultural and industrial patterns have been
14 established on the basis of the present climate.” Finally, Black reported that “[p]resent thinking
15 holds that man has a time window of five to ten years before the need for hard decisions regarding
16 changes in energy strategies might become critical.”⁴⁷ The figure below, reproduced from Black’s
17 memo, illustrates Exxon’s understanding of the timescale and magnitude of global warming that
18 its products would cause.

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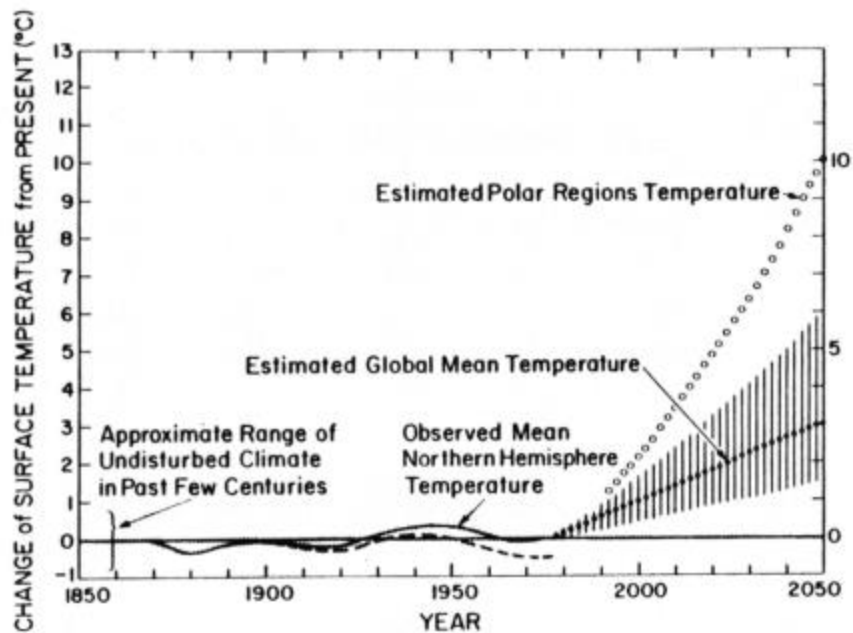
⁴⁵ American Petroleum Institute, Environmental Research, A Status Report, Committee for Air
25 and Water Conservation (January 1972), <http://files.eric.ed.gov/fulltext/ED066339.pdf>.

26 ⁴⁶ J.F. Black, Exxon Research and Engineering Co., Memorandum to F.G. Turpin, Exxon
27 Research and Engineering Co. re The Greenhouse Effect (June 6, 1978) at 2, 23, available at
[https://www.documentcloud.org/documents/2805568-1978-Exxon-Presentation-on-](https://www.documentcloud.org/documents/2805568-1978-Exxon-Presentation-on-GreenhouseEffect)
28 GreenhouseEffect.

⁴⁷ Id. at 2.

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**HOW PREDICTED ΔT
COMPARES WITH RECENT TEMPERATURES**



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Figure 5: Future Global Warming Predicted Internally by Exxon in 1977

69. Black's report also stated:

There is general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels . . . [and that] Man has a time window of five to ten years before the need for hard decisions regarding changes in energy strategies might become critical.⁴⁸

70. Thereafter, Exxon engaged in a research program to study the environmental fate of fossil fuel-derived greenhouse gases and their impacts, which included publication of peer-reviewed research by Exxon staff scientists and the conversion of a supertanker into a research vessel to study the greenhouse effect and the role of the oceans in absorbing anthropogenic CO₂. Much of this research was shared in a variety of fora, symposia, and shared papers through trade associations and directly with other Defendants.

71. Exxon scientists made the case internally for using company resources to build corporate knowledge about the impacts of the promotion, marketing, and consumption of

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⁴⁸ Id.

1 Defendants' fossil fuel products. Exxon climate researcher Henry Shaw wrote in 1978: "The
2 rationale for Exxon's involvement and commitment of funds and personnel is based on our need
3 to assess the possible impact of the greenhouse effect on Exxon business. Exxon must develop a
4 credible scientific team that can critically evaluate the information generated on the subject and be
5 able to carry bad news, if any, to the corporation."⁴⁹ Shaw's internal memo to Exxon's John W.
6 Harrison reported that "[t]he climatic effects of carbon dioxide release may be the primary limiting
7 factor on energy production from fossil fuels[.]"⁵⁰ Moreover, Shaw emphasized the need to
8 collaborate with universities and government to more completely understand what he called the
9 "CO₂ problem."⁵¹

10 72. In 1979, API and its members, including Defendants, convened a Task Force to
11 monitor and share cutting edge climate research among the oil industry. The group was initially
12 called the CO₂ and Climate Task Force, but changed its name to the Climate and Energy Task
13 Force in 1980 (hereinafter referred to as "API CO₂ Task Force"). API kept and distributed meeting
14 minutes to Task Force members. Membership included senior scientists and engineers from nearly
15 every major U.S. and multinational oil and gas company, including Exxon, Mobil (ExxonMobil),
16 Amoco (BP), Phillips (ConocoPhillips), Texaco (Chevron), Shell, Sunoco, Sohio (BP) as well as
17 Standard Oil of California (Chevron) and Gulf Oil (Chevron), among others. The Task Force was
18 charged with assessing the implications of emerging science on the petroleum and gas industries
19 and identifying where reductions in greenhouse gas emissions from Defendants' fossil fuel
20 products could be made.⁵²

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23 ⁴⁹ Henry Shaw, Memo to Edward David Jr. on the "Greenhouse Effect", Exxon Research and
24 Engineering Company (December 7, 1978).

25 ⁵⁰ Henry Shaw, Environmental Effects of Carbon Dioxide, Climate Investigations Ctr. (Oct. 31,
1977), <https://www.industrydocuments.ucsf.edu/docs/tpwl0228>.

26 ⁵¹ Id.

27 ⁵² American Petroleum Institute, AQ-9 Task Force Meeting Minutes (March 18, 1980),
28 <http://insideclimatenews.org/sites/default/files/documents/AQ-9%20Task%20Force%20Meeting%20%281980%29.pdf> (AQ-9 refers to the "CO₂ and Climate"
Task Force).

1 73. In 1979, API sent its members a background memo related to the API CO₂ and
2 Climate Task Force’s efforts, stating that CO₂ concentrations were rising steadily in the
3 atmosphere, and predicting when the first clear effects of climate change might be felt.⁵³

4 74. Also in 1979, Exxon scientists advocated internally for additional fossil fuel
5 industry-generated atmospheric research in light of the growing consensus that consumption of
6 fossil fuel products was changing the Earth’s climate:

7 “We should determine how Exxon can best participate in all these [atmospheric
8 science research] areas and influence possible legislation on environmental
9 controls. It is important to begin to anticipate the strong intervention of
10 environmental groups and be prepared to respond with reliable and credible data. It
11 behooves [Exxon] to start a very aggressive defensive program in the indicated
12 areas of atmospheric science and climate because there is a good probability that
13 legislation affecting our business will be passed. Clearly, it is in our interest for
14 such legislation to be based on hard scientific data. The data obtained from research
15 on the global damage from pollution, e.g., from coal combustion, will give us the
16 needed focus for further research to avoid or control such pollutants.”⁵⁴

17 75. That same year, Exxon Research and Engineering reported that: “The most widely
18 held theory [about increasing CO₂ concentration] is that the increase is due to fossil fuel
19 combustion, increasing CO₂ concentration will cause a warming of the earth’s surface, and the
20 present trend of fossil fuel consumption will cause dramatic environmental effects before the year
21 2050.”⁵⁵ Further, the report stated that unless fossil fuel use was constrained, there would be
22 “noticeable temperature changes” associated with an increase in atmospheric CO₂ from about 280

23 ⁵³ Neela Banerjee, Exxon’s Oil Industry Peers Knew About Climate Dangers in the 1970s, Too,
24 Inside Climate News (December 22, 2015),

25 <https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco>.

26 ⁵⁴ Henry Shaw, Exxon Memo to H.N. Weinberg about “Research in Atmospheric Science”,
27 Exxon Inter-Office Correspondence (November 19, 1979),

28 [https://insideclimatenews.org/sites/default/files/documents/Probable%20Legislation%20Memo%20\(1979\).pdf](https://insideclimatenews.org/sites/default/files/documents/Probable%20Legislation%20Memo%20(1979).pdf).

⁵⁵ W.L. Ferrall, Exxon Memo to R.L. Hirsch about “Controlling Atmospheric CO₂”, Exxon
Research and Engineering Company (October 16, 1979),

<http://insideclimatenews.org/sites/default/files/documents/CO2%20and%20Fuel%20Use%20Projections.pdf>.

1 parts per million before the Industrial Revolution to 400 parts per million by the year 2010.⁵⁶ Those
2 projections proved remarkably accurate—atmospheric CO₂ concentrations surpassed 400 parts per
3 million in May 2013, for the first time in millions of years.⁵⁷ In 2015, the annual average CO₂
4 concentration rose above 400 parts per million, and in 2016 the annual low surpassed 400 parts
5 per million, meaning atmospheric CO₂ concentration remained above that threshold all year.⁵⁸ In
6 1980, API’s CO₂ Task Force members discussed the oil industry’s responsibility to reduce CO₂
7 emissions by changing refining processes and developing fuels that emit less CO₂.

8 76. In or around February 29, 1980, Dr. John Laurmann, a “recognized expert in the
9 field of CO₂ and climate,” made a presentation to its members.⁵⁹ The meeting lasted for seven
10 hours and included a “complete technical discussion” of global warming caused by fossil fuels,
11 including “the scientific basis and technical evidence of CO₂ buildup, impact on society, methods
12 of modeling and their consequences, uncertainties, policy implications, and conclusions that can
13 be drawn from present knowledge.” His presentation identified the “scientific consensus on the
14 potential for large future climatic response to increased CO₂ levels” as a reason for API members
15 to have concern with the “CO₂ problem” and informed attendees that there was “strong empirical
16 evidence that the rise [in CO₂ concentration was] caused by anthropogenic release of CO₂, mainly
17 from fossil fuel combustion.”⁶⁰ Moreover, Dr. Laurmann warned that the amount of CO₂ in the
18 atmosphere could double by 2038, which he said would likely lead to a 2.5° C (4.5° F) rise in
19 global average temperatures with “major economic consequences.” He then told the Task Force
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22 ⁵⁶ Id.

23 ⁵⁷ Nicola Jones, How the World Passed a Carbon Threshold and Why it Matters, Yale
24 Environment 360 (Jan. 26, 2017), <http://e360.yale.edu/features/how-the-world-passed-a-carbon-threshold-400ppm-and-why-it-matters>.

25 ⁵⁸ Id.

26 ⁵⁹ J. J. Nelson, American Petroleum Institute, letter to AQ-9 Task Force re The CO₂ Problem; Addressing Research Agenda Development (Mar. 18, 1980) at 2, available at <https://www.industrydocuments.ucsf.edu/docs/gffl0228>.

27 ⁶⁰ American Petroleum Institute, AQ-9 Task Force Meeting Minutes (March 18, 1980),
28 <http://insideclimatenews.org/sites/default/files/documents/AQ-9%20Task%20Force%20Meeting%20%281980%29.pdf> (AQ-9 refers to the “CO₂ and Climate” Task Force).

1 that models showed a 5°C (9° F) rise by 2067, with “globally catastrophic effects.”⁶¹ He also
2 suggested that, despite uncertainty, “THERE IS NO LEEWAY” in the time for acting. A taskforce
3 member and representative of Texaco leadership present at the meeting posited that the API CO₂
4 Task Force should develop ground rules for energy release of fuels and the cleanup of fuels as they
5 relate to CO₂ creation. Attendees to the presentation also included scientists and executives from
6 API, Exxon, and SOHIO (a predecessor to BP), and the minutes of the meeting were distributed
7 to the entire Task Force. API minutes show that the Task Force discussed topics including “the
8 technical implications of energy source changeover,” “ground rules for energy release of fuels and
9 the cleanup of fuels as they relate to CO₂ creation,” and researching “the Market Penetration
10 Requirements of Introducing a New Energy Source into World Wide Use.”⁶² The Task Force even
11 asked the question “what is the 50 year future of fossil fuels?”

12 77. In 1980, the API CO₂ Task Force also discussed a potential area for investigation:
13 alternative energy sources as a means of mitigating CO₂ emissions from Defendants’ fossil fuel
14 products. These efforts called for research and development to “Investigate the Market Penetration
15 Requirements of Introducing a New Energy Source into World Wide Use.” Such investigation was
16 to include the technical implications of energy source changeover, research timing, and
17 requirements.⁶³

18 78. By 1980, Exxon’s senior leadership had become intimately familiar with the
19 greenhouse effect and the role of CO₂ in the atmosphere. In that year, Exxon Senior Vice President
20 and Board member George Piercy questioned Exxon researchers on the minutiae of the ocean’s
21 role in absorbing atmospheric CO₂, including whether there was a net CO₂ flux out of the ocean
22 into the atmosphere in certain zones where upwelling of cold water to the surface occurs, because
23 Piercy evidently believed that the oceans could absorb and retain higher concentrations of CO₂

27 ⁶¹ Id.

28 ⁶² Id.

⁶³ Id.

1 than the atmosphere.⁶⁴ This inquiry aligned with Exxon supertanker research into whether the
2 ocean would act as a significant CO₂ sink that would sequester atmospheric CO₂ long enough to
3 allow reckless emissions without triggering dire climatic consequences. As described below,
4 Exxon eventually scrapped this research before it produced enough data from which to derive a
5 conclusion.⁶⁵

6 79. Also in 1980, Imperial Oil (ExxonMobil) reported to Esso and Exxon managers
7 and environmental staff that increases in fossil fuel usage aggravates CO₂ in the atmosphere.
8 Noting that the United Nations was encouraging research into the carbon cycle, Imperial reported
9 that there was “no doubt” that fossil fuels were aggravating the build-up of CO₂ in the atmosphere
10 and that “[t]echnology exists to remove CO₂ from [fossil fuel power plant] stack gases but removal
11 of only 50% of the CO₂ would double the cost of power generation.” Imperial also reported that
12 its coordination department had been internally evaluating its and Exxon’s products to determine
13 whether disclosure of a human health hazard was necessary. The report notes that Section (8e) of
14 the Toxic Substances Control Act, 55 U.S.C. §§ 1601 et seq., requires that anyone who discovers
15 that a material or substance in commercial use is or may be a significant risk to human health must
16 report such findings to the Environmental Protection Agency within 15 days. Although greenhouse
17 gases are human health hazards (because they have serious consequences in terms of global food
18 production, disease virulence, and sanitation infrastructure, among other impacts), neither
19 Imperial, Exxon, nor any other Defendant has ever filed a disclosure with the U.S. Environmental
20 Protection Agency pursuant to the Toxic Substances Control Act.

21 80. Exxon scientist Roger Cohen warned his colleagues in a 1981 internal
22 memorandum that “future developments in global data gathering and analysis, along with advances
23

24 ⁶⁴ Neela Banerjee, More Exxon Documents Show How Much It Knew About Climate 35 Years
25 Ago, Inside Climate News (Dec. 1, 2015),
26 <https://insideclimatenews.org/news/01122015/documents-exxons-early-co2-position-senior-executives-engage-and-warming-forecast>.

27 ⁶⁵ Neela Banerjee et al., Exxon Believed Deep Dive Into Climate Research Would Protect Its
28 Business, Inside Climate News (Sept. 17, 2015),
<https://insideclimatenews.org/news/16092015/exxon-believed-deep-dive-into-climate-research-would-protect-its-business>.

1 in climate modeling, may provide strong evidence for a delayed CO₂ effect of a truly substantial
2 magnitude,” and that under certain circumstances it would be “very likely that we will
3 unambiguously recognize the threat by the year 2000.”⁶⁶ Cohen had expressed concern that the
4 memorandum mischaracterized potential effects of reckless CO₂ emissions from Defendants’
5 fossil fuel products: “. . . it is distinctly possible that the . . . [Exxon Planning Division’s] scenario
6 will produce effects which will indeed be catastrophic (at least for a substantial fraction of the
7 world’s population).”⁶⁷

8 81. In 1981, Exxon’s Henry Shaw, the company’s lead climate researcher at the time,
9 prepared a summary of Exxon’s current position on the greenhouse effect for Edward David Jr.,
10 president of Exxon Research and Engineering, stating in relevant part:

- 11 • “Atmospheric CO₂ will double in 100 years if fossil fuels grow at 1.4%/ a².
- 12 • 3°C global average temperature rise and 10°C at poles if CO₂ doubles.
 - 13 ○ Major shifts in rainfall/agriculture
 - 14 ○ Polar ice may melt”⁶⁸

15 82. In 1982, another report prepared for API by scientists at the Lamont-Doherty
16 Geological Observatory at Columbia University recognized that atmospheric CO₂ concentration
17 had risen significantly compared to the beginning of the industrial revolution from about 290 parts
18 per million to about 340 parts per million in 1981 and acknowledged that despite differences in
19 climate modelers’ predictions, all models indicated a temperature increase caused by
20 anthropogenic CO₂ within a global mean range of 4° C (7.2° F). The report advised that there was
21 scientific consensus that “a doubling of atmospheric CO₂ from [] pre-industrial revolution value
22 would result in an average global temperature rise of (3.0 ± 1.5)°C [5.4 ± 2.7° F].” It went further,

23 ⁶⁶ Roger W. Cohen, Exxon Memo to W. Glass about possible “catastrophic” effect of CO₂,
24 Exxon Inter-Office Correspondence (Aug. 18, 1981),
25 [http://www.climatefiles.com/exxonmobil/1981-exxon-memo-on-possible-emission-
consequences-of-fossil-fuel-consumption/](http://www.climatefiles.com/exxonmobil/1981-exxon-memo-on-possible-emission-consequences-of-fossil-fuel-consumption/).

26 ⁶⁷ Id.

27 ⁶⁸ Henry Shaw, Exxon Memo to E. E. David, Jr. about “CO₂Position Statement”, Exxon Inter-
Office Correspondence (May 15, 1981),
28 [https://insideclimatenews.org/sites/default/files/documents/Exxon%20Position%20on%20CO2%
20%281981%29.pdf](https://insideclimatenews.org/sites/default/files/documents/Exxon%20Position%20on%20CO2%20%281981%29.pdf).

1 warning that “[s]uch a warming can have serious consequences for man’s comfort and survival
2 since patterns of aridity and rainfall can change, the height of the sea level can increase
3 considerably and the world food supply can be affected.”⁶⁹ Exxon’s own modeling research
4 confirmed this, and the company’s results were later published in at least three peer-reviewed
5 scientific papers.⁷⁰

6 83. Also in 1982, Exxon’s Environmental Affairs Manager distributed a primer on
7 climate change to a “wide circulation [of] Exxon management . . . intended to familiarize Exxon
8 personnel with the subject.”⁷¹ The primer also was “restricted to Exxon personnel and not to be
9 distributed externally.”⁷² The primer compiled science on climate change available at the time, and
10 confirmed fossil fuel combustion as a primary anthropogenic contributor to global warming. The
11 report estimated a CO₂ doubling around 2090 based on Exxon’s long-range modeled outlook. The
12 author warned that the melting of the Antarctic ice sheet could result in global sea level rise of five
13 feet which would “cause flooding on much of the U.S. East Coast, including the State of Florida
14 and Washington, D.C.”⁷³ Indeed, it warned that “there are some potentially catastrophic events
15 that must be considered,” including sea level rise from melting polar ice sheets. It noted that some
16 scientific groups were concerned “that once the effects are measurable, they might not be
17 reversible.”⁷⁴

18
19
20 ⁶⁹ American Petroleum Institute, Climate Models and CO₂ Warming: A Selective Review and
21 Summary, Lamont-Doherty Geological Observatory (Columbia University) (March 1982),
22 [https://assets.documentcloud.org/documents/2805626/1982-API-Climate-Models-and-CO2-](https://assets.documentcloud.org/documents/2805626/1982-API-Climate-Models-and-CO2-Warming-a.pdf)
23 [Warming-a.pdf](https://assets.documentcloud.org/documents/2805626/1982-API-Climate-Models-and-CO2-Warming-a.pdf).

24 ⁷⁰ See Roger W. Cohen, Exxon Memo summarizing findings of research in climate modeling,
25 Exxon Research and Engineering Company (September 2, 1982),
26 [https://insideclimatenews.org/sites/default/files/documents/%2522Consensus%2522%20on%20](https://insideclimatenews.org/sites/default/files/documents/%2522Consensus%2522%20on%20CO2%20Impacts%20(1982).pdf)
27 [CO2%20Impacts%20\(1982\).pdf](https://insideclimatenews.org/sites/default/files/documents/%2522Consensus%2522%20on%20CO2%20Impacts%20(1982).pdf). (discussing research articles).

28 ⁷¹ M. B. Glaser, Exxon Memo to Management about “CO₂ ‘Greenhouse’ Effect”, Exxon
Research and Engineering Company (November 12, 1982),
[http://insideclimatenews.org/sites/default/files/documents/1982%20Exxon%20Primer%20on%20](http://insideclimatenews.org/sites/default/files/documents/1982%20Exxon%20Primer%20on%20CO2%20Greenhouse%20Effect.pdf)
[CO2%20Greenhouse%20Effect.pdf](http://insideclimatenews.org/sites/default/files/documents/1982%20Exxon%20Primer%20on%20CO2%20Greenhouse%20Effect.pdf).

⁷² Id.

⁷³ Id.

⁷⁴ Id.

1 84. In a summary of Exxon’s climate modeling research from 1982, Director of
2 Exxon’s Theoretical and Mathematical Sciences Laboratory Roger Cohen wrote that “the time
3 required for doubling of atmospheric CO₂ depends on future world consumption of fossil fuels.”
4 Cohen concluded that Exxon’s own results were “consistent with the published predictions of more
5 complex climate models” and “in accord with the scientific consensus on the effect of increased
6 atmospheric CO₂ on climate.”⁷⁵

7 85. At the fourth biennial Maurice Ewing Symposium at the Lamont-Doherty
8 Geophysical Observatory in October 1982, attended by members of API, Exxon Research and
9 Engineering Company president E.E. David delivered a speech titled: “Inventing the Future:
10 Energy and the CO₂ ‘Greenhouse Effect.’”⁷⁶ His remarks included the following statement: “[F]ew
11 people doubt that the world has entered an energy transition away from dependence upon fossil
12 fuels and toward some mix of renewable resources that will not pose problems of CO₂
13 accumulation.” He went on, discussing the human opportunity to address anthropogenic climate
14 change before the point of no return:

15 It is ironic that the biggest uncertainties about the CO₂ buildup are not in predicting
16 what the climate will do, but in predicting what people will do. . . . [It] appears we
17 still have time to generate the wealth and knowledge we will need to invent the
18 transition to a stable energy system.

19 86. Throughout the early 1980s, at Exxon’s direction, Exxon climate scientist Henry
20 Shaw forecasted emissions of CO₂ from fossil fuel use. Those estimates were incorporated into
21 Exxon’s 21st century energy projections and were distributed among Exxon’s various divisions.
22 Shaw’s conclusions included an expectation that atmospheric CO₂ concentrations would double in
23

24 _____
25 ⁷⁵ Roger W. Cohen, Exxon Memo summarizing findings of research in climate modeling, Exxon
26 Research and Engineering Company (September 2, 1982),
[https://insideclimatenews.org/sites/default/files/documents/%2522Consensus%2522%20on%20CO2%20Impacts%20\(1982\).pdf](https://insideclimatenews.org/sites/default/files/documents/%2522Consensus%2522%20on%20CO2%20Impacts%20(1982).pdf).

27 ⁷⁶ E. E. David, Jr., Inventing the Future: Energy and the CO₂ Greenhouse Effect: Remarks at the
28 Fourth Annual Ewing Symposium, Tenafly, NJ (1982),
<http://sites.agu.org/publications/files/2015/09/ch1.pdf>.

1 2090 per the Exxon model, with an attendant 2.3–5.6° F average global temperature increase. Shaw
2 compared his model results to those of the U.S. EPA, the National Academy of Sciences, and the
3 Massachusetts Institute of Technology, indicating that the Exxon model predicted a longer delay
4 than any of the other models, although its temperature increase prediction was in the mid-range of
5 the four projections.⁷⁷

6 87. During the 1980s, many Defendants formed their own research units focused on
7 climate modeling. The API, including the API CO₂ Task Force, provided a forum for Defendants
8 to share their research efforts and corroborate their findings related to anthropogenic greenhouse
9 gas emissions.⁷⁸

10 88. During this time, Defendants’ statements express an understanding of their
11 obligation to consider and mitigate the externalities of reckless promotion, marketing, and sale of
12 their fossil fuel products. For example, in 1988, Richard Tucker, the president of Mobil Oil,
13 presented at the American Institute of Chemical Engineers National Meeting, the premier
14 educational forum for chemical engineers, where he stated:

15
16 [H]umanity, which has created the industrial system that has transformed civilities,
17 is also responsible for the environment, which sometimes is at risk because of
18 unintended consequences of industrialization. . . . Maintaining the health of this
19 life-support system is emerging as one of the highest priorities. . . . [W]e must all
20 be environmentalists.

21 The environmental covenant requires action on many fronts...the low-atmosphere
22 ozone problem, the upper-atmosphere ozone problem and the greenhouse effect,
23 to name a few. . . . Our strategy must be to reduce pollution before it is ever
24 generated – to prevent problems at the source.

24 ⁷⁷ Neela Banerjee, More Exxon Documents Show How Much It Knew About Climate 35 Years
25 Ago, Inside Climate News (Dec. 1, 2015),
26 <https://insideclimatenews.org/news/01122015/documents-exxons-early-co2-position-senior-executives-engage-and-warming-forecast>.

27 ⁷⁸ Neela Banerjee, Exxon’s Oil Industry Peers Knew About Climate Dangers in the 1970s, Too,
28 Inside Climate News (December 22, 2015),
<https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco>.

1 Prevention means engineering a new generation of fuels, lubricants and chemical
2 products. . . . Prevention means designing catalysts and processes that minimize
3 or eliminate the production of unwanted byproducts. . . . Prevention on a global
4 scale may even require a dramatic reduction in our dependence on fossil fuels—
5 and a shift towards solar, hydrogen, and safe nuclear power. It may be possible
6 that—just possible—that the energy industry will transform itself so completely
7 that observers will declare it a new industry. . . . Brute force, low-tech responses
8 and money alone won’t meet the challenges we face in the energy industry.⁷⁹

9 89. In 1987, Shell published an internal “brief for companies of the Royal Dutch/Shell
10 Group” titled “Air pollution: an oil industry perspective.” In this report, the company described
11 the greenhouse effect as occurring “largely as a result of burning fossil fuels and deforestation.”⁸⁰
12 Shell further acknowledged the “concern that further increases in carbon dioxide levels could cause
13 climatic changes, notably a rise in overall temperature, having major environmental, social and
14 economic consequences.”⁸¹

15 90. In 1988, the Shell Greenhouse Effect Working Group issued a confidential internal
16 report, “The Greenhouse Effect,” which acknowledged global warming’s anthropogenic nature:
17 “Man-made carbon dioxide, released into and accumulated in the atmosphere, is believed to warm
18 the earth through the so-called greenhouse effect.” The authors also noted the burning of fossil
19 fuels as a primary driver of CO₂ buildup and warned that warming could “create significant
20 changes in sea level, ocean currents, precipitation patterns, regional temperature and weather.”
21 They further pointed to the potential for “direct operational consequences” of sea level rise on
22 “offshore installations, coastal facilities and operations (e.g. platforms, harbors, refineries,
23 depots).”⁸²

23 ⁷⁹ Richard E. Tucker, High Tech Frontiers in the Energy Industry: The Challenge Ahead, AIChE
24 National Meeting (November 30, 1988),
25 <https://hdl.handle.net/2027/pur1.32754074119482?urlappend=%3Bseq=522>.

26 ⁸⁰ Shell Briefing Service, Air pollution: an oil industry perspective (1987), at 4,
27 <https://www.documentcloud.org/documents/24359057-shell-briefing-service-air-pollution-an-oil-industry-perspective-nr1-1987>.

28 ⁸¹ Id. at 5.

⁸² Shell Internationale Petroleum, Greenhouse Effect Working Group, The Greenhouse Effect
(May 1988) at 1, 27, available at <https://www.documentcloud.org/documents/4411090-Document3.html#document/p9/a411239>.

1 91. Similar to early warnings by Exxon scientists, the 1988 Shell report noted that “by
2 the time the global warming becomes detectable it could be too late to take effective
3 countermeasures to reduce the effects or even to stabilise the situation.” The authors mentioned
4 the need to consider policy changes on multiple occasions, noting that “the potential implications
5 for the world are . . . so large that policy options need to be considered much earlier” and that
6 research should be “directed more to the analysis of policy and energy options than to studies of
7 what we will be facing exactly.”⁸³

8 92. In 1989, Esso Resources Canada (ExxonMobil) commissioned a report on the
9 impacts of climate change on existing and proposed natural gas facilities in the Mackenzie River
10 Valley and Delta, including extraction facilities on the Beaufort Sea and a pipeline crossing
11 Canada’s Northwest Territory.⁸⁴ It reported that “large zones of the Mackenzie Valley could be
12 affected dramatically by climatic change” and that “the greatest concern in Norman Wells [oil
13 town in North West Territories, Canada] should be the changes in permafrost that are likely to
14 occur under conditions of climate warming.” The report concluded that, in light of climate models
15 showing a “general tendency towards warmer and wetter climate,” operation of those facilities
16 would be compromised by increased precipitation, increases in air temperature, changes in
17 permafrost conditions, and significantly, sea level rise and erosion damage.⁸⁵ The authors
18 recommended factoring these eventualities into future development planning and also warned that
19 “a rise in sea level could cause increased flooding and erosion damage on Richards Island.”

20 93. In the mid-1990s, ExxonMobil, Shell, and Imperial Oil (ExxonMobil) jointly
21 undertook the Sable Offshore Energy Project in Nova Scotia. The project’s own Environmental
22 Impact Statement declared: “The impact of a global warming sea-level rise may be particularly
23 significant in Nova Scotia. The long-term tide gauge records at a number of locations along the
24

25 ⁸³ Id. at 1, 6.

26 ⁸⁴ Stephen Lonergan and Kathy Young, An Assessment of the Effects of Climate Warming on
27 Energy Developments in the Mackenzie River Valley and Delta, Canadian Arctic, Energy
Exploration & Exploitation, Vol. 7, Issue 5 (Oct. 1, 1989),
<http://journals.sagepub.com/doi/abs/10.1177/014459878900700508>.

28 ⁸⁵ Id.

1 N.S. coast have shown sea level has been rising over the past century For the design of coastal
2 and offshore structures, an estimated rise in water level, due to global warming, of 0.5 m [1.64
3 feet] may be assumed for the proposed project life (25 years).”⁸⁶

4 94. Climate change research conducted by Defendants and their industry associations
5 frequently acknowledged uncertainties in their climate modeling—those uncertainties, however,
6 were merely with respect to the magnitude and timing of climate impacts resulting from fossil fuel
7 consumption, not that significant changes would eventually occur. Defendants’ researchers and
8 the researchers at their industry associations harbored little doubt that climate change was
9 occurring and that fossil fuel products were, and are, the primary cause.

10 95. In 1991, Ken Croasdale, a senior ice researcher for Exxon’s subsidiary Imperial
11 Oil, stated to an audience of engineers that greenhouse gas concentrations are rising “due to the
12 burning of fossil fuels. Nobody disputes this fact.”⁸⁷

13 96. Defendants also meticulously examined plausible scenarios if they failed to act in
14 the face of their internal knowledge. For instance, Shell evaluated in a 1989 internal confidential
15 planning document the issue of “climate change – the greenhouse effect, global warming,” which
16 the document identified as “the most important issue for the energy industry.”⁸⁸ The document
17 compared a scenario in which society “addresses the potential problem” with one in which it does
18 not. Acknowledging that “[c]hanging emission levels ... and changing atmospheric CO₂
19 concentration has been likened to turning around a VLCC [very large crude carrier],” even
20 “substantial efforts” by 2010 would have “hardly any impact on CO₂ concentration.” In later years,
21 however, the impacts are “strikingly different”; early efforts “will not prevent the problem arising,
22

23 ⁸⁶ ExxonMobil, Sable Project, Development Plan, Volume 3 – Environmental Impact Statement
24 <http://soep.com/about-the-project/development-plan-application/>.

25 ⁸⁷ Jerving et al., Special Report: What Exxon Knew About Global Warming’s Impact on the
26 Arctic, L.A. Times (Oct. 10, 2015), <https://www.latimes.com/business/la-na-advexxon-arctic-20151011-story.html>.

27 ⁸⁸ Shell, Scenarios 1989–2010: Challenge and Response (Oct. 1989), at 33,
28 <https://www.documentcloud.org/documents/23735737-1989-oct-confidential-shell-group-planning-scenarios-1989-2010-challenge-and-response-disc-climate-refugees-and-shift-to-non-fossil-fuels>.

1 but ... could mitigate the problem.” The document described the consequences of failing to address
2 the problem right away:

3 These seem small changes but they mask more dramatic temperature changes which
4 would take place at temperate latitudes. There would be more violent weather –
5 more storms, more droughts, more deluges. Mean sea level would rise at least 30
6 cm. Agricultural patterns would be most dramatically changed. Something as
simple as a moderate change in rainfall pattern disrupts eco-systems, and many
species of trees, plants, animals and insects would not be able to move and adapt.

7 The changes would, however, most impact...humans. In earlier times, man was
8 able to respond with his feet. Today, there is no place to go because people already
9 stand there. Perhaps those in industrial countries could cope with a rise in sea level
10 (the Dutch examples) but for poor countries such defences are not possible. The
11 potential refugee problem ... could be unprecedented. Africans would push into
Europe, Chinese into the Soviet Union, Latins into the United States, Indonesians
into Australia. Boundaries would count for little – overwhelmed by the numbers.
Conflicts would abound. Civilization could prove a fragile thing.⁸⁹

12
13 97. In another 1989 confidential internal planning document, Shell anticipated that
14 “public/media pressures” to “adopt[] environmental programmes” such as “much tighter targets
15 for CO₂ emissions” could prompt “effective consumer responses” that “will lead to intense and
16 unpredictable pressures on business.”⁹⁰ The scenario envisioned that “[c]oncerns about global
17 warming and depletion will depress production of fossil fuels, their market share declining as
18 renewables are actively promoted,” given that “[w]here there can be real consumer choice it will
19 be a dominant force, especially where interest is heightened by obvious environmental impact.”⁹¹

20 98. In yet another scenario published in a 1998 internal report, Shell paints an eerily
21 prescient scene:

22 In 2010, a series of violent storms causes extensive damage to the eastern coast of
23 the U.S. Although it is not clear whether the storms are caused by climate change,
24 people are not willing to take further chances. The insurance industry refuses to
accept liability, setting off a fierce debate over who is liable: the insurance industry
or the government. After all, two successive IPCC reports since 1993 have

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26 ⁸⁹ Id. at 36.

27 ⁹⁰ See Shell UK, UK Scenarios 1989 (Nov. 1989), at 31, 34,
<https://embed.documentcloud.org/documents/24359062-snippets-of-confidential-shell-uk-november-1989-scenarios>.

28 ⁹¹ Id. at 34.

1 reinforced the human connection to climate change . . . Following the storms, a
2 coalition of environmental NGOs brings a class-action suit against the US
3 government and fossil-fuel companies on the grounds of neglecting what scientists
4 (including their own) have been saying for years: that something must be done. A
5 social reaction to the use of fossil fuels grows, and individuals become ‘vigilante
6 environmentalists’ in the same way, a generation earlier, they had become fiercely
7 anti-tobacco. Direct-action campaigns against companies escalate. Young
8 consumers, especially, demand action.⁹²

9 99. Fossil fuel companies did not just consider climate change impacts in scenarios;
10 they also incorporated those impacts in their on-the-ground planning. In the mid-1990s, Exxon,
11 Shell, and Imperial Oil (Exxon) jointly undertook the Sable Offshore Energy Project in Nova
12 Scotia. The project’s own Environmental Impact Statement declared, “The impact of a global
13 warming sea-level rise may be particularly significant in Nova Scotia. The long-term tide gauge
14 records at a number of locations along the N.S. coast have shown sea level has been rising over
15 the past century. . . . For the design of coastal and offshore structures, an estimated rise in water
16 level, due to global warming, of 0.5 m [1.64 feet] may be assumed for the proposed project life
17 (25 years).”⁹³

18 100. Despite the overwhelming information about the threats to people and the planet
19 posed by continued use of their fossil fuel products, Defendants failed to act as they reasonably
20 should have to mitigate or avoid those dire adverse impacts. Defendants instead adopted the
21 position, as described below, that they had a license to continue the unfettered pursuit of profits
22 from those products—including by intentionally misleading and deceiving the public regarding
23 these threats. This position was an abdication and contravention of Defendants’ responsibility to
24 consumers and the public, including the City, to act on their unique knowledge of the reasonably
25 foreseeable hazards of reckless production and promotion of their fossil fuel products.

26 _____
27 ⁹² Royal Dutch/Shell Group, Group Scenarios 1998–2020 115, 122 (1998),
<http://www.documentcloud.org/documents/4430277-27-1-Compiled.html>.

28 ⁹³ ExxonMobil, Sable Project Development Plan, vol. 3, Environmental Impact Statement (Feb. 1996), at 4-77.

1 **C. Despite Their Early Knowledge That Global Warming Was Real and Posed**
2 **Grave Threats, Defendants Did Not Disclose Known Harms Associated with**
3 **the Extraction, Promotion, and Consumption of Their Fossil Fuel Products**
4 **and Instead Affirmatively Acted to Obscure Those Harms and Engaged in a**
5 **Campaign to Deceptively Protect and Expand the Use of their Fossil Fuel**
6 **Products.**

7 101. Notwithstanding Defendants’ early knowledge of climate change, Defendants have
8 engaged in advertising and communications campaigns intended to promote their fossil fuel
9 products by downplaying the harms and risks of global warming. Initially, the campaigns tried to
10 show that global warming was not occurring. More recently, the campaigns have sought to
11 minimize the risks and harms from global warming. The deception campaigns had the purpose and
12 effect of inflating and sustaining the market for fossil fuels, which—in turn—drove up greenhouse
13 gas emissions, accelerated global warming, delayed the energy economy’s transition to a lower-
14 carbon future, and brought about devastating climate change impacts to Imperial Beach.

15 102. By 1988, Defendants had amassed a compelling body of knowledge about the role
16 of anthropogenic greenhouse gases, and specifically those emitted from the use of Defendants’
17 fossil fuel products, in causing global warming and sea level rise and the attendant consequences
18 for human communities and the environment. On notice that their deception and products were
19 causing global climate change and dire effects on the planet, Defendants were faced with the
20 decision of whether to take steps to limit the damages their fossil fuel products were causing and
21 would continue to cause for virtually every one of Earth’s inhabitants, including the People of the
22 State of California and the City of Imperial Beach and its citizens.

23 103. Defendants at any time before or thereafter could and should reasonably have taken
24 any of a number of steps to mitigate the damage caused by their deception and fossil fuel products,
25 and their own comments reveal an awareness of what some of these steps may have been. For
26 example, Defendants should have issued reasonable warnings to consumers and the public of the
27 dangers known to Defendants of the consumption of their fossil fuel products. Doing so would
28 have allowed consumers to act sooner and faster to reduce their fossil fuel consumption, and would
29 have stimulated consumer demand for non-carbon energy alternatives whose use does not imperil
30 the Earth. This process is now stutteringly underway, but was wrongfully delayed by Defendants’

1 deception and continued downplaying of the reality and severity of climate change—and of fossil
2 fuels’ role in causing it.

3 104. Several key events during the period 1988–1992 appear to have prompted
4 Defendants to change their tactics from general research and internal discussion on climate change
5 to a public campaign aimed at shaping consumer attitudes concerning their fossil fuel products
6 and/or emissions therefrom. These include:

7 a. In 1988, National Aeronautics and Space Administration (NASA) scientists
8 confirmed that human activities were actually contributing to global warming.⁹⁴ On June 23 of that
9 year, NASA scientist James Hansen’s presentation of this information to Congress engendered
10 significant news coverage and publicity for the announcement, including coverage on the front
11 page of the New York Times.

12 b. On July 28, 1988, Senator Robert Stafford and four bipartisan co-sponsors
13 introduced S. 2666, “The Global Environmental Protection Act,” to regulate CO₂ and other
14 greenhouse gases. Four more bipartisan bills to significantly reduce CO₂ pollution were introduced
15 over the following ten weeks, and in August, U.S. Presidential candidate George H.W. Bush
16 pledged that his presidency would “combat the greenhouse effect with the White House effect.”⁹⁵
17 Political will in the United States to reduce anthropogenic greenhouse gas emissions and mitigate
18 the harms associated with Defendants’ fossil fuel products was gaining momentum.

19 c. In December 1988, the United Nations formed the Intergovernmental Panel
20 on Climate Change (IPCC), a scientific panel dedicated to providing the world’s governments with
21 an objective, scientific analysis of climate change and its environmental, political, and economic
22 impacts.

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24
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26 _____
27 ⁹⁴ See Peter C. Frumhoff et al., The Climate Responsibilities of Industrial Carbon Producers,
28 Climatic Change, Vol. 132, 161 (2015).

⁹⁵ N.Y. Times, The White House and the Greenhouse (May 9, 1998),
<http://www.nytimes.com/1989/05/09/opinion/the-white-house-and-the-greenhouse.html>.

1 d. In 1990, the IPCC published its First Assessment Report on anthropogenic
2 climate change,⁹⁶ in which it concluded that (1) “there is a natural greenhouse effect which already
3 keeps the Earth warmer than it would otherwise be,” and (2)

4 emissions resulting from human activities are substantially
5 increasing the atmospheric concentrations of the greenhouse gases
6 carbon dioxide, methane, chlorofluorocarbons (CFCs) and nitrous
7 oxide. These increases will enhance the greenhouse effect, resulting
8 on average in an additional warming of the Earth's surface. The main
9 greenhouse gas, water vapour, will increase in response to global
10 warming and further enhance it.⁹⁷

11 The IPCC reconfirmed these conclusions in a 1992 supplement to the First Assessment report.⁹⁸

12 e. The United Nations began preparation for the 1992 Earth Summit in Rio de
13 Janeiro, Brazil, a major, newsworthy gathering of 172 world governments, of which 116 sent their
14 heads of state. The Summit resulted in the United Nations Framework Convention on Climate
15 Change (“UNFCCC”), an international environmental treaty providing protocols for future
16 negotiations aimed at “stabiliz[ing] greenhouse gas concentrations in the atmosphere at a level that
17 would prevent dangerous anthropogenic interference with the climate system.”⁹⁹

18 105. But rather than issuing warnings commensurate with their own understanding of
19 the risks posed by the expected and intended uses of fossil fuel products, Defendants embarked on
20 a decades-long series of campaigns designed to maximize continued dependence on their products.

21 106. Defendants’ campaigns, which focused on concealing, discrediting, and/or
22 misrepresenting information that tended to support restricting consumption of (and thereby
23 decreasing demand for) Defendants’ fossil fuel products, took several forms. The campaigns
24 enabled Defendants to accelerate their business practice of exploiting fossil fuel reserves, and to

24 ⁹⁶ See IPCC, Reports,
25 http://www.ipcc.ch/publications_and_data/publications_and_data_reports.shtml.

26 ⁹⁷ IPCC, Climate Change: The IPCC Scientific Assessment, Policymakers Summary (1990),
27 http://www.ipcc.ch/ipccreports/far/wg_I/ipcc_far_wg_I_spm.pdf.

28 ⁹⁸ IPCC, 1992 IPCC Supplement to the First Assessment Report (1992),
http://www.ipcc.ch/publications_and_data/publications_ipcc_90_92_assessments_far.shtml.

⁹⁹ United Nations, United Nations Framework Convention on Climate Change, Article 2 (1992),
<https://unfccc.int/resource/docs/convkp/conveng.pdf>.

1 concurrently externalize the social and environmental costs of their fossil fuel products. These
2 activities directly contradicted Defendants’ internal recognition that the science of anthropogenic
3 climate change was clear and that the greatest uncertainties involved responsive human behavior,
4 not scientific understanding of the issue.

5 107. Defendants—both on their own and jointly through industry and front groups such
6 as API, ICE, and the GCC—funded, conceived, planned, and carried out a sustained and
7 widespread campaign of denial and disinformation about the existence of climate change and their
8 products’ contribution to it. The campaign included a long-term pattern of direct
9 misrepresentations and material omissions to consumers, as well as a plan to influence consumers
10 indirectly by affecting public opinion through the dissemination of misleading research to the
11 press, government, and academia. Although Defendants were competitors in the marketplace, they
12 combined and collaborated with each other and with API on this public campaign to misdirect and
13 stifle public knowledge in order to increase sales and protect profits. The effort included promoting
14 hazardous fossil fuel products through advertising campaigns that failed to warn of the existential
15 risks associated with the use of those products, and that were designed to influence consumers to
16 continue using Defendants’ fossil fuel products irrespective of those products’ damage to
17 communities and the environment.

18 108. In a secretly recorded video from 2021, an Exxon executive stated:

19 Did we aggressively fight against some of the science? Yes.

20 Did we join some of these shadow groups to work against some of the early efforts?

21 Yes, that’s true. There’s nothing illegal about that.

22 We were looking out for our investments. We were looking out for our
23 shareholders.¹⁰⁰

24 109. In 1988, Joseph Carlson, an Exxon public affairs manager, described the “Exxon
25 Position,” which included, among others, two important messaging tenets: (1) “[e]mphasize the
26 uncertainty in scientific conclusions regarding the potential enhanced Greenhouse Effect;” and

27 ¹⁰⁰ Jeff Brady, Exxon Lobbyist Caught on Video Talking About Undermining Biden’s Climate
28 Push, NPR (July 1, 2021), <https://www.npr.org/2021/07/01/1012138741/exxon-lobbyist-caught-on-video-talks-about-undermining-bidens-climate-push>.

1 (2) “[r]esist the overstatement and sensationalization [sic] of potential greenhouse effect which
2 could lead to noneconomic development of non-fossil fuel resources.”¹⁰¹

3 110. Reflecting on his time as an Exxon consultant in the 1980s, Professor Martin
4 Hoffert, a former New York University physicist who researched climate change, expressed regret
5 over Exxon’s “climate science denial program campaign” in his sworn testimony before Congress:

6 [O]ur research [at Exxon] was consistent with findings of the United Nations
7 Intergovernmental Panel on Climate Change on human impacts of fossil fuel
8 burning, which is that they are increasingly having a perceptible influence on
9 Earth’s climate. . . . If anything, adverse climate change from elevated CO₂ is
10 proceeding faster than the average of the prior IPCC mild projections and fully
11 consistent with what we knew back in the early 1980’s at Exxon. . . . I was greatly
12 distressed by the climate science denial program campaign that Exxon’s front office
13 launched around the time I stopped working as a consultant—but not collaborator—
14 for Exxon. The advertisements that Exxon ran in major newspapers raising doubt
15 about climate change were contradicted by the scientific work we had done and
16 continue to do. Exxon was publicly promoting views that its own scientists knew
17 were wrong, and we knew that because we were the major group working on this.¹⁰²

18 111. Likewise, Shell “shaped a series of influential industry-backed publications that
19 downplayed or omitted key risks; emphasized scientific uncertainties; and pushed for more fossil
20 fuels, particularly coal.”¹⁰³ In 1992, for instance, Shell released a publication for wide external
21 distribution purporting to describe the “Basic Scientific Facts” of the “Potential Augmented
22 Greenhouse Effect.”¹⁰⁴ This document downplayed the scientific consensus (that Shell internally

23 ¹⁰¹ Joseph M. Carlson, Exxon Memo on “The Greenhouse Effect” (Aug. 3, 1988),
24 [https://assets.documentcloud.org/documents/3024180/1998-Exxon-Memo-on-the-Greenhouse-
25 Effect.pdf](https://assets.documentcloud.org/documents/3024180/1998-Exxon-Memo-on-the-Greenhouse-Effect.pdf).

26 ¹⁰² Examining the Oil Industry’s Efforts to Suppress the Truth About Climate Change, Hearing
27 Before the Subcomm. on Civil Rights and Civil Liberties of the Comm. on Oversight and
28 Reform, 116th Cong. at 7–8 (Oct. 23, 2019) (statement of Martin Hoffert, Former Exxon
Consultant, Professor Emeritus, Physics, New York University),
[https://oversight.house.gov/legislation/hearings/examining-the-oil-industry-s-efforts-to-suppress-
the-truth-about-climate-change](https://oversight.house.gov/legislation/hearings/examining-the-oil-industry-s-efforts-to-suppress-the-truth-about-climate-change).

¹⁰³ Matthew Green, Lost Decade: How Shell Downplayed Early Warnings Over Climate Change,
DeSmog (Mar. 31, 2023), [https://www.desmog.com/2023/03/31/lost-decade-how-shell-
downplayed-early-warnings-over-climate-change](https://www.desmog.com/2023/03/31/lost-decade-how-shell-downplayed-early-warnings-over-climate-change).

¹⁰⁴ Jan Kuyper, Shell Group Planning, Business Environment Occasional Paper, Potential
Augmented Greenhouse Effect: Basic Scientific Facts (Sept. 1992), at 3,

1 acknowledged) by referring to the “relatively few established scientific fundamentals” regarding
2 the causes of climate change.¹⁰⁵ It also misleadingly suggested that a “particular cause” of global
3 warming was “difficult” to identify, even though Shell had identified the use of its products as a
4 significant contributor to the greenhouse effect in the previous decade.¹⁰⁶ (For example, in 1985,
5 a Shell UK environmental scientist had published an article laying out the scientific fact that the
6 “[b]urning of fossil fuels which have taken millions of years to form has effectively upset the
7 balance [of the Carbon Cycle] leading to an increase in CO₂ in the atmosphere.”¹⁰⁷).

8 112. A 1994 Shell report entitled “The Enhanced Greenhouse Effect: A Review of the
9 Scientific Aspects” similarly emphasized scientific uncertainty, noting, for example, that “the
10 postulated link between any observed temperature rise and human activities has to be seen in
11 relation to natural variability, which is still largely unpredictable.”¹⁰⁸

12 113. In 1996, Exxon released a publication called “Global Warming: Who’s Right?
13 Facts about a debate that’s turned up more questions than answers.” In the publication’s preface,
14 Exxon CEO Lee Raymond stated that “taking drastic action immediately is unnecessary since
15 many scientists agree there’s ample time to better understand the climate system.” The subsequent
16 article described the greenhouse effect as “unquestionably real and definitely a good thing,” while
17 ignoring the severe consequences that would result from the influence of the increased CO₂
18 concentration on the Earth’s climate. Instead, it characterized the greenhouse effect as simply
19 “what makes the earth’s atmosphere livable.” Directly contradicting their own internal reports and
20 peer-reviewed science, the article ascribed the rise in temperature since the late 19th century to
21 “natural fluctuations that occur over long periods of time” rather than to the anthropogenic

22 _____
23 <https://www.documentcloud.org/documents/24359060-1992-internal-shell-group-planning-report-potential-augmented-greenhouse-effect-and-depletion-of-the-ozon-layer>.

24 ¹⁰⁵ Id. at 5.

25 ¹⁰⁶ Id.

26 ¹⁰⁷ T.G. Wilkinson, Why and How to Control Energy Pollution: Can Harmonisation Work?, 8
Conservation & Recycling 7, 19 (1985), <https://www.documentcloud.org/documents/24359067-1985-03-why-and-how-to-control-energy-pollution-by-tg-wilkinson-shell>.

27 ¹⁰⁸ P. Langcake, Shell Internationale Petroleum, The Enhanced Greenhouse Effect: A Review of
28 the Scientific Aspects (Dec. 1994), <https://www.documentcloud.org/documents/4411099-Documents/Document11.html#document/p15/a411511>.

1 emissions that Exxon and other scientists had confirmed were responsible. The article also falsely
2 challenged the computer models that projected the future impacts of fossil fuel product
3 consumption, including those developed by Exxon’s own employees, as having been “proved to
4 be inaccurate.” The article contradicted the numerous reports circulated among Exxon’s staff, and
5 by API, by stating that “the indications are that a warmer world would be far more benign than
6 many imagine . . . moderate warming would reduce mortality rates in the US, so a slightly warmer
7 climate would be more healthful.” Raymond concluded his preface by attacking the basis for
8 reducing consumption of his company’s fossil fuel products as “drawing on bad science, faulty
9 logic, or unrealistic assumptions”—despite the important role that Exxon’s own scientists had
10 played in compiling those same scientific underpinnings.¹⁰⁹

11 114. Imperial Oil CEO Robert Peterson falsely denied the established connection
12 between Defendants’ fossil fuel products and anthropogenic climate change in the Summer 1998
13 Imperial Oil Review, “A Cleaner Canada”:

14 [T]his issue [referring to climate change] has absolutely nothing to do with
15 pollution and air quality. Carbon dioxide is not a pollutant but an essential
16 ingredient of life on this planet. . . . [T]he question of whether or not the trapping
17 of ‘greenhouse gases will result in the planet’s getting warmer...has no connection
18 whatsoever with our day-to-day weather.

18 There is absolutely no agreement among climatologists on whether or not the planet
19 is getting warmer, or, if it is, on whether the warming is the result of man-made
20 factors or natural variations in the climate. . . . I feel very safe in saying that the
21 view that burning fossil fuels will result in global climate change remains an
22 unproved hypothesis.¹¹⁰

23 115. Exxon and Mobil (ExxonMobil) paid for a series of “advertorials,” advertisements
24 located in the editorial section of The New York Times and meant to look like editorials rather
25 than paid ads. These ads discussed various aspects of the public discussion of climate change and
26 sought to undermine the justifications for tackling greenhouse gas emissions as unsettled science.

26 ¹⁰⁹ Exxon Corp., Global warming: who’s right? (1996),
27 <https://www.documentcloud.org/documents/2805542-Exxon-Global-Warming-Whos-Right.html>.

28 ¹¹⁰ Robert Peterson, A Cleaner Canada in Imperial Oil Review (1998),
<http://www.documentcloud.org/documents/2827818-1998-Imperial-Oil-Robert-Peterson-A-Cleaner-Canada.html>.

1 For example, the 1993 Mobil advertorial below argued that “what’s wrong with so much of the
2 global warming rhetoric” is “[t]he lack of solid scientific data,” and quoted a purportedly neutral
3 scientific expert who insisted that ““there is a large amount of empirical evidence suggesting that
4 the apocalyptic vision is in error and that the highly touted greenhouse disaster is most
5 improbable.””¹¹¹ It also quoted another purportedly neutral scientist who asserted that “the net
6 impact [of a modest warming] may yet be beneficial.”

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¹¹¹ Mobil, Apocalypse No, N.Y. Times, A19 (Feb. 25, 1993), <https://www.documentcloud.org/documents/357243-1993-2-25-mob-nyt-apocalypse-no>.

Apocalypse no

For the first half of 1992, America was inundated by the media with dire predictions of global warming catastrophes, all of which seemed to be aimed at heating up the rhetoric from the Earth Summit in Rio de Janeiro last June.

Unfortunately, the media hype proclaiming that the sky was falling did not properly portray the consensus of the scientific community. After the Earth Summit, there was a noticeable lack of evidence of the sky actually falling and subsequent colder than normal temperatures across the country cooled the warming hysteria as well.

Everybody, of course, remembers the Earth Summit and the tons of paper used up in reporting on it—paper now buried in landfills around the world. But few people ever heard of a major document issued at the same time and called the "Heidelberg Appeal." The reason? It just didn't make "news."

Perhaps that is because the Appeal urged Summit attendees to avoid making important environmental decisions based on "pseudoscientific arguments or false and non-relevant data."

The Heidelberg Appeal was issued initially by some 264 scientists from around the world, including 52 Nobel Prize winners. Today, the Appeal carries the signatures of more than 2,300 scientists—65 of them Nobel Prize winners—from 79 countries. If nothing else, its message is illustrative of what's wrong with so much of the global warming rhetoric. The lack of solid scientific data.

Scientists can agree on certain facts pertaining to global warming. First, the greenhouse effect is a natural phenomenon; it accounts for the moderate temperature that makes our planet habitable. Second, the concentration of greenhouse gases (mainly carbon dioxide) has increased and there has been a slight increase in global temperatures over the past century. Finally, if present trends continue, carbon dioxide levels will double over the next 50 to 100 years.

Controversy arises when trying to link past changes in temperatures to increased concen-

trations of greenhouse gases. And it arises again when climate prediction models are used to conclude Earth's temperature will climb drastically in the next century and—based on such models—to propose policy decisions that could drastically affect the economy.

According to Arizona State University climatologist Dr. Robert C. Balling in his book, *The Heated Debate* (San Francisco: Pacific Research Institute for Public Policy, 1992), until knowledge of the interplay between oceans and the atmosphere improves, "model predictions must be treated with considerable caution." Moreover, models don't simulate the complexity of clouds, nor do they deal adequately with sea ice, snow or changes in intensity of the sun's energy.

And they don't stand up to reality testing. Comparing actual temperatures over the last 100 years against model calculations, the models predicted temperature increases higher than those that actually occurred. Moreover, most of the earth's temperature increase over the last century occurred before 1940. Yet, the real build-up in man-made CO₂ didn't occur until after 1940. Temperatures actually fell between 1940 and 1970.

Sifting through such data, Dr. Balling has concluded, "there is a large amount of empirical evidence suggesting that the apocalyptic vision is in error and that the highly touted greenhouse disaster is most improbable."

Other scientists have an even more interesting viewpoint. Notes atmospheric physicist S. Fred Singer, president of the Washington, D.C.-based Science & Environmental Policy Project, "the net impact [of a modest warming] may well be beneficial."

All of which would seem to suggest that the jury's still out on whether drastic steps to curb CO₂ emissions are needed. It would seem that the phenomenon—and its impact on the economy—are important enough to warrant considerably more research before proposing actions we may later regret.

Perhaps the sky isn't falling, after all.

Mobil®

Figure 6: 1993 Mobil Advertorial "Apocalypse No"

1 116. The first of those purportedly neutral scientific experts, Robert C. Balling,
2 acknowledged five years after the advertorial ran that he had received \$408,000 in research funding
3 from the fossil fuel industry over the past decade, including from ExxonMobil.¹¹² The second, S.
4 Fred Singer, had previously been funded by tobacco companies to spread doubt about the scientific
5 claim that exposure to second-hand smoke causes cancer.¹¹³

6 117. Many other Exxon and Mobil advertorials falsely or misleadingly characterized the
7 state of climate science research to the readership of The New York Times' op-ed page. A sample
8 of these untruthful statements includes:

- 9 • “We don’t know enough about the factors that affect global warming and the
10 degree to which—if any—that man-made emissions (namely, carbon dioxide)
contribute to increases in Earth’s temperature.”¹¹⁴
- 11 • “[G]reenhouse-gas emissions, which have a warming effect, are offset by
12 another combustion product—particulates—which leads to cooling.”¹¹⁵
- 13 • “Even after two decades of progress, climatologists are still uncertain how—or
14 even if—the buildup of man-made greenhouse gases is linked to global
15 warming. It could be at least a decade before climate models will be able to link
greenhouse warming unambiguously to human actions. Important answers on
the science lie ahead.”¹¹⁶
- 16 • “[I]t is impossible for scientists to attribute the recent small surface temperature
17 increases to human causes.”¹¹⁷

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20 ¹¹² DeSmog, Robert C. Balling, Jr., <https://www.desmog.com/79tanfo-c-balling-jr/>.

21 ¹¹³ Naomi Oreskes & Erik M. Conway, Merchants of Doubt: How a Handful of Scientists
Obscured the Truth on Issues from Tobacco Smoke to Global Warming, 150–54 (Bloomsbury
Press, 1st ed. 2011)

22 ¹¹⁴ Mobil, Climate change: a prudent approach, N.Y. Times (Nov. 13, 1997)
23 [https://www.documentcloud.org/documents/705548-mob-nyt-1997-11-13-
climateprudentapproach.html](https://www.documentcloud.org/documents/705548-mob-nyt-1997-11-13-climateprudentapproach.html)

24 ¹¹⁵ Mobil, Less Heat, More Light on Climate Change, N.Y. Times (July 18, 1996),
25 [https://www.documentcloud.org/documents/705544-mob-nyt-1996-jul-18-
lessheatmorelight.html](https://www.documentcloud.org/documents/705544-mob-nyt-1996-jul-18-lessheatmorelight.html).

26 ¹¹⁶ Mobil, Climate Change: Where We Come Out, N.Y. Times (Nov. 20, 1997),
27 [https://www.documentcloud.org/documents/705549-mob-nyt-1997-11-20-
ccwherewecomeout.html](https://www.documentcloud.org/documents/705549-mob-nyt-1997-11-20-ccwherewecomeout.html).

28 ¹¹⁷ ExxonMobil, Unsettled Science (Mar. 23, 2000), reproduced in
[https://www.theguardian.com/environment/2021/nov/18/the-forgotten-oil-ads-that-told-us-
climate-change-was-nothing](https://www.theguardian.com/environment/2021/nov/18/the-forgotten-oil-ads-that-told-us-climate-change-was-nothing).

- 1 • “Within a decade, science is likely to provide more answers on what factors
2 affect global warming, thereby improving our decision-making. We just don’t
3 have this information today. Answers to questions about climate change will
4 require more reliable measurements of temperature at many places on Earth,
better understanding of clouds and ocean currents along with greater computer
power.”¹¹⁸

5 118. A quantitative analysis of ExxonMobil’s climate communications between 1989
6 and 2004 found that, while 83% of the company’s peer-reviewed papers and 80% of its internal
7 documents acknowledged the reality and human origins of climate change, 81% of its advertorials
8 communicated doubt about those conclusions.¹¹⁹ ExxonMobil’s tendency to contradict its own
9 peer-reviewed research in statements meant for lay audiences also appeared at a year-to-year scale.
10 Based on this “statistically significant” discrepancy between internal and external
11 communications, the authors concluded that “ExxonMobil misled the public.”¹²⁰

12 119. Defendants—individually and through API, other trade associations, and various
13 front groups—mounted a deceptive public campaign in order to continue wrongfully promoting
14 and marketing their fossil fuel products, despite their own knowledge and the growing national
15 and international scientific consensus about the hazards of doing so.

16 120. One of the key organizations formed by Defendants to coordinate the fossil fuel
17 industry’s response to the world’s growing awareness of climate change was the International
18 Petroleum Industry Environmental Conservation Association (“IPIECA”). In 1987, the IPIECA
19 formed a “Working Group on Global Climate Change” chaired by Duane LeVine, Exxon’s
20 manager for science and strategy development. The Working Group also included Brian Flannery
21 from Exxon, Leonard Bernstein from Mobil, Terry Yosie from API, and representatives from BP,
22 Shell, and Texaco (Chevron). In 1990, the Working Group sent a strategy memo created by LeVine
23 to hundreds of oil companies around the world, including Defendants. This memo explained that,

24 _____
25 ¹¹⁸ Mobil, Science: What We Know and Don’t Know, (1997), reproduced in
26 [https://www.theguardian.com/environment/2021/nov/18/the-forgotten-oil-ads-that-told-us-
climate-change-was-nothing](https://www.theguardian.com/environment/2021/nov/18/the-forgotten-oil-ads-that-told-us-climate-change-was-nothing).

27 ¹¹⁹ Geoffrey Supran & Naomi Oreskes, Assessing ExxonMobil’s Climate Change
28 Communications (1977–2014), 12 *Envtl. Research Letters*, IOP Publishing Ltd. 12 (2017),
<https://iopscience.iop.org/article/10.1088/1748-9326/aa815f/pdf>.

¹²⁰ Id.

1 to forestall a global shift away from burning fossil fuels for energy, the industry should emphasize
2 uncertainties in climate science, and the need for further research.¹²¹

3 121. In 1991, the Information Council for the Environment (“ICE”), whose members
4 included affiliates, predecessors and/or subsidiaries of Defendants, including Ohio Valley Coal
5 Company (Murray Energy), Pittsburg and Midway Coal Mining (Chevron), and Island Creek Coal
6 Company (Occidental), launched a national climate change science denial campaign with full-page
7 newspaper ads, radio commercials, a public relations tour schedule, “mailers,” and research tools
8 to measure campaign success. Included among the campaign strategies was to “reposition global
9 warming as theory (not fact).” Its target audience included older less-educated males who are
10 “predisposed to favor the ICE agenda, and likely to be even more supportive of that agenda
11 following exposure to new info.”¹²²

12 122. An implicit goal of ICE’s advertising campaign was to change public opinion. A
13 memo from Richard Lawson, president of the National Coal Association noted that “[p]ublic
14 opinion polls reveal that 60% of the American people already believe global warming is a serious
15 environmental problem. Our industry cannot sit on the sidelines in this debate.”¹²³

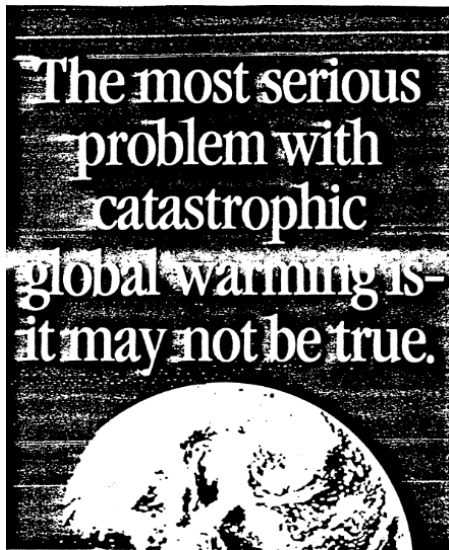
16 123. The following images are examples of ICE-funded print advertisements
17 challenging the validity of climate science, which sought to obscure the scientific consensus on
18 anthropogenic climate change in order to inflate consumer demand for fossil fuels:¹²⁴

23 ¹²¹ Benjamin A. Franta, Big Carbon’s Strategic Response to Global Warming, 1950-2020 140
24 (2022), <https://purl.stanford.edu/hq437ph9153>.

25 ¹²² Id.

26 ¹²³ Naomi Oreskes, My Facts Are Better Than Your Facts: Spreading Good News about Global
27 Warming (2010), in Peter Howlett et al., How Well Do Facts Travel?: The Dissemination of
28 Reliable Knowledge, at 136–66, Cambridge University Press.
doi:10.1017/CBO9780511762154.008.8.

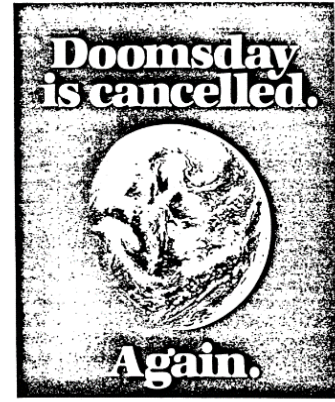
¹²⁴ Union of Concerned Scientists, Deception Dossier #5: Coal’s “Information Council on the
Environment” Sham, at 47–49 (1991),
http://www.ucsusa.org/sites/default/files/attach/2015/07/Climate-Deception-Dossier-5_ICE.pdf.



Who told you the earth was warming... Chicken Little?



Chicken Little's hysteria about the sky falling was based on a fact that got blown out of proportion. It's the same with global warming. There's no hard evidence it is occurring. In fact, evidence that there is nothing to worry about. There's also no evidence that has been the primary cause of global warming. Climate models cannot accurately predict future global change, and the scientific process of climate change will stay open to debate. If you care about the world, don't waste your imagination to run away with you, make sure you get the facts. Write Informed Citizens for the Environment, P.O. Box 1033, Grand Forks, North Dakota 58206, or call 701/746-4373. We'll send you the facts about global warming.



The twentieth century has seen many predictions of global destruction. In the 1970s, some scientists claimed we were in the middle of a disastrous warming trend. In the mid 1970s, others were sure we were entering a new Ice Age. And so on. It's the same with global warming. There's no hard evidence it is occurring. In fact, evidence that the Earth is warming is weak. Proof that carbon dioxide has been the primary cause is non-existent. Climate models cannot accurately predict future global change. And the underlying physics of the climate change are still wide open to debate. If you care about the environment, but don't care to be pressured into spending money on problems that don't exist, make sure you get the facts. Write Informed Citizens for the Environment, P.O. Box 1033, Grand Forks, North Dakota 58206 or call 701/746-4373. We'll send you the facts about global warming.

Figure 7: ICE Print Advertisements

124. The Global Climate Coalition (“GCC”), on behalf of Defendants and other fossil fuel companies, spent millions of dollars on deceptive advertising campaigns and misleading material to discredit climate science and generate public uncertainty around the climate debate and thereby inflate consumer demand for fossil fuels.¹²⁵ The GCC operated between 1989 and 2001. Its founding members included API and Defendants Exxon, Shell, Phillips Petroleum Company (ConocoPhillips). Defendants BP and Chevron also participated as members of the GCC. William O’Keefe, former GCC president, was also a former executive of API.¹²⁶ GCC’s position on climate change contradicted decades of its members’ internal scientific reports by asserting that natural trends, not human combustion of fossil fuels, were responsible for rising global temperatures:

The GCC believes that the preponderance of the evidence indicates that most, if not all, of the observed warming is part of [a] natural warming trend which began approximately 400 years ago. If there is an anthropogenic component to this observed warming, the GCC believes that it must be very small and must be superimposed on a much larger natural warming trend.¹²⁷

¹²⁵ *Id.*

¹²⁶ Jeff Nesmith, *Industry Promotes Skeptical View of Global Warming*, Cox News Service (May 28, 2003), <http://www.heatisonline.org/contentserver/objecthandlers/index.cfm?ID=4450&Method=Full>.

¹²⁷ Global Climate Coalition, *Global Climate Coalition: An Overview*, 2 (Nov. 1996), <http://www.climatefiles.com/denial-groups/global-climatecoalition-collection/1996-global-climate-coalition-overview/>.

1 125. The GCC’s promotion of overt climate change skepticism also contravened its
2 internal assessment that such theories lacked scientific support. In December 1995, the GCC’s
3 Science and Technology Advisory Committee (“GCC-STAC”), whose members included
4 employees of Mobil Oil Corporation (an Exxon predecessor) and API, drafted a primer on the
5 science of global warming for GCC members. The primer concluded that the GCC’s contrarian
6 theories “do not offer convincing arguments against the conventional model of greenhouse gas
7 emission-induced climate change.” However, the GCC excluded this section from the publicly
8 released version of the report.¹²⁸ Nonetheless, for years afterward, the GCC and its members
9 continued to tout their contrarian theories about global warming, even though the GCC had
10 admitted internally these arguments were invalid. Between 1989 and 1998, the GCC spent \$13
11 million on one ad campaign to obfuscate the public’s understanding of climate science and
12 undermine its trust in climate scientists.¹²⁹ For example, the GCC distributed a video to hundreds
13 of journalists, which claimed that carbon dioxide emissions would increase crop production and
14 feed the hungry people of the world.¹³⁰

15 126. In a 1994 public report, the GCC stated that “observations have not yet confirmed
16 evidence of global warming that can be attributed to human activities,” and that “[t]he claim that
17 serious impacts from climate change have occurred or will occur in the future simply has not been
18 proven.”¹³¹ In 1994, GCC Board of Directors was composed of high-level executives from API,
19 Exxon, Phillips Petroleum Company (ConocoPhillips), and Texaco (Chevron). Representatives
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21

22 ¹²⁸ Memorandum from Gregory J. Dana, Assoc. of Int’l Auto. Mfrs., to AIAM Technical
23 Committee, Global Climate Coalition (GCC) - Primer on Climate Change Science - Final Draft
(Jan. 18, 1996), <http://www.webcitation.org/6FyqHawb9>.

24 ¹²⁹ Wendy E. Franz, Kennedy School of Government, Harvard University, Science, Skeptics and
25 Non-State Actors in the Greenhouse, ENRP Discussion Paper E-98-18 13 (Sept. 1998),
[https://www.belfercenter.org/sites/default/files/legacy/files/Science%20Skeptics%20and%20Non-
26 -State%20Actors%20in%20the%20Greenhouse%20-%20E-98-18.pdf](https://www.belfercenter.org/sites/default/files/legacy/files/Science%20Skeptics%20and%20Non-State%20Actors%20in%20the%20Greenhouse%20-%20E-98-18.pdf).

27 ¹³⁰ Global Climate Coalition, SourceWatch,
http://www.sourcewatch.org/index.php/Global_Climate_Coalition.

28 ¹³¹ GCC, Issues and Options: Potential Global Climate Change, Climate Files (1994),
[http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1994-potential-
global-climate-change-issues](http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1994-potential-global-climate-change-issues).

1 from Shell, Amoco (BP), and BP were also GCC members at that time.¹³² In 1995, the GCC
2 published a booklet called “Climate Change: Your Passport to the Facts,” which stated, “While
3 many warnings have reached the popular press about the consequences of a potential man-made
4 warming of the Earth’s atmosphere during the next 100 years, there remains no scientific evidence
5 that such a dangerous warming will actually occur.”¹³³ In 1995, GCC’s Board of Directors
6 included high-level executives from Texaco (Chevron), API, ARCO, and Phillips Petroleum
7 Company.¹³⁴

8 127. In 1997, William O’Keefe, chairman of the GCC and executive vice president of
9 API, falsely wrote in a Washington Post op-ed, “[c]limate scientists don’t say that burning oil, gas,
10 and coal is steadily warming the earth.”¹³⁵ This statement contradicted the established scientific
11 consensus as well as Defendants’ own knowledge. Yet Defendants did nothing to correct the public
12 record, and instead continued to fund the GCC’s anti-scientific climate skepticism.

13 128. In addition to publicly spreading false and misleading information about the climate
14 science consensus, the GCC also sought to undermine credible climate science from within the
15 IPCC. After becoming a reviewer of IPCC’s Second Assessment Report in 1996, the GCC used
16 its position to accuse the convening author of a key chapter in the Report of modifying its
17 conclusions. The GCC claimed that the author, climatologist Ben Santer, had engaged in
18 “scientific cleansing” that “understate[d] uncertainties about climate change causes and effect . . .
19 to increase the apparent scientific support for attribution of changes to climate to human
20 activities.”¹³⁶ The GCC also arranged to spread the accusation among reporters, editors of

21
22 ¹³² 1994 GCC Board Member List and Background Information, Climate Investigations Center,
23 [https://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1994-board-](https://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1994-board-member-list-general-info/)
24 [member-list-general-info/](https://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1994-board-member-list-general-info/).

25 ¹³³ GCC, Climate Change: Your Passport to the Facts, Climate Files (1995),
26 [http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1995-climate-](http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1995-climate-change-facts-passport)
27 [change-facts-passport](http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1995-climate-change-facts-passport).

28 ¹³⁴ 1995 GCC IRS 1024 and Attachments, Climate Investigations Center (1995),
<https://www.documentcloud.org/documents/5798254-GCC-IRS-1023#document/p17>

¹³⁵ William O’Keefe, A Climate Policy, The Washington Post (July 5, 1997),
[https://www.washingtonpost.com/archive/opinions/1997/07/05/a-climate-policy/6a11899a-c020-](https://www.washingtonpost.com/archive/opinions/1997/07/05/a-climate-policy/6a11899a-c020-4d59-a185-b0e7eebf19cc/)
[4d59-a185-b0e7eebf19cc/](https://www.washingtonpost.com/archive/opinions/1997/07/05/a-climate-policy/6a11899a-c020-4d59-a185-b0e7eebf19cc/).

¹³⁶ Franz (1998), supra note 129, at 14.

1 scientific journals, and even the op-ed page of the Wall Street Journal.¹³⁷ This effort “was widely
2 perceived to be an attempt on the part of the GCC to undermine the credibility of the IPCC.”¹³⁸

3 129. In the late 1990s, Defendants shifted away from openly denying anthropogenic
4 warming toward peddling a subtler form of climate change skepticism. Defendants became
5 alarmed by significant legal judgments Big Tobacco now faced as a result of decades spent
6 publicly denying the health risks of smoking cigarettes, with a Shell employee explaining that the
7 company “didn’t want to fall into the same trap as the tobacco companies who have become
8 trapped in all their lies.”¹³⁹ Defendants began to shift their communications strategy, claiming they
9 had accepted climate science all along.¹⁴⁰ Several large fossil fuel companies, including BP and
10 Shell, left the GCC (although all Defendants remained members of API).¹⁴¹ At this point in time,
11 Defendants publicly claimed to accept the reality that the climate is changing (or Earth is warming)
12 and that climate change is anthropogenic.

13 130. Despite the shift in official public messaging, Defendants surreptitiously continued
14 to organize and fund programs designed to deceive the public about the weight and veracity of the
15 climate science consensus. In 1998, API convened a Global Climate Science Communications
16 Team (“GCSCCT”) whose members included representatives from Exxon, Chevron, and API.¹⁴²
17 There were no scientists on the “Global Climate Science Communications Team.” Steve Milloy

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20 ¹³⁷ Naomi Oreskes & Erik Conway, Merchants of Doubt: How a Handful of Scientists Obscured
21 the Truth on Issues from Tobacco Smoke to Global Warming, New York: Bloomsbury Press
22 205–13 (2011). See also S. Fred Singer, Climate Change and Consensus, Science vol. 271, no.
23 5249 (Feb. 2, 1996); Frederick Seitz, A Major Deception on ‘Global Warming’, Wall Street
24 Journal (June 12, 1996).

25 ¹³⁸ Franz (1998), supra note 129, at 15.

26 ¹³⁹ Nathaniel Rich, Losing Earth: A Recent History, London: Picador at 186 (2020).

27 ¹⁴⁰ Franta (2022), supra note 121, at 170.

28 ¹⁴¹ Id. at 177.

¹⁴² In 1998, the GCC Board included executives from API, Amoco (BP), Chevron, Exxon, Mobil (Exxon), and Texaco (Chevron); CEOs from ARCO (BP) and Amoco (BP) were on the executive committee for API's Board of Directors; and high-level executives from ConocoPhillips, ARCO, Anadarko, Marathon, BP, Shell, Chevron, Citgo, and Exxon also served as Board members. See 1998 GCC Membership, Climate Investigations Center, <https://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1998-membership/>.

1 (a key player in the tobacco industry’s front group) and his organization, The Advancement of
2 Sound Science Coalition (“TASSC”), were founding members of the GCSCT. TASSC was a fake
3 grassroots citizen group created by the tobacco industry to sow uncertainty by discrediting the
4 scientific link between exposure to second-hand cigarette smoke and increased rates of cancer and
5 heart disease. Philip Morris had launched TASSC on the advice of its public relations firm, which
6 advised Philip Morris that the tobacco company itself would not be a credible voice on the issue
7 of smoking and public health. TASSC, through API and with the approval of Defendants, also
8 became a front group for the fossil fuel industry beyond its role in GCSCT, using the same tactics
9 it had honed while operating on behalf of tobacco companies to spread doubt about climate science.
10 Although TASSC posed as a grassroots group of concerned citizens, it received significant funding
11 from Defendants. For example, between 2000 and 2004, Exxon donated \$50,000 to Milloy’s
12 Advancement of Sound Science Center; and an additional \$60,000 to the Free Enterprise
13 Education Institute and \$50,000 to the Free Enterprise Action Institute, both of which were
14 registered to Milloy’s home address.¹⁴³ The GCSCT, including TASSC, represented a continuation
15 of Defendants’ concerted actions to sow doubt and confusion about climate change in order to
16 inflate consumer demand for fossil fuels.

17 131. The GCSCT continued Defendants’ efforts to expand the market for fossil fuels by
18 convincing the public that the scientific basis for climate change was in doubt. The multi-million-
19 dollar, multi-year plan, among other elements, sought to: (a) “[d]evelop and implement a national
20 media relations program to inform the media about uncertainties in climate science to generate
21 national, regional, and local media coverage on the scientific uncertainties”; (b) “[d]evelop a
22 global climate science information kit for media including peer-reviewed papers that undercut the
23 ‘conventional wisdom’ on climate science”; (c) “[p]roduce . . . a steady stream of op-ed columns”;
24 and (d) “[d]evelop and implement a direct outreach program to inform and educate members of
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27 ¹⁴³ Union of Concerned Scientists, Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big
28 Tobacco’s Tactics to Manufacture Uncertainty on Climate Science (July 16, 2007),
<https://www.ucsusa.org/resources/smoke-mirrors-hot-air>.

1 Congress . . . and school teachers/students about uncertainties in climate science”¹⁴⁴—a blatant
2 attempt to deceive consumers and the general public in order to ensure a continued and unimpeded
3 market for their fossil fuel products.

4 132. Exxon, Chevron, and API directed and contributed to the development of the plan,
5 which plainly set forth the criteria by which the contributors would know when their efforts to
6 manufacture doubt had been successful. “Victory,” they wrote, “will be achieved when . . . average
7 citizens ‘understand’ (recognize) uncertainties in climate science” and “recognition of
8 uncertainties becomes part of the ‘conventional wisdom.’”¹⁴⁵ In other words, the plan was part of
9 Defendants’ goal to use disinformation to plant doubt about the reality of climate change in an
10 effort to maintain consumer demand for their fossil fuel products and their large profits.

11 133. In furtherance of these strategies, Defendants made misleading statements to
12 consumers about climate change, the relationship between climate change and their fossil fuel
13 products, and the urgency of the problem. Defendants made these statements in public fora and in
14 advertisements published in newspapers and other media with substantial circulation to Imperial
15 Beach and California, including national publications such as The New York Times, The Wall
16 Street Journal, and The Washington Post.

17 134. Another key strategy in Defendants’ efforts to discredit scientific consensus on
18 climate change and the IPCC was to bankroll scientists who, although accredited, held fringe
19 opinions that were even more questionable given the sources of their research funding. These
20 scientists obtained part or all of their research budget from Defendants directly or through
21 Defendant-funded organizations like API,¹⁴⁶ but they frequently failed to disclose their fossil fuel
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25 ¹⁴⁴ Email from Joe Walker to Global Climate Science Team, Draft Global Climate Science
26 Communications Plan (Apr. 3, 1998), [https://assets.documentcloud.org/documents/784572/api-
global-climate-science-communications-plan.pdf](https://assets.documentcloud.org/documents/784572/api-global-climate-science-communications-plan.pdf).

27 ¹⁴⁵ Id.

28 ¹⁴⁶ Willie Soon & Sallie Baliunas, Proxy Climatic and Environmental Changes of the Past 1000
Years, *Climate Research* 23, 88-110 (January 31, 2003), [http://www.int-
res.com/articles/cr2003/23/c023p089.pdf](http://www.int-res.com/articles/cr2003/23/c023p089.pdf).

1 industry underwriters.¹⁴⁷ During the early- to mid-1990s, Exxon directed some of this funding to
2 Dr. Fred Seitz, Dr. Fred Singer, and/or Seitz and Singer’s Science and Environmental Policy
3 Project (“SEPP”) in order to launch repeated attacks on mainstream climate science and IPCC
4 conclusions, even as Exxon scientists participated in the IPCC.¹⁴⁸ Seitz, Singer, and SEPP had
5 previously been paid by the tobacco industry to create doubt in the public mind about the hazards
6 of smoking.¹⁴⁹ Seitz and Singer were not climate scientists.

7 135. At least one industry-funded scientist, Dr. Wei-Hock Soon, contractually agreed to
8 allow donors to review his research before publication, and his housing institution agreed not to
9 disclose the funding arrangement without prior permission from his fossil fuel donors.¹⁵⁰ Between
10 2001 and 2012, various fossil fuel interests, including Exxon and API, paid Soon over \$1.2
11 million.¹⁵¹ “Dr. Soon, in correspondence with his corporate funders, described many of his
12 scientific papers as ‘deliverables’ that he completed in exchange for their money.”¹⁵² His
13 Defendant-funded research includes articles in scientific journals accusing the IPCC of overstating
14 the negative environmental effects of carbon dioxide emissions and arguing that the sun is
15 responsible for recent climate trends. Soon was also the lead author of a 2003 article that argued
16 that the climate had not changed significantly. The article was widely promoted by other denial
17 groups funded by Exxon, including via “Tech Central Station,” a website supported by Exxon.¹⁵³

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20 ¹⁴⁷ Newsdesk, Smithsonian Statement: Dr. Wei-Hock (Willie) Soon, Smithsonian (February 26,
2015), <http://newsdesk.si.edu/releases/smithsonian-statement-dr-wei-hock-willie-soon>.

21 ¹⁴⁸ Union of Concerned Scientists (2007), supra note 143.

22 ¹⁴⁹ S. Fred Singer, SourceWatch, http://www.sourcewatch.org/index.php/S._Fred_Singer;
Frederick Seitz, SourceWatch, https://www.sourcewatch.org/index.php/Frederick_Seitz.

23 ¹⁵⁰ Union of Concerned Scientists, Climate Deception Dossier #1: Dr. Wei-Hock Soon’s
Smithsonian Contracts, (July 2015),
24 <https://www.ucsusa.org/sites/default/files/attach/2015/07/The-Climate-Deception-Dossiers.pdf>
25 [<https://perma.cc/JL2V-XYGL>] & https://s3.amazonaws.com/ucs-documents/global-warming/Climate-Deception-Dossier-1_Willie-Soon.pdf.

26 ¹⁵¹ Justin Gillis & John Schwartz, Deeper Ties to Corporate Cash for Doubtful Climate
Researcher, N.Y. Times (Feb. 21, 2015), <https://www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html?mcubz=1>.

27 ¹⁵² Id.

28 ¹⁵³ Union of Concerned Scientists (2007), supra note 143, at 13–14.

1 Soon published other bogus “research” in 2009, attributing global warming to solar activity, for
2 which Exxon paid him \$76,106.¹⁵⁴ This 2009 grant was made several years after Exxon had
3 publicly committed not to fund global warming deniers.¹⁵⁵

4 136. Defendants intended for the papers of authors they funded to be distributed to and
5 relied on by consumers when buying Defendants’ products, including by consumers in Imperial
6 Beach.

7 137. Defendants have also funded dozens of think tanks, front groups, lobbyists, and
8 dark money foundations pushing climate change denial. These include the Competitive Enterprise
9 Institute, the Heartland Institute, Frontiers for Freedom, Committee for a Constructive Tomorrow,
10 and Heritage Foundation. From 1998 to 2014, ExxonMobil spent almost \$31 million funding
11 numerous organizations misrepresenting the scientific consensus that Defendants’ fossil fuel
12 products were causing climate change, sea level rise, and injuries to Imperial Beach, among other
13 coastal communities.¹⁵⁶

14 138. Philip Cooney, an attorney at API from 1996 to 2001, testified at a 2007
15 Congressional hearing that it was “typical” for API to fund think tanks and advocacy groups that
16 minimized fossil fuels’ role in causing climate change.¹⁵⁷

17 139. Creating a false sense of disagreement in the scientific community (despite the
18 consensus that its own scientists, experts, and managers had previously acknowledged) has had an
19 evident impact on public opinion. A 2007 Yale University-Gallup poll found that while 71% of
20 Americans personally believed global warming was happening, only 48% believed that there was
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22 ¹⁵⁴ Willie Soon, Grants, [https://www.documentcloud.org/documents/682765-willie-soon-foia-](https://www.documentcloud.org/documents/682765-willie-soon-foia-grants-chart-02-08-2011.html)
23 [grants-chart-02-08-2011.html](https://www.documentcloud.org/documents/682765-willie-soon-foia-grants-chart-02-08-2011.html).

24 ¹⁵⁵ ExxonMobil, 2007 Corporate Citizenship Report,
[http://www.socialfunds.com/shared/reports/1211896380_ExxonMobil_2007_](http://www.socialfunds.com/shared/reports/1211896380_ExxonMobil_2007_Corporate_Citizenship_Report.pdf)
25 [Corporate_Citizenship_Report.pdf](http://www.socialfunds.com/shared/reports/1211896380_ExxonMobil_2007_Corporate_Citizenship_Report.pdf).

26 ¹⁵⁶ ExxonSecrets.org, ExxonMobil Climate Denial Funding 1998–2014,
<http://exxonsecrets.org/html/index.php>.

27 ¹⁵⁷ Allegations of Political Interference with Government Climate Change Science: Hearing
28 Before the Comm. on Oversight and Government Reform, 110th Cong. 324 (Mar. 19, 2007)
(statement of Philip A. Cooney), [https://www.govinfo.gov/content/pkg/CHRG-](https://www.govinfo.gov/content/pkg/CHRG-110hhrg37415/html/CHRG-110hhrg37415.htm)
[110hhrg37415/html/CHRG-110hhrg37415.htm](https://www.govinfo.gov/content/pkg/CHRG-110hhrg37415/html/CHRG-110hhrg37415.htm).

1 a consensus among the scientific community, and 40% believed there was a lot of disagreement
2 among scientists over whether global warming was occurring.¹⁵⁸ Eight years later, a 2015 Yale-
3 George Mason University poll found that “[o]nly about one in ten Americans understands that
4 nearly all climate scientists (over 90%) are convinced that human-caused global warming is
5 happening, and just half . . . believe a majority do.”¹⁵⁹ Further, it found that 33% of Americans
6 believe that climate change is mostly due to natural causes, compared to the 97% of peer-reviewed
7 papers that acknowledge that global warming is real and at least partly human-caused.¹⁶⁰ The lack
8 of progress, and even regress, in the public understanding of climate science over this period—
9 during which Defendants professed to accept the conclusions of mainstream climate science—
10 testifies to the success of Defendants’ deception campaign in thwarting dissemination of accurate
11 scientific expertise to the public regarding the effects fossil fuel consumption.

12 140. Beginning in 2015, journalists began to uncover mounting evidence of Defendants’
13 campaign of deception. In September 2015, journalists at Inside Climate News reported that, as
14 far back as the 1970s, Exxon had sophisticated knowledge of the causes and consequences of
15 climate change and of the role its products played in contributing to climate change.¹⁶¹

16 141. Between October and December 2015, several journalists at the Energy and
17 Environment Reporting Project at Columbia University’s Graduate School of Journalism and the
18 Los Angeles Times also exposed the fact that, as far back as the 1970s, Exxon and other members
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23 ¹⁵⁸ American Opinions on Global Warming: A Yale/Gallup/Clearvision Poll, Yale Program on
24 Climate Change Communication (July 31, 2007),
<http://climatecommunication.yale.edu/publications/american-opinions-on-global-warming/>.

25 ¹⁵⁹ Leiserowitz et al., Climate Change in the American Mind (Yale Program on Climate Change
26 Comm. & Geo. Mason U., Ctr. for Climate Change Comm eds., Oct. 2015),
<https://climatecommunication.yale.edu/wp-content/uploads/2015/11/Climate-Change-American-Mind-October-20151.pdf>.

27 ¹⁶⁰ Id. at 7.

28 ¹⁶¹ Neela Banerjee et al., Exxon: The Road Not Taken, Inside Climate News,
<https://insideclimatenews.org/project/exxon-the-road-not-taken/>.

1 of the fossil fuel industry had superior knowledge of the causes and consequences of climate
2 change and the role their products played in causing it.¹⁶²

3 142. In November 2017, the Center for International Environmental Law issued a report
4 revealing that Defendants, including API, had superior knowledge of the causes and consequences
5 of climate change and the role fossil fuel products played in causing it as early as the 1970s.¹⁶³

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7 143. In September 2023, the Wall Street Journal reported that Exxon worked “behind
8 closed doors” to sow public doubt about climate change. The article was based on “documents
9 reviewed by the Journal, which haven’t been previously reported.”¹⁶⁴

10 **D. Defendants Could Have Chosen to Facilitate, and Be Part of, a Lower-Carbon**
11 **Future, but Instead Chose Corporate Profits and Continued Deception.**

12 144. Defendants could have contributed to the global effort to mitigate the impacts of
13 greenhouse gas emissions by, for example, issuing warnings commensurate with their own
14 understanding of the risks posed by the expected and intended uses of fossil fuel products. Instead,
15 Defendants undertook a momentous effort to deceive consumers and the public about the
16 existential hazards of burning fossil fuels— all with the purpose and effect of perpetuating and
17 hyperinflating fossil fuel consumption and delaying the advent of alternative energy sources not
18 based on fossil fuels.

19 145. As a result of Defendants’ tortious, false, and misleading conduct, consumers of
20 Defendants’ fossil fuel products in Imperial Beach as elsewhere, have been deliberately and
21 unnecessarily deceived about: the role of fossil fuel products in causing global warming, sea level
22 rise, disruptions to the hydrologic cycle, and increased extreme precipitation, heat waves, drought,
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24 ¹⁶² The Los Angeles Times published a series of three articles between October and December
25 2015.

26 ¹⁶³ Carol Muffett & Steven Feit, Smoke and Fumes: The Legal and Evidentiary Basis for
Holding Big Oil Accountable for the Climate Crisis, Center for Int’l Env’t L. (2017),
<https://www.ciel.org/reports/smoke-and-fumes>.

27 ¹⁶⁴ Christopher M. Matthews & Collin Eaton, Inside Exxon’s Strategy to Downplay Climate
Change, The Wall Street J. (Sept. 14, 2023, 5:30 AM ET),
28 <https://www.wsj.com/business/energy-oil/exxon-climate-change-documents-e2e9e6af>.

1 and other consequences of the climate crisis; the acceleration of global warming since the mid-
2 twentieth century and the continuation thereof; and the fact that the continued increase in fossil
3 fuel consumption creates severe environmental threats and significant economic costs for coastal
4 communities, including Imperial Beach. Consumers have also been deceived about the depth and
5 breadth of the state of the scientific evidence on anthropogenic climate change, and in particular
6 about the strength of the scientific consensus demonstrating the role of fossil fuels in causing both
7 climate change and a wide range of potentially destructive impacts, including sea level rise,
8 disruptions to the hydrologic cycle, extreme precipitation, heat waves, drought, and associated
9 consequences.

10 146. By sowing doubt about the future consequences of unrestricted fossil fuel
11 consumption, Defendants' deception campaign successfully delayed the transition to alternative
12 energy sources, which Defendants forecasted could penetrate half of a competitive energy market
13 in 50 years if allowed to develop unimpeded. This delay caused emission of huge amounts of
14 avoidable greenhouse gases, thereby ensuring that the damage caused by climate change will be
15 substantially more severe than if Defendants had acted forthrightly, commensurate with their
16 internal knowledge of climate risks.

17 **E. In Contrast to Their Denial and Downplaying the Risks of Climate Change in**
18 **Public, Defendants' Internal Actions Demonstrate Their Awareness of and**
19 **Intent to Profit from Uses of Fossil Fuel Products They Knew Were**
Hazardous.

20 147. In contrast to their public-facing efforts challenging the validity of the scientific
21 consensus about anthropogenic climate change, Defendants' acts and omissions evidence their
22 internal acknowledgement of the reality of climate change and its likely consequences. Those
23 actions include, but are not limited to, making multi-billion-dollar infrastructure investments for
24 their own operations that acknowledge the reality of coming anthropogenic climate-related change.
25 Those investments included (among others), raising offshore oil platforms to protect against sea
26 level rise; reinforcing offshore oil platforms to withstand increased wave strength and storm
27 severity; developing technology and infrastructure to extract, store, and transport fossil fuels in a
28 warming arctic environment; and developing and patenting designs for equipment intended to

1 extract crude oil and/or natural gas in areas previously unreachable because of the presence of
2 polar ice sheets.

3 148. For example, oil and gas reserves in the Arctic that were not previously reachable
4 due to sea ice are becoming increasingly reachable as sea ice thins and melts due to climate
5 change.¹⁶⁵ In 1973 Exxon obtained a patent for a cargo ship capable of breaking through sea ice¹⁶⁶
6 and for an oil tanker¹⁶⁷ designed specifically for use in previously unreachable areas of the Arctic.

7 149. In 1974, Chevron obtained a patent for a mobile arctic drilling platform designed
8 to withstand significant interference from lateral ice masses,¹⁶⁸ allowing for drilling in areas with
9 increased ice floe movement due to elevated temperature.

10 150. That same year, Texaco (Chevron) worked toward obtaining a patent for a method
11 and apparatus for reducing ice forces on a marine structure prone to being frozen in ice through
12 natural weather conditions,¹⁶⁹ allowing for drilling in previously unreachable Arctic areas that
13 would become seasonally accessible.

14 151. Shell obtained a patent for an Arctic offshore platform adapted for conducting
15 operations in the Beaufort Sea in 1984.¹⁷⁰

16 152. In 1989, Norske Shell, Royal Dutch Shell's Norwegian subsidiary, altered designs
17 for a natural gas platform planned for construction in the North Sea to account for anticipated sea
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21 ¹⁶⁵ Henderson & Loe, The Prospects and Challenges for Arctic Oil Development, Oxford
22 Institute for Energy Studies (Nov. 2014) at 1, <https://www.oxfordenergy.org/publications/the-prospects-and-challenges-for-arctic-oildevelopment/>.

23 ¹⁶⁶ ExxonMobil Research Engineering Co., Patent US3727571A, Icebreaking cargo vessel,
(granted April 17, 1973), <https://www.google.com/patents/US3727571>.

24 ¹⁶⁷ ExxonMobil Research Engineering Co., Patent US3745960A, Tanker vessel, (granted July
25 17, 1973), <https://www.google.com/patents/US3745960>.

26 ¹⁶⁸ Chevron Research & Technology Co., Patent US3831385A, Arctic offshore platform (granted
27 Aug. 27, 1974), <https://www.google.com/patents/US3831385>.

28 ¹⁶⁹ Texaco Inc., Patent US3793840A, Mobile, arctic drilling and production platform, (granted
Feb. 26, 1974), <https://www.google.com/patents/US3793840>.

¹⁷⁰ Shell Oil Co., Patent US4427320A, Arctic offshore platform, Shell Oil Company (granted
Jan. 24, 1984), <https://www.google.com/patents/US4427320>.

1 level rise. Those design changes were ultimately carried out by Shell’s contractors, adding
2 substantial costs to the project.¹⁷¹

3 a. The Troll field, off the Norwegian coast in the North Sea, was proven to
4 contain large natural oil and gas deposits in 1979, shortly after Norske Shell was approved by
5 Norwegian oil and gas regulators to operate a portion of the field.

6 b. In 1986, the Norwegian parliament granted Norske Shell authority to
7 complete the first development phase of the Troll field gas deposits, and Norske Shell began
8 designing the “Troll A” gas platform, with the intent to begin operation of the platform in
9 approximately 1995. Based on the very large size of the gas deposits in the Troll field, the Troll A
10 platform was projected to operate for approximately 70 years.

11 c. The platform was originally designed to stand approximately 100 feet above
12 sea level—the amount necessary to stay above waves in a once-in-a-century strength storm.

13 d. In 1989, Shell engineers revised their plans to increase the above-water
14 height of the platform by 3 to 6 feet, specifically to account for higher anticipated average sea
15 levels and increased storm intensity due to global warming over the platform’s 70-year operational
16 life.¹⁷²

17 e. Shell projected that the additional 3 to 6 feet of above-water construction
18 would increase the cost of the Troll A platform by as much as \$40 million.

19 **F. Defendants’ Actions Have Slowed the Development of Alternative Energy**
20 **Sources and Exacerbated the Costs of Adapting to and Mitigated the Adverse**
21 **Impacts of the Climate Crisis.**

22 153. As greenhouse gas pollution accumulates in the atmosphere, some of which does
23 not dissipate for potentially thousands of years (namely CO₂), climate changes and consequent
24 adverse environmental changes compound, and their frequencies and magnitudes increase. As

25 _____
26 ¹⁷¹ Greenhouse Effect: Shell Anticipates A Sea Change, N.Y. Times (Dec. 20, 1989),
27 [http://www.nytimes.com/1989/12/20/business/greenhouse-effect-shell-anticipates-a-sea-
change.html](http://www.nytimes.com/1989/12/20/business/greenhouse-effect-shell-anticipates-a-sea-change.html).

28 ¹⁷² Id.; Amy Lieberman & Suzanne Rust, Big Oil braced for global warming while it fought
regulations, L.A. Times (Dec. 31, 2015), <http://graphics.latimes.com/oil-operations/>.

1 those adverse environmental changes compound and their frequencies and magnitudes increase,
2 so too do the physical, environmental, economic, and social injuries resulting therefrom.

3 154. Delayed societal development and adoption of alternative energy sources have
4 therefore increased environmental harms and increased the magnitude and cost to remediate harms
5 that have already occurred or are locked in by previous emissions. Therefore, Defendants’
6 campaign to obscure the science of climate change and to expand the use of fossil fuels greatly
7 increased and continues to increase the harms and rate of harms suffered by Plaintiffs and market
8 demand to transition away from fossil fuels—and for affordable, reliable sources of clean energy—
9 developed earlier, the subsequent impacts of climate change could have been avoided or mitigated.

10 155. Defendants have been aware for decades that clean energy presents a feasible
11 alternative to fossil fuels. In 1980, Exxon forecasted that non-fossil fuel energy sources, if pursued,
12 could penetrate half of a competitive energy market in approximately 50 years.¹⁷³ This internal
13 estimate was based on extensive modeling within the academic community, including research
14 conducted by the Massachusetts Institute of Technology’s David Rose, which concluded that a
15 transition to non-fossil energy could be achieved in around 50 years. Exxon circulated an internal
16 memo approving of Rose’s conclusions, stating they were “based on reasonable assumptions.”¹⁷⁴
17 But instead of pursuing a clean energy transition or warning consumers about the dangers of
18 burning fossil fuels, Defendants chose to deceive consumers to preserve Defendants’ profits and
19 assets. As a result, much time has been lost during which consumers and market forces would have
20 spurred a societal transition away from fossil fuels, which would have reduced or eliminated
21 entirely the harmful effects of climate change in Imperial Beach.

22 156. The costs of inaction and the opportunities to confront anthropogenic climate
23 change and sea level rise caused by normal consumption of their fossil fuel products were not lost
24

25 ¹⁷³ Shaw & McCall, Exxon Research and Engineering Company’s Technological Forecast: CO₂
26 Greenhouse Effect (Dec. 18, 1980), at 5, [https://insideclimatenews.org/wp-](https://insideclimatenews.org/wp-content/uploads/2015/09/Technological-Forecast-on-CO2-Greenhouse-Effect-1980.pdf)
[content/uploads/2015/09/Technological-Forecast-on-CO2-Greenhouse-Effect-1980.pdf](https://insideclimatenews.org/wp-content/uploads/2015/09/Technological-Forecast-on-CO2-Greenhouse-Effect-1980.pdf).

27 ¹⁷⁴ Exxon Research and Engineering Company, Coordination and Planning Division, CO₂
28 Greenhouse Effect: A Technical Review (Apr. 1, 1982), at 17–18, [https://insideclimatenews.org/](https://insideclimatenews.org/wp-content/uploads/2015/09/1982-Exxon-Primer-on-CO2-Greenhouse-Effect.pdf)
[wp-content/uploads/2015/09/1982-Exxon-Primer-on-CO2-Greenhouse-Effect.pdf](https://insideclimatenews.org/wp-content/uploads/2015/09/1982-Exxon-Primer-on-CO2-Greenhouse-Effect.pdf).

1 on Defendants. In a 1997 speech by John Browne, Group Executive for BP America, at Stanford
2 University, Browne described Defendants' and the entire fossil fuel industry's responsibility and
3 opportunities to reduce use of fossil fuel products, reduce global CO₂ emissions, and mitigate the
4 harms associated with the use and consumption of such products:

5 A new age demands a fresh perspective of the nature of society and responsibility.

6 We need to go beyond analysis and to take action. It is a moment for change and
7 for a rethinking of corporate responsibility. . . .

8 [T]here is now an effective consensus among the world's leading scientists and
9 serious and well informed people outside the scientific community that there is a
10 discernible human influence on the climate, and a link between the concentration
of carbon dioxide and the increase in temperature.

11 The prediction of the IPCC is that over the next century temperatures might rise by
12 a further 1 to 3.5 degrees centigrade [1.8° – 6.3° F], and that sea levels might rise
13 by between 15 and 95 centimetres [5.9 and 37.4 inches]. Some of that impact is
probably unavoidable, because it results from current emissions. . . .

14 [I]t would be unwise and potentially dangerous to ignore the mounting concern.

15 The time to consider the policy dimensions of climate change is not when the link
16 between greenhouse gases and climate change is conclusively proven . . . but when
17 the possibility cannot be discounted and is taken seriously by the society of which
we are part. . . .

18 We [the fossil fuel industry] have a responsibility to act, and I hope that through
19 our actions we can contribute to the much wider process which is desirable and
necessary.

20 BP accepts that responsibility and we're therefore taking some specific steps.

21 To control our own emissions.

22 To fund continuing scientific research.

23 To take initiatives for joint implementation.

24 To develop alternative fuels for the long term.

25 And to contribute to the public policy debate in search of the wider global answers
26
27
28

1 to the problem.”¹⁷⁵

2 157. Despite Defendants’ knowledge of the foreseeable, measurable harms associated
3 with the consumption and use of their fossil fuel products, and despite the existence and
4 Defendants’ knowledge of technologies and practices that could have helped to reduce the
5 foreseeable dangers associated with their fossil fuel products, Defendants continued to
6 misleadingly market and promote heavy fossil fuel use and conceal the connection between use of
7 their products and the climate crisis, dramatically increasing the cost of abatement. This campaign
8 was intended to and did reach and influence Imperial Beach consumers, along with consumers
9 elsewhere.

10 158. At all relevant times, Defendants were deeply familiar with opportunities to reduce
11 the use of their fossil fuel products, reduce global CO₂ emissions associated therewith, and mitigate
12 the harms associated with the use and consumption of such products. Examples of that recognition
13 include, but are not limited to the following:

14 a. In 1961, Phillips Petroleum Company filed a patent application for a method
15 to purify gas, among other things, as “natural gas containing gasoline hydrocarbons can contain
16 undesirable amounts of sulfur and other compounds such as carbon dioxide which are undesirable
17 in the finished gasoline product.”¹⁷⁶

18 b. In 1963, Esso (Exxon) obtained multiple patents on technologies for fuel
19 cells, including on the design of a fuel cell and necessary electrodes,¹⁷⁷ and on a process for
20 increasing the oxidation of a fuel, specifically methanol, to produce electricity in a fuel cell.¹⁷⁸

21 c. In 1970, Esso (ExxonMobil) obtained a patent for a “low-polluting engine
22

23 ¹⁷⁵ ExxonMobil, Unsettled Science (Mar. 23, 2000), reproduced in
24 <https://www.theguardian.com/environment/2021/nov/18/the-forgotten-oil-ads-that-told-us-climate-change-was-nothing>.

25 ¹⁷⁶ Phillips Petroleum Co., Patent US3228874A, Method for recovering a purified component
26 from a gas (filed Aug. 22, 1961), <https://patents.google.com/patent/US3228874>.

27 ¹⁷⁷ Patents, Fuel cell and fuel cell electrodes, Exxon Research Engineering Co. (Dec. 31, 1963),
28 <https://www.google.com/patents/US3116169>.

¹⁷⁸ Patents, Direct production of electrical energy from liquid fuels, Exxon Research Engineering
Co. (Dec. 3, 1963) <https://www.google.com/patents/US3113049>.

1 and drive system” that used an interburner and air compressor to reduce pollutant emissions,
2 including CO₂ emissions, from gasoline combustion engines (the system also increased the
3 efficiency of the fossil fuel products used in such engines, thereby lowering the amount of fossil
4 fuel product necessary to operate engines equipped with this technology).¹⁷⁹

5 d. In 1980, Imperial Oil wrote in its “Review of Environmental Protection
6 Activities for 1978–79”: “There is no doubt that increases in fossil fuel usage and decreases in
7 forest cover are aggravating the potential problem of increased CO₂ in the atmosphere. Technology
8 exists to remove CO₂ from stack gases but removal of only 50% of the CO₂ would double the cost
9 of power generation.”¹⁸⁰

10 e. A 1987 company briefing produced by Shell on “Synthetic Fuels and
11 Renewable Energy” noted that while “immediate prospects” were “limited,” “nevertheless it is by
12 pursuing commercial opportunities now and in the near future that the valuable experience needed
13 for further development will be gained.” The brief also noted that “the task of replacing oil
14 resources is likely to become increasingly difficult and expensive and there will be a growing need
15 to develop lean, convenient alternatives. Initially these will supplement and eventually replace
16 valuable oil products. Many potential energy options are as yet unknown or at very early stages of
17 research and development. New energy sources take decades to make a major global contribution.
18 Sustained commitment is therefore needed during the remainder of this century to ensure that new
19 technologies and those currently at a relatively early stage of development are available to meet
20 energy needs in the next century.”¹⁸¹

21 f. A 1989 article in a publication from Exxon Corporate Research for
22 company use only stated: “CO₂ emissions contribute about half the forcing leading to a potential
23

24 _____
25 ¹⁷⁹ Patents, Low-polluting engine and drive system, Exxon Research Engineering Co. (May 16,
1970) <https://www.google.com/patents/US3513929>.

26 ¹⁸⁰ Imperial Oil Ltd., Review of Environmental Protection Activities for 1978–1979 2 (Aug. 6,
1980), [http://www.documentcloud.org/documents/2827784-1980-Imperial-Oil-Review-of-
27 Environmental.html#document/p2](http://www.documentcloud.org/documents/2827784-1980-Imperial-Oil-Review-of-Environmental.html#document/p2).

28 ¹⁸¹ Synthetic Fuels and Renewable Energy, Shell Service Briefing, no. 2, 1987,
<https://assets.documentcloud.org/documents/4411089/Document2.pdf>.

1 enhancement of the Greenhouse Effect. Since energy generation from fossil fuels dominates
2 modern CO₂ emissions, strategies to limit CO₂ growth focus near term on energy efficiency and
3 long term on developing alternative energy sources. Practiced at a level to significantly reduce the
4 growth of greenhouse gases, these actions would have substantial impact on society and our
5 industry—near-term from reduced demand for current products, long term from transition to
6 entirely new energy systems.”¹⁸²

7 159. Defendants could have taken other practical, cost-effective steps to reduce the risk
8 created by their fossil fuel products and marketing. These alternatives could have included, among
9 other measures:

10 a. Accepting scientific evidence on the validity of anthropogenic climate
11 change and the damages it will cause people and communities, including Plaintiffs, and the
12 environment. Mere acceptance of that information would have altered the debate from *whether* to
13 combat climate change and sea level rise to *how* to combat it; and avoided much of the public
14 confusion that has ensued over more than 30 years, since at least 1988;

15 b. Forthrightly communicating with Defendants’ shareholders, consumers,
16 banks, insurers, and Plaintiffs about the climatic hazards of Defendants’ fossil fuel products that
17 were known to Defendants, which would have enabled those groups to make material, informed
18 decisions about whether and how to address climate change and sea level rise vis-à-vis Defendants’
19 products;

20 c. Refraining from affirmative efforts, whether directly, through coalitions, or
21 through front groups, to distort consumer awareness of the climatic dangers of fossil fuels, and to
22 cause many consumers and business leaders to think the relevant science was far less certain than
23 it actually was; and
24
25
26

27 ¹⁸² Brian Flannery, Greenhouse Science, Connections: Corporate Research, Exxon Research and
28 Engineering Company (1989), [http://www.climatefiles.com/exxonmobil/1989-exxon-mobil-
article-technologys-place-marketing-mix](http://www.climatefiles.com/exxonmobil/1989-exxon-mobil-article-technologys-place-marketing-mix).

1 d. Sharing their internal scientific research with consumers and the public, and
2 with other scientists and business leaders, so as to increase public understanding of the scientific
3 underpinnings of climate change its relation to Defendants' fossil fuel products.

4 **G. Defendants Intended for Consumers to Use Their Fossil Fuel Products in a**
5 **Way Defendants Knew Was Harmful.**

6 160. Consumer use of fossil fuel products, particularly by driving gasoline-powered cars
7 and other vehicles, is a significant contributor to climate change. However, as a result of
8 Defendants' sustained and widespread campaign of disinformation, many consumers in Imperial
9 Beach and elsewhere have been unaware of the magnitude of the threat posed by their use of fossil
10 fuels, or of the relationship between their purchasing behavior and climate change.

11 161. By misleading consumers about the climate impacts of using fossil fuel products,
12 even to the point of claiming that certain of their products may benefit the environment, and by
13 failing to disclose the climate risks associated with their purchase and use of those products,
14 Defendants have deprived and are continuing to deprive consumers of information about the
15 consequences of their purchasing decisions.

16 162. Defendants intended for consumers to rely on their omissions and concealments
17 and to continue purchasing Defendants' fossil fuel products without regard for the damage such
18 products cause.

19 163. Knowledge of the risks associated with the routine use of fossil fuel products is
20 material to consumers' decisions to purchase and use those products. As with cigarettes, history
21 demonstrates that when consumers are made aware of the harmful effects or qualities of the
22 products they purchase, they often choose to stop purchasing them, to reduce their purchases, or
23 to make different purchasing decisions. This phenomenon holds especially true when products
24 have been shown to harm public health or the environment. For example, increased consumer
25 awareness of the role of pesticides in harming human health, worker health, and the environment
26 has spurred a growing market for food grown organically and without the use of pesticides. With
27 access to information about how their food is grown, consumers have demanded healthier choices,
28 and the market has responded.

1 164. A consumer who received accurate information that fossil fuel use was a primary
2 driver of climate change, and about the resultant dangers to the environment and to public health,
3 would have decreased the consumer’s use of fossil fuel products and/or demanded lower-carbon
4 transportation options. Indeed, recent studies and surveys have found that consumers with
5 substantial awareness of climate change are largely willing “to change their consumption habits
6 . . . to help reduce the impacts of climate change.”¹⁸³ If consumers were aware of what the
7 Defendants knew about climate change when the Defendants knew it, consumers would have opted
8 to avoid or minimize airplane travel; avoid or combine car travel trips; carpool; switch to more
9 fuel-efficient vehicles, hybrid vehicles, or electric vehicles; demand more charging infrastructure
10 for electric vehicles; use a car-sharing service; seek transportation alternatives all or some of the
11 time, if and when available (e.g., public transportation, biking, or walking); or adopt any
12 combination of these choices. In addition, informed consumers often attempt to contribute toward
13 solving environmental problems by supporting companies that they perceive to be developing
14 “green” or more environmentally friendly products.¹⁸⁴

15 165. As described herein, by casting doubt upon the scientific consensus on climate
16 change, Defendants deceived consumers about the relationship between consumption of fossil
17 fuels and climate change, and the magnitude of the threat posed by fossil fuel use. Consumers
18 equipped with complete and accurate knowledge about the climate and the public health effects of
19 continued consumption of fossil fuels would have likely formed a receptive customer base for
20
21

22 ¹⁸³ The Conference Board, Changes in Consumers’ Habits Related to Climate Change May
23 Require New Marketing and Business Models (Oct. 26, 2022), [https://www.conference-](https://www.conference-board.org/topics/consumers-attitudes-sustainability/changes-in-consumer-habits-related-to-climate-change)
24 [board.org/topics/consumers-attitudes-sustainability/changes-in-consumer-habits-related-to-](https://www.conference-board.org/topics/consumers-attitudes-sustainability/changes-in-consumer-habits-related-to-climate-change)
[climate-change](https://www.conference-board.org/topics/consumers-attitudes-sustainability/changes-in-consumer-habits-related-to-climate-change).

25 ¹⁸⁴ See, e.g., Leiserowitz et al., Program on Climate Change Communication, Yale University,
26 and Center for Climate Change Communication, George Mason University, Consumer Activism
27 on Global Warming, September 2021 (2021), [https://climatecommunication.yale.edu/wp-](https://climatecommunication.yale.edu/wp-content/uploads/2021/12/consumer-activism-on-global-warming-september-2021.pdf)
28 [content/uploads/2021/12/consumer-activism-on-global-warming-september-2021.pdf](https://climatecommunication.yale.edu/wp-content/uploads/2021/12/consumer-activism-on-global-warming-september-2021.pdf). About a
third of American consumers surveyed report “reward[ing] companies that are taking steps to
reduce global warming by buying their products” and “punish[ing] companies that are opposing
steps to reduce global warming by not buying their products.” Id. at 3.

1 clean energy alternatives decades before such demand in fact developed. Instead, Defendants’
2 campaign of deception allowed them to exploit public uncertainty to reap substantial profits.

3 166. The delayed emergence of a scalable market for non-fossil fuel energy is
4 attributable to consumers’ industry-induced ignorance of the reality and severity of the climatic
5 consequences associated with normal use of fossil fuels. The societal transition to a low-carbon
6 economy would have been far cheaper and more efficient had Defendants publicly acknowledged
7 the conclusions reached by their own scientists and the broader scientific community. As a result
8 of this delay, huge quantities of avoidable greenhouse gas emissions have been released into the
9 atmosphere, causing greater total emissions, higher peak emissions, and all associated climatic
10 effects.

11 **H. Defendants’ Deceit Only Recently Came to Light, and Their Misconduct Is**
12 **Ongoing.**

13 167. The fact that Defendants and their proxies knowingly provided incomplete and
14 misleading information to the public, including Imperial Beach consumers, only recently became
15 discoverable due to, among other things:

16 a. Defendants’ above-described deception campaigns, which continues to this
17 day;

18 b. Defendants’ concealment and misrepresentations regarding the fact that
19 their products cause catastrophic harms; and

20 c. the fact that Defendants used front groups such as API, the GCC, and ICE
21 to obscure their involvement in these actions, which put Plaintiffs off the trail of inquiry.

22 168. Moreover, Defendants’ tortious misconduct—in the form of misrepresentations,
23 omissions, and deceit—began decades ago and continues to this day. Now, rather than engaging
24 in outright denials of the existence of climate change, Defendants deflect attention from their role
25 in causing climate change by falsely portraying fossil fuel products as environmentally friendly,
26 climate-friendly, or otherwise less environmentally damaging than those products really are.

27 169. Defendants have continued to mislead the public about the impact of fossil fuel
28 products on climate change through “greenwashing.” Through recent advertising campaigns and

1 public statements in California and/or intended to reach California, including but not limited to
2 online advertisements and social media posts, Defendants falsely and misleadingly portray these
3 products as “green,” and the Defendants portray themselves as climate-friendly energy companies
4 that are deeply engaged in finding solutions to climate change. In reality, Defendants continue to
5 primarily invest in, develop, promote, and profit from fossil fuel products and heavily market those
6 products to consumers, with full knowledge that those products will continue to exacerbate climate
7 change harms.

8 170. Defendants’ greenwashing exploits consumers’ concerns about climate change and
9 their desire to purchase “green” products and spend their consumer dollars on products and
10 businesses that are taking substantial and effective measures to combat climate change.
11 Defendants’ false advertisements are likely to mislead consumers by giving the impression that in
12 purchasing the Defendants’ fossil fuel products, consumers are supporting genuine, substantial,
13 and effective measures to mitigate climate change through these companies’ alleged investments
14 in clean energy. Defendants’ greenwashing ultimately attempts to persuade consumers to support
15 Defendants’ purported attempts to contribute to climate change solutions by purchasing and
16 consuming these products, including the Defendants’ fossil fuel products.

17 171. As described above, Defendants, directly and/or through membership in other
18 organizations, continue to misrepresent their own activities, the fact that their products cause
19 climate change, and the danger presented by climate change. Exemplars of Defendants’ continuing
20 misrepresentations, omissions, and deceit follow below.

21 172. As recently as June 2018, a post on the official Shell blog stated: “the potential
22 extent of change in the climate itself could now be limited. In other words, the prospect of runaway
23 climate change might have passed.”¹⁸⁵ However, this statement is not supported by valid scientific
24 research, and was and is contradicted by various studies.¹⁸⁶

25
26 ¹⁸⁵ David Hone, Has Climate Change Run Its Course??, Shell Climate Change Blog (June 14,
2018), <https://blogs.shell.com/2018/06/14/has-climate-change-run-its-course>.

27 ¹⁸⁶ See, e.g., Fiona Harvey, Carbon Emissions from Warming Soils Could Trigger Disastrous
28 Feedback Loop, The Guardian (Oct. 5, 2017), <https://www.theguardian.com/environment/2017/>

1 173. In March 2018, Chevron issued a report entitled “Climate Change Resilience: A
2 Framework for Decision Making,” which misleadingly stated that “[t]he IPCC Fifth Assessment
3 Report concludes that there is warming of the climate system and that warming is due in part to
4 human activity.”¹⁸⁷ In reality, the Fifth Assessment report concluded that “[i]t is *extremely likely*
5 [defined as 95–100% probability] that human influence has been the *dominant cause* of the
6 observed warming since the mid-20th century.”¹⁸⁸

7 174. Despite this fact, in April 2017, Chevron CEO and Chairman of the Board John
8 Watson said on a podcast, “There’s no question there’s been some warming; you can look at the
9 temperatures data and see that. The question and debate is around how much, and how much is
10 caused by humans.”¹⁸⁹

11 175. Similarly, ConocoPhillips’s “Climate Change Position” as it appeared on the
12 company’s website through 2020 stated that human activity is “contributing to” climate change
13 and emphasizes “uncertainties,” even though the science is clear: “ConocoPhillips recognizes that
14 human activity, including the burning of fossil fuels, is contributing to increased concentrations of
15 greenhouse gases in the atmosphere that can lead to adverse changes in global climate. . . . While
16 uncertainties remain, we continue to manage greenhouse gas emissions in our operations and to
17 integrate climate change related activities and goals into our business planning.”¹⁹⁰

18
19 oct/05/carbon-emissions-warming-soils-higher-than-estimated-signalling-tipping-points;
20 Jonathan Watts, Domino-Effect of Climate Events Could Move Earth into a ‘Hothouse’ State,
21 The Guardian (Aug. 7, 2018), [https://www.theguardian.com/environment/2018/aug/06/domino-
effect-of-climate-events-could-push-earth-into-a-hothouse-state](https://www.theguardian.com/environment/2018/aug/06/domino-effect-of-climate-events-could-push-earth-into-a-hothouse-state); Fiona Harvey, ‘Tipping Points’
22 Could Exacerbate Climate Crisis, Scientists Fear, The Guardian (Oct. 9, 2018),
[https://www.theguardian.com/environment/2018/oct/09/tipping-points-could-exacerbate-climate-
crisis-scientists-fear](https://www.theguardian.com/environment/2018/oct/09/tipping-points-could-exacerbate-climate-crisis-scientists-fear).

23 ¹⁸⁷ Chevron, Climate Change Resilience: A Framework for Decision Making, at 20 (Mar. 2018),
24 <https://www.chevron.com/-/media/shared-media/documents/climate-change-resilience.pdf>.

25 ¹⁸⁸ IPCC, Summary for Policymakers: Working Group I Contribution to the Fifth Assessment
Report 17 (2013), https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_SPM_FINAL.pdf.

26 ¹⁸⁹ Columbia Energy Exchange Podcast, John Watson, CEO, Chevron (Apr. 10, 2017),
<https://www.energypolicy.columbia.edu/us-energy-markets-policy>.

27 ¹⁹⁰ ConocoPhillips, Climate Change Position (Oct. 28, 2020),
28 <https://web.archive.org/web/20201028115814/https://www.conocophillips.com/sustainability/integrating-sustainability/sustainable-development-governance/policies-positions/climate-change-position/>.

1 176. On May 27, 2015, at Exxon’s annual shareholder meeting, then-CEO Rex Tillerson
2 misleadingly downplayed global warming’s risks by stating that climate models used to predict
3 future impacts were unreliable: “What if everything we do it turns out our models are lousy, and
4 we don’t get the effects we predict? Mankind has this enormous capacity to deal with adversity,
5 and those solutions will present themselves as those challenges become clear.”¹⁹¹ But as noted
6 above, in 1982 Exxon’s scientific staff stated, based upon the climate models, that there was a
7 “clear scientific consensus” with respect to the level of projected future global warming and
8 starting shortly thereafter Exxon relied upon the projections of climate models, including its own
9 climate models, in order to protect its own business assets. Tillerson’s statement reached
10 consumers because it was reported in the press, including in California,¹⁹² as is common when
11 fossil fuel company CEOs make statements regarding climate change and as Exxon had reason to
12 know would occur.

13 177. Until approximately early 2017, Exxon’s website continued to emphasize the
14 “uncertainty” of global warming science and impacts: “current scientific understanding provides
15 limited guidance on the likelihood, magnitude, or time frame” of events like temperature extremes
16 and sea level rise.¹⁹³ Exxon’s insistence on crystal-ball certainty was clear misdirection, since
17 Exxon knew that the fundamentals of climate science were well settled and showed global
18 warming to present a clear and present danger.¹⁹⁴

19 178. Until approximately early 2016, API’s website referred to global warming as
20 “possible man-made warming” and claimed that the human contribution is “uncertain.” API
21

22 ¹⁹¹ Dallas Morning News, Exxon CEO: Let’s Wait for Science to Improve Before Solving
23 Problem of Climate Change (May 27, 2015),

24 [https://www.dallasnews.com/business/energy/2015/05/28/](https://www.dallasnews.com/business/energy/2015/05/28/exxon-ceo-let-s-wait-for-science-to-improve-before-solving-problem-of-climate-change)

25 [exxon-ceo-let-s-wait-for-science-to-improve-before-solving-problem-of-climate-change](https://www.dallasnews.com/business/energy/2015/05/28/exxon-ceo-let-s-wait-for-science-to-improve-before-solving-problem-of-climate-change).

26 ¹⁹² See, e.g., David Koenig, Exxon shareholders to vote on climate change, fracking, San Diego
27 Union-Tribune, May 27, 2015, [http://www.sandiegouniontribune.com/news/2015/may/27/exxon-](http://www.sandiegouniontribune.com/news/2015/may/27/exxon-shareholders-to-vote-on-climate-change/)
28 [shareholders-to-vote-on-climate-change/](http://www.sandiegouniontribune.com/news/2015/may/27/exxon-shareholders-to-vote-on-climate-change/).

¹⁹³ Formerly found at [http://corporate.exxonmobil.com/en/current-issues/climate-policy/meeting-](http://corporate.exxonmobil.com/en/current-issues/climate-policy/meeting-global-needs/managing-climate-change-business-risks)
27 [global-needs/managing-climate-change-business-risks](http://corporate.exxonmobil.com/en/current-issues/climate-policy/meeting-global-needs/managing-climate-change-business-risks).

¹⁹⁴ See IPCC, Climate Change 2014, Impacts, Adaptation, and Vulnerability, Summary for
28 Policymakers, http://www.ipcc.ch/pdf/assessment-report/ar5/wg2/ar5_wgII_spm_en.pdf.

1 removed this statement from its website in 2016 when journalistic investigations called attention
2 to API's misleading statements on global warming and its participation in the climate change Task
3 Force during the late 1970s and early 1980s.

4 179. Defendants bombard the public and consumers with the following advertisements,
5 although these are a mere sliver of Defendants' extensive campaigns. Defendants' advertisements
6 must be understood in their proper context—as following Defendants' substantial early knowledge
7 on global warming risks and impacts, and following a decades-long campaign of misleading
8 statements on global warming that primed the pump for massive use of their fossil fuel products.

9 a. Exxon's "Lights Across America" website advertisement states that natural
10 gas is "helping dramatically reduce America's emissions"¹⁹⁵ even though natural gas is a fossil
11 fuel causing widespread planetary warming and harm to coastal cities like Imperial Beach, and the
12 use of natural gas competes with wind and solar, which have no greenhouse gas emissions.

13 b. In 2017, Shell's CEO promoted massive fossil fuel use by stating that the
14 fossil fuel industry could play a "crucial role" in lifting people out of poverty.¹⁹⁶ A Shell website
15 promotion states: "We are helping to meet the world's growing energy demand while limiting
16 CO₂ emissions, by delivering more cleaner-burning natural gas."¹⁹⁷

17 c. BP touted natural gas on its website as "a vital lower carbon energy source"
18 and as playing a "crucial role" in a transition to a lower carbon future.¹⁹⁸ BP promotes continued
19 massive fossil fuel use as enabling two billion people to be lifted out of poverty.¹⁹⁹

22 ¹⁹⁵ [https://www.youtube.com/watch?v=tMu1CBjXfq4&list=PLIrXIHj7zayYGaExfTp_](https://www.youtube.com/watch?v=tMu1CBjXfq4&list=PLIrXIHj7zayYGaExfTp_B4t6gqTtkGf9A&index=6)
23 [B4t6gqTtkGf9A&index=6](https://www.youtube.com/watch?v=tMu1CBjXfq4&list=PLIrXIHj7zayYGaExfTp_B4t6gqTtkGf9A&index=6) (at 0:46).

24 ¹⁹⁶ Shell CEO speech, Mar. 9, 2017, [http://www.shell.com/media/speeches-and-](http://www.shell.com/media/speeches-and-articles/2017/deliver-today-prepare-for-tomorrow.html)
25 [articles/2017/deliver-today-prepare-for-tomorrow.html](http://www.shell.com/media/speeches-and-articles/2017/deliver-today-prepare-for-tomorrow.html).

25 ¹⁹⁷ Shell United States, Transforming Natural Gas, [http://www.shell.us/energy-and-](http://www.shell.us/energy-and-innovation/transforming-natural-gas.html)
26 [innovation/transforming-natural-gas.html](http://www.shell.us/energy-and-innovation/transforming-natural-gas.html).

26 ¹⁹⁸ Formerly available at [https://www.bp.com/content/dam/bp/en/corporate/pdf/sustainability-](https://www.bp.com/content/dam/bp/en/corporate/pdf/sustainability-report/group-reports/bp-sustainability-report-2016.pdf)
27 [report/group-reports/bp-sustainability-report-2016.pdf](https://www.bp.com/content/dam/bp/en/corporate/pdf/sustainability-report/group-reports/bp-sustainability-report-2016.pdf);
28 <http://www.bp.com/energytransition/shifting-towards-gas.html>.

28 ¹⁹⁹ BP energy outlook, [http://www.bp.com/en/global/corporate/energy-economics/energy-](http://www.bp.com/en/global/corporate/energy-economics/energy-outlook.html)
[outlook.html](http://www.bp.com/en/global/corporate/energy-economics/energy-outlook.html).

1 d. Chevron’s website implores the public that “we produce safe, reliable
2 energy products for people around the world.”²⁰⁰ Chevron also promotes massive use of fossil
3 fuels as the key to lifting people out of poverty: “Reliable and affordable energy is necessary for
4 improving standards of living, expanding the middle class and lifting people out of poverty. Oil
5 and natural gas will continue to fulfill a significant portion of global energy demand for decades
6 to come – even in a carbon-constrained scenario.”²⁰¹ A prior Chevron advertisement still available
7 on the web promotes Chevron fossil fuels on a massive scale by stating that “our lives demand
8 oil.”²⁰²

9 e. ConocoPhillips promotes its fossil fuel products by stating that it
10 “responsibly suppl[ies] the energy that powers modern life.”²⁰³ Similarly, ConocoPhillips has the
11 following advertising slogan on its website: “Providing energy to improve quality of life.”²⁰⁴

12 **I. Imperial Beach Has Suffered, Is Suffering, and Will Suffer Injuries From**
13 **Defendants’ Tortious Conduct.**

14 180. Defendants’ individual and collective conduct—including, but not limited to, their
15 failures to warn of the threats their fossil fuel products posed to the climate; their wrongful
16 promotion of fossil fuel products and their concealment of known hazards associated with the use
17 of those products; and their public deception campaigns designed to obscure the connection
18 between their products and climate change and its environmental, physical, social, and economic
19 consequences—is a direct and proximate cause that brought about or helped bring about climate
20 change and consequent harms to Imperial Beach. Such harms include the increase in global mean
21 temperature and consequent increase in sea level rise, increased the destructive impacts of storm
22 surges, increased coastal erosion, exacerbated the onshore impact of regular tidal ebb and flow,

23 _____
24 ²⁰⁰ Chevron, Products and Services, <https://www.chevron.com/operations/products-services>.

25 ²⁰¹ Chevron, Managing Climate Change Risks, <https://www.chevron.com/corporate-responsibility/climate-change/managing-climate-risk>.

26 ²⁰² Chevron TV ad (2009), <https://www.youtube.com/watch?v=-KyjTGMVTkA>.

27 ²⁰³ ConocoPhillips, The Changing Energy Landscape, <http://www.conocophillips.com/who-we-are/our-company/spirit-values/responsibility/Pages/the-changing-energy-landscape.aspx>.

28 ²⁰⁴ ConocoPhillips, Producing energy, <http://www.conocophillips.com/what-we-do/producing-energy/Pages/default.aspx>.

1 caused saltwater intrusion, and caused consequent social and economic injuries associated with
2 the aforementioned physical and environmental impacts, among other impacts, resulting in
3 inundation, destruction, and/or other interference with Plaintiffs’ property and citizenry. These
4 adverse impacts will continue to increase in frequency and severity in Imperial Beach and
5 disproportionately impact the City’s most vulnerable communities.

6 181. Plaintiffs have already incurred, and will foreseeably continue to incur, injuries and
7 damage because of sea level rise caused by Defendants’ conduct.

8 182. But for Defendants’ conduct, Plaintiffs would have suffered no or far less injuries
9 and damage than they have, and will foreseeably endure, due to anthropogenic sea level rise.

10 183. The San Diego area, including Imperial Beach, has experienced significant sea level
11 rise over the last half century attributable to Defendants’ conduct.²⁰⁵ Imperial Beach will
12 experience additional, significant, and dangerous sea level rise within the next eighty years given
13 unabated greenhouse gas emissions,²⁰⁶ and the increases will continue and accelerate.
14 Additionally, Imperial Beach will experience greater committed sea level rise due to the “locked
15 in” greenhouse gases already emitted.²⁰⁷

16 184. The City is particularly vulnerable to sea level rise because its topography,
17 geography, adjacent oceanography, and land use patterns make it particularly susceptible to
18 injuries from sea level rise; and because Imperial Beach is projected, due to its geophysical
19 characteristics, to experience a higher rate of sea level rise and a greater absolute amount of sea
20 level rise than the global mean.²⁰⁸

21 185. Given an emissions scenario in which the current rate of greenhouse gas pollution
22 continues unabated, sea level in the San Diego Area, including Imperial Beach, will rise
23

24 _____
25 ²⁰⁵ Griggs et al. (2017), supra note 11, at 23, box 2, figure 2.

26 ²⁰⁶ Id. at 27, table 1(c).

27 ²⁰⁷ Peter U. Clark et al., Consequences of Twenty-First-Century Policy for Multi-Millennial
28 Climate and Sea-Level Change, Nature Climate Change Vol. 6, 363–65 (2016).

²⁰⁸ Global sea level rise is projected to be 82.7 cm (32.6 inches) above 2000 levels by 2100. See
National Research Council, Sea-Level Rise for the Coasts of California, Oregon, and
Washington: Past Present and Future (2012) at 107 at Table 5.2 & 117 at Table 5.3.

1 significantly and dangerously by the year 2100.²⁰⁹

2 186. Imperial Beach’s sea level rise vulnerability analyses anticipate extreme sea level
3 rise events equivalent to a 1% annual-chance storm wave event.²¹⁰ Such an event, compounded by
4 anticipated increases in mean sea level height along the City, would likely turn the entire area of
5 the City bounded by the Pacific Ocean, the San Diego Bay, the Tijuana Estuary, and 8th Street,
6 into an island surrounded on all sides by water.²¹¹

7 187. Without Defendants’ fossil fuel-related greenhouse gas pollution, current sea level
8 rise would have been far less than the observed sea level rise to date.²¹² Similarly, committed sea
9 level rise that will occur in the future would also be far less.²¹³

10 188. Imperial Beach finalized its Sea Level Rise Vulnerability Analysis on October 5,
11 2016.²¹⁴ The Assessment is the City’s first analysis of its overall vulnerability to sea level rise and
12 its impacts from permanent inundation, temporary flooding caused by storm events, erosion, and
13 saltwater intrusion. The Assessment identifies actual risks to the City with various sea level rise
14 projections and the consequences associated with taking no action to prevent or mitigate the
15 expected impacts.²¹⁵

16 189. Land use impacts to the City associated are likely to include, but are not limited to:
17 a. Coastal erosive forces compromising 683 residential, commercial and open
18 space parcels within the City. Economic vulnerability associated with erosion’s impact on real
19 property is valued at over \$106 million. Coastal flooding will impact 1,538 parcels, and cause over
20 \$38 million in damages, primarily to residential and commercial buildings. Regular tidal

21
22
23 ²⁰⁹ Griggs et al. (2017), supra note 11, at 26, Table 1(b).

24 ²¹⁰ 2016 City of Imperial Beach Sea Level Rise Assessment, supra note 9, at 4-1.

25 ²¹¹ Id. at 2-2.

26 ²¹² Robert E. Kopp et al., Temperature-driven Global Sea-level Variability in the Common Era,
27 Proceedings of the National Academy of Sciences, Vol. 113, No. 11, E1434-E1441, E1438
(2016), <http://www.pnas.org/content/113/11/E1434.full>.

28 ²¹³ Clark et al. (2016), supra note 207, at 365.

²¹⁴ 2016 City of Imperial Beach Sea Level Rise Assessment, supra note 9.

²¹⁵ Id. at 1-3, table 1-1.

1 inundation will damage 447 parcels including two elementary schools, and cost over \$34
2 million.²¹⁶

3 b. Flooding of as much as 29.6 miles—approximately 40%—of the City’s
4 roads, as well as erosive damage to 5.4 miles and regular tidal inundation of 4.3 miles of roads.²¹⁷

5 c. Flooding of critical public transportation infrastructure, including 9 bus
6 stops, 3.9 miles of bus route, and 3.8 miles of bicycle pathway. This infrastructure will also be
7 compromised by erosion and regular tidal inundation.²¹⁸

8 d. Damages to over 81,000 feet of wastewater transmission pipe, 9 pump
9 stations, and 311 manholes within the City. Over 24,000 feet of stormwater pipes and 42 outlets
10 will be impacted as well.²¹⁹

11 e. Bayside and West View Elementary Schools will be impacted by regular
12 tidal inundation and coastal flooding, necessitating relocation of those school sites. Six buildings
13 at Bayside Elementary are already exposed during storm events and will become routinely exposed
14 by tidal flooding with 1.6 feet of sea level rise.²²⁰

15 f. Coastal flooding and tidal inundation will compromise known hazardous
16 materials sites within the City, including five businesses and two underground storage tank sites.²²¹

17 190. The following figure describes the extent of coastal flooding hazards in Imperial
18 Beach due to sea level rise to different elevations. As the image shows, much of the City, including
19 some of its most critical infrastructure and valuable Ocean-, Bay-, and Estuary-front property, will
20 be inundated with expected sea level increases.²²²

21
22
23
24 ²¹⁶ Id. at Appendix A, A-2.

25 ²¹⁷ 2016 City of Imperial Beach Sea Level Rise Assessment, supra note 9, at Appendix A, A-6.

26 ²¹⁸ Id. at Appendix A, A-8.

27 ²¹⁹ Id. at Appendix A, A-10-12.

28 ²²⁰ Id. at Appendix A, A-14

²²¹ Id. at Appendix A, at A-16.

²²² Id. at 4-5, figure 4-2.

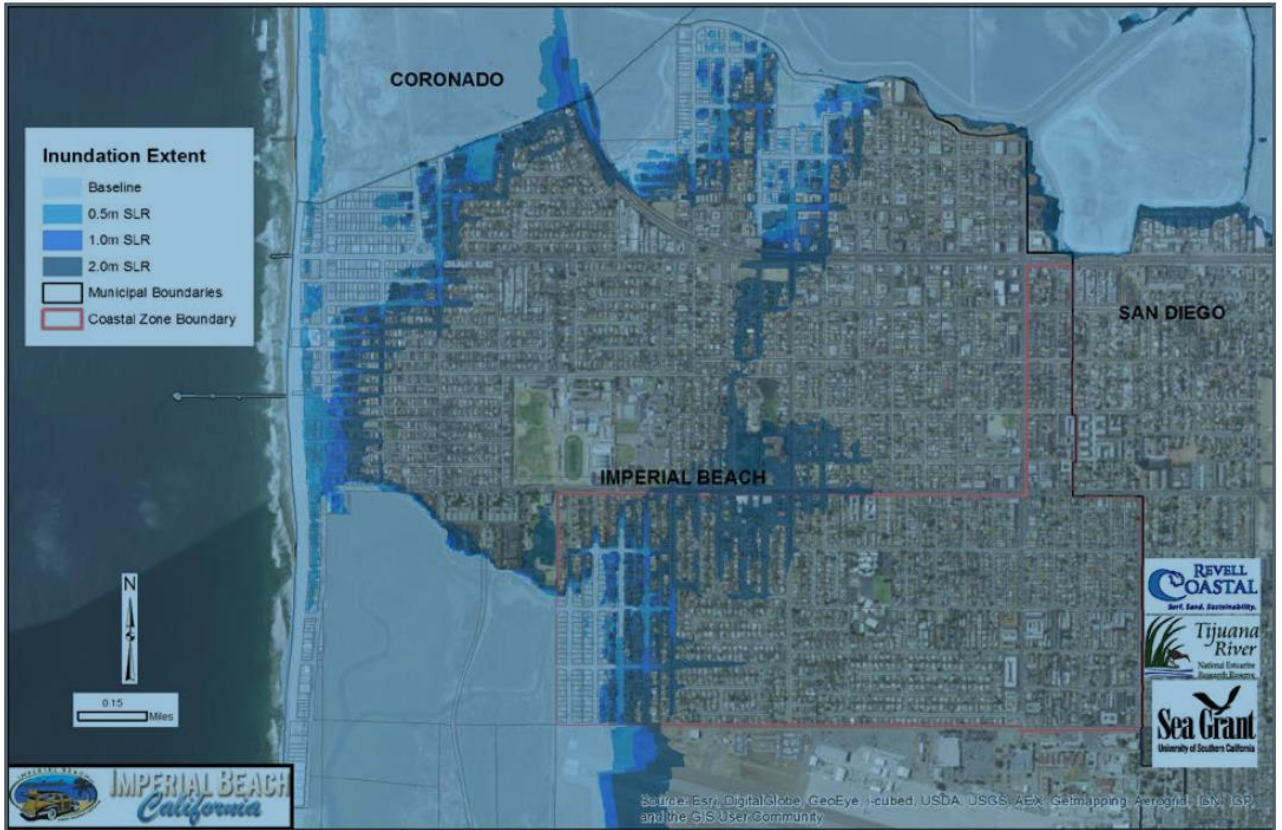


Figure 8: Coastal Flooding Hazards in Imperial Beach

191. As a direct and proximate result of the acts and omissions of the Defendants’ alleged herein, Plaintiff has incurred significant expenses related to planning for and predicting future sea level rise injuries to its real property, improvements thereon, civil infrastructure, and citizens, in order to preemptively mitigate and/or prevent such injuries. This includes performing a Sea Level Vulnerability Assessment in 2016 at significant expense to the City that describes the extent of mitigation and adaptation measures the City must undertake in order to prevent significantly more expensive sea level rise related injuries.

192. As a direct and proximate result of Defendants’ acts and omissions alleged herein, Plaintiffs have incurred sea level rise-related injuries and damages. These include infrastructural repair and reinforcement of roads and beach access.

193. As a direct and proximate result of Defendants’ acts and omissions alleged herein, Plaintiffs’ real property has been inundated by sea water, causing injury and damages thereto and

1 to improvements thereon, and preventing free passage on, use of, and normal enjoyment of that
2 real property, or permanently destroying it.

3 194. Defendants' conduct as described herein is therefore an actual, substantial, and
4 proximate cause of Plaintiffs' sea level rise-related injuries.

5 **VI. CAUSES OF ACTION**

6 **FIRST CAUSE OF ACTION**

7 **(Public Nuisance on Behalf of the People of the State of California)**

8 **(Against All Defendants)**

9 195. The People incorporate by reference each and every allegation in §§ I–V contained
10 above, as though set forth herein in full.

11 196. The People of the State of California, acting by and through the Imperial Beach
12 City Attorney, bring this claim seeking abatement pursuant to California public nuisance law,
13 including section 731 of the California Code of Civil Procedure, and sections 3479, 3480, 3491,
14 and 3494 of the California Civil Code.

15 197. Defendants, individually and in concert with each other, by their affirmative acts
16 and omissions, have caused, created, assisted in the creation of, and/or maintained harmful climate
17 change-related conditions, and continue to engage in that conduct. The climate change-related
18 conditions include higher sea level, increased storm frequency and intensity, more frequent and
19 extreme heat events, and increased flooding. They (1) are harmful and dangerous to human health;
20 (2) are indecent and offensive to the senses of the ordinary person; (3) obstruct and threaten to
21 obstruct the free use of the People's property so as to interfere with the comfortable enjoyment of
22 life and property; and (4) obstruct and threaten to obstruct the free passage and use of public parks,
23 squares, streets, bodies of water, and/or highways within Imperial Beach. They therefore constitute
24 a nuisance.

25 198. Defendants, and each of them, created, caused, contributed to, and assisted in the
26 creation of these and other climate change-related harms in Imperial Beach by, among other things,
27 affirmatively and deceptively promoting the sale and use of fossil fuel products in Imperial Beach
28 which Defendants knew would cause or exacerbate climate change and its impacts in Imperial

1 Beach, including without limitation sea level rise, more frequent and extreme precipitation events,
2 coastal and inland flooding, more frequent and extreme heat events, and reduced air quality. The
3 affirmative misconduct also includes disseminating and funding the dissemination of information
4 intended to mislead consumers and the public regarding the risks of climate change and its
5 consequences that Defendants knew would inevitably follow from the intended or reasonably
6 foreseeable use of their products. It also includes engaging in other conduct to manipulate and
7 induce the public into continued and elevated consumption of fossil fuels and delaying the shift to
8 renewable energy in a way that exacerbates climate change harms.

9 199. Defendants' nuisance-creating conduct included egregiously making untruthful,
10 deceptive, and/or misleading environmental marketing claims, explicit and implied, in violation of
11 Cal. Bus. & Prof. Code § 17580.5. The People are within the class of persons that statute seeks to
12 protect. Defendants' misleading environmental marketing claims include, but are not limited to,
13 deceptively marketing fossil fuel products claimed to be "low carbon," "emissions-reducing,"
14 "clean" and/or "green," or otherwise environmentally beneficial or benign when in reality those
15 products contribute to climate change and are harmful to the health of the planet and its people;
16 and deceptively marketing their companies and their products as contributing to solutions to
17 climate change when in reality their investments in clean energy and alternative fuels pale in
18 comparison to their investments in expanding fossil fuel production.

19 200. The climate change-related harms that Defendants created, caused, contributed to,
20 and assisted in the creation of, constitute a substantial and unreasonable interference with and
21 obstruction of public rights and property, including, inter alia, the public rights to health, safety,
22 welfare, peace, comfort, and convenience of Imperial Beach residents and other citizens. These
23 interferences with public rights, which Defendants knew their affirmative wrongful promotion
24 would cause or exacerbate, include without limitation:

25 a. Interference with the public's rights so regular and severe as to cause
26 permanent inundation;

27 b. The destruction of real and personal property, rather than mere annoyance;

28

1 c. The loss of property and infrastructure within Imperial Beach, which will
2 actually be borne by Plaintiff's citizens as loss of use of public property and infrastructure and
3 diversion of tax dollars away from other public services to sea level rise;

4 d. Plaintiff's coastal property, which serves myriad uses including industrial,
5 residential, infrastructural, commercial and ecological, is not suitable for regular inundation;

6 e. Sea level rise, coastal inundation and flooding, and groundwater changes,
7 which obstruct the free passage and use of roads and property, impair water quality in groundwater
8 aquifers, damage critical public infrastructure, and lead to unprecedented and dangerous storm
9 surges that can cause injury or even deaths;

10 f. More frequent and extreme precipitation events, including atmospheric
11 rivers, which cause flooding that can damage public infrastructure, obstructing the free passage
12 and use of property; and

13 g. More frequent and extreme heat events, which increase the risk of injury or
14 death from dehydration, heat stroke, heart attack, and respiratory problems.

15 201. The harms caused by Defendants' nuisance-creating conduct are extremely grave
16 and far outweigh the social utility of that conduct.

17 202. This public nuisance affects and/or interferes with the rights of an entire community
18 and/or the rights of a considerable number of persons in Imperial Beach and the State of California
19 to health, safety, peace, comfort, and convenience.

20 203. The People's injuries and threatened injuries from each Defendant's affirmative
21 acts or omissions are indivisible injuries. Each Defendant's past and ongoing conduct is a direct
22 and proximate cause of the People's injuries and threatened injuries. As a direct and proximate
23 result of Defendants' acts and omissions, Plaintiff will be required to expend significant public
24 resources to mitigate the impacts of climate-related harms throughout Imperial Beach.

25 204. As a direct and proximate result of Defendants' conduct, as set forth above, the
26 common rights enjoyed by the People of the State of California and by the general public in the
27 City of Imperial Beach have been unreasonably interfered with because Defendants knew or
28

1 should have known that their conduct would create a continuing problem with long-lasting
2 significant negative effects on the rights of the public.

3 205. Defendants' actions are a direct and legal cause of the public nuisance.

4 206. Defendants are jointly and severally liable to the People for committing a public
5 nuisance.

6 207. The People of the State of California, acting through the City of Imperial Beach,
7 have a clearly ascertainable right to have the public nuisance created by Defendants abated.

8 208. Wherefore, the People of the State of California also pray for relief as set forth
9 below.

10 **SECOND CAUSE OF ACTION**

11 **(Public Nuisance on Behalf of City of Imperial Beach)**

12 **(Against All Defendants)**

13 209. Plaintiff City of Imperial Beach incorporates by reference each and every allegation
14 contained above, as though set forth herein in full.

15 210. Defendants, individually and in concert with each other, by their affirmative acts
16 and omissions, have caused, created, assisted in the creation of, and/or maintained harmful climate
17 change-related conditions, and continue to engage in that conduct. The climate change-related
18 conditions include higher sea level, increased storm frequency and intensity, more frequent and
19 extreme heat events, and increased flooding. They (1) are harmful and dangerous to human health;
20 (2) are indecent and offensive to the senses of the ordinary person; (3) obstruct and threaten to
21 obstruct the free use of the City's property so as to interfere with the comfortable enjoyment of
22 life and property; and (4) obstruct and threaten to obstruct the free passage and use of public parks,
23 squares, streets, bodies of water, and/or highways within Imperial Beach. They therefore constitute
24 a nuisance.

25 211. Plaintiff City of Imperial Beach includes coastal communities with substantial
26 numbers of residents living on and near the coast, and substantial numbers of businesses and
27 amenities on or near the coast; the condition created by Defendants therefore affects substantial
28 numbers of people in Plaintiff's communities at the same time.

1 212. Defendants, and each of them, created, caused, contributed to, and assisted in the
2 creation of these and other climate change-related harms in Imperial Beach by, among other things,
3 affirmatively and deceptively promoting the sale and use of fossil fuel products in Imperial Beach
4 which Defendants knew would cause or exacerbate climate change and its impacts in Imperial
5 Beach, including without limitation sea level rise, more frequent and extreme precipitation events,
6 coastal and inland flooding, and more frequent and extreme heat events. The affirmative
7 misconduct also includes disseminating and funding the dissemination of information intended to
8 mislead consumers and the public regarding the risks of climate change and its consequences that
9 Defendants knew would inevitably follow from the intended or reasonably foreseeable use of their
10 products. It also includes engaging in other conduct to manipulate and induce the public into
11 continued and elevated consumption of fossil fuels and delaying the shift to renewable energy in
12 a way that exacerbates climate change harms.

13 213. Defendants’ nuisance-creating conduct included egregiously making untruthful,
14 deceptive, and/or misleading environmental marketing claims, explicit and implied, in violation of
15 Cal. Bus. & Prof. Code § 17580.5. Plaintiff is within the class of persons that statute seeks to
16 protect. Defendants’ misleading environmental marketing claims include, but are not limited to,
17 deceptively marketing fossil fuel products claimed to be “low carbon,” “emissions-reducing,”
18 “clean” and/or “green,” or otherwise environmentally beneficial or benign when in reality those
19 products contribute to climate change and are harmful to the health of the planet and its people;
20 and deceptively marketing their companies and their products as contributing to solutions to
21 climate change when in reality their investments in clean energy and alternative fuels pale in
22 comparison to their investments in expanding fossil fuel production.

23 214. The climate change-related harms that Defendants created, caused, contributed to,
24 and assisted in the creation of, constitute a substantial and unreasonable interference with and
25 obstruction of public rights and property, including, inter alia, the public rights to health, safety,
26 welfare, peace, comfort, and convenience of Imperial Beach residents and other citizens. These
27 interferences with public rights, which Defendants knew their affirmative wrongful promotion
28 would cause or exacerbate, include without limitation:

1 a. Interference with the public's rights so regular and severe as to cause
2 permanent inundation;

3 b. The destruction of real and personal property, rather than mere annoyance;

4 c. The loss of property and infrastructure within Imperial Beach, which will
5 actually be borne by Plaintiff's citizens as loss of use of public property and infrastructure and
6 diversion of tax dollars away from other public services to sea level rise;

7 d. Plaintiff's coastal property, which serves myriad uses including industrial,
8 residential, infrastructural, commercial and ecological, is not suitable for regular inundation;

9 e. Sea level rise, coastal inundation and flooding, and groundwater changes,
10 which obstruct the free passage and use of roads and property, impair water quality in groundwater
11 aquifers, damage critical public infrastructure, and lead to unprecedented and dangerous storm
12 surges that can cause injury or even deaths;

13 f. More frequent and extreme precipitation events, including atmospheric
14 rivers, which cause flooding that can damage public infrastructure, obstructing the free passage
15 and use of property; and

16 g. More frequent and extreme heat events, which increase the risk of injury or
17 death from dehydration, heat stroke, heart attack, and respiratory problems.

18 215. The harms caused by Defendants' nuisance-creating conduct are extremely grave
19 and far outweigh the social utility of that conduct.

20 216. In addition to the harms suffered by the public at large, Plaintiff has suffered special
21 injuries different in kind. Among other harms,

22 a. Plaintiff has been forced to spend or set aside significant funds to assess,
23 plan for, and enact infrastructure changes needed to mitigate rising sea levels on Plaintiff's publicly
24 owned beaches and other public coastal property;

25 b. Plaintiff has had to plan for and provide additional emergency and other
26 public services in response to more frequent and more intense flooding and storm surges on both
27 properties owned by Plaintiff, and properties owned, leased, and utilized by residents and visitors
28 to Plaintiff's communities.

1 and their derivatives to the consumer market, such that Defendants had control over, and a
2 substantial ability to influence, the manufacturing and distribution processes of their affiliates and
3 subsidiaries.

4 226. As manufacturers, advertisers, promoters, and/or sellers of fossil fuel products and
5 their derivatives, Defendants had a duty to warn consumers, the public, and Plaintiff of reasonably
6 foreseeable environmental and health risks posed by those products and derivatives.

7 227. Throughout the times at issue, Defendants individually and collectively knew or
8 should have known—based on information passed to them from their internal research divisions
9 and affiliates, trade associations and entities, and/or from the international scientific community—
10 that fossil fuel products, whether used as intended or misused in a foreseeable manner, release
11 greenhouse gases into the atmosphere, causing global warming, sea level rise, increased intensity
12 and frequency of precipitation events and flooding, increased intensity and frequency of
13 storm surges, more frequent and severe heat waves and extreme temperatures, reduced air quality,
14 and the consequences and injuries associated with those physical and environmental changes,
15 which result in risks to human health and safety, damage to property and infrastructure, and loss
16 of use of public services in Imperial Beach.

17 228. Throughout the times at issue and continuing today, Defendants’ fossil fuel
18 products and their derivatives were used, distributed, and sold in a manner in which they were
19 reasonably foreseeably intended to be used, distributed, and sold, including but not limited to being
20 combusted for energy, combusted to power automobiles, refined into petrochemicals, and refined
21 and/or incorporated into petrochemical products including, but not limited to, fuels and plastics.

22 229. Defendants and their affiliates and subsidiaries knew, or should have known, that
23 these fossil fuel products and their derivatives would be used by the City, its residents, and others
24 within the City’s limits, amongst others, in the manner reasonably foreseeably intended.

25 230. Throughout the times at issue and continuing today, fossil fuel products presented
26 and still present a substantial risk of injury to Plaintiff through the climate effects described above,
27 whether used as intended or misused in a reasonably foreseeable manner. They were not
28 reasonably safe at the time they left Defendants’ control because they lacked adequate warnings

1 and instructions. Defendants' actual and/or constructive knowledge described above also
2 encompassed all of the risks described in this paragraph. The fossil fuel products and their
3 derivatives reached consumers and the environment substantially unchanged from that in which
4 they left the Defendants' control. Defendants and their affiliates and subsidiaries knew, or should
5 have known, that these fossil fuel products and their derivatives would be used by Plaintiff, their
6 residents, and others within the Imperial Beach's limits, amongst others, in the manner reasonably
7 foreseeably intended.

8 231. Throughout the times at issue, the ordinary consumer would not recognize that the
9 use or foreseeable misuse of fossil fuel products causes global and localized changes in climate,
10 including those effects described herein.

11 232. At the time of manufacture, merchandising, advertising, promotion, or sale,
12 Defendants could have provided warnings or instructions regarding the full and complete risks
13 fossil fuel products and their derivatives posed because they knew, and/or should have known, of
14 the unreasonable risks of harm associated with the use of these products, as described herein.

15 233. Throughout the times at issue, Defendants individually and in concert widely
16 disseminated marketing materials, refuted the scientific knowledge generally accepted at the time
17 concerning climate change, and advanced pseudo-scientific theories of their own, and developed
18 public relations campaigns and materials that prevented reasonable consumers from recognizing
19 or discovering the latent risk that Defendants' fossil fuel products and their derivatives would
20 cause grave climate changes. Defendants also represented, asserted, claimed, and warranted that
21 their fossil fuel products and derivatives were safe for their intended and foreseeable uses.

22 234. Despite the Defendants' superior and unequal knowledge of the risks posed by
23 fossil fuel products and their derivatives, Defendants, and each of them, breached their duty to
24 warn by failing to adequately warn Plaintiff, customers, and the public of the risks of climate
25 change and other dangers that Defendants knew would inevitably follow from the intended or
26 reasonably foreseeable use of Defendants' fossil fuel products.

27 235. Any warnings the Defendants may have issued as to the risks of their fossil fuel
28 products and their derivatives were rendered ineffective and inadequate by Defendants' false and

1 misleading public relations campaigns and statements about fossil fuel products, and their decades-
2 long efforts to conceal and misrepresent the dangers that follow from the intended or reasonably
3 foreseeable use of such products.

4 236. Accordingly, throughout the times at issue, the ordinary consumer would not
5 recognize that the use of fossil fuel products and their derivatives causes global and localized
6 changes in climate, and consequent injuries to Imperial Beach and its communities, as described
7 herein.

8 237. Had the Defendants provided adequate warnings and not waged a deceptive
9 campaign against climate science, their fossil fuel products and their derivatives would not have
10 had widespread acceptance in the marketplace, and alternatives to fossil fuel products could have
11 been developed faster, investment in fossil fuel alternatives would be greater, and/or fossil fuel
12 alternatives would be used in greater amounts.

13 238. Moreover, had the Defendants provided adequate warnings about the adverse
14 impacts to public health and the environment that result from the intended and reasonably
15 foreseeable use of fossil fuel products and their derivatives, Plaintiff and their residents would
16 have taken measures to decrease fossil fuel dependency in order to avoid or lessen the climate
17 related harms described herein and property damage that would inevitably follow.

18 239. As a result of the Defendants' failure to warn about the unreasonably dangerous
19 conditions of their fossil fuel products and their derivatives, Defendants are strictly liable to
20 Plaintiff.

21 240. Defendants' wrongful conduct was oppressive, malicious, and fraudulent, in that
22 their conduct was willful, intentional, and in conscious disregard for the rights of others.
23 Defendants' conduct was so vile, base, and contemptible that it would be looked down upon and
24 despised by reasonable people, justifying an award of punitive and exemplary damages in an
25 amount subject to proof at trial, and justifying equitable disgorgement of all profits Defendants
26 obtained through their unlawful and outrageous conduct.

27 241. As a direct and proximate result of the defects previously described, fossil fuel
28 products caused Plaintiff to sustain the injuries and damages set forth in this Complaint, including

1 damage to publicly owned infrastructure and real property, and the creation and maintenance of a
2 nuisance that interferes with the rights of the City, its residents and of the People.

3 242. As a direct and proximate result of Defendants' acts and omissions as alleged
4 herein, Plaintiff has suffered monetary losses and damages in amounts to be proven at trial.

5 243. Defendants' acts and omissions as alleged herein are indivisible causes of Plaintiff
6 Imperial Beach's injuries as alleged herein.

7 244. Wherefore, Plaintiff prays for relief as set forth below.

8 **FOURTH CAUSE OF ACTION**

9 **(Private Nuisance on behalf of City of Imperial Beach)**

10 **(Against All Defendants)**

11 245. Plaintiff incorporates by reference each and every allegation contained in §§ I–V
12 above, as though set forth herein in full.

13 246. Plaintiff owns and manages extensive property within Imperial Beach borders that
14 has been injured and will be injured by climate change.

15 247. Defendants, and each of them, by their acts and omissions, have intentionally and
16 unreasonably created a condition on Plaintiff's property, and permitted that condition to persist,
17 which constitutes a nuisance by increasing sea level, increasing the frequency and intensity of
18 flooding, increasing the frequency and intensity of extreme heat events, and increasing the
19 intensity and frequency of storms.

20 248. The condition created by Defendants substantially and negatively affects Plaintiff's
21 interest in its own coastal real property. In particular, higher sea level, increased storm frequency
22 and intensity, increased frequency and intensity of extreme heat events, and increased flooding
23 frequency and intensity are:

- 24 a. harmful and dangerous to human health;
- 25 b. indecent and offensive to the senses of the ordinary person;
- 26 c. threatening to obstruct the free use of Plaintiff's property and property
27 owned by Plaintiff's residents and citizens, so as to interfere with the comfortable enjoyment of
28 life and property; and

1 d. threatening to obstruct the free passage and use of navigable lakes, rivers,
2 bays, streams, canals, basins, public parks, squares, streets, and/or highways within Imperial
3 Beach.

4 249. The condition described above created by Defendants' conduct substantially
5 interferes with Plaintiff's use and quiet enjoyment of its properties.

6 250. Plaintiff has not consented to Defendants' conduct in creating the condition that has
7 led to climate change and its associated harms.

8 251. The ordinary person, and the ordinary city, or public entity in Plaintiff's position,
9 would be reasonably annoyed and disturbed by Defendants' conduct and the condition created
10 thereby, because, inter alia, it infringes on Plaintiff's ability to provide public space and safe
11 property to residents and visitors, and has forced Plaintiff to plan for and provide additional
12 emergency and other public services in response to more frequent and more intense flooding and
13 storm surges on properties owned by Plaintiff.

14 252. The seriousness of rising sea levels, increased weather volatility, flooding, and
15 extreme heat events is extremely grave, and outweighs the social utility of Defendants' conduct.
16 The seriousness of the harm to Plaintiff outweighs the benefit of Defendants' and each of their
17 conduct.

18 253. Defendants' conduct was a direct and proximate cause of Plaintiff's injuries, and a
19 substantial factor in the harms suffered by Plaintiff as described in this Complaint.

20 254. Defendants' acts and omissions as alleged herein are indivisible causes of
21 Plaintiff's injuries and damage as alleged herein.

22 255. Defendants' wrongful conduct was oppressive, malicious, and fraudulent, in that
23 their conduct was willful, intentional, and in conscious disregard for the rights of others.
24 Defendants' conduct was so vile, base, and contemptible that it would be looked down upon and
25 despised by reasonable people, justifying an award of punitive and exemplary damages in an
26 amount subject to proof at trial, and justifying equitable disgorgement of all profits Defendants
27 obtained through their unlawful and outrageous conduct.

1 the production and dissemination of information regarding the climate impacts of fossil fuel
2 products to users of those products and to the public.

3 263. Defendants had superior knowledge of the risk posed by fossil fuel products at all
4 times relevant to this Complaint.

5 264. Defendants, collectively and individually, had a duty to use due care in developing,
6 testing, inspecting and distributing their fossil fuel products. That duty obligated Defendants
7 collectively and individually to, inter alia, prevent defective products from entering the stream of
8 commerce, and prevent reasonably foreseeable harm that could have resulted from the ordinary
9 use or reasonably foreseeable misuse of Defendants' products.

10 265. Defendants, and each of them, breached their duty of due care by engaging in a
11 campaign of disinformation regarding global warming and the climatic effects of fossil fuel
12 products that prevented customers, consumers, and the general public from taking steps to mitigate
13 the inevitable consequences of fossil fuel consumption, and incorporating those consequences into
14 either short-term decisions or long-term planning. This includes when they advertised, promoted,
15 and/or sold fossil fuel products and their derivatives, while failing to include warnings of the risk
16 of harm associated with fossil fuel products and their derivatives, in a manner that they knew or
17 should have known would result in injury to human health and safety, damage to Plaintiff's
18 property and infrastructure, loss of use of Plaintiff's services, and other damages to the Plaintiff.
19 Any warnings provided by Defendants were rendered ineffective by the years-long deceptive
20 marketing practices and public relations campaigns, which promulgated false and misleading
21 statements, casted doubt on the consensus of climate scientists, and advanced pseudo-scientific
22 theories.

23 266. Defendants' individual and collective acts and omissions were actual, substantial
24 causes of climate change and its consequences, including Plaintiff's injuries and damages set forth
25 herein.

26 267. Defendants' individual and collective acts and omissions were proximate causes of
27 climate change and its consequences, including Plaintiff's injuries and damages set forth herein.
28 No other act, omission, or natural phenomenon intervened in the chain of causation between

1 Defendants' conduct and Plaintiff's injuries and damages, or superseded Defendants' breach of
2 their duties' substantiality in causing Plaintiff's injuries and damages.

3 268. As a direct and proximate result of Defendants' and each of their acts and
4 omissions, Plaintiff sustained injuries and damages as set forth herein.

5 269. Defendants' acts and omissions as alleged herein are indivisible causes of
6 Plaintiff's injuries and damage as alleged herein.

7 270. A reasonably careful company would not engage in a decades-long deceptive
8 marketing and public relations campaign to promulgate such false and misleading statements,
9 would not manufacture or distribute fossil fuel products and their derivatives without warning,
10 would warn of these products' hazardous properties, and/or would take steps to enhance the safety
11 and/or reduce the risk of the products.

12 271. Defendants' wrongful conduct was oppressive, malicious, and fraudulent, in that
13 their conduct was willful, intentional, and in conscious disregard for the rights of others.
14 Defendants' conduct was so vile, base, and contemptible that it would be looked down upon and
15 despised by reasonable people, justifying an award of punitive and exemplary damages in an
16 amount subject to proof at trial, and justifying equitable disgorgement of all profits Defendants
17 obtained through their unlawful and outrageous conduct.

18 272. Defendants are jointly and severally liable to the Plaintiff for causing a private
19 nuisance.

20 273. Wherefore, Plaintiff prays for relief as set forth below.

21 **SIXTH CAUSE OF ACTION**

22 **(Negligence - Failure to Warn on Behalf of City of Imperial Beach)**

23 **(Against All Defendants)**

24 274. Plaintiff incorporates by reference each and every allegation in §§ I-V contained
25 above, as though set forth herein in full.

26 275. At all relevant times, Defendants and their affiliates and subsidiaries were engaged
27 in the business of manufacturing, advertising, promoting, and/or selling fossil fuel products and
28 their derivatives.

1 276. Defendants, individually and in concert with each other, heavily marketed,
2 promoted, and advertised fossil fuel products and their derivatives, which were sold or used by
3 their respective affiliates and subsidiaries. Defendants received direct financial benefit from their
4 affiliates' and subsidiaries' sales of fossil fuel products. Defendants' role as promoter and marketer
5 was integral to their respective businesses and a necessary factor in bringing fossil fuel products
6 and their derivatives to the consumer market, such that Defendants had control over, and a
7 substantial ability to influence, the manufacturing and distribution processes of their affiliates and
8 subsidiaries.

9 277. As manufacturers, advertisers, promoters, and/or sellers of fossil fuel products and
10 their derivatives, Defendants had a duty to warn consumers, the public, and Plaintiff of reasonably
11 foreseeable environmental and health risks posed by those products and derivatives.

12 278. Throughout the times at issue, Defendants individually and collectively knew or
13 should have known—based on information passed to them from their internal research divisions
14 and affiliates, trade associations and entities, and/or from the international scientific community—
15 that fossil fuel products, whether used as intended or misused in a foreseeable manner, release
16 greenhouse gases into the atmosphere, causing global warming, sea level rise, increased intensity
17 and frequency of precipitation events and flooding, increased intensity and frequency of
18 storm surges, more frequent and severe heat waves and extreme temperatures, reduced air quality,
19 and the consequences and injuries associated with those physical and environmental changes,
20 which result in risks to human health and safety, damage to property and infrastructure, and loss
21 of use of public services in Imperial Beach.

22 279. Defendants knew or should have known, based on information passed to them from
23 their internal research divisions and affiliates, their trade organizations, and/or from the
24 international scientific community, that the climate effects described above rendered their fossil
25 fuel products dangerous, or likely to be dangerous, when used as intended or misused in a
26 reasonably foreseeable manner.

27 280. Throughout the times at issue and continuing today, Defendants' fossil fuel
28 products and their derivatives were used, distributed, and sold in a manner in which they were

1 reasonably foreseeably intended to be used, distributed, and sold, including but not limited to being
2 combusted for energy, combusted to power automobiles, refined into petrochemicals, and refined
3 and/or incorporated into petrochemical products including, but not limited to, fuels and plastics.

4 281. Defendants and their affiliates and subsidiaries knew, or should have known, that
5 these fossil fuel products and their derivatives would be used by the City, its residents, and others
6 within the City's limits, amongst others, in the manner reasonably foreseeably intended.

7 282. Throughout the times at issue and continuing today, fossil fuel products presented
8 and still present a substantial risk of injury to Plaintiff through the climate effects described above,
9 whether used as intended or misused in a reasonably foreseeable manner. They were not
10 reasonably safe at the time they left Defendants' control because they lacked adequate warnings
11 and instructions. Defendants' actual and/or constructive knowledge described above also
12 encompassed all of the risks described in this paragraph. The fossil fuel products and their
13 derivatives reached consumers and the environment substantially unchanged from that in which
14 they left the Defendants' control. Defendants and their affiliates and subsidiaries knew, or should
15 have known, that these fossil fuel products and their derivatives would be used by Plaintiff, its
16 residents, and others within the Imperial Beach's limits, amongst others, in the manner reasonably
17 foreseeably intended.

18 283. At the time of manufacture, merchandising, advertising, promotion, or sale,
19 Defendants could have provided warnings or instructions regarding the full and complete risks
20 fossil fuel products and their derivatives posed because they knew, and/or should have known, of
21 the unreasonable risks of harm associated with the use of these products, as described herein.

22 284. Throughout the times at issue, Defendants individually and in concert widely
23 disseminated marketing materials, refuted the scientific knowledge generally accepted at the time
24 concerning climate change, and advanced pseudo-scientific theories of their own, and developed
25 public relations campaigns and materials that prevented reasonable consumers from recognizing
26 or discovering the latent risk that Defendants' fossil fuel products and their derivatives would
27 cause grave climate changes. Defendants also represented, asserted, claimed, and warranted that
28 their fossil fuel products and derivatives were safe for their intended and foreseeable uses.

1 285. Despite the Defendants' superior and unequal knowledge of the risks posed by
2 fossil fuel products and their derivatives, Defendants, and each of them, breached their duty to
3 warn by failing to adequately warn Plaintiffs, customers, , and the public of the risks of climate
4 change and other dangers that Defendants knew would inevitably follow from the intended or
5 reasonably foreseeable use of Defendants' fossil fuel products.

6 286. Any warnings the Defendants may have issued as to the risks of their fossil fuel
7 products and their derivatives were rendered ineffective and inadequate by Defendants' false and
8 misleading public relations campaigns and statements about fossil fuel products, and their decades-
9 long efforts to conceal and misrepresent the dangers that follow from the intended or reasonably
10 foreseeable use of such products.

11 287. Accordingly, throughout the times at issue, the ordinary consumer would not
12 recognize that the use of fossil fuel products and their derivatives causes global and localized
13 changes in climate, and consequent injuries to Imperial Beach and its communities, as described
14 herein.

15 288. Had the Defendants provided adequate warnings and not waged a deceptive
16 campaign against climate science, their fossil fuel products and their derivatives would not have
17 had widespread acceptance in the marketplace, and alternatives to fossil fuel products could have
18 been developed faster, investment in fossil fuel alternatives would be greater, and/or fossil fuel
19 alternatives would be used in greater amounts.

20 289. Moreover, had the Defendants provided adequate warnings about the adverse
21 impacts to public health and the environment that result from the intended and reasonably
22 foreseeable use of fossil fuel products and their derivatives, Plaintiffs and their residents would
23 have taken measures to decrease fossil fuel dependency in order to avoid or lessen the climate
24 related harms described herein and property damage that would inevitably follow.

25 290. As a result of the Defendants' failure to warn about the unreasonably dangerous
26 conditions of their fossil fuel products and their derivatives, Defendants are liable to Plaintiff.

27 291. Defendants further breached their duty of care by making untruthful, deceptive,
28 and/or misleading environmental marketing claims, explicit and implied, in violation of Cal. Bus.

1 & Prof. Code § 17580.5. By violating the greenwashing statute, Defendants are presumed to have
2 breached their duty per se under Evidence Code § 669.

3 a. Defendants violated § 17580.5 with such conduct including deceptively
4 marketing fossil fuel products claimed to be “low carbon,” “emissions-reducing,” “clean” and/or
5 “green,” or otherwise environmentally beneficial or benign when in reality those products
6 contribute to climate change and are harmful to the health of the planet and its people; and
7 deceptively marketing their companies and their products as contributing to solutions to climate
8 change when in reality their investments in clean energy and alternative fuels pale in comparison
9 to their investments in expanding fossil fuel production.

10 b. This conduct was the proximate cause of Plaintiff’s climate related injuries.

11 c. Plaintiff’s injuries resulted from an occurrence of the nature which the
12 greenwashing statute was designed to prevent.

13 d. Plaintiff is among the class of persons for whose protection the
14 greenwashing statute was adopted.

15 292. Defendants’ wrongful conduct was oppressive, malicious, and fraudulent, in that
16 their conduct was willful, intentional, and in conscious disregard for the rights of others.
17 Defendants’ conduct was so vile, base, and contemptible that it would be looked down upon and
18 despised by reasonable people, justifying an award of punitive and exemplary damages in an
19 amount subject to proof at trial, and justifying equitable disgorgement of all profits Defendants
20 obtained through their unlawful and outrageous conduct.

21 293. As a direct and proximate result of the defects previously described, fossil fuel
22 products caused Plaintiff to sustain the injuries and damages set forth in this Complaint, including
23 damage to publicly owned infrastructure and real property, and the creation and maintenance of a
24 nuisance that interferes with the rights of the City, its residents, and of the People.

25 294. Defendants’ acts and omissions as alleged herein are indivisible causes of
26 Plaintiff’s injuries as alleged herein.

27 295. As a direct and proximate result of Defendants’ acts and omissions as alleged
28 herein, Plaintiff has suffered monetary losses and damages in amounts to be proven at trial.

1 change impacts to Imperial Beach, was a substantial factor in causing the injuries and damage to
2 Plaintiff's public and private real property.

3 303. Defendants' acts and omissions as alleged herein are indivisible causes of
4 Plaintiff's injuries and damage as alleged herein.

5 304. Defendants' wrongful conduct was oppressive, malicious, and fraudulent, in that
6 their conduct was willful, intentional, and in conscious disregard for the rights of others.
7 Defendants' conduct was so vile, base, and contemptible that it would be looked down upon and
8 despised by reasonable people, justifying an award of punitive and exemplary damages in an
9 amount subject to proof at trial, and justifying equitable disgorgement of all profits Defendants
10 obtained through their unlawful and outrageous conduct.

11 305. Defendants are jointly and severally liable to Plaintiff for causing the trespass.

12 306. Wherefore, Plaintiff pray for relief as set forth below.

13 **VII. PRAYER FOR RELIEF**

14 1. Compensatory damages in an amount according to proof;

15 2. Equitable relief to abate the nuisances complained of herein;

16 3. Reasonable attorneys' fees pursuant to California Code of Civil Procedure 1021.5

17 or otherwise;

18 4. Punitive damages;

19 5. Disgorgement of profits;

20 6. Finding Defendants jointly and severally liable for causing, creating, assisting in
21 the creation, of, contributing to, and/or maintaining a public nuisance;

22 7. Ordering an abatement fund remedy to be paid for by Defendants to provide for
23 infrastructure and other support necessary for the People to abate the nuisances complained of
24 herein;

25 8. Pre- and post-judgment interest as permitted by law;

26 9. Costs of suit and expenses; and

27 10. For such other relief as the court may deem proper.

28

1 **VIII. JURY DEMAND**

2 Plaintiff City of Imperial Beach demands a jury trial on all issues so triable.

3
4 Dated: June 10, 2024

**McDOUGAL, BOEHMER, FOLEY, LYON,
MITCHELL & ERICKSON
CITY ATTORNEY FOR CITY OF IMPERIAL
BEACH**

7 By: /s/ Jennifer Lyon

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18 *Attorneys for The City of Imperial Beach,
19 individually and on behalf of the People of the
20 State of California*

1 **PROOF OF SERVICE**

2 I am employed in the County of San Francisco, State of California. I am over the age of
3 eighteen (18) years and not a party to the action. My business address is 100 Montgomery St., Ste.
4 1410, San Francisco, CA 94104. I am readily familiar with Sher Edling LLP’s practice for
5 collection and processing of documents for mailing.

6 On June 10, 2024, I served copies of the following document:

7 **FIRST AMENDED COMPLAINT**

8 upon the counsel listed below via File&ServeXpress as follows:

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12 I declare under penalty of perjury that the foregoing is true and correct. Executed in San
13 Francisco, CA on June 10, 2024.

15 /s/ Oni Strawn
16 Oni Strawn