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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

COUNTY OF MULTNOMAH,

Plaintiff,

v.

EXXON MOBIL CORP., SHELL PLC, F.K.A.  
ROYAL DUTCH SHELL PLC, SHELL U.S.A.,  
INC., EQUILON ENTERPRISES LLC DBA  
SHELL OIL PRODUCTS US, BP PLC, BP  
AMERICA, INC., BP PRODUCTS NORTH  
AMERICA, INC., CHEVRON CORP.,  
CHEVRON U.S.A., INC., CONOCOPHILLIPS,  
MOTIVA ENTERPRISES, LLC, OCCIDENTAL  
PETROLEUM F.K.A. ANADARKO  
PETROLEUM CORP., SPACE AGE FUEL,  
INC., VALERO ENERGY CORP.,  
TOTALENERGIES MARKETING USA F.K.A.  
TOTAL SPECIALTIES USA, INC.,  
MARATHON OIL COMPANY, MARATHON  
OIL CORP., MARATHON PETROLEUM  
CORP., KOCH INDUSTRIES, INC.,  
AMERICAN PETROLEUM INSTITUTE,  
WESTERN STATES PETROLEUM  
ASSOCIATION, MCKINSEY & COMPANY,  
INC., MCKINSEY HOLDINGS, INC., NW  
NATURAL F.K.A. NORTHWEST NATURAL  
GAS COMPANY, OREGON INSTITUTE OF  
SCIENCE AND MEDICINE and DOES 1-250  
INCLUSIVE,

Defendants.

Case No. 23CV25164

**SECOND AMENDED  
COMPLAINT**

(Public Nuisance, Negligence,  
Fraud & Deceit, and Trespass)

PRAYER: \$51,550,000,000

Or Laws 2012, ch. 48, Sec. 2;  
ORS 21.160(1)(e)

CLAIMS NOT SUBJECT TO  
MANDATORY ARBITRATION

JURY TRIAL REQUESTED

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3 **SECOND AMENDED COMPLAINT FOR CIVIL DAMAGES**  
4 **AND ABATEMENT OF PUBLIC NUISANCE**

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6 **I. NATURE OF THE CASE**

7 1.

8 This is a case that seeks damages and equitable relief for harm caused to Multnomah  
9 County (hereafter, “County” or “Plaintiff”), by Defendants’ execution of a scheme to deceptively  
10 promote fossil fuel products as harmless and rapaciously selling the products, while knowing that  
11 carbon pollution emitted by their products into the atmosphere would likely cause deadly extreme  
12 heat events like that which devastated Multnomah County in late June and early July 2021.  
13 Beginning on June 25, 2021, the Plaintiff, Multnomah County was scorched by the most extreme  
14 heat event in its history. For several consecutive days and nights, a “heat dome,” sometimes called  
15 a “blocking event” or an “extreme heat event,” broiled the County, causing massive loss of life,  
16 grave ill health, destruction of County property, and the consumption of resources. Over three  
17 consecutive days, County temperatures reached highs of 108°, 112°, and 116° Fahrenheit. All three  
18 of those high temperatures exceeded those of any day in any previous year in the County, ever.  
19 Tree ring data revealed that the 2021 Pacific Northwest (“PNW”) heat dome was the hottest event  
20 in the region since *the beginning of the record time* (starting in 950AD).<sup>1</sup>  
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26 <sup>1</sup> Heeter, K.J., Harley, G.L., Abatzoglou, J.T. *et al.* Unprecedented 21st century heat across the  
27 Pacific Northwest of North America. *npj Clim Atmos Sci* 6, 5 (2023). <https://doi.org/10.1038/s41612-023-00340-3>.  
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2.

Defendants engaged in an enterprise of misrepresentation and deception about the effects its products would have on the climate, and that they could cause extreme weather events such as the 2021 extreme heat event. Further, Defendants’ individual and collective emissions, including those in Oregon, were a cause of the 2021 extreme heat event. This suit does not seek to challenge the legal rights of Defendants to create emissions that occur outside of the state of Oregon. The law, however, does not and should not permit Defendants to conceal and misrepresent the dangers of their products’ emissions, which led to an increase in the demand and consumption of those products and lack of preparedness for extreme heat drastically exacerbating past and continuing damages from the 2021 extreme heat event.

3.

Because Multnomah County has historically enjoyed a mild climate, a substantial portion of its residents, even those who have financial resources, have no central cooling system or window units in their homes. A total of 69 people died in Multnomah County from overheating during this event. In a typical year, Multnomah County experiences *zero* deaths from heat-related illnesses. Prior to June 2021, Multnomah County recorded only two hyperthermia deaths since 2010 — one each in 2016 and 2018.<sup>2</sup> More people died from the June 2021 heat wave in Multnomah County

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<sup>2</sup> Multnomah County, June 2021 Extreme Heat Event, Preliminary Findings and Action Steps <https://www.multco.us/file/june-2021-heat-event-preliminary-findings-and-action-steps> (last visited June 12, 2023).

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2 than died from heat in the entire state of Oregon in the past 20 years.<sup>3</sup> Deaths from *all causes*  
3 during the heat dome were double the normal level.

4 4.

5 Many other residents fell ill from heat strokes, heat exhaustion, and dehydration. Hundreds  
6 required emergency and critical medical care.

7 5.

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9 The severity of the heat dome caused the County to expend enormous financial and human  
10 resources that it otherwise would not have, and thus added crushing economic burden upon the  
11 County, in tandem with the devastating human toll exacted upon its residents. In addition to  
12 providing many types of emergency health and human services for residents suffering from the  
13 extreme heat, the County spent taxpayer money to provide people with shelter, cooling centers,  
14 fans, food, portable air conditioners, clothes, and water. The agitation and desperation wrought by  
15 the record heat provoked an increase in crime and violence within the County, which further taxed  
16 the resources of law enforcement and County healthcare providers, who were already pushed  
17 beyond their limits in trying to care for those suffering from heat strokes and heat-related illnesses.  
18 Had the Defendants not deceived the County, the public and the scientific community about the  
19 dangers of the pollution emitted by use of their products, the County, and others, would have been  
20 better prepared for extreme heat events. In the wake of the June 2021 extreme heat event, the  
21 County spent significant sums of its taxpayer monies to prepare for future ones. These expenditures  
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27 <sup>3</sup> Id.

1 included increases in shelter space, supplies, warehousing of supplies, an early warning system,  
2 staffing, training, and tree density. Still, the County lacks the resources to adequately prepare for  
3 comparable or more severe heat extremes.  
4

5 6.

6 The heat dome that cost so much life and loss was not a natural weather event. It did not  
7 just happen because life can be cruel, nor can it be rationalized as simply a mystery of God’s will.  
8 Rather, the heat dome was a direct and foreseeable consequence of the Defendants’ decision to lie  
9 to the County, the public, and the scientific community about the catastrophic harm that pollution  
10 from fossil fuel products into the Earth’s and the County’s atmosphere would cause in order to sell  
11 as many fossil fuel products over the last six decades as they could. And that is what Defendants  
12 precisely did, leading to an exponential increase in fossil fuel product use, fossil fuel dependence,  
13 and emissions during that time. In the aftermath of the June 2021 heat dome, world renown  
14 climatologists, physicists and statisticians researched the causes of that extreme heat event and  
15 published their conclusions in peer-reviewed scientific journals. One such study concluded that  
16 the occurrence of a heat wave of the intensity experienced in the study area would have been  
17 virtually impossible without anthropogenic climate change (“ACC”).<sup>4</sup>  
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26 <sup>4</sup> Philip, S. Y., et al., Rapid attribution analysis of the extraordinary heat wave on the Pacific coast  
27 of the US and Canada in June 2021, *Earth Syst. Dynam.*, 13, 1689–1713 (2022).  
<https://doi.org/10.5194/esd-13-1689-2022>.

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2 7.

3 The same study concluded that this extreme heat event was 150 times less likely to have  
4 occurred in the absence of ACC.<sup>5</sup>

5 8.

6 Finally, the authors determined that in the absence of ACC, a heat event this extreme in  
7 this region might occur, if at all, one time in 1000 years. Escalating carbon pollution has increased  
8 the likelihood that it will reoccur every 5 to 10 years.”<sup>6</sup>

9 9.

10 These autopsy-like climatic diagnoses corroborated the prognoses that the Defendants  
11 internally made since the late 1950s: The heat catastrophe was caused by carbon pollution emitted  
12 into and accumulated by the atmosphere that warmed the planet and the region where the County  
13 resides, as well as dried out the region’s soil. It was so extreme and historically anomalous that it  
14 would not have occurred so intensely, nor at all, absent that pollution. In sum, but for carbon  
15 atmospheric pollution, the 2021 Pacific Northwest heat dome would have not occurred, and in the  
16 unlikely event that some atypical heating period may have still occurred, it would not have been  
17 as severe or as destructive. And but for the deception by the Defendants about the dangers of the  
18 pollution emitted by the use of their products the County, and others, would have prepared for their  
19 new climate reality.  
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26 <sup>5</sup> Id.

27 <sup>6</sup> Id.

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10.

The extreme heat event that began on June 25, 2021, and the Plaintiff’s damages caused by it, occurred because the Defendants’ engaged in a sophisticated campaign of deflection and deception that denied what they knew was the foreseeable consequence of using their fossil fuel products. This campaign encouraged the use of Defendants’ products and led to historical carbon and methane pollution heating up the Earth’s (and the Plaintiff’s) atmosphere.

11.

Defendants have known and foreseen for decades that their fossil fuel pollution would cause widespread and catastrophic harm throughout the world, including to Plaintiff, but they lied and cynically sought to sow “scientific” and public doubt in furtherance of their ceaseless, ravenous quest for more wealth. The use and consumption of fossil fuels—oil, natural gas, and coal—is the primary source of greenhouse gas emissions. Those greenhouse gas emissions have warmed the earth 1.1 to 1.2 ° C since 1900.<sup>7</sup> The American Petroleum Institute (“API”), in coordination with several Fossil Fuel Defendants that are long-standing members of that organization, investigated the science and advised *each other*, but not the public, in stark terms that fossil fuel usage would cause global warming and catastrophic climate changes like those experienced in Multnomah County.

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<sup>7</sup> 2020 World Meteorological Organization (WMO) Report, [https://public.wmo.int/en/media/press-release/2020-was-one-of-three-warmest-years-record#:~:text=The%20differences%20in%20average%20global,\(1850%2D1900\)%20level.](https://public.wmo.int/en/media/press-release/2020-was-one-of-three-warmest-years-record#:~:text=The%20differences%20in%20average%20global,(1850%2D1900)%20level.)

API is a trade group that promotes the fossil fuel production and sales activities of its members, which include the following Defendants: Exxon, Shell, Chevron, BP, ConocoPhillips, Motiva, and Anadarko (Occidental). In 1965, API's president, Frank Ikard, stated *internally* to the group's members, "... there is still time to save the world's peoples from the catastrophic consequence of pollution, but time is running out."<sup>8</sup> In 1965, the Defendants could have publicly admitted what they privately understood: emissions into the atmosphere from the use of Defendants' fossil fuels threatened "the world's people" with "catastrophic consequence[s]." Defendants understood that such threats could be avoided if course corrections were implemented imminently, before "time [runs] out." Yet, Defendants did the opposite. They made no such public admission. They lied publicly and repeatedly about the harm their pollution was causing and the calamities it would cause. They chose to safeguard their financial bottom lines, rather than the health and safety of the Plaintiff, and its residents." They terminated research and development programs that relied on renewable energy sources. McKinsey, Western States Petroleum Institute, Oregon Institute of Science and Medicine and other organizations have facilitated, and promoted, deceptive messaging related to the harms that the use of fossil fuels would cause to the earth, climate, and populous. This deception led to an increase in demand and consumption of fossil fuels.

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<sup>8</sup> Franta, B., Early oil industry knowledge of CO<sub>2</sub> and global warming. *Nature Clim. Change* 8, 1024–1025 (2018). <https://doi.org/10.1038/s41558-018-0349-9>.



1  
2 13.

3 Fossil Fuel Defendants consciously decided that they would lie about the impact of their  
4 fossil fuel products on the global climate, and regional climate that includes Multnomah County.  
5 In 1989, Fossil Fuel Defendants mobilized a campaign to create the “Global Climate Coalition”  
6 (“GCC”). Through this organization, Fossil Fuel Defendants and others funded a marketing  
7 campaign that intended to deceive and violate Oregon’s statutes and common law. That deception  
8 continues to this day.  
9

10 14.

11 In the spring of 1998, Fossil Fuel Defendants further organized their deceptive scheme into  
12 what is now known as the “Victory” memorandum. The Defendants perceived that a “consensus”  
13 had formed among qualified scientists and the informed public that carbon pollution from fossil  
14 fuel consumption was substantially warming the planet and thereby inducing weather extremes  
15 that posed an existential threat. Rather than seeking to modify their business activities to reduce  
16 that threat, or invest in renewable energy sources, the Defendants set forth upon a plan *to change*  
17 *the narrative* about that serious problem and undermine the consensus with pseudo-science,  
18 fabricated doubt, and a well-funded, sustained public relations campaign to promote their spin. To  
19 that end, they sponsored a cadre of mercenary “experts” who were selected for the purpose of  
20 seeding scientific literature and serving as moles in climatology groupthink. Their role is and was  
21 to espouse fossil fuel industry-sponsored propaganda under a false pretense that it was objective  
22 and reliable contrary science, and they spread their disinformation across America, including in  
23 Multnomah County.  
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2 15.

3 In furtherance of the scheme that Defendants hatched in the “Victory” memorandum, they,  
4 and the fabulists they sponsor, corrupted legitimate scientific literature by seeding it with anti-  
5 science, pro-industry propaganda, upon which consumers, including consumer taxpayers in  
6 Multnomah County, have detrimentally relied.

7  
8 16.

9 The culpable conduct of the Fossil Fuel Defendants, as described more fully in this Second  
10 Amended Complaint includes:

- 11 (a). Defendants knew or should have known that carbon pollution emitted by  
12 their fossil fuel products would likely cause extreme heat events.
- 13 (b). Defendants proclaimed that climate change was not a real or imminent  
14 threat while knowing that it was.
- 15 (c). Defendants had a duty to disclose under Oregon laws but failed to disclose:  
16 1) that global climate change was a genuine and serious threat; 2) that  
17 pollution from their fossil fuel products was a direct cause of that threat;  
18 and 3) extreme heat in otherwise mild climates like America’s Pacific  
19 Northwest was one of the threats that was made more likely to happen with  
20 more severe consequences.
- 21 (d). To conceal their fraudulent marketing scheme, Defendants masked their  
22 activities through front groups, dark money funding, pseudo scientists for  
23 hire, all in an enterprise to deceive the public and Multnomah County.
- 24 (e). Defendants failed to warn the public, including Multnomah County and its  
25 residents of the external social, economic and environmental costs from  
26 using their products. Instead, the Defendants created a narrative of scarcity  
27 of resources to maintain their energy production monopoly and make higher  
28 profits.

17.

25 Defendants’ false and misleading promotion of fossil fuel products are individually and  
26 collectively a cause, of Multnomah County’s lack of preparedness for the extreme heat event that  
27

1 struck the County beginning on June 25, 2021, two similar heat events that occurred in 2022, one  
2 in May 2023, and one in May 2024. The harms caused by Defendants to Plaintiff are ongoing and  
3 will multiply. Because Defendants have polluted the atmosphere with enormous amounts of  
4 methane and carbon dioxide within territorial boundaries of Oregon, which remain aloft for  
5 decades, and they continue to do so without restraint, extreme heat events will reoccur with  
6 increasing intensity and frequency.<sup>9</sup> Defendants’ false and misleading promotion of fossil fuel  
7 products also led to an increase in the demand and consumption of these products. Because  
8 Defendants’ carbon and methane polluting products and activities in Oregon cause regional  
9 temperature rise and sustained periods of drought, Plaintiff has experienced and will continue to  
10 experience extreme heat events and toxic smoke from massive, unmanageable wildfires. Plaintiff  
11 lacks sufficient resources to prepare for the enormity of that impending harm and seeks all  
12 remedies from Defendants provided by Oregon state law for its damages, past and future, as well  
13 as for abatement of such harms.  
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17 18.

18 Plaintiff Multnomah County, through the County Attorney’s Office, brings this action in its  
19 sovereign capacity for the public benefit and to promote the welfare of the public. The County of  
20 Multnomah also brings this action as an exercise of its police power, which includes, but is not  
21 limited to, its stewardship of the County’s property, air, and waters, to prevent and abate nuisances  
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26 <sup>9</sup> Zhang, X., Zhou, T., Zhang, W. et al. Increased impact of heat domes on 2021-like heat extremes  
27 in North America under global warming. Nat Commun 14, 1690 (2023).  
<https://doi.org/10.1038/s41467-023-37309-y>.

1 and harm, and to prevent and abate hazards to public health, safety, welfare, and the environment.  
2  
3 Finally, the County of Multnomah also brings this action in its capacity as *parens patriae* on behalf  
4 of its taxpaying residents who have suffered and will suffer harms, including for the expenditures  
5 of County resources arising from extreme heat events and wildfires caused by Defendants'  
6 malfeasance, which is further described herein. **All of Plaintiff's claims for relief arise under  
7 Oregon state law for harms occurring in Multnomah County. Plaintiff seeks no remedy  
8 under Federal law and expressly disclaims all theories of recovery, if any, that may exist  
9 exclusively under Federal law. Plaintiff does not seek relief with respect to any federal  
10 enclave located within the County's geographic borders, or any federal enclave elsewhere.**

## 11 **II. THE PARTIES, JURISDICTION AND VENUE**

### 12 **A. Plaintiff**

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14 19.

15 Multnomah County is an existing county government duly formed under the laws of the  
16 State of Oregon and is a body politic and corporate. The seat of Multnomah County is in Portland,  
17 Oregon. The Multnomah County Board of Commissioners is duly elected to exercise the powers  
18 of Multnomah County and has approved the filing of this lawsuit. According to the 2020 US  
19 consensus, 815,428 people reside in Multnomah County, the state's most populous county.  
20

21 20.

22 It has long been the policy in the State of Oregon that the discharge into the air of gases  
23 and particulates that cause injury to human, plant or animal life is a public nuisance and, as such,  
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2 is contrary to public policy.<sup>10</sup> Moreover, since 1951, it has been the public policy in Oregon “[t]o  
3 restore and maintain the quality of the air resources of the state in a condition as free from air  
4 pollution as is practicable, consistent with the overall public welfare of the state.”<sup>11</sup>

5  
6 21.

7 Multnomah County has standing and authority to bring this lawsuit under the Constitution  
8 of the State of Oregon, Oregon Revised Statutes, The Multnomah County Charter, and under the  
9 common law principle of *parens patriae*. Multnomah County has the right to bring this action to  
10 recover for harms caused by the Defendants’ malfeasance and protect the public interest and public  
11 health of its citizens against fossil fuel induced weather extremes. The Multnomah County  
12 Attorney’s Office is authorized to bring this suit on behalf of the County with the assistance of  
13 outside counsel.

14  
15 22.

16 On June 22, 2023, the Multnomah County Board of Commissioners voted unanimously on  
17 a resolution declaring that ACC has caused an on-going public nuisance of climate-related mass  
18 catastrophe events driven by human caused climate change that has increased the frequency,  
19 duration, and intensity of multiple disasters, which include extreme heat events (including, but not  
20 limited to, “heat domes”), wildfires (and wildfire-generated smoke), and drought. Thus, the  
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25 <sup>10</sup> *Smejkal v. Empire Lite-Rock, Inc.*, 547 P.2d 1363, 1367, 1976 Ore. LEXIS 904, \*13 (April 26,  
26 1976).

27 <sup>11</sup> *Id.* (citing Oregon Laws 1951, Chapter 425, § 7).

1  
2 existence of a public nuisance that burdens the County from anthropogenic climate change is  
3 memorialized by official decree of Multnomah County.

4 23.

5 This is an official action brought by the County Attorney’s Office in its official capacity.  
6

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8 ***B. Defendants***

9 **1. Oil and Gas Defendants**

10 24.

11 The Oil and Gas Defendants in this action, both individually and collectively, have  
12 substantially polluted the atmosphere with the greenhouse gases (“GHG”) that super heat the  
13 planet’s surface and catalyze extreme heat events. About three quarters of all fossil fuel combustion  
14 CO<sub>2</sub> emissions in history have occurred since the 1960s and estimates have more than half  
15 occurring since the late 1980s and even as late as 1994.<sup>12</sup> The annual rate of CO<sub>2</sub> emissions by  
16 some estimates from production, consumption, and use of fossil fuels has increased by more than  
17 60% since 1990.<sup>13</sup> Cumulative carbon analysis allows an accurate calculation of net annual CO<sub>2</sub>  
18 and methane emissions attributable to each Defendant by quantifying the amount and type of fossil  
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24 <sup>12</sup> R. J. Andres et al., A synthesis of carbon dioxide emissions from fossil-fuel combustion, 9  
25 BIOGEOSCIENCES 1845, at 1851 (2012), <https://bg.copernicus.org/articles/9/1845/2012/bg-9-1845-2012.pdf> (last visited June 20, 2023); See also ¶¶ 165-174.

26 <sup>13</sup> Le Quéré et al., Global Carbon Budget 2016, 8 EARTH SYST. SCI. DATA 605, at 630 (2016),  
27 <https://essd.copernicus.org/articles/8/605/2016/essd-8-605-2016.pdf> (last visited June 20, 2023).

1  
2 fuel products each Defendant extracted and placed into the stream of commerce, and multiplying  
3 those quantities by each fossil fuel product’s carbon factor.<sup>14</sup>

4 25.

5 The Oil and Gas Defendants, listed below, (along with their co-venturer carbon majors) are  
6 directly responsible for knowing and unreasonable concealment and misrepresentations of the  
7 climate harms from their products causing increased demand and consumption of those products  
8 and to a lack of preparedness for the extreme weather caused by their massive amounts of GHG  
9 emissions from 1965-present, including in Oregon.  
10

11 26.

12 Defendant, Exxon Mobil Corp. (“Exxon”) is incorporated in New Jersey, with its principal  
13 place of business in Irving, Texas. It is registered with the SEC and is traded under the symbol,  
14 “XOM.” Exxon, along with Defendants, BP, Shell, Chevron and their predecessor corporations  
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24 <sup>14</sup> Richard Heede, Tracing Anthropogenic Carbon Dioxide and Methane Emissions to Fossil Fuel  
25 and Cement Producers, 1854–2010, 122 CLIMACTIC CHANGE 229-241 (2014),  
26 <https://link.springer.com/content/pdf/10.1007/s10584-013-0986-y.pdf>; see also, Richard Heede,  
27 Carbon Majors: Update of Top Twenty companies 1965-2017, CLIMATE ACCOUNTABILITY  
28 INSTITUTE (Oct. 9, 2019), [https://climateaccountability.org/wp-content/uploads/2020/12/CAI-  
PressRelease-Top20-Oct19.pdf](https://climateaccountability.org/wp-content/uploads/2020/12/CAI-PressRelease-Top20-Oct19.pdf) (last visited June 20, 2023).

1  
2 constituted a group in the 1970's known as the "Seven Sisters,"<sup>15</sup> which controlled around 85%  
3 of the world's petroleum reserves.<sup>16</sup>

4 27.

5 Exxon is an American multinational oil and gas corporation and has consistently ranked as  
6 the world's second largest company by revenue.<sup>17</sup> It is one of the largest of the world's Big Oil  
7 companies.<sup>18</sup>

8 28.

9 Exxon is vertically integrated and is active in every area of the oil and gas industry,  
10 including exploration and production, refining, transport, distribution and marketing,  
11 petrochemicals, plastics, power generation and trading.  
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20 <sup>15</sup> "Seven Sisters" was a common term for the seven transnational oil companies of the  
21 "Consortium for Iran" oligopoly or Enterprise, which dominated the global petroleum industry  
22 from the mid-1940s to the mid-1970s. The industry group consisted of Anglo-Iranian (started as  
23 Anglo-Persian) Oil Company (now BP), Gulf Oil (later part of Chevron), Royal Dutch Shell,  
24 Standard Oil Company of California (SoCal, now Chevron), Standard Oil Company of New Jersey  
25 (Esso, later Exxon, now part of Exxon Mobil), Standard Oil Company of New York (Socony, later  
26 Mobil, also now part of ExxonMobil), and Texaco (later merged into Chevron).

27 <sup>16</sup> Ian Mann, Shaky industry that runs the world, THE TIMES (Jan. 24, 2010),  
28 <https://www.timeslive.co.za/ideas/2010-01-24-shaky-industry-that-runs-the-world/> (last visited  
June 14, 2023).

<sup>17</sup> Fortune, Global 500, FORTUNE 500, <https://fortune.com/fortune500/2022/> (last visited June 14,  
2023).

<sup>18</sup> Id.



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2 29.

3 When ranked by oil and gas reserves, Exxon, is ranked 14th in the world.<sup>19</sup> Exxon's total  
4 assets at the end of 2018 were valued at \$346.2 billion.<sup>20</sup>

5 30.

6 Exxon manages, directs, and controls its and its subsidiaries' policies and practices related  
7 to climate change and fossil fuel production. Exxon is the second largest investor-owned  
8 greenhouse gas emitter.<sup>21</sup>

9 31.

10 Exxon is the largest non-government owned company in the energy industry.<sup>22</sup> Exxon is  
11 organized functionally into several global operating divisions, namely Upstream, Downstream and  
12 Chemical, such as Exxon Coal & Minerals, Inc. It also owns hundreds of smaller subsidiaries, all  
13 fossil fuel based, such as Imperial Oil Limited (69.6% ownership) in Canada, and SeaRiver  
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20 <sup>19</sup> Steve Forbes, Will We Rid Ourselves of This Pollution?, FORBES (Mar. 20, 2007),  
<https://www.forbes.com/forbes/2007/0416/033.html?sh=350a237f22f4> (last visited June 14,  
21 2023).

22 <sup>20</sup> Exxon Mobil, 2018 Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange  
Act of 1934 (Form 10K), EXXONMOBIL (Feb. 27, 2019),  
<https://www.sec.gov/Archives/edgar/data/34088/000003408819000010/xom10k2018.htm> (last  
23 visited June 15, 2023).

24 <sup>21</sup> Exxon Mobil, 2018 Financial & Operating Review, EXXONMOBIL (2019)  
[https://corporate.exxonmobil.com/-/media/Global/Files/annual-report/2018-Financial-and-  
25 Operating-Review.pdf](https://corporate.exxonmobil.com/-/media/Global/Files/annual-report/2018-Financial-and-Operating-Review.pdf) (last visited June 14, 2023).

26 <sup>22</sup> Roslan Khasawneh, Exxon Mobil Eyes Multi-Billion Dollar Investment at Singapore Refinery:  
Executive, REUTERS (Oct. 3, 2018), [https://www.reuters.com/article/us-singapore-bunker-sibcon-  
27 Exxon-mobil-idUKKCN1MD0EF](https://www.reuters.com/article/us-singapore-bunker-sibcon-exxon-mobil-idUKKCN1MD0EF) (last visited June 14, 2023).

1  
2 Maritime, a petroleum shipping company.

3 32.

4 Exxon's upstream operation includes exploration, extraction, shipping, and wholesale  
5 operations. Those operations drive much of ExxonMobil's revenue, accounting for approximately  
6 70% of the total.<sup>23</sup>

7  
8 33.

9 Exxon's downstream operation, consisting of marketing, refining, and retail operations, is  
10 based in Houston, Texas. Exxon merged its refining and marketing divisions, namely ExxonMobil  
11 Refining and Supply Company and ExxonMobil Fuels, Lubricants & Specialties Marketing  
12 Company in 2018, which enables ExxonMobil to generate more cash flow from downstream  
13 activities – helping the energy giant to counter the volatility in its upstream business. Exxon's  
14 downstream operations include its sales of petroleum-based consumer products in Oregon.

15  
16 34.

17 ExxonMobil Chemical is a petrochemical company which was created by merging Exxon's  
18 and Mobil's chemical industries. Its principal products include petroleum-based olefins and  
19 aromatics, ethylene glycol, polyethylene, and polypropylene along with specialty lines such as  
20

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22  
23  
24  
25 <sup>23</sup> Exxon Mobil, ExxonMobil Financial and Operations Summary: Overview and Highlights,  
26 EXXONMOBIL (2018)  
27 <https://web.archive.org/web/20181024231915/https://corporate.exxonmobil.com/en/company/annual-report/financial-operating-highlights> (last visited June 14, 2023).

1 elastomers, plasticizers, solvents, process fluids, oxo alcohols and adhesive resins.

2  
3 35.

4 Exxon's "Mobil 1" brand is the market leader in high-value synthetic lubricants and is sold  
5 in Oregon.<sup>24</sup>

6 36.

7 Exxon's "Infineum" line is a joint venture with Royal Dutch Shell that manufactures and  
8 markets petroleum additives for the fuel and lubricant industries to commercial and consumer  
9 markets.<sup>25</sup> The Infineum line manufactures and markets crankcase lubricant additives, fuel  
10 additives, and specialty lubricant additives, as well as automatic transmission fluids, gear oils, and  
11 industrial oils.<sup>26</sup> Infineum is a formulator, manufacturer and marketer of petroleum additives for  
12 the fuel and lubricant industries. Their products include small engine, passenger car motor, heavy-  
13 duty engine, gas engine, and marine oils along with fuels, transmission fluids, viscosity modifiers,  
14 and pour point depressants.<sup>27</sup> Their products are classified into five distinct groups: driveline  
15 additives, engine oil additives, fuel additives, marine additives and industrial products and are sold  
16 worldwide, including in Oregon and Multnomah County.  
17  
18  
19  
20  
21

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22 <sup>24</sup> ExxonMobil, ExxonMobil 2018 Financial & Operating Review, EXXONMOBIL (Apr. 2. 2019)  
23 <https://corporate.exxonmobil.com/-/media/Global/Files/annual-report/2018-Financial-and-Operating-Review.pdf> (last visited June 18, 2023).

24 <sup>25</sup> Jack W. Plunkett, Plunkett's Chemicals, Coatings & Plastics Industry Almanac: The Only Complete Guide to the Chemicals Industry (2009).

25 <sup>26</sup> Id.

26 <sup>27</sup> Bloomberg, Infineum International Limited – Company Profile and News, BLOOMBERG  
27 <https://www.bloomberg.com/profile/company/2573746Z:LN?leadSource=verify%20wall> (last visited June 20, 2023).

1  
2 37.

3 Exxon advertises, markets, and sells its products in Oregon and Multnomah County. Exxon  
4 conducts substantial fossil fuel product business in Oregon and purposefully avails itself of the  
5 rights, obligations, and privileges of Oregon’s laws. Exxon operated a bulk fuel terminal facility  
6 located at 9420 NW St. Helens Rd., Portland, OR 97231 in Multnomah County that was also used  
7 by BP prior to its sale to NuStar Energy. The facility has been used since 1928 for storage and  
8 dispensing of fossil fuels. Now the site houses an ExxonMobil Lube Plant that handles petroleum  
9 lubricating oils.  
10

11 38.

12 Exxon also has a known joint venture with another carbon major, Petrobras,<sup>28</sup> which is  
13 responsible for gigatons of industrial CO<sub>2</sub>e GH emissions from 1965-2023.  
14

15 39.

16 Exxon is a major carbon emitter, and its concealment and misrepresentations about the  
17 dangers of its emissions, as well as its emissions in Oregon, are individually and collectively (with  
18 the other Defendants) a cause of enormous harm to Plaintiff for which Exxon is individually as  
19 well as jointly and severally liable to Plaintiff.  
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21  
22  
23

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24  
25 <sup>28</sup> ExxonMobil, Petrobras and ExxonMobil Form Strategic Alliance, ExxonMobil (Dec. 14, 2017)  
26 [https://corporate.exxonmobil.com/news/news-releases/2017/1214\\_petrobras-and-exxonmobil-](https://corporate.exxonmobil.com/news/news-releases/2017/1214_petrobras-and-exxonmobil-form-strategic-alliance)  
27 [form-strategic-alliance](https://corporate.exxonmobil.com/news/news-releases/2017/1214_petrobras-and-exxonmobil-form-strategic-alliance) (last visited June 20, 2023).  
28

1  
2 40.

3 Exxon engaged in an enterprise of misrepresentation about the effect its products would  
4 have on the climate, and that they could cause such an extreme heat event to occur. Exxon's  
5 misrepresentations and fraud were individually and collectively (with the other Defendants) a  
6 cause of enormous harm to Plaintiff for which Exxon is individually as well as jointly and severally  
7 liable to Plaintiff.  
8

9 41.

10 Defendant, Shell PLC F.K.A. Royal Dutch Shell PLC is a public limited company  
11 registered in England and Wales, with its international headquarters in The Hague, Netherlands.  
12 Shell's headquarters for its U.S. operations is in Houston, Texas. Shell manages, directs, and  
13 controls its and its subsidiaries' policies and practices related to climate change and fossil fuel  
14 production. Shell is the seventh largest investor-owned greenhouse gas emitter.  
15

16 42.

17 Defendant, Shell USA, Inc. is a corporation incorporated in Delaware, and headquartered  
18 at 1000 Main Street, Houston, Texas 77002. Shell USA can be served through its registered agent  
19 in Oregon.  
20

21 43.

22 Defendant, Equilon Enterprises LLC dba Shell Oil Products US is an oil refiner and  
23 marketer incorporated in Delaware and with headquarters located at 910 Louisiana Street,  
24 Houston, Texas 77002. Equilon Enterprises LLC dba Shell Oil Products US sold over 39,348,691  
25 mtCO<sub>2</sub>e worth of fossil fuels in Oregon.  
26  
27  
28

1  
2 44.

3 Together Defendants Shell PLC F.K.A. Royal Dutch Shell PLC, Shell USA, Inc, Equilon  
4 Enterprises LLC dba Shell Oil Products US, and any other subsidiaries and affiliate entities are  
5 collectively, “Shell.”

6 45.

7 Shell has operations in over 70 countries, produces nearly 3.2 million barrels of oil  
8 equivalent per day, sold 64.2 million tons of liquefied natural gas (LNG) during 2021 and has  
9 interests in 10 refineries.<sup>29</sup> Like Exxon, Shell has billions in proven reserves. As of the end of  
10 December 2014, Shell boasted 13.7 billion barrels of oil equivalent.<sup>30</sup> Shell is registered with the  
11 SEC and is traded as RDSA. At the end of 2018, Shell reported \$339.2 billion in assets.<sup>31</sup>

12 46.

13 Like Exxon, Shell is vertically integrated and is active in every area of the oil and gas  
14 industry, including exploration and production, refining, transport, distribution and marketing,  
15 petrochemicals (plastics), power generation and trading.<sup>32</sup>  
16  
17

18  
19  
20 <sup>29</sup> Shell Global, Who We Are, SHELL PLC <https://www.shell.com/about-us/who-we-are.html> (last  
21 visited June 14, 2023).

22 <sup>30</sup> Shell Global, Recommended Cash and Share Offer for BG Group PLC by Royal Dutch Shell  
23 PLC, SHELL PLC (Apr. 8, 2015) [https://www.shell.com/media/news-and-media-  
releases/2015/recommended-cash-and-share-offer-for-bg-group-plc.html](https://www.shell.com/media/news-and-media-releases/2015/recommended-cash-and-share-offer-for-bg-group-plc.html) (last visited June 14,  
2023).

24 <sup>31</sup> Royal Dutch Shell PLC, Form 20-F Annual Report Pursuant to Section 13 or 15(d) of the  
25 Securities Exchange Act of 1934 (Mar. 14, 2019) [https://shell.gcs-web.com/static-files/548074c8-  
9ff1-4e08-9c69-ffd2c081f875](https://shell.gcs-web.com/static-files/548074c8-9ff1-4e08-9c69-ffd2c081f875) (last visited June 14, 2023).

26 <sup>32</sup> Vertical integration is the merging together of two businesses that are at different stages of  
27 production—for example, a food manufacturer and a chain of supermarkets. Merging in this way  
28 with something further on in the production process (and thus closer to the final consumer) is

1  
2 47.

3 Shell branded gasoline was sold in Oregon through retail stations and wholesale  
4 distributors. Shell lubricants are sold through Christensen USA in Oregon.<sup>33</sup> Shell’s website  
5 reflects at least 205 Shell gas stations in Oregon, with as many as 156 in the Multnomah County  
6 area as of June 22, 2023.<sup>34</sup>

7  
8 48.

9 Shell owns “Pennzoil,” “Quaker State” and “Jiffy Lube.” Shell sells its engine oil and  
10 lubricants in Multnomah County, Oregon, and around the world. Shell claims to be the number  
11 one global lubricant supplier, delivering market-leading lubricants to consumers in over 100  
12 countries.<sup>35</sup> Shell advertises, markets, and sells its products, including consumer products, in  
13 Multnomah County. Shell conducts substantial fossil fuel product business in Oregon and  
14 purposefully avails itself of the rights, obligations, and privileges of Oregon’s laws.  
15  
16  
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18

19  
20  
21 known as forward integration. The Economist, Vertical Integration, THE ECONOMIST (Mar. 20,  
22 2019) <https://www.economist.com/news/2009/03/30/vertical-integration> (last visited June 18,  
23 2023).

24 <sup>33</sup> Shell United States, Find a Shell Lubricants Dealer, Shell United States  
25 [https://www.shell.us/business-customers/lubricants-for-business/lubricants-distributor-  
26 locator.html](https://www.shell.us/business-customers/lubricants-for-business/lubricants-distributor-locator.html) (last visited June 15, 2023); Christensen, Fuel Products, Lubricants, Partners,  
27 Christensen USA <https://christensenusa.com/products/> (last visited June 15, 2023).

28 <sup>34</sup> Shell United States, Gas Station Near Me, SHELL UNITED STATES  
<https://www.shell.us/motorist/gas-station-near-me> (last visited June 14, 2023).

<sup>35</sup> Shell United States, Shell Engine Oils and Lubricants, SHELL UNITED STATES  
<https://www.shell.com/motorist/oils-lubricants> (last visited June 14, 2022).

1  
2 49.

3 Shell also has joint ventures with another carbon major, Gazprom,<sup>36</sup> which is responsible  
4 for substantial GHG emissions from 1965-2023. Shell also has known joint ventures with another  
5 carbon major, National Iranian Oil Company,<sup>37</sup> which is also responsible for substantial GHG  
6 emissions from 1965-2023.

7  
8 50.

9 Shell also has known joint ventures with another carbon major, China Petroleum,<sup>38</sup> which  
10 is responsible for substantial GHG emissions from 1965-2023. Shell also has known joint ventures  
11 with another carbon major, Pemex,<sup>39</sup> which is responsible for substantial GHG emissions from  
12 1965-2023.

13  
14 51.

15 Shell also has a known joint venture with another carbon major, Abu Dhabi National Oil  
16 Company,<sup>40</sup> which is responsible for substantial GHG emissions from 1965-2023.

17  
18  
19 <sup>36</sup> Reuter Staff, Gazprom, Shell to invest \$13 billion in projects in Russia: Russian Energy Minister,  
20 Reuters (June 16, 2016) <https://www.reuters.com/article/us-russia-forum-gazprom-shell/gazprom-shell-to-invest-13-billion-in-projects-in-russia-russian-energy-minister-idUSKCN0Z223G> (last visited June 14, 2023).

21 <sup>37</sup> Tom DiChristopher, The Billion-Dollar Gold Rush to Tap into Iranian Oil, CNBC (Nov. 6, 2016)  
22 <https://www.cnbc.com/2016/11/03/the-billion-dollar-gold-rush-to-tap-into-iranian-oil.html> (last  
visited June 14, 2023).

23 <sup>38</sup> Offshore Energy, Shell, CNPC Form Well Manufacturing JV (The Netherlands), OFFSHORE  
ENERGY (Jun. 20, 2011) <https://www.lngworldnews.com/shell-cnpc-form-well-manufacturing-jv-the-netherlands/> (last visited June 20, 2023).

24 <sup>39</sup> Oil & Gas Journal, Pemex to Acquire Interest in Shell Texas Refinery, OIL & GAS JOURNAL  
25 (Aug. 31, 1992) <https://www.ogj.com/home/article/17218678/pemex-to-acquire-interest-in-shell-texas-refinery> (last visited June 20, 2023).

26 <sup>40</sup> Abu Dhabi National Oil Company, Our Partners, ABU DHABI NATIONAL OIL COMPANY  
27 <https://www.adnoc.ae/en/our-partners> (last visited June 14, 2023).



1  
2 52.

3 Shell also has a known joint venture with another carbon major, Kuwait National Petroleum  
4 Corporation,<sup>41</sup> which is responsible for substantial GHG emissions from 1965-2023.

5 53.

6 Shell is a major carbon emitter, and its concealment and misrepresentations about the  
7 dangers of its emissions, as well as its emission in Oregon, are individually and collectively (with  
8 the other Defendants) a cause of enormous harm to Plaintiff for which Shell is individually and  
9 jointly and severally liable to Plaintiff.  
10

11 54.

12 Shell has engaged in an enterprise of misrepresentation about the effect its products would  
13 have on the climate, and that they could cause such an extreme heat event to occur. Shell's  
14 misrepresentations and fraud were individually and collectively (with the other Defendants) a  
15 cause of harm to Plaintiff for which Shell is individually and jointly and severally liable to Plaintiff.  
16

17 55.

18 Defendant, Chevron Corporation is incorporated in Delaware with its principal place of  
19 business in San Ramon, California. Chevron manages, directs, and controls its and its subsidiaries'  
20  
21  
22

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23  
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25 <sup>41</sup> 360 Feed Wire, Kuwait Petroleum and Shell Sign Agreement for Long-Term Supply of LNG to  
26 Meet Domestic Energy Needs, OIL AND GAS 360 (Dec. 27, 2017)  
27 <https://www.oilandgas360.com/wired-news-kuwait-petroleum-and-shell-sign-agreement-for-long-term-supply-of-lng-to-meet-domestic-energy-needs/> (last visited June 15, 2023).

1 policies and practices related to climate change and fossil fuel production.<sup>42</sup> Chevron is a publicly  
2 traded corporation registered with the SEC and its symbol is “CVX.”  
3

4 56.

5 Chevron Corporation is an American multinational energy corporation. One of the  
6 successor companies of Standard Oil, it is headquartered in San Ramon, California, and active in  
7 more than 180 countries.  
8

9 57.

10 Defendant, Chevron U.S.A. Inc. is a Pennsylvania corporation with its principal place of  
11 business in California. Chevron U.S.A. Inc. does business in Oregon and is the wholly owned  
12 subsidiary of Chevron Corporation.

13 58.

14 Chevron Corporation and Chevron U.S.A. Inc. are hereafter referred to as “Chevron.”  
15

16 59.

17 Like Exxon and Shell, Chevron is a fully integrated oil company, engaged in every aspect  
18 of the oil industry, including hydrocarbon exploration and production, refining, marketing, and  
19 transport; chemicals manufacturing and retail sales; plastics from petrochemicals and power  
20 generation.<sup>43</sup>  
21

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22  
23  
24 <sup>42</sup> Richard Heede, Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and  
25 cement producers, 1854–2010, CLIMATIC CHANGE, (Nov. 22, 2013)  
26 <https://link.springer.com/content/pdf/10.1007/s10584-013-0986-y.pdf> (last visited June 15, 2023).

27 <sup>43</sup> Chevron, Our History, CHEVRON, <https://www.chevron.com/about/history> (last visited June 15,  
28 2023).

1  
2 60.

3 Chevron sells the “Delo,” “Ursa,” “Havoline,” “IsoClean” and “Techron” heavy duty diesel  
4 engine oils, coolants/antifreeze, transmission fluids, gear oils, greases and hydraulic oils in  
5 Multnomah County and Oregon.

6 61.

7  
8 Chevron is one of the world’s largest oil companies; as of 2017, it ranked nineteenth in the  
9 Fortune 500 list of the top U.S. closely held and public corporations and sixteenth on the Fortune  
10 Global 500 list of the top 500 corporations worldwide.<sup>44</sup> It was also one of the Seven Sisters that  
11 dominated the global petroleum industry from the mid-1940s to the 1970s.<sup>45</sup>

12 62.

13 According to its 2017 corporate disclosures, Chevron had \$253.8 billion in total assets and  
14 11.7 billion barrels in proven reserves.<sup>46</sup>

15 63.

16  
17 Chevron markets and sells its products in Multnomah County and Oregon. Chevron  
18 conducts substantial fossil fuel product business in Oregon and purposefully avails itself of the  
19 rights, obligations, and privileges of Oregon’s laws.

20  
21  
22  
23  
24 <sup>44</sup> Fortune, Chevron|2022 Fortune 500, FORTUNE, <https://fortune.com/company/chevron/fortune500/>  
(last visited June 15, 2023).

25 <sup>45</sup> Id.

26 <sup>46</sup> Chevron, 2017 Annual Report, CHEVRON (2018).  
<https://www.chevron.com/-/media/chevron/annual-report/2017/2017-Annual-Report.pdf> (last  
27 visited June 15, 2023).

1  
2 64.

3 Like Shell, Chevron partners with other carbon majors worldwide.

4 65.

5 Chevron also has known joint ventures with another carbon major, PDSVA,<sup>47</sup> which is  
6 responsible for substantial GHG emissions from 1965-2023. Chevron and BP also have known  
7 joint ventures with other carbon majors, Eni, Sonangol, and Total SA.<sup>48</sup> Eni is responsible for  
8 substantial GHG emissions from 1965-2023. Sonangol is responsible for substantial GHG  
9 emissions from 1965-2023. Total SA is responsible for substantial GHG emissions from 1965-  
10 2023. Chevron also has known joint ventures with Nigerian National Petroleum,<sup>49</sup> which is  
11 responsible for substantial GHG emissions from 1965-2023.  
12

13 66.

14 Chevron is a major carbon emitter, and its concealment and misrepresentations about the  
15 dangers of its emissions, as well as its emissions in Oregon, are individually and collectively (with  
16 the other Defendants) a cause of enormous harm to Plaintiff for which Chevron is individually and  
17

18  
19  
20  
21  
22 <sup>47</sup> Chevron, Venezuela, CHEVRON, <https://www.chevron.com/worldwide/venezuela>. (last visited  
23 June 20, 2023); Abu Dhabi National Oil Company (ADNOC), ADNOC Signs Landmark Strategic  
24 Partnership Agreements with Eni and OMV in Refining and Trading, ABU DHABI NATIONAL OIL  
25 COMPANY (Jan. 27, 2019) [https://www.adnoc.ae/en/news-and-media/press-releases/2019/adnoc-  
26 signs-landmark-strategic-partnership-agreements](https://www.adnoc.ae/en/news-and-media/press-releases/2019/adnoc-signs-landmark-strategic-partnership-agreements). (last visited June 15, 2023).

27 <sup>48</sup> NS Energy, EU clears Angolan LNG joint venture by BP, Chevron, Eni, Sonangol and Total,  
28 NS ENERGY (May 16, 2012) [https://www.nsenergybusiness.com/news/newseu-clears-angolan-  
lng-joint-venture-by-bp-chevron-eni-sonangol-and-total-170512/](https://www.nsenergybusiness.com/news/newseu-clears-angolan-lng-joint-venture-by-bp-chevron-eni-sonangol-and-total-170512/) (last visited June 15, 2023).

<sup>49</sup> Chevron, Nigeria, CHEVRON, <https://www.chevron.com/worldwide/nigeria> (last visited June 15,  
2023).

1  
2 jointly and severally liable to Plaintiff.

3 67.

4 Chevron engaged in an enterprise of misrepresentation about the effect its products would  
5 have on the climate, and that they could cause such an extreme heat event to occur. Chevron's  
6 misrepresentations and fraud were individually and collectively (with the other Defendants) a  
7 cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to  
8 Plaintiff.  
9

10 68.

11 Defendant, BP PLC is a public limited company registered in England and Wales, with its  
12 international headquarters in London, England. The headquarters for BP's U.S. operations is in  
13 Houston, Texas. BP manages, directs, and controls its and its subsidiaries' policies and practices  
14 related to climate change and fossil fuel production. BP is the third largest investor-owned  
15 greenhouse gas emitter.  
16

17 69.

18 Defendant, BP America, Inc., is incorporated in Delaware, and is headquartered at 501  
19 Westlake Park Blvd, Houston, Texas 77079. BP America can be served through its registered agent  
20 in Oregon. BP PLC, and BP America, Inc., sell fossil fuel products in Oregon under BP West Coast  
21 Products, LLC according to Oregon Department of Environmental Quality.  
22

23 70.

24 Defendant, BP Products North America, Inc., F.K.A. The American Oil Company, F.K.A.  
25 the AMOCO Oil Company, is a Maryland corporation registered to do business in Oregon. BP  
26  
27  
28

1  
2 Products North America is described as one of the largest retailers of oil and gas in the United  
3 States, including Oregon and Multnomah County.

4 71.

5 Defendants BP PLC, BP America, Inc., BP West Coast Products, LLC, and BP Products  
6 North America, Inc. and all subsidiaries and affiliates are collectively referred to as “BP.”

7 72.

8 BP is one of the world’s seven oil and gas “supermajors” (including Exxon, Shell, Chevron,  
9 ConocoPhillips among others).<sup>50</sup> Like Exxon, Shell, and Chevron, BP is vertically integrated in  
10 both the production, refining and marketing of oil-based products.  
11

12 73.

13 BP upstream activities include exploring for new oil and natural gas resources, developing  
14 access to such resources, and producing, transporting, storing, and processing oil.<sup>51</sup> In 2017, BP  
15 produced around 3.6 million barrels per day of oil equivalent,<sup>52</sup> of which 2.26 million barrels per  
16 day were liquids and 7.744 billion cubic feet was natural gas. In 2017, BP boasted reserves of  
17  
18  
19

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21  
22 <sup>50</sup> Tom Bergin, Oil Majors Output Grown Hinges On Strategy Shift, REUTERS (Aug. 1, 2008)  
23 <https://www.reuters.com/article/us-oilmajors-production-idUSL169721220080801> (last visited  
24 June 15, 2023).

25 <sup>51</sup> Forbes, BP Company Overview & News, FORBES  
26 <https://www.forbes.com/companies/bp/?sh=6e11aa61384b#41b79e1c384b> (last visited June 15,  
27 2023).

28 <sup>52</sup> BP, BP Annual Report and Form 20-F 2017, BP (2018)  
[https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/investors/bp-  
annual-report-and-form-20f-2017.pdf](https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/investors/bp-annual-report-and-form-20f-2017.pdf) (last visited June 15, 2023).

1  
2 18.441 million barrels per day of oil equivalent.<sup>53</sup>

3 74.

4 BP downstream activities include the refining, marketing, manufacturing, transportation,  
5 trading and supply of crude oil, petrochemicals and petroleum-based plastic and resin  
6 products.<sup>54</sup> BP's downstream operation is responsible for BP's fuels, lubricants and petrochemical  
7 businesses and has major operations located in Europe, North America, and Asia.<sup>55</sup>

8 75.

9  
10 Castrol is BP's main brand for industrial and automotive lubricants and is applied to a large  
11 range of BP oils, greases and similar products for most lubrication applications, selling these  
12 products worldwide,<sup>56</sup> including in Multnomah County. BP has three refineries located in the US  
13 that represent about 40% of their global refining capacity.<sup>57</sup> BP markets petroleum products in  
14 more than 50 countries worldwide.<sup>58</sup> It has around 18,300 service stations.<sup>59</sup>

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17  
18  
19 <sup>53</sup> Id.

20 <sup>54</sup> Forbes, BP Company Overview & News, FORBES  
<https://www.forbes.com/companies/bp/?sh=6e11aa61384b#41b79e1c384b> (last visited June 15,  
21 2023).

22 <sup>55</sup> Reuters, BP PLC Stock Price & Latest News, REUTERS  
<https://www.reuters.com/markets/companies/BP.L> (last visited June 15, 2023).

23 <sup>56</sup> BP, Castrol, BP <https://www.bp.com/en/global/corporate/who-we-are/our-brands/castrol.html>  
24 (last visited June 15, 2023).

25 <sup>57</sup> BP, Refineries, BP, [https://www.bp.com/en\\_us/united-states/home/what-we-do/production-and-operations/refineries.html](https://www.bp.com/en_us/united-states/home/what-we-do/production-and-operations/refineries.html)  
26 (last visited June 15, 2023).

27 <sup>58</sup> BP, BP Annual Report and Form 20-F 2017, BP (2018)  
<https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/investors/bp-annual-report-and-form-20f-2017.pdf>  
28 (last visited June 15, 2023).

<sup>59</sup> Id.

1  
2 76.

3 BP is registered with the SEC and is traded as “BP.” On July 28, 2018, it was reported that  
4 BP has acquired a portfolio of unconventional oil and gas assets from BHP Billiton Petroleum  
5 (North America) for \$10.5 billion.<sup>60</sup> BHP was also a member of API.<sup>61</sup> BP markets and sells its  
6 products in Multnomah County and Oregon. BP conducts substantial fossil fuel product business  
7 in Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon’s laws.  
8

9 77.

10 As of February 27, 2022, BP held 19.75% of the shares of Rosneft Oil Company (OTC:  
11 OJSCY).<sup>62</sup> Rosneft serves as the leader of Russia’s petroleum industry and remains the world’s  
12 largest publicly traded petroleum company. BP and Rosneft have a joint-venture agreement to  
13 develop prospective resources in East and West Siberia. Rosneft is responsible for substantial GHG  
14 emissions from 1965-2023.

15 78.

16  
17 BP, along with China Petroleum and Basra Oil Company, are working in partnership to  
18 develop Rumaila, an oil field in Iraq and the third-largest producing field in the world, estimated  
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21  
22 <sup>60</sup> Sonali Paul and Ron Bousso, BP pays \$10.5 billion for BHP shale assets to beef up U.S. business,  
23 REUTERS (Jul. 26, 2018) [https://www.reuters.com/article/us-bhp-divestiture-bp-  
idUSKBN1KG34V](https://www.reuters.com/article/us-bhp-divestiture-bp-idUSKBN1KG34V) (last visited June 15, 2023).

24 <sup>61</sup> BHP, Industry Associations 2019 Review: Second Update, BHP (2019)  
25 [https://www.bhp.com/about/operating-ethically/industry-associations/2019-review-second-  
update](https://www.bhp.com/about/operating-ethically/industry-associations/2019-review-second-<br/>update) (last visited June 15, 2023).

26 <sup>62</sup> BP, BP to Exit Rosneft Shareholding, BP (Feb. 27, 2022)  
27 [https://www.bp.com/en/global/corporate/news-and-insights/press-releases/bp-to-exit-rosneft-  
shareholding.html](https://www.bp.com/en/global/corporate/news-and-insights/press-releases/bp-to-exit-rosneft-<br/>shareholding.html) (last visited June 15, 2023).



1  
2 to have around 17 billion barrels of recoverable oil remaining.<sup>63</sup> BP is also providing technical  
3 assistance to the North Oil Company to aid the redevelopment of the Kirkuk field in Iraq. Kirkuk  
4 is estimated to have around 9 billion barrels of recoverable oil remaining. Basra Oil Company and  
5 North Oil Company are two of the nine companies that are owned by the Iraq National Oil  
6 Company,<sup>64</sup> another carbon major which is responsible for substantial GHG emissions from 1965-  
7 2023.

8  
9 79.

10 BP also has known joint ventures with another carbon major, Sonatrach.<sup>65</sup>

11 80.

12 BP is a major carbon emitter, and its concealment and misrepresentations about the dangers  
13 of its emissions, as well as its emissions in Oregon, are individually and collectively (with the  
14 other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly  
15 and severally liable to Plaintiff.  
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22 <sup>63</sup> BP, What We do, Iraq, Reviving One of the World's Super-giant Oilfields, BP  
<https://www.bp.com/en/global/corporate/what-we-do/bp-worldwide/bp-in-iraq.html> (last visited  
June 15, 2023).

23 <sup>64</sup> Reuters, Iraq transfers ownership of nine state oil companies to new National Oil Company,  
24 REUTERS, (Oct. 18, 2018, 10:18 AM), <https://www.reuters.com/article/us-iraq-oil/iraq-transfers-ownership-of-nine-state-oil-companies-to-new-national-oil-company-idUSKCN1MS27E> (last  
25 visited June 15, 2023).

26 <sup>65</sup> BP, BP Has a Long History of Working in Algeria, BP  
<https://www.bp.com/en/global/corporate/what-we-do/bp-worldwide/bp-in-algeria.html> (last  
27 visited June 15, 2023).

1  
2 81.

3 BP has engaged in an enterprise of misrepresentation about the effect its products would  
4 have on the climate, and that they could cause such an extreme heat event to occur. BP's  
5 misrepresentations and fraud were individually and collectively (with the other Defendants) a  
6 cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to  
7 Plaintiff.  
8

9 82.

10 Defendant, ConocoPhillips is incorporated in Delaware, with its principal place of business  
11 in Houston, Texas. ConocoPhillips manages, directs, and controls its and its subsidiaries' policies  
12 and practices related to climate change and fossil fuel production.  
13

14 83.

15 ConocoPhillips is the world's largest independent pure-play exploration and production  
16 company ranking No. 77 in the 2022 Fortune 500 list of the largest United States corporations by  
17 total revenue.<sup>66</sup> ConocoPhillips is the fifth largest investor-owned greenhouse gas emitter.<sup>67</sup>

18 84.

19 Like Exxon, Shell, Chevron and BP, ConocoPhillips is a fully integrated oil company.  
20 ConocoPhillips was created through the merger of American oil companies Conoco  
21  
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25 <sup>66</sup> Fortune, Fortune 500 List, FORTUNE <https://fortune.com/fortune500/> (last visited June 15, 2023).

26 <sup>67</sup> Paul Griffin, The Carbon Majors Database CDP Carbon Majors Report 2017, CDP (Jul. 2017)  
27 <https://cdn.cdp.net/cdp-production/cms/reports/documents/000/002/327/original/Carbon-Majors-Report-2017.pdf?1501833772> (last visited June 15, 2023).

1  
2 Inc. and Phillips Petroleum Co. on August 30, 2002.<sup>68</sup> In 2012, ConocoPhillips spun  
3 off its downstream assets as a new, separate company, Phillips 66.<sup>69</sup>

4 85.

5 Phillips 66 is the fourth-largest lubricants supplier in the United States. Phillips 66 claims  
6 that, with its world-class research and development facilities and eight proprietary blending and  
7 packaging facilities, Phillips 66 lubricants are sold in more than 80 countries, including the United  
8 States under the brands of “Phillips 66,” “Red Line” and “Kendall.”<sup>70</sup>

10 86.

11 ConocoPhillips participates in chemicals and plastics production worldwide through a 50  
12 percent interest in Chevron Phillips Chemical Company LLC (CPChem), one of the world’s largest  
13 producers of olefins, polyolefins, aromatics and styrenics, piping, and proprietary plastics.<sup>71</sup>

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21 <sup>68</sup>ConocoPhillips, Form 8-K12G3, (Aug. 30, 2002),  
22 <http://edgar.secdatabase.com/2323/89882202001082/filing-main.htm> (last visited June 15,  
23 2023).

24 <sup>69</sup> Christopher Helman, As ConocoPhillips Spins Off Refining Assets, Think Twice Before Buying  
25 The New Phillips 66, FORBES, (Apr. 30, 2012),  
26 [https://www.forbes.com/sites/christopherhelman/2012/04/30/as-conocophillips-spins-off-  
27 refining-assets-should-you-own-the-new-phillips-66/?sh=230ec05b4eb7](https://www.forbes.com/sites/christopherhelman/2012/04/30/as-conocophillips-spins-off-refining-assets-should-you-own-the-new-phillips-66/?sh=230ec05b4eb7) (last visited June 15,  
28 2023).

<sup>70</sup> Id.

<sup>71</sup> New York Encyclopedia, ConocoPhillips, NEW YORK ENCYCLOPEDIA,  
<https://www.newworldencyclopedia.org/entry/ConocoPhillips> (last visited June 15, 2023).

1  
2 87.

3 As of 2014, CP Chem has 5,000 employees worldwide, \$9 billion in assets, and  
4 36 manufacturing and research facilities in eight countries, including the United States, Belgium,  
5 China, Colombia, Qatar, Saudi Arabia, Singapore, and South Korea.<sup>72</sup>

6 88.

7 ConocoPhillips is registered with the SEC and is traded as “COP.” ConocoPhillips markets  
8 and sells its products in Multnomah County and Oregon. ConocoPhillips conducts substantial  
9 fossil fuel product business in Oregon and purposefully avails itself of the rights, obligations, and  
10 privileges of Oregon’s laws.

11 89.

12 ConocoPhillips is a major carbon emitter, and its concealment and misrepresentations  
13 about dangers of its emissions, as well as its emissions in Oregon, are individually and collectively  
14 (with the other Defendants) a cause of enormous harm to Plaintiff, for which it is individually and  
15 jointly and severally liable to Plaintiff.

16 90.

17 ConocoPhillips has engaged in an enterprise of misrepresentation about the effect its  
18 products would have on the climate, and that they could cause such an extreme heat event to occur.  
19 ConocoPhillips’s misrepresentations and fraud were individually and collectively (with the other  
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26 <sup>72</sup> Chevron Phillips Chemical, Who We Are, CHEVRON PHILLIPS CHEMICAL,  
27 <https://www.cpchem.com/who-we-are/company-history> (last visited June 15, 2023).

1  
2 Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly and  
3 severally liable to Plaintiff.

4 91.

5 Defendant, Motiva Enterprises, LLC (“Motiva”) is a wholly owned subsidiary of Saudi  
6 Arabia Refining Company (“Aramco”). Motiva has an interest in a joint-venture partnership with  
7 Shell and Texaco known as Motiva Enterprises, LLC, which refines and markets petroleum  
8 products in the eastern and Gulf Coast areas of the United States under the Texaco and Shell  
9 brands. Motiva Enterprises, LLC, is a fully owned affiliate of Aramco and is headquartered in  
10 Houston, Texas.<sup>73</sup>

12 92.

13 State-owned Saudi Aramco is one of the world’s largest petrochemical companies, with  
14 2018 sales of almost \$356 billion. In 2019, Aramco announced plans to invest \$15 billion to  
15 acquire a 20% stake in a Reliance Industries Ltd. unit that includes one of the world’s largest  
16 polypropylene businesses.<sup>74</sup>

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24 <sup>73</sup> Aramco, Saudi Aramco and Shell Finalize Agreement to Separate Motiva Assets, ARAMCO (Mar.  
25 7, 2017) <https://www.aramco.com/en/news-media/news/2017/motiva-shell-aramco-separation>  
(last visited June 15, 2023).

26 <sup>74</sup> Frank Esposito, Saudi Aramco continues growth with Texas acquisition, (Aug. 21, 2019, 1:25  
27 PM), PLASTIC NEWS EUROPE, [https://www.plasticsnews.com/news/saudi-aramco-continues-  
buying-spree-flint-hills-feedstocks-site-texas](https://www.plasticsnews.com/news/saudi-aramco-continues-buying-spree-flint-hills-feedstocks-site-texas) (last visited June 15, 2023).

1  
2 93.

3 In March, Aramco paid a little more than \$69bn (€61bn) for a 70% stake in global  
4 commodity and engineering resins supplier Saudi Basic Industries Corp.<sup>75</sup> Saudi Aramco also has  
5 partnered with Dow Inc. on the Sadara plastics and petrochemicals joint venture in Saudi Arabia.

6 94.

7 In 2017, Aramco purchased Motiva Enterprises, LLC from Co-Defendant Shell, including  
8 the Port Arthur, Texas refinery and the right to sell Shell branded gasoline and diesel in numerous  
9 US states, including Oregon.

10 95.

11 SABIC (Saudi Arabia Basic Industries Corporation) is a public petrochemical company  
12 founded in 1976 and based in Riyadh, Saudi Arabia. SABIC is 70% owned by Aramco.<sup>76</sup>

13 96.

14 SABIC is active in chemicals and intermediates, industrial polymers, fertilizers, and  
15 metals. SABIC is the world's third-largest producer of polyethylene and the fourth-largest  
16  
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21 <sup>75</sup> On March 27, 2019, SABIC announced that state-owned energy company Saudi Aramco signed  
22 a share purchase agreement to acquire a 70% majority stake in SABIC from the Public Investment  
23 Fund of Saudi Arabia in a private transaction worth \$69.1 billion. Aramco, Saudi Aramco Signs  
24 Share Purchase Agreement to Acquire 70% Majority Stake in SABIC from the Public Investment  
25 Fund of Saudi Arabia, ARAMCO (Mar. 27, 2019) [https://www.aramco.com/en/news-  
26 media/news/2019/aramco-sabic](https://www.aramco.com/en/news-media/news/2019/aramco-sabic) (last visited June 15, 2023).

27 <sup>76</sup> Bloomberg, Saudi Basic Industries Corp. (SABIC: Saudi Arabia): Stock Quote & Company  
28 Profile - Businessweek, BLOOMBERG,  
<https://www.bloomberg.com/quote/SABIC:AB?leadSource=verify%20wall> (last visited June  
15, 2023).

1  
2 producer of polypropylene and polyolefins in general.<sup>77</sup> The company operates in more than 40  
3 countries across the world, has 60 manufacturing sites and employs over 40,000 people. According  
4 to Forbes, SABIC generated about \$35 billion in sales in 2017.<sup>78</sup>

5 97.

6 Motiva's products include diesel, gasoline, liquefied petroleum gas (LPG), aviation fuel,  
7 and lubricants, which are supplied to American states in the South, Mid-Atlantic, and the  
8 Northeast. Marketing outlets include 5200 Shell and 76-branded service stations, and 24 storage  
9 and distribution terminals.  
10

11 98.

12 Motiva is registered to do business in Oregon. Motiva markets and sells its products in  
13 Oregon through its joint ventures with co-Defendants. Motiva conducts substantial fossil fuel  
14 product business in Oregon and purposefully avails itself of the rights, obligations, and privileges  
15 of Oregon's laws.  
16

17 99.

18 Parent company Aramco is the world's largest contributor GHG and is responsible for  
19 substantial GHG emissions from 1965-2023.  
20  
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24 <sup>77</sup> Plastics Technology, Top 10 Largest Plastic Producing Companies, PLASTICS TECHNOLOGY  
<https://www.plastics-technology.com/articles/top-largest-plastic-producing-companies> (last  
25 visited June 15, 2023).

26 <sup>78</sup> Forbes, Saudi Basic Industries, Company Overview & News, FORBES,  
<https://www.forbes.com/companies/saudi-basic-industries/#2aa3a7a073dc> (last visited June 15,  
27 2023).  
28

1  
2 100.

3 Motiva is a major carbon emitter, and its concealment and misrepresentations about the  
4 dangers of its emissions, as well as its emissions in Oregon, are individually and collectively (with  
5 the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly  
6 and severally liable to Plaintiff.

7  
8 101.

9 Motiva engaged in an enterprise of misrepresentation about the effect its products would  
10 have on the climate, and that they could cause such an extreme heat event to occur. Motiva’s  
11 misrepresentations and fraud were individually and collectively (with the other Defendants) a  
12 cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to  
13 Plaintiff.

14  
15 102.

16 Defendant, Occidental Petroleum F.K.A. Anadarko Petroleum Corp. (Anadarko) is an  
17 American Petroleum and natural gas exploration company headquartered in The Woodlands,  
18 Texas. Anadarko is ranked 257th on the Fortune 500<sup>79</sup> and is registered with the SEC and is traded  
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26 <sup>79</sup> Fortune 500, Anadarko Petroleum, FORTUNE, [https://fortune.com/fortune500/2016/anadarko-](https://fortune.com/fortune500/2016/anadarko-petroleum/)  
27 [petroleum/](https://fortune.com/fortune500/2016/anadarko-petroleum/) (last visited June 15, 2023).



1  
2 as APC.

3 103.

4 Anadarko, in addition to exploration and production, engages in petroleum and natural gas  
5 gathering, processing, treating, and transportation. The company also participates in the hard  
6 minerals business through its ownership of non-operated joint ventures and royalty arrangements.

7 104.

8 As of December 31, 2018, the company had approximately 1.473 billion barrels of oil  
9 equivalent of proved reserves, 45% of which was oil reserves, 37% of which was natural gas, and  
10 18% was natural gas liquids. In 2018, the company produced 666 thousand barrels of oil equivalent  
11 per day.<sup>80</sup>

12 105.

13 In 2019, Anadarko was acquired by Occidental Petroleum.

14 106.

15 Anadarko operates in the upstream, midstream, and downstream marketing of its oil-based  
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25 <sup>80</sup> U.S. Securities and Exchange Commission, Anadarko Petroleum Corporation 2018 Form 10-K  
26 Annual Report, U.S. SECURITIES AND EXCHANGE COMMISSION,  
<https://www.sec.gov/Archives/edgar/data/773910/000077391019000009/apc201810k-10k.htm>  
27 (last visited June 15, 2023).

1  
2 products, including plastics.<sup>81</sup>

3 107.

4 The company's international operations accounted for 14% of total sales volumes during  
5 2018 and 12% of total proved reserves at year-end 2018. The company has holdings in Algeria,  
6 Ghana, Mozambique, Colombia, and The Ivory Coast among others.<sup>82</sup>

7 108.

8 Anadarko markets and sells consumer products<sup>83</sup> worldwide, including in Oregon.  
9 Anadarko conducts substantial fossil fuel product business in Oregon and purposefully avails itself  
10 of the rights, obligations, and privileges of Oregon's laws.

11 109.

12 Anadarko is a major carbon emitter, and its concealment and misrepresentations about the  
13 dangers of its emissions, as well as its emissions in Oregon, are individually and collectively (with  
14 the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly  
15 and severally liable to Plaintiff.  
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23 <sup>81</sup> Business Wire, Occidental Completes Acquisition of Anadarko, BUSINESS WIRE (Aug. 8, 2019,  
24 11:21 AM) <https://www.businesswire.com/news/home/20190808005586/en/Occidental-Completes-Acquisition-of-Anadarko> (last visited June 15, 2023).

25 <sup>82</sup> Fortune 500, Anadarko Petroleum, FORTUNE, <https://fortune.com/fortune500/2016/anadarko-petroleum/> (last visited June 15, 2023).

26 <sup>83</sup> Forbes, Anadarko Petroleum, FORBES <https://www.forbes.com/companies/anadarko-petroleum/?sh=40dcb73c468c> (last visited June 15, 2023).  
27

1  
2 110.

3 Anadarko engaged in an enterprise of misrepresentation about the effect its products would  
4 have on the climate, and that they could cause such an extreme heat event to occur. Anadarko's  
5 misrepresentations and fraud were individually and collectively (with the other Defendants) a  
6 cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to  
7 Plaintiff.  
8

9 111.

10 Defendant, Valero Energy Corporation, ("Valero") is a corporation organized under the  
11 laws of the state of Delaware, with its principal place of business at One Valero Way, in San  
12 Antonio, Texas.

13 112.

14 Valero Energy Corporation is the world's largest independent petroleum refiner. Through  
15 its subsidiaries, Valero Energy Corporation owns 15 petroleum refineries in the United States,  
16 Canada, and the United Kingdom which generate total throughput capacity of approximately 3.2  
17 million barrels per day. Valero Energy Corporation and its subsidiaries supply approximately 7,000  
18 independently owned fuel outlets carrying its family of brands in the United States, Canada, the  
19 U.K., Ireland, and Mexico, as well as rack and bulk markets in those countries and Peru.<sup>84</sup>  
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26 <sup>84</sup> Valero, Our History Advancing the Future of Energy Through the Years  
27 <https://www.valero.com/about/our-history> (last visited June 18, 2023).

1  
2 113.

3 Valero Energy Corporation determines and directs marketing, production, and/or  
4 distribution of fossil fuel products for itself and its subsidiaries in Oregon. Additionally, Valero  
5 Energy Corporation directs policy and procedures for itself and its subsidiaries regarding the  
6 marketing, advertising, climate change, and greenhouse gas emissions from fossil fuel products,  
7 and communications strategies concerning climate change and the link between fossil fuel use and  
8 climate-related impacts on the environment and communities.  
9

10 114.

11 Valero Energy Corporation subsidiary, Valero Marketing and Supply Company, has been  
12 registered to do business in Oregon and has had a designated agent for service of process in Oregon  
13 from 1999 to the present. Valero Energy Corporation subsidiary, Valero Payment Services  
14 Company, has been registered to do business in Oregon and has had a designated agent for service  
15 of process in Oregon from 2015 to the present. Valero Energy Corporation subsidiary, Valero  
16 Refining Company-California, has been registered to do business in Oregon and has had a  
17 designated agent for service of process in Oregon from 2000 to the present.  
18

19 115.

20 At times relevant herein, Valero Energy Corporation, individually, and through one or more  
21 of its subsidiaries, sold fossil fuel products including fuels, engine oils, lubricants, and/or greases  
22 at several gas stations owned and/or operated in Oregon including but not limited to stations  
23 located in the Oregon cities of Ashland, Bend, Eugene, Klamath Falls, and Medford. Valero Energy  
24 Corporation and the subsidiaries it controls conduct substantial fossil fuel product business in  
25 Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.  
26  
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1  
2 116.

3 Valero is a major carbon emitter, and its concealment and misrepresentations about the  
4 dangers of its emissions, as well as its emissions in Oregon, are individually and collectively (with  
5 the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly  
6 and severally liable to Plaintiff.

7  
8 117.

9 Valero engaged in an enterprise of misrepresentation about the effect its products would  
10 have on the climate, and that they could cause such an extreme heat event to occur. Valero’s  
11 misrepresentations and fraud were individually and collectively (with the other Defendants) a  
12 cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to  
13 Plaintiff. Valero Energy Company refused to disclose the truth about the nature and degree to  
14 which its fossil fuel products, and those of the subsidiaries it controls, could super heat and thereby  
15 harm Multnomah County. This Defendant’s deception is individually and collectively (with the  
16 other Defendants) a cause of enormous harm to the Plaintiff for which the Defendant is  
17 individually and jointly and severally liable to Plaintiff.  
18

19 118.

20 Defendant, Koch Industries, Inc., (“Koch”) is a corporation organized and existing under  
21 the laws of the State of Kansas with its headquarters located in Wichita, Kansas. Koch is the second  
22 largest privately held company in the United States and earned more than \$120 billion in revenue  
23  
24  
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1  
2 in 2022.<sup>85</sup>

3 119.

4 Koch Industries, Inc. consists of multiple subsidiaries and affiliates, many of which are and  
5 have been involved in the exploration, extraction, production, manufacturing, refining,  
6 distribution, and/or marketing of petroleum products. Those subsidiaries unnamed in this Second  
7 Amended Complaint are DOES 1-25.

8 120.

9 One such subsidiary, Flint Hills Resources LP, formerly known as Koch Petroleum Group,  
10 is a wholly owned subsidiary of Koch Industries which sells gasoline, diesel, jet fuel, ethanol,  
11 polymers, intermediate chemicals, base oils, and asphalt. It operates refineries with a combined  
12 crude oil processing capacity of more than 700,000 barrels per day.<sup>86</sup> Additionally, it transports  
13 petroleum products through a network of over 4,000 miles of pipeline.<sup>87</sup>

14 121.

15 Koch Industries, Inc. has a substantial presence in the State of Oregon. According to the  
16 company website, Koch Industries, Inc. accounts for 1,617 jobs and \$148,591,526 in wages and  
17 benefits in the State of Oregon.<sup>88</sup> One of its wholly owned subsidiaries, Georgia Pacific, has 4  
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23 <sup>85</sup> Murphy, A., America's Largest Private Companies Forbes (December 1, 2022)  
24 <https://www.forbes.com/lists/largest-private-companies/?sh=4d6a7d9cbac4> (last visited on June 18, 2023).

25 <sup>86</sup> Flint Hills Resources, The Rewards of Refining, <https://www.fhr.com/products-services/fuels-and-aromatics> (last visited on June 18, 2023).

26 <sup>87</sup> Id.

27 <sup>88</sup> Koch Industries, Driving Change Around the World – Locations  
28 <https://www.kochind.com/about/locations> (last visited on June 18, 2023).

1  
2 locations in Oregon, including one in Multnomah County, which account for total combined  
3 compensation and benefits, including direct and indirect jobs, of \$450,000,000, and capital  
4 investments and acquisitions in Oregon since 2013 valued at \$746,000,000.<sup>89</sup>

5  
6 122.

7 Several Koch Industries, Inc. subsidiaries, including the petroleum refining, distributing,  
8 and transporting subsidiary, Flint Hills Resources LP, are registered to do business in the State of  
9 Oregon. Flint Hills Resources LP and its predecessor entities have been registered to do business  
10 in Oregon from 1995 to the present.

11  
12 123.

13 Koch Industries, Inc. controls and has controlled companywide decision making about the  
14 amount and scope of its fossil fuel production and sales, including those of its subsidiaries. Koch  
15 Industries, Inc. determines and directs marketing, production, and/or distribution of fossil fuel  
16 products by its subsidiaries. Additionally, Koch Industries, Inc. controls and has controlled  
17 companywide decision making on matters including but not limited to marketing, advertising,  
18 climate change, and greenhouse gas emissions from its fossil fuel products, and communications  
19 strategies concerning climate change and the link between fossil fuel use and climate-related  
20 impacts on the environment and communities, on behalf of itself and its subsidiaries.

21  
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23  
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25  
26 <sup>89</sup> Georgia Pacific Our Locations <https://www.gp.com/about-us/locations/oregon/> (last visited on June 18,  
2023).

1  
2 124.

3 Defendant Koch Industries, Inc. and its predecessors, successors, parents, subsidiaries,  
4 affiliates, and/or divisions, are collectively referred to herein as “Koch.”

5 125.

6 Koch is responsible for providing funding to many front groups, including the Heartland  
7 Institute, which has propagated false and misleading denials and downplays of the causal  
8 relationship between carbon pollution and extreme climate change in Oregon. Koch is alleged to  
9 have provided over \$127 million to front groups whose role was to attack climate change science  
10 from 1997 to 2017.

11  
12 126.

13 At times relevant herein, Koch, through one or more of its subsidiaries, sold fossil fuel  
14 products including fuels, engine oils, lubricants, and/or greases at several gas stations owned  
15 and/or operated in Oregon. Upon information and belief, Koch, and the subsidiaries it controls,  
16 conduct substantial fossil fuel product business in Oregon and Koch purposefully avails itself of  
17 the rights, obligations, and privileges of Oregon’s laws.

18  
19 127.

20 Koch is a major carbon emitter, and its concealment and misrepresentations about the  
21 dangers of its emissions, as well as its emissions in Oregon, are individually and collectively (with  
22 the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly  
23 and severally liable to Plaintiff.  
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1  
2 128.

3 Koch engaged in an enterprise of misrepresentation about the effect its products would  
4 have on the climate, and that they could cause such an extreme heat event to occur. Koch's  
5 misrepresentations and fraud were individually and collectively (with the other Defendants) a  
6 cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to  
7 Plaintiff. Koch refused to disclose the truth about the nature and degree to which its fossil fuel  
8 products, and those of the subsidiaries it controls, could super heat and thereby harm Multnomah  
9 County. Instead, Koch has funded a concerted effort to deceive the public through climate change  
10 denial campaigns. Koch's deception is individually and collectively (with the other Defendants) a  
11 cause of enormous harm to the Plaintiff for which the Defendant is individually and jointly and  
12 severally liable to Plaintiff.  
13

14 129.

15 Defendant, TotalEnergies Marketing USA, Inc., is a wholly owned subsidiary of  
16 TotalEnergies, S.E. and/or its predecessor Total S.A. and, at times relevant herein, marketed,  
17 distributed, and sold the fossil fuel products of TotalEnergies, S.E. and/or its predecessor Total  
18 S.A.  
19

20 130.

21 Defendant, TotalEnergies Marketing USA, Inc., f/k/a Total Specialties USA Inc., f/k/a Total  
22 Lubricants USA, Inc., f/k/a Total Fina ELF Lubricants USA, Inc., f/k/a ELF Lubricants North  
23 America, Inc., is and/or has been registered to do business in the State of Oregon and has and/or  
24 previously had designated an agent for service of process in Oregon.  
25  
26  
27  
28

1  
2 131.

3 Total Specialties USA Inc. does substantial fossil fuel product-related business in Oregon,  
4 and a substantial portion of its fossil fuel products are transported, distributed, marketed, and/or  
5 sold in Oregon. For instance, TotalEnergies Marketing USA, Inc., maintains regular sales or  
6 distribution relationships with Oregon distributors and sellers of Total fossil fuel products,  
7 including engine oils, lubricants, greases, and/or industrial petroleum products.  
8

9 132.

10 Defendants TotalEnergies Marketing USA, Inc., and its predecessors, successors, parents,  
11 subsidiaries, affiliates, and divisions, are collectively referred to herein as “Total.”  
12

13 133.

14 Total’s Oregon distributors or sellers include, but are not necessarily limited to, Mighty  
15 Auto Parts, which maintains one or more retail stores in Oregon, and Advance Auto Parts, which  
16 maintains several retail stores in Oregon, including multiple retail stores in Multnomah County.  
17 TotalEnergies Marketing USA, Inc., conducts substantial fossil fuel product business in Oregon  
18 and purposefully avails itself of the rights, obligations, and privileges of Oregon’s laws.  
19

20 134.

21 Total is a major carbon emitter, and its concealment and misrepresentations about the  
22 dangers of its emissions, as well as its emissions in Oregon, are individually and collectively (with  
23 the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly  
24 and severally liable to Plaintiff.  
25  
26  
27  
28

1  
2 135.

3 Total engaged in an enterprise of misrepresentation about the effect its products would have  
4 on the climate, and that they could cause such an extreme heat event to occur. Total's  
5 misrepresentations and fraud were individually and collectively (with the other Defendants) a  
6 cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to  
7 Plaintiff. Total refused to disclose the truth about the nature and degree to which its fossil fuel  
8 products, and those of the subsidiaries it controls, could super heat and thereby harm Multnomah  
9 County. This Defendant's deception is individually and collectively (with the other Defendants) a  
10 cause of enormous harm to the Plaintiff for which the Defendant is individually and jointly and  
11 severally liable to Plaintiff.  
12

13 136.

14 Defendant, Marathon Oil Corporation is incorporated under the laws of the State of  
15 Delaware with its corporate headquarters and principal place of business located in the Marathon  
16 Oil Tower in Houston, Texas.  
17

18 137.

19 Marathon Oil Corporation consists of multiple subsidiaries and affiliates involved in the  
20 exploration, extraction, production, and marketing of fossil fuel products. As of December 31,  
21 2020, the company had 972 million barrels of oil equivalent of estimated proven reserves. In 2020,  
22 the company sold 383 thousand barrels of oil equivalent per day.<sup>90</sup>  
23

24  
25  
26  
27 <sup>90</sup> Marathon Oil Corporation Form 10-K, December 31, 2020

1  
2 138.

3 Defendant, Marathon Oil Company is an energy company incorporated in the State of Ohio  
4 with its principal place of business in Houston, Texas. Marathon Oil Company is a wholly owned  
5 subsidiary and/or corporate ancestor of Marathon Oil Corporation which acts on Marathon Oil  
6 Corporation's behalf and subject to Marathon Oil Corporation's control.

7  
8 139.

9 Marathon Oil Corporation subsidiary, Marathon Oil Company, has been registered to do  
10 business in Oregon and has had a designated agent for service of process in Oregon from 1982 to  
11 the present.

12 140.

13 Defendant, Marathon Petroleum Corporation was a wholly owned subsidiary of Marathon  
14 Oil Corporation until was spun off from the operations of Marathon Oil Corporation in 2011.<sup>91</sup>  
15 Marathon Petroleum is a company organized and existing under the laws of the state of Delaware  
16 with its principal place of business in Findlay, Ohio.

17  
18 141.

19 Marathon Petroleum Corporation operates the nation's largest refining system, with a crude  
20 oil refining capacity of approximately 2.9 million barrels per day from 13 refineries across the  
21

22  
23  
24 [https://www.sec.gov/ix?doc=/Archives/edgar/data/101778/000010177821000018/mro-  
25 20201231.htm](https://www.sec.gov/ix?doc=/Archives/edgar/data/101778/000010177821000018/mro-20201231.htm) (last visited on June 18, 2023).

26 <sup>91</sup> Marathon Landing Page, Announcement that Marathon Oil and Marathon Petroleum  
27 Corporation are separate entities as of 2011, <https://www.marathon.com/> (last visited on June 18,  
28 2023).

1  
2 United States, including Anacortes, Washington.<sup>92</sup>

3 142.

4 Marathon Petroleum Corporation owns the general partner and majority limited partner  
5 interest in MPLX LP, a midstream company that owns and operates gathering, processing, and  
6 fractionation assets, as well as crude oil and light product transportation and logistics  
7 infrastructure.<sup>93</sup> MPLX LP subsidiary, Marathon Pipe Line LLC, operates pipelines, storage tanks,  
8 and marine facilities across the country, including a pipeline called the “Boise – Pasco 8”-6”  
9 Products” pipeline which runs through northeastern Oregon.<sup>94</sup>

10  
11 143.

12 Marathon Petroleum Corporation maintains a coast-to-coast retail network of gas stations  
13 where Marathon Petroleum Corporation products are sold, including Marathon branded stations as  
14 well as stations bearing the ARCO brand which Marathon Petroleum Corporation acquired in  
15 2018.<sup>95</sup> There are currently 41 ARCO stations in the State of Oregon, several of which are in  
16 Multnomah County.<sup>96</sup>

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17  
18  
19  
20  
21 <sup>92</sup> Marathon, Nation’s Largest Refiner, MPC Refinery Locations in the US,  
<https://www.marathonpetroleum.com/Operations/Refining/> (last visited on June 18, 2023).

22 <sup>93</sup> Marathon Petroleum Corporation, We are MPC - About Us,  
<https://www.marathonpetroleum.com/About/> (last visited on June 18, 2023).

23 <sup>94</sup> Marathon Petroleum Corporation, Coast to Coast Retail Network  
<https://www.marathonpetroleum.com/Operations/Retail/> (last visited on June 18, 2023).

24 <sup>95</sup> ARCO, Gas Station Locations [https://www.arco.com/en-us/northwest/find-a-  
25 station/multnomah%20county,%20OR/](https://www.arco.com/en-us/northwest/find-a-station/multnomah%20county,%20OR/) (last visited on June 18, 2023); Number of gas Stations in  
26 the United States in 2023,  
<https://www.scrapehero.com/location-reports/ARCO-USA/> (last visited on June 18, 2023).

27 <sup>96</sup> Id.

1  
2 144.

3 Marathon Petroleum Corporation was registered to do business in Oregon from 1982 until  
4 on or after 2017 and has had a designated agent for service of process in Oregon from 1982 to the  
5 present. Marathon Petroleum Corporation subsidiary, Marathon Pipeline LLC has been registered  
6 to do business in Oregon and has had a designated agent for service of process in Oregon from  
7 2019 to the present.

8  
9 145.

10 Defendants Marathon Oil Corporation, Marathon Oil Company, and Marathon Petroleum  
11 Corporation and their predecessors, successors, parents, subsidiaries, affiliates, and divisions are  
12 collectively referred to herein as (“Marathon”).

13  
14 146.

15 Marathon conducts substantial fossil fuel product business in Oregon and purposefully  
16 avails itself of the rights, obligations, and privileges of Oregon’s laws.

17  
18 147.

19 According to the Oregon Department of Environmental Quality, Marathon is responsible  
20 for 46,231,812 metric tons of CO<sub>2</sub> e from 2010 to 2022 in Oregon.

21  
22 148.

23 Marathon’s public statements and proclamations made in furtherance of its campaign of  
24 deception and denial, and its repeated failure to warn the public and consumers of global warming-  
25 related hazards when it marketed, advertised, and sold its products, were intended to conceal, and  
26 mislead the public and consumers about the serious adverse consequences from continued use of  
27 Marathon’s products. Said conduct was intended to reach and influence Multnomah County, as

1 well as its residents, among others, to continue the unabated use of Defendants' fossil fuel products,  
2 resulting in Multnomah County's injuries.  
3

4 149.

5 Marathon is a major carbon emitter, and its concealment and misrepresentations about the  
6 dangers of its emissions, as well as its emissions in Oregon, are individually and collectively (with  
7 the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly  
8 and severally liable to Plaintiff.  
9

10 150.

11 Marathon engaged in an enterprise of misrepresentation about the effect its products would  
12 have on the climate, and that they could cause such an extreme heat event to occur. Marathon's  
13 misrepresentations and fraud were individually and collectively (with the other Defendants) a  
14 cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to  
15 Plaintiff. Marathon refused to disclose the truth about the nature and degree to which its fossil  
16 fuel products, and those of the subsidiaries it controls, could super heat and thereby harm  
17 Multnomah County. This Defendant's deception is individually and collectively (with the other  
18 Defendants) a cause of enormous harm to the Plaintiff for which the Defendant is individually and  
19 jointly and severally liable to Plaintiff.  
20

21 151.

22 Defendant, Space Age Fuel, Inc. was organized under the laws of Oregon in 1982. Its  
23 principal place of business is 15525 SE For Mor Ct, Clackamas, OR 97015. Space Age Fuel, Inc.  
24 is a resident of the State of Oregon and purposefully avails itself of the rights, obligations, and  
25 privileges of the laws of Oregon.  
26  
27  
28

1  
2 152.

3 Space Age Fuel is a fossil fuel marketer, and retail distributor in the Northwest United  
4 States including Oregon.

5 153.

6 Space Age Fuel owns a retail chain of fuel and convenience stores. Space Age Fuel operates  
7 predominately under the Space Age brand along with the Exxon and Union 76 brands.<sup>97</sup>  
8

9 154.

10 Over the years Space Age Fuel Inc. has experienced rapid growth. Space Age Fuel Inc. is  
11 one of the largest independent marketers in the State of Oregon.

12 155.

13 Space Age Fuel consists of four divisions which are the company operated stations,  
14 commercial sales accounts, commercial freight deliveries and home heating oil deliveries.  
15 Currently Space Age Fuel currently operates nine truck and trailers in the Pacific Northwest.  
16

17 156.

18 Space Age Fuel delivers its own fossil fuel and the fossil fuel of others in the state of  
19 Oregon. Space Age Fuel currently operates twenty-one locations and supplies another 60 retail and  
20 wholesale fueling facilities.

21 157.

22 Space Age Fuel also transports fuel for other Petroleum companies when the need arises.  
23

24  
25  
26  
27 <sup>97</sup> Space Age, Retail, <http://spaceagefuel.com/retail/> (last visited on June 18, 2023).



1  
2 Space Age Fuel sells both unbranded and branded products. Space Age Fuel’s branded products  
3 are with Exxon and ConocoPhillips.

4 158.

5 During the years 2010 through 2022, Space Age Fuel contributed 8,194,765 metric tons of  
6 CO<sub>2</sub> greenhouse gas emissions in Oregon.<sup>98</sup> These numbers were self-reported to the Oregon  
7 Department of Environmental Quality.

8 159.

9  
10 Space Age Fuel is a major carbon emitter, and its concealment and misrepresentations  
11 about the dangers of its emissions, as well as its emissions in Oregon, are individually and  
12 collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which it is  
13 individually and jointly and severally liable to Plaintiff.

14 160.

15 Space Age Fuel engaged in an enterprise of misrepresentation about the effect its products  
16 would have on the climate, and that they could cause such an extreme heat event to occur. Space  
17 Age Fuel’s misrepresentations and fraud were individually and collectively (with the other  
18 Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly and  
19 severally liable to Plaintiff. Space Age Fuel refused to disclose the truth about the nature and  
20 degree to which its fossil fuel products, and those of the subsidiaries it controls, could super heat  
21 and thereby harm Multnomah County. This Defendant’s deception is individually and collectively  
22  
23

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24  
25  
26 <sup>98</sup> Fuel Suppliers, 2010 – 2021 – Greenhouse Gas Emissions From Fuel Use, Oregon DEQ,  
27 <https://www.oregon.gov/deq/ghgp/Pages/GHG-Emissions.aspx> (last visited June 13, 2023).

1 (with the other Defendants) a cause of enormous harm to the Plaintiff for which the Defendant is  
2 individually and jointly and severally liable to Plaintiff.  
3

## 4 **2. Gas Defendants**

5 161.

6 Defendant, NW Natural F.K.A. Northwest Natural Gas Company (“NW Natural”) is a  
7 publicly traded gas distributor incorporated in Portland, Oregon with its principal place of business  
8 in Portland, Oregon. NW Natural is the largest provider of gas to Western Oregon and Southwest  
9 Washington in the Pacific Northwest serving approximately two million people.  
10

11 162.

12 Northwest Natural Holding Company is headquartered in Portland, Oregon and owns NW  
13 Natural. NW Natural Holdings Company is listed on the New York Stock Exchange (NWN).<sup>99</sup>  
14 NW Natural is Oregon’s oldest and largest fossil fuel company, in terms of revenue and volumes  
15 of energy supplied. It was  
16

17 163.

18 NW Natural contends that it is responsible as a single company for at least 9% of Oregon’s  
19 emissions. Between the years 2010 to 2022, NW Natural contributed 72,145,570 metric tons of  
20 CO<sub>2</sub> greenhouse gas emissions in Oregon.<sup>100</sup>  
21

---

22  
23  
24 <sup>99</sup> Nasdaq, Northwest Natural Holding Company Common Stock, at  
25 <https://www.nasdaq.com/market-activity/stocks/nwn> (last visited August 28, 2024).

26 <sup>100</sup> Natural Gas Suppliers, 2010 – 2022 – Greenhouse Gas Emissions From Natural Gas Suppliers,  
27 Oregon DEQ, <https://www.oregon.gov/deq/ghgp/Documents/ghgNatGasEms.xlsx> (last visited  
28 August 23, 2023).

1  
2 164.

3 NW Natural is a major carbon and methane emitter, and its concealment and  
4 misrepresentations about the dangers of its emissions, as well as its emissions in Oregon, are  
5 individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for  
6 which it is individually and jointly and severally liable to Plaintiff.

7  
8 165.

9 NW Natural engaged in an enterprise of misrepresentation about the effects its products  
10 would have on the climate, and that the use of its products could cause an extreme heat event to  
11 occur. NW Natural’s misrepresentations and fraud were individually and collectively (with the  
12 other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly  
13 and severally liable to Plaintiff. NW Natural refused to disclose the truth about the nature and  
14 degree to which its fossil fuel products, and those of the subsidiaries it controls, could super heat  
15 and thereby harm Multnomah County. This Defendant’s deception is individually and collectively  
16 (with the other Defendants) a cause of enormous harm to the Plaintiff for which the Defendant is  
17 individually and jointly and severally liable to Plaintiff.

18  
19 166.

20 These Oil and Gas Defendants’ (also called “Fossil Fuel Defendants”) failures and/or  
21 refusals to warn Plaintiff about the climate impact of their fossil fuel activities were individually  
22 and collectively (with the other Defendant groups) a cause of the County’s damages from extreme  
23 heat events, wildfires, and droughts described herein.

24  
25 167.

26 The Oil and Gas Defendants listed above are collectively responsible for a substantial  
27

1  
2 portion of all GHG emissions from 1965-2023, as well as in Oregon. Their direct emissions from  
3 their industry activities and end use of their product led to the County's harm.<sup>101</sup>

4 168.

5 Decades ago, the Fossil Fuel Defendants knew that their fossil fuel activities would  
6 substantially contribute to a dramatic rise in the concentration of GHG in the atmosphere and that  
7 the concentration of GHG in the atmosphere would lead to significant temperature changes, which  
8 would, in turn, lead to changes in the global climate, such as the increased frequency and intensity  
9 of extreme weather-related events like the heat dome and wildfires. They knew and should have  
10 known that immediate and sustained reductions in carbon pollution from their products were  
11 required to avoid a new normal of fossil fuel-induced climate catastrophes. However, Defendants  
12 knowingly concealed and misrepresented the climate impacts of their fossil fuel products and  
13 engaged in a sophisticated disinformation campaign to cast doubt on the science, causes, and  
14 effects of climate change, to increase fossil fuel consumption, thereby increasing greenhouse gas  
15 emissions. Had the Defendants *told the truth*, consumption would have decreased, along with  
16 emissions. Moreover, had Defendants disclosed that because of the mass consumption of  
17 Defendants' fossil fuel products, regions like Multnomah County would imminently experience  
18 high temperatures for a sustained period more than 35 ° F above normal, including highs of 116  
19 degrees F in June, an environmentally conscious community and leadership structure like that in  
20 the County would have *been able to prepare* for such an extreme to occur now. The Defendants  
21  
22  
23

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24  
25  
26  
27 <sup>101</sup> Id.

1  
2 knew and foresaw that which the County did not: The climate change that the Defendants were  
3 causing did not just include the melting of distant ice caps, stranding of polar bears, rising of sea  
4 levels, and the diminishment of Greenland, but rather, could heat and smoke choke the County to  
5 a degree that was deadly to many of its inhabitants and unparalleled in its history.

6  
7 169.

8 When an allegation is made in this Second Amended Complaint to an act or omission of  
9 the Defendants, unless specifically attributed or otherwise stated, such allegations assert that the  
10 officers, directors, agents, employees, or representatives of the Defendants committed or  
11 authorized such an act or omission, or failed to adequately supervise or properly control or direct  
12 their employees while engaged in the management, direction, operation or control of the affairs of  
13 Defendants, and did so while acting within the scope of their employment or agency. In addition,  
14 each Fossil Fuel Defendant acted individually, as well as in concerted or coordinated action with  
15 other Defendants, when causing economic harm and property damages to the Plaintiff, as well as  
16 in the negligent and/or intentional creation of a public nuisance in the County.  
17

18 **3. Carbon Footprint for Fossil Fuel Defendants**

19  
20 170.

21 Each Oil and Gas Defendant above is considered a major carbon emitter in Oregon. Each  
22 Defendant's carbon footprint, the amount of carbon dioxide (and other greenhouse gases)  
23 historically emitted from its operations and products is individually and collectively (with the other  
24 Defendants) a cause of the warming that is responsible for the occurrence, frequency and severity  
25 of the extreme weather events alleged by Plaintiff, including but not limited to the 2021 heat dome,  
26 the extreme heat of 2022 and beyond, the ongoing drought and the Oregon wildfires and wildfire-  
27

1  
2 generated smoke.

3 171.

4 Plaintiff will show that the concealment and misrepresentation of the danger from each  
5 fossil fuel Defendant about the harms of the emissions, and the aggregated and cumulative  
6 greenhouse gas emissions in Oregon were individually and collectively (with the other  
7 Defendants) a cause of increasing the probability and severity of the heat dome, wildfires and  
8 drought identified and described herein. But for the Fossil Fuel Defendants' disinformation  
9 campaign and their carbon emissions in Oregon, the extreme heat events that have devastated the  
10 County since June 2021 would not have been as likely and/or as severe. Further, but for the Fossil  
11 Fuel Defendants' failures and/or refusals to warn about the climate harm that their fossil fuel  
12 emissions could cause, the County would have been better prepared and thereby experienced less  
13 harm from the Pacific Northwest Heat dome of 2021, and the extreme heat events that have  
14 subsequently struck the County.  
15

16  
17 **4. Trade and Front Groups**

18 172.

19 Defendant, the American Petroleum Institute ("API") is a national trade association  
20 representing the oil and gas industry, formed in 1919. API is headquartered in Washington, DC. In  
21 2021, API reported total revenues of \$228,789,035.  
22

23 173.

24 The following Defendants and/or their predecessors in interest are and/or have been API  
25 members at times relevant to this litigation: Exxon, Shell, Chevron, BP, ConocoPhillips, Motiva,  
26  
27  
28

1  
2 and Anadarko, all of whom have actively served on boards, committees and groups for API.<sup>102</sup>

3 174.

4 API is a nonprofit corporation registered to do business in Oregon during the period at  
5 issue in this lawsuit.

6 175.

7 With more than 600 members, API is the country's largest oil trade association.  
8

9 176.

10 API asserts that it “speak[s] for the oil and gas industry to the public, Congress and the  
11 Executive Branch, state governments and the media.”<sup>103</sup> API states that it “negotiate[s] with  
12 regulatory agencies, represent[s] the industry in legal proceedings, participate[s] in coalitions and  
13 work[s] in partnership with other associations to achieve [its] members’ public policy goals.”<sup>104</sup>  
14 API’s purpose is to advance the individual members’ collective business interests, which includes  
15 increasing consumers’ consumption of oil and gas to Defendants’ financial benefit. Among other  
16

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17  
18  
19  
20 <sup>102</sup> API’s full membership is much more extensive, and includes predecessors to the Fossil Fuel  
21 Defendants named herein, American Standard of Indiana (BP), Asiatic (Shell), Ashland  
22 (Marathon), Atlantic Richfield (BP), British Petroleum (BP), Chevron Standard of California  
23 (Chevron), Esso Research (ExxonMobil), Ethyl (formerly affiliated with Esso, which was  
24 subsumed by ExxonMobil), Getty (ExxonMobil), Gulf (Chevron, among others), Humble  
25 Standard of New Jersey (ExxonMobil/Chevron/BP), Marathon, Mobil (ExxonMobil), Pan  
26 American (BP), Shell, Standard of Ohio (BP), Texaco (Chevron), Union (Chevron), Skelly  
27 (ExxonMobil), Colonial Pipeline (ownership has included BP, ExxonMobil, and Chevron entities,  
28 among others), Continental (ConocoPhillips), Dupont (former owner of Conoco), Phillips  
(ConocoPhillips), and Caltex (Chevron).

<sup>103</sup> About API, American Petroleum Institute, <https://www.api.org/about> (last visited on June 12, 2023).

<sup>104</sup> Id.

1  
2 functions, API coordinates among members of the petroleum industry and gathers information of  
3 interest to the industry and disseminates that information to its members.

4 177.

5 API has coordinated and participated in a deliberate misinformation and concealment  
6 campaign to downplay and/or outright deny the causal relationship between the GHG emissions  
7 of its members, the industry at large, and extreme weather events like those described herein. API's  
8 concealment and misrepresentation about the dangers of its members' emissions and emissions of  
9 the industry at large, is individually and collectively (with the other Defendants) a cause of  
10 enormous harm to the Plaintiff for which this Defendant is individually and jointly and severally  
11 liable to Plaintiff. Upon information and belief, API has directed its disinformation campaign and  
12 business activities into Oregon and purposefully availed itself of the rights, obligations, and  
13 privileges of the laws of Oregon.  
14

15 178.

16 Defendant, the Western States Petroleum Association ("WSPA") is a non-profit trade  
17 association headquartered in Sacramento, California, representing Fossil Fuel Defendants'  
18 interests in Arizona, California, Nevada, Oregon and Washington. Its members include, and at  
19 times relevant to this matter, have included ExxonMobil, Shell, Chevron, Valero, Marathon, and  
20 BP.  
21

22 179.

23 The Western States Petroleum Association was founded in 1907 and represents companies  
24 that account for the bulk of petroleum exploration, production, refining, transportation, and  
25 marketing in the five western states of Arizona, California, Nevada, Oregon, and Washington.  
26  
27  
28



1  
2 180.

3 WSPA has engaged in a climate deception/misinformation campaign about the harms of  
4 fossil fuel use, in Oregon, to continue to further the business objectives of its carbon polluting  
5 members, including increasing the demand and consumption of their fossil fuel products. WSPA  
6 has conducted substantial business activities in Oregon and purposefully availed itself of the rights,  
7 obligations, and privileges of the laws of Oregon.

8  
9 181.

10 WSPA has coordinated and participated in a deliberate misinformation and concealment  
11 campaign to downplay and/or deny the harms from the use of its members' fossil fuel products  
12 leading to an increase in the demand and consumption of fossil fuel products, and lack of  
13 preparedness for extreme weather events like the 2021 extreme heat event. WSPA's concealment  
14 and misrepresentation about the dangers of its members' emissions and industry's emissions, is  
15 individually and collectively (with the other Defendants) a cause of enormous harm to the Plaintiff  
16 for which this Defendant is individually and jointly and severally liable to Plaintiff.

17  
18 182.

19 Defendant, Oregon Institute of Science and Medicine ("OISM") is a privately owned entity  
20 incorporated and registered to do business in Oregon since 1981 with its principal place of business  
21 and headquarters in Cave Junction, Oregon.

22  
23 183.

24 Arthur B. Robinson is listed as OISM's CEO and has designated the entity's purpose is for  
25 research and education. Instead of providing an education, OISM, which is responsible for the  
26 Petition Project created a misinformation and deception campaign that is known as the "Oregon  
27

1  
2 Petition.” The Petition Project, received funding from Heartland, which has received funds from  
3 Exxon and Koch among other Defendants.

4 184.

5 Arthur Robinson and his son Noah E. Robinson were the co-directors of the Petition  
6 Project. Noah Robinson is also on the Board of Directors of the Heartland Institute.<sup>105</sup> On the  
7 latter’s biography, the Petition Project is falsely touted as “signed by more than 31,000 scientists  
8 and engineers informing the U.S. Congress that human-produced carbon dioxide is beneficial to  
9 the Earth’s plant and animal life and is not causing harmful global warming.”  
10

11 185.

12 In addition to the Oregon Petition discussed in paragraphs 404, 405, 406 and 407, OISM  
13 also disseminated a purportedly peer reviewed journal article authored by Art Robinson, Noah E.  
14 Robinson, and Willie Soon. The paper was created to read like a study published in a peer-reviewed  
15 journal, and even contained a cover letter by Frederick Seitz<sup>106</sup> who claimed to review the article  
16 and falsely asserted that the “[r]esearch data on climate change do not show that human use of  
17 hydrocarbons is harmful...to the contrary, there is good evidence that increased atmospheric carbon  
18 dioxide is environmentally helpful.”<sup>107</sup>  
19  
20  
21  
22

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23  
24 <sup>105</sup> Noah E. Robinson - The Heartland Institute, [https://heartland.org/about-us/who-we-are/noah-  
25 e-robinson/](https://heartland.org/about-us/who-we-are/noah-e-robinson/) (last visited August 23, 2024).

26 <sup>106</sup> Letter from Frederick Seitz, Petition Project, [http://www.petitionproject.org/seitz\\_letter.php](http://www.petitionproject.org/seitz_letter.php)  
(last visited on August 23, 2024).

27 <sup>107</sup> Id.

1  
2 186.

3 OISM published a paper that suggests that it analyzes the “Environmental Effects of  
4 Increased Atmospheric Carbon Dioxide.”<sup>108</sup> The article is replete with disinformation, including  
5 the conclusion that states unequivocally, “[t]here are no experimental data to support the  
6 hypothesis that increases in human hydrocarbon use or in atmospheric carbon dioxide and other  
7 greenhouse gases are causing or can be expected to cause unfavorable changes in global  
8 temperatures, weather, or landscape. There is no reason to limit human production of CO<sub>2</sub>, CH<sub>4</sub>,  
9 and other minor greenhouse gases as has been proposed (82,83,97,123). We also need not worry  
10 about environmental calamities even if the current natural warming trend continues. The Earth has  
11 been much warmer during the past 3,000 years without catastrophic effects. Warmer weather  
12 extends growing seasons and generally improves the habitability of colder regions.”<sup>109</sup>

14 187.

15 OISM has conducted substantial business activities in Oregon and purposefully availed  
16 itself of the rights, obligations, and privileges of the laws of Oregon.

18 188.

19 OISM has engaged in a climate deception/misinformation campaign in Oregon to continue  
20 to further the business objectives of its carbon polluting funders. OISM’s concealment and  
21 misrepresentation about the dangers of its funders’ emissions, are individually and collectively  
22

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23  
24  
25 <sup>108</sup> A. Robinson, N. Robinson, W. Soon, Environmental Effects of Increased Atmospheric Carbon  
26 Dioxide, [http://www.petitionproject.org/gw\\_article/GWReview\\_OISM600.pdf](http://www.petitionproject.org/gw_article/GWReview_OISM600.pdf) (last visited on  
27 August 28, 2024).

<sup>109</sup> *Id.*

1  
2 (with the other Defendants) a cause of enormous harm to Plaintiff for which this Defendant is  
3 individually as well as jointly and severally liable.

4 189.

5 OISM has coordinated and participated in a deliberate misinformation and concealment  
6 campaign to downplay and/or deny the harms from the use of its fossil fuel funders’—including  
7 Defendants—and the industry’s products leading to an increase in the demand and consumption,  
8 and extreme weather events like those that have harmed the County. OISM’s deception is  
9 individually and collectively (with the other Defendants) a cause of enormous harm to the Plaintiff  
10 for which this Defendant is individually and jointly and severally liable to Plaintiff.  
11

12 **5. Other Defendants**

13 190.

14 McKinsey and Company, Inc. United States is a privately owned entity headquartered in  
15 New York, New York. McKinsey is registered to do business in Oregon and in all fifty states. At  
16 all relevant times, McKinsey has transacted business throughout Oregon, including in Multnomah  
17 County. McKinsey has conducted substantial business activities in Oregon and purposefully  
18 availed itself of the rights, obligations, and privileges of the laws of Oregon.  
19

20 191.

21 Defendant McKinsey & Company, Inc. is a corporation organized under the laws of the  
22 state of New York. McKinsey’s principal place of business is located at 711 Third Avenue, New  
23 York, NY 10017. It may be served with process via its registered agent, Corporation Service  
24 Company, at 80 State Street, Albany, NY 12207.  
25  
26  
27  
28

1  
2 192.

3 Defendant McKinsey Holdings, Inc. is a Delaware corporation with its principal place of  
4 business is located at 711 Third Avenue, New York, NY 10017. It may be served with process via  
5 its registered agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

6 193.

7 Upon information and belief, McKinsey & Company, Inc. is the parent company of  
8 McKinsey Holdings, Inc., which is itself the parent company of both McKinsey & Company, Inc.  
9 United States and McKinsey & Company, Inc. Washington D.C. Upon information and belief, each  
10 subsidiary corporation is wholly owned by its parent. to as (collectively “McKinsey”).

11 194.

12 McKinsey is one of the world’s largest and most influential consulting companies.  
13 McKinsey prides itself on learning the intimacies of its clients’ businesses, embedding itself in  
14 management, and evolving “transformational partnerships” with actual boots on the ground.  
15 McKinsey’s work with fossil fuel entities dates back several decades. Though McKinsey promotes  
16 itself as being “committed to protecting the planet,” McKinsey counts at least seventeen mining  
17 and fossil fuel companies among its biggest clients. McKinsey’s claims of commitment to  
18 environmental protectionism stand in stark contrast to the millions of dollars it has earned assisting  
19 its fossil fuel and mining company clients in promoting themes to deny the existence and/or gravity  
20 of ACC.  
21  
22

23 195.

24 Since 2010, McKinsey has worked for at least forty-three of the hundred companies that  
25 have pumped substantial tons of carbon dioxide into the atmosphere since 1965.  
26  
27

1  
2 196.

3 Those forty-three companies, when accounting for the customers who use their products,  
4 were responsible for a substantial share of the greenhouse gas emissions from the fossil fuel  
5 industry, including Defendants, in the past several decades.

6 197.

7 Chevron is one of McKinsey’s biggest clients, generating at least \$50 million in consulting  
8 fees in 2019. Saudi Aramco, number one on the list, has been a McKinsey client since at least the  
9 1970s. During that half a century, Chevron’s total emissions were approximately 43.7 gigatons (43  
10 billion tons) of carbon dioxide. In 2019, energy-related emissions for the entire planet amounted  
11 to about 33 gigatons, according to the International Energy Agency.

12 198.

13 Other top McKinsey fossil fuel clients include ExxonMobil, BP, Royal Dutch Shell,  
14 Russia’s Gazprom, and Qatar Petroleum.

15 199.

16 McKinsey has coordinated and participated in a deliberate misinformation campaign to  
17 downplay and/or outright deny the causal relationship between the use of its fossil fuel clients’  
18 products and climate harms, thereby leading to an increase in the demand and consumption of the  
19 fossil fuel products, and the severity of extreme weather events like those described herein.  
20 McKinsey’s contribution to, and deception is individually and collectively (with the other  
21 Defendants) a cause of enormous harm to the Plaintiff for which this Defendant is individually and  
22 jointly and severally liable to Plaintiff.  
23  
24  
25  
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28

1  
2 200.

3 DOES 25-250, are heretofore unnamed entities, organizations or persons actively engaged  
4 in the GHG emissions, or in the deceptive enterprise that have harmed Multnomah County.

5 **C. Venue**

6 201.

7 Venue is proper in Multnomah County under ORS 14.080(1) because a substantial portion  
8 of the causes of action asserted by Plaintiff herein arose in Multnomah County.  
9

10 **III. FACTUAL ALLEGATIONS**

11 **A. Anthropogenic Climate Change (ACC) is Scorching the Planet**

12 202.

13 Contrary to Defendants’ public position, emissions from fossil fuels are a primary cause of  
14 global warming. This is the consensus among the world’s leading scientists.<sup>110</sup> Present-day  
15 concentrations of atmospheric carbon dioxide (CO<sub>2</sub>) are at higher levels than at any time in at least  
16 the past two million years.<sup>111</sup>  
17  
18

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19  
20  
21 <sup>110</sup> Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6), Chapter  
22 2.1, (2023) (“Human activities, principally through emissions of greenhouse gases, have  
23 unequivocally caused global warming, with global surface temperature reaching 1.1°C above  
24 1850-1900 in 2011-2020. Global greenhouse gas emissions have continued to increase over 2010-  
25 2019, with unequal historical and ongoing contributions arising from unsustainable energy  
26 use...”). [https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC\\_AR6\\_WGI\\_SPM\\_final.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM_final.pdf)

27 <sup>111</sup> Gulev, S. K. et al. Changing State of the Climate System. In *Climate Change 2021: The Physical  
28 Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the  
Intergovernmental Panel on Climate Change* (eds. Masson-Delmotte, V. et al.)(Cambridge  
University Press Cambridge, United Kingdom and New York, NY, USA, 287–422), (2021)  
<https://doi.org/10.1017/9781009157896.004>.

1  
2 203.

3 ACC is already affecting many weather and climate extremes in every region across the  
4 globe, including in the Pacific Northwest and Multnomah County.<sup>112</sup> In 1960, the atmospheric  
5 concentration of CO<sub>2</sub> was measured at 317 ppm. Today it is 425 ppm, and steadily rising.

6 204.

7 The fossil fuel products that Defendants marketed, distributed, extracted, refined,  
8 transported, and sold, when used as intended, release greenhouse gases, including carbon dioxide  
9 (CO<sub>2</sub>) and methane, which trap atmospheric heat.

10 205.

11 The earth's temperature depends on the balance between energy entering and leaving the  
12 planet's system. When sunlight reaches the planet surface, it can either be reflected into space or  
13 absorbed by the earth. Incoming energy that is absorbed by the earth warms the planet. Once  
14 absorbed, the planet releases some of the energy back into the atmosphere as heat (also called  
15 infrared radiation). Greenhouse gases trap atmospheric heat, warming the earth. Solar energy that  
16 is reflected to space does not warm the earth.

17 206.

18 Global temperatures have warmed by at least 1.1°C to 1.2°C since 1900, with most of that  
19 occurring in the last 35 years.<sup>113</sup> Global warming has destabilized the planet's climate patterns, as  
20  
21  
22

23  
24  
25  
26 <sup>112</sup> Id.

27 <sup>113</sup> Id.



1 well as the climate in Oregon, and has caused an increased frequency and intensity of extreme  
2 weather events, like the 2021 PNW heat dome.  
3

4 207.

5 The scientific community has determined and declared that because of rising greenhouse  
6 gas emissions, planet Earth is facing an unprecedented and accelerating climate emergency.  
7 Scientists have warned that ACC has substantially contributed to rising land, air and oceanic  
8 temperatures, the melting of the polar ice sheets, and the increased frequency and severity of  
9 extreme heat events, wildfires, drought, floods, and storms.<sup>114</sup> In sum, scientists have declared that  
10 unabated climate change presents a “code red” danger to humanity.<sup>115</sup>  
11

12 208.

13 Change in Oregon’s climate is being harshly felt and growing worse at a rapid pace. Nine  
14 of Oregon’s hottest years in recorded history have occurred since the year 2000 and seven have  
15 come since 2010.<sup>116</sup>  
16

17 209.

18 Multiple scientific studies have found that climate change is already contributing to  
19 extreme heat waves, widespread drought conditions, severe wildfires, coastal erosion, and other  
20

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23  
24 <sup>114</sup> Fleishman, Erica, and Oregon Climate Change Research Institute. 2023. Sixth Oregon Climate  
25 Assessment. : [Corvallis, Oregon] : Oregon Climate Change Research Institute, Oregon State  
26 University, [https://energyinfo.oregon.gov/blog/2023/1/11/occris-sixth-climate-assessment-  
27 outlines-climate-change-effects-on-oregon](https://energyinfo.oregon.gov/blog/2023/1/11/occris-sixth-climate-assessment-outlines-climate-change-effects-on-oregon) (last visited June 13, 2023).

28 <sup>115</sup> Id.

<sup>116</sup> Id.

1 erratic weather conditions in Oregon.<sup>117</sup> Unless carbon emissions decline considerably, these  
2 impacts will intensify over the coming decades.<sup>118</sup>  
3

4 210.

5 According to the Oregon Climate Change Research Institute, if greenhouse gas emissions  
6 continue at current levels, the annual temperature in Oregon is projected to increase by 5°F by the  
7 2050s and 8.2°F by the 2080s, with the greatest seasonal increases in summer.<sup>119</sup>  
8

9 211.

10 The Oregon Climate Change Research Institute has found that ACC poses a significant  
11 threat to Oregon’s forestry, agriculture, fisheries, water supplies, and coastal resources. In addition  
12 to extreme heat events, the OCCRI predicts that other likely ACC-related impacts include winter  
13 flooding, summer droughts, loss of shoreline, forest fires, worsening air quality, diminished fish  
14 and wildlife habitat, retreating glaciers, decreased snowpack, and increased disease vectors and  
15 invasive species.  
16

17 212.

18 Increased temperatures are projected to contribute to: (i) decreased winter snowpack and  
19 changes in the timing and volume of streamflow fed by snowmelt; (ii) increased summer water  
20 demand, especially during more intense and longer summer droughts; (iii) increased risk of  
21 flooding due to more intense snow events and sea level rise; (iv) increased risk of fire in forest  
22

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23  
24  
25 <sup>117</sup> Id.

26 <sup>118</sup> Id.

27 <sup>119</sup> Id.

1  
2 lands, open space, and in areas where forest and residential lands overlap; (v) increased risk of  
3 heat-related morbidity and mortality during more intense summer heat waves like the extreme heat  
4 event of June 2021; (vi) increased summer air pollution and related health impacts; (vii) decreased  
5 summer hydropower production and increased summer energy demand, especially from air  
6 conditioning; (viii) increased harm to aquatic wildlife because of warmer water temperatures in  
7 streams, rivers, lakes; and (ix) increased shifts in habitat, invasive species, and insects affecting  
8 forest health, agriculture, and ecosystem function.  
9

10 ***B. Oregonians Died and Multnomah County Suffered Damages Because of***  
11 ***Defendants' Fossil Fuel Activities – 2021 PNW Heat Dome***

12 213.

13 In June of 2021, the Pacific Northwest experienced an extreme weather event unlike any  
14 the region has ever experienced. The extreme weather event occurred earlier in the summer, before  
15 residents could naturally acclimate to warmer temperatures.<sup>120</sup> Additionally, the heat dome brought  
16 a prolonged period of heat intensity never experienced in the region.<sup>121</sup>

17 214.

18 Multnomah County, known for its traditionally mild climate, was unprepared for the  
19 devastation the heat dome unleashed on its citizens. Although extreme heat is one of the leading  
20 causes of weather-related deaths in the United States<sup>122</sup> — in some years killing more people than  
21

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22  
23  
24 <sup>120</sup> Multnomah County, Preliminary Review on Excessive Heat Deaths,  
25 <https://www.multco.us/preliminary-review-excessive-heat-deaths-multnomah-county-june-2021>  
26 (last visited June 12, 2023).

27 <sup>121</sup> Id.

28 <sup>122</sup> CDC, Extreme Heat and Your Health,

1 all other weather hazards (except hurricanes) combined — the severity of these conditions and  
2 their impacts was new for customarily cool and wet Multnomah County.<sup>123</sup>

3  
4 215.

5 On June 25, 2021, the high temperature in Multnomah County was **95° F**. The average high  
6 temperature for this date prior to 2021 was 76° F.<sup>124</sup>

7  
8 216.

9 On June 26, 2021, the high temperature in Multnomah County was **108° F**. The average  
10 high temperature for this date prior to 2021 was 76.4° F.<sup>125</sup>

11  
12 217.

13 On June 27, 2021, the high temperature in Multnomah County was **112 ° F**. The average  
14 high temperature for this date prior to 2021 was 76.7° F.<sup>126</sup>

15  
16  
17  
18 <https://www.cdc.gov/nceh/features/trackingheat/index.html#:~:text=Extreme%20heat%20events%2C%20or%20heat,inability%20to%20cool%20down%20properly>. (“Extreme heat events, or  
19 heat waves, are one of the leading causes of weather-related deaths in the United States. When  
20 temperatures rise in the summer, extremely hot weather can cause sickness or even death. Heat  
21 stress is heat-related illness caused by your body’s inability to cool down properly.”).

22 <sup>123</sup> Multnomah County, Preliminary Review on Excessive Heat Deaths,

23 <https://www.multco.us/preliminary-review-excessive-heat-deaths-multnomah-county-june-2021>  
(last visited June 12, 2023).

24 <sup>124</sup> This average is calculated from temperature readings from 1991 to 2020 for June 25.

25 <https://www.extremeweatherwatch.com/cities/portland-or/day/june-25> (last visited on June 12,  
26 2023).

27 <sup>125</sup> This average is calculated from temperature readings from 1991 to 2020 for June 26.

28 <https://www.extremeweatherwatch.com/cities/portland-or/day/june-26> (last visited on June 12,  
2023).

<sup>126</sup> This average is calculated from temperature readings from 1991 to 2020 for June 27.

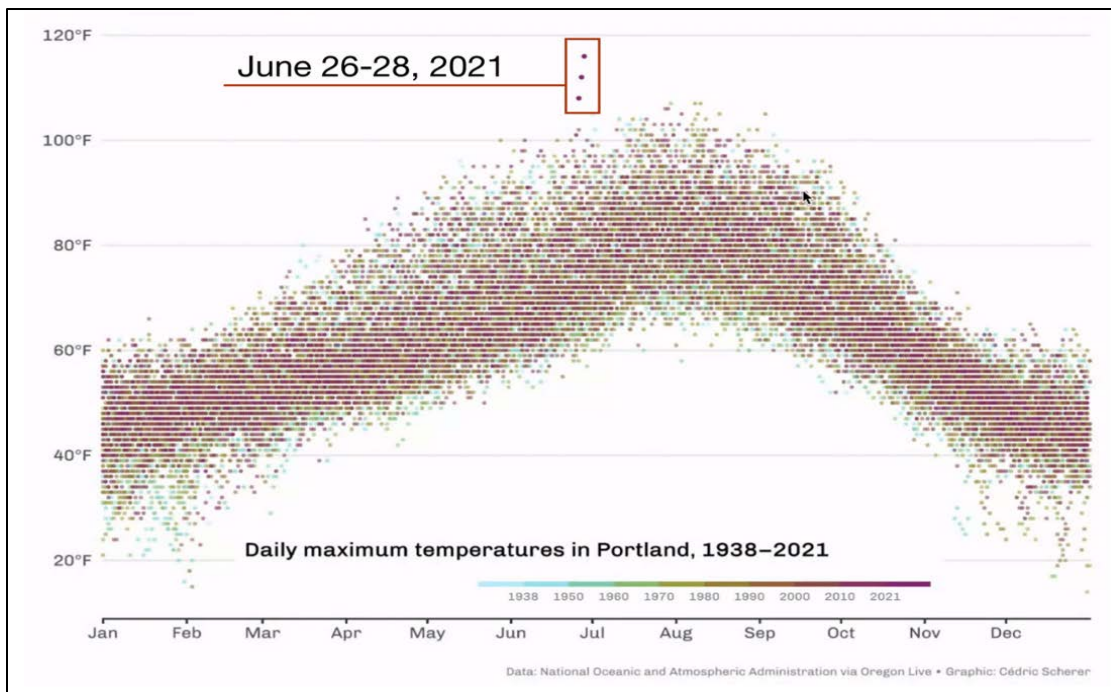
<https://www.extremeweatherwatch.com/cities/portland-or/day/june-27> (last visited on June 12,  
2023).

218.

On June 28, 2021, the high temperature in Multnomah County was **116° F**. The average high temperature for this date prior to 2021 was 77° F.<sup>127</sup>

219.

The temperature readings on June 26, 27, and 28 were so far outside the normal distribution of temperatures that this heat event was classified as an extreme weather event—and perhaps the most extreme in history.<sup>128</sup> The graph below shows how outside of the mean temperatures were:



<sup>127</sup> This average is calculated from temperature readings from 1991 to 2020 for June 28. <https://www.extremeweatherwatch.com/cities/portland-or/day/june-28> (last visited on June 12, 2023).

<sup>128</sup> Multnomah County, June 2021 Extreme Heat Event, Preliminary Findings and Action Steps <https://www.multco.us/file/june-2021-heat-event-preliminary-findings-and-action-steps> (last visited June 12, 2023).

1  
2 220.

3 The occurrence of the heat dome was “virtually impossible” without ACC caused by  
4 Defendants’ fossil fuel related activities and enterprise.<sup>129</sup>

5 221.

6 Another study that evaluated the 2021 PNW heat dome concluded, “[i]t is clear... that  
7 anthropogenic warming of the planet contributed to the severity of this event.”<sup>130</sup>

8 222.

9 Yet another study determined that “while the extreme heat was unprecedented, it was  
10 nevertheless mechanistically linked to regional climate change.<sup>131</sup>

11 223.

12 Defendants’ conduct was individually and collectively a cause of the lack of preparedness  
13 for dramatic warming of the region’s surface temperature, the decrease in atmospheric moisture  
14 and the desiccation of the region’s soil, all as a result of ACC. Defendants’ collective conduct  
15 combined to cause the massive damages caused by the 2021 PNW heat dome.  
16

17 224.

18 Defendants’ GHG emissions, in Oregon, were individually and collectively (with the other  
19 Defendants) a cause of the occurrence and severity of the heat dome. The heat dome would have  
20

21  
22  
23  
24 <sup>129</sup> Philip, *et al.*, *supra* note 4.

25 <sup>130</sup> White, R.H., Anderson, S., Booth, J.F. et al. The unprecedented Pacific Northwest heatwave of  
26 June 2021. *Nat Commun* 14, 727 (2023). <https://doi.org/10.1038/s41467-023-36289-3>.

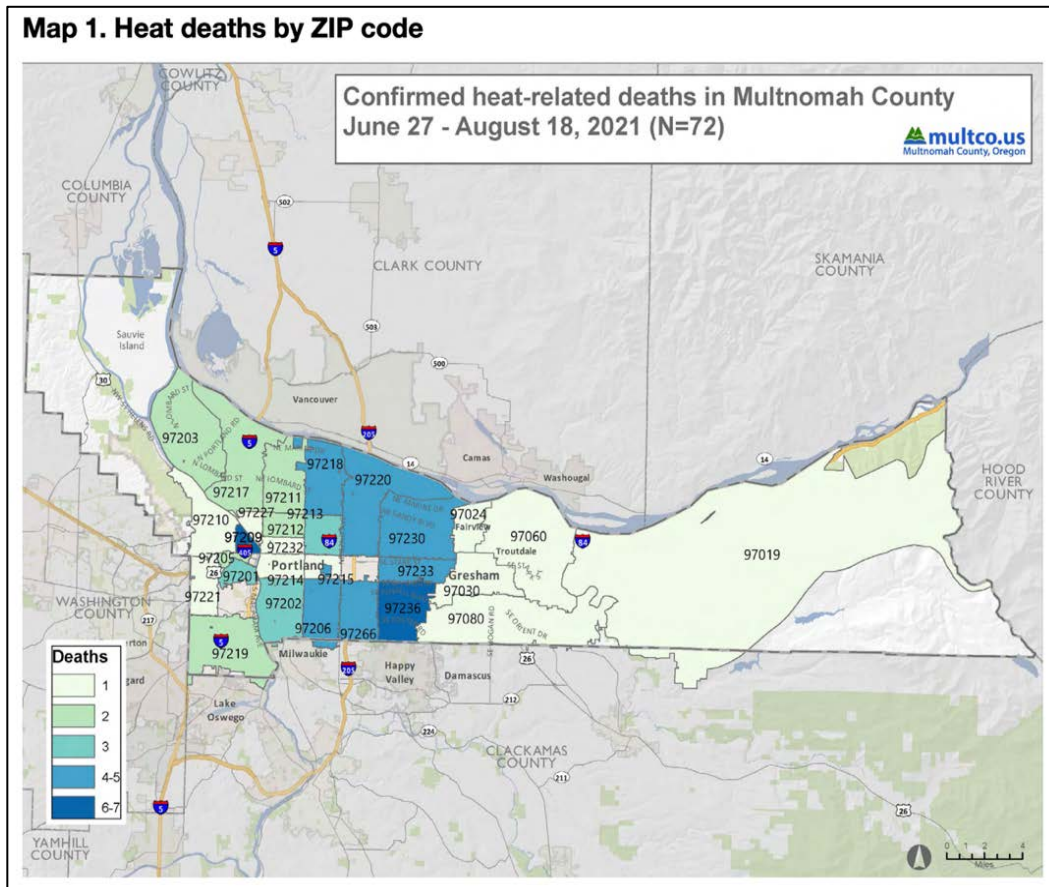
27 <sup>131</sup> Bartusek, S., Kornhuber, K. & Ting, M. 2021 North American heatwave amplified by climate  
28 change-driven nonlinear interactions. *Nat. Clim. Chang.* **12**, 1143–1150 (2022).  
<https://doi.org/10.1038/s41558-022-01520-4>.

1  
2 been less likely to occur without Defendants' high levels of GHG emissions and the warming it  
3 caused. Even if the heat dome would have occurred absent a Defendant's GHG contributions or  
4 had Defendants' GHG contributions been lower, it would have been less severe and less  
5 catastrophic in and to Multnomah County. Had Defendants been truthful, about the harmful  
6 impacts of their GHG contributions, to the County, to the public, and others, the County could  
7 have adequately prepared to withstand the extreme heat.  
8

9  
10 225.

11 The 2021 PNW heat dome event was responsible for approximately 619 heat-related deaths  
12 in Canada, a 95% increase over the number reported for late-June in prior years. The State of  
13 Washington recorded 196 heat-related deaths. Oregon recorded 100 deaths, 69 of which occurred  
14 in Multnomah County, which the coroner ruled were caused by hyperthermia. These deaths were  
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28

1  
2 in virtually every zip code of Multnomah County.



18 226.

19 In prior years, the County reported zero heat-related deaths. Elderly persons living alone  
20 in multi-family buildings without air conditioning in densely populated parts of the region  
21 accounted for a large percentage of those who perished.

22 227.

23 In a typical year, there are about 95 deaths from all causes in the last week of June. In 2021  
24 there were 186, nearly double the average during the previous three years.



1  
2 228.

3 In addition to casualties and injuries, the heat dome’s impacts were far-reaching. Roads,  
4 rails, bridges, power stations, utilities, hardscapes, parks, levees, greenscapes, and buildings were  
5 impacted. Asphalt melted. Businesses shuttered. Tourists fled. Marine life perished. Circuits fried.  
6 Productivity plummeted as the heat drove the outdoor labor force indoors, away from their jobs,  
7 simply to survive. Multnomah County incurred immediate costs by treating people with heat-  
8 related symptoms and establishing air-conditioned emergency shelters, among other costs. The  
9 County recorded 257 emergency visits for heat illness, compared to a typical volume of 83 visits  
10 for that same time of the year.  
11

12 229.

13 To the North, the heat dome sparked wildfires, which in turn generated smoke-related  
14 health impacts, as well as eventual floods and mudslides.  
15

16 230.

17 Long term global warming and soil drying transformed the heat dome from “virtually  
18 impossible” to a more than likely a 10 yearly reoccurrence if the climate continues to warm from  
19 the current 1.2°C to 2°C over pre-industrial times.<sup>132</sup>  
20

21 231.

22 “Global warming caused a ~0.8°C–1°C increase in heatwave temperatures. Future  
23  
24

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25 <sup>132</sup> Bartusek, S., Kornhuber, K. & Ting, M. 2021 North American heatwave amplified by climate  
26 change-driven nonlinear interactions. *Nat. Clim. Chang.* **12**, 1143–1150 (2022).  
27 <https://doi.org/10.1038/s41558-022-01520-4>.

1 warming would lead to a ~5°C increase in heatwave temperature by the end of the 21st century.”<sup>133</sup>

2  
3 232.

4 “Climate model projections indicate a rapidly increasing risk of the PNW regularly  
5 experiencing 2021-like extreme summer temperatures, with a 50% chance of yearly occurrence by  
6 2050. The 2021 summer temperatures experienced across the PNW provide a benchmark and  
7 impetus for communities in historically temperate climates to account for extreme heat-related  
8 impacts in climate change adaptation strategies.”<sup>134</sup>

9  
10 233.

11 In light of the 2021 PNW extreme heat wave, “policymakers and governments need to  
12 prepare for events beyond current records – particularly with trends caused by ACC enhancing the  
13 probability of extremes. Heatwaves are deadly—but better preparation can save lives. Planning  
14 ahead can reduce mortality from climatic extremes. For example, city heat plans that include  
15 actions such as establishing cooling centers or reducing hours of work for outdoor workers can  
16 reduce heat impacts. Policy changes following the 2003 European heatwave led to fewer deaths  
17 after the similar magnitude 2006 event.”<sup>135</sup>

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21  
22  
23 <sup>133</sup> Emily Bercos-Hickey, et al. “Anthropogenic contributions to the 2021 Pacific Northwest  
24 heatwave.” *Geophysical Research Letters* 49 (2022).

25 <sup>134</sup> Id.

26 <sup>135</sup> Thompson, V., Mitchell, D., Hegerl, G.C. et al. The most at-risk regions in the world for high-  
27 impact heatwaves. *Nat Commun* 14, 2152 (2023). <https://doi.org/10.1038/s41467-023-37554-1> (last  
28 visited on June 18, 2023).

1  
2 234.

3 During Summer 2021, the number of Heat-Related Illness Emergency Department or  
4 urgent care clinic (ED) visits were over twice those observed in past years (2016-2019).  
5 Multnomah County recorded 266 heat-related Emergency Department visits in 2021. In 2020, the  
6 County recorded 55 visits. In 2021, Multnomah County recorded 52 heat related hospitalizations.  
7 In the prior three years, from 2018 to 2019, the County averaged 4 hospitalizations.  
8

9 235.

10 Increasing CO<sub>2</sub> emissions and global temperatures are expected to create more extreme  
11 heat events more often in Multnomah County in the future, in the form of heatwaves, wildfires,  
12 and storms. Damage from extreme weather events restricts access to essential services, including  
13 clean water, food, basic sanitation, and health care. Trauma from the loss of friends, family, and  
14 community also creates stress and affects mental health. This stress grows over time if limited  
15 resources are available for mental and physical care, recovery, and reconstruction efforts.  
16

17 ***C. ACC Has Caused Deadly Fires and Smoke Plumes that Have Harmed the***  
18 ***Public Health of Multnomah County***

19 236.

20 On September 7th and 8th of 2020 several fires inundated Oregon. Five of these fires were  
21 megafires—which are greater than 100,000 acres in size.<sup>136</sup> These fires became known as the Labor  
22  
23

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24  
25 <sup>136</sup> Report, Oregon Forest Resources Institute, Economic Impacts to Oregon’s Forest Sector  
26 September 2021, 1.0 Executive Summary at p. 8 [https://oregonforests.org/sites/default/files/2021-09/OFRI-LaborDayFiresEconomicReport\\_Final%20Sept%202021.pdf](https://oregonforests.org/sites/default/files/2021-09/OFRI-LaborDayFiresEconomicReport_Final%20Sept%202021.pdf).  
27

1  
2 Day 2020 fires.<sup>137</sup> There were 12 other fires ranging from 112 to 50,951 acres.<sup>138</sup>

3 237.

4 Multnomah County was inundated with smoke from these fires. On Monday September 7,  
5 2020, the Oregon Department of Environmental Quality (DEQ) issued an air quality alert for  
6 Multnomah County.<sup>139</sup>

7 238.

8  
9 Multnomah County remained under a dense smoke warning from September 12-17, 2020.  
10 This smoke intrusion incident resulted in the most hazardous air quality in the world for a period  
11 of time and the worst ever recorded in Multnomah County.<sup>140</sup>

12 239.

13 In response, Multnomah County was required to provide KN95 masks, emergency  
14 services, shelters, and fire response management. In the wake of the smoke intrusion incident, the  
15 County replaced 1,200 air filters and provided extensive HVAC maintenance.

16  
17 ***D. ACC is Contributing to the Frequency and Severity of Deadly Wildfires and***  
18 ***Smoke***

19 240.

20 Anthropogenic climate change, induced by the burning of fossil fuels, has caused an  
21  
22

23  
24 <sup>137</sup> Id.

25 <sup>138</sup> Id.

26 <sup>139</sup> Report, Wildfire Threat and Smoke Intrusion Incident, After Action Report/Improvement Plan  
(AAR/IP) Multnomah County, Oregon May 8, 2021, p. 4.

27 <sup>140</sup> Id. at 5.

1  
2 increase in the frequency and severity of wildfires in Oregon, which not only destroy lives,  
3 property and natural resources, but also generate plumes of toxic smoke which in the last ten years  
4 has damaged the health and property of residents of Multnomah County.

5 241.

6 Wildfire-generated plumes of smoke inject fine particulate matter (PM2.5) at high  
7 altitudes, increasing long-range transport of PM2.5 from locations outside of the County where  
8 they have caused a health hazard.  
9

10 242.

11 Excessive PM2.5, pollution from wildfires cause numerous human health problems,  
12 including chronic obstructive pulmonary disease, acute lower respiratory illness, asthma, ischemic  
13 heart disease, and lung cancer that disproportionately affect vulnerable populations, such as  
14 children with respiratory ailments, the elderly, people of color, and the economically  
15 disadvantaged<sup>141</sup>  
16

17 243.

18 The health problems are amplified in airsheds closest to a specific fire event, but impacts  
19 can extend over vast distances depending on wind patterns and other factors. The particulates are  
20 dangerous to human health.  
21  
22  
23

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24  
25 <sup>141</sup> Reid CE, Maestas MM. Wildfire smoke exposure under climate change: impact on respiratory  
26 health of affected communities. CURR OPIN PULM MED. Mar 25, 2019, pp 179-187.  
27 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6743728/>.

1  
2 244.

3 Wildfire-generated particulate matter has increased dramatically in Oregon, which has  
4 directly impacted the health of people in Multnomah County. From 1979 through 2019, the  
5 duration of the fire weather season in forests in Oregon has increased by 43 percent, and the annual  
6 number of days when fire danger was extreme increased by 166 percent. Widespread drought has  
7 led to increased fire danger.

8  
9 245.

10 The Oregon Global Warming Commission stated its 2023 report to the legislature that:

11 “Climate change is already having a measurable impact on Oregon’s landscape,  
12 communities and economy. Oregon is experiencing increased temperatures,  
13 changing precipitation patterns, reduced snowpack, drier summers, and more  
14 frequent and damaging wildfires. Since the 2020 Report to the Legislature, extreme  
15 heat events, severe drought conditions, shifting precipitation patterns, and high-  
16 intensity wildfires have continued to inflict significant damage on Oregonians,  
17 communities, the environment, and the economy. These impacts are projected to  
18 become more frequent and severe as temperatures increase and global climate  
19 conditions become more extreme and unpredictable.”

20  
21 246.

22 The report further predicted, “Warmer temperatures and drier conditions increase the risk  
23 of more frequent and severe wildfires.”

24  
25 247.

26 The total area of land burned by wildfire each year has increased in Oregon over the past  
27 35 years, and wildfires have grown larger and spread into higher elevations during this period. In  
28 the Pacific Northwest, the number of days with extreme wildfire danger have more than doubled  
since 1979. Drought, increased aridity, and reductions in relative humidity contribute to the

1  
2 growing fire risk in Oregon. As global temperatures increase, wildfires are expected to become  
3 larger and fire seasons increasingly extreme in Oregon and across the West.

4 248.

5 ACC, induced by the burning of fossil fuels, has substantially contributed to hotter, drier  
6 conditions that generate more toxic smoke from wildfires. ACC has substantially contributed to  
7 diminished air quality and increased levels of harmful ground level ozone. Wildfire-generated  
8 smoke triggers asthma symptoms.

9  
10 249.

11 ACC, induced by the burning of fossil fuels, has substantially contributed to air quality  
12 related respiratory illness visits at hospital emergency departments and urgent care clinics in the  
13 County. In 2022, a total of 84,081 visits in Multnomah, Washington and Clackamas Counties were  
14 due to air quality-related illness, most of which occurred in Multnomah County. From 2016 to  
15 2022, Multnomah County recorded steadily increased visits each year except in 2021, which  
16 recorded a level similar to 2017.

17  
18 250.

19 In September of 2020, Multnomah County experienced a spike in medical visits for asthma  
20 caused by poor air quality as a result of ACC-related wildfire smoke. Asthma-related emergency  
21 room visits in Multnomah County increased by nearly one-third in the four weeks during and after  
22 wildfires in 2020.

23  
24 251.

25 The Labor Day fires of 2020 produced extreme smoke levels resulting in unhealthy air  
26 quality in Multnomah County.

1  
2 252.

3 The air quality index in Multnomah County from September 10th through the 13th  
4 repeatedly broke records during the Labor Day 2020 fires (215, 287, 288 and 477 AQI,  
5 respectively).<sup>142</sup> AQI above 200 is considered “very unhealthy.”<sup>143</sup> Before 2015, Portland did not  
6 have a single day with air quality  $\geq$  Unhealthy for Sensitive Groups (USG) from wildfire smoke  
7 since air quality monitoring began in 1985.<sup>144</sup> From 2015 to 2022, Portland had  $26 \geq$  USG days or  
8  $3.3 \geq$  USG days/year.<sup>145</sup> In 2020, Portland had its first days over the unhealthy AQI level with 3  
9 very unhealthy and 5 hazardous days.<sup>146</sup> In 2022, Portland had  $3 \geq$  USG days.<sup>147</sup>  
10

11 253.

12 AQI categories from wildfire smoke have been increasing since around 2012, with more  
13 frequent days at more “unhealthy” or worse levels, including the record-breaking events of  
14 September 2020.<sup>148</sup> Scientists expect this trend will continue and worsen. More acreage in Oregon  
15 has burned by wildfires in 2024 than any previous year on record.  
16

17 254.

18 The Labor Day 2020 fires were among the worst ever in Oregon history, scorching nearly  
19

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20  
21 <sup>142</sup> State of Oregon Department of Environmental Quality, *Wildfire Smoke Trends and the Air*  
22 *Quality Index* (May 2023)  
23 <https://www.oregon.gov/deq/wildfires/Documents/WildfireSmokeTrendsReport.pdf> (last visited  
24 June 21, 2023).

25 <sup>143</sup> Id.

26 <sup>144</sup> Id.

27 <sup>145</sup> Id.

28 <sup>146</sup> Id.

<sup>147</sup> Id.

<sup>148</sup> Id.



1  
2 1,500 square miles of mainly forested areas, the largest area in the state’s recorded history. Strong  
3 and dry winds, combined with desiccated vegetation, drove the rapid growth of the fires. A key  
4 driver of the wildfires was unusually high aridity (the drop in atmospheric water vapor), a trend to  
5 which fossil fuel induced climate change substantially contributed.

6 255.

7  
8 The Labor Day fires are also part of a regional trend. Total annual area burned in Oregon  
9 has increased during the last 35 years.<sup>149</sup> As aridity has increased, wildfires have spread into higher  
10 elevations that previously were cool and moist enough to deter fire expansion.<sup>150</sup>

11 256.

12 The United Nations Environment Programme Report, authored by 52 international  
13 scientists, linked global spread of landscape-scale wildfires to global overheating that is “turning  
14 landscapes into tinderboxes, while more extreme weather means stronger, hotter, drier winds to  
15 fan the flames.”<sup>151</sup>

16  
17 257.

18 More than a dozen rigorous peer-reviewed studies and meta-analyses (synthesis studies)  
19 confirm the presence of a consistent pattern of increased wildfire events and severity in Oregon  
20

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21  
22  
23 <sup>149</sup> Oregon Department of Energy, *OCCRI’s Sixth Climate Assessment Outlines Climate Change*  
24 *Effects On Oregon* [https://energyinfo.oregon.gov/blog/2023/1/11/occris-sixth-climate-](https://energyinfo.oregon.gov/blog/2023/1/11/occris-sixth-climate-assessment-outlines-climate-change-effects-on-oregon)  
[assessment-outlines-climate-change-effects-on-oregon](https://energyinfo.oregon.gov/blog/2023/1/11/occris-sixth-climate-assessment-outlines-climate-change-effects-on-oregon) (last visited on June 21, 2023).

25 <sup>150</sup> Id.

26 <sup>151</sup> United Nations Environmental Program, *Spreading like Wildfire: The Rising Threat of*  
*Extraordinary Landscape Fires* (2022) [https://www.unep.org/resources/report/spreading-wildfire-](https://www.unep.org/resources/report/spreading-wildfire-rising-threat-extraordinary-landscape-fires)  
27 [rising-threat-extraordinary-landscape-fires](https://www.unep.org/resources/report/spreading-wildfire-rising-threat-extraordinary-landscape-fires) (last visited June 20, 2023).

1  
2 that is attributable to fossil fuel induced ACC.<sup>152</sup>

3  
4  
5  
6 <sup>152</sup> See Dennison, P. E., Brewer, S. C., Arnold, J. D., & Moritz, M. A. (2014). Large wildfire trends  
7 in the western United States, 1984–2011. *Geophysical Research Letters*, 41(8), 2928-  
8 2933. <https://doi.org/10.1002/2014GL059576> (increased Western wildfire attributed in part to  
9 warmer and drier summer conditions (drought severity). For all ecoregions combined, the number  
10 of large fires increased at a rate of seven fires per year, while total fire area increased at a rate of  
11 355 km<sup>2</sup> per year.”); Westerling, A. L. (2016) Increasing western US forest wildfire activity:  
12 sensitivity to changes in the timing of spring *Phil. Trans. R. Soc. B* 371: 2015017820150178  
13 <http://doi.org/10.1098/rstb.2015.0178> (reaffirmed the tight association between wildfire activity  
14 and the relatively high cumulative warm-season actual evapotranspiration and early spring snow  
15 melt. Notably, there was a +1000% increase in wildfire activity from 2003-2012 and the increase  
16 was attributed to spring and summer temperature increases.); Abatzoglou, J. T., & Williams, A. P.  
17 (2016). Impact of anthropogenic climate change on wildfire across western US forests.  
18 *Proceedings of the National Academy of Sciences*, 113(42), 11770-11775.  
19 <https://doi.org/10.1073/pnas.1607171113> (“anthropogenic increases in temperature and vapor  
20 pressure deficit significantly enhanced fuel aridity across western forests during 2000–2015,  
21 contributing to 75% more forested area experiencing high fire-season fuel aridity and an average  
22 of 9 additional days per year of high fire potential. ACC accounted for ~55% of observed increases  
23 in fuel aridity and wildfire potential in recent decades.”); Holden, Z. A., *et al.* (2018) Decreasing  
24 fire season precipitation increased recent western US forest wildfire activity. *Proceedings of the  
25 National Academy of Sciences*, 115(36), E8349-E8357. <https://doi.org/10.1073/pnas.1802316115>  
26 (declines in summer precipitation and rain days associated with GHG increases are the primary  
27 driver of increases in wildfire area in the West.); Abatzoglou, J. T., Rupp, D. E., & Sadegh, M.  
28 (2021). Compound Extremes Drive the Western Oregon Wildfires of September 2020.  
*Geophysical Research Letters*, 48(8), e2021GL092520. <https://doi.org/10.1029/2021GL092520>  
 (“the 2020 Labor Day fires in Oregon exceeded the area burned in any single year for at least the  
past 120 years, contributing to hazardous air quality and massive smoke plumes. Unusually warm  
conditions with limited precipitation occurred in the 60-days prior to the fires. Exceptionally strong  
winds and dry air drove rapid rates of fire spread. The concurrence of these drivers created  
conditions unmatched in the observational record.”); Mass, C. F., *et al.* (2021). The September  
2020 Wildfires over the Pacific Northwest. *Wea. Forecasting*, 36, 1843–1865.  
<https://doi.org/10.1175/WAF-D-21-0028.1> (“the Labor Day fires of 2020 were driven by strong  
... highly unusual winds. Wildfires produced dense smoke that initially moved westward over the  
Willamette Valley and eventually covered the entire region. Air quality rapidly degraded to  
hazardous levels, representing the worst levels in recent decades.”); Hawkins, L. R., *et al.* (2022).  
Anthropogenic Influence on Recent Severe Autumn Fire Weather in the West Coast of the United  
States. *Geophysical Research Letters*, 49(4), e2021GL095496.  
<https://doi.org/10.1029/2021GL095496> (“ACC factors (fuel aridity, warmer temperatures during  
dry wind events) increased fuel aridity and likelihood of extreme fire weather by 40% in northern

Anthropogenic climate change, induced by the burning of fossil fuels, has caused and exacerbated wildfires in Oregon that harmed Multnomah County. ACC has increased the vapor pressure deficit and the summer temperatures dramatically, two conditions that influence the frequency and severity of wildfires. Other ACC factors contributing to increasing wildfire activity include unusually strong winds, a higher incidence of lightning, longer fire seasons, and decreased snowpack.

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California and Oregon.”); Dahl, K., *et al.* (2023) *Environ. Res. Lett.* **18** 064011. <https://doi.org/10.1088/1748-9326/acbce8> (linked increases in burned forest area across the West and southwestern Canada to the vapor pressure deficit, meaning drier atmospheric conditions produced drought-stressed plants and soils that readily burned. The study used a robust global energy balance carbon-cycle model and a suite of downscaled climate models to “attribute emissions to vapor pressure deficit from 1901–2021 and cumulative forest fire area from 1986–2021. Emissions were responsible for 48% of long-term rise in vapor pressure deficit and, correspondingly, 37% of the cumulative area burned. Emissions also contributed to nearly half the increase in drought- and fire-danger since 1901.”); MacDonald, G., *et al.* (2023). Drivers of California’s changing wildfires: a state-of-the-knowledge synthesis. *International Journal of Wildland Fire* **32**, 1039-1058. <https://doi.org/10.1071/WF22155> (Synthesizing the literature on climate-wildfire attribution studies finding that there was a “striking increase in annual area burned in the West related to increasing temperatures and the atmospheric vapor pressure deficit. ACC was the main driver behind wildfire activity. The trend is projected to increase without reductions in GHGs.); Marc Turco, M., *et al.* (2023). Anthropogenic climate change impacts exacerbate summer forest fires in California. *Proceedings of the National Academy of Sciences*, *120*(25), e2213815120. <https://doi.org/10.1073/pnas.2213815120> (Used the latest simulations for climate change attribution and detection studies showing that nearly all observed increases in burned area in California over the past half-century was attributed to ACC (summer temperature increases, dryness). Model simulations using ACC factors alone accounted for 172% (range 84 to 310%) more area burned than simulations with natural forcing only (no ACC in the model). Their results indicate that observed increases in burned area was primarily due to greater fuel aridity (from drying and summer temperatures).

1  
2 259.

3 The vapor pressure deficit and summer temperatures are likely to further increase in the  
4 decades ahead, meaning even more extreme wildfire events are forecasted.

5 260.

6 Since 2020, wildfires have cost Oregon \$3 billion in structure losses in this decade alone.  
7 The 2020 Labor Day wildfires were the most destructive urban-wildland fires on record, killing 11  
8 people, destroying 4300 homes, and triggering \$422 million in federal aid.<sup>153</sup> All told, there were  
9 21 fires in Oregon in summer/fall of 2020, 12 of which started over the Labor Day weekend,  
10 producing “smoke waves” which detrimentally impacted smoke and air quality levels in  
11 Multnomah County.  
12

13 261.

14 Wildfire-generated toxic smoke plumes have caused damage to Multnomah County, its  
15 residents, and its property. As carbon emissions continue, and global temperatures increase  
16 Multnomah, County will suffer more extreme heat days, more poor air quality days, larger  
17 wildfires, and more “smoke waves.”  
18

19 262.

20 GHGs from Fossil Fuel Defendants’ emissions caused the fires to burn more severely and  
21 more intensely, which in turned caused smoke penetration and related harm in and to Multnomah  
22

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23  
24  
25 <sup>153</sup> Eckert, T, *\$422M federal grant approved to assist 2020 Oregon wildfire survivors*, OPB, Oct.  
26 6, 2022 <https://www.opb.org/article/2022/10/06/federal-assistance-for-2020-oregon-wildfires-survivors/#:~:text=The%20U.S.%20Department%20of%20Housing,fires%20throughout%20Oregon%20in%202020>. (last visited on June 21, 2023).  
27

1  
2 County. Drought conditions are linked to climate-driven temperature increases across wide swaths  
3 of the western United States, which evaporates soil of moisture which in turn makes heatwaves  
4 more severe. Changes in climate will affect future fire frequency and severity.<sup>154</sup> Climate change  
5 will result in longer wildfire seasons, increased wildfire frequency, larger burn zones, and  
6 increased wildfire severity.<sup>155</sup>

7  
8 263.

9 Wildfires were sparked during the 2021 heat dome and thereafter.<sup>156</sup> Because of  
10 Defendants’ acts or omissions related to the burning of fossil fuels, Multnomah County will suffer  
11 harm from smoke penetration, including adverse health impacts on its citizens from the intense  
12 smoke. As one climatologist described the matter, “it’s like someone poured gasoline on the  
13 forest.”<sup>157</sup>

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14  
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16  
17 <sup>154</sup> Halofsky, J.E., Peterson, D.L. & Harvey, B.J. Changing wildfire, changing forests: the effects  
18 of climate change on fire regimes and vegetation in the Pacific Northwest, USA. *fire ecol* 16, 4  
19 (2020). <https://doi.org/10.1186/s42408-019-0062-8> (According to projections based on historical  
20 records, current trends, and simulation modeling, protracted warmer and drier conditions will drive  
21 lower fuel moisture and longer fire seasons in the future, likely increasing the frequency and extent  
22 of fires...).

23 <sup>155</sup> USDA Northwest Climate Hub, How do Climate and Wildfire Relate?  
24 <https://www.climatehubs.usda.gov/hubs/northwest/topic/climate-change-and-wildfire-idaho-oregon-and-washington> (last visited June 13, 2023);

25 <sup>156</sup> Bartusek, S., Kornhuber, K. & Ting, M. 2021 North American heatwave amplified by climate  
26 change-driven nonlinear interactions. *Nat. Clim. Chang.* **12**, 1143–1150 (2022).  
27 <https://doi.org/10.1038/s41558-022-01520-4>.

28 <sup>157</sup> Burns, J, We know climate change set the conditions for Oregon fires. Dis it stoke the flames,  
too? Sept. 21, 2020 [https://www.opb.org/article/2020/09/21/oregon-wildfires-climate-change-  
role/](https://www.opb.org/article/2020/09/21/oregon-wildfires-climate-change-role/) (last visited on June 18, 2023); Abatzoglou, J. T., Rupp, D. E., O’Neill, L. W., & Sadegh,  
M. (2021). Compound extremes drive the western Oregon wildfires of September  
2020. *Geophysical Research Letters*, 48 <https://doi.org/10.1029/2021GL092520> (“studies suggest  
that climate change has contributed to increased fuel aridity and longer fire seasons and the

1  
2 *E. Extreme Heat is Here to Stay and Is Caused By Defendants’ Activities – 2022*  
3 *Heatwave*

4  
5  
6  
7  
8 264.

9 Since the heat dome of 2021, additional extreme heat events have occurred. In 2022,  
10 Multnomah County experienced seven consecutive days of temperatures above 95 F from July 25  
11 through July 31.<sup>158</sup>

12  
13  
14 265.

15 The 2022 heatwave took the lives of five Multnomah County residents.<sup>159</sup>

16  
17  
18 266.

19 In 2022, the County recorded 172 heat-related illness Emergency visits, which was 40%  
20 greater than the number of visits between 2016 and 2019.

21  
22  
23 267.

24 Defendants’ tortious conduct has caused unprecedented and excessive heat to plague

25  
26  
27  
28  

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probability of compound hot-dry extremes and climate projections suggest continued warming  
with slight decreases in summer precipitation in the Pacific Northwest over the 21st century.”).

<sup>158</sup> Ehrlich, A., Portland breaks record for consecutive days of temperatures 95 or higher July 31,  
2022, <https://www.opb.org/article/2022/07/31/portland-breaks-record-for-consecutive-days-of-temperatures-95-or-higher/> (last visited on June 18, 2023).

<sup>159</sup> Multnomah County, Medical Examiner confirms five heat deaths during summer 2022, March  
7, 2023, <https://www.multco.us/multnomah-county/news/news-release-medical-examiner-confirms-five-heat-deaths-during-summer-2022> (last visited June 21, 2023).

1  
2 Multnomah County.

3 *F. ACC Has Caused Droughts that Will Continue to Wreak Havoc on Multnomah*  
4 *County*

5 268.

6 Defendants misleading Over the last three years, a severe drought linked to the regional  
7 shift in climate caused by the burning of Defendants’ fossil fuel products has strained the water  
8 supply to communities, agriculture, and ecosystems. Water availability is central to the state’s  
9 economy, contributing significantly to the resilience of agricultural and livestock production,  
10 public health, urban environments, energy supply, fisheries, and industry.<sup>160</sup>

11 269.

12  
13 Virtually all of Oregon is in a multiple-year drought, defined as drought that persists for  
14 more than one water year. Impacts on human and natural systems become more severe in each  
15 consecutive year of drought as groundwater, soils, and surface-water bodies continually dry  
16 without normal recharge.<sup>161</sup>

17 270.

18  
19 In 17 of the last 23 water years, Oregon’s precipitation was below normal. In terms of  
20 precipitation, water years 2001 and 2020 ranked as the third and fifth driest water years in Oregon  
21  
22

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23  
24  
25 <sup>160</sup> Oregon Climate Assessment, January 2023, Fleischman, Editor, Oregon State University,  
26 [https://ir.library.oregonstate.edu/concern/technical\\_reports/gt54kw197](https://ir.library.oregonstate.edu/concern/technical_reports/gt54kw197)) (last visited June 20,  
2023).

27 <sup>161</sup> Id.

1  
2 since 1895.<sup>162</sup>

3 271.

4 The average temperature in Oregon also was warmer than normal in 18 of the last 23 water  
5 years, which contributed to increases in evapotranspiration and drought frequency.<sup>163</sup>

6 272.

7 For 2020, the drought was the most severe in Oregon’s recorded history. The 2020 drought  
8 was driven by a combination of low precipitation and high evapotranspiration, which in turn  
9 produced well above normal temperatures.<sup>164</sup>

10 273.

11 Yearly estimates of soil moisture from tree rings suggested that the years 2000–2021 were  
12 the driest in Oregon since at least 800 CE. These years were characterized by low snowpack,  
13 decreased summer streamflow, low precipitation during all seasons, and steadily rising evaporative  
14 demand due to climate change-induced aridification.<sup>165</sup>

15 274.

16 Persistent and severe droughts have occurred in Oregon since 2000. These droughts were  
17 driven by ACC, which substantially contributed to low winter precipitation and snowpack and low  
18 summer precipitation and high winter temperature. Low precipitation contributed to each drought,  
19 but temperature and snowpack also affected drought severity and impacts. An estimated 19 percent  
20  
21  
22

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23  
24  
25 <sup>162</sup> Id.

26 <sup>163</sup> Id.

27 <sup>164</sup> Id.

28 <sup>165</sup> Id.



1 of the soil moisture deficits in the West from 2000–2021 were caused by fossil fuel induced  
2 ACC.<sup>166</sup>

3  
4 275.

5 Evaporation is expected to increase in Oregon as temperatures increase. Warm air holds  
6 more moisture than cool air, so projected increases in total evaporation are driven by projected  
7 increases in vapor pressure deficit. Even if the net water balance (precipitation minus evaporation)  
8 increases on average, the likelihood of drought, particularly during summer, increases as  
9 precipitation becomes more intense and seasonal. The severity and duration of droughts are  
10 projected to increase across most of Oregon. Droughts are projected to be 11–33 percent longer  
11 and at least 40 percent more severe by the end of the century.<sup>167</sup>

12  
13 ***G. Defendants Had Knowledge on the Impact of Their Fossil Fuel Activities—But***  
14 ***Chose Windfall Profits Over Humanity***

15 276.

16 The connection between burning fossil fuels and atmospheric CO<sub>2</sub> pollution was first  
17 suspected in the scientific literature in 1856.<sup>168</sup> The connection was confirmed in 1930.<sup>169</sup> In 1954,  
18 scientists at the California Institute of Technology (“Cal Tech”) proposed to the API to commission  
19 a study that would differentiate carbon molecules released from the burning of fossil fuels versus  
20

21  
22  
23  
24 <sup>166</sup> Id.

25 <sup>167</sup> Id.

26 <sup>168</sup> Franta, B. Early oil industry knowledge of CO<sub>2</sub> and global warming. *Nature Clim Change* **8**,  
1024–1025 (2018). <https://doi.org/10.1038/s41558-018-0349-9>.

27 <sup>169</sup> Id.

1 natural sources.<sup>170</sup> Cal Tech had already determined from tree ring studies that fossil fuels had  
2 caused the atmospheric concentrations of CO<sub>2</sub> to rise by 5% in the past 100 years or so.<sup>171</sup> In 1955,  
3 the API funded the Cal Tech study, received the results, but never published the same.<sup>172</sup> In 1959,  
4 the renown physicist Edward Teller appeared at an API meeting and warned that the combustion  
5 of fossil fuels was contaminating the atmosphere, and would soon raise global temperatures  
6 sufficiently to melt the polar ice caps and raise the sea level.<sup>173</sup>

7  
8  
9 277.

10 On March 29, 1958, Charles Keeling began recording daily carbon in the Earth's  
11 atmosphere at the Mauna Loa observatory in Hawaii.<sup>174</sup> Keeling's first reading on March 29, 1958,  
12 measured the atmospheric CO<sub>2</sub> concentration at 313 ppm.<sup>175</sup>

13  
14 278.

15 By the 1950s, the Fossil Fuel Defendants (herein also called "Oil Defendants") discovered  
16 that climate change would present dangerous risks to the world's population.<sup>176</sup> In response, they

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17  
18  
19  
20 <sup>170</sup> Id.

21 <sup>171</sup> Id.

22 <sup>172</sup> Id.

23 <sup>173</sup> Id.

24 <sup>174</sup> Britannica, Keeling Curve, BRITANNICA, <https://www.britannica.com/science/Keeling-Curve>  
(last visited June 18, 2023).

25 <sup>175</sup> ACS, The Keeling Curve: Carbon Dioxide Measurements at Mauna Loa, ACS,  
26 <https://www.acs.org/content/acs/en/education/whatischemistry/landmarks/keeling-curve.html>  
(last visited June 18, 2023).

27 <sup>176</sup> American Institute of Physics. The discovery of Global Warming, AMERICAN INSTITUTE OF  
28 PHYSICS, (2022) <https://history.aip.org/climate/index.htm#contents> (last visited June 20, 2023);  
Craig Harmon, The Natural Distribution of Radiocarbon and the Exchange Time of Carbon  
Dioxide Between Atmosphere and Sea, *Tellus*, 1-17 (9<sup>TH</sup> Ed. 1957); Roger Revelle & Hans E.

1 engaged in decades-long concerted effort to keep Multnomah County, and the rest of the United  
2 States in the dark about those risks, while they reaped profits by false and deceptive consumer  
3 advertising misinformation.  
4

5 279.

6 In 1967, Shell, with assistance from Exxon, Chevron and BP, gathered ocean data  
7 concerning its oil platforms in the Gulf of Mexico and studied wave, wind, barometric pressure,  
8 storms, sea level, and current changes and trends on its six platforms in the Gulf of Mexico.<sup>177</sup> The  
9 report was necessary to develop and calibrate environmental forecasting theories to protect the  
10 industry's platforms. What they found out guided their marketing strategies for the next five  
11 decades. There is also evidence that they built their offshore platforms higher to contend with  
12 ocean rise from warming.  
13

14 280.

15 Thus, more than fifty years ago, scientists for the Fossil Fuel Defendants concluded that  
16 “doubling in CO<sub>2</sub> could increase average global temperature 1°C to 3°C by 2050....10°C predicted  
17 at poles.” In the 1968 report for the American Petroleum Institute (API), attached as Exhibit 1, the  
18 scientists stated:  
19

- 20 a) “Significant temperature changes are almost certain to occur by the year  
21 2000 and these could bring about climatic change...if the Earth’s  
22 temperature increases significantly, a number of events might be

23  
24 Seuss, Carbonates and carbon dioxide, *Memoirs of the Geological Society of America* 239–295  
25 (1957).

26 <sup>177</sup> M. Patterson, *An Ocean Data Gathering Program for the Gulf of Mexico*, Society of Petroleum  
27 Engineers (1969), (Available at: <https://www.onepetro.org/conference-paper/SPE-2638-MS>.) (last  
28 visited June 20, 2023).

1  
2 expected to occur including the melting of the Antarctic ice cap, a rise  
3 in sea levels, warming of the oceans and an increase in photosynthesis.”

- 4 b) “It is clear that we are unsure as to what our long-lived pollutants are  
5 doing to our environment; however, there seems to be no doubt that the  
6 potential damage to our environment could be severe.”<sup>178</sup>

7 281.

8 A 1969 supplemental report by scientists for API, projected that based on current fuel usage  
9 at the time, atmospheric CO<sub>2</sub> concentrations would reach 370 ppm by the turn of the century.<sup>179</sup>

10 They proved to be ominously correct. It was 369.34 ppm in 2000.<sup>180</sup>

11 282.

12 API’s scientists connected the rise in atmospheric CO<sub>2</sub> concentrations to the use of fossil  
13 fuels, warning that the temptations and consequences of ignoring CO<sub>2</sub> as a pollutant could be of  
14 global importance as a factor that could change man’s environment.<sup>181</sup> This report was  
15 disseminated to the oil industry through API, including to Oil Defendants Exxon, Shell, BP,  
16  
17  
18

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19  
20 <sup>178</sup> E. Robinson & R.C. Robbins, Final Report, Sources, Abundance, and Fate of Gaseous.  
21 Atmospheric Pollutants, SRI Project PR-6755, prepared for American Petroleum Institute, at 109-  
22 110.

23 <sup>179</sup> E. Robinson & R.C. Robbins, Sources, Abundance, and Fate of Gaseous Atmospheric Pollutants  
24 Supplement, Stanford Research Institute (June 1969).

25 <sup>180</sup> NASA Goddard Institute for Space Studies, Global Mean CO<sub>2</sub>Mixing Ratios (ppm):  
26 Observations, NASA GODDARD INSTITUTE FOR SPACE STUDIES,  
27 <https://data.giss.nasa.gov/modelforce/ghgases/Fig1A.ext.txt> (last visited June 20, 2023).

28 <sup>181</sup> Elmer Robinson and R.C. Robbins, Sources, Abundance, and Fate of Gaseous Atmospheric  
Pollutants Supplement, STANFORD RESEARCH INSTITUTE (Jun. 1969), <http://chr.gov.ph/wp-content/uploads/2019/11/Exhibit-3I-Sources-Abundance-and-Fate-of-Gaseous-Atmospheric-Pollutants-Supplement.pdf> (last visited June 20, 2023).

1  
2 ConocoPhillips, Motiva and Anadarko (or their predecessors in interest) in a 1972 status report.<sup>182</sup>

3 283.

4 In clandestine fashion, the oil industry began to prepare for climate change. In 1973 and  
5 1974, Exxon obtained a patent for a cargo ship capable of breaking sea ice and for an oil tanker  
6 designed specifically for use in previously unreachable areas of the Arctic.<sup>183</sup> Chevron also  
7 obtained a patent for a mobile arctic drilling platform designed to withstand significant interference  
8 from lateral ice masses,<sup>184</sup> allowing for drilling in areas with increased ice flow movement due to  
9 elevated temperature.  
10

11 284.

12 Norske Shell, Royal Dutch Shell's Norwegian subsidiary<sup>185</sup> factored rising sea levels into  
13 plans for its "Troll A platform" to account for higher anticipated average sea levels and increased  
14 storm intensity due to global warming over the platform's 70-year operational life<sup>186</sup> at a cost of  
15

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17  
18 <sup>182</sup> Committee for Air and Water Conservation American Petroleum Institute, Environmental  
19 Research, A Status Report, Committee for Air and Water Conservation, AMERICAN PETROLEUM  
20 INSTITUTE (Jan.1972), <https://files.eric.ed.gov/fulltext/ED066339.pdf> (last visited Nov 15, 2022).

21 <sup>183</sup> ExxonMobil Research Engineering Co., Icebreaking cargo vessel, GOOGLE PATENTS (Apr. 17,  
22 1973), <https://patents.google.com/patent/US3727571A/en> (last visited June 20, 2023);  
23 ExxonMobil Research Engineering Co., Tanker vessel, GOOGLE PATENTS (Jul. 17, 1973), (last  
24 visited June 20, 2023).

25 <sup>184</sup> Chevron Research & Technology Co., Arctic offshore platform, GOOGLE PATENTS (Aug. 27,  
26 1974) <https://patents.google.com/patent/US3831385A/fi> (last visited June 20, 2023).

27 <sup>185</sup> N.Y. Times, Greenhouse Effect: Shell Anticipates A Sea Change, N.Y. TIMES (Dec. 20, 1989),  
28 [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) (last visited June 20, 2023).

<sup>186</sup> Id.; Amy Lieberman and Susanne Rust, Big Oil braced for global warming while it fought  
regulations, L. A. TIMES (Dec. 31, 2015), <https://graphics.latimes.com/oil-operations/> (last visited  
June 20, 2023).

1  
2 nearly \$40 million.

3 285.

4 Exxon’s Henry Shaw stated in a memo to David Edward, Jr. in 1978, attached as Exhibit  
5 2, that Exxon needed to understand the “CO<sub>2</sub> problem” and wanted to “assess the possible impact  
6 of the greenhouse effect on Exxon business. Exxon must develop a credible scientific team that  
7 can critically evaluate the information generated on the subject and be able to carry bad news, if  
8 any, to the corporation.”<sup>187</sup>

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10 286.

11 From 1979 to 1982, the Exxon Research and Engineering (ER&E) Company pursued major  
12 global warming-based projects.<sup>188</sup> Exxon’s described the projects thusly: “Establish a scientific  
13 presence through research program in climate modeling; selective support of outside activities;  
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22 <sup>187</sup> Henry Shaw, Memo from Henry Shaw to Edward David Jr., The “Greenhouse Effect,” EXXON  
RESEARCH AND ENGINEERING COMPANY (Dec. 7, 1978),  
23 [https://www.climatefiles.com/exxonmobil/1978-exxon-memo-on-programs-developed-to-  
measure-co2-uptake-and-request-credible-scientific-team/](https://www.climatefiles.com/exxonmobil/1978-exxon-memo-on-programs-developed-to-measure-co2-uptake-and-request-credible-scientific-team/) (last visited June 20, 2023).

24 <sup>188</sup> G.H. Long, Atmospheric CO<sub>2</sub> Scoping Study, EXXON RESEARCH AND ENGINEERING COMPANY  
(Feb. 5, 1981), [https://www.climatefiles.com/exxonmobil/1981-exxon-report-potential-climate-  
change-research-programs/](https://www.climatefiles.com/exxonmobil/1981-exxon-report-potential-climate-change-research-programs/) (last visited June 20, 2023); A.M. Natkin, Memo Summarizing  
25 Climate Modeling and CO<sub>2</sub> Greenhouse Effect Research, EXXON RESEARCH AND ENGINEERING  
COMPANY, (Sept. 2, 1982), [https://www.climatefiles.com/exxonmobil/1982-exxon-memo-  
summarizing-climate-modeling-and-co2-greenhouse-effect-research/](https://www.climatefiles.com/exxonmobil/1982-exxon-memo-summarizing-climate-modeling-and-co2-greenhouse-effect-research/) (last visited June 20, 2023).  
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27

1  
2 maintain awareness of new scientific developments.”<sup>189</sup>

3 287.

4 At a presentation for Exxon’s Corporation Management Committee in 1978, attached as  
5 Exhibit 3, Exxon was warned that CO<sub>2</sub> concentrations were building in the Earth’s atmosphere at  
6 an increasing rate, that CO<sub>2</sub> emissions attributable to fossil fuels were retained in the atmosphere,  
7 and that CO<sub>2</sub> was contributing to global warming.<sup>190</sup> An Exxon executive expressed the concern  
8 that humans have a “window of five to ten years before the need for hard decisions regarding  
9 changes in energy strategies might become critical.”<sup>191</sup> That was **55 years ago**.

10  
11 288.

12 Steve Knisely was a summer intern at Exxon Research and Engineering in 1979 when  
13 Exxon asked him to analyze how global warming might affect fuel use.<sup>192</sup> Knisley’s report,  
14 attached as Exhibit 4, predicted that if nothing was done and that if fossil fuel use was not limited,  
15 there would be noticeable temperature changes and 400 ppm of CO<sub>2</sub> in the atmosphere by 2010.  
16 His prediction was remarkably accurate. There was 388.61 ppm carbon in the atmosphere on  
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22 <sup>189</sup> A.J. Callegari, Corporate Research Program in Climate/CO<sub>2</sub>-Greenhouse, EXXON CORPORATE  
23 RESEARCH PROGRAM (Feb. 2, 1984), <https://www.climatefiles.com/exxonmobil/1984-exxon-report-on-climate-modeling-and-co2-effects/> (last visited June 20, 2023).

24 <sup>190</sup> Id.

25 <sup>191</sup> Id.

26 <sup>192</sup> Lisa Song, Neal Banerjee and David Hasemyer, Exxon Confirmed Global Warming Consensus  
27 in 1982 with In-House Climate Models, INSIDE CLIMATE NEWS (Sept. 22, 2015),  
28 <https://insideclimatenews.org/news/22092015/exxon-confirmed-global-warming-consensus-in-1982-with-in-house-climate-models/> (last visited June 20, 2023).

1  
2 January 16, 2010, per NASA data.<sup>193</sup>

3 289.

4 Knisely even concluded that the fossil fuel industry might need to leave 80% of its  
5 recoverable reserves in the ground to avoid doubling CO<sub>2</sub> concentrations.<sup>194</sup>

6 290.

7 At this time, Exxon scientists expressed grave concern about the potential impacts of fossil  
8 fuel-driven global warming and advocated internally for additional fossil fuel industry-generated  
9 research considering the growing consensus that consumption of fossil fuel products was changing  
10 the planet's climate.<sup>195</sup>

11 291.

12 Indeed, on November 19, 1979, Exxon's Henry Shaw, the company's lead climate  
13 researcher at the time, wrote an inter-office memorandum concerning "Research in Atmospheric  
14 Science", attached as Exhibit 5, wherein he stated:

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16  
17 We should determine how Exxon can best participate in all these [atmospheric  
18 science research] areas and influence possible legislation on environmental  
19 controls. It is important to begin to anticipate the strong intervention of  
20 environmental groups and be prepared to respond with reliable and credible data. It  
21 behooves [Exxon] to start a very aggressive defensive program in the indicated  
22 areas of atmospheric science and climate because there is a good probability that  
23 legislation affecting our business will be passed. Clearly, it is in our interest for  
24 such legislation to be based on hard scientific data. The data obtained from research

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25 <sup>193</sup> NASA, Vital Signs, NASA GLOBAL CLIMATE CHANGE, [https://climate.nasa.gov/vital-](https://climate.nasa.gov/vital-signs/carbon-dioxide/)  
26 [signs/carbon-dioxide/](https://climate.nasa.gov/vital-signs/carbon-dioxide/) (last visited June 20, 2023).

27 <sup>194</sup> See Exhibit 4.

28 <sup>195</sup> Id.



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2 on the global damage from pollution, e.g., from coal combustion, will give us the  
3 needed focus for further research to avoid or control such pollutants.<sup>196</sup>

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6 292.

7 That same year, Exxon’s W.L. Ferrall summarized Exxon’s internal findings in a memo  
8 concerning “Controlling Atmospheric CO<sub>2</sub>,” [Exhibit 4] concluding that:

- 9 a) the increase [in CO<sub>2</sub> concentration] is due to fossil fuel combustion,  
10 b) increasing CO<sub>2</sub> concentration will cause a warming of the earth’s  
11 surface.  
12 c) present trend of fossil fuel consumption will cause dramatic  
13 environmental effects before the year 2050.”<sup>197</sup>

14  
15 293.

16 Doubling of CO<sub>2</sub> concentration (using 1860 as a baseline), Ferrall predicted that “ocean  
17 levels would rise four feet” and the “Arctic Ocean would be ice free for at least six months each  
18 year, causing major shifts in weather patterns in the northern hemisphere.”<sup>198</sup>

19  
20 294.

21 In 1977, upon information and belief, a publication by Marathon Oil titled Marathon World  
22 publication described with accuracy what global temperature rise linked to industrial expansion  
23  
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25 <sup>196</sup> Henry Shaw, Memo to H.N. Weinberg about Research in Atmospheric Science, Inter-Office  
26 Correspondence, EXXON CORP. (Nov. 19, 1979),  
27 [https://www.climatefiles.com/exxonmobil/1979-exxon-memo-on-atmospheric-science-research-  
28 to-influence-legislation/](https://www.climatefiles.com/exxonmobil/1979-exxon-memo-on-atmospheric-science-research-to-influence-legislation/) (last visited June 20, 2023).

<sup>197</sup> W.L. Ferrall, Memo to R.L. Hirsch Controlling Atmospheric CO<sub>2</sub>, EXXON RESEARCH AND  
ENGINEERING COMPANY (Oct. 16, 1979). [https://www.climatefiles.com/exxonmobil/1979-exxon-  
memo-on-potential-impact-of-fossil-fuel-combustion/](https://www.climatefiles.com/exxonmobil/1979-exxon-memo-on-potential-impact-of-fossil-fuel-combustion/) (last visited June 20, 2023).

<sup>198</sup> Id.

1  
2 could on day lead to “social and economic calamities.”

3 295.

4 The periodical went on to state, “[a]lthough climatologists disagree on the underlying  
5 reasons, many see a future climate of greater variability, bringing with it areas of extreme drought.”  
6 Marathon informed its publication recipients about the true dangers of the continued use of fossil  
7 fuels but provided no warnings or disclosures to the populous in the State of Oregon that  
8 purchased, used, and sold its products.  
9

10 296.

11 The American Petroleum Institute and scientists from Exxon, Mobil, Amoco (now BP),  
12 Phillips (now ConocoPhillips), Texaco (now, Shell, Sunoco, Sohio (now BP)) as well as Standard  
13 Oil (now BP) and Gulf Oil (now Chevron), began the “CO<sub>2</sub> and Climate Task Force” to monitor  
14 and to freely share industry knowledge on climate research between 1979 and 1983.<sup>199</sup>  
15

16 297.

17 In 1979, API sent its members a background memo related to API’s CO<sub>2</sub> and Climate Task  
18 Force’s efforts, stating that CO<sub>2</sub> concentrations were rising steadily in the atmosphere, and  
19 predicting when the first clear effects of climate change might be felt.<sup>200</sup>  
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24 <sup>199</sup> Id.

25 <sup>200</sup> Neela Banerjee, Exxon’s Oil Industry Peers Knew About Climate Dangers in the 1970s, Too,  
26 INSIDE CLIMATE NEWS (Dec. 22, 2015), [https://insideclimatenews.org/news/22122015/exxon-  
27 mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-  
28 institute-api-shell-chevron-texaco/](https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco/) (last visited June 20, 2023).

1  
2 298.

3 In 1980, API's CO<sub>2</sub> Task Force members discussed the oil industry's responsibility to  
4 reduce CO<sub>2</sub> emissions by changing refining processes and developing fuels that emit less CO<sub>2</sub>. The  
5 minutes from the Task Force's meeting on February 29, 1980 included a summary of a presentation  
6 on "The CO<sub>2</sub> Problem," which identified the "scientific consensus on the potential for large future  
7 climatic response to increased CO<sub>2</sub> levels" as a reason for API members to have concern with the  
8 "CO<sub>2</sub> problem" and informed attendees that there was "strong empirical evidence" that rise in CO<sub>2</sub>  
9 concentration was caused by anthropogenic release of CO<sub>2</sub>, mainly from fossil fuel combustion  
10 (emphasis added).<sup>201</sup> Those minutes are attached as Exhibit 6.

11  
12 299.

13 Dr. Laurman warned the Fossil Fuel Defendants that the amount of CO<sub>2</sub> in the atmosphere  
14 could double by 2038, which he said would likely lead to a 2.5° C (4.5° F) rise in global average  
15 temperature, resulting in "major economic consequences." He then told the task force that climate  
16 models predicted a 5°C (9° F) rise by 2067, with "globally catastrophic effects."<sup>202</sup> A Texaco (now  
17 Chevron) representative posited that the API CO<sub>2</sub> Task Force should develop ground rules for  
18 energy release of fuels and the cleanup of fuels as they relate to CO<sub>2</sub> creation.  
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26 <sup>201</sup> American Petroleum Institute, AQ-9 Task Force Meeting Minutes, attached as Exhibit 6. AQ-9  
refers to the "CO<sub>2</sub> and Climate" Task Force.

27 <sup>202</sup> Id.

1  
2 300.

3 In 1980, the API CO<sub>2</sub> Task Force also discussed a potential area for investigation:  
4 alternative energy sources as a means of mitigating CO<sub>2</sub> emissions from Defendants' fossil fuel  
5 products. These efforts called for research and development to "Investigate the Market Penetration  
6 Requirements of Introducing a New Energy Source into Worldwide Use." Such investigation was  
7 to include the technical implications of energy source changeover, research timing, and  
8 requirements.

9  
10 301.

11 These Meeting Minutes from the February 29, 1980, meeting of the CO<sub>2</sub> and Climate Task  
12 Force, reflected a dire prediction:

13 CLIMATE MODELING – CONCLUSIONS

- 14
- 15 • GLOBAL AVERAGED 2.5° C RISE EXPECTED BY 2038 AT A 3% p.a.  
GROWTH RATE OF ATMOSPHERIC CO<sub>2</sub> CONCENTRATION
  - 16 • LARGE ERROR IN THIS ESTIMATE - 1 IN 10 CHANCE OF THIS  
CHANGE BY 2005
  - 17 • NO REGIONAL CLIMATE CHANGE ESTIMATES YET POSSIBLE
  - 18 • LIKELY IMPACTS:
    - 19 1° C RISE (2005): BARELY NOTICEABLE
    - 20 2.5° C RISE (2038): MAJOR ECONOMIC CONSEQUENCES,  
STRONG REGIONAL DEPENDENCE
    - 21 5° C RISE (2067): GLOBALLY CATASTROPHIC EFFECTS

22 302.

23 The Climate Task Force estimated that the Earth would warm up by 2.5° C by 2038. The  
24 February 29, 1980, meeting of API's CO<sub>2</sub> and Climate Task Force concluded with the following  
25 warning:

26 CONCLUSIONS

1  
2 **AT A 3% PER ANNUM GROWTH RATE OF CO<sub>2</sub>, A 2.5°C RISE BRINGS WORLD**  
3 **ECONOMIC GROWTH TO A HALT IN ABOUT 2025.**<sup>203</sup>

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15 303.

16 Exxon scientist Roger Cohen warned his colleagues in a 1981 internal memorandum,  
17 attached as Exhibit 7, that “future developments in global data gathering and analysis, along with  
18 advances in climate modeling, may provide strong evidence for a delayed CO<sub>2</sub> effect of a truly  
19 substantial magnitude,” and that under certain circumstances it would be “very likely that we will  
20 unambiguously recognize the threat by the year 2000.”<sup>204</sup> Cohen previously expressed concern that  
21 the memorandum mischaracterized potential effects of unabated CO<sub>2</sub> emissions from Defendants’  
22 fossil fuel products: “[I]t is distinctly possible that the . . . [Exxon Planning Division’s] scenario  
23 will produce effects which will indeed be catastrophic (at least for a substantial fraction of the  
24 world’s population).”<sup>205</sup>

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28 304.

29 In 1981, Exxon’s Henry Shaw prepared a summary of Exxon’s current position on the  
30 greenhouse effect, attached as Exhibit 8, for Edward David Jr., president of Exxon Research and  
31 Engineering, stating in relevant part that: “Atmospheric CO<sub>2</sub> will double in 100 years if fossil fuels  
32 grow at 1.4%”... there will be a “3° Celsius global average temperature rise and 10° Celsius at

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<sup>204</sup> Roger W. Cohen, Exxon Memo to W. Glass about possible “catastrophic” effect of CO<sub>2</sub>, Inter-Office Correspondence, EXXONMOBIL CORP. (Aug. 18, 1981), <https://www.mass.gov/files/documents/2016/10/tp/exxon-appendix-memo-support.pdf> (last visited (last visited June 20, 2023)).

<sup>205</sup> Id.

1 poles if CO<sub>2</sub> doubles” and there will be “major shifts in rainfall/agriculture” and “polar ice may  
2 melt.”<sup>206</sup>

3  
4 305.

5 In 1982, another report prepared for API by scientists at the Lamont-Doherty Geological  
6 Observatory at Columbia University, attached as Exhibit 9, recognized that atmospheric CO<sub>2</sub>  
7 concentration had risen significantly compared to the beginning of the industrial revolution from  
8 about 290 parts per million to about 340 parts per million in 1981 and acknowledged that despite  
9 differences in climate modelers’ predictions, all models indicated a temperature increase caused  
10 by anthropogenic CO<sub>2</sub> within a global mean range of 4° C (7.2° F).

11  
12 306.

13 Roger W. Cohen of Exxon Memo, summarizing findings of research in climate modeling,  
14 Exxon Research Engineering Co. dated Sept. 2, 1982, report advised that there was scientific  
15 consensus that “a doubling of atmospheric CO<sub>2</sub> from pre-industrial revolution value would result  
16 in an average global temperature rise of (3.0 ± 1.5)° C [5.4 ± 2.7° F].” It went further, warning that  
17 “[s]uch a warming can have serious consequences for man’s comfort and survival since patterns  
18 of aridity and rainfall can change, the height of the sea level can increase considerably, and the  
19 world food supply can be affected.”<sup>207</sup>

20  
21  
22  
23  
24 <sup>206</sup> Henry Shaw, Exxon Memo to E. E. David, Jr. about “CO<sub>2</sub>Position Statement, Inter-Office  
25 Correspondence, EXXONMOBIL CORP. (May 15, 1981),  
<https://docs.house.gov/meetings/GO/GO28/20190409/109294/HMTG-116-GO28-20190409-SD007.pdf> (last visited June 20, 2023).

26 <sup>207</sup> American Petroleum Institute, Climate Models and CO<sub>2</sub> Warming: A Selective Review and  
27 Summary, Lamont-DOHERTY GEOLOGICAL OBSERVATORY (COLUMBIA UNIVERSITY) (Mar. 1982),

1  
2 307.

3 Also, in 1982, Exxon’s Environmental Affairs Manager, M.B. Glaser, distributed a primer  
4 on climate change, attached as Exhibit 10, to a “wide circulation [of] Exxon management...  
5 intended to familiarize Exxon personnel with the subject.”<sup>208</sup> The primer also was “restricted to  
6 Exxon personnel and not to be distributed externally.”<sup>209</sup>

7  
8 308.

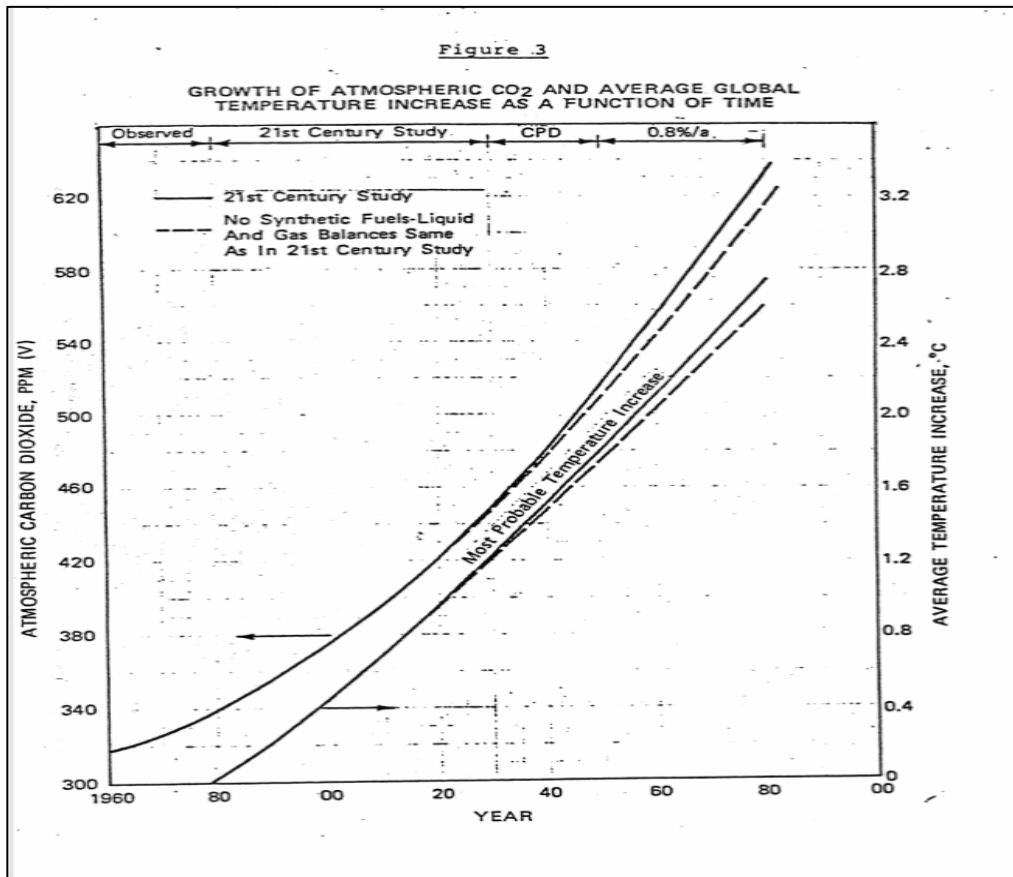
9 Glaser submitted a chart to Exxon which reflected CO<sub>2</sub> in the atmosphere, and how the  
10 temperature would increase by year:<sup>210</sup>

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22 <https://insideclimatenews.org/wp-content/uploads/2016/02/API-1982-Climate-models-and-CO2-warming.pdf> (last visited June 20, 2023).

23 <sup>208</sup> M.B. Glaser, Exxon Memo to Management about “CO<sub>2</sub> ‘Greenhouse’ Effect”, EXXON  
24 RESEARCH AND ENGINEERING CO. (Nov. 12, 1982),  
25 <https://www.climatefiles.com/exxonmobil/1982-memo-to-exxon-management-about-co2-greenhouse-effect/> (last visited June 20, 2023).

26 <sup>209</sup> Id.

27 <sup>210</sup> Id. at 7.



309.

Glaser’s primer collected science on climate change available at the time and confirmed fossil fuel combustion as a primary anthropogenic contributor to global warming. The report estimated a CO<sub>2</sub> doubling around 2090 based on Exxon’s long-range modeled outlook.

310.

Glaser warned that “there are some potentially catastrophic events that must be considered,” including increased sea surface temperatures, and the loss of Antarctic ice sheets.<sup>211</sup>

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<sup>211</sup> Id.



1  
2 It noted that some scientific groups were concerned “that once the effects are measurable, they  
3 might not be reversible.”<sup>212</sup>

4 311.

5 During the time the Task Force was in effect, the development of shale oil was of  
6 paramount concern to API. It was discussed that the production of oil shale may generate 3-5 times  
7 more carbon emissions.<sup>213</sup>

8 312.

9  
10 Director of Exxon’s Theoretical and Mathematical Sciences Laboratory Roger Cohen  
11 agreed and wrote that “the time required for doubling of atmospheric CO<sub>2</sub> depends on future world  
12 consumption of fossil fuels.” Cohen concluded that Exxon’s own results were “consistent with the  
13 published predictions of more complex climate models” and “in accord with the scientific  
14 consensus on the effect of increased atmospheric CO<sub>2</sub> on climate.”<sup>214</sup>

15 313.

16  
17 In October 1982, attended by members of API, Exxon Research and Engineering Company  
18 president E.E. David delivered a speech titled: “Inventing the Future: Energy and the CO<sub>2</sub>  
19 ‘Greenhouse Effect.’”<sup>215</sup> His remarks, attached as Exhibit 11, included the following statement:  
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21  
22  
23 <sup>212</sup> Id.

24 <sup>213</sup> Id.

25 <sup>214</sup> Cohen, *supra* note 204.

26 <sup>215</sup> Dr. E. E. David, Jr., Inventing the Future: Energy and the CO<sub>2</sub> Greenhouse Effect: Remarks at  
27 the Fourth Annual Ewing Symposium, Tenafly, NJ, EXXON RESEARCH AND ENGINEERING  
28 COMPANY, (Oct. 26, 1982), <https://www.climatefiles.com/exxonmobil/inventing-future-energy-co2-greenhouse-effect/> (last visited June 20, 2023).



1  
2 the mid-range of the four projections.<sup>217</sup>

3 316.

4 During the 1980s, these Defendants additionally formed their own research units focused  
5 on climate modeling. The API, including the API CO<sub>2</sub> Task Force, provided a forum for Defendants  
6 to share their research efforts and corroborate their findings related to anthropogenic greenhouse  
7 gas emissions.<sup>218</sup>

8 317.

9 James J. Nelson, the former director of the task force, was interviewed by Inside Climate  
10 News' Neela Banerjee and said that by 1983, the CO<sub>2</sub> and Climate Task Force was maneuvered by  
11 API into lobbying against regulation. "They (API) were less interested in pushing the envelope of  
12 science and more interested in how to make it more advantageous politically or economically for  
13 the oil industry."<sup>219</sup>

14 318.

15 By the early 1980s the Defendants had initiated a five-point plan in response to their unique  
16 knowledge of the danger faced by the world's population, as a result of the ever-increasing sale  
17 and use of their products. First, hide or obfuscate the dangers of climate change; second, increase  
18 and use of their products. First, hide or obfuscate the dangers of climate change; second, increase  
19 and use of their products. First, hide or obfuscate the dangers of climate change; second, increase  
20 and use of their products. First, hide or obfuscate the dangers of climate change; second, increase  
21 and use of their products. First, hide or obfuscate the dangers of climate change; second, increase  
22 and use of their products. First, hide or obfuscate the dangers of climate change; second, increase  
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24 and use of their products. First, hide or obfuscate the dangers of climate change; second, increase  
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27 and use of their products. First, hide or obfuscate the dangers of climate change; second, increase  
28 and use of their products. First, hide or obfuscate the dangers of climate change; second, increase

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<sup>217</sup> Neela Banerjee, More Exxon Documents Show How Much It Knew About Climate 35 Years Ago, INSIDE CLIMATE NEWS (Dec. 1, 2015), <https://insideclimateneeds.org/news/01122015/documents-exxons-early-co2-position-senior-executives-engage-and-warming-forecast> (last visited June 20, 2023).

<sup>218</sup> Banerjee, *supra* note 200.

<sup>219</sup> *Id.*

1  
2 supply and production; third, decrease prices; fourth, prevent non-carbon energy sources from  
3 developing; and fifth, stop or deter regulation of the carbon industry.

4 319.

5 During this time, the Fossil Fuel Defendants' statements express an understanding of their  
6 obligation to consider and mitigate the externalities of unabated promotion, marketing, and sale of  
7 their fossil fuel products, but they failed to do so, leaving our planet exposed to dangers.

8 320.

9 Fossil Fuel Defendants have long understood grim truths about the global harm caused by  
10 their products and expressed them in insular circles before working to sow public doubt about their  
11 veracity. For example, in 1988, Richard Tucker, then president of Mobil Oil, observed to industry  
12 colleagues:  
13

14 [H]umanity, which has created the industrial system that has  
15 transformed civilizations, is also responsible for the environment, which  
16 sometimes is at risk because of unintended consequences of  
17 industrialization.... Maintaining the health of this life-support system is  
18 emerging as one of the highest priorities.... [W]e must all be  
19 environmentalists. The environmental covenant requires action on many  
20 fronts...the low-atmosphere ozone problem, the upper-atmosphere  
21 ozone problem and the greenhouse effect, to name a few.... Our strategy  
22 must be to reduce pollution before it is ever generated – to prevent  
23 problems at the source. Prevention means engineering a new generation  
24 of fuels, lubricants and chemical products.... Prevention means  
25 designing catalysts and processes that minimize or eliminate the  
26 production of unwanted byproducts.... Prevention on a global scale may  
27 even require a dramatic reduction in our dependence on fossil fuels—  
28 and a shift towards solar, hydrogen, and safe nuclear power. It may be  
possible that—just possible—that the energy industry will transform  
itself so completely that observers will declare it a new industry....

1  
2 Brute force, low-tech responses and money alone won't meet the  
3 challenges we face in the energy industry.<sup>220</sup>

4  
5 321.

6 Also, in 1988, the Shell Greenhouse Effect Working Group issued a confidential internal  
7 report, "The Greenhouse Effect," attached as Exhibit 13, which acknowledged global warming's  
8 anthropogenic nature: "Man-made carbon dioxide released into and accumulated in the atmosphere  
9 is believed to warm the earth through the so-called greenhouse effect." The authors also noted the  
10 burning of fossil fuel as a primary driver of CO<sub>2</sub> buildup and warned that ocean warming would  
11 impact marine species populations and that "shifts in ranges and migration patterns could result in  
12 local losses of food source revenues and could require [fishing] operations in other (more distant)  
13 grounds."<sup>221</sup>

14  
15 322.

16 In addressing "Socio-economic implications" of climate change, the authors noted that,  
17 "[w]hile the greenhouse effect is a global phenomenon, the consequences and many of the socio-  
18 economic implications will be regional and local ...." The authors went on to address specific  
19 impacts including "Changing air temperature."<sup>222</sup>

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24 <sup>220</sup> Richard E. Tucker, High Tech Frontiers in the Energy Industry: The Challenge Ahead, AICHE  
25 NATIONAL MEETING (Nov. 30, 1988).

26 <sup>221</sup> Shell Internationale Petroleum, Greenhouse Effect Working Group, The Greenhouse Effect,  
27 SHELL INTERNATIONALE PETROLEUM (May 30, 1988) [https://www.climatefiles.com/shell/1988-  
28 shell-report-greenhouse/](https://www.climatefiles.com/shell/1988-shell-report-greenhouse/) (last visited June 20, 2023).

<sup>222</sup> Id.

1  
2 323.

3 Local temperature change, the report stated, may necessitate local adaptation of the  
4 buildings in which people live and work, technologies for heating or cooling, energy sources for  
5 heating and cooling, new food preparation technologies, new cultivation techniques, etc. All such  
6 adaptations are costly, and some would drastically change the way people live and work.<sup>223</sup>

7  
8 324.

9 Given these and other socio-economic implications, the Shell Greenhouse Effect Working  
10 Group advocated for a plan in which industry would work with governments to address the  
11 problem:

12 With fossil fuel combustion being the major source of CO<sub>2</sub> in the atmosphere, a  
13 forward-looking approach by the energy industry is clearly desirable, seeking to  
14 play its part with governments and others in the development of appropriate  
measures to tackle the problem.<sup>224</sup>

15 325.

16 Like early warnings by Exxon scientists, the Shell report notes that “by the time the global  
17 warming becomes detectable it could be too late to take effective countermeasures to reduce the  
18 effects or even to stabilize the situation.” The authors mention the need to consider policy changes  
19 on multiple occasions, noting that “the potential implications for the world are...so large that  
20 policy options need to be considered much earlier” and that research should be “directed more to  
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24  
25  
26 <sup>223</sup> Id. at 27-28.

27 <sup>224</sup> Id. at 1.

1  
2 the analysis of policy and energy options than to studies of what we will be facing exactly.”<sup>225</sup>

3 326.

4 The Fossil Fuel Defendants Exxon, Shell, BP, ConocoPhillips, Motiva, Valero, Total and  
5 Anadarko (and their predecessors in interest) were at the forefront of carbon dioxide research for  
6 much of the latter half of the 20th century. Collectively, they studied and developed cutting edge  
7 and innovative technology, working with top researchers to produce exceptionally sophisticated  
8 greenhouse gas studies and climate change models.  
9

10 327.

11 The Fossil Fuel Defendants actively participated in committees, boards and groups for the  
12 American Petroleum Institute, Western States Petroleum Association (and others) and received  
13 numerous studies and updates from various committees regarding industry wide knowledge.  
14

15 328.

16 The largest Fossil Fuel Defendants worked with McKinsey to create strategies that allowed  
17 for exponential increase in the use of their products, artificial creation of energy dependence, and  
18 control climate messaging to create doubt.

19 329.

20 Defendants failed to act reasonably to mitigate or avoid the dire adverse impacts their  
21 scientists carefully predicted. Defendants instead adopted the position, as described below, that the  
22 absence of meaningful regulations on the consumption of their fossil fuel products was the  
23

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24  
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27 <sup>225</sup> Id.

1  
2 equivalent of a social license to continue the unfettered pursuit of profits from those products. This  
3 position was an abdication of Defendants’ obligation to consumers and the public, including  
4 Multnomah County, to act on their unique knowledge of the hazards of unabated production and  
5 consumption of their fossil fuel products.

6 330.

7  
8 By 1988, Defendants had amassed a compelling body of knowledge about the role of  
9 anthropogenic greenhouse gases—specifically those emitted from the normal use of Defendants’  
10 fossil fuel products—in causing global warming, increased mean surface temperature, heatwaves,  
11 and the attendant consequences for human communities and the environment.

12 331.

13 The Fossil Fuel Defendants possessed actual knowledge that their products were causing  
14 global climate change and predicted dire effects on the planet. The Fossil Fuel Defendants were  
15 faced with the decision of whether to take steps to limit the damages their fossil fuel products were  
16 causing and would continue to cause for virtually every area of the globe, including Multnomah  
17 County.  
18

19 332.

20 It was also during this time that the Fossil Fuel Defendants were investing in offshore  
21 platforms and needed to study climate change to protect their own assets from rising sea levels.  
22 These investments included (among others), raising offshore oil platforms to protect against sea  
23 level rise; reinforcing offshore oil platforms to withstand increased wave strength and storm  
24 severity; and developing and patenting designs for equipment intended to extract crude oil and/or  
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28



1 natural gas in areas previously unreachable because of the presence of polar ice sheets.<sup>226</sup> The  
2 Defendants understood that to effectuate their conspiracy and enterprise, they must find more oil  
3 and gas, produce more, maintain low prices, and stifle the alternative energy source companies  
4 and the governmental regulators.  
5

6 333.

7 Ordinary care required Defendants to have taken any of several steps to mitigate the  
8 damages caused by their fossil fuel products, and their own comments reveal an awareness of the  
9 steps they were required to take.  
10

11 334.

12 Ordinary care required Defendants to have made reasonable warnings to consumers, the  
13 public, and regulators of the dangers known to them of the unabated consumption of their fossil  
14 fuel products and were required to have taken reasonable steps to limit the potential greenhouse  
15 gas emissions arising out of those products.  
16

17 335.

18 The Defendants acted carelessly and recklessly, rather than reasonably or with ordinary  
19 care. They mobilized with the coal and fossil fuel dependent industries to manufacture and spread  
20 propaganda and deception about climate science, contrary to their own internal scientific  
21

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24  
25 <sup>226</sup> Amy Lieberman and Suzanne Rust, Big Oil braced for global warming while it fought  
26 regulations, L.A. TIMES (Dec. 31, 2015), <https://graphics.latimes.com/oil-operations/> (last visited  
27 June 20, 2023).

1 conclusions, to ensure the sale of their products to consumers worldwide and in Multnomah  
2 County.

3  
4 336.

5 Exxon instructed Duane Levine, Exxon’s manager of science and strategy development, to  
6 give a primer to the company’s board of directors on February 22, 1989, which is attached as  
7 Exhibit 14.

8  
9 337.

10 Levine told the board of directors what they already knew ten years prior: There was  
11 general consensus among scientists that the burning of fossil fuels could raise global temperatures  
12 significantly by the middle of the 21st century — between 2.7 and 8.1° F — causing glaciers to  
13 melt and sea levels to rise.”<sup>227</sup> Speaking of impending regulation, Exxon’s LeVine warned  
14 “arguments that we can’t tolerate delay and must act now can lead to irreversible and costly  
15 Draconian steps.”<sup>228</sup>

16  
17 338.

18 Levine quoted from the 1983 “Changing Climate Report” from the Natural Research  
19 Council.<sup>229</sup>

20  
21  
22  
23  
24 <sup>227</sup> Katie Jennings, Dino Grandoni and Susanne Rust, How Exxon went from leader to skeptic on  
25 climate change research, L. A. TIMES (Oct. 23, 2015), [https://graphics.latimes.com/exxon-  
26 research/](https://graphics.latimes.com/exxon-research/) (last visited June 20, 2023).

27 <sup>228</sup> Id.

28 <sup>229</sup> See, Exhibit 15.

1  
2 339.

3 In a 1989 internal newsletter, attached as Exhibit 15, Exxon’s resident climate expert Brian  
4 Flannery confirmed that regulatory efforts to reduce the risk of climate change, would “alter  
5 profoundly the strategic direction of the energy industry.” And he warned that the impact on the  
6 company from those efforts “will come sooner ... than from climate change itself.”<sup>230</sup>

7  
8 340.

9 Reiterating the position taken a decade earlier, Joseph M. Carlson, Exxon Memo on “The  
10 Greenhouse Effect” dated Aug. 3, 1988, attached as Exhibit 16, described the “Exxon Position,”  
11 which included among others, two important tenets:

- 12 a) **emphasize the uncertainty** in scientific conclusions regarding the  
13 potential enhanced Greenhouse Effect; and  
14 b) **resist** the overstatement and sensationalization (sic) of potential  
15 greenhouse effect which could lead to noneconomic development of  
16 non-fossil fuel resources.<sup>231</sup>

17 ***H. The Global Climate Coalition: The Propaganda Machine***

18 341.

19 Though the Fossil Fuel Defendants are market competitors in some respects, they share a  
20 common purpose to sell as many of their polluting products as possible and to deceive or  
21

22  
23  
24 <sup>230</sup> Id.

25 <sup>231</sup> Joseph M. Carlson, Exxon Memo on “The Greenhouse Effect”, EXXONMOBIL CORP. (Aug. 3,  
26 <https://www.climatefiles.com/exxonmobil/566/#:~:text=In%20the%20document%2C%20Carlson%20states,can%20have%20disastrous%20environmental%20impacts> (last visited June 20,  
27 2023).

1  
2 overwhelm those who may wish to modify that behavior. In furtherance of that shared objective,  
3 the Fossil Fuel and Coal Defendants converged and formed the “Global Climate Coalition”  
4 (“GCC”) to fund and coordinate a multi-year, multi-million-dollar, multi-organization  
5 misinformation campaign designed explicitly to undermine climate science and further their  
6 business interests.

7  
8 342.

9 Multnomah County alleges a pattern of conduct that includes the Defendants’ conscious  
10 efforts to hide behind third parties, touted as “green” or “pro-environment.” This practice is a form  
11 of greenwashing, sometimes referred to as “green sheen.” Greenwashing is a public  
12 relations spin to promote the public’s perception that an organization’s products, aims, or policies  
13 are environmentally friendly.<sup>232</sup> Greenwashing was used when forming the Global Climate  
14 Coalition and became a repetitive and effective scheme to deceive consumers.

15  
16 343.

17 The GCC was formed in 1989 as a public relations and international lobbyist group of  
18 businesses that opposed action to reduce greenhouse gas emissions and publicly challenged the  
19 science behind global warming, even though the founders knew otherwise. The following is a list  
20 of the founding members of the GCC on November 16, 1989:<sup>233</sup>

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21  
22  
23  
24 <sup>232</sup> The Age of Persuasion, Season 5: It's Not Easy Being Green: Green Marketing, CBC RADIO  
25 (Jan. 8, 2011).

26 <sup>233</sup> Global Climate Coalition, Global Climate Coalition Membership, GLOBAL CLIMATE COALITION  
27 (Nov. 16, 1989), [https://www.climatefiles.com/denial-groups/global-climate-coalition-  
collection/1989-membership/](https://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1989-membership/) (last visited June 20, 2023).

**Global Climate Coalition Membership**

Aluminum Association	General Motors Corporation
American Electric Power Service Corporation	Georgia Pacific Corporation
American Gas Association	Hercules Inc.
American Iron & Steel Institute	IBM
American Mining Congress	Jefferson Energy Foundation
American Nuclear Energy Council	Maytag Corporation
American Paper Institute	Motor Vehicle Manufacturers Association
American Petroleum Institute	National Association of Manufacturers
Amoco Corporation	National Coal Association
ARCO	National Steel Corporation
Armco, Inc.	Occidental Chemical Corporation
Association of Home Appliance Manufacturers	Pacific Gas & Electric Company
Automobile Importers of America	Peabody Holding Company, Inc.
BHP - Utah International, Inc.	Petrochemical Energy Group
Business Roundtable	Petroleum Marketers Association of America
Chemical Manufacturers Association	Phillips Petroleum Company
Chrysler Corporation	Portland Cement Association
Clean Air Working Group	PPG Industries
Coalition Opposed to Energy Taxes	Process Gas Consumers Group
Consolidation Coal Company	Rubber Manufacturers Association
Consumers Power Company	Shell Oil Company
Council of Industrial Boiler Owners	Society of the Plastics Industry, Inc.
Dow Chemical Company	Southern Company Services, Inc.
E.I. Dupont de Nemours & Company, Inc.	Texaco, Inc.
Eastman Kodak	Union Carbide Corporation
Edison Electric Institute	UNOCAL Corporation
Electricity Consumers Resource Council	U.S. Chamber of Commerce
Ford Motor Company	U.S. Council for Energy Awareness
	U.S. Council for International Business

344.

The GCC, on behalf of Fossil Fuel Defendants and other fossil fuel companies, funded advertising campaigns and distributed material to misinform the public about climate change, with the specific purpose of preventing U.S. adoption of the Kyoto Protocol—an international treaty that commits state parties to reduce greenhouse gas emissions, based on the scientific

1  
2 consensus that global warming is occurring—despite the leading role that the U.S. had played in  
3 the Protocol negotiations.<sup>234</sup>

4 345.

5 From the outset, the corporate interests that controlled the central components of the GCC  
6 were fossil fuel producers, including coal mining interests, oil and gas companies, and fossil fuel  
7 dependent industries, including coal-burning utilities, railroads who moved coal, automobiles, and  
8 chemical companies. Approximately 53% of membership in the GCC centered around fossil fuel  
9 activities, namely coal, oil, and auto companies. These companies also represented approximately  
10 38% of board membership.<sup>235</sup> The Oil and Gas Defendants were integral to the foundation and  
11 purpose of the GCC.  
12

13 346.

14 The GCC was “reorganized” in 1992 by Phillips Petroleum (now ConocoPhillips), BHP  
15 (now BP), Ford, National Mining Association, Shell, Texaco (now Chevron), Exxon, Chrysler  
16 (now FCA), General Motors, the National Association of Manufacturers, the American Petroleum  
17 Institute (Oil and Gas Defendants), the National Coal Association, among many other fossil fuel  
18  
19  
20  
21

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22  
23  
24 <sup>234</sup> Id.

25 <sup>235</sup> The Global Climate Coalition, Big Business Funds Climate Change Denial and Regulatory  
26 Delay, CLIMATE INVESTIGATIONS CENTER (Mar. 25, 2019), [https://climateinvestigations.org/wp-  
27 content/uploads/2019/04/The-Global-Climate-Coalition-Denial-and-Delay.pdf](https://climateinvestigations.org/wp-content/uploads/2019/04/The-Global-Climate-Coalition-Denial-and-Delay.pdf) (last visited June  
28 20, 2023).

1  
2 dependent companies.<sup>236</sup>

3 347.

4 The GCC, including its member corporations and member trade associations, represented  
5 hundreds of thousands of businesses and was managed by Ruder Finn, a public relations firm.<sup>237</sup>

6 348.

7 Despite an internal primer stating that various “contrarian theories”—i.e., climate change  
8 skepticism—do not “offer convincing arguments against the conventional model of greenhouse  
9 gas emission induced climate change,” GCC excluded this section from the public version of the  
10 backgrounder (talking points) and instead funded efforts to promote those same contrarian  
11 theories. It does so to this day.<sup>238</sup>

12 349.

13  
14 The GCC’s financial information is not publicly available, though some has been  
15 uncovered by researchers. GCC’s advocacy activities including political lobbying, aggressive and  
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20 <sup>236</sup> Ian McGregor, *Organizing to Influence the Global Politics of Climate Change*, AUSTRALIAN  
21 AND NEW ZEALAND ACADEMY OF MANAGEMENT CONFERENCE (2008),  
<https://opus.lib.uts.edu.au/bitstream/10453/11492/1/2008000811OK.pdf> (last visited June 20,  
22 2023).

23 <sup>237</sup> Wendy E. Franz, Science, skeptics, and non-state actors in the greenhouse, BELFER CENTER FOR  
24 SCIENCE AND INTERNATIONAL AFFAIRS (Sept. 1998),  
[https://www.belfercenter.org/sites/default/files/legacy/files/Science%20Skeptics%20and%20Non-  
25 -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) (last visited June 20, 2023).

26 <sup>238</sup> Gregory J. Dana, Memo to AIAM Technical Committee Re: Global Climate Coalition (GCC)  
27 – Primer on Climate Change Science – Final Draft, ASSOCIATION OF INTERNATIONAL AUTOMOBILE  
28 MANUFACTURERS (Jan. 18, 1996),  
[https://www.ucsusa.org/sites/default/files/attach/2015/07/Climate-Deception-Dossier-7\\_GCC-  
Climate-Primer.pdf](https://www.ucsusa.org/sites/default/files/attach/2015/07/Climate-Deception-Dossier-7_GCC-Climate-Primer.pdf) (last visited June 20, 2023).

1  
2 misleading promotion of promotion of climate change denialism, criticism of the processes of  
3 international climate organizations, critiques of reliable but ominous climate models, and personal  
4 attacks on scientists and environmentalists whose work confirms that GHGs are warming the  
5 planet and thereby inducing devastating weather events.

6 350.

7  
8 The effort included promoting their hazardous products through advertising campaigns and  
9 the initiation and funding of climate change denialist organizations, designed to influence  
10 consumers to continue using Defendants' fossil fuel products regardless of those products' damage  
11 to communities and the environment.

12 351.

13 The Fossil Fuel Defendants took affirmative steps to conceal from the Multnomah County,  
14 its residents, and the public, the foreseeable impacts of the use of their fossil fuel products on the  
15 planet's climate and associated harms to people and communities. Using the GCC, these  
16 Defendants embarked on a public relations campaign and colluded with Fossil Fuel Defendants,  
17 among others, to deceive the public about the science connecting global climate change to fossil  
18 fuel products and greenhouse gas emissions, to influence public perception of the existence of  
19 anthropogenic global warming. Under the guise of the GCC, the Fossil Fuel Defendants were able  
20 to collude with other members to accomplish what it could not fully do on their own: discredit  
21 scientific consensus and foster deception. In doing so, they exponentially increased the sales of  
22 their products, expanded consumer demand for them, and built an energy monopoly.  
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2 352.

3 A key strategy in Defendants’ efforts to discredit scientific consensus on climate change,  
4 including the Intergovernmental Panel on Climate Change (“IPCC”), a body of scientists from  
5 every major country created by the United Nations, was to bankroll and hide behind scientists who,  
6 although sometimes accredited, held fringe opinions that were even more suspect given the sources  
7 of their research funding, which was not publicly disclosed and contrary to the insiders’ own  
8 conclusions about their consumer products. These scientists obtained part or all their research  
9 budget from Defendants directly or through Defendant-funded organizations like API,<sup>239</sup> but failed  
10 to disclose their fossil fuel industry underwriters in violation of common law fraud and consumer  
11 protections laws.<sup>240</sup>

12  
13 353.

14 In 1991, the Defendants were a part of another greenwashed front group, Information  
15 Council on the Environment (“ICE”), with the express purpose of deceiving the public about  
16 climate science. ICE was a U.S. organization created by the National Coal Association,  
17 the Western Fuels Association, and Edison Electrical Institute.  
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24 <sup>239</sup> Willie Soon & Sallie Baliunas, Proxy Climatic and Environmental Changes of the Past 1000  
25 Years, 23 *Climate Research* at 88,105 (Jan. 31, 2003) <https://www.jstor.org/stable/24868339> (last  
26 visited June 20, 2023).

27 <sup>240</sup> Smithsonian, *Smithsonian Statement: Dr. Wei-Hock (Willie) Soon*, LEGISTORM (Feb. 26, 2015).  
28 [https://www.legistorm.com/stormfeed/view\\_rss/529271/organization/36823/title/smithsonian-statement-dr-wei-hock-willie-soon.html](https://www.legistorm.com/stormfeed/view_rss/529271/organization/36823/title/smithsonian-statement-dr-wei-hock-willie-soon.html) (last visited June 20, 2023).

1  
2 354.

3 ICE launched a \$500,000 advertising and public relations campaign to determine if their  
4 deceptive “science approach sells”<sup>241</sup> and, in ICE’s words, “reposition global warming as theory  
5 (not fact)” a framing that makes clear that by 1991 global warming was an accepted scientific fact,  
6 and that the group’s objectives to “reposition global warming as a theory” were pure propaganda,  
7 not based in science. Patrick Michaels, Robert Balling and Sherwood B. Idso all lent their names  
8 in 1991 to its scientific advisory panel.<sup>242</sup>  
9

10 355.

11 The Defendants’ publicity plan called for placing these three scientists, along with  
12 fellow climate change denier S. Fred Singer, in broadcast appearances, op-ed pages, and  
13 newspaper interviews by its public relations firm.<sup>243</sup>  
14

15 356.

16 Another company was contracted to conduct opinion polls, which identified “older, less-  
17 educated males from larger households who are not typically active information-seekers” and  
18 “younger, lower-income women” as “good targets for radio advertisements” that would “directly  
19 attack the proponents of global warming .... through comparison of global warming to historical  
20

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23 <sup>241</sup> See May 7, 1991, correspondence from E. Erie to O. Mark DeMichele.

24 <sup>242</sup> Kathy Mulvey & Seth Shulman, The Climate Deception Dossier Internal Fossil Fuel Industry  
25 Memos Reveal Decades of Corporate Disinformation, UNION OF CONCERNED SCIENTISTS (July  
26 2015), at 20, [https://www.ucsusa.org/sites/default/files/attach/2015/07/The-Climate-Deception-  
27 Dossiers.pdf](https://www.ucsusa.org/sites/default/files/attach/2015/07/The-Climate-Deception-Dossiers.pdf) (last visited June 20, 2023).

28 <sup>243</sup> Matthew L. Wald, Pro-Coal Ad Campaign Disputes Warming Idea, N. Y. TIMES (Jul. 8, 1991),  
[https://www.nytimes.com/1991/07/08/business/pro-coal-ad-campaign-disputes-warming-  
idea.html](https://www.nytimes.com/1991/07/08/business/pro-coal-ad-campaign-disputes-warming-idea.html) (last visited June 20, 2023).

1  
2 or mythical instances of gloom and doom.”<sup>244</sup>

3 357.

4 ICE used print campaigns to influence public opinion. One such campaign showed a sailing  
5 ship about to drop off the edge of a flat world into the jaws of a waiting dragon. The headline read:  
6 “Some say the earth is warming. Some also said the earth was flat.” Another featured a cowering  
7 chicken under the headline, “Who Told You the Earth Was Warming . . . Chicken Little?” Another  
8 ad was targeted at Minneapolis readers and asked, “If the earth is getting warmer, why is  
9 Minneapolis getting colder?”  
10

11 358.

12 The images appearing below are some examples of ICE-funded print advertisements  
13 challenging the validity of climate science and intended to obscure the scientific consensus on  
14 anthropogenic climate change and reduce political inertia to address it.<sup>245</sup>  
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26 <sup>244</sup> Id.

27 <sup>245</sup> Mulvey & Shulman, *supra* note 242.

# The most serious problem with catastrophic global warming is—it may not be true.



Some forecasters say the Earth's temperature is rising. They say that catastrophic global warming will take place in the years ahead.

But the U.S. Department of Agriculture—in the first update in 25 years of its "Plant Hardiness Report"—determined that on both coasts of this country, winter temperatures are 5 to 10 degrees cooler than previously reported.

The evidence can be seen in the increase in cold damage to Florida orange groves and California avocados. And a moving frost line has led to a shorter growing season in some parts of the South.

Now, most of an area's climatologists. But facts like these simply don't jibe with the theory that catastrophic global warming is taking place. Which seems to us: we need more research. And more evidence.

If you care about the Earth—but want to keep a cool head about it—now is your chance to get more facts.

Call the Information Council for the Environment, 1-800-546-6269 extension 512. We'll send you a free packet of information on global climate change. Or just mail us the coupon below.

Because the best environmental policy is a policy based on fact.

Please send me your FREE information packet on global climate change.

name \_\_\_\_\_  
address \_\_\_\_\_  
city \_\_\_\_\_



Information Council for the Environment  
1400 14th St NW



The twentieth century has seen many predictions of global destruction. In the 1930's, some scientists claimed we were in the middle of a disastrous warming trend. In the mid 1970's, 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 the Earth is warming is weak. Proof that carbon dioxide has been the primary cause is non-existent. Climate models cannot accurately

predict far-future global change. And the underlying physics of the climatic 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 3333, Grand Forks, North Dakota 58206 or call (701) 746-4373. We'll send you the facts about global warming.



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 the Earth is warming is weak. Proof that carbon dioxide has been the primary cause is non-existent. Climate models cannot accurately predict far-future global change. And the underlying physics of climatic change are still wide open to debate.



359.

The goals of ICE's advertising campaign were to undermine the science, manufacture deception and dupe public opinion regarding the realities of global warming. A memo from Richard Lawson, president of the National Coal Association, asked members to contribute to the ICE campaign with the justification that policymakers are prepared to act on global warming, noting that opinion polls revealed 60% of Americans believed global warming was a serious

1 environmental problem and that “our industry cannot sit on the sidelines in this debate.”<sup>246</sup> The  
2 ICE propaganda strategy is attached as Exhibit 17.  
3

4 360.

5 In December 1992, the Global Climate Coalition’s Executive Director, John Shales, wrote  
6 in a letter to *The New York Times*: “...there is considerable debate on whether or not man-made  
7 greenhouse gases (produced primarily by burning fossil fuels) are triggering a dangerous ‘global  
8 warming’ trend.” The letter in full:  
9

10 **To the Editor:**

11 “Cheapest Protection of Nature May Lie In Taxes, Not Laws” (Science  
12 Times, Nov. 24) echoes the theme that bad taxes become good taxes  
13 (alias “green fees”) when they tax “bad” things. According to the article,  
14 these include fossil fuels, traffic and household garbage.

15 While tax policy can affect behavior, misguided tax policy can dampen  
16 economic prosperity in attempting to solve problems that might not exist  
17 or that could be solved in less onerous ways. The World Resources  
18 Institute study you cite asks Americans to pay higher energy prices to  
19 prevent catastrophic global warming.

20 But there is considerable debate on whether or not man-made  
21 greenhouse gases (produced primarily by burning fossil fuels) are  
22 triggering a dangerous “global warming” trend. At an international  
23 meeting of climate experts in 1990, an intergovernmental panel on  
24 climate change concluded that "it is impossible to prove a cause-and-  
25 effect relationship" between man-made emissions and global warming.  
26 In the 1992 supplement to that report, the scientists stated, “It is still not  
27

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28 <sup>246</sup> Naomi Oreskes, *My Facts Are Better Than Your Facts: Spreading Good News about Global Warming*, in Peter Howlett et al., *How Well Do Facts Travel? The Dissemination of Reliable Knowledge*, CAMBRIDGE UNIVERSITY PRESS (2011), at 136–66, <https://doc.lagout.org/Others/Cambridge.University.Press-How.Well.Do.Facts.Travel.2010.RETAiL.EBook.pdf> (last visited June 19, 2023).

1  
2 possible to attribute with high confidence all, or even part of, the  
observed global warming to the enhanced greenhouse effect.”

3  
4 We know that climate change over the last 100 years is well within the  
planet's natural variation (the global climate has never been “stable”). If  
5 scientists don't agree that man-made global warming is a problem, does  
6 the United States want to pay the costs incurred from an energy tax,  
including a diminished competitive position with our trading partners?  
7 A major Japanese Government agency has backed away from a carbon  
tax because of its impact on industry. You cite a \$5 trillion price tag in  
8 the study.

9 The American business community has made significant improvements  
10 in energy efficiency and now spends approximately \$100 billion a year  
complying with environmental regulations. These improvements have  
11 resulted in a substantial reduction in greenhouse gas emissions.

12 A green fee is a carbon tax, and a carbon tax is an energy tax. That  
13 translates into higher prices, lost jobs, reduced paychecks and slower  
growth.<sup>247</sup>

14 361.

15 That year, in 1992, the GCC distributed a video entitled *The Greening of Planet Earth*,<sup>248</sup>  
16 to media, policy makers and its competitors, several Middle Eastern oil-producing countries, which  
17 claimed that increasing atmospheric carbon dioxide could boost crop yields and solve world  
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23 <sup>247</sup> John Schlaes, What Global Warming?, N.Y. TIMES (Dec. 22, 1992),  
<https://www.nytimes.com/1992/12/22/opinion/1-what-global-warming-250692.html> (last visited  
24 June 20, 2023).

25 <sup>248</sup> A sequel, entitled, *The Greening of Planet Earth Continues*, was released in 1998. The video  
26 was narrated by Sherwood Idso. The Greening Earth Society, now defunct, was a public relations  
27 organization which denied the effects of climate change and the impacts of increased levels of  
28 carbon dioxide. The Society published the *World Climate Report*, a newsletter edited by Patrick  
Michaels of the Cato Institute.

1  
2 hunger. These claims were inconsistent with climate models by the Fossil Fuel Defendants that  
3 predicted global climatic catastrophe.<sup>249</sup>

4 362.

5 Amidst this propaganda to muddy the waters of climate change facts, the United Nations  
6 began preparation for the 1992 Earth Summit in Rio de Janeiro, Brazil. The Summit was a major,  
7 newsworthy gathering of 172 world governments, of which 116 sent their heads of state. On May  
8 9, 1992, the United Nations Framework Convention on Climate Change (“UNFCCC”) adopted an  
9 international environmental treaty providing protocols for future negotiations aimed at  
10 “stabiliz[ing] greenhouse gas concentrations in the atmosphere at a level that would prevent  
11 dangerous anthropogenic interference with the climate system.” The treaty was opened for  
12 signature at the Earth Summit in Rio de Janeiro on June 14, 1992.

14 363.

15 Candace Crandall of Science & Environmental Policy Project (“SEPP”) registered at the  
16 IPCC’s Rio Earth Summit as a “publicist” for the “science team” while the GCC ran an industry-  
17 wide collaborative delay and disinformation program to try to block decisions being taken at the  
18 Summit. These actions were coordinated by public relations giant Burson-Marsteller. The main  
19 anti-IPPC operation in Rio at the 1992 Earth Summit was run by the Global Climate Coalition.<sup>250</sup>

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24 <sup>249</sup> Amy Lieberman and Susanne Rust, Big Oil braced for global warming while it fought  
25 regulations, L. A. TIMES (Dec. 31, 2015), <https://graphics.latimes.com/oil-operations/> (last visited  
26 June 19, 2023).

27 <sup>250</sup> The Center for Media and Democracy, Candace C. Crandall, CENTER FOR MEDIA AND  
28 DEMOCRACY (CMD) [https://www.sourcewatch.org/index.php/Candace\\_C.\\_Crandall](https://www.sourcewatch.org/index.php/Candace_C._Crandall) (last visited  
June 19, 2023).



1  
2 364.

3 These world events marked a shift in public discussion of climate change, and the initiation  
4 of international efforts to curb anthropogenic greenhouse emissions—developments that had stark  
5 implications for, and would have diminished the profitability of, Defendants’ fossil fuel products.

6 365.

7 The GCC’s indoctrination, which focused on concealing, discrediting, and/or  
8 misrepresenting information that tended to support restricting consumption of (and thereby  
9 decreasing demand for) Defendants’ fossil fuel products, enabled Defendants to accelerate their  
10 business practice of exploiting fossil fuel reserves, and concurrently externalize the social and  
11 environmental costs of their fossil fuel products.  
12

13 366.

14 These activities stood in direct contradiction to the Fossil Fuel Defendants’ prior  
15 recognition that the science of anthropogenic climate change was clear and that the greatest  
16 uncertainties involved responsive human behavior, not scientific understanding of the issue.  
17

18 367.

19 A 1994 Shell report titled “The Enhanced Greenhouse Effect: A Review of the Scientific  
20 Aspects”, attached as Exhibit 18, warned of the potentially dramatic economic effects of “ill-  
21 advised policy measures” relating to climate change. While this 1994 report recognized the IPCC  
22 conclusions as the mainstream view, the author emphasized scientific uncertainty and that the  
23 “evolution of energy systems indicates that policies to curb greenhouse gas emissions beyond ‘no  
24 regrets’ measures could be premature, divert resources from more pressing needs and further  
25  
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28

1 distort markets.”<sup>251</sup>

2  
3 368.

4 When the GCC became a standalone organization in 1995, independent from the National  
5 Association of Manufacturers, the membership grew, adding at least eight new utilities and seven  
6 new oil and gas corporations as members. At the same time, the budget tripled, with tax documents  
7 showing three million dollars in corporate and trade association dues in tax years 1996 and 1997,  
8 compared to one million dollars in dues from the years 1994 and 1995.<sup>252</sup>

9  
10 369.

11 In 1995, GCC assembled an advisory committee of scientific and technical experts to  
12 compile an internal, 17-page report on climate science entitled *Predicting Future Climate Change:  
13 A Primer*, attached as Exhibit 19, which stated: “The scientific basis for the Greenhouse Effect and  
14 the potential impact of human emissions of greenhouse gases such as CO<sub>2</sub> on climate is well  
15 established and cannot be denied.”

16  
17 370.

18 But that is not the message Defendants, and their co-conspirators promoted to consumers,  
19 investors, or the public. Even though these GCC members knew that their products caused  
20 catastrophic effects, including extreme changes in heat, GCC disseminated climate denial claims  
21

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24 <sup>251</sup> P. Langcake, The Enhanced Greenhouse Effect: A review of the Scientific Aspects, ROYAL  
25 DUTCH SHELL (Dec. 1994), <https://www.climatefiles.com/shell/1994-shell-enhanced-greenhouse-effect-review-scientific-aspects/> (last visited June 19, 2023).

26 <sup>252</sup> Climate Investigations Center, Global Climate Coalition Documents: Big Business Funds  
27 Climate Change Denial and Regulatory Delay, CLIMATE INVESTIGATIONS CENTER,  
<https://climateinvestigations.org/global-climate-coalition-documents/> (last visited June 19, 2023).

1  
2 that relied largely on the *World Climate Review* and its successor, the *World Climate Report*, which  
3 was edited by Patrick Michaels, funded by the Western Fuels Association<sup>253</sup> and promoted by  
4 the Greening Earth Society, purportedly debunking the catastrophic effects of their products on  
5 our atmosphere.

6  
7 371.

8 The Greening Earth Society (“GEC”) was a public relations organization which promoted  
9 a thesis that there was considerable scientific doubt about the effects of climate change and  
10 increased atmospheric accumulation of carbon dioxide. The Western Fuels Association created the  
11 GEC and shared office space with it. The GEC promoted the views of climate skeptics such as  
12 Patrick Michaels, Fred Singer, and Richard Lindzen.<sup>254</sup> In 1996, the GEC published a report  
13 titled “Changing Weather? Facts and Fallacies about Climate Change”, attached as Exhibit 20. The  
14 GEC publicly opposed IPCC’s scientific consensus to further the business objectives of its fossil  
15 fuel benefactors rather than for intellectually honest or science-based reasons.  
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22 <sup>253</sup> Wendy E. Franz, Science, skeptics, and non-state actors in the greenhouse, BELFER CENTER FOR  
23 SCIENCE AND INTERNATIONAL AFFAIRS (Sept. 1998),  
[https://www.belfercenter.org/sites/default/files/legacy/files/Science%20Skeptics%20and%20Non-  
24 -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) (last visited June 19, 2023).

25 <sup>254</sup> David Levy and Sandra Rothenberg, Corporate Strategy and Climate Change: Heterogeneity  
26 and Change in the Global Automobile Industry, BELFER CENTER FOR SCIENCE AND  
INTERNATIONAL AFFAIRS (Sept. 30, 1999),  
[https://www.belfercenter.org/publication/corporate-strategy-and-climate-change-heterogeneity-  
27 and-change-global-automobile](https://www.belfercenter.org/publication/corporate-strategy-and-climate-change-heterogeneity-and-change-global-automobile) (last visited June 19, 2023).

1  
2 372.

3 In July 1996, at a Washington, D.C. press conference on the eve of the second United  
4 Nations Climate Change conference in Geneva, GEC's executive director said, "The time for  
5 decision is not yet now."<sup>255</sup>

6 373.

7 In 1996, Exxon released a publication, attached as Exhibit 21, titled "Global Warming:  
8 Who's Right? Facts about a debate that's turned up more questions than answers." Exxon CEO  
9 Lee Raymond stated that "taking drastic action immediately is unnecessary since many scientists  
10 agree there's ample time to better understand the climate system."

11 374.

12 In the publication, another article described the greenhouse effect as "unquestionably real  
13 and definitely a **good thing**," while ignoring the severe consequences that would result from the  
14 influence of the increased CO<sub>2</sub> concentration on Earth's climate. Exxon downplayed the  
15 greenhouse effect as simply "what makes the earth's atmosphere livable."  
16  
17

18 375.

19 In this 1996 publication, Exxon contradicted its own internal reports and peer reviewed  
20 science, attributing the rise in temperature since the late 19th century to "natural fluctuations that  
21 occur over long periods of time" rather than to the anthropogenic emissions that Exxon and other  
22

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26 <sup>255</sup> John H Cushman Jr., Report says global warming poses threat to public health. N. Y. TIMES,  
27 (Jul. 8, 1996) <https://www.nytimes.com/1996/07/08/world/report-says-global-warming-poses-threat-to-public-health.html> (last visited June 20, 2023).

1 scientists had confirmed were responsible. The article also falsely and cynically challenged the  
2 accuracy of computer models that projected the future impacts of unabated fossil fuel product  
3 consumption, including those developed by Exxon’s own employees for the company’s use.  
4

5 376.

6 Exxon’s article contradicted the numerous reports circulated among Exxon’s staff, and by  
7 the API, by stating that “the indications are that a warmer world would be far more benign than  
8 many imagine . . . moderate warming would reduce mortality rates in the US, so a slightly warmer  
9 climate would be more healthful.” Raymond concluded his preface by attacking advocates for  
10 limiting the use of his company’s fossil fuel products as “drawing on bad science, faulty logic, or  
11 unrealistic assumptions”—despite the important role that Exxon’s own scientists had played in  
12 compiling those same scientific underpinnings.<sup>256</sup>  
13

14 377.

15 Joining with Exxon, API published a report in the 1996 titled “Reinventing Energy: Making  
16 the Right Choices”, attached as Exhibit 22, warning against concern over CO<sub>2</sub> buildup and any  
17 need to curb consumption or regulate the industry. The same API that less than 20 years earlier had  
18 concluded that global warming from fossil fuel emissions could cause “globally catastrophic”  
19 effects now wrote that “there is no persuasive basis for forcing Americans to dramatically change  
20 their lifestyles to use less oil.” The authors discouraged the further development of certain  
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22

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25 <sup>256</sup> Exxon Corp., Global warming: who’s right? (1996), EXXON CORP,  
26 <https://www.climatefiles.com/exxonmobil/global-warming-who-is-right-1996/> (last visited June  
27 20, 2023).

1  
2 alternative energy sources, writing that “government agencies have advocated the increased use of  
3 ethanol and the electric car, without the facts to support the assertion that either is superior to  
4 existing fuels and technologies” and that “policies that mandate replacing oil with specific  
5 alternative fuel technologies freeze progress at the current level of technology, and reduce the  
6 chance that innovation will develop better solutions.” The report denies the human connection to  
7 climate change, saying that no “scientific evidence exists that human activities are significantly  
8 affecting sea levels, rainfall, surface temperatures or the intensity and frequency of storms,”  
9 concluding that “facts don’t support the arguments for restraining oil use.”<sup>257</sup>  
10

11 378.

12 Every Thursday from 1985 to 2000, Mobil bought a full-page in the *New York Times* and  
13 used its ad space to publish what appeared to be scientific articles.<sup>258</sup> At the same time, in 1996,  
14 Exxon, while publicly denying the threat of global warming, designed its drilling rigs off the Nova  
15 Scotia coast to account for a 0.5-meter anthropogenic rise in sea levels that climate models  
16 predicted would likely occur during the expected 25-year lifespan of the structures.<sup>259</sup>  
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22 <sup>257</sup> American Petroleum Institute, *Reinventing Energy*, AMERICAN PETROLEUM INSTITUTE (1996)  
23 [https://www.climatefiles.com/trade-group/american-petroleum-institute/1996-reinventing-  
energy/](https://www.climatefiles.com/trade-group/american-petroleum-institute/1996-reinventing-energy/) (last visited June 20, 2023).

24 <sup>258</sup> Connor Gibson, *How Exxon Used the New York Times to Make You Question Climate Science*,  
25 ECOWATCH (Sept. 2, 2017) <https://www.ecowatch.com/exxon-new-york-times-2479595376.html>  
(last visited June 20, 2023).

26 <sup>259</sup> Amy Lieberman and Susanne Rust, *Big Oil braced for global warming while it fought  
27 regulations*, L. A. TIMES (Dec. 31, 2015), <https://graphics.latimes.com/oil-operations/> (last visited  
28 June 20, 2023).

Mobil's advertorials continued until 2000, and Exxon continued to publish multiple 'Advertorials', again, designed to 'misinform' the public: 260

**Exxon's Uncertainty Campaign in Black and White**  
 As part of Exxon's campaign to sow doubt about global warming, the oil giant ran a series of newspaper advertisements, some of which highlighted the uncertainty of climate science.

**July 25, 1996**  
**With climate change, what we don't know can hurt us**  
 It has been said climate is what we expect, weather is what we get. Weather is capricious and chaotic. By contrast, climate in the 10,000 years since the last ice age has been assumed to be quite stable and serene, an assumption that is crumbling in the face of ever more accurate measurements. It now appears that the so-called measurements, it now appears that the world would they cause what ecologists call "tipping points" — the transfer of energy-intensive industries to less-regulated countries, where they would offset the benefits of emission reductions.

**Dec. 4, 1997 Climate change: a degree of uncertainty**  
 The debate on climate change has been long, complex and intense. Governments, corporations, scientists, economists and private citizens have all helped to frame this debate. Today, we respectfully submit our message to the officials who are gathered in Kyoto to consider actions to reduce emissions of carbon dioxide and other greenhouse gases. Most of us share the widespread concern about the potential impact of these emissions on the global climate. At the same time, we are concerned that mandated emission reductions will produce grave economic consequences for all nations. ...

**Do No Harm**  
 Just as irrefragable as the fact that weather has been seen in the climate change debate since from among the most irrefragable facts to be known or learned. ...

**March 16, 2000 ExxonMobil**  
 Climate science is experiencing rapid developments that require significant research budgets and soundly based policy needs. Progress has been made in generating new knowledge and in better understanding risks and uncertainties that will help us to better understand the extent to which human activities contribute to climate change and to better understand the risks to human health and the environment. ...

**March 23, 2000 Unsettled Science**  
 The weather forecasters are usually for a few days at best. ...

**July 18, 1996 Less heat, more light on climate change**  
 No longer just talking about the weather, many governments are grappling with the possibility that human activities are affecting the earth's greenhouse effect, which might trigger significant changes in the global climate. ...

**Aug. 14, 1997 When facts don't square with the theory, throw out the facts**  
 That seems to characterize the administration's attitude on a host of key issues, though in energy policy it has been more than willing to follow the science. ...

**Jan. 21, 2004 Research should address policy needs**  
 A major effort to assess the consequences of climate change is under way. ...

**inside climate news**

SOURCE: ExxonMobil

260 NPR, Climate Change Is 'Greatest Challenge Humans Have Ever Faced,' Author Says, NPR (Apr. 16, 2019 1:59 PM) <https://www.npr.org/2019/04/16/713829853/climate-change-is-greatest-challenge-humans-have-ever-faced-author-says> (last visited June 20, 2023). Photo source: Inside Climate News.

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2 380.

3 In 1997, Mobil paid for an ad/article published in the *New York Times* proclaiming:

4 Let's face it: The science of climate change is too uncertain to mandate  
5 a plan of action that could plunge economies into turmoil...We still  
6 don't know what role man-made greenhouse gases might play in  
7 warming the planet.<sup>261</sup>

8 381.

9 In a speech presented at the World Petroleum Congress in Beijing in 1997 at which many  
10 of the Fossil Fuel Defendants were present, Exxon CEO Lee Raymond reiterated these views. This  
11 time, he presented a false dichotomy between stable energy markets and abatement of the  
12 marketing, promotion, and sale of fossil fuel products known to Defendants to be hazardous. He  
13 stated:

14 Some people who argue that we should drastically curtail our use of  
15 fossil fuels for environmental reasons...my belief [is] that such  
16 proposals are neither prudent nor practical. With no readily available  
17 economic alternatives on the horizon, fossil fuels will continue to supply  
18 most of the worlds and this region's energy for the foreseeable future...  
19 Governments also need to provide a stable investment climate...They  
20 should avoid the temptation to intervene in energy markets in ways that  
21 give advantage to one competitor over another or one fuel over another.  
22 We also have to keep in mind that most of the greenhouse effects comes  
23 from natural sources...Leaping to radically cut this tiny sliver of the  
24 greenhouse pie on the premise that it will affect climate defies common  
25 sense and lacks foundation in our current understanding of the climate  
26 system. Let's agree there's a lot we really don't know about how climate

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29 <sup>261</sup> Dino Grandoni, ExxonMobil asked people to 'read the documents' it produced on climate  
30 change. So, these Harvard researchers did. THE WASHINGTON POST (Aug. 24, 2017)  
31 [https://www.washingtonpost.com/news/powerpost/wp/2017/08/24/exxonmobil-asked-people-to-  
32 read-the-documents-it-produced-on-climate-change-so-these-harvard-researchers-did](https://www.washingtonpost.com/news/powerpost/wp/2017/08/24/exxonmobil-asked-people-to-read-the-documents-it-produced-on-climate-change-so-these-harvard-researchers-did) (last  
33 visited June 20, 2023).



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2 will change in the 21st century and beyond...It is highly unlikely that  
3 the temperature in the middle of the next century will be significantly  
4 affected whether policies are enacted now or 20 years from now. It's bad  
5 public policy to impose very costly regulations and restrictions when  
6 their need has yet to be proven.<sup>262</sup>

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12 382.

13 In 1997, the GCC launched an advertising campaign in the US against  
14 any agreement aimed at reducing greenhouse gas emissions internationally. This was run through  
15 an organization called the Global Climate Information Project (“GCIP”), which was sponsored by  
16 the GCC and the American Association of Automobile Manufacturers, among others. The GCIP  
17 was represented by Shandwick Public Affairs, the second-largest PR firm in the United States.<sup>263</sup>

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27  
28 383.

The GCIP’s ads were produced by Goddard Claussen/First Tuesday, a California-based PR  
firm, which falsely claimed “It’s Not Global and It Won't Work.” Among other things, the ads  
indicated that “Americans will pay the price ... 50¢ more for every gallon of gasoline,” even though  
there was no proposal for such a tax. There was no treaty at that point, and no government

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<sup>262</sup> Lee R. Raymond, Energy – Key to growth and a better environment for Asia-Pacific nations, WORLD PETROLEUM CONGRESS (Oct. 13, 1997), <https://www.climatefiles.com/exxonmobil/1997-exxon-lee-raymond-speech-at-world-petroleum-congress/> (last visited June 20, 2023).

<sup>263</sup> Shandwick Public Affairs is a division of Weber Shandwick Worldwide (WSW) was, in 2004, the world's largest public relations company. A subsidiary of the Interpublic Group, it was formed as the product of the mergers of Weber Public Relations and Shandwick Worldwide in late 2000. In 2001, Weber Shandwick merged with BSMG to become the largest PR operation in the world. Other Shandwick clients include Browning-Ferris Industries, Central Maine Power, Georgia-Pacific Corp., Monsanto Chemical Co., New York State Electric and Gas Co., Ciba-Geigy, Ford Motor Company, Hydro-Quebec, Pfizer, and Procter & Gamble. SourceWatch, Weber Shandwick, THE CENTER FOR MEDIA AND DEMOCRACY, [https://www.sourcewatch.org/index.php/Weber\\_Shandwick](https://www.sourcewatch.org/index.php/Weber_Shandwick) (last visited June 20, 2023).

1  
2 proposals, then or now, that have suggested a “50 cent gallon gas tax.” The ads are attached hereto  
3 as Exhibit 23.

4 384.

5 In August 1997, a few months before the Kyoto Conference on Climate Change, the GCC  
6 helped launch a massive advertising campaign designed to prevent the United States from  
7 endorsing any meaningful agreement to reduce global carbon emissions. This group, including in  
8 its ranks these Defendants, some of the world’s most powerful corporations and trade associations  
9 involved with fossil fuels, concentrated its efforts on a series of television ads that attempted to  
10 confuse and frighten Americans.

12 385.

13 In the 1990s, Defendant Koch began funding Climate Denial Groups including those  
14 named herein. By estimates, Koch spent \$145,556,729 from 1997 to 2018 on directed campaigns  
15 to spread doubt and continue to amass profits.<sup>264</sup>

17 386.

18 Mobil’s 1997 advertorial below<sup>265</sup> argued that economic analysis of emissions restrictions  
19 was faulty and inconclusive and therefore a justification for delaying action on climate change.

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24 <sup>264</sup> Greenpeace, Koch Industries: Secretly Funding the Climate Denial Machine,  
<https://www.greenpeace.org/usa/fighting-climate-chaos/climate-deniers/koch-industries/> (last  
25 visited on June 19, 2023).

26 <sup>265</sup> Mobil, When Facts Don’t Square with the Theory, Throw Out the Facts, N.Y. TIMES, (Aug. 14,  
27 1997) at A31, <https://www.documentcloud.org/documents/705550-mob-nyt-1997-aug-14-whenfactsdentsquare.html>? (last visited June 19, 2023).

## When facts don't square with the theory, throw out the facts



That seems to characterize the administration's attitude on two of its own studies which show that international efforts to curb global warming could spark a big run-up in energy prices.

For months, the administration—playing its cards close to the vest—has promised to provide details of the emission reduction plan it will put on the table at the climate change meeting in Kyoto, Japan, later this year. It also promised to evaluate the economics of that policy and measure its impact. Those results are important because the proposals submitted by other countries thus far would be disruptive and costly to the U.S. economy.

Yet, when the results from its own economic models were finally generated, the administration started distancing itself from the findings and models that produced them. The administration's top economic advisor said that economic models can't provide a "definitive answer" on the impact of controlling emissions. The effort, she said, was "futile." At best, the models can only provide a "range of potential impacts."

Frankly, we're puzzled. The White House has promised to lay the economic facts before the public. Yet, the administration's top advisor said such an analysis won't be based on models and it will "preclude... detailed numbers." If you don't provide numbers and don't rely on models, what kind of rigorous economic examination can Congress and the public expect?

We're also puzzled by ambivalence over models. The administration downplays the utility of economic models to forecast cost impacts 10–15 years from now, yet its negotiators accept as gospel the 50–100-year predictions of global warming that have been generated by climate models—many of which have been criticized as seriously flawed.

The second study, conducted by Argonne National Laboratory under a contract with the Energy Department, examined what would

happen if the U.S. had to commit to higher energy prices under the emission reduction plans that several nations had advanced last year. Such increases, the report concluded, would result in "significant reductions in output and employment" in six industries—aluminum, cement, chemical, paper and pulp, petroleum refining and steel.

Hit hardest, the study noted, would be the chemical industry, with estimates that up to 30 percent of U.S. chemical manufacturing capacity would move offshore to developing countries. Job losses could amount to some 200,000 in that industry, with another 100,000 in the steel sector. And despite the substantial loss of U.S. jobs and manufacturing capacity, the net emission reduction could be insignificant since developing countries will not be bound by the emission targets of a global warming treaty.

Downplaying Argonne's findings, the Energy Department noted that the study used outdated energy prices (mid-1996), didn't reflect the gains that would come from international emissions trading and failed to factor in the benefits of accelerated developments in energy efficiency and low-carbon technologies.

What it failed to mention is just what these new technologies are and when we can expect their benefits to kick in. As for emissions trading, many economists have theorized about the role they could play in reducing emissions, but few have grappled with the practicality of implementing and policing such a scheme.

We applaud the goals the U.S. wants to achieve in these upcoming negotiations—namely, that a final agreement must be "flexible, cost-effective, realistic, achievable and ultimately global in scope." But until we see the details of the administration's policy, we are concerned that plans are being developed in the absence of rigorous economic analysis. Too much is at stake to simply ignore facts that don't square with preconceived theories.

**Mobil** The energy  
to make a difference.

<http://www.mobil.com>

©1997 Mobil Corporation

An example of one of Mobil's advertisements in the *New York Times*, published on November 7, 1997, is reproduced below:

Display Ad 26 -- No Title  
 New York Times (1923-Current file): Nov 6, 1997;  
 ProQuest Historical Newspapers: The New York Times (1851-2008) with Index (1851-1993)  
 pg. A31

## Science: what we know and don't know



As the debate over climate change heats up, science is being upstaged by the call for solutions. At stake is a complex issue with many questions. Some things we know for certain. Others are far from certain.

First, we know greenhouse gases account for less than one percent of Earth's atmosphere. The ability of these gases to trap heat and warm Earth is an important part of the climate system because it makes our planet habitable. Greenhouse gases consist largely of water vapor, with smaller amounts of carbon dioxide (CO<sub>2</sub>), methane and nitrous oxide and traces of chlorofluorocarbons (CFCs).

The focus of concern is CO<sub>2</sub>. While most of the CO<sub>2</sub> emitted by far is the result of natural phenomena—namely respiration and decomposition, most attention has centered on the three to four percent related to human activities—burning of fossil fuels, deforestation. The amount of carbon dioxide in the atmosphere has risen in the last 100 years, leading scientists to conclude that the increase is a result of man-made activities.

Although the linkage between the greenhouse gases and global warming is one factor, other variables could be much more important in the climate system than emissions produced by man.

The UN-sponsored Intergovernmental Panel on Climate Change (IPCC) thought it had found the magic bullet when it concluded that the one-degree Fahrenheit rise in global temperatures over

**Carbon Dioxide Emissions**



Category	Percentage
Human Activities	3%-4%
Natural Phenomena	96%-97%

the past century may bear a "fingerprint" of human activity. The fingerprint soon blurred when an IPCC lead author conceded to the "uncertainty inherent in computer climate modeling."

Nonetheless, nations at Kyoto are being asked to embrace proposals that could have potentially huge impacts on economies and lifestyles. Nations are being urged to cut emissions without knowing either the severity of the problem—that is, will Earth's temperature increase over the next 50-100 years?—or the efficacy of the solution—will cutting CO<sub>2</sub> emissions reduce the problem?

Within a decade, science is likely to provide more answers on what factors affect global warming, thereby improving our decision-making. We just don't have this information today.

Answers to questions on climate change will require more reliable measurements of temperature at many places on Earth, better understanding of clouds and ocean currents along with greater computer power.

This process shouldn't be short-circuited to satisfy an artificial deadline, like the conference in Kyoto. Whatever effect increased concentrations of man-made gases may have, it will develop slowly over decades. Thus, there is time for scientists to refine their understanding of the climate system, while governments, industry and the public work to find practical means to control greenhouse gases, if such measures are called for. Adopting quick-fix measures at this point could pose grave economic risks for the world.



**Mobil** The energy to make a difference.

<http://www.mobil.com/climatechange>
© 1997 Mobil Corporation

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2 388.

3 The GCC had an active subcommittee named the “Global Climate Coalition Science and  
4 Technology Assessment Committee” (STAC). In 1996, members of this subcommittee on science  
5 and technology were represented by Ford, Exxon, API, the NMA, BHP, and many others.

6 389.

7 At STAC’s June 20, 1996 meeting, which was held at the API headquarters, notes were  
8 prepared and distributed by the Association of International Automobile Manufacturers (AIAM),  
9 released talking points from Bronson Gardner to Jim Pinto and distributed to the STAC committee  
10 for addressing whether 1995 was “really that much hotter than normal or whether the data was  
11 ‘blown out of proportion’” giving STAC and the GCC talking points for downplaying record  
12 setting temperatures.<sup>266</sup>

14 390.

15 In 1997 alone, the GCC spent \$13 million opposing the Kyoto Protocol.<sup>267</sup>

16  
17 **1. The GCSCCT Action Plan--Double Down on Deception**

18 391.

19 Members of the GCC created a task force which met at a “workshop” held at the API  
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24 <sup>266</sup> Howard J. Feldman, 1996 GCC STAC June Meeting Minutes, GLOBAL CLIMATE CHANGE  
25 COALITION (Jun. 20, 1996), <https://www.documentcloud.org/documents/5689156-AIAM-051229.html> (last visited June 20, 2023).

26 <sup>267</sup> Maggie Farley, Showdown at Global Warming Summit, L. A. TIMES (Dec. 7, 1997),  
27 <https://www.latimes.com/archives/la-xpm-1997-dec-07-mn-61743-story.html> (last visited June  
28 20, 2023).

1 headquarters in late March of 1998.<sup>268</sup> A memorandum titled the “Global Climate Science  
2 Communication Team Action Plan” (“GCSCT” Action Plan) and written by API’s Joe Walker  
3 memorializing the workshop’s goals, strategies and tactics was emailed to the GCSCT team  
4 members on April 3, 1998, and is attached hereto as Exhibit 24.  
5

6 392.

7 The email from Joe Walker with the GCSCT Action Plan which detailed a scheme on how  
8 the GCC would achieve “Victory” by duping consumers through front groups, promoters, and  
9 media strategists:  
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26 <sup>268</sup> The e-mail is undated but refers to a workshop that occurred the Friday before. As the  
27 attachment is dated April 3, 1998.  
28

1  
2  
3 **Joe Walker**

4 To: Global Climate Science Team  
5 Cc: Michelle Fross; Susan Moya  
6 Subject: Draft Global Climate Science Communications Plan

7  
8 As promised, attached is the draft Global Climate Science Communications Plan that we developed during our  
9 workshop last Friday. Thanks especially to those of you who participated in the workshop, and in particular to John  
10 Adams for his very helpful thoughts following up our meeting, and Alan Caudill for turning around the notes from our  
11 workshop so quickly.

12 Please review the plan and get back to me with your comments as soon as possible.

13 As those of you who were at the workshop know, we have scheduled a follow-up team meeting to review the plan in  
14 person on Friday, April 17, from 1 to 3 p.m. at the API headquarters. After that, we hope to have a "plan champion"  
15 help us move it forward to potential funding sources, perhaps starting with the global climate "Coordinating Council."  
16 That will be an item for discussion on April 17.

17 Again, thanks for your hard work on this project. Please e-mail, call or fax me with your comments. Thanks.

18 Regards,  
19 Joe Walker

20 393.

21 The cover page of the GCSCT Action Plan, setting forth its goals, current reality, and when  
22 "victory" would be achieved, is infamously known as the "Victory Memo:"

1  
2  
3 **Global Climate Science Communications**

4 **Action Plan**

5 **Project Goal**

6 A majority of the American public, including industry leadership, recognizes  
7 that significant uncertainties exist in climate science, and therefore raises questions  
8 among those (e.g., Congress) who chart the future U.S. course on global climate change.

9 Progress will be measured toward the goal. A measurement of the public's  
10 perspective on climate science will be taken before the plan is launched, and the same  
11 measurement will be taken at one or more as-yet-to-be-determined intervals as the plan  
12 is implemented.

13 **Victory Will Be Achieved When**

- 14
- 15 • Average citizens "understand" (recognize) uncertainties in climate science;  
16 recognition of uncertainties becomes part of the "conventional wisdom"
  - 17 • Media "understands" (recognizes) uncertainties in climate science.
  - 18 • Media coverage reflects balance on climate science and recognition of the validity of  
19 viewpoints that challenge the current "conventional wisdom"
  - 20 • Industry senior leadership understands uncertainties in climate science, making  
21 them stronger ambassadors to those who shape climate policy
  - 22 • Those promoting the Kyoto treaty on the basis of extant science appear to be out of  
23 touch with reality.

24 **Current Reality**

25 Unless "climate change" becomes a non-issue, meaning that the Kyoto proposal  
26 is defeated and there are no further initiatives to thwart the threat of climate change,  
27 there may be no moment when we can declare victory for our efforts. It will be  
28 necessary to establish measurements for the science effort to track progress toward  
achieving the goal and strategic success.



The GCSCT Action Plan named the following members, a who's who of fossil fuel industry insiders and advocates, as having contributed to the Plan's development: John Adams, John Adams Associates; Candace Crandall, Science and Environmental Policy Project;<sup>269</sup> David Rothbard, Committee for A Constructive Tomorrow; Jeffrey Salmon, The Marshall Institute;<sup>270</sup> Lee Garrigan, Environmental Issues Council;<sup>271</sup> Lynn Bouchey and Myron Ebell, Frontiers of Freedom;<sup>272</sup> Peter

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<sup>269</sup> Candace Crandall was the wife of S. Fred Singer and registered for the Rio conference as a "publicist" for a science team at the Rio Conference where GCC participated in 1992.

<sup>270</sup> Also known as "The George C. Marshall Institute" (GMI) is a "non-profit" organization funded by the profits from oil and gas interests and co-founded by Frederick Seitz in 1984. It has received substantial funding from Exxon's Exxon Education Foundation. SourceWatch, *George C. Marshall Institute*, THE CENTER FOR MEDIA AND DEMOCRACY, [https://www.sourcewatch.org/index.php/George\\_C.\\_Marshall\\_Institute](https://www.sourcewatch.org/index.php/George_C._Marshall_Institute) (last visited June 20, 2023).

<sup>271</sup> The Environmental Issues Council (EIC) was established in 1993 by a number of leading U.S. industry trade associations to serve as a "new ally against ill-conceived environmental regulation." SourceWatch, *Environmental Issues Council*, THE CENTER FOR MEDIA AND DEMOCRACY, [https://www.sourcewatch.org/index.php/Environmental\\_Issues\\_Council](https://www.sourcewatch.org/index.php/Environmental_Issues_Council) (last visited June 20, 2023). Environmental Issues Council website no longer active. The EIC included membership of the Independent Petroleum Association of America (IPAA) "has represented independent oil and natural gas producers for three-quarters of a century." United States Environmental Protection Agency (EPA), *Oil and Gas, Resources*, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) <https://archive.epa.gov/sectors/web/html/oilandgas.html#:~:text=IPAA%20is%20a%20national%20trade,three%2Dquarters%20of%20a%20century> (last visited June 20, 2023).

<sup>272</sup> According to a 2003 *New York Times* report, Frontiers of Freedom, which has about a \$700,000 annual budget, received \$230,000 from Exxon in 2002, up from \$40,000 in 2001, according to Exxon documents. George Landrith, Frontiers of Freedom's President told the *New York Times* "They've determined that we are effective at what we do" and that Exxon essentially took the attitude, "We like to make it possible to do more of that." Jennifer Lee, *Exxon Backs Groups That Question Global Warming*, THE NEW YORK TIMES (May 28, 2003), <https://www.nytimes.com/2003/05/28/business/exxon-backs-groups-that-question-global-warming.html> (last visited June 20, 2023).

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2 Cleary, Americans for Tax Reform;<sup>273</sup> Randy Randol, Exxon Corp.; Robert Gehri, The Southern  
3 Company;<sup>274</sup> Sharon Kneiss, Chevron Corp.; Steve Milloy, The Advancement of Sound Science  
4 Coalition;<sup>275</sup> and Joseph Walker, American Petroleum Institute.

5  
6 395.

7 Defendants borrowed propagandist strategies right out of the playbook of prior denialist  
8 campaigns. This team mirrored a front group created by the tobacco industry, known as “The  
9 Advancement of Sound Science Coalition,” whose purpose was to *mislead consumers* that  
10 cigarette smoke was not carcinogenic.

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16 <sup>273</sup> ATR is a member of the American Legislative Exchange Council (“ALEC”).  
17 Noble Ellington, *National Chairman Of ALEC Responds To Report*, Interview with Terry Gross  
18 in Fresh Air, NPR (Jul. 21, 2011), [https://www.npr.org/2011/07/21/138575665/national-chairman-](https://www.npr.org/2011/07/21/138575665/national-chairman-of-alec-responds-to-report)  
19 [of-alec-responds-to-report](https://www.npr.org/2011/07/21/138575665/national-chairman-of-alec-responds-to-report)  
20 (last visited June 20, 2023).

21 <sup>274</sup> Southern Company has been a corporate funder of the American Legislative Exchange Council  
22 (ALEC) Clearinghouse on Environmental Advocacy and Research, project of the Environmental  
23 Working Group. Information of the American Legislative Exchange Council archived  
24 organizational profile by Wayback Machine, (Dec. 2, 2000).

25 <sup>275</sup> The Advancement of Sound Science Coalition (“TASSC”) is a now-defunct, industry-funded  
26 PR front group run by the APCO Worldwide public relations firm. It worked to hang the label of  
27 “junk science” on environmentalists and health activists. TASSC was created in 1993 as a front  
28 for Philip Morris which was attempting to discredit ETS (Environmental Tobacco Smoke) research  
as a long-term cause of increased cancer and heart problems in the community -- especially among  
office workers and children living with smoking parents. APCO billed the tobacco company  
\$25,000 a month to run the operation. Chevron, Exxon and GM were all funders of TASSC which  
promoted climate change denial. Bob Burton and Sheldon Rampton, *Thinking Globally, Acting  
Vocally: The International Conspiracy to Overheat the Earth*, PR WATCH (1997)  
<https://www.prwatch.org/files/pdfs/prwatch/prwv4n4.pdf> (last visited June 20, 2023).

1  
2 396.

3 The GCSCT’s membership included Steve Milloy (a key player on the tobacco industry’s  
4 front group) for Exxon. Between 2000 and 2004, Exxon donated \$110,000 to Milloy’s efforts and  
5 another organization, the Free Enterprise Education Institute, and \$50,000 to the Free Enterprise  
6 Action Institute, both registered to Milloy’s home address.<sup>276</sup>

7  
8 397.

9 The GCSCT Action Plan set out its goals: sow confusion for consumers, make global  
10 warming into a “non-issue,” defeat the Kyoto Protocol, and ensure “there are no further initiatives  
11 to thwart the threat of climate change.”<sup>277</sup>

12 **2. Climate Science Messaging without Scientists or Science**

13  
14 398.

15 There were no **scientists** on the “Global Climate **Science** Communications Team.”  
16 (GCSCT). The GCSCT Action Plan’s purpose was clear---keep consumers buying their products  
17 and further industry objectives by directing the future of US global climate change policy.

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23 <sup>276</sup> Seth Shulman et al. Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big Tobacco’s Tactics  
24 to Manufacture Uncertainty on Climate Science, UNION OF CONCERNED SCIENTISTS, (Jan. 2007),  
25 at 19,

26 [https://www.ucsusa.org/sites/default/files/2019-09/exxon\\_report.pdf](https://www.ucsusa.org/sites/default/files/2019-09/exxon_report.pdf) (last visited Nov. 15, 2022).

27 <sup>277</sup> Joe Walker, Global Climate Science Communications Action Plan, GLOBAL CLIMATE SCIENCE  
28 COMMUNICATIONS TEAM (GCSCT) (Apr. 3, 1998), <https://insideclimatenews.org/wp-content/uploads/2015/12/Global-Climate-Science-Communications-Plan-1998.pdf> (last visited Nov 15, 2022).

1  
2 399.

3 The GCSCT Action Plan allocated an initial budget of \$7.9 million, most of which would  
4 fund efforts to inject fake science and bold-faced lies into the global climate debate.<sup>278</sup> From 1998  
5 to 2008, Exxon alone invested more than \$20 million to think tanks that dedicated a large amount  
6 of effort to undermining the scientific consensus on climate change in fulfillment of the purpose  
7 of the GCSCT Action Plan.<sup>279</sup>

8  
9 400.

10 Naomi Oreskes and Erik M. Conway, authors of *Merchants of Doubt*, similarly note:

11 In 2005...Chris Mooney documented how in just a few years Exxon  
12 Mobil had channeled more than \$8 million to forty different  
13 organizations that challenged the scientific evidence of global warming.  
14 The organizations did not just include probusiness and conservative  
15 think tanks, but also “quasi-journalistic outlets like  
16 TechCentralStation.com (a website providing ‘news, analysis, research,  
17 and commentary’ that received \$95,000 from ExxonMobil in 2003), a  
18 *FoxNews.com* columnist, and even religious and civil rights groups”.  
19 Mooney also noted how former ExxonMobil chairman and CEO Lee  
20 Raymond served as vice-chairman of the board of trustees for the  
21 American Enterprise Institute, which received \$960,000 in funding from  
22 ExxonMobil, and how in 2002, ExxonMobil explicitly earmarked  
23 \$60,000 for “legal activities” by the Competitive Enterprise Institute.

24 Mooney described what happened when scientists released the  
25 comprehensive *Arctic Climate Impact Assessment*, which concluded  
26 that the Arctic was warming at twice the rate of the rest of the  
27 world...The report was blasted in a column by Steve Milloy, now  
28 working as a columnist for *FoxNews.com* and serving as an adjunct

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24 <sup>278</sup> Id.

25 <sup>279</sup> Global Climate Science Communications Team, Global Climate Science Communications  
26 Action Plan, GLOBAL CLIMATE SCIENCE COMMUNICATIONS TEAM,  
27 <https://insideclimatenews.org/wp-content/uploads/2015/12/Global-Climate-Science-Communications-Plan-1998.pdf> (last visited June 20, 2023).

1  
2 scholar at the Cato Institute, which received \$75,000 from  
3 ExxonMobil...Milloy had received money from ExxonMobil: \$40,000  
4 to The Advancement of Sound Science Center and \$50,000 to the Free  
Enterprise Action Institute—both of which are registered to Milloy’s  
home address.<sup>280</sup>

5 401.

6 GCC members, through its GCST Action Plan, doubled down on disseminating these  
7 contrarian theories, particularly through ghostwriters, front groups and think tanks. It needed to  
8 flood the public with false science, media blitzes, advertorials, and doubt. The multi-million-dollar,  
9 multi-year proposed budget included public outreach and the dissemination of educational  
10 materials to schools to begin to erect a barrier against further efforts to impose Kyoto-like measures  
11 in the future.<sup>281</sup>

12 402.

13 Imperial Oil (now Exxon) CEO Robert Peterson also falsely denied the established  
14 connection between Defendants’ fossil fuel products and ACC in the Summer 1998 Imperial Oil  
15 Review, attached as Exhibit 25, “A Cleaner Canada”:  
16  
17

18 [Climate change] has absolutely nothing to do with pollution and air  
19 quality. Carbon dioxide is not a pollutant but an essential ingredient of  
20 life on this planet.... [T]he question of whether or not the trapping of  
21 ‘greenhouse’ gases will result in the planet’s getting warmer...has no  
22 connection whatsoever with our day-to-day weather. There is absolutely  
no agreement among climatologists on whether or not the planet is  
getting warmer, or, if it is, on whether the warming is the result of man-  
made factors or natural variations in the climate.... I feel very safe in

23  
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25 <sup>280</sup> Naomi Oreskes & Erik M. Conway, *Merchants of Doubt: How a Handful of Scientists Obscured*  
26 *the Truth on Issues from Tobacco Smoke to Global Warming*, BLOOMSBURY PRESS (2010), at 246-  
247.

27 <sup>281</sup> Global Climate Science Communications Team, *supra* note 279.

1  
2 saying that the view that burning fossil fuels will result in global climate  
3 change remains an unproved hypothesis.<sup>282</sup>

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11 403.

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13 In the early 1990s, both API and Exxon funded and promoted the work of Fred Seitz,<sup>283</sup>  
14 Fred Singer, and Singer’s Science and Environmental Policy Project<sup>284</sup> (“SEPP”). Singer’s wife,  
15 Candace Crandall, the Executive Director at SEPP, registered at the Rio conference as a ‘publicist’  
16 for a “science team” in 1992.<sup>285</sup> Neither Seitz nor Singer was trained in climate science, but both  
17 had previously been hired by industry, including tobacco companies, to create doubt in the public  
18 mind—again, where there should have been none.<sup>286</sup>

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28 404.

The GCSCT Action Plan went into high gear. Taking money from the GCC and its

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282 Robert Peterson, A Cleaner Canada, IMPERIAL OIL REVIEW (1998),  
<https://www.climatefiles.com/exxonmobil/imperial-oil/1998-imperial-oil-article-a-cleaner-canada-by-robert-peterson/> (last viewed June 20, 2023).

283 George C. Marshall Institute, Recent Founders, GEORGE C. MARSHALL INSTITUTE,  
<http://web.archive.org/web/20000823170917/www.marshall.org/funders.htm> (last visited June 20, 2023).

284 Exxon Education Foundation, Corporate Giving Source: Dimensions, EXXONMOBIL (1997);  
ExxonMobil, Foundation Form 990, DEPARTMENT OF THE TREASURY INTERNAL REVENUE  
SERVICE (IRS) (2000), <https://www.documentcloud.org/documents/1019871-2000-exxonmobil-foundation-form-990> (last visited June 20, 2023).

285 The Center for Media and Democracy, Candace C. Crandall, CENTER FOR MEDIA AND  
DEMOCRACY (CMD) [https://www.sourcewatch.org/index.php/Candace\\_C.\\_Crandall](https://www.sourcewatch.org/index.php/Candace_C._Crandall) (last visited June 20, 2023).

286 D. Hevesi, Frederick Seitz, 96, Dies; Physicist Who Led Skeptics of Global Warming, THE NEW  
YORK TIMES (Mar. 03, 2008),  
<https://www.nytimes.com/2008/03/06/us/06seitz.html#:~:text=Frederick%20Seitz%2C%20a%20renowned%20physicist,confirmed%20by%20his%20son%2C%20Joachim> (last visited June 20, 2023).

1  
2 members, Seitz, Singer, and SEPP were used to attack climate science, and specifically the IPCC  
3 conclusions and process. In 1998, Seitz helped organize and distribute the “The Global Warming  
4 Petition Project” (also known as the “Oregon Petition” or “Petition Project”). Launched from  
5 Oregon, by Defendant, the Oregon Institute of Science and Medicine the Oregon Petition was  
6 created to misinform and deceive the public about the scientific results and the consensus of  
7 climate change, urging the United States government to reject the global warming Kyoto  
8 Protocol of 1997 and similar policies.<sup>287</sup> OISM receives funding from the Heartland Institute that  
9 is funded by Exxon, Koch and others.  
10

11 405.

12 The petition, attached as Exhibit 26, was formatted to appear sanctioned by the National  
13 Academy of Scientists and sent to thousands of American scientists. Supposedly signed by 17,000  
14 “scientists,” the petition claimed to find “no convincing scientific evidence that human release of  
15 greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the  
16 Earth’s atmosphere and disruption of the Earth’s climate.” The list of signatories was filled not  
17 with 17,000 actual scientists, but fictitious names, deceased persons, and celebrities.<sup>288</sup>  
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24 <sup>287</sup> Sander van der Linden et al., *Inoculating the Public against Misinformation about Climate*  
25 *Change*, GLOBAL CHALLENGES (2017),

<https://onlinelibrary.wiley.com/doi/epdf/10.1002/gch2.201600008> (last visited June 20, 2023).

26 <sup>288</sup> Michael E. Mann. *The Hockey Stick and the Climate Wars*. Columbia University Press (2012),  
27 at 66.

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2 406.

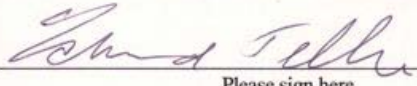
3 The petition:<sup>289</sup>

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**Petition**

We urge the United States government to reject the global warming agreement that was written in Kyoto, Japan in December, 1997, and any other similar proposals. The proposed limits on greenhouse gases would harm the environment, hinder the advance of science and technology, and damage the health and welfare of mankind.

There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the Earth.

  Please send more petition cards for me to distribute.

Please sign here

My academic degree is B.S.  M.S.  Ph.D.  in the field of PHYSICS

14 407.

15 The petition was organized and circulated by Arthur B. Robinson, president of the Oregon  
16 Institute of Science and Medicine (described as “a small independent research group”) in 1998,  
17 and again in 2007.<sup>290</sup>

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24 <sup>289</sup> Global Warming Petition Project website, <http://www.petitionproject.org/> (last visited Nov. 14, 2022). Note: on June 20, 2023, the website claims that 31,487 American scientists have signed this petition, including 9,029 with PhDs.

25 <sup>290</sup> Devin Henry, Climate change petition pits scientists against each other, THE MINNESOTA DAILY  
26 (May 28, 2008), <https://mndaily.com/222080/news/world/climate-change-petition-pits-scientists-against-each-other/> (last visited June 20, 2023).



1  
2 408.

3 Frederick Seitz, then chairman of the George C. Marshall Institute, wrote a supporting  
4 cover letter, attached as Exhibit 27, signed as “Past President National Academy of Sciences USA,  
5 President Emeritus Rockefeller University.”<sup>291</sup> The National Academy held a press conference to  
6 disclaim the mailing and distance itself from its former president.<sup>292</sup> Between 1998 and 2008, the  
7 George C. Marshall Institute received a total of \$715,000 in funding from ExxonMobil alone.<sup>293</sup>  
8

9 409.

10 The petition also included a 12 page “review article” with information about global  
11 warming. The article, attached as Exhibit 28, is titled “Environmental Effects of Increased  
12 Atmospheric Carbon Dioxide” by Arthur B. Robinson, Noah E. Robinson, Sallie  
13 Baliunas, and Willie Soon.<sup>294</sup>  
14

15 410.

16 Within the article are the following conclusions meant to mislead the public,

17 “There are no experimental data to support the hypothesis that in - creases in human  
18 hydrocarbon use or in atmospheric carbon dioxide and other greenhouse gases are  
19

20 <sup>291</sup> Gary J. Weisel, *Skeptics, Naysayers, Anomalies, and Controversies* in Eds. Brian C. Black et  
21 al., *Climate Change: An Encyclopedia of Science and History*, ABC-CLIO (2013) at 1241.

22 <sup>292</sup> Id.

23 <sup>293</sup> Ed Pilkington, *Palin fought safeguards for polar bears with studies by climate change sceptics*,  
24 THE GUARDIAN (Sep. 30, 2018),  
[https://www.theguardian.com/world/2008/sep/30/uselections2008.sarahpalin1#:~:text=The%20R  
epublican%20Sarah%20Palin%20and,species%2C%20the%20Guardian%20can%20disclose](https://www.theguardian.com/world/2008/sep/30/uselections2008.sarahpalin1#:~:text=The%20Republican%20Sarah%20Palin%20and,species%2C%20the%20Guardian%20can%20disclose)  
(last visited June 20, 2023).

25 <sup>294</sup> W. Soon, S. L. Baliunas, A. B. Robinson & Z. W. Robinson (Oct. 26, 1999). *Environmental*  
26 *Effects of Increased Atmospheric Carbon Dioxide*, CLIMATE RESEARCH,  
[https://www.researchgate.net/publication/260851815\\_Environmental\\_Effects\\_of\\_Increased\\_At  
mospheric\\_Carbon\\_Dioxide](https://www.researchgate.net/publication/260851815_Environmental_Effects_of_Increased_Atmospheric_Carbon_Dioxide) (last visited June 20, 2023).  
27

1  
2 causing or can be expected to cause unfavorable changes in global temperatures,  
3 weather, or landscape. There is no reason to limit human production of CO2, CH4,  
4 and other minor greenhouse gases as has been proposed.”

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411.

“We also need not worry about environmental calamities even if the current natural warming trend continues. The Earth has been much warmer during the past 3,000 years without catastrophic effects. Warmer weather extends growing seasons and generally improves the habitability of colder regions.”

412.

“Human use of coal, oil, and natural gas has not harmfully warmed the Earth, and the extrapolation of current trends shows that it will not do so in the foreseeable future. The CO2 produced does, however, accelerate the growth rates of plants and also permits plants to grow in drier regions. Animal life, which depends upon plants, also flourishes, and the diversity of plant and animal life is increased.”

413.

“Human activities are producing part of the rise in CO2 in the atmosphere. Mankind is moving the carbon in coal, oil, and natural gas from below ground to the atmosphere, where it is available for conversion into living things. We are living in an increasingly lush environment of plants and animals as a result of this CO2 increase. Our children will therefore enjoy an Earth with far more plant and animal life than that with which we now are blessed.” [Except the 69 Multnomah County residents that lost their lives as a result of the 2021 PNW extreme heat event].

1  
2 414.

3 This paper and the misrepresentations within it are still published and disseminated today  
4 by the Oregon Institute of Science and Medicine as a part of the Petition Project both within  
5 Oregon and to all 50 states.

6 **3. Fossil Fuel Defendants Attempt To Sanitize Carbon Front Groups**  
7 **From Their Image**

8 415.

9 Despite the success that Fossil Fuel Defendants accomplished through their front groups,  
10 publicly they attempted to distance themselves from the deception, and that facade was also  
11 deceptive.

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13 416.

14 John Browne, Chairman of British Petroleum, in a speech at Stanford University on May  
15 19, 1997, announced that “the time to consider the policy dimensions of climate change is not  
16 when the link between greenhouse gases and climate change is conclusively proven, but when the  
17 possibility cannot be discounted and is taken seriously by the society of which we are part. We in  
18 BP have reached that point.” BP itself withdrew from the GCC, but stayed as a member of API,  
19 which is a member of GCC. Shell also formally withdrew, but its trade groups did not.

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21 417.

22 In February 1999, Atlantic Richfield Company, then a division of BP, CEO Michael Bowlin  
23 acknowledged in a speech he delivered at an energy industry conference, “We’ve embarked on the  
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1 beginning of the Last Days of the Age of Oil.”<sup>295</sup> Bowlin discussed the need to convert our carbon-  
2 based energy economy into a hydrogen-based energy economy. However, BP maintained  
3 membership and private participation with the GCC through its trade association, API.  
4

5 418.

6 The companies who publicly left GCC then formed the Pew Center for Environmental  
7 Change (“C2ES”) and appointed a “Business Environmental Leadership Council” (“BELC”) in  
8 1998 with the following statement: “We accept the views of most scientists that enough is known  
9 about the science and environmental impacts of climate change for us to take actions to address its  
10 consequences.”<sup>296</sup>  
11

12 419.

13 But they did not. Publicly, the companies left GCC and formed the BELC to address the  
14 growing public outrage for blatantly funding climate denial and hid behind their trade associations  
15 to continue to profit. This two-faced position would dominate for decades, all to the detriment of  
16 Multnomah County, Oregon residents, and consumers.  
17

18 420.

19 While the GCC members formed the new Pew Center to appease the public, the companies  
20 met privately and formed the “Global Climate Science Communications Team” (GCSCCT), setting  
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24  
25 <sup>295</sup> Id.

26 <sup>296</sup> Center for Climate and Energy Solutions, Business Environmental Leadership Council, CENTER  
27 FOR CLIMATE AND ENERGY SOLUTIONS, [www.c2es.org/our-work/belc/](http://www.c2es.org/our-work/belc/) (last visited June 20, 2023).

1  
2 out their marketing battle plan to undermine the science they knew was accurate regarding climate  
3 change.

4 421.

5 In 2000, the GCC announced that it was restructuring as an association of trade associations  
6 and would henceforth only include trade associations in its membership. The companies, which  
7 had abandoned the GCC, as one journalist noted, like “rats leaving a sinking ship,” and adopted  
8 scientific consensus on climate change through the Pew Center were still represented by their trade  
9 associations in the GCC, which funded climate denial of that scientific consensus.  
10

11 422.

12 In 1998, API distributed a roadmap memo after the “Victory” memo, (Exhibit 24), outlining  
13 the fossil fuel industry’s plan to use scientists as spokespersons for the industry’s views.  
14

15 423.

16 The GCSCT Action Memo outlined five distinct hierarchal levels:

- 17 a) **Global Climate Coalition:** a group of trade associations representing  
18 the Defendants and many others.
- 19 b) **Organizers of the GCSCT:** GCC members API (Shell, Chevron, BP,  
20 ConocoPhillips, Motiva, and Anadarko), Exxon, with CEI (Koch),  
21 CFACT, Lynn Bouchey, Myron Ebell, SEPP, and others.
- 22 c) **Funders:** National Mining Association (Peabody) API (Shell, Chevron,  
23 BP, ConocoPhillips, Motiva, Anadarko and others), Business Round  
24 Table (all Defendants), Independent Petroleum Association of America  
25 and Edison Electric Institute (EEI).
- 26 d) **Allocators:** ALEC (Koch), CEI (Koch), CFACT (Koch), Frontiers of  
27 Freedom, and The Marshall Institute.
- 28 e) **Promoters:** Heartland Institute, CFACT (Koch), ALEC (Koch),  
Frontiers of Freedom, the (George) Marshall Institute, SEPP, CO<sub>2</sub>, CEI

1  
2 (Koch), Myron Ebell, Marc Morano, Lord Christopher Monckton,  
3 Sherwood Idso, ICE, Fred Singer, Willie Soon, among many others.

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8 424.

9 The GCSCT Action Memo stresses how the Defendants individually and collectively have  
10 utilized propaganda to combat the perception and reality that pollution from their fossil fuel  
11 products is destructive to our planet and those who live on it.  
12

13  
14 425.

15 Defendants have funded and continue to fund dozens of think tanks, front groups, and dark  
16 money foundations as the GCC marketers, pushing climate change denial. These include the  
17 Competitive Enterprise Institute, the Heartland Institute, Frontiers for Freedom, Committee for a  
18 Constructive Tomorrow, and the Heritage Foundation.  
19

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22 426.

23 From 1998 to 2014, Exxon alone spent almost **\$31 million** funding numerous organizations  
24 to undermine the scientific consensus that Defendants' fossil fuel products were causing climate  
25 change.<sup>297</sup> Several Defendants have been linked to other groups that undermine the scientific basis  
26 linking Defendants' fossil fuel products to climate change, including the Frontiers of Freedom  
27 Institute and the George C. Marshall Institute.  
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<sup>297</sup> Union of Concerned Scientists, ExxonMobil Foundation & Corporate Giving to Climate Change Denier & Obstructionist Organizations, UNION OF CONCERNED SCIENTISTS, <https://www.ucsusa.org/sites/default/files/attach/2015/07/ExxonMobil-Climate-Denial-Funding-1998-2014.pdf> (last visited June 20, 2023).

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2 **4. Fossil Fuel Defendants Use Advertorials to Sow Public Doubt Through**  
3 **Deception**

4 427.

5 Researchers who scoured through advertorials and published internal documents of  
6 ExxonMobil concluded that “in essence, these public statements reflect only the ‘doubt’ side of  
7 ExxonMobil’s mixed internal dialogue.”<sup>298</sup> Geoffrey Supran and Naomi Oreskes’ “Assessing  
8 ExxonMobil’s climate change communications (1977–2014)”, attached as Exhibit 29, concluded  
9 that Exxon’s peer-reviewed literature overwhelmingly acknowledges anthropogenic global  
10 warming as real, and human caused.

11 428.

12 Exxon’s non-peer reviewed documents, including industry targeted speeches, reports, and  
13 company pamphlets, contain more references designed to misinform. The predominant stance  
14 taken in ExxonMobil’s propaganda, however, according to the researchers is ‘Doubt’. According  
15 to the researchers, of the 72% of climate change advertorials by Exxon that took a position, 81%  
16 of those take the position of ‘Doubt’, with the remainder split between ‘Acknowledge’ (11.5%)  
17 and ‘Acknowledge and Doubt’ (7.5%).

18 429.

19 Roughly 80% of Exxon’s external communications designed to hit big audiences—its  
20 consumers—emphasized uncertainty, while more than 80% of internal and scientific  
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25 <sup>298</sup> Geoffrey Supran and Naomi Oreskes, Assessing ExxonMobil’s climate change communications  
26 (1977–2014), Environ. Res. Lett., (2017), <https://iopscience.iop.org/article/10.1088/1748-9326/aa815f> (last visited June 20, 2023).  
27

1  
2 communications designed to be seen by no one other than internal communications or a very small  
3 number of academic audiences agree with the real scientific consensus that fossil fuels caused  
4 climate change and that it was very dangerous.

5 430.

6 The Researchers concluded:

7 Available documents show a discrepancy between what ExxonMobil's  
8 scientists and executives discussed about climate change privately and  
9 in academic circles and what it presented to the general public. The  
10 company's peer-reviewed, non-peer-reviewed, and internal  
11 communications consistently tracked evolving climate science: broadly  
12 acknowledging that AGW is real, human-caused, serious, and solvable,  
13 while identifying reasonable uncertainties that most climate scientists  
14 readily acknowledged at that time. In contrast, ExxonMobil's  
15 advertorials in the NYT overwhelmingly emphasized only the  
16 uncertainties, promoting a narrative inconsistent with the views of most  
17 climate scientists, including ExxonMobil's own. This is characteristic  
18 of what Freudenberg et al term the **Scientific Certainty  
19 Argumentation Method (SCAM)**—a tactic for undermining public  
20 understanding of scientific knowledge.<sup>299</sup> Likewise, the company's  
21 peer-reviewed, non-peer-reviewed, and internal documents  
22 acknowledge the risks of stranded assets, whereas their advertorials do  
23 not. In light of these findings, we judge that ExxonMobil's AGW  
24 communications were misleading; we are not in a position to judge  
25 whether they violated any laws.<sup>300</sup>

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26 <sup>299</sup> William R. Freudenburg, Robert Gramling and Debra J. Davidson, Scientific Certainty  
27 Argumentation Methods (SCAMs): Science and the Politics of Doubt, *SOCIOLOGICAL INQUIRY*  
28 (2008), <https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1475-682X.2008.00219.x> (last visited  
Nov. 15, 2022); Robert N. Proctor and Londa Schiebinger, *Agnotology—The Making and  
Unmaking of Ignorance*, STANFORD UNIVERSITY PRESS (2008).

<sup>300</sup> Supran & Oreskes, *supra* note 298.



1  
2 **5. The False “Scientists” Sowed Doubt as Defendants Intended.**

3 431.

4 The creation of this false sense of disagreement in the scientific community is a direct  
5 contradiction of the consensus that the industry’s own scientists, experts, and managers had  
6 previously acknowledged. The GCSCT Action Memo’s entire purpose, however, was to create  
7 disagreement where there should be none.

8 432.

9  
10 The National Coal Association 1991 ICE campaign noted that opinion polls revealed 60%  
11 of Americans believed global warming was a serious environmental problem and that “our industry  
12 cannot sit on the sidelines in this debate.”<sup>301</sup> The GCSCT 1998 Action Memo mentions how public  
13 opinion can be swayed with fake science:

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Charlton Research’s survey of 1,100 “informed Americans” suggests that while Americans currently perceive climate change to be a great threat, public opinion is open to change on climate science. When informed that “some scientists believe there is not enough evidence to suggest that [what is called global climate change] is a long-term change due to human behavior and activities,” 58 percent of those surveyed said they were more likely to oppose the Kyoto treaty. Moreover, half the respondents harbored doubts about climate science.”<sup>302</sup>

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301 Naomi Oreskes, My Facts Are Better Than Your Facts: Spreading Good News about Global Warming, in Peter Howlett et al., How Well Do Facts Travel? The Dissemination of Reliable Knowledge, CAMBRIDGE UNIVERSITY PRESS (2011), at 136–66, <https://doc.lagout.org/Others/Cambridge.University.Press-How.Well.Do.Facts.Travel.2010.RETAIL.EBook.pdf> (last visited Nov. 15, 2022).

302 Joe Walker, Global Climate Science Communications Action Plan, GLOBAL CLIMATE SCIENCE COMMUNICATIONS TEAM (GCSCT) (Apr. 3, 1998), at 2, <https://insideclimatenews.org/wp-content/uploads/2015/12/Global-Climate-Science-Communications-Plan-1998.pdf> (last visited June 20, 2023).

1  
2 433.

3 Defendants' propaganda has been successful. A 2007 Yale University-Gallup poll found  
4 that while 71% of Americans personally believed global warming was happening, only 48%  
5 believed that there was a consensus among the scientific community, and 40% believed there was  
6 a lot of disagreement among scientists over whether global warming was occurring.<sup>303</sup>

7  
8 434.

9 The purpose of undermining public opinion was mercantile: to continue to sell enormous  
10 amounts fossil fuel for astronomical profits products, irrespective of the extreme weather changes  
11 those products cause by their use, and the GCC and its members were—and are—successful in  
12 fulfilling that objective.

13  
14 435.

15 IPCC published its Fourth Assessment Report in 2007, in which it concluded that “there is  
16 very high confidence that the net effect of human activities since 1750 has been one of  
17 warming.”<sup>304</sup> The IPCC defined “very high confidence” as at least a 9 out of 10 chance.<sup>305</sup> Despite  
18 these findings, and the fact that the Fossil Fuel Defendants understood that causal relationship  
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22 <sup>303</sup> American Opinions on Global Warming: A Yale/Gallup/Clearvision Poll, YALE PROGRAM ON  
23 CLIMATE CHANGE COMMUNICATION (July 31, 2007),  
<https://climatecommunication.yale.edu/publications/american-opinions-on-global-warming/> (last  
24 visited June 20, 2023).

25 <sup>304</sup> Intergovernmental Panel on Climate Change (IPCC), Summary for Policymakers in Climate A  
26 report of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on  
Climate Change, CAMBRIDGE UNIVERSITY PRESS (2007), at 3,  
<https://www.ipcc.ch/site/assets/uploads/2018/02/ar4-wg1-spm-1.pdf> (last visited June 18, 2023).

27 <sup>305</sup> Id.

1  
2 decades earlier, the Defendants continued to market their products by funding climate change  
3 denialism and undermining scientific consensus to keep consumer demand high.

4 436.

5 Exxon acknowledged its own previous success in sowing uncertainty—when there should  
6 have been none—and slowing mitigation through funding of climate denial groups. In its 2007  
7 Corporate Citizenship Report, Exxon declared: “In 2008, we will discontinue contributions to  
8 several public policy research groups whose position on climate change could divert attention from  
9 the important discussion on how the world will secure the energy required for economic growth in  
10 an environmentally responsible manner.”<sup>306</sup> Despite this pronouncement, Exxon continued to  
11 support several such groups after the report’s publication.  
12

13 **6. Western States Petroleum Association—A Front Group with An**  
14 **Oregonian Audience**

15 437.

16 The GCSCT Action Plan mentions developing and utilizing grass root organizations three  
17 times (pages 4, 5 and 7) in a PowerPoint presentation leaked in November of 2014 from the  
18 Western States Petroleum Association (“WSPA”),<sup>307</sup> the top lobbyist for the oil industry in the  
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22 <sup>306</sup> ExxonMobil, 2007 Corporate Citizenship Report, EXXONMOBIL (Dec. 31, 2007),  
23 [https://grist.org/wp-content/uploads/2009/07/community\\_ccr\\_2007.pdf](https://grist.org/wp-content/uploads/2009/07/community_ccr_2007.pdf) (last visited June 20,  
24 2023).

25 <sup>307</sup> Western States Petroleum Association (WSPA) is a non-profit trade association that represents  
26 companies that account for the bulk of petroleum exploration, production, refining, transportation  
27 and marketing in the six western states of Arizona, California, Hawaii, Nevada, Oregon, and  
28 Washington. Founded in 1907, WSPA is the oldest petroleum trade association in the United States  
of America. WSPA's headquarters are located in Sacramento, California. Additional WSPA

1 western United States (including Oregon) and the oldest petroleum trade association in the country.  
2  
3 The WPSA “activates” and funds front groups that are designed to change public opinion on  
4 climate change.<sup>308</sup>

5 438.

6 The WPSA front groups, with names like the “Oregonians For Sound Fuel Policy” and  
7 “Fed Up At The Pump,” appeared to be grassroots groups representing consumer interests, but  
8 were really part of WPSA’s multimillion dollar public relations campaign to further the oil  
9 industry’s propaganda machine.<sup>309</sup>

10 439.

11 The slide below identifies groups that were “activated” by the WPSA. Many of the names  
12 are clearly “greenwashed” to hide the group’s and WPSA’s real purpose of working against climate  
13 policy. The actions of some of these groups were conducted in, or directed to, Multnomah County.  
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21 locations include offices in Torrance; Santa Barbara; Bakersfield; Scottsdale, Arizona; and  
Olympia, Washington.

22 Western States Petroleum Association, About, WESTERN STATES PETROLEUM ASSOCIATION,  
<https://www.wspa.org/about/> (last visited June 20, 2023).

23 <sup>308</sup> Bloomberg, Leaked: The Oil Lobby's Conspiracy to Kill Off California's Climate Law.  
24 BLOOMBERG (Nov. 25, 2014), [https://www.bloomberg.com/news/articles/2014-11-25/leaked-the-](https://www.bloomberg.com/news/articles/2014-11-25/leaked-the-oil-lobbys-conspiracy-to-kill-off-californias-climate-law?leadSource=verify%20wall)  
25 [oil-lobbys-conspiracy-to-kill-off-californias-climate-law?leadSource=verify%20wall](https://www.bloomberg.com/news/articles/2014-11-25/leaked-the-oil-lobbys-conspiracy-to-kill-off-californias-climate-law?leadSource=verify%20wall) (last  
visited June 20, 2023).

26 <sup>309</sup> Matt Connolly, California’s Friendly Neighborhood Citizens Groups Are Really Just Big Oil in  
27 Disguise, MIC (Nov. 26, 2014) [https://www.mic.com/articles/105196/california-s-friendly-](https://www.mic.com/articles/105196/california-s-friendly-neighborhood-citizens-groups-are-really-just-big-oil-in-disguise)  
28 [neighborhood-citizens-groups-are-really-just-big-oil-in-disguise](https://www.mic.com/articles/105196/california-s-friendly-neighborhood-citizens-groups-are-really-just-big-oil-in-disguise) (last visited June 20, 2023).

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In 2014, WSPA has activated a significant number of campaigns and coalitions that have contributed to WSPA's advocacy goals and continue to respond to aggressive anti-oil initiatives in the West.

Each campaign was structured to address specific state or local issues and provide an excellent opportunity for the petroleum industry to educate consumers and voters in all of WSPA's five Western states.

WSPA has also invested in several coalitions that are best suited to drive consumer and grassroots messages to regulators and policymakers.



Invest  
Engage  
Guide



9

440.

This leaked presentation from WSPA revealed a stealth campaign to change public opinion and keep the consumers lulled into purchasing their products.

441.

Most of the publications questioning climate change came not from scientific journals, but from industry-funded think tanks masquerading as scientific. A study by Professors Peter Jacques and Mark Freeman, political scientists at University of Central Florida, found that 92.2% of the

1  
2 skepticism literature was published by GCC-funded think tanks or authors affiliated with those  
3 think tanks.<sup>310</sup>

4 442.

5 Even though Exxon was aware as early as 1979 that fossil fuels affected climate change  
6 and that its fossil fuels posed an existential threat to the future, Exxon continued funding front  
7 groups, providing over \$2 million in funding from 1998 to 2005.<sup>311</sup>

8 443.

9  
10 The GCSCT also funded Willie Soon, another lead climate skeptic.<sup>312</sup> Soon co-authored  
11 the article which accompanied the Oregon Petition, *supra* ¶ 410. Most infamously, Soon wrote one  
12 of the few denialist articles to be published in a peer-reviewed scientific journal.<sup>313</sup> But that article  
13 quickly turned into a scandal where the editorial staff quit. Despite this, Soon earned a “Courage  
14 in Defense of Science Award” from The Heartland Institute.<sup>314</sup>

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18 <sup>310</sup> James Hoggan & Richard Littlemore, *Climate Cover-Up: The Crusade to Deny Global Warming*, on 81 (2009).

19 <sup>311</sup> Seth Shulman et al. *Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big Tobacco’s Tactics to Manufacture Uncertainty on Climate Science*, UNION OF CONCERNED SCIENTISTS, (Jan. 2007),  
20 [https://www.ucsusa.org/sites/default/files/2019-09/exxon\\_report.pdf](https://www.ucsusa.org/sites/default/files/2019-09/exxon_report.pdf) (last visited June 20, 2023).

21 <sup>312</sup> Note-many of the articles authored by Lord Monckton cited by the Heartland Institute are co-  
22 authored with Willie Soon.

23 <sup>313</sup> Justin Gillis and 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> (last visited June 20, 2023).

24 <sup>314</sup> Heartland holds climate conferences and publishes literature that has the “vener of scientific  
25 credibility.” John Abrahams, *Fossil fuel funded report denies the expert global warming consensus*, The Guardian (Feb. 22, 2016), <https://www.theguardian.com/environment/climate-consensus-97-per-cent/2016/feb/22/fossil-fuel-funded-report-denies-the-expert-global-warming-consensus>  
26 (last visited June 20, 2023); For its International Conference on Climate Change, the  
27 Heartland Institute offers to pay \$1,000 to any scientist willing to help generate international media

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2 444.

3 From 2005 to 2015, Soon received \$1.2 million from the fossil fuel industry (including  
4 Exxon Mobil, the API, and others)<sup>315</sup>

5 445.

6 Soon’s peer reviewed article, published in *Climate Research* in 2003, concluded that “the  
7 20th century is probably not the warmest nor a uniquely extreme climatic period of the last  
8 millennium.” The paper was immediately debunked in a publication by 13 climate scientists, who  
9 pointed out that Soon’s data measured changes in moisture, not changes in temperature, and  
10 confused regional changes in temperature with global changes.  
11

12 446.

13 Following the 2003 publication, nearly half of *Climate Research*’s editorial board resigned  
14 in protest, citing the failure of the journal’s peer review process to catch these glaring errors.  
15 Furthermore, the journal’s parent company stated that *Climate Research* “should have been more  
16 careful and insisted on solid evidence and cautious formulations before publication.”<sup>316</sup>  
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23 attention for the proposition that rapid warming is not supported by sound science. James Hoggan  
24 & Richard Littlemore, *Climate Cover-Up: The Crusade to Deny Global Warming*, on 81 (2009).

25 <sup>315</sup> Gillis *et al.*, *supra* note 313.

26 <sup>316</sup> Richard Monastersky, *Storm Brews Over Global Warming*. THE CHRONICLE OF HIGHER  
27 EDUCATION (Sep. 2003),  
28 <https://www.chronicle.com/article/storm-brews-over-global-warming/> (last visited Nov. 14,  
2022).

1  
2 447.

3 It was also subsequently discovered that Soon’s research budget for the article was funded  
4 by the API, which Soon did not disclose in his paper.<sup>317</sup>

5 448.

6 Soon has also advanced the claim that polar bears do better in a warmer climate. In 1998,  
7 Soon argued that “For polar bears...you do want to watch out for ice. Too much ice is really bad  
8 for polar bears...I would suggest that the current [ice] condition today is nowhere optimal for the  
9 polar bear, which means it can grow a little bit warmer.”<sup>318</sup> In reality, global warming melts sea  
10 ice, which threatens the polar bears’ survival by reducing their food supplies and forcing them to  
11 swim longer distances.

12 449.

13 The Heartland Institute promotes Willie Soon on its current website, claiming Soon’s bio  
14 and account of his work “debunks lies of the generously funded environmental left’s attacks on an  
15 honest climate scientist.”<sup>319</sup>

16 450.

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19 Soon, who is a part-time employee at the Smithsonian Institution, had failed to disclose his  
20 oil industry funding in 11 papers since 2008, which violated the disclosure rules of at least 8 of the  
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24 <sup>317</sup> Suzanne Goldenberg, Work of prominent climate change denier was funded by energy industry,  
25 THE GUARDIAN, (Feb. 21, 2015) [https://www.theguardian.com/environment/2015/feb/21/climate-  
change-denier-willie-soon-funded-energy-industry](https://www.theguardian.com/environment/2015/feb/21/climate-change-denier-willie-soon-funded-energy-industry) (last visited Nov. 14, 2022).

26 <sup>318</sup> Skeptical Science, How will global warming affect polar bears?, SKEPTICAL SCIENCE,  
<http://bit.ly/1UhCSHn> (last visited Nov. 14, 2022).

27 <sup>319</sup> As of May 21, 2019.



1  
2 journals. Correspondence between Soon and his corporate funders, obtained by the *NY Times*,  
3 shows that Soon described his scientific papers as ‘deliverables,’ a project management term  
4 denoting services delivered on a specific timeline in exchange for funding.<sup>320</sup>

5 451.

6 Articles by Soon, and others appear on Heartland Institute’s “Policybot” promoting climate  
7 change denial.

8 452.

9  
10 Heartland holds climate conferences and publishes literature that has the “vener of  
11 scientific credibility.”<sup>321</sup> For its International Conference on Climate Change, the Heartland  
12 Institute offers to pay \$1,000 to any scientist willing to help generate international media attention  
13 for the proposition that rapid warming is not supported by sound science.<sup>322</sup>

14 453.

15  
16 Heartland also sponsored a “petition-style attack” on the consensus viewpoint that fossil  
17 fuels cause global warming.<sup>323</sup> Heartland published a ‘report’ on its website titled, “500 Scientists  
18 Whose Research Contradicts Man-Made Global Warming Scares.”<sup>324</sup> The “report” listed all five

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22 <sup>320</sup> Gillis *et al.*, *supra* note 313.

23 <sup>321</sup> John Abrahams, Fossil fuel funded report denies the expert global warming consensus, *The*  
24 *Guardian* (Feb. 22, 2016), [https://www.theguardian.com/environment/climate-consensus-97-per-](https://www.theguardian.com/environment/climate-consensus-97-percent/2016/feb/22/fossil-fuel-funded-report-denies-the-expert-global-warming-consensus)  
25 [cent/2016/feb/22/fossil-fuel-funded-report-denies-the-expert-global-warming-consensus](https://www.theguardian.com/environment/climate-consensus-97-percent/2016/feb/22/fossil-fuel-funded-report-denies-the-expert-global-warming-consensus) (last  
26 visited Nov. 14, 2022).

27 <sup>322</sup> Hoggan & Littlemore, *supra* note 310 at 86.

28 <sup>323</sup> *Id.* at 94.

<sup>324</sup> *Id.*

1  
2 hundred scientists as “coauthors”, implying that “each of the five hundred had a hand in [the]  
3 report or, at the very least, signed off on its conclusions.”<sup>325</sup>

4 454.

5 Immediately after the report’s release, the scientists listed on the report began protesting.  
6 “I am horrified to find my name on such a list. I have spent the last 20 years arguing the opposite,”  
7 wrote David Sugden, a professor of geography at the University of Edinburgh.<sup>326</sup> “I don’t believe  
8 any of my work can be used to support any of the statements listed in the article,” said Robert  
9 Whittaker, a professor of biogeography at the University of Oxford.<sup>327</sup> And Gregory Cutter, a  
10 professor of ocean and atmospheric sciences at Old Dominion University wrote, “I have NO doubts  
11 ... the recent changes in global climate ARE man-induced. I insist that you immediately remove  
12 my name from this list ....”<sup>328</sup>

14 455.

15 To support its denialism methods, Heartland received nearly a million dollars from Exxon  
16 and \$13.5 million in dark money contributions from Donors Trust, a known front group for oil  
17 money.  
18

19 456.

20 In a December 2019 expose of Heartland’s dark money funding from Donors Trust to  
21 undermine scientific consensus on climate change, Heartland’s chief strategist, James Taylor, told  
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23  
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25 <sup>325</sup> Id.  
26 <sup>326</sup> Id.  
27 <sup>327</sup> Id.  
28 <sup>328</sup> Id.

1  
2 undercover reporters that Donors Trust is now directing between two thirds and three quarters of  
3 its budget to Heartland to support its climate-skeptical positions and claims that this is his personal  
4 doing.<sup>329</sup>

5 457.

6 On March 19, 2020, Heartland announced it was launching a new website, Climate at a  
7 Glance” to “prepare you for climate crisis claims” and hired a 19-year-old German woman named  
8 Naomi Seibt to serve as the face of a new campaign for what Heartland calls “climate alarmism.”<sup>330</sup>  
9

10 **7. In Pursuit of Profits: The Enterprise Targets School Children**

11 458.

12 The GCSCT recognized that the tide might turn against fossil fuels unless they could reach  
13 the next generation, and it needed to deceive schoolteachers and students about climate science.  
14

15 459.

16 So, under the guise of “present[ing] a credible, balanced picture of climate science,” they  
17 opted to push out materials for teachers and their students that directly countered the scientific  
18 evidence. At this point, Children will be the most affected by climate change, having to endure  
19 more years of weather extremes and dire effects caused by the Defendants’ deception through these  
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23 <sup>329</sup> Katarina Huth, The Heartland Lobby, CORRECTIVE (Feb. 11, 2020), <https://correctiv.org/en/top-stories-en/2020/02/11/the-heartland-lobby/>  
24 (last visited June 20, 2023).

25 <sup>330</sup> Nicholas Kusnetz, Heartland Launches Website of Contrarian Climate Science Amid Struggles  
26 with Funding and Controversy, INSIDE CLIMATE NEWS (Mar. 13, 2020), <https://insideclimatenews.org/news/13032020/heartland-institutute-climate-change-skeptic/> (last  
27 visited June 20, 2023).

1  
2 front groups.

3 460.

4 Page 7 of the GCSCCT Action Plan targeted children, tomorrow’s consumers:

- 5
- 6 • Organize under the GCSDC a "Science Education Task Group" that will  
7 serve as the point of outreach, to the National Science Teachers  
8 Association (NSTA) and other influential science education  
9 organizations. Work with NSTA to develop school materials that present  
10 a credible, balanced picture of climate science for use in classrooms  
11 nationwide.
  - 12 • Distribute educational materials directly to schools and through  
13 grassroots organizations of climate science partners (companies,  
14 organizations that participate in this effort).

15 461.

16 This insidious directive has been implemented in lockstep. On March 27, 2017, the  
17 Heartland Institute mailed a book titled “Why Scientists Disagree about Global Warming: The  
18 NIPCC Report on Scientific Consensus”, in addition to a DVD and letter to over 200,000 teachers,  
19 attached as Exhibit 30.

20 462.

21 The material would be sent to an additional 25,000 teachers every two weeks, until every  
22 public-school science teacher in the nation has a copy, Heartland president and CEO Joseph Bast  
23 said in an interview to PBS in 2017.<sup>331</sup> Heartland claims on its website, that it reached over 300,000  
24 K-12 science teachers.

25 \_\_\_\_\_  
26 <sup>331</sup> Katie Worth, Climate Change Skeptic Group Seeks to Influence 200,000 Teachers, PBS (Mar.  
27 28, 2017), [https://www.pbs.org/wgbh/frontline/article/climate-change-skeptic-group-seeks-to-  
28 influence-200000-teachers/](https://www.pbs.org/wgbh/frontline/article/climate-change-skeptic-group-seeks-to-influence-200000-teachers/) (last visited June 20, 2023).

1  
2 463.

3 The campaign elicited immediate derision from the National Center for Science Education  
4 (NCSE), a nonprofit in Oakland, California that monitors climate change education in  
5 classrooms.<sup>332</sup> “It’s not science, but it’s dressed up to look like science,” said NCSE executive  
6 director Ann Reid. “It’s clearly intended to confuse teachers.”<sup>333</sup>

7  
8 **8. NW Natural – Front Groups and Greenwashing for Oregon**

9 464.

10 NW Natural has emitted in Oregon at least 72,145,570 metric tons of CO<sub>2</sub> equivalent since  
11 records began being kept in the last few decades. They have been averaging well over 57,000  
12 metric tons of CO<sub>2</sub> equivalent in the past decade, as their sales have steadily increased. NW  
13 Natural has deceived the public by claiming that its product is safe, clean, and environmentally  
14 friendly, despite the fact that methane is 80 times more potent than carbon dioxide at trapping  
15 GHG and is responsible for a substantial percentage of the human-made greenhouse gases in the  
16 atmosphere.  
17

18 In its current Environmental Stewardship policy, NW Natural states:

19 NW Natural’s core value of environmental stewardship is a driving force behind  
20 everything we do. We believe NW Natural has an important role to play in helping  
21 our region move to a lower-carbon, renewable energy future in a more resilient and  
22 affordable way.<sup>334</sup>

23  
24 <sup>332</sup> Id.

25 <sup>333</sup> Id.

26 <sup>334</sup> Alex Baumhardt, A, *Oregon DEQ says NW Natural is misleading people on state climate*  
27 *program* Oregon Capital Chronicle, The Oregonian, August 22, 2024,  
<https://www.nwnatural.com/>

1  
2 Further, NW Natural has paid for advertisements misleading the public about  
3 their commitment to a “carbon neutral future.” Yet, NW Natural has not implemented any  
4 operational changes that would reduce greenhouse gas emissions in Oregon, and it deceptively  
5 distorts to the public any initiatives aimed at lowering emissions as an infringement on the  
6 consumer’s “freedom of choice.”

7  
8 465.

9 Upon information and belief, NW Natural also engages in “astro turfing” which is the  
10 practice of deceptively presenting a corporate driven public relations campaign under the guise of  
11 an organic community effort. Notably, NW Natural engaged in astroturfing by funding a front  
12 group called Eugene Residents for Energy Choice, but the committee is registered in Portland and  
13 is nothing more than a front group for NW Natural to fight local climate policy to address the harm  
14 caused in the community by the changing climate to line its own pockets.

15  
16 466.

17 In an effort to maintain market share and control how its harmful products are perceived  
18 by the public, NW Natural sent emails and print mailers to schools offering free “gas-related”  
19 activity books for children.<sup>335</sup> The purpose of these books is not to warn of the dangers of using  
20 NW Naturals’ products and services, but instead to promote the continued use and consumption of  
21

22  
23  
24  
25 [/media/nwnatural/pdfs/communityandsustainabilityreport\\_2022environmentalstewardship.pdf?ref=1e4749fdeb4a4d4bbe8f987a9be2a789&hash=F47C2C88CF16454A71B67CC7BBCD7722](https://www.nwnatural.com/media/nwnatural/pdfs/communityandsustainabilityreport_2022environmentalstewardship.pdf?ref=1e4749fdeb4a4d4bbe8f987a9be2a789&hash=F47C2C88CF16454A71B67CC7BBCD7722)

26 <sup>335</sup> Testimony of Greer Ryan, Before the Public Utility Commission of Oregon, April 22, 2022, at  
27 pp. 11-14, <https://edocs.puc.state.or.us/efdocs/HTB/ug435htb16597.pdf>

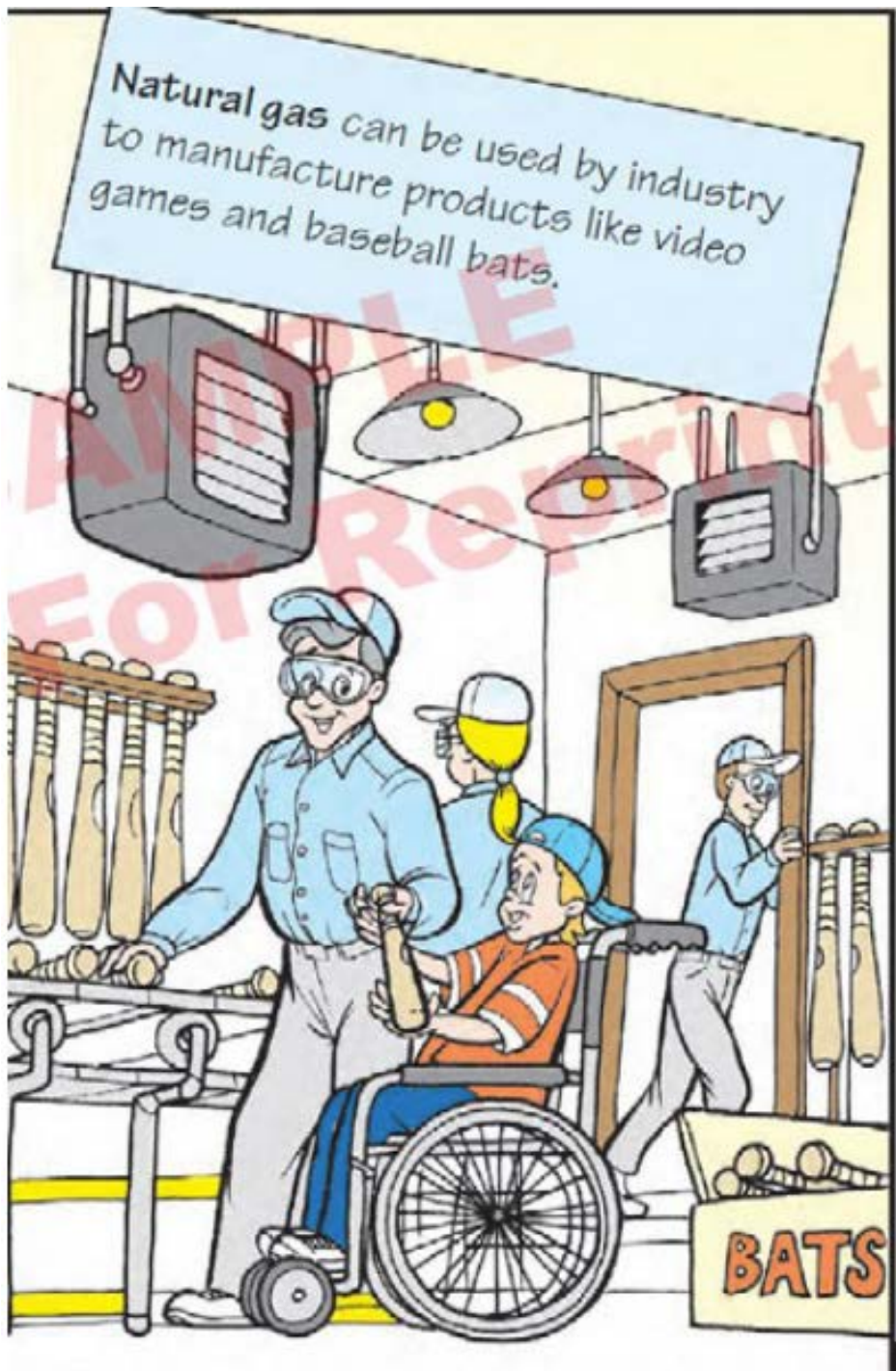
1 fossil fuel gas by influencing public opinion, which in this campaign targets the next generation  
2 through children.  
3

4 467.



**GET CREATIVE!**

Pick one of the natural gas science facts or safety tips inside this book. Make a poster, rap song, mini-book, or oral presentation to explain it to your friends.






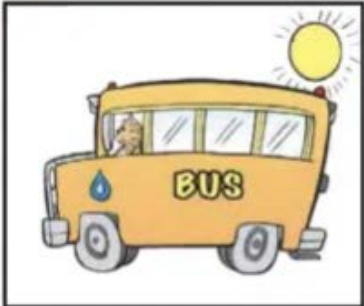
Another example of NW Natural's propaganda directed towards children in Multnomah County.<sup>336</sup>

Coalition/406  
Ryan/40

UG 435 Coalition DR 49 Attachment  
Page 3 of 44

# WHICH IS THE CLEANEST?

**Directions:** Circle the pictures that show something clean.  
Put an "X" through the pictures that show something dirty.

**LEARNING CONNECTION:**  
Natural gas burns more cleanly than diesel fuel.

7

<sup>336</sup> Id.

1  
2 470.

3 Further entrenching its bid to remain viable, NW Natural planned for an event held by a  
4 front group it funds called, Bonneville Environmental Foundation, to convey propaganda to  
5 teachers titled, “Clean Energy Teacher Training: Exploring Renewable Gas.”<sup>337</sup> Pursuant to the  
6 campaign, each teacher who attended the Portland based training session would receive a \$200  
7 stipend, and if the teacher lived more than 50 miles away, they would be reimbursed for mileage.<sup>338</sup>  
8 After a public outcry, the training was cancelled. NW Natural’s central message is that its gas  
9 products are safe, clean, and environmentally friendly.  
10

11 471.

12 In 2024, NW Natural engaged in a campaign of disinformation related to a key Oregon  
13 climate policy, the Climate Protection Program. NW Natural distributed a newsletter that  
14 contended that any costs incurred by NW Natural under this new climate policy will result in a  
15 14% rate hike for each and every one of the 2,000,000 customers it serves while not reducing GHG  
16 emissions. This newsletter and its characterization of the policy was so egregious that the DEQ  
17 issued a rebuke and accused NW Natural of misleading Oregonians.<sup>339</sup> NW Natural has misled the  
18 public about the adverse climate impacts of extracting, storing, delivering and burning their  
19  
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21

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24 <sup>337</sup> Effinger, A, Gas Fight Continues as Students Plan Protest of Teacher Training Sponsored by  
25 NW Natural, WILLAMETTE WEEK, <https://www.wweek.com/news/schools/2023/01/20/gas-fight-continues-as-students-plan-protest-of-teacher-training-sponsored-by-nw-natural/> (last visited on  
26 September 20, 2024).

27 <sup>338</sup> *Id.*

28 <sup>339</sup> Baumhardt, *supra* note 334.

1  
2 products.

3 472.

4 In 2023, Oregon’s Public Utility Commission, after reviewing NW Natural’s self-style  
5 “Clean Energy/Decarbonization” plan to meet the state’s clean energy targets, deemed their plan  
6 as unrealistic, insufficient and misleading. NW Natural is a member of the American Gas  
7 Association, which, like the API, is a chief source of funding and spreading misinformation about  
8 the impact of the natural gas pollution on global warming.  
9

10 473.

11 NW Natural has admitted Oregon needs to prepare for “more extreme weather events,” but  
12 the company has neither invested accordingly nor accepted responsibility for their contributing  
13 role in causing these extreme weather events. Instead, NW Natural encourages us to “feel good  
14 about natural gas as your energy source” because it’s “efficient,” *without* disclosing the foreseeable  
15 catastrophic consequences of adding more methane to an already polluted atmosphere that is fast  
16 approaching its tipping point.  
17

18 474.

19 In summary, NW Natural has routinely misrepresented to the public the climate impacts of  
20 extracting, transporting, storing and burning their product while over-estimating the costs of  
21 transitioning to renewables or reducing their pollution in an effort to frighten customers and  
22 discourage policy makers from using their authority to protect the public.  
23  
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1  
2 **9. McKinsey and Big Oil – Fueling Fossil Fuel Disinformation**

3 475.

4 In McKinsey’s code of conduct it claims, “We are committed to protecting the planet.”  
5 McKinsey also contends “[a]s a firm, we take seriously our responsibility for the environmental  
6 sustainability of our operations and our offices take steps to reduce our environmental footprint.  
7 We also serve private, public, and social sector clients across the world on steps they are taking to  
8 address climate change.”  
9

10 476.

11 These public proclamations by McKinsey are contrary to how it conducts its business  
12 behind closed doors. While McKinsey is shrouded in secrecy about its consultancy, it represented  
13 many Fossil Fuel Defendants since 1950 to present.  
14

15 477.

16 Mobil Oil was McKinsey’s first large client in the 1950s. McKinsey represented Royal  
17 Dutch Shell in the mid-1950s. McKinsey represented Texaco. McKinsey consulted and worked  
18 with these companies as their internal understanding was that rising CO<sub>2</sub> levels can heat the earth  
19 and cause extreme weather events.  
20

21 478.

22 McKinsey has also consulted for ExxonMobil, BP, Royal Dutch Shell, Gazprom, and Qatar  
23 Petroleum. McKinsey’s work is based on the promotion and furtherance of its clients’ fossil fuel  
24 products and has fueled the disinformation and deceptive promotion of fossil fuels’ dangers and  
25 environmental impacts including, upon information and belief, in Oregon.  
26  
27  
28

1  
2 **10. Oregon and the Heartland Institute**

3 479.

4 The Defendants’ deception campaign was vigorously executed in Oregon and targeted to  
5 mislead the Plaintiff and its residents.

6 480.

7  
8 Gordon Fulks is a prolific anthropogenic climate change denier and is a policy advisor to  
9 the Heartland Institute, which as described above, provides a medium through which Defendants  
10 have propagated false and misleading denials and downplays of the causal relationship between  
11 carbon pollution and extreme climate change. At the behest of benefactors that included Fossil  
12 Fuel Defendants, Fulks has published editorials in the Oregonian that deny the existence of any  
13 scientific consensus that carbon pollution causes warming of the planet.<sup>340</sup> He writes, “The many  
14 objections from real scientists will be countered with fictitious claims of ‘consensus.’ (Should that,  
15 too, be questioned — based on studies that show widely divergent scientific opinions — the  
16 political formula calls for stonewalling.) Never mind that science proceeds from openly discussed  
17 logic and evidence. The scientifically illiterate will not understand and can be easily fooled with  
18 unsupportable claims that each succeeding year is the ‘warmest ever.’”  
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25 <sup>340</sup> Fulks, G. J., Kitzhaber is allowing climate malpractice: Guest opinion, The Oregonian,  
26 [https://www.oregonlive.com/opinion/2015/01/kitzhaber\\_is\\_allowing\\_climate.html](https://www.oregonlive.com/opinion/2015/01/kitzhaber_is_allowing_climate.html) (last visited  
27 June 20, 2023).

1  
2 481.

3 In another piece in the Oregonian, Fulks dismissed scientific support for anthropogenic  
4 climate change as a “storm of alarmism” based on faulty science. “The problems with classical  
5 greenhouse gas theory escape those who view science as politics (consensus) or as religion  
6 (belief),” he wrote.<sup>341</sup>

7  
8 482.

9 Thus, in these and other ways, Defendants’ deception was directly targeted at the County  
10 and its inhabitants. These lies created enough doubt as to whether extreme weather events from  
11 anthropogenic climate change could harm those *in the County*, and thereby left the community and  
12 its leadership unprepared for extreme heat events that Defendants’ products caused and the harm  
13 that Defendants’ deceptions exacerbated.

14  
15 483.

16 Had the Defendants exercised ordinary care rather than a plan to deceive the Plaintiff and  
17 the public while simultaneously causing extreme harm to the Plaintiff and to the planet, they would  
18 have taken several steps that they refused to take. These measures include, not exhaustively,

- 19 a) Public and full-throated endorsement of the scientific validity of the  
20 existence of anthropogenic climate change and the catastrophic harm it  
21 can cause. The Defendants unequivocal, forward-facing acceptance of  
22 that information would have altered the debate from *whether* to combat  
global warming to *how* to combat it; and avoided much of the public  
confusion that has ensued over the last several decades.

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25 <sup>341</sup> Fulks, G. J., “The Changing Climate of Climate Change,” The Oregonian, January 19,  
26 2013. Archive.ph URL: <https://archive.ph/wip/70ONn> (last visited June 20, 2023).

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- b) Forthrightly communicating with Defendants’ shareholders, consumers, banks, insurers, the public, regulators, and the Plaintiff that the problem to be mitigated is the accumulation of excessive amounts of GHGs in the atmosphere from the use of Defendants’ products, rather than “alarmist” concerns about it.
  - c) Refraining from affirmative efforts, whether directly, through coalitions, or through front groups, to distort public debate, and to cause many consumers and business and political leaders to think the relevant science was far less certain than it was.
  - d) Sharing their internal scientific research with the public, and with other scientists and business leaders, to increase public understanding of the scientific underpinnings of climate change and its relation to Defendants’ fossil fuel products.
  - e) Supporting and encouraging policies to avoid dangerous climate change and demonstrating responsible corporate leadership in addressing the challenges of transitioning to a low carbon economy.
  - f) Prioritizing alternative sources of energy through sustained investment and research on renewable energy sources to replace dependence on Defendants’ hazardous fossil fuel products.
  - g) Adopting their shareholders’ concerns about Defendants’ need to protect their businesses from the inevitable consequences of profiting from their fossil fuel products. Over the period of 1990–2015, Defendants’ shareholders proposed hundreds of resolutions to change Defendants’ policies and business practices regarding climate change. These included increasing renewable energy investment, cutting emissions, and performing carbon risk assessments, among others.

21 484.

22 Instead, the Defendants negligently and intentionally created a public nuisance by their  
23 failures to warn, refusals to warn, and misrepresentations that caused enormous harm to and in the  
24 County, and in other regions, about which each Defendant treated as a public relations problem to  
25 be spun rather than an existential human threat to be solved. In so doing, they caused catastrophic  
26 harm to Plaintiff that will continue and grow worse. As the frequency and intensity of extreme heat  
27

1  
2 events and wildfires in Multnomah County will increase, so too will the harms inflicted upon the  
3 County.

4 **IV. DAMAGES**

5 485.

6 As a sovereign entity, the County is charged with protecting the health, security, and  
7 welfare of its residents. It operates as a steward that safeguards the fabric of the community, its  
8 ecosystems and way of life, including those for future generations. In its exercise of its police  
9 powers, the County is empowered to take actions to prevent the pollution of the County's property  
10 and resources, to prevent and abate nuisances, and to prevent and abate hazards to public health,  
11 safety, welfare, and the environment.

13 486.

14 The Country provides services that are essential to the health, safety, and welfare of its  
15 residents, including, not exhaustively: emergency planning, early warning and disaster  
16 management; health care, police and fire protection; flood controls; maintenance of bridges, and  
17 protection of public outdoor space.

19 487.

20 Populations, property, and transportation infrastructure within the County have been and  
21 will continue to be damaged by Defendants' misconduct. The County has taken steps to prepare,  
22 mitigate, repair, and adapt to the hazards facing its residents, public property, and infrastructure,  
23 and will and must continue to do so, as ACC continues to increase the frequency and severity of  
24 extreme heat events, wildfires, drought, storms, and other hazards threatening the public's physical  
25 and mental health.  
26



1  
2 488.

3 Because of Defendants' failures to warn, refusals to warn, knowing concealment, deception  
4 and misrepresentation of the dangers of fossil fuels and the climate impacts of carbon pollution on  
5 the environment, ACC has and will continue to impact the County and its ability, without the  
6 infusion of substantial resources, to deliver services including health care, social services, climate  
7 resiliency and sustainability programs, and disaster relief, especially for its most vulnerable  
8 residents.  
9

10 489.

11 Defendants engaged in an enterprise of misrepresentation and deception about the effect  
12 its products would have on the climate, and that they could cause extreme weather events such as  
13 the 2021 extreme heat event. Further, Defendants' individual and collective emissions, including  
14 those in Oregon, were a cause of the 2021 extreme heat event. This suit does not seek to challenge  
15 the legal rights of Defendants to create emissions that occur outside of the state of Oregon. The  
16 law, however, does not and should not permit Defendants to conceal and misrepresent the dangers  
17 of their products' emissions, which led to an increase in the demand and consumption of those  
18 products and lack of preparedness for extreme heat drastically exacerbating past and continuing  
19 damages from the 2021 extreme heat event.  
20

21 **A. *Damage: Substantial Cost Incurred to Respond to Extreme Heat Events***

22 490.

23  
24 The County incurred the following costs (and others) in responding to the 2021 heat dome  
25 and 2022 heatwave:

- 26 a) The County established numerous emergency shelters to provide relief  
27 to thousands of heat-stressed residents, including the supply of portable  
28

1  
2 air conditioning units, fans and fresh water, as well as staffing to provide  
3 social services and medical care.

4 b) The County responded to hundreds of heat-related illness or urgent care  
5 visits, in addition to a drastic increase in heat related hospitalizations  
6 over previous years.

7 c) The County Coroner determined that the 2021 heat dome was  
8 responsible for 69 heat related deaths in the County, which the coroner  
9 ruled were caused by hyperthermia. In 2022, five residents perished  
10 from extreme heat.<sup>342</sup>

11 ***B. Damage: Added Costs to Protect Residents and Property from Wildfires And  
12 Smoke***

13 491.

14 In September of 2020, the County experienced a spike in medical visits for respiratory  
15 issues caused by poor air quality because of ACC-related wildfire smoke. Asthma-related health  
16 related visits in Multnomah County increased by nearly one-third in the four weeks during and  
17 after wildfires in 2020.

18 492.

19 In 2022, the County responded to thousands of urgent care clinic visits as a result of poor  
20 air quality arising from waves of wildfire smoke.

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22  
23 <sup>342</sup> The United States EPA has quantified the value of a human *life* at \$10.05 million for the social  
24 cost of a life taken prematurely because of GHG driven climate change. According to that metric,  
25 **the societal cost of the combined loss of the 69 lives in 2021 and 5 lives in 2022 because of  
26 extreme heat is \$743,700,000.** See EPA Draft of Report on the Social Cost of Greenhouse Gases:  
27 Estimates Incorporating Recent Scientific Advances (September  
28 2022). [https://www.epa.gov/system/files/documents/2022-11/epa\\_scghg\\_report\\_draft\\_0.pdf](https://www.epa.gov/system/files/documents/2022-11/epa_scghg_report_draft_0.pdf) (last  
visited June 20, 2023).

1  
2 493.

3 The number of wildfire smoke related healthcare visits and hospitalizations has continued  
4 to increase along with the frequency and severity of wildfires since 2020.

5 494.

6 The County expects increased costs from increased wildfire risk due to Defendants'  
7 misrepresentations and deception about the dangers of their products emissions that have led to  
8 increased demand and consumption and in turn climate change. The County's response,  
9 prevention, mitigation and/or recovery costs are increasing and will continue to increase.  
10

11 ***C. Damage: Substantial Costs Incurred For Public Health Emergency Response***  
12 ***and Preparedness***

13 495.

14 The County has invested substantial sums to prepare for severe public health emergencies  
15 from extreme heat and wildfires, including protocols for bolstering the County's Emergency  
16 Response Plan and for training and testing health care professionals.

17 496.

18 The County has invested substantial sums in developing and strengthening emergency  
19 plans that increase preparedness within the county and the region, ensure that critical operations  
20 will continue during an emergency, and provide for staff training, workshops and disaster plan  
21 management and coordination.  
22

23 497.

24 The County has invested substantial sums to coordinate disaster preparedness activities  
25 within the county, including training, exercise and equipment procurement, and collaboration with  
26 cities, special districts, and non-governmental organizations. During ACC related disasters, the  
27

1  
2 Emergency Management program activates an emergency command center to facilitate the  
3 appropriate response using the staff and resources available.

4 498.

5 The County has incurred substantial costs in leasing, staffing, and operating an emergency  
6 supply depot designed specifically to store disaster relief materials and vehicles for use in climate  
7 related disasters such as heat domes, this was not needed before 2021.

8 499.

9  
10 The County has invested substantial sums to fund programs to identify and eliminate  
11 environmental hazards that contribute to racial and ethnic disparities.

12 500.

13 The County has incurred substantial costs in recruiting and retaining a Climate Resilience  
14 Coordinator, whose job is to coordinate policy interventions with other city, county and state  
15 agencies relating to climate change risks. The job description includes updating wildfire mitigation  
16 zones, weatherization of low-income dwellings, development of best practices for public buildings  
17 to mitigate extreme heat and smoke conditions, develop strategies to reduce heat islands and  
18 develop partnerships with under-resourced East County cities.

19 501.

20  
21 The County has incurred substantial costs in funding initiatives in the East County to  
22 support community climate resiliency efforts which investigate needed upgrades in services and  
23 physical infrastructure to safely and timely respond to ACC-related disasters. Significant funds  
24 have been spent to monitor and assess the services and infrastructure that underserved and  
25 marginalized communities need to enhance the community's tolerance for natural disasters.  
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2 502.

3 The County has incurred substantial costs in funding the purchase and installation of 1,000  
4 portable air conditioners and 10,000 emergency cooling kits, intended for at risk households. The  
5 County has created and funded a Cooling Support Program for the purpose of providing air  
6 conditioners and other life sustaining materials to low-income residents.

7  
8 503.

9 The County has incurred substantial costs in providing emergency shelters, assistance and  
10 street outreach for vulnerable homeless youth, veterans, and families during extreme weather  
11 events.

12 504.

13 The County has incurred substantial costs to fund, recruit, hire and train an Emergency  
14 Analyst to support the County's shelter and disaster resource center functions. The Emergency  
15 Analyst works within the Department of County Human Services and works with County Health  
16 Department and focuses on the implementation of the County's post 2021 heat dome employee  
17 incentive program to develop a robust pool of staff and volunteers who will be available to staff  
18 and service emergency shelters during and after ACC-related disasters.

19  
20 505.

21 The County has incurred substantial costs to fund outreach efforts to reduce the burden on  
22 limited emergency response capacity during an extreme emergency by collaborating with local  
23 businesses, non-governmental organizations, faith-based groups and volunteer groups, as well as  
24 community members, to encourage resilience and create a coordinated disaster response.  
25  
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1  
2 ***D. Damage: Substantial Costs Incurred in Monitoring, Educating and Mitigating***  
3 ***ACC Impacts***

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12 506.

13 The County has incurred substantial costs in creating, staffing, supplying, and operating  
14 the Multnomah County Office of Sustainability, which was established in 2010 in response to the  
15 escalating climate emergency for the purpose of studying, planning, implementing and  
16 coordinating the County’s growing need for modernized social, environmental, and economic  
17 policies and programs. The mission of the Office of Sustainability is to grow and nourish a county  
18 that is equitable, livable, healthy, resilient, and low carbon.

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28 507.

29 The County has incurred substantial costs in staffing and equipping a program that provides  
30 low-income households with energy efficient heat pumps to replace wood burning stoves. Heat  
31 pumps provide cooling during heat events and reduce greenhouse gas emissions as well as  
32 particulate emissions from the burning of wood. The program continues the Wood Stove  
33 Replacement Program which, in the interest of improving air quality and public health, exchanges  
34 wood stoves for new energy efficient furnaces or heat pumps.

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2 509.

3 The County has incurred substantial costs and will continue to do so to design, staff, equip  
4 and operate Environmental Health Community Programs, the purpose of which is to identify and  
5 mitigate ACC-driven environmental health hazards that contribute to racial and ethnic inequities.  
6 The program allocates staffing and material resources to lower income communities who are  
7 disproportionately impacted by ACC. Expenditures include monitoring and assessing ACC health  
8 and environmental impacts.  
9

10 510.

11 The County has incurred substantial costs in assessing damage to County-owned property  
12 and infrastructure for the purpose of “climatizing” air filtration, air conditioning and other systems  
13 and components with repairs, replacements, and upgrades to protect the health and safety  
14 employees and visitors. The County has incurred substantial costs in modernizing, weatherizing,  
15 repairing and upgrading Heating Ventilation Air Conditioning systems to maintain compliance  
16 with indoor air quality systems and Oregon Occupational Safety and Health Administration  
17 standards.  
18

19 511.

20 The County has incurred substantial costs in creating, staffing, equipping, and operating a  
21 Climate Justice Program, the goal of which is to collaborate with frontline communities and  
22 resiliency experts to develop a new climate action community justice framework that continues  
23 and builds upon the results of the 2015 Climate Action Plan.  
24

25 ***E. Damage: Substantial Costs Incurred In Preparing for and Responding to***  
26 ***Extreme Heat and Wildfire Events***  
27  
28

In addition to the costs to repair and maintain climate change-damaged County owned property, bridges, public buildings, and in addition to the costs of providing healthcare, shelters, custodial care and autopsies for the climate casualties, the County has incurred additional substantial costs because of the extreme heat events, wildfires and drought described herein, which include:

- a) Costs of increased electrical power and potable water consumption;
- b) Costs from the loss of productivity from county employees and contractors who were unable to work outside because of hazardous temperatures and /or air quality;
- c) Costs of training first responders;
- d) Costs associated with employing and dispatching public safety officers, 911 operators, and first responders;
- e) Costs for providing mental-health services, treatment, counseling, and rehabilitation services;
- f) Loss of tax revenue;
- g) Loss of tourism revenue;
- h) Losses from diminished property values;
- i) Losses from damaged or destroyed natural resources, including trees, wildlife, and marine life, crops, and vegetation;
- j) Losses from increased heat-related mental illness, increased violence, increased property crimes and increased utilization of county health services and the criminal justice system;
- k) Costs of increased property, casualty and disaster risk insurance costs;
- l) Costs of implementing nature-based climate solutions, e.g., reforestation and drought tolerant, native plant landscaping;
- m) Loss of enjoyment and use of a habitable climate;



- 1
- 2 n) Costs of treating people with ACC-related ground level ozone
- 3 impairment and harmful exposure to allergens, salmonella and other
- 4 infectious pathogens;
- 5 o) The increased costs of maintaining the County's infrastructure, such as
- 6 its bridges over the Willamette River the lifelines between the west and
- 7 east sides of the city and County;
- 8 p) The costs of population displacement and migration of climate refugees
- 9 from southern states or nations.

10 513.

11 The actual damages incurred by the County, because of Defendant's misconduct which

12 substantially contributed to and caused the extreme heat, wildfire and other disasters described

13 herein exceed \$50,000,000.

14 ***F. The County will Incur Substantial Costs to Prepare for, Prevent, Mitigate, and***

15 ***Abate the Climate Change Nuisance***

16 514.

17 The costs of studying, consulting with experts, preparing for, mitigating, adapting to, and

18 abating the ongoing nuisance caused by Defendants will be enormous. The programs and

19 adaptation measures that County has undertaken, as described herein, are only the beginning of an

20 adequate response to dealing with increased risks from ACC. These costs are occurring now and

21 being borne by taxpayers to protect the safety, health, and lives of residents, and the County's

22 property and infrastructure. The costs will continue to grow for decades to come as several

23 Defendants continue to deny the worsening climate calamity so as to not drastically reduce the

24 demand for consumption of fossil fuels. This lawsuit does not seek to regulate GHG emissions.

25 515.

26 The costs will include, not exhaustively:

27

28

- 1
- 2 a) The costs to monitor and assess climate change impacts and devise remedial actions;
- 3
- 4 b) The costs to prepare for, adapt to and abate the health impacts on the County for the increased frequency and duration of extreme heat events, wildfires and wildfire-generated smoke, droughts, storms and other disasters caused by Defendants' misconduct;
- 5
- 6 c) The costs to protect, upgrade, weatherize and fortify transportation systems and structures, levees, roads, utility networks, sewage and potable water systems, school buildings, railways, and bridges;
- 7
- 8 d) The costs of creating wildfire defensive spaces and home hardening to reduce the risk of wildfire destruction;
- 9
- 10 e) The costs to expand health emergency and clinical care services and shelters;
- 11
- 12 f) The costs to design, purchase, install and operate air conditioning and air filtration systems and weatherize at-risk buildings and residences;
- 13
- 14 g) The costs for the county to draw down atmospheric carbon by planting more trees and biomass, expanding open spaces, protecting slopes and riverbanks from erosion, preserving forests, expanding the tree canopy in dense urban areas to mitigate heat islands, and converting to carbon neutral energy systems.
- 15
- 16

17 516.

18 All Defendants acted individually and in concert with other Defendants and propagandists  
19 for the purpose of deceiving Plaintiff and its citizens as to how the manufacture, distribution, sale,  
20 and use of its fossil fuel products would affect the atmosphere and change the County's weather  
21 from mild and predictable to extreme, erratic, destructive, and deadly.

22 517.

23  
24 As a result of each Defendant's misconduct alleged herein, Plaintiff has suffered extreme  
25 and destructive heat events, degraded air quality from wildfire, increased medical costs for fire  
26 and heat-related services, increased burden on the County infrastructure, drought, loss of  
27

1  
2 agricultural production, loss of snowpack and water resources, causing economic damages  
3 exceeding \$50,000,000.

4 518.

5 As a result of each Defendant's misconduct alleged herein, Plaintiff will incur future  
6 economic damages from reoccurring extreme and destructive heat events, degraded air quality  
7 from wildfire, increased medical costs for fire and heat-related services, increased burden on the  
8 County infrastructure, drought, loss of agricultural production, loss of snowpack and water  
9 resources, in the amount of no less than \$1.5 Billion.

10  
11 **V. FIRST CLAIM FOR RELIEF: INTENTIONAL AND NEGLIGENT CREATION  
12 OF PUBLIC NUISANCE**

13 519.

14 Plaintiff realleges and reaffirms the allegations set forth in paragraphs 1-518 as if fully  
15 restated in this claim.

16 520.

17 Defendants' actions were intentional, reckless, deceitful, or negligent as detailed  
18 throughout this Second Amended Complaint.

19 521.

20 Plaintiffs and its citizens have possessory interests in the lands of Multnomah County.  
21 Plaintiff and its citizens have a right to enjoy those lands and the air above same.

22 522.

23 Defendants' intentional and negligent acts in concealing and misrepresenting the dangers  
24 of fossil fuels and climate impacts from the use and sales of fossil fuel-based consumer products  
25 in Multnomah County and elsewhere have caused the losses, death, and destruction of County  
26  
27

1  
2 property, lands, and resources resulting from the extreme weather event known as the 2021 extreme  
3 heat event, wildfires, and their aftermath. Defendants created a public nuisance that is  
4 unreasonable, harmful, and disruptive to health, safety, the County’s fiscal health, and general  
5 welfare of Multnomah County.

6 523.

7  
8 Defendants knew or should have known that their unreasonable, deliberate, reckless, and  
9 deceitful promotion of fossil fuels and the harms they cause would lead to a lack of preparedness  
10 for extreme heat events causing a public nuisance that is harmful to health, obstructs free use of  
11 the County lands and property and will require enormous financial resources to abate.

12 524.

13  
14 Defendants knew or should have known that their unreasonable, deliberate, reckless, and  
15 deceitful promotion of fossil fuels and the harms they cause would lead to an increase in demand  
16 and consumption of fossil fuels causing a public nuisance that is harmful to health, obstructs free  
17 use of the County lands and property and will require enormous financial resources to abate.

18 525.

19  
20 Defendants’ concealments of knowledge that their fossil fuel products could cause extreme  
21 heat events like those that have struck the County, have created an unreasonable interference with  
22 a public right common to the public, including public health, the right to enjoyment of life and  
23 property, and excessive expenditure of taxpayer resources. Extreme heat in a moderate climate,  
24 when coupled with inadequate climate adaptation measures, causes unreasonable interference with  
25 each of these rights common to the public.

1  
2 526.

3 The harms and future risks imposed upon Plaintiff and its inhabitants from climate shift  
4 and extreme heat events in the County that Defendants caused far outweigh any social utility that  
5 Defendants create through their fossil fuel business activities when coupled with the Defendants’  
6 deception of the damage that is wrought therefrom.

7  
8 527.

9 Multnomah County has suffered harm and will continue to suffer harm that is different  
10 from the type of harm suffered by the general public, including damage to County resources, and  
11 expenditures of treasury funds to protect the health and welfare of its citizens and ecosystem.

12 528.

13 Pled in the alternative, and as alleged throughout this Complaint<sup>343</sup> Fossil Fuel Defendants’  
14 in-state emissions in Oregon are, in and of themselves, a cause of extreme weather events,  
15 including the 2021 extreme heat event, and an unreasonable interference with a public right  
16 common to the public, including public health, the right to enjoyment of life and property, and  
17 excessive expenditure of taxpayer resources. Extreme heat in a moderate climate causes  
18 unreasonable interference with each of these rights common to the public.

19  
20 529.

21 Each Defendant’s conduct was a cause of the harm to Multnomah County.  
22  
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26 <sup>343</sup> See e.g., *supra* ¶¶ 39, 53, 66, 80, 89, 100, 109, 116, 127, 134, 149, 159, 164, 167, 170, 171 and  
27 486.

1  
2 530.

3 Defendants' conduct was malicious, wanton, and willful.

4 531.

5 Multnomah County seeks abatement of the extreme weather events through a provision of  
6 resources necessary to adequately prepare the County and its citizens for a new normal—heat  
7 domes, blocking events, periods of high heat and/or wildfire so severe that they kill and sicken  
8 inhabitants, destroy property, and weaken—sometimes cripple—critical infrastructure.

9  
10 532.

11 Adequate abatement will require, not exhaustively, renovating buildings to withstand  
12 extreme heat, fitting cooling units into buildings, providing cooling units in the community,  
13 providing additional cooling shelters for heat emergencies, installing air filtration systems,  
14 planting of greenspaces to reduce temperature in heat islands, reroofing buildings with materials  
15 that better manage heat, repave roads and fortify bridges.

16 **VI. SECOND CLAIM FOR RELIEF: NEGLIGENCE**

17  
18 533.

19 Plaintiff realleges and reaffirms each and every allegation set forth in all the preceding  
20 paragraphs as if fully restated in this claim.

21 534.

22 Defendants knew or should have known that their unreasonable, deliberate, reckless, and  
23 deceitful promotion of fossil fuels and the harms they cause would lead to an increase in demand  
24 and consumption of their products causing extreme weather events like the 2021 heat event, and  
25 to a lack of preparedness by the County for extreme weather events like the 2021 event, which  
26  
27

1  
2 caused and exacerbated the County's damages.

3 535.

4 Defendants were negligent in the following respects:

- 5 a) They continued to extract, process and sell fossil fuel products in  
6 Oregon which they knew or should have known would cause injury to  
7 Plaintiff and others;
- 8 b) They failed to warn Plaintiff and others of the foreseeable consequences  
9 of using their fossil fuel products leading to an increase in demand,  
10 consumption and dependence on fossil fuel products;
- 11 c) They concealed from the public and regulators their knowledge and  
12 research concerning the effects of the extraction, refining and use of  
13 their products;
- 14 d) They developed, designed, tested, inspected, distributed, labeled and  
15 marketed their fossil fuel products and advertised their business  
16 practices in a manner designed to conceal, downplay and obfuscate the  
17 long-term effects of the widespread use of their products;
- 18 e) They misled Plaintiff, its citizens and others regarding the harm caused  
19 by fossil fuel products so as to not discourage excessive purchase, use,  
20 and consumption of the products.

21 536.

22 Plaintiff's injuries were the foreseeable results of Defendants' negligence.

23 537.

24 Pled in the alternative, and as alleged throughout this Complaint<sup>344</sup> Fossil Fuel Defendants  
25 knew or should have known, that their in-state emissions in Oregon, in and of themselves, would  
26  
27

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28 <sup>344</sup> See e.g., *supra* ¶¶ 39, 53, 66, 80, 89, 100, 109, 116, 127, 134, 149, 159, 164, 167, 170, and 171.

1  
2 foreseeably cause extreme weather events, including the 2021 extreme heat event, causing harm  
3 to the Plaintiff.

4 **VII. THIRD CLAIM FOR RELIEF: FRAUD AND DECEIT**

5 538.

6 Plaintiff realleges and reaffirms each and every allegation set forth in all the preceding  
7 paragraphs as if fully restated in this claim.

8 539.

9 Fossil Fuel Defendants, jointly with the Trade Group Defendants and Other Defendants  
10 (McKinsey), engaged in fraud, deceit, or intentional misrepresentation.

11 540.

12 From 1969 to present, Defendants, individually and through both legitimate and  
13 illegitimate means, engaged in a nationwide—including in Oregon—marketing campaign and civil  
14 conspiracy with the purpose and intent to make material representations that were false.  
15 Defendants made these representations knowing they were false.  
16

17 541.

18 Defendants intended that Multnomah County, its citizens and persons across the country  
19 rely on their misrepresentations and excessively purchase, use, and consume fossil fuel products.  
20

21 542.

22 Multnomah County, and its citizens did justifiably rely on Defendants decades-long  
23 assertions that burning fossil fuel products would not cause climate change that would harm the  
24 County or its residents and would not increase the probability and severity of extreme weather  
25 events in the County.  
26



1  
2 543.

3 Multnomah County and its residents' reliance on Defendants' misrepresentations,  
4 fraudulent statements, and deceptive statements led to Multnomah County being unprepared for  
5 the 2021 extreme heat event, suffering the loss of property, infrastructure, financial resources,  
6 lives, and health.

7  
8 544.

9 Multnomah County is entitled to its past damages and future damages due to the fraud and  
10 deceits committed by Defendants. Defendants knew that their acts, omissions, fraud and deceit  
11 would encourage consumption of Fossil Fuel Defendants' products and preclude Multnomah  
12 County and its citizens from adequately preparing for the regional climate shift that has occurred  
13 due to Fossil Fuel Defendants' GHG emissions. The regional climate shift includes but is not  
14 limited to, extreme heat events with greater frequency and intensity, extended drought conditions  
15 that lead to greater intensity and longer wildfires resulting in smoke penetration pollution in  
16 Multnomah County. These extreme weather events have heat smothered the County and caused  
17 millions of dollars in damages. Fossil Fuel Defendants fraudulently concealed their knowledge  
18 that the continued and increased use of their products would cause climate shifts resulting in  
19 extreme heat waves and heat domes of greater than 40° F over the mean temperature.

20  
21 **VIII. FOURTH CLAIM FOR RELIEF: TRESPASS**

22 545.

23  
24 Plaintiff realleges and reaffirms each and every allegation set forth in all the preceding  
25 paragraphs as if fully restated in this claim.  
26  
27  
28

1  
2 546.

3 Plaintiff is the owner, in lawful possession, of real property and has sovereign  
4 responsibilities for Multnomah County.

5 547.

6 Fossil Fuel Defendants have engaged in intentional conduct in Oregon, including their in-  
7 state emissions, that has caused and contributed to climate change, thus causing airborne  
8 particulates from extreme wildfires to enter Plaintiffs' property.  
9

10 548.

11 Fossil Fuel Defendants have engaged in intentional conduct in Oregon that has caused and  
12 contributed to climate change, resulting in a radical shift in climate patterns that has caused waters,  
13 from extreme rain events and excessive snowpack melting, to enter Plaintiff's property.  
14

15 549.

16 Multnomah County has not granted permission to Defendants to damage its property nor  
17 enter nor intrude upon it with fire, smoke, water, or intense heat created by Defendants'  
18 misconduct.

19 550.

20 Fossil Fuel Defendants knew that the use of their products, including the in-state emissions  
21 therefrom, would both cause climate change—extreme weather events, more intense fires causing  
22 smoke intrusion—and cause these invasions of Plaintiff's property and that they lacked permission  
23 for these invasions but intruded anyway.  
24  
25  
26  
27  
28

1  
2 551.

3 These invasions are now occurring and will continue to occur causing harm to the County.  
4 Fossil Fuel Defendants' trespasses are a cause of injury and losses to the County.

5 552.

6 The County's real property has been and continues to be damaged by these intrusions.

7  
8 **IX. RELIEF REQUESTED**

9 WHEREFORE, Plaintiff prays for a judgment and an order against each Defendant as follows:

- 10 a) That the acts alleged herein be adjudged and decreed to be unlawful and  
11 that the Court enter a judgment declaring them to be so;
- 12 b) Finding Defendants, and each of them, liable for causing, creating,  
13 assisting in the creation of, contributing to, and/or maintaining a public  
14 nuisance;
- 15 c) Compensatory award for past damages in the amount of \$50,000,000  
16 according to proof, of the costs of actions Multnomah County has  
17 already taken, expenditures made, and losses incurred to protect the  
18 public health, safety, and property of the County and its residents from  
19 extreme heat weather events and wildfire smoke;
- 20 d) The entry of an order that will abate the nuisance by the establishment  
21 of an abatement fund remedy to be paid for by the Defendants in the  
22 amount of at least \$50 Billion for the costs of studying and planning on  
23 a countywide scale for the renovations, replacements, retrofits and  
24 revised programs that are reasonably necessary to reduce the ongoing  
25 harms caused by the Defendants, the implementation of which  
26 will reasonably prepare the County and its residents for foreseeable  
27 negative impacts arising from the increased frequency and severity of  
28 extreme heat, wildfire, drought and consequences of Defendants'  
misconduct. The planning, approval and implementation will  
take considerable time, staffing and resources, during which time the  
nuisance is expected to continue to worsen, even if carbon emissions  
worldwide ceased altogether, as the current hazardous levels of GHG in  
the atmosphere will remain aloft for decades where said pollution will  
continue to cause extreme events, absent massive but untested and  
unproven technological carbon capture programs. The abatement funds  
will be necessary to essentially "weatherize" the County to prepare for

1  
2 and safeguard against the continued infliction of harms from extreme  
3 weather events, for which Defendants are liable;

- 4 e) Compensatory award for future damages in the amount of no less than  
5 \$1.5 Billion, according to proof, for the damages Defendants will cause  
6 to Plaintiff before an abatement plan to reduce or prevent future harms  
7 can be implemented;
- 8 f) Awarding attorneys' fees as permitted by law;
- 9 g) Awarding costs and expenses as permitted by law;
- 10 h) Awarding pre-judgment and post-judgment interest as permitted by law;  
11 and
- 12 i) Awarding such additional relief as may be just and proper.

13 Dated this 4th day of October 2024.

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16 **COUNTY, OREGON**

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to be sent by the following indicated method or methods, on the date set forth below:

- by **sending via the court’s electronic filing system, to the extent it exists and counsel is registered**
- by **email**
- by **mail, to each of the attorneys listed as counsel for Plaintiff above**
- by **service of process to the added parties (unlisted above) as governed by the applicable ORCP**

DATED: October 4, 2024

**SIMON GREENSTONE PANATIER, P.C.**

By: /s/Shreedhar R. Patel  
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