

Cases Underway to Make Climate Polluters Pay

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

<p>Commonwealth of Massachusetts <i>Massachusetts v. Exxon</i> Filed: Oct. 24, 2019</p>	<p>The Massachusetts Attorney General’s Office filed a consumer and investor fraud lawsuit against ExxonMobil in state court, charging the fossil fuel company with systematically and intentionally misleading consumers and investors about its role in causing climate change.</p>	<ul style="list-style-type: none"> • Consumer protection 	<p>Complaint filed in Massachusetts state court. Defendant removed the case to federal court (D.Mass.), which remanded the case to state court. State court denied defendant’s motions to dismiss, including its anti-SLAPP motion to dismiss. Massachusetts Supreme Judicial Court affirmed denial of anti-SLAPP motion on 5/24/22. Case is in pre-trial discovery in state court.</p>
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CLIMATE DAMAGES (Cost Recovery)

Case	Summary	Legal Claims Asserted	Procedural Status
<p>Maui County, Hawai’i <i>Maui v. Sunoco et al.</i> Filed: Oct. 12, 2020</p>	<p>The county’s lawsuit against Exxon, BP, Chevron, Shell, and more than a dozen other fossil fuel companies outlines an array of harms its four islands suffer as a result of Big Oil’s deception: 2019 was the county’s warmest year on record. The county’s fire season, which used to last only a few months but now runs year-round, burned six times as many acres in 2019 than 2018. And more than \$3.2 billion in assets, including the county’s five harbors and five airports, are threatened by chronic flooding and sea-level rise.</p>	<ul style="list-style-type: none"> • Public nuisance • Private nuisance • Trespass • Failure to warn 	<p>Complaint filed in Hawai’i state court. Defendants removed the case to federal court (D.Haw.), which remanded the case to state court. Ninth Circuit affirmed remand. Supreme Court denied cert. In state court, parties awaiting decision on defendants’ motion to dismiss for lack of personal jurisdiction.</p>
<p>Honolulu (City and County), Hawai’i <i>Honolulu v. Sunoco et al.</i> Filed: March 9, 2020</p>	<p>The City and County of Honolulu is suing major oil and gas companies to hold them accountable for the cost of climate damages they knew their businesses would create and intensify.</p>	<ul style="list-style-type: none"> • Public nuisance • Private nuisance • Trespass • Failure to warn 	<p>Complaint filed in Hawai’i state court. Defendants removed the case to federal court (D.Haw.), which remanded the case to state court. Ninth Circuit affirmed remand. Supreme Court denied cert. In state court, parties are litigating trial court’s denial of defendants’ motions to dismiss. Two motions (failure to state a claim and lack of personal jurisdiction) are pending before Hawai’i Supreme Court, while anti-SLAPP motion is pending before the Hawai’i Intermediate Court of Appeals.</p>
<p>Pacific Coast Federation of Fishermen’s Associations <i>PCFFA v. Chevron et al.</i> Filed: Nov. 14, 2018</p>	<p>The Pacific Coast Federation of Fishermen’s Associations, the largest commercial fishermen’s association on the West Coast, sued 30 fossil fuel companies including Chevron, ExxonMobil and BP — marking the first climate liability suit to be filed by one industry against another.</p>	<ul style="list-style-type: none"> • Public nuisance • Negligence • Design defect • Failure to warn 	<p>Complaint filed in California state court. Defendants removed the case to federal court (N.D.Cal). Parties awaiting decision on motion to remand the case back to state court.</p>

Case	Summary	Legal Claims Asserted	Procedural Status
State of Rhode Island <i>Rhode Island v. Chevron et al.</i> Filed: July 2, 2018	With 400 miles of vulnerable shoreline, Rhode Island became the first state to file suit against a fleet of fossil fuel companies – including ExxonMobil, Shell, Chevron, and BP – to recover costs from climate damages, ranging from severe storms and drought to considerable sea level rise and coastal flooding.	<ul style="list-style-type: none"> • Public nuisance • Trespass • Design defect • Failure to warn • Impairment of Public Trust Resources • State Environmental Rights Act 	Complaint filed in Rhode Island state court. Defendants removed the case to federal court (D.R.I.), which remanded the case to state court. First Circuit affirmed remand. Supreme Court denied cert. In state court, defendants filed motion to dismiss for lack of personal jurisdiction. Trial court granted discovery on this issue.
Oakland and San Francisco (City and County), California <i>Oakland et al. v. BP et al.</i> Filed: Sept. 19, 2017	The Bay Area municipalities are seeking to hold ExxonMobil, Chevron, Shell, BP, and ConocoPhillips accountable for a wide range of costs to protect their communities from rising seas, floods, and other climate damages.	<ul style="list-style-type: none"> • Public nuisance 	Complaints filed in California state court. Defendants removed the case to federal court (N.D.Cal), which denied plaintiffs’ motion to remand to state court. Per Ninth Circuit decision reversing lower court’s decision, district court granted plaintiffs’ renewed motion to remand on 10/24/22. Defendants appealed district court’s remand decision to the Ninth Circuit. Oral argument scheduled for 11/13/2023.
San Mateo, Santa Cruz, and Marin counties; Cities of Richmond, Imperial Beach, and Santa Cruz, California <i>San Mateo et al. v. Chevron et al.</i> Filed: July 17, 2017	These California lawsuits jump-started climate cost recovery suits in the U.S. Calling out 36 of the world’s largest oil companies, the complaints point to impacts such as more frequent flooding, beach erosion and the possibility of water inundating roads, sewage treatment plants and other real estate – including the international airport.	<ul style="list-style-type: none"> • Public nuisance • Private nuisance • Negligence • Trespass • Design defect • Failure to warn 	Complaints filed in California state court. Defendants removed the case to federal court (N.D.Cal), which remanded the case to state court. Ninth Circuit affirmed remand. Supreme Court denied cert. In state court, hearing on defendants’ motion to dismiss for lack of personal jurisdiction scheduled for 12/4/23.
Multnomah County, Oregon <i>County of Multnomah v. Exxon et al.</i> Filed: June 22, 2023	Multnomah County’s lawsuit against 17 fossil fuel entities is the first to seek damages for the deadly 2021 Pacific Northwest heat dome, which scientists say was “virtually impossible without human-caused climate change.”	<ul style="list-style-type: none"> • Public nuisance • Negligence • Fraud and Deceit • Trespass 	Complaint filed in Oregon state court. Defendants removed the case to federal court (D. Or.). Plaintiff filed motion to remand the case back to state court.

CLIMATE FRAUD AND DAMAGES

Case	Summary	Legal Claims Asserted	Procedural Status
State of California <i>The People of the State of California v. ExxonMobil et al.</i> Filed: Sept. 15, 2023	California Attorney General Rob Bonta filed a damages and fraud lawsuit against Exxon, Chevron, BP, Shell, ConocoPhillips, and the American Petroleum Institute for “the lies they have told and the damage they have caused” by accelerating climate change, slowing the development and investment in mitigation and adaptation measures, and misleading consumers.	<ul style="list-style-type: none"> • Public nuisance • Pollution, Impairment, and Destruction of Natural Resources • Misleading Advertising and Environmental Marketing • Unfair Competition • Failure to Warn 	Complaint filed in California state court on 9/15/23.
State of New Jersey <i>Platkin v. ExxonMobil et al.</i> Filed: Oct. 18, 2022	New Jersey Attorney General Matthew Platkin filed a lawsuit against ExxonMobil, Chevron, Shell, BP, ConocoPhillips, and the American Petroleum Institute for the damage that their climate deception is causing to communities across the state.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Failure to warn • Negligence • Impairment of the Public Trust 	Complaint filed in New Jersey state court. Defendants removed the case to federal court (D.N.J.), which remanded the case to state court.
Anne Arundel County, Maryland <i>Anne Arundel County v. BP et al.</i> Filed: April 26, 2021	Anne Arundel County is seeking to hold major oil companies and the American Petroleum Institute accountable for their climate deception – and to make them pay a fair share of the climate damages they knowingly caused.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Failure to warn 	Complaint filed in Maryland state court. Defendants removed the case to federal court (D.Md.), which remanded the case to state court. Defendants appealed district court’s remand decision to the Fourth Circuit. While parties await the Fourth Circuit’s decision (oral arguments scheduled for 12/6/23), case proceeding in state court where parties are litigating motions to dismiss for failure to state a claim and lack of personal jurisdiction.
Annapolis, Maryland <i>Annapolis v. BP et al.</i> Filed: Feb. 22, 2021	The City of Annapolis is seeking to hold major oil companies and the American Petroleum Institute accountable for their climate deception – and to make them pay a fair share of the climate damages they knowingly caused.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Failure to warn 	Complaint filed in Maryland state court. Defendants removed the case to federal court (D.Md.), which remanded the case to state court. Defendants appealed district court’s remand decision to the Fourth Circuit. While parties await the Fourth Circuit’s decision (oral arguments scheduled for 12/6/23), case proceeding in state court where parties are litigating motions to dismiss for failure to state a claim and lack of personal jurisdiction.

Case	Summary	Legal Claims Asserted	Procedural Status
State of Delaware <i>Delaware v. BP et al.</i> Filed: Sept. 10, 2020	Delaware Attorney General Kathy Jennings filed a lawsuit against 31 fossil fuel companies “to hold them accountable for decades of deception about the role their products play in causing climate change, the harm that is causing in Delaware, and for the mounting costs of surviving those harms.”	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Trespass • Failure to warn 	Complaint filed in Delaware state court. Defendants removed the case to federal court (D.Del), which remanded the case to state court. Third Circuit affirmed remand. Supreme Court denied cert. In state court, Parties awaiting decisions on motions to dismiss for failure to state a claim, lack of personal jurisdiction, and violations of anti-SLAPP statute.
Charleston, South Carolina <i>Charleston v. Brabham et al.</i> Filed: Sept. 9, 2020	The City of Charleston is suing 24 fossil fuel companies to hold them accountable for lying about climate change harms they knowingly caused – and to make them pay a fair share of the damage. Charleston’s was the first such lawsuit filed in the American South.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Failure to warn 	Complaint filed in South Carolina state court. Defendants removed the case to federal court (D.S.C.), which remanded the case to state court. Defendants appealed district court’s remand decision to the Fourth Circuit. Case proceeding in state court while on appeal.
Baltimore, Maryland <i>Baltimore v. BP et al.</i> Filed: July 20, 2018	The City of Baltimore is suing 26 oil and gas companies whose products – and the decades-long campaigns of deception regarding their repercussions – have left the city unduly exposed to an onslaught of climate-caused threats.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Negligence • Trespass • Design defect • Failure to warn 	Complaint filed in Maryland state court. Defendants removed the case to federal court (D.Md.), which remanded the case to state court. Fourth Circuit affirmed remand. Supreme Court denied cert. Case proceeding in state court.
Boulder (City and County), Colorado <i>Boulder County et al. v. Suncor and Exxon</i> Filed: April 17, 2018	In the first climate liability case filed by landlocked communities, three Colorado municipalities sued ExxonMobil and Suncor Energy to recover the cost of local climate damages the companies knowingly caused.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Conspiracy • Unjust Enrichment 	Defendants removed the case to federal court (D.Colo.), which remanded the case to state court. Tenth Circuit affirmed remand. Supreme Court denied cert. In state court, parties awaiting decision on defendants’ motions to dismiss.
San Miguel (County), Colorado <i>Boulder County et al. v. Suncor and Exxon</i> Filed: April 17, 2018	In the first climate liability case filed by landlocked communities, three Colorado municipalities sued ExxonMobil and Suncor Energy to recover the cost of local climate damages the companies knowingly caused.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Trespass • Conspiracy • Unjust Enrichment 	Defendants removed the case to federal court (D.Colo.), which remanded the case to state court. Tenth Circuit affirmed remand. Supreme Court denied cert. In state court, parties awaiting decision on defendants’ motions to dismiss.

RACKETEERING

Case	Summary	Legal Claims Asserted	Procedural Status
Hoboken, New Jersey <i>Hoboken v. Exxon et al.</i> Filed: Sept. 2, 2020	Hoboken, the coastal “Mile Square City,” is the first municipality to file a climate liability lawsuit in New Jersey. The city’s lawsuit argues that ExxonMobil, Shell, BP, Chevron, ConocoPhillips and the American Petroleum Institute’s climate deception violates the state’s consumer fraud statute and provides grounds for common law claims of public and private nuisance, trespass and negligence.	<ul style="list-style-type: none"> • Consumer protection • Public nuisance • Private nuisance • Negligence • Trespass <ul style="list-style-type: none"> • Plaintiffs amended complaint to add a New Jersey state RICO claim. 	Complaint filed in New Jersey state court. Defendants removed the case to federal court (D.N.J.), which remanded the case to state court. Third Circuit affirmed remand. Supreme Court denied cert. In state court, Parties litigating motions to dismiss for failure to state a claim, lack of personal jurisdiction, and violations of anti-SLAPP statutes. Arguments on whether the case is duplicative on the NJ state court scheduled for 10/20/23.
Municipalities of Puerto Rico <i>Municipalities of Puerto Rico vs. Exxon et al.</i> Filed: Nov. 22, 2022	Sixteen Puerto Rico municipalities filed the first-ever federal class-action lawsuit that charges major fossil fuel companies with violating the Racketeer Influenced and Corrupt Organizations (RICO) Act and seeks damages for the 2017 hurricane season that devastated the U.S. territory.	<ul style="list-style-type: none"> • Racketeering • Fraud • Antitrust • Product liability • Nuisance 	Complaint filed in federal court (D.P.R) on 11/22/22.

STRATEGIC ENVIRONMENTAL ENFORCEMENT

Case	Summary	Legal Claims Asserted	Procedural Status
Conservation Law Foundation v. Exxon et al. Filed: Sept. 29, 2016	Non-profit organization Conservation Law Foundation filed citizen enforcement suit against Exxon, alleging violations of the Clean Water Act and RCRA for its failure to take climate impacts into account in the design and operation of the Everett Terminal.	<ul style="list-style-type: none"> • Clean Water Act • Resource Conservation and Recovery Act 	Complaint filed in federal court (D. Mass.). Parties are in active settlement negotiations.
Conservation Law Foundation v. Gulf Oil Filed: July 7, 2021	Non-profit organization Conservation Law Foundation filed citizen enforcement suit against Gulf, alleging violations of the Clean Water Act and RCRA for its failure to take climate impacts into account in the design and operation of the New Haven Terminal.	<ul style="list-style-type: none"> • Clean Water Act • Resource Conservation and Recovery Act 	Complaint filed in federal court (D. Conn). Parties are in pre-trial discovery. In parallel, parties have been referred to mediation with first settlement conference scheduled for 9/22/23.

Case	Summary	Legal Claims Asserted	Procedural Status
Conservation Law Foundation v. Shell et al. <i>Filed: Aug. 28, 2017</i>	Non-profit organization Conservation Law Foundation filed citizen enforcement suit against Shell, alleging violations of the Clean Water Act and RCRA for its failure to take climate impacts into account in the design and operation of the Providence Terminal.	<ul style="list-style-type: none"> • Clean Water Act • Resource Conservation and Recovery Act 	Complaint filed in federal court (D.R.I.). Discovery stayed pending resolution of proceedings in related litigation in Connecticut (Conservation Law Foundation v. Shell et al.).
Conservation Law Foundation v. Shell et al. <i>Filed: July 7, 2021</i>	Non-profit organization Conservation Law Foundation filed citizen enforcement suit against Shell, alleging violations of the Clean Water Act and RCRA for its failure to take climate impacts into account in the design and operation of the New Haven Terminal.	<ul style="list-style-type: none"> • Clean Water Act • Resource Conservation and Recovery Act 	Complaint filed in federal court (D. Conn.). Case is in pre-trial discovery with discovery conference scheduled for 9/7/23.
McEvoy v. Diversified Energy et al. <i>Filed: 7/8/2022</i>	Private landowners in West Virginia filed a class action lawsuit against Diversified Energy and EQT, arguing that defendants' failure to promptly plug and decommission gas wells on private land constitutes trespass and nuisance. Plaintiffs further argue that the transfer of 12,000 wells constitutes fraudulent conveyance.	<ul style="list-style-type: none"> • Trespass • Fraudulent Transfer 	Complaint filed in federal court (N.D. W. Va.). Defendants' motion to dismiss was denied, and case is in pre-trial discovery.