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20 *The City of Richmond, a municipal corporation, individually*  
*and on behalf of the People of the State of California*

21 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
22 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

23 COORDINATION PROCEEDING  
24 SPECIAL TITLE [CRC 3.550(c)]

25 **FUEL INDUSTRY CLIMATE CASES**

26 **THIS CASE RELATES TO:**  
27

JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 5310

Case No.: CJC-24-005310

28 **FIRST AMENDED COMPLAINT FOR:**

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

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

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*The City of Richmond, a municipal corporation, individually and on behalf of The People of the State of California v. Chevron Corporation et al., Contra Costa Superior Court, Case No.: C18-00055*

THE CITY OF RICHMOND, a municipal corporation, individually and on behalf of THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiffs,

vs.

CHEVRON CORPORATION; CHEVRON U.S.A. INC.; EXXONMOBIL CORPORATION; EXXONMOBIL OIL CORPORATION; BP P.L.C.; BP AMERICA, INC.; SHELL PLC; SHELL USA, INC., SHELL OIL PRODUCTS COMPANY LLC; CITGO PETROLEUM CORP.; CONOCOPHILLIPS; CONOCOPHILLIPS COMPANY; PHILLIPS 66; PHILLIPS 66 COMPANY; TOTAL E&P USA INC.; TOTAL SPECIALTIES USA INC.; ENI S.p.A.; ENI OIL & GAS INC.; ANADARKO PETROLEUM CORP.; OCCIDENTAL PETROLEUM CORP.; OCCIDENTAL CHEMICAL CORP.; REPSOL S.A.; REPSOL ENERGY NORTH AMERICA CORP.; REPSOL TRADING USA CORP.; MARATHON OIL COMPANY; MARATHON OIL CORPORATION; MARATHON PETROLEUM CORP.; HESS CORP.; DEVON ENERGY CORP.; DEVON ENERGY PRODUCTION COMPANY, L.P.; ENCANA CORP.; APACHE CORP.; and DOES 1 through 100, inclusive,

Defendants.

- 1. PUBLIC NUISANCE ON BEHALF OF THE PEOPLE OF THE STATE OF CALIFORNIA;
- 2. PUBLIC NUISANCE;
- 3. STRICT LIABILITY – FAILURE TO WARN;
- 4. PRIVATE NUISANCE;
- 5. NEGLIGENCE;
- 6. NEGLIGENCE – FAILURE TO WARN; and
- 7. TRESPASS.

JURY TRIAL DEMANDED

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1 **I. INTRODUCTION**

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

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

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

<sup>2</sup> As used in this Complaint, “Richmond” and “City” refer to all areas within the geographic  
boundaries of the City.

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

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

7 4. The rate at which Defendants have extracted and sold fossil fuel products has  
8 exploded since the Second World War, as have emissions from those products. The substantial  
9 majority of all greenhouse gas emissions in history has occurred since the 1950s, a period known  
10 as the “Great Acceleration.”<sup>5</sup> About three quarters of all industrial CO<sub>2</sub> emissions in history have  
11 occurred since the 1960s,<sup>6</sup> and more than half have occurred since the late 1980s.<sup>7</sup> The annual rate  
12 of CO<sub>2</sub> emissions from fossil fuels has increased by more than 60% since 1990.<sup>8</sup>

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

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

22 <sup>4</sup> See C. Le Quéré et al., Global Carbon Budget 2016, *Earth Syst. Sci. Data* 8, 632 (2016),  
23 <http://www.earth-syst-sci-data.net/8/605/2016/>. Cumulative emissions since the beginning of the  
24 industrial revolution to 2015 were 413 GtC attributable to fossil fuels, and 190 GtC attributable  
25 to land use change. *Id.* Global CO<sub>2</sub> emissions from fossil fuels and industry remained nearly  
26 constant at 9.9 GtC in 2015, distributed among coal (41 %), oil (34 %), gas (19 %), cement (5.6  
27 %), and gas flaring (0.7 %). *Id.* at 629.

25 <sup>5</sup> Will Steffen et al., The Trajectory of the Anthropocene: The Great Acceleration (2015),  
26 <http://journals.sagepub.com/doi/abs/10.1177/2053019614564785>.

26 <sup>6</sup> R.J. Andres et al., A synthesis of carbon dioxide emissions from fossil-fuel combustion,  
27 *Biogeosciences*, 9, 1851 (2012), <http://www.biogeosciences.net/9/1845/2012/>.

27 <sup>7</sup> *Id.*

28 <sup>8</sup> Le Quéré et al. (2016), supra note 4, at 630.

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

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

14           7. Extreme flooding events will more than double in frequency on California's Pacific  
15 coast by 2050.<sup>9</sup> Flooding and storms will become more frequent and more severe, and average sea  
16 level will rise substantially along California's coast, and in the San Francisco Bay Area including  
17 in the City of Richmond. Disruptions to weather cycles, extreme precipitation and drought,  
18 heatwaves, and associated consequences—all due to anthropogenic global warming—will increase  
19 in the City of Richmond. The City, situated on a peninsula and surrounded on its northern, western,  
20 and southern boundaries by the San Francisco Bay, is particularly vulnerable to sea level rise and  
21 water shortages, and has already spent significant funds to study, mitigate, and adapt to the effects  
22 of global warming. Climate change impacts already adversely affect Richmond and jeopardize  
23 City-owned or operated facilities deemed critical for operations, utility services, and risk

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24  
25 <sup>9</sup> Sean Vitousek et al., Doubling of coastal flooding frequency within decades due to sea-level  
26 rise, Scientific Reports, (May 18, 2017) (“Only 10 cm of SLR doubles the flooding potential in  
27 high-latitude regions with small shape parameters, notably the North American west coast  
28 and the European Atlantic coast.”); USGS, In Next Decades, Frequency of Coastal Flooding Will  
Double Globally (May 18, 2017), <https://www.usgs.gov/news/next-decades-frequency-coastal-flooding-will-double-globally>.

1 management, as well as other assets that are essential to community health, safety, and well-being.  
2 These impacts, as well as extreme heat, present myriad public health harms in the City, felt first  
3 and worst by its most vulnerable communities.

4 8. The City has engaged in several planning processes to prepare for the multitude of  
5 impacts from climatic shifts, and has recognized increasingly severe consequences.

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

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

12 11. Plaintiffs do not seek relief as to state-owned property and assets. Plaintiffs do not  
13 seek any remedy for harms or violations for which the State or State agencies have exclusive  
14 authority to recover damages or obtain injunctive relief.

15 12. Plaintiffs hereby disclaim injuries arising on federal property and those arising from  
16 Defendants' provision of non-commercial, specialized fossil fuel products to the federal  
17 government for military and national defense purposes. Plaintiffs seek no recovery or relief  
18 attributable to these injuries.

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

22 14. By this action, Plaintiffs seek to ensure that the parties responsible for causing and  
23 exacerbating climate change-related harms to the City bear the costs of its impacts, rather than  
24 Plaintiffs, local taxpayers, or residents.

25 **II. PARTIES**

26 **A. Plaintiffs**

27 15. Plaintiff, the People of the State of California ("the People"), by and through the  
28 City Attorney for the City of Richmond, brings this suit pursuant to Code of Civil Procedure



1 section 731, and Civil Code sections 3479, 3480, 3491, and 3494, to abate the nuisance caused by  
2 the effects of climate change in the City’s jurisdiction.

3 16. Plaintiff the City of Richmond (“the City” or “Richmond”), a municipal  
4 corporation, is a political subdivision of the State of California. It is a city located in Contra Costa  
5 County.

6 17. The City is bordered by the San Francisco Bay to the North, West, and South, and  
7 the Richmond Hills to the East.

8 18. Richmond is already experiencing sea level rise and associated impacts. The City  
9 will experience significant additional sea level rise over the coming decades through at least 2150.

10 19. Sea level has already risen significantly on the City’s coast. The City anticipates  
11 and is planning for significant sea level rise by the year 2100, and the State of California projects  
12 possible sea level rise well above the City’s estimates in that same period under a “business-as-  
13 usual” emissions scenario.<sup>10</sup>

14 20. The sea level rise impacts on the City associated with an increase in average mean  
15 sea level height include, but are not limited to, increased inundation and flooding in natural and  
16 built environments with higher tides and intensified wave and storm surge events; aggravated wave  
17 impacts, including erosion, damage, and destruction of built structures, as well as natural features  
18 like cliffs, beaches, and dunes, with consequent landslides; changes in sediment supply that could  
19 alter or destroy natural coastal habitats like beaches and wetlands, which would otherwise naturally  
20 mitigate sea level rise impacts; saltwater intrusion on groundwater and infrastructure;  
21 magnification of other climate change impacts, due to the superimposition of sea level rise on  
22 shifts in precipitation patterns that result in more rain and attendant flooding; increased frequency  
23 and severity of storms that cause erosion, flooding, and temporary sea level rise increases; and  
24 others. Compounding these environmental impacts are cascading social and economic impacts,

25  
26  
27 <sup>10</sup> Gary Griggs et al., Rising Seas in California: An Update on Sea-Level Rise Science, California  
28 Ocean Science Trust, at 26, Table 1(b) (Apr. 2017),  
<http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf>.

1 which are secondary and tertiary injuries that arise out of physical sea level rise injuries to the City.

2 21. In addition, Richmond is and will continue to be impacted by disruptions to the  
3 hydrologic cycle and extreme temperatures. The City is already experiencing a climatic and  
4 meteorological shift toward hotter, dryer, and longer summers, with more extreme precipitation  
5 events; increased ambient temperature; and increasingly frequent and severe drought. These  
6 changes have led to increased water shortages, impacts to biodiversity, impacts to public health,  
7 and economic injuries. The City will also experience public health harms disproportionately borne  
8 by communities made vulnerable by geographic, racial, or income disparities, including, but not  
9 limited to, illness and injury from extreme heat, extreme weather, air quality impacts from wildfire  
10 smoke, and increased vector borne illnesses. The City must expend substantial funds to plan for  
11 and respond to these phenomena, and to mitigate their secondary and tertiary impacts.

12 22. Compounding these environmental impacts are cascading social and economic  
13 impacts, that cause injuries to the City that will arise out of localized climate change-related  
14 conditions.

15 23. Municipal assets in the City that will be impacted by climate change and consequent  
16 sea level rise and disruption of the hydrologic cycle include, but are not limited to, housing and  
17 schools, water supply, wastewater infrastructure, stormwater infrastructure, transportation  
18 infrastructure, flood management infrastructure, energy infrastructure, solid waste/hazardous  
19 materials management, parks, natural areas, and ecosystems, some of which have already suffered  
20 damage from rising sea levels and hydrologic regime shifts, and/or will suffer increasing damage  
21 in the future through rising sea levels and through the exacerbation of natural climate-driven  
22 phenomena such as drought and coastal erosion.

23 **B. Defendants**

24 24. When reference in this complaint is made to an act or omission of the Defendants,  
25 unless specifically attributed or otherwise stated, such references should be interpreted to mean  
26 that the officers, directors, agents, employees, or representatives of the Defendants committed or  
27 authorized such an act or omission, or failed to adequately supervise or properly control or direct  
28 their employees while engaged in the management, direction, operation, or control of the affairs

1 of Defendants, and did so while acting within the scope of their employment or agency.

2 25. **Chevron Entities: Chevron Corporation and Chevron U.S.A. Inc.**

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

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

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

20 d. Chevron Corporation controls and has controlled group-wide decisions,  
21 including those of its subsidiaries, related to marketing, advertising, greenhouse gas emissions and  
22 climate change resulting from the company’s fossil fuel products, and communications strategies  
23 concerning climate change and the link between fossil fuel use and climate-related impacts on the  
24 environment and humans. Overall accountability for climate change within Chevron Corporation  
25 lies with Chevron Corporation’s Board of Directors and Executive Committee.

26 e. Defendant **Chevron U.S.A. Inc.** is a wholly owned subsidiary of Chevron  
27 Corporation that acts on Chevron Corporation’s behalf and is subject to Chevron Corporation’s  
28 control. Chevron U.S.A. Inc. is a Pennsylvania corporation, with its principal place of business in

1 San Ramon, California. Through its predecessors, Chevron U.S.A. Inc. has been registered to do  
2 business in California since 1965. Chevron U.S.A. Inc. was formerly known as, did or does  
3 business as, and/or is the successor in liability to Gulf Oil Corporation, Gulf Oil Corporation of  
4 Pennsylvania, Chevron Products Company, Chevron Chemical Company, and Chevron Chemical  
5 Company LLC.

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

9 g. Plaintiffs’ claims against Chevron arise out of and are related to the acts and  
10 omissions of Chevron in California and elsewhere that caused and will cause injuries in California,  
11 including in Richmond.

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

24 i. Over the last several decades and continuing to the present day, Chevron  
25 spent millions of dollars on radio, television, online, social media, and outdoor advertisements in  
26 the California market related to its fossil fuel products. Since at least 1970, and continuing to the  
27 present day, Chevron has advertised in print publications circulated widely to California  
28 consumers, including but not limited to the following: The Atlantic, Life, National Geographic,

1 The New York Times, Sports Illustrated, Time Magazine, The Wall Street Journal, and The  
2 Washington Post. As further detailed herein, these include advertisements containing false or  
3 misleading statements, misrepresentations, and/or material omissions obfuscating the connection  
4 between the production and use of Chevron's fossil fuel products and climate change, and/or  
5 misrepresenting Chevron's products or Chevron itself as environmentally friendly.

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

17 k. Chevron historically directed its fossil fuel product advertising, marketing,  
18 and promotional campaigns to California, including through maps that identified the locations of  
19 its service stations in California. Chevron markets and advertises its fossil fuel products in  
20 California to California residents by maintaining an interactive website available to prospective  
21 customers by which it directs California residents to Chevron's nearby retail service stations.  
22 Chevron markets and sells engine lubricants and motor oils to California customers under its Delo,  
23 IsoClean, Techron, and Havoline brand names at retail outlets. Chevron offers a proprietary credit  
24 card known as the "Chevron Techron Advantage Credit Card," which allows consumers in  
25 California to pay for gasoline and other products at Chevron-branded service stations, and which  
26 encourages California consumers to use Chevron-branded service stations by offering various  
27 rewards, including discounts on gasoline purchases at Chevron service stations and cash rebates.  
28 Chevron further maintains two smartphone applications known as the "Chevron App" and the

1 “Texaco App,” both part of the “Chevron Texaco Rewards” program. The program offers  
2 California consumers a cashless payment method for gasoline and other products at Chevron- and  
3 Texaco-branded service stations. California consumers utilize the payment method by providing  
4 their credit card information through the application. California consumers can also receive  
5 rewards, including discounts on gasoline purchases, by registering their personal identifying  
6 information in the apps and by using the applications to identify and activate gas pumps at Chevron  
7 and Texaco service stations during a purchase.

8 26. **Exxon Entities: Exxon Mobil Corporation and ExxonMobil Oil Corporation**

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

18 b. Defendant **ExxonMobil Oil Corporation** is a wholly owned subsidiary of  
19 Exxon Mobil Corporation, acts on Exxon Mobil Corporation’s behalf, and is subject to Exxon  
20 Mobil Corporation’s control. ExxonMobil Oil Corporation is a New York corporation  
21 headquartered in Spring, Texas, and has been registered to do business in California since 1959.  
22 ExxonMobil Oil Corporation was formerly known as, did or does business as, and/or is the  
23 successor in liability to Mobil Oil Corporation. ExxonMobil Oil Corporation is engaged in the  
24 business of oil and natural gas production, refining, marketing, and distribution.

25 c. Exxon Mobil Corporation controls and has controlled group-wide decisions  
26 about the quantity and rate of fossil fuel production and sales, including those of its subsidiaries.  
27 Exxon Mobil Corporation’s 2022 Form 10-K filed with the United States Securities and Exchange  
28 Commission (“SEC”) represents that its success, including its “ability to mitigate risk and provide

1 attractive returns to shareholders, depends on [its] ability to successfully manage [its] overall  
2 portfolio, including diversification among types and locations of [its] projects, products produced,  
3 and strategies to divest assets.” Exxon Mobil Corporation determines whether and to what extent  
4 its subsidiaries market, produce, and/or distribute fossil fuel products. For example, on October  
5 11, 2023, Exxon Mobil Corporation announced its acquisition of Pioneer Natural Resources in a  
6 press release that referred to the corporate family generally as “ExxonMobil.”

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

18           e. Defendants Exxon Mobil Corporation, ExxonMobil Oil Corporation, and  
19 their predecessors, successors, parents, subsidiaries, affiliates, and divisions, are collectively  
20 referred to herein as “Exxon.”

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

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

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

13           i.       Over the past several decades and continuing to the present day, Exxon  
14 spent millions of dollars on radio, television, online, social media, and outdoor advertisements in  
15 the California market related to its fossil fuel products. Since at least 1972, and continuing to the  
16 present day, Exxon has advertised its fossil fuel products in print publications circulated widely to  
17 California consumers, including but not limited to: The Atlantic, Life, National Geographic, The  
18 New York Times, People, Sports Illustrated, Time, The Wall Street Journal, and The Washington  
19 Post. As further detailed herein, these include advertisements containing false or misleading  
20 statements, misrepresentations, and/or material omissions designed to hide the connection between  
21 the production and use of Exxon's fossil fuel products and climate change, and/or misrepresenting  
22 Exxon's products or Exxon itself as environmentally friendly.

23           j.       Significant quantities of Exxon's fossil fuel products are or have been  
24 transported, traded, distributed, promoted, marketed, manufactured, sold, and/or consumed in  
25 California, from which activities Exxon derives and has derived substantial revenue. Exxon owns  
26 and operates a petroleum storage and transport facility in the San Ardo Oil Field in San Ardo,  
27 California. Exxon and its predecessors owned and operated an oil refinery in Torrance, California,  
28 from 1966 to 2016, shortly after an explosion disabled the refinery. Exxon Co. USA, an



1 ExxonMobil subsidiary, operated a petroleum refinery in Benicia, California, from 1968 to 2000.  
2 Exxon also—both directly and through its subsidiaries and/or predecessors-in-interest—has  
3 supplied substantial quantities of fossil fuel products to California during the period relevant to  
4 this Complaint. Currently, Exxon promotes, markets, and sells gasoline and other fossil fuel  
5 products to California consumers through approximately 600 Exxon- and Mobil-branded  
6 petroleum service stations in California. During the period relevant to this Complaint, Exxon sold  
7 a substantial percentage of all retail gasoline in California. Exxon also markets and sells petroleum  
8 products, including engine lubricants and motor oils sold under the “Mobil 1” brand name, to  
9 California customers through local retailers.

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

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

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

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

11           c.     BP P.L.C. controls and has controlled group-wide decisions, including  
12 those of its subsidiaries, related to marketing, advertising, climate change, and greenhouse gas  
13 emissions from its fossil fuel products, as well as communications strategies concerning climate  
14 change and the link between fossil fuel use and climate-related impacts on the environment and  
15 humans. BP P.L.C. makes decisions on production and use of fossil fuel reserves for the entire BP  
16 Group based on factors including climate change. BP P.L.C.’s Board of Directors is the company’s  
17 highest decision-making body, with direct responsibility for the BP Group’s policies concerning  
18 climate change policies. BP P.L.C.’s chief executive is responsible for maintaining the BP Group’s  
19 system of internal control that governs the BP Group’s business conduct. BP P.L.C.’s senior  
20 leadership directly oversees a carbon steering group, which manages climate-related matters and  
21 consists of two committees—both overseen directly by the Board—focused on climate-related  
22 investments.

23           d.     Defendant **BP America Inc.** is a wholly owned subsidiary of BP P.L.C. that  
24 acts on BP P.L.C.’s behalf and is subject to BP P.L.C.’s control. BP America Inc. is a vertically  
25 integrated energy and petrochemical company incorporated in the state of Delaware with its  
26 headquarters and principal place of business in Houston, Texas. BP America Inc. is registered to  
27 do business in California. BP America Inc. consists of numerous divisions and affiliates in all  
28 aspects of the fossil fuel industry, including exploration for and production of crude oil and natural

1 gas; manufacture of petroleum products; and transportation, marketing, and sale of crude oil,  
2 natural gas, and petroleum products. BP America Inc. was formerly known as, did or does business  
3 as, is or was affiliated with, and/or is the successor in liability to Amoco Oil Company; Amoco  
4 Production Company; ARCO Products Company; BP Exploration & Oil, Inc.; BP Products North  
5 America Inc.; BP Amoco Corporation; BP Oil, Inc.; BP Oil Company; Sohio Oil Company;  
6 Standard Oil of Ohio (SOHIO); Standard Oil (Indiana); and Atlantic Richfield Company (a  
7 Pennsylvania Corporation) and its division, the Arco Chemical Company.

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

11 f. Plaintiffs’ claims against BP arise out of and are related to the acts and  
12 omissions of BP in California and elsewhere that caused or will cause injuries in California,  
13 including in Richmond.

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

26 h. Over the last several decades and continuing to the present day, BP—  
27 especially BP p.l.c.—spent millions of dollars on radio, television, online, social media, and  
28 outdoor advertisements in the California market related to its fossil fuel products. Since at least

1 1988 and continuing to the present day, BP has advertised in print publications circulated widely  
2 to California consumers, including but not limited to the following: The Atlantic, Life, National  
3 Geographic, The New York Times, People, Sports Illustrated, Time, The Wall Street Journal, and  
4 The Washington Post. As further detailed herein, these include advertisements containing false or  
5 misleading statements, misrepresentations, and/or material omissions obfuscating the connection  
6 between the production and use of BP's fossil fuel products and climate change, and/or  
7 misrepresenting BP's products or BP itself as environmentally friendly.

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

19 j. BP also markets and sells other fossil fuel products, including engine  
20 lubricant and motor oils, to Richmond and California consumers under its Castrol brand name.

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

1           1.       By BP’s own description, its “retail stations in California serve more than  
2 640,000 customers every day.”<sup>11</sup> BP claims to support 3,000 jobs in California, including at least  
3 1,400 BP employees, and has invested over \$100 million through vendors in California.

4           28.       **Shell Entities: Shell plc, Shell USA, Inc., and Shell Oil Products Company LLC**

5           a.       Defendant **Shell plc** (formerly Royal Dutch Shell PLC) is a vertically  
6 integrated multinational energy and petrochemical company. Shell plc is incorporated in England  
7 and Wales, with its headquarters and principal place of business in The Hague, Netherlands. Shell  
8 plc is the ultimate parent company of numerous divisions, subsidiaries, and affiliates, referred to  
9 collectively as the “Shell Group,” that engage in all aspects of fossil fuel production, including  
10 exploration, development, extraction, manufacturing and energy production, transport, trading,  
11 marketing, and sales.

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

16           c.       Shell plc controls and has controlled group-wide decisions, including those  
17 of its subsidiaries, related to marketing, advertising, greenhouse gas emissions and climate change  
18 resulting from the company’s fossil fuel products, and communications strategies concerning  
19 climate change and the link between fossil fuel use and climate-related impacts on the environment  
20 and humans. Overall accountability for climate change within the Shell Group lies with Shell plc’s  
21 Chief Executive Officer and Executive Committee. For instance, at least as early as 1988, Shell  
22 plc, through its predecessors and subsidiaries, was researching company-wide CO<sub>2</sub> emissions and  
23 concluded that the Shell Group accounted for 4% of the CO<sub>2</sub> emitted worldwide from combustion,  
24 and that climatic changes could compel the Shell Group, as controlled by Shell plc, to examine the  
25 possibilities of expanding and contracting its business accordingly.

26  
27 \_\_\_\_\_  
28 <sup>11</sup> BP, [Bp in California](https://www.bp.com/content/dam/bp/country-sites/en_us/united-states/home/documents/where-we-operate/states/bp%20in%20California.pdf), [https://www.bp.com/content/dam/bp/country-sites/en\\_us/united-states/home/documents/where-we-operate/states/bp%20in%20California.pdf](https://www.bp.com/content/dam/bp/country-sites/en_us/united-states/home/documents/where-we-operate/states/bp%20in%20California.pdf).

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

9           e.       Defendant **Shell Oil Products Company LLC** is a wholly owned  
10 subsidiary of Shell USA, Inc., that acts on Shell USA, Inc.’s behalf and is subject to Shell USA,  
11 Inc.’s control. Shell Oil Products Company LLC is incorporated in Delaware, with its principal  
12 place of business in Houston, Texas, and has been registered to do business in California since  
13 2001. Shell Oil Products Company LLC was formerly known as, did or does business as, and/or  
14 is the successor in liability to Shell Oil Products Company, which was a Delaware corporation that  
15 converted to a limited liability company in 2001.

16           f.       Defendants Shell plc, Shell USA, Inc., Shell Oil Products Company LLC,  
17 and their predecessors, successors, parents, subsidiaries, affiliates, and divisions are collectively  
18 referred to herein as “Shell.”

19           g.       Plaintiffs’ claims against Shell arise out of and are related to the acts and  
20 omissions of Shell in California and elsewhere that caused and will cause injuries in California,  
21 including in Richmond.

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

1 were designed to conceal these harms and mislead consumers and the public, including Richmond  
2 and its residents, about the serious adverse consequences that would result from continued use of  
3 Shell's products. That conduct was purposefully directed to reach Richmond and obscure the  
4 dangers of Shell's fossil fuel products from Richmond and its residents such that use of Shell's  
5 fossil fuel products in Richmond would not decline.

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

16 j. Significant quantities of Shell's fossil fuel products are or have been  
17 transported, traded, distributed, promoted, marketed, manufactured, sold, and/or consumed in  
18 California, from which activities Shell derives and has derived substantial revenue. Shell conducts  
19 and controls, either directly or through franchise agreements, retail fossil fuel sales at gas station  
20 locations throughout California, at which locations it promotes, advertises, and sells its fossil fuel  
21 products under its Shell brand name. Shell operates over 1,000 Shell-branded petroleum service  
22 stations in California. During the period relevant to this Complaint, Shell sold a substantial  
23 percentage of all retail gasoline sold in California. Shell also supplies, markets, and promotes its  
24 Pennzoil line of lubricants at retail and service stations throughout California. From 1924 to 1992,  
25 Shell owned and operated an oil refinery in Carson, California, where it now owns and operates  
26 the property as a distribution facility for petroleum and petroleum products throughout Southern  
27 California. From 1915 to 2020, Shell owned and operated an oil refinery in Martinez, California.

1 From 1998 to 2007, Shell owned and operated an oil refinery in Wilmington, California. From  
2 1998 to 2005, Shell owned and operated an oil refinery in Bakersfield, California.

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

18 29. **Citgo Petroleum Corporation ("Citgo")**

19 a. Citgo is a direct, wholly owned subsidiary of PDV America, Incorporated,  
20 which is a wholly owned subsidiary of PDV Holding, Incorporated. These organizations' ultimate  
21 parent is Petroleos de Venezuela, S.A. ("PDVSA"), an entity wholly owned by the Republic of  
22 Venezuela that plans, coordinates, supervises and controls activities carried out by its subsidiaries.  
23 Citgo is incorporated in the State of Delaware and maintains its headquarters in Houston, Texas.

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

27 c. Citgo is registered to do business in the State of California and has  
28 designated an agent for service of process in California. Citgo further does substantial fossil fuel



1 product-related business in California, and a substantial portion of its fossil fuel products are  
2 extracted, refined, transported, traded, distributed, marketed, and/or sold in California. For  
3 instance, Citgo sells significant volumes of fossil-fuel derived consumer motor oils and automobile  
4 lubricants through retail and wholesale distributors. Citgo further sells a wide variety of greases  
5 and oils for use in construction, mining, agricultural, and metalworking machinery and vehicles,  
6 and in many other industrial and commercial settings, through licensed distributors in California.

7  
8 30. **ConocoPhillips Entities: ConocoPhillips, ConocoPhillips Company, Phillips**  
9 **66, and Phillips 66 Company**

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

15 b. ConocoPhillips controls and has controlled group-wide decisions about the  
16 quantity and rate of fossil fuel production and sales, including those of its subsidiaries.  
17 ConocoPhillips determines whether and to what extent its corporate holdings market, produce,  
18 and/or distribute fossil fuel products. ConocoPhillips’s most recent annual report to the Securities  
19 and Exchange Commission subsumes the operations of ConocoPhillips’s subsidiaries under its  
20 name. In ConocoPhillips’s Form 10-K filed with the SEC for Fiscal Year 2022, the company  
21 represents that its value—for which ConocoPhillips maintains ultimate responsibility—is a  
22 function of its decisions to direct subsidiaries to develop crude oil, bitumen, natural gas, and natural  
23 gas liquids from ConocoPhillips’s reserves into fossil fuel products and to explore for and replace  
24 those reserves with more fossil fuels: “Unless we successfully develop resources, the scope of our  
25 business will decline, resulting in an adverse impact to our business. . . . If we are not successful  
26 in replacing the resources we produce with good prospects for future organic development or  
27 through acquisitions, our business will decline.”

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

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

16 e. Defendant **ConocoPhillips Company** is a wholly owned subsidiary of  
17 ConocoPhillips that acts on ConocoPhillips’s behalf and is subject to ConocoPhillips’s control.  
18 ConocoPhillips Company is incorporated in Delaware, with its principal place of business in  
19 Houston, Texas, and has been registered to do business in California since 1947. ConocoPhillips  
20 Company was formerly known as, did or does business as, and/or is the successor in liability to  
21 Phillips Petroleum Company.

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

26 g. Defendant **Phillips 66 Company** is a wholly owned subsidiary of Phillips  
27 66 that acts on Phillips 66’s behalf and is subject to Phillips 66’s control. Phillips 66 Company is  
28 incorporated in Delaware, with its principal place of business in Houston, Texas, and has been

1 registered to do business in California since 2011. Phillips 66 Company had been registered since  
2 1964 under a different name, Phillips Chemical Company, which was a wholly owned subsidiary  
3 of the Phillips Petroleum Company. Phillips Chemical Company changed its name to Phillips 66  
4 Company in 1985, and that iteration of Phillips 66 Company was terminated in 1991. Phillips 66  
5 Company was formerly known as, did or does business as, and/or is the successor in liability to  
6 Phillips Petroleum Company; Phillips Chemical Company; Conoco, Inc.; Tosco Corporation; and  
7 Tosco Refining Co.

8 h. Defendants ConocoPhillips, ConocoPhillips Company, Phillips 66, and  
9 Phillips 66 Company, as well as their predecessors, successors, parents, subsidiaries, affiliates, and  
10 divisions, are collectively referred to herein as “ConocoPhillips.”

11 i. Plaintiffs’ claims against ConocoPhillips arise out of and are related to the  
12 acts and omissions of ConocoPhillips in California and elsewhere that caused and will cause  
13 injuries in California, including in Richmond.

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

27 k. Over the last several decades and continuing to the present day,  
28 ConocoPhillips spent millions of dollars on radio, television, online, social media, and outdoor

1 advertisements in the California market related to its fossil fuel products. Since at least 1970, and  
2 continuing to the present day, ConocoPhillips has advertised in print publications circulated widely  
3 to California consumers, including but not limited to the following: The Atlantic, Life, National  
4 Geographic, The New York Times, People, Sports Illustrated, Time, The Wall Street Journal, and  
5 The Washington Post. As further detailed herein, these include advertisements containing false or  
6 misleading statements, misrepresentations, and/or material omissions obfuscating the connection  
7 between the production and use of ConocoPhillips's fossil fuel products and climate change,  
8 and/or misrepresenting ConocoPhillips's products or ConocoPhillips itself as environmentally  
9 friendly.

10           1. Significant quantities of ConocoPhillips's fossil fuel products are or have  
11 been transported, traded, distributed, promoted, marketed, manufactured, sold, and/or consumed  
12 in California, from which activities ConocoPhillips derives and has derived substantial revenue.  
13 ConocoPhillips conducts and controls, either directly or through franchise agreements, retail fossil  
14 fuel sales at gas station locations throughout California, at which locations it promotes, advertises,  
15 and sells its fossil fuel products under its various brand names, including Conoco, Phillips 66, and  
16 76. ConocoPhillips also markets and sells to California customers at retail outlets engine lubricants  
17 and motor oils under its Phillips 66, Kendall, and Red Line brand names. ConocoPhillips operates  
18 hundreds of 76-branded petroleum service stations throughout California. During the period  
19 relevant to this Complaint, ConocoPhillips sold a substantial percentage of all retail gasoline sold  
20 in California.

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

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

18 31. **Total Entities: Total E&P USA Inc. and Total Specialties USA Inc.**

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

25 b. **Total Specialties USA Inc.**, is a wholly owned subsidiary of Total SA,  
26 involved in the marketing and distribution of Total S.A.’s fossil fuel products. Total Specialties  
27 USA Inc. is incorporated in the State of Delaware and headquartered in Houston, Texas. Total  
28 Specialties USA Inc. is registered to do business in the State of California and has designated an

1 agent for service of process in California. Total Specialties USA Inc. does substantial fossil fuel  
2 product-related business in California, and a substantial portion of its fossil fuel products are  
3 extracted, refined, transported, traded, distributed, marketed, and/or sold in California. For  
4 instance, Total Specialties USA Inc. maintains regular distributorship relationships with several  
5 California distributors of Total fossil fuel products, including engine oils, lubricants, greases, and  
6 industrial petroleum products.

7 32. **Eni Entities: Eni S.p.A and Eni Oil & Gas Inc.**

8 a. **Eni S.p.A.** is a vertically integrated, multinational energy company  
9 focusing on petroleum and natural gas. Eni is incorporated in the Republic of Italy, with its  
10 principal place of business in Rome, Italy. With its consolidated subsidiaries, Eni engages in the  
11 exploration, development, and production of hydrocarbons; in the supply and marketing of gas,  
12 liquid natural gas, and power; in the refining and marketing of petroleum products; in the  
13 production and marketing of basic petrochemicals, plastics and elastomers; in commodity trading;  
14 and in electricity marketing and generation.

15 b. **Eni Oil & Gas Inc.** is incorporated in Texas, with its principal place of  
16 business in Houston, Texas. Eni Oil & Gas Inc., is a wholly owned subsidiary of Eni America Ltd.,  
17 a Delaware corporation doing business in the United States. Eni America, Ltd. Is a wholly owned  
18 subsidiary of Eni UHL Ltd., a British corporation with its registered office in London, United  
19 Kingdom. Eni UHL Ltd. is a wholly owned subsidiary of Eni ULT, Ltd., a British corporation with  
20 its registered office on London, United Kingdom. Eni ULT, Ltd. is a wholly owned subsidiary of  
21 Eni Lasmo Plc, a British corporation with its registered office on London, United Kingdom. Eni  
22 Investments Plc, a British corporation with its registered office in London, United Kingdom, holds  
23 a 99.9% ownership interest in Eni Lasmo Plc (the other 0.01% ownership interest is held by another  
24 Eni entity, Eni UK Ltd, a British corporation with its registered office in London, United  
25 Kingdom). Eni S.p.A owns a 99.99% interest in Eni Investments Plc. Eni UK Ltd. holds the  
26 remainder interest in Eni Investments Plc. Collectively, these entities are referred to as “Eni.”

27 c. **Eni Oil & Gas Inc.** is a successor-in-interest to Golden Eagle Refining  
28 Company, Inc. (“Golden Eagle”). At times relevant to this complaint, Golden Eagle did substantial

1 fossil fuel-related business in California. Specifically, Golden Eagle owned and/or operated oil  
2 refineries in Carson (Los Angeles County) and Martinez (Contra Costa County), California, and  
3 owned and/or operated oil pipelines in or near Long Beach (Los Angeles County), California.

4 33. **Anadarko Petroleum Corp. (“Anadarko”)**

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

16 b. Anadarko Petroleum Corporation is a successor-in-interest to HS Resources  
17 Inc. (“HS”). HS was an energy company headquartered in San Francisco, San Francisco County,  
18 California. It owned natural gas reserves in Colorado, North Dakota, South Dakota, Montana, and  
19 along the coasts of Texas and Louisiana, which it extracted and imported to California. HS was  
20 acquired by Kerr-McGee Corporation in 2001. Kerr-McGee was an energy exploration and  
21 production company owning oil and natural gas rights in the Gulf of Mexico, Colorado, and Utah,  
22 with its corporate headquarters in Oklahoma. Anadarko Petroleum Corporation acquired Kerr-  
23 McGee Corporation in 2006.

24 34. **Occidental Entities: Occidental Petroleum Corporation and Occidental**  
25 **Chemical Corporation**

26 a. **Occidental Petroleum Corporation** is a multinational, vertically  
27 integrated energy and chemical company incorporated in the State of Delaware and with its  
28 principal place of business in Houston, Texas. Occidental’s operations consist of three segments:

1 (1) the exploration for, extraction of, and production of oil and natural gas products; (2) the  
2 manufacture and marketing of chemicals and vinyls; and (3) processing, transport, storage,  
3 purchase, and marketing of oil, natural gas, and power. Occidental Petroleum Corporation is  
4 registered to do business in the State of California and has designated an agent for service of  
5 process in the State of California.

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

10           c.       Defendants Occidental Petroleum Corporation and Occidental Chemical  
11 Corporation are collectively referred to as “Occidental.”

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

17           e.       In addition, Occidental conducts has conducted substantial activities in the  
18 state, including marketing and promotion; efforts to avoid or minimize regulation of greenhouse  
19 gas pollution in and from California; and efforts to influence statutory and regulatory debate  
20 regarding fossil fuel consumption, electric power distribution, and greenhouse gas pollution  
21 policies such that the exercise of jurisdiction comports with traditional notions of fair play and  
22 substantial justice. Since 1999, Occidental Petroleum Corp. and its subsidiaries have reported more  
23 than \$4.6 million in lobbying expenditures directed at numerous statutory and regulatory proposals  
24 before the California legislature and executive agencies, including the California Energy  
25 Commission, California Air Resources Board, and California Public Utilities Commission, related  
26 to its fossil fuel products business.



1           35.    **Repsol Entities: Repsol S.A., Repsol Energy North America Corporation, and**  
2 **Repsol Trading USA Corporation**

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

10           b.    Repsol does substantial fossil fuel product-related business in the State of  
11 California, and a substantial portion of its fossil fuel products are extracted, refined, transported,  
12 traded, distributed, marketed and/or sold in California. For instance, Repsol subsidiary **Repsol**  
13 **Energy North America Corporation**, incorporated in the State of Texas and with its principal  
14 place of business in The Woodlands, Texas, is listed as a natural gas procurement, storage,  
15 transportation, scheduling, and risk management provider by Pacific Gas and Electric, a California  
16 utility. Repsol Energy North America Corporation is registered to do business in California and  
17 has designated an agent for service of process in California. Repsol subsidiary **Repsol Trading**  
18 **USA Corporation**, incorporated in the State of Texas and with its principal place of business in  
19 The Woodlands, Texas, is also registered do business in California and has designated an agent  
20 for service of process in California. Additionally, Repsol represents on its website that it is  
21 engaging in strategic opportunities involving its fossil fuel products in California, which may  
22 consist of crude oil, gasoline, diesel, and/or jet fuel.

23           36.    **Marathon Entities: Marathon Oil Company, Marathon Oil Corporation, and**  
24 **Marathon Petroleum Corporation**

25           a.    **Marathon Oil Company** is an energy company incorporated in the State  
26 of Ohio and with its principal place of business in Houston, Texas. Marathon Oil Company is  
27 registered to do business in California and has designated an agent for service of process in  
28 California. Marathon Oil Company is a corporate ancestor of Marathon Oil Corporation and

1 Marathon Petroleum Company.

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

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

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

16           e. Defendants Marathon Oil Company, Marathon Oil Corporation, and  
17 Marathon Petroleum Corporation are collectively referred to as “Marathon.”

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

25           37. **Hess Corporation (“Hess”)**

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

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

8           c. Hess has purposefully directed its tortious conduct toward California by  
9 distributing, marketing, advertising, promoting, and supplying its fossil fuel products in California,  
10 with knowledge that the intended use of those products for combustion has caused and will  
11 continue to cause climate change-related harms in Richmond, including Plaintiffs' injuries. That  
12 conduct was purposefully directed to reach Richmond and obscure the dangers of Hess's fossil  
13 fuel products from Richmond and its residents such that the use of Hess's fossil fuel products in  
14 Richmond would not decline.

15           38. **Devon Energy Entities: Devon Energy Corp. and Devon Energy Production**  
16 **Company, L.P.**

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

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

26           c. Devon Energy Corp. is a successor-in-interest to the Pauley Petroleum  
27 Company ("Pauley"). At times relevant to this complaint, Pauley did substantial fossil-fuel related  
28 business in California. Specifically, this included owning and operating a petroleum refinery in

1 Newhall (Los Angeles County), California from 1959 to 1989, and a refinery in Wilmington (Los  
2 Angeles, Los Angeles County), California from 1988 to 1992. Pauley merged with Hondo Oil and  
3 Gas Co. (“Hondo”) in 1987. Subsequently, Devon Energy Corp. acquired Hondo in 1992.

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

6 39. **Encana Corporation (“Encana”)**

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

12 b. Encana has done and continues to do substantial fossil fuel product-related  
13 business in California. Between 1997 and 2006, Encana owned and operated the Wild Goose  
14 Storage underground natural gas storage facility in Butte County, California. In 2003, Encana  
15 began transporting natural gas through a 25-mile pipeline from the Wild Goose Station to a Pacific  
16 Gas & Electric Co. (“PG&E”) compressor station in Colusa County, where gas entered the main  
17 PG&E pipeline. Encana invested in a 100 billion cubic foot expansion of the facility in 2004,  
18 bringing gas storage capacity at Wild Goose to 24 billion cubic feet.

19 40. **Apache Corporation (“Apache”)**

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

24 b. During the time at issue, Apache extracted natural gas from wells developed  
25 on approximately seven million acres of land held in the Canadian provinces of British Columbia,  
26 Alberta, and Saskatchewan, and Apache did substantial fossil fuel product-related business in  
27 California. Apache transported a substantial volume of the natural gas extracted from its Canadian  
28 holdings to California, where it sold that gas to electric utilities, end-users, other fossil fuel

1 companies, supply aggregators, and other fossil fuel marketers. Apache directed sales of its natural  
2 gas to California in addition to markets in Washington state, Chicago, and western Canada, to  
3 intentionally retain a diverse customer base and maximize profits from the differential price rates  
4 and demand levels in those respective markets.

5 **C. Doe Defendants**

6 41. The true names and capacities, whether individual, corporate, associate, or  
7 otherwise of Defendants Does 1 through 100, inclusive, are unknown to Plaintiffs, who therefore  
8 sue said Defendants by such fictitious names pursuant to California Code of Civil Procedure  
9 Section 474. Plaintiffs are informed and believe, and on that basis allege, that each of the  
10 fictitiously named Defendants is responsible in some manner for the acts and occurrences herein  
11 alleged, and that Plaintiffs' damages were caused by such Defendants.

12 **D. Relevant Non-Parties: Defendants' Agents and Front Groups**

13 42. As detailed below, each Defendant had actual knowledge, or should have known,  
14 that its fossil fuel products were hazardous because the intended use of the fossil fuel products for  
15 combustion would substantially contribute to climate change and result in harms to Plaintiffs.  
16 Defendants obtained knowledge of the hazards of their products independently and through their  
17 membership and involvement in trade associations.

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

1           44.    **The American Petroleum Institute (API)**

2           a.       API is a national trade association representing the oil and gas industry,  
3 formed in 1919. With more than 600 members, API is the country’s largest oil trade association.  
4 API’s purpose is to advance its members’ collective business interests, which includes increasing  
5 consumer consumption of oil and gas for the financial profit of Defendants and other oil and gas  
6 companies. Among other functions, API also coordinates members of the petroleum industry,  
7 gathers information of interest to the industry, and disseminates that information to its members.

8           b.       Acting on behalf of and under the supervision and control of Defendants,  
9 API has, since at least 1988, participated in and led several coalitions, front groups, and  
10 organizations that have promoted disinformation about the climate impacts of fossil fuel products  
11 to consumers—including, but not limited to, the Global Climate Coalition, Partnership for a Better  
12 Energy Future, Coalition for American Jobs, Alliance for Energy and Economic Growth, and  
13 Alliance for Climate Strategies. These front groups were formed to promote climate disinformation  
14 and advocacy from a purportedly objective source, when in fact these groups were financed and  
15 controlled by Defendants and other oil and gas companies. Defendants have benefited from the  
16 spread of this disinformation because, among other things, it has ensured a thriving consumer  
17 market for oil and gas, resulting in substantial profits for Defendants. In effect, API acts and has  
18 acted as a marketing arm for its member companies, including Defendants. Over the last several  
19 decades, API has spent millions of dollars on television, newspaper, radio, social media, and  
20 internet advertisements in the California market.

21           c.       Member companies participate in API strategy, governance, and operation  
22 through their membership dues and by contributing company officers and other personnel to API  
23 boards, committees, and task forces. Defendants have collectively steered the policies and trade  
24 practices of API through membership, Executive Committee roles, and/or providing budgetary  
25 funding for API. Defendants have used their control over and involvement in API to develop and  
26 execute a long-term advertising and communications campaign centered on climate change  
27 denialism. The goal of the campaign was to influence consumer demand for Defendants’ fossil  
28 fuel products. Defendants directly controlled, supervised, and participated in API’s misleading

1 messaging regarding climate change. That conduct directly impacted California, as Defendants  
2 worked with API to create and disseminate misleading advertisements that promote consumption  
3 of fossil fuel products in California.

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

12 e. For example, Defendants served as corporate officers during the relevant  
13 time period, including executives from Exxon, Shell, Chevron, ConocoPhillips, Marathon, Hess  
14 and BP serving as API Board Chairman and on the Board's Executive Committee. Exxon's CEO  
15 served on API's Executive Committee, including as President and Chairman, for 21 of the 29 years  
16 between 1991 and 2020.<sup>12</sup> Multiple high-level executives from Exxon, such as Presidents, Vice  
17 Presidents, CEOs, COOs, and Chairmen, served on API's Board in each year between 1994–2002.  
18 BP's CEO served as API's Chairman in 1988, 1989, and 1998. Multiple high-level executives  
19 from BP served on API's Board of Directors between 1994–2002. The Chairman and CEO of BP's  
20 predecessor ARCO served as API treasurer in 1998 and Chairman in 1999. Chevron's CEO served  
21 as API Chairman in 1994, 1995, 1997, 1998, 2003, and 2012. In 2002, Chevron's CEO served as  
22 API treasurer. Chairman and CEO of Chevron's predecessor Texaco served as API Board  
23 Chairman in 2001, and as treasurer in 1999. Multiple high-level executives from Chevron served  
24 on API's Board of Directors in each year between 1994–2002. Shell's President served as API  
25 treasurer in 1997 and sat on the Board's Executive Committee from at least 2005–2006. Multiple  
26 high-level Shell executives served on API's Board of Directors between 1994–2002.

27  
28 <sup>12</sup> 1991, 1996–1997, 2001, 2002, 2003, 2005–2016, 2018–2020.

1 ConocoPhillips Chairman and CEO was API Chairman from 2016–2018, and currently serves on  
2 API’s Executive Committee. In 2020, API elected Phillips 66 Chairman and CEO to serve a two-  
3 year term as its Board President, and Phillips 66’s current President and CEO is on the API Board’s  
4 Executive Committee. Multiple high-level ConocoPhillips executives served on API’s Board of  
5 Directors between 1994–2002. Marathon or its predecessors’ CEOs served on the API Board’s  
6 Executive Committee across multiple decades, for example Marathon’s then-CEO was Treasurer  
7 and testified to Congress on behalf of API in 1994. Multiple high-level executives from Marathon  
8 served on API’s Board of Directors between 1994–2002. Multiple CITGO high-level executives  
9 served on API’s Board of Directors between 1995–2002. Hess high-level executives served on  
10 API’s Board of Directors in 1994 and 1995; and Hess’ CEO currently serves on the API Board’s  
11 Executive Committee and served on API’s Board of Directors from at least 2015 to 2021. Multiple  
12 high-level executives from Occidental served on API’s Board of Directors between 1994–2002.  
13 Anadarko or its predecessors’ high-level executives served on API’s Board of Directors between  
14 1994–2002. Anadarko’s then-President and COO served on API’s Executive Committee as  
15 treasurer in 2001.

16 f. Relevant information was shared among API and Defendants and  
17 Defendants’ predecessors-in-interest through the following: (1) API’s distribution of information  
18 to its members, and/or (2) participation of Defendants’ officers and other personnel, and those of  
19 Defendants’ predecessors-in-interest, on API boards, committees, and task forces. This includes  
20 representatives of Exxon, Chevron, BP, Shell, and ConocoPhillips sitting on both API’s  
21 Committee for Air and Water Conservation and a special advisory group to API’s Committee for  
22 Public Affairs, which worked together to develop research reports on air emissions and other  
23 environmental topics. Different representatives of Exxon, Chevron, BP, Shell, ConocoPhillips, and  
24 Marathon rotated in and out of these positions throughout the time periods discussed in this  
25 Complaint. Representatives from Marathon sat on the Executive Committee to API’s Engineering  
26 and Technical Research Committee and on the Committee for Air and Water Conservation.  
27 Representatives from Chevron and Exxon chaired API’s Engineering and Technical Research  
28 Committee, and representatives from BP and Exxon chaired API’s Health and Biological Research



1 Committee, also developing research documents. Different representatives of Exxon, Chevron,  
2 BP, Shell and ConocoPhillips rotated in and out of these positions throughout the time periods  
3 discussed in this Complaint.<sup>13</sup>

4 45. **The Information Council for the Environment (ICE)** was formed by coal  
5 companies and their allies, including Western Fuels Association and the National Coal  
6 Association. Associated companies included Pittsburg and Midway Coal Mining (Chevron).<sup>14</sup>

7 46. **The Global Climate Coalition (GCC)** was an industry group formed to preserve  
8 and expand consumer demand for fossil fuels by publicly casting doubt on climate science and  
9 opposing greenhouse gas emission reduction initiatives. The GCC was founded in 1989 in reaction  
10 to the first meeting of the Intergovernmental Panel on Climate Change (IPCC), the United Nations  
11 body for assessing the science related to climate change, and to NASA scientist James Hansen's  
12 presentation to the Senate Committee on Energy and Natural Resources, in which Hansen  
13 emphasized that climate change was already happening and would lead to dire consequences if left  
14 unaddressed. The GCC disbanded in or around 2001. Founding members included API, Shell Oil  
15 Company (currently, Shell); Texaco, Inc. (currently, Chevron); Amoco (currently, BP); ARCO  
16 (owned by BP at the time); and Phillips Petroleum Company (currently, ConocoPhillips). GCC  
17 board membership during its existence included high-level executives from the founding members  
18 and Chevron, Exxon, and Mobil (Exxon). Tom Lambrix, director of government relations for  
19 Phillips Petroleum, was the first chairman of the GCC. Exxon was also a corporate member of the  
20 GCC over the course of the GCC's existence.

21 **III. AGENCY**

22 47. At all times herein mentioned, each of the Defendants was the agent, servant,  
23 partner, aider and abettor, co-conspirator, and/or joint venturer of each of the remaining  
24

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25 <sup>13</sup> American Petroleum Institute, Comm. For Air and Water Conservation & Comm. On Public  
26 Affairs, Environmental Research: A Status Report (1972) (listing members of relevant  
27 committees and their fossil fuel company affiliations),  
<https://files.eric.ed.gov/fulltext/ED066339.pdf>.

28 <sup>14</sup> Hereinafter, parenthetical references to Defendants indicate corporate ancestry and/or  
affiliation.

1 Defendants herein and was at all times operating and acting within the purpose and scope of said  
2 agency, service, employment, partnership, conspiracy, and joint venture and rendered substantial  
3 assistance and encouragement to the other Defendants, knowing that their conduct was wrongful  
4 and/or constituted a breach of duty.

5 **IV. JURISDICTION AND VENUE**

6 48. This Court's personal jurisdiction over Defendants named herein is proper because  
7 each Defendant maintains substantial contacts with California by and through their fossil fuel  
8 business operations in this state, as described above, and because Plaintiffs' injuries described  
9 herein arose out of and relate to those operations and occurred in California. Each Defendant  
10 purposefully availed itself of the California market, and thus of the benefits of the laws of the State,  
11 during all times relevant to this Complaint, so as to render California courts' exercise of  
12 jurisdiction over each Defendant consistent with traditional notions of fair play and substantial  
13 justice. Each Defendant researched, developed, manufactured, designed, marketed, distributed,  
14 released, promoted, and/or otherwise sold its fossil fuel products in markets around the United  
15 States, including within California.

16 49. Additionally, jurisdiction is proper over each non-resident Defendant for the  
17 following reasons:

18 a. With respect to its subsidiaries, each non-resident Defendant controls and  
19 has controlled its direct and indirect subsidiaries' decisions about the quantity and extent of its  
20 fossil fuel production and sales; determines whether and to what extent to market, produce, and/or  
21 distribute its fossil fuel products; and controls and has controlled its direct and indirect  
22 subsidiaries' decisions related to its marketing and advertising, specifically communications  
23 strategies concerning climate change and the link between fossil fuel use and impacts on the  
24 environment. Each subsidiary Defendant is the agent of its parent Defendant. As agents, the  
25 subsidiaries of each non-resident Defendant conducted activities in California at the direction and  
26 for the benefit of its parent company. Specifically, the subsidiaries furthered each parent  
27 company's campaign of deception and denial through misrepresentations, omissions, and  
28 affirmative promotion of the company's fossil fuel products as safe with knowledge of the climate

1 change-related harms that would result from the intended use of those products, all of which  
2 resulted in climate change-related injuries in Richmond and increased sales to the parent company.  
3 The subsidiaries' jurisdictional activities are properly attributed to each parent company and serve  
4 as a basis to assert jurisdiction over each of the non-resident Defendant parent companies.

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

10           c.       Defendants, in coordination with API and other organizations, conspired to  
11 conceal and misrepresent the known dangers of burning fossil fuels, to knowingly withhold  
12 material information regarding the consequences of using fossil fuel products, to spread knowingly  
13 false and misleading information to the public regarding the weight of climate science research,  
14 and to promote their fossil fuel products which they knew were harmful. Through their own actions  
15 and through their membership and participation in climate denialist front groups, API and each  
16 Defendant were and are members of that conspiracy. Defendants committed substantial acts to  
17 further the conspiracy in California by making misrepresentations and misleading omissions to  
18 California consumers about the existence, causes, and effects of global warming; by affirmatively  
19 promoting the Defendants' fossil fuel products as safe, with knowledge of the disastrous impacts  
20 that would result from the intended use of those products; and by failing to warn California  
21 consumers about the disastrous impacts of fossil fuel use. A substantial effect of the conspiracy  
22 has also and will also occur in Richmond, as the City and its residents have suffered and will suffer  
23 injuries from Defendants' wrongful conduct, including but not limited to the following: sea level  
24 rise, massive storms, flooding, extreme heat, reduced air quality, and other social and economic  
25 consequences of these environmental changes. Defendants knew or should have known based on  
26 information provided to them from their internal research divisions, affiliates, trade associations,  
27 and industry groups that their actions in California and elsewhere would result in these injuries in  
28 and to Richmond and its residents. Finally, the climate effects described herein are direct and

1 foreseeable results of Defendants’ conduct in furtherance of the conspiracy.

2 50. The Superior Court of California for Contra Costa County is a court of general  
3 jurisdiction and therefore has subject matter jurisdiction over this action.

4 51. Venue is proper in Contra Costa County pursuant to Code of Civil Procedure  
5 sections 395 and 395.5 because the injury giving rise to the City’s claims occurred in Contra Costa  
6 County. Defendants have contributed to the creation of a public nuisance in Richmond, and the  
7 Richmond City Attorney has the right and authority to seek abatement of that nuisance on behalf  
8 of the People of the State of California. Injuries Richmond has suffered personally have also  
9 occurred within Contra Costa County.

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

14 **V. FACTUAL BACKGROUND**

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

16 53. The Earth is warming at a rate unprecedented in human history.

17 54. The Earth’s atmosphere is warming, sea level is rising, snow and ice cover is  
18 diminishing, oceans are warming and acidifying, and hydrologic systems have been altered, among  
19 other rapidly accelerating changes to our climate. These changes are directly harming people’s  
20 health, lives, lifestyles, and livelihoods, including in Richmond. According to the IPCC, the  
21 evidence that humans are causing this warming of the Earth is unequivocal.<sup>15</sup> Greenhouse gas  
22 emissions caused by human activities are the most significant drivers of climate change.<sup>16</sup> Over  
23 the past couple of decades, those emission rates have exceeded those predicted under previous  
24 “worst case” global emissions scenarios.

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27 <sup>15</sup> Climate Change 2021: The Physical Science Basis, THE INTERGOVERNMENTAL PANEL ON  
28 CLIMATE CHANGE, at v, 4, 41, 63, 150, 425, 506 (2021),  
[https://report.ipcc.ch/ar6/wg1/IPCC\\_AR6\\_WGI\\_FullReport.pdf](https://report.ipcc.ch/ar6/wg1/IPCC_AR6_WGI_FullReport.pdf).

<sup>16</sup> Id. at 41.

1           55.     Greenhouse gases are largely byproducts of human combustion of fossil fuels to  
2 produce energy and use of fossil fuels to create petrochemical products. While there are several  
3 greenhouse gases contributing to climate change, CO<sub>2</sub> is the primary greenhouse gas emitted as a  
4 result of human activities.

5           56.     Atmospheric and ocean temperatures have both increased substantially since the  
6 beginning of the global industrial revolution, and the rate of warming has also dramatically  
7 increased since the end of World War II.

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

10          58.     2023 was the hottest year on record by globally averaged surface temperatures,  
11 exceeding mid-20th century mean ocean and land surface temperatures by approximately 2.12° F.  
12 Each month in 2023 was hotter by globally averaged surface temperatures than those respective  
13 months in any previous year. June, July, August, September, October, November and December  
14 2023 were all the hottest average surface temperatures for those months.<sup>17</sup>

15          59.     The second hottest year on record by globally averaged surface temperatures was  
16 2016, and the third hottest was 2020.<sup>18</sup>

17          60.     The ten hottest years on record by globally averaged surface temperature have all  
18 occurred since 2014.<sup>19</sup>

19          61.     The average global surface and ocean temperature in 2023 was approximately  
20 2.12° F warmer than the 20th century baseline, which is the greatest positive anomaly observed  
21 since at least 1850.<sup>20</sup> The increase in hotter temperatures and more frequent positive anomalies  
22 during the Great Acceleration is occurring both globally and locally, including in Richmond. The  
23  
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26 <sup>17</sup> NOAA National Center for Environmental Information, NOAA, Annual 2023 Global Climate  
27 Report (Jan. 2024), <https://www.ncei.noaa.gov/access/monitoring/monthly-report/global/202313>.

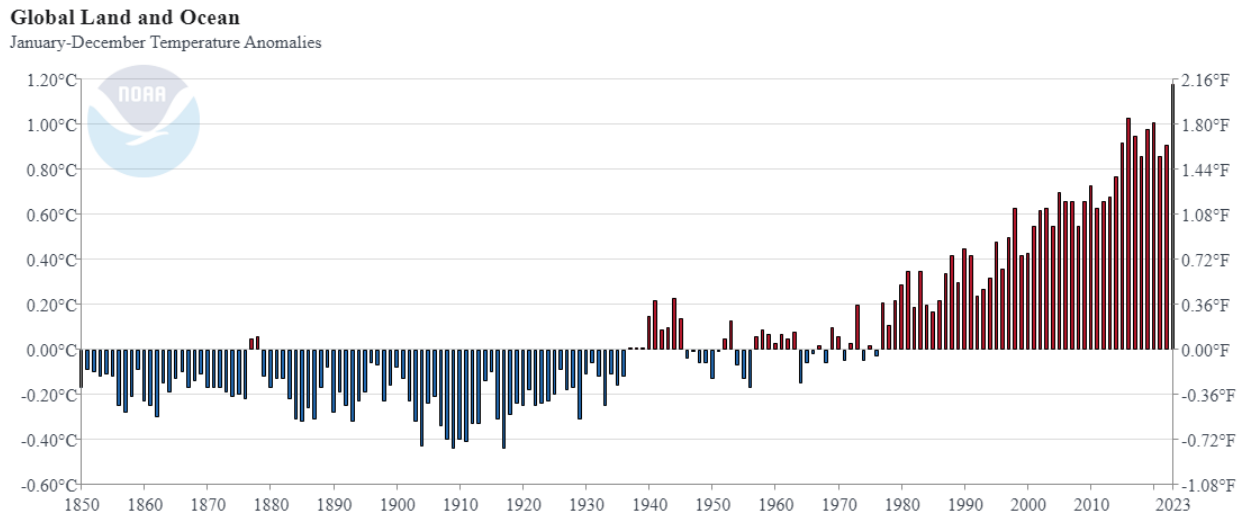
27 <sup>18</sup> Id.

28 <sup>19</sup> Id.

<sup>20</sup> Id.

1 graph below shows the increase in global land and ocean temperature anomalies since 1850, as  
2 measured against the 1901–2000 global average temperature.<sup>21</sup>

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



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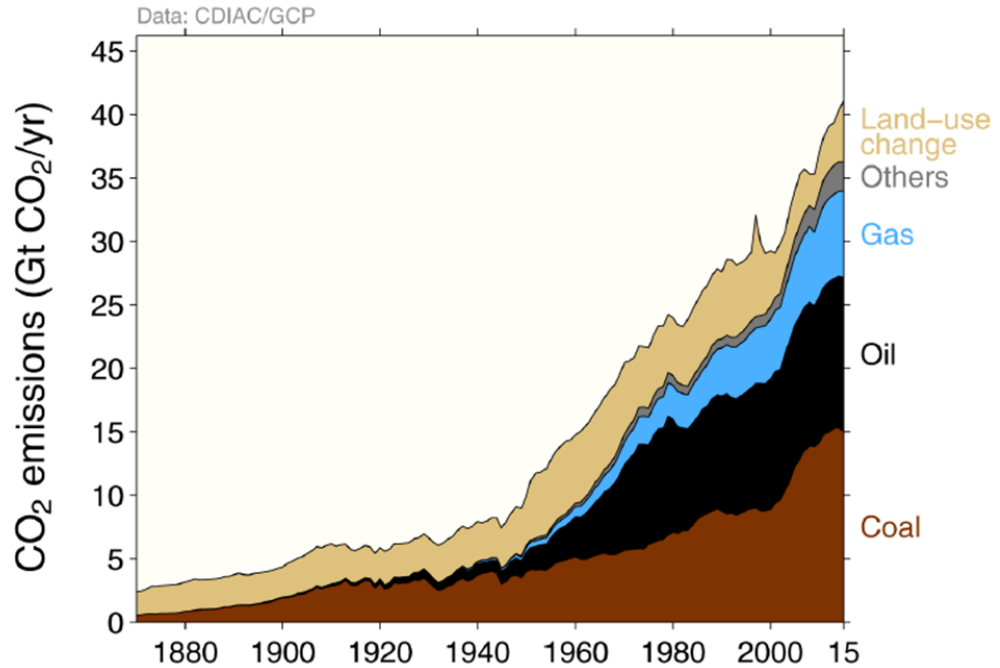
14 62. Prior to World War II, most anthropogenic CO<sub>2</sub> emissions were caused by land-use  
15 practices, such as forestry and agriculture, which altered the ability of the land and global biosphere  
16 to absorb CO<sub>2</sub> from the atmosphere; the impacts of such activities on Earth’s climate were  
17 relatively minor. Since the beginning of the Great Acceleration, however, both the annual rate and  
18 total volume of human CO<sub>2</sub> emissions have increased enormously following the advent of major  
19 uses of oil, gas, and coal. The graph below shows that while CO<sub>2</sub> emissions attributable to forestry  
20 and other land-use change have remained relatively constant, total emissions attributable to fossil  
21 fuels have increased dramatically since the 1950s.<sup>22</sup>

22  
23

24 <sup>21</sup> See id.

25 <sup>22</sup> Global Carbon Project, Global Carbon Budget 2016 (Nov. 14, 2016),  
26 [www.globalcarbonproject.org/carbonbudget/16/files/GCP\\_CarbonBudget\\_2016.pdf](http://www.globalcarbonproject.org/carbonbudget/16/files/GCP_CarbonBudget_2016.pdf), citing  
27 CDIAC; R.A. Houghton et al., Carbon emissions from land use and land-cover change (2012),  
28 <http://www.biogeosciences.net/9/5125/2012/bg-9-5125-2012.html>; Louis Giglio et al., Analysis of daily, monthly, and annual burned area using the fourth-generation global fire emissions database (2013), <http://onlinelibrary.wiley.com/doi/10.1002/jgrg.20042/abstract>; Le Quéré et al. (2016), supra note 4.

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



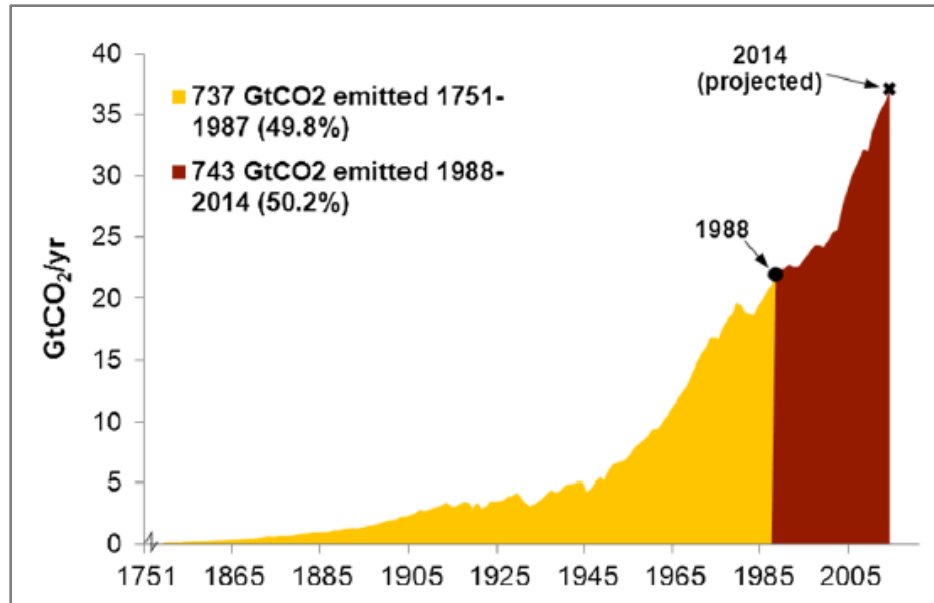
63. As human reliance on fossil fuels for industrial and mechanical processes has increased, so too have greenhouse gas emissions, especially of CO<sub>2</sub>. The Great Acceleration is marked by a massive increase in the annual rate of fossil fuel emissions: more than half of all cumulative CO<sub>2</sub> emissions have occurred since 1988.<sup>23</sup> The rate of CO<sub>2</sub> emissions from fossil fuels and industry, moreover, has increased threefold since the 1960s, and by more than 60% since 1990.<sup>24</sup> The graph below illustrates the increasing rate of global CO<sub>2</sub> emissions since the industrial era began.<sup>25</sup>

<sup>23</sup> Andres et al. (2012), *supra* note 6, at 1851.

<sup>24</sup> Le Quéré et al. (2016), *supra* note 4, at 630 (“Global CO<sub>2</sub> emissions from fossil fuels and industry have increased every decade from an average of 3.1±0.2 GtC/yr in the 1960s to an average of 9.3±0.5 GtC/yr during 2006–2015”).

<sup>25</sup> Peter Frumhoff et al., *The Climate Responsibilities of Industrial Carbon Producers*, *Climatic Change* 132:157–171, 164 (2015).

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



12  
13 64. Since 1960, the concentration of CO<sub>2</sub> in the atmosphere has spiked from under 320  
14 parts per million (ppm) to approximately 423 ppm.<sup>26</sup> The concentration of atmospheric CO<sub>2</sub> has  
15 also been accelerating. From 1960 to 1970, atmospheric CO<sub>2</sub> increased by an average of  
16 approximately 0.9 ppm per year.<sup>27</sup>

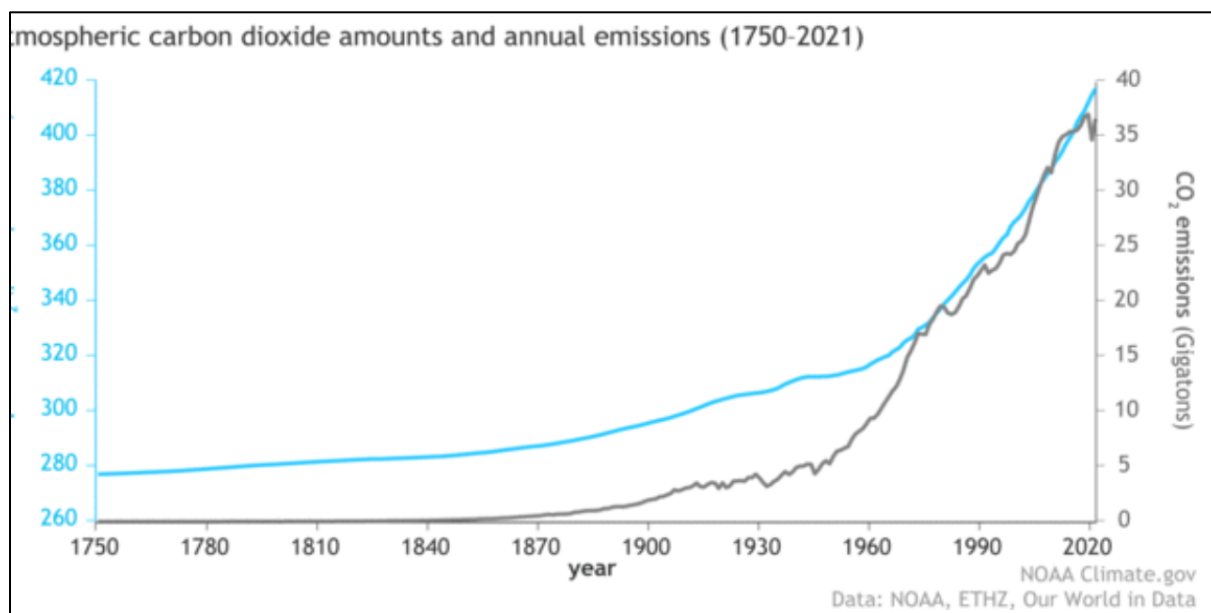
17 65. The graph below indicates the tight nexus between the sharp increase in emissions  
18 from the combustion of fossil fuels and the steep rise of atmospheric concentrations of CO<sub>2</sub>.

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26 <sup>26</sup> Trends in Atmospheric Carbon Dioxide: Full Record, GLOBAL MONITORING LABORATORY,  
27 <https://gml.noaa.gov/ccgg/trends/mlo.html>.

28 <sup>27</sup> Trends in Atmospheric Carbon Dioxide: Growth Rate, GLOBAL MONITORING LABORATORY  
<https://gml.noaa.gov/ccgg/trends/gr.html>.



**Figure 4: Atmospheric CO<sub>2</sub> Concentration and Annual Emissions<sup>28</sup>**



Because of the increased burning of fossil fuel products, concentrations of greenhouse gases in the atmosphere are now at an unprecedented level, one not seen in at least three million years.<sup>29</sup>

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

- a. Warming of the Earth's average surface temperature, both locally and globally, and increased frequency and intensity of heat waves.
- b. Sea level rise, due to the thermal expansion of warming ocean waters and runoff from melting glaciers and ice sheets.
- c. Changes to the global climate generally, bringing about longer droughts and dry periods interspersed with fewer and more severe periods of precipitation, and associated

<sup>28</sup> Rebecca Lindsey, Climate Change: Atmospheric Carbon Dioxide, CLIMATE.GOV (May 12, 2023), <https://www.climate.gov/news-features/understanding-climate/climate-change-atmospheric-carbon-dioxide>.

<sup>29</sup> More CO<sub>2</sub> than ever before in 3 million years, shows unprecedented computer simulation, SCIENCE DAILY (Apr. 3, 2019), <https://www.sciencedaily.com/releases/2019/04/190403155436.htm>.

1 impacts to the quantity and quality of water resources available to both human and ecological  
2 systems.

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

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

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

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

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

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

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

27 68. Although concealed at the time, the industry's knowledge was later uncovered  
28 by journalists at Inside Climate News and the Los Angeles Times, among others. In 1954,

1 geochemist Harrison Brown and his colleagues at the California Institute of Technology wrote  
2 to API, informing the trade association that preliminary measurements of natural archives  
3 of carbon in tree rings indicated that fossil fuels had caused atmospheric carbon dioxide  
4 levels to increase by about 5% since 1840.<sup>30</sup> API provided those scientists funding for various  
5 research projects, and measurements of carbon dioxide continued for at least one year and  
6 possibly longer, although the results were never published or otherwise made available to the  
7 public.<sup>31</sup> In 1957, H.R. Brannon of Humble Oil Company (predecessor-in-interest to Exxon)  
8 measured an increase in atmospheric carbon dioxide attributable to fossil fuels, similar to—and  
9 in agreement with—that measured by Harrison Brown.<sup>32</sup>

10 69. In 1959, API organized a centennial celebration of the American oil industry at  
11 Columbia University in New York City.<sup>33</sup> High-level representatives of Defendants were in  
12 attendance. One of the keynote speakers was nuclear physicist Edward Teller. Teller warned the  
13 industry that “a temperature rise corresponding to a 10[%] increase in carbon dioxide will be  
14 sufficient to melt the icecap and submerge . . . [a]ll the coastal cities.” Teller added that since “a  
15 considerable percentage of the human race lives in coastal regions, I think that this chemical  
16 contamination is more serious than most people tend to believe.”<sup>34</sup> Following his speech, Teller  
17 was asked to “summarize briefly the danger from increased carbon dioxide content in the  
18 atmosphere in this century.” He responded that “there is a possibility the icecaps will start melting  
19 and the level of the oceans will begin to rise.”<sup>35</sup>

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22 <sup>30</sup> See Benjamin Franta, Early Oil Industry Knowledge of CO<sub>2</sub> and Global Warming, 8 *Nature*  
23 *Climate Change* 1024, 1024–25 (2018).

24 <sup>31</sup> Id.

25 <sup>32</sup> Id.; H.R. Brannon, Jr. et al., Radiocarbon Evidence on the Dilution of Atmospheric and  
26 Oceanic Carbon by Carbon from Fossil Fuels, 38 *Am. Geophysical Union Transactions* 643,  
27 644–46 (1957).

28 <sup>33</sup> See Allan Nevins & Robert G. Dunlop, Energy and Man: A Symposium (Appleton-Century-  
Crofts, New York 1960); see also Franta, supra note 30, at 1024–25.

<sup>34</sup> Edward Teller, Energy Patterns of the Future, in Energy and Man: A Symposium, at 53–72  
(1960).

<sup>35</sup> Id. at 70.

1           70. In 1965, the president of API, Frank Ikard, relayed the findings of a recent report  
2 to leaders of the fossil fuel industry at API’s annual meeting, saying, “[o]ne of the most important  
3 predictions of the report is that carbon dioxide is being added to the earth’s atmosphere by the  
4 burning of coal, oil, and natural gas at such a rate that by the year 2000 the heat balance will be so  
5 modified as possibly to cause marked changes in climate beyond local or even national efforts,”  
6 and quoting the report’s finding that “the pollution from internal combustion engines is so serious,  
7 and is growing so fast, that an alternative nonpolluting means of powering automobiles, buses, and  
8 trucks is likely to become a national necessity.”<sup>36</sup>

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

13           72. By 1965, concern about the risks of anthropogenic greenhouse gas emissions  
14 reached the highest level of the United States’ scientific community. In that year, President Lyndon  
15 B. Johnson’s Science Advisory Committee Panel on Environmental Pollution reported that by the  
16 year 2000, anthropogenic CO<sub>2</sub> emissions would “modify the heat balance of the atmosphere to  
17 such an extent that marked changes in climate . . . could occur.”<sup>37</sup> President Johnson announced in  
18 a special message to Congress that “[t]his generation has altered the composition of the atmosphere  
19 on a global scale through . . . a steady increase in carbon dioxide from the burning of fossil fuels.”<sup>38</sup>

20           73. These statements from the Johnson Administration, at a minimum, put Defendants  
21 on notice of the potentially substantial dangers to people, communities, and the planet associated  
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24 <sup>36</sup> Ikard, Meeting the Challenges of 1966, in Proceedings of the American Petroleum Institute  
25 (1965), at 13, available at <https://www.documentcloud.org/documents/5348130-1965-API-Proceedings>.

26 <sup>37</sup> President’s Science Advisory Committee, Restoring the Quality of Our Environment: Report  
27 of the Environmental Pollution Panel, page 9 (Nov. 1965),  
<https://hdl.handle.net/2027/uc1.b4315678>.

28 <sup>38</sup> President Lyndon B. Johnson, Special Message to Congress on Conservation and Restoration  
of Natural Beauty (Feb. 8, 1965), <http://acsc.lib.udel.edu/items/show/292>.

1 with use of their fossil fuel products. Moreover, Defendants had amassed a considerable body of  
2 knowledge on the subject through their own independent efforts.

3 74. In 1968, API received a report from the Stanford Research Institute, which it had  
4 hired to assess the state of research on environmental pollutants, including carbon dioxide.<sup>39</sup> The  
5 assessment endorsed the findings of President Johnson’s Scientific Advisory Council from three  
6 years prior, stating that carbon dioxide emissions were “almost certain” to produce “significant”  
7 temperature increases by 2000, and that these emissions were almost certainly attributable to fossil  
8 fuels. The report warned of “major changes in the earth’s environment” and a “rise in sea levels,”  
9 and concluded: “there seems to be no doubt that the potential damage to our environment could be  
10 severe.” The scientists warned of “melting of the Antarctic ice cap” and informed API that “[p]ast  
11 and present studies of CO<sub>2</sub> are detailed and seem to explain adequately the present state of CO<sub>2</sub> in  
12 the atmosphere.” What was missing, the scientists said, was work on “air pollution technology  
13 and . . . systems in which CO<sub>2</sub> emissions would be brought under control.”<sup>40</sup>

14 75. In 1969, the Stanford Research Institute delivered a supplemental report on air  
15 pollution to API, projecting with alarming particularity that atmospheric CO<sub>2</sub> concentrations  
16 would reach 370 parts per million (“ppm”) by 2000.<sup>41</sup> This projection turned out to almost exactly  
17 match the actual CO<sub>2</sub> concentrations measured in 2000 of 369.64 ppm.<sup>42</sup> The report explicitly  
18 connected the rise in CO<sub>2</sub> levels to the combustion of fossil fuels, finding it “unlikely that the  
19 observed rise in atmospheric CO<sub>2</sub> has been due to changes in the biosphere.”

20 76. By virtue of their membership and participation in API at that time, Defendants  
21 received or should have received the Stanford Research Institute reports and were on notice of  
22 their conclusions.

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24 <sup>39</sup> Elmer Robinson & R.C. Robbins, Sources, Abundance, and Fate of Gaseous Atmospheric  
25 Pollutants, Stanford Rsch. Inst. (Feb. 1968),  
<https://www.smokeandfumes.org/documents/document16>.

26 <sup>40</sup> Id. at 108, 112.

27 <sup>41</sup> Elmer Robinson & R.C. Robbins, Sources, Abundance, and Fate of Gaseous Atmospheric  
Pollutants Supplement, Stanford Rsch. Inst. (June 1969).

28 <sup>42</sup> NASA Goddard Institute for Space Studies, Global Mean CO<sub>2</sub> Mixing Ratios (ppm):  
Observations, <https://data.giss.nasa.gov/modelforce/ghgases/Fig1A.ext.txt>.

1           77.     In 1969, Shell memorialized an ongoing 18-month project to collect ocean data  
2 from oil platforms to develop and calibrate environmental forecasting theories related to predicting  
3 wave, wind, storm, sea level, and current changes and trends.<sup>43</sup> Several Defendants and/or their  
4 predecessors in interest participated in the project, including Esso Production Research Company  
5 (Exxon), Mobil Research and Development Company (Exxon), Pan American Petroleum  
6 Corporation (BP), Gulf Oil Corporation (Chevron), Texaco Inc. (Chevron), and the Chevron Oil  
7 Field Research Company.

8           78.     In 1972, API members, including Defendants, received a status report on all  
9 environmental research projects funded by API. The report summarized the 1968 SRI report  
10 describing the impact of Defendants' fossil fuel products on the environment, including global  
11 warming and sea level rise. Industry participants who received this report include: American  
12 Standard of Indiana (BP), Asiatic (Shell), Ashland (Marathon), Atlantic Richfield (BP), British  
13 Petroleum (BP), Chevron Standard of California (Chevron), Cities Service (Citgo), Continental  
14 (ConocoPhillips), Dupont (former owner of Conoco), Esso Research (Exxon), Ethyl (formerly  
15 affiliated with Esso, which was subsumed by Exxon), Getty (Lukoil/Exxon), Gulf (Chevron,  
16 among others), Humble Standard of New Jersey (Exxon/Chevron/BP), Marathon, Mobil (Exxon),  
17 Pan American (BP), Phillips (ConocoPhillips), Shell, Standard of Ohio (BP), Texaco (Chevron),  
18 Union (Chevron), Edison Electric Institute (representing electric utilities), Bituminous Coal  
19 Research (coal industry research group), Mid-Continent Oil & Gas Association (presently the U.S.  
20 Oil & Gas Association, a national trade association), Western Oil & Gas Association, National  
21 Petroleum Refiners Association (presently the American Fuel and Petrochemical Manufacturers  
22 Association, a national trade association), Champlin (Anadarko), Skelly (Lukoil/Exxon), Colonial  
23 Pipeline (ownership has included BP, Citgo, Exxon, ConocoPhillips, Chevron entities, among  
24 others) and Caltex (Chevron), among others.<sup>44</sup>

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27 <sup>43</sup> M.M. Patterson, An Ocean Data Gathering Program for the Gulf of Mexico, Society of  
28 Petroleum Engineers (1969), <https://www.onepetro.org/conference-paper/SPE-2638-MS>.

<sup>44</sup> American Petroleum Institute, Environmental Research, A Status Report, Committee for Air  
and Water Conservation (January 1972), <http://files.eric.ed.gov/fulltext/ED066339.pdf>.

1           79. In 1977, James Black of Exxon gave a presentation to Exxon executives on the  
2 “greenhouse effect,” which was summarized in an internal memo the following year. Black  
3 reported that “current scientific opinion overwhelmingly favors attributing atmospheric carbon  
4 dioxide increase to fossil fuel consumption,” and that doubling atmospheric carbon dioxide would,  
5 according to the best climate model available, “produce a mean temperature increase of about 2° C  
6 to 3° C over most of the earth,” with two to three times as much warming at the poles.<sup>45</sup> Black  
7 reported that the impacts of global warming would include “more rainfall,” which would “benefit  
8 some areas and would harm others,” and that “[s]ome countries would benefit, but others could  
9 have their agricultural output reduced or destroyed.” “Even those nations which are favored,  
10 however, would be damaged for a while since their agricultural and industrial patterns have been  
11 established on the basis of the present climate.” Finally, Black reported that “[p]resent thinking  
12 holds that man has a time window of five to ten years before the need for hard decisions regarding  
13 changes in energy strategies might become critical.”<sup>46</sup> The figure below, reproduced from Black’s  
14 memo, illustrates Exxon’s understanding of the timescale and magnitude of global warming that  
15 its products would cause.

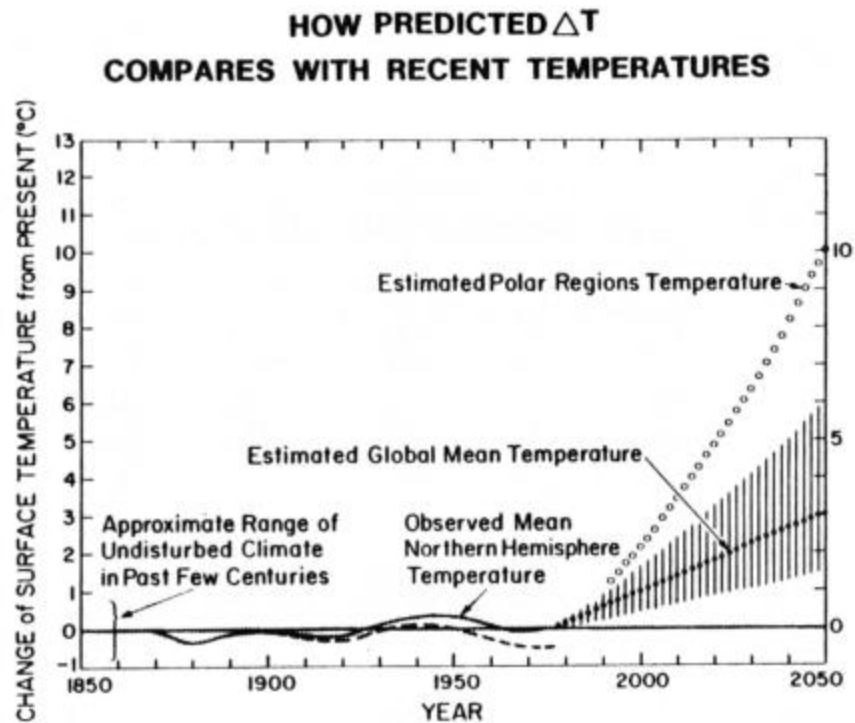
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26 <sup>45</sup> J.F. Black, Exxon Research and Engineering Co., memorandum to F.G. Turpin, Exxon  
27 Research and Engineering Co. re The Greenhouse Effect (June 6, 1978) at 2, 23, available at  
28 <https://www.documentcloud.org/documents/2805568-1978-Exxon-Presentation-on-GreenhouseEffect>.

<sup>46</sup> Id. at 2.

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



14 80. Black's report also stated:

15 There is general scientific agreement that the most likely manner in which mankind  
16 is influencing the global climate is through carbon dioxide release from the burning  
17 of fossil fuels . . . [and that] Man has a time window of five to ten years before the  
18 need for hard decisions regarding changes in energy strategies might become  
19 critical.<sup>47</sup>

20 81. Thereafter, Exxon engaged in a research program to study the environmental fate  
21 of fossil fuel-derived greenhouse gases and their impacts, which included publication of peer-  
22 reviewed research by Exxon staff scientists and the conversion of a supertanker into a research  
23 vessel to study the greenhouse effect and the role of the oceans in absorbing anthropogenic CO<sub>2</sub>.  
24 Much of this research was shared in a variety of fora, symposia, and shared papers through trade  
25 associations and directly with other Defendants.

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

28 <sup>47</sup> Id.



1 Defendants' fossil fuel products. Exxon climate researcher Henry Shaw wrote in 1978: "The  
2 rationale for Exxon's involvement and commitment of funds and personnel is based on our need  
3 to assess the possible impact of the greenhouse effect on Exxon business. Exxon must develop a  
4 credible scientific team that can critically evaluate the information generated on the subject and be  
5 able to carry bad news, if any, to the corporation."<sup>48</sup> Shaw's internal memo to Exxon's John W.  
6 Harrison reported that "[t]he climatic effects of carbon dioxide release may be the primary limiting  
7 factor on energy production from fossil fuels[.]"<sup>49</sup> Moreover, Shaw emphasized the need to  
8 collaborate with universities and government to more completely understand what he called the  
9 "CO<sub>2</sub> problem."<sup>50</sup>

10 83. In 1979, API and its members, including Defendants, convened a Task Force to  
11 monitor and share cutting edge climate research among the oil industry. The group was initially  
12 called the CO<sub>2</sub> and Climate Task Force, but changed its name to the Climate and Energy Task  
13 Force in 1980 (hereinafter referred to as "API CO<sub>2</sub> Task Force"). API kept and distributed meeting  
14 minutes to Task Force members. Membership included senior scientists and engineers from nearly  
15 every major U.S. and multinational oil and gas company, including Exxon, Mobil (Exxon), Amoco  
16 (BP), Phillips (ConocoPhillips), Texaco (Chevron), Shell, Sunoco, Sohio (BP) as well as Standard  
17 Oil of California (Chevron) and Gulf Oil (Chevron, among others). The Task Force was charged  
18 with assessing the implications of emerging science on the petroleum and gas industries and  
19 identifying where reductions in greenhouse gas emissions from Defendants' fossil fuel products  
20 could be made.<sup>51</sup>

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23 <sup>48</sup>Henry Shaw, Memo to Edward David Jr. on the "Greenhouse Effect", Exxon Research and  
24 Engineering Company (Dec. 7, 1978).

25 <sup>49</sup> Henry Shaw, Environmental Effects of Carbon Dioxide, Climate Investigations Ctr. (Oct. 31,  
1977), <https://www.industrydocuments.ucsf.edu/docs/tpwl0228>.

26 <sup>50</sup> Id.

27 <sup>51</sup>American Petroleum Institute, AQ-9 Task Force Meeting Minutes (Mar. 18, 1980),  
28 <http://insideclimatenews.org/sites/default/files/documents/AQ-9%20Task%20Force%20Meeting%20%281980%29.pdf> (AQ-9 refers to the API CO<sub>2</sub> Task Force).

1           84.     In 1979, API sent its members a background memo related to the API CO<sub>2</sub> Task  
2 Force’s efforts, stating that CO<sub>2</sub> concentrations were rising steadily in the atmosphere, and  
3 predicting when the first clear effects of climate change might be felt.<sup>52</sup>

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

7           “We should determine how Exxon can best participate in all these [atmospheric  
8 science research] areas and influence possible legislation on environmental  
9 controls. It is important to begin to anticipate the strong intervention of  
10 environmental groups and be prepared to respond with reliable and credible data. It  
11 behooves [Exxon] to start a very aggressive defensive program in the indicated  
12 areas of atmospheric science and climate because there is a good probability that  
13 legislation affecting our business will be passed. Clearly, it is in our interest for  
14 such legislation to be based on hard scientific data. The data obtained from research  
15 on the global damage from pollution, e.g., from coal combustion, will give us the  
16 needed focus for further research to avoid or control such pollutants.”<sup>53</sup>

17           86.     That same year, Exxon Research and Engineering reported that: “The most widely  
18 held theory [about increasing CO<sub>2</sub> concentration] is that the increase is due to fossil fuel  
19 combustion, increasing CO<sub>2</sub> concentration will cause a warming of the earth’s surface, and the  
20 present trend of fossil fuel consumption will cause dramatic environmental effects before the year  
21 2050.”<sup>54</sup> Further, the report stated that unless fossil fuel use was constrained, there would be  
22 “noticeable temperature changes” associated with an increase in atmospheric CO<sub>2</sub> from about 280

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22 <sup>52</sup> Neela Banerjee, Exxon’s Oil Industry Peers Knew About Climate Dangers in the 1970s, Too,  
23 Inside Climate News (Dec. 22, 2015), [https://insideclimatenews.org/news/22122015/exxon-](https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco)  
24 [mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-](https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco)  
25 [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).

26 <sup>53</sup> Henry Shaw, Exxon Memo to H.N. Weinberg about “Research in Atmospheric Science”,  
27 Exxon Inter-Office Correspondence (Nov. 19, 1979),  
28 [https://insideclimatenews.org/sites/default/files/documents/Probable%20Legislation%20Memo%20\(1979\).pdf](https://insideclimatenews.org/sites/default/files/documents/Probable%20Legislation%20Memo%20(1979).pdf).

<sup>54</sup> W.L. Ferrall, Exxon Memo to R.L. Hirsch about “Controlling Atmospheric CO<sub>2</sub>”, Exxon  
Research and Engineering Company (Oct. 16, 1979),  
<http://insideclimatenews.org/sites/default/files/documents/CO2%20and%20Fuel%20Use%20Projections.pdf>.

1 parts per million before the Industrial Revolution to 400 parts per million by the year 2010.<sup>55</sup> Those  
2 projections proved remarkably accurate—atmospheric CO<sub>2</sub> concentrations surpassed 400 parts per  
3 million in May 2013, for the first time in millions of years.<sup>56</sup> In 2015, the annual average CO<sub>2</sub>  
4 concentration rose above 400 parts per million, and in 2016 the annual low surpassed 400 parts  
5 per million, meaning atmospheric CO<sub>2</sub> concentration remained above that threshold all year.<sup>57</sup> In  
6 1980, API’s CO<sub>2</sub> Task Force members discussed the oil industry’s responsibility to reduce CO<sub>2</sub>  
7 emissions by changing refining processes and developing fuels that emit less CO<sub>2</sub>.

8 87. In or around February 29, 1980, Dr. John Laurmann, a “recognized expert in the  
9 field of CO<sub>2</sub> and climate,” made a presentation to its members.<sup>58</sup> The meeting lasted for seven  
10 hours and included a “complete technical discussion” of global warming caused by fossil fuels,  
11 including “the scientific basis and technical evidence of CO<sub>2</sub> buildup, impact on society, methods  
12 of modeling and their consequences, uncertainties, policy implications, and conclusions that can  
13 be drawn from present knowledge.” His presentation identified the “scientific consensus on the  
14 potential for large future climatic response to increased CO<sub>2</sub> levels” as a reason for API members  
15 to have concern with the “CO<sub>2</sub> problem” and informed attendees that there was “strong empirical  
16 evidence that rise [in CO<sub>2</sub> concentration was] caused by anthropogenic release of CO<sub>2</sub>, mainly  
17 from fossil fuel combustion.”<sup>59</sup> Moreover, Dr. Laurmann warned that the amount of CO<sub>2</sub> in the  
18 atmosphere could double by 2038, which he said would likely lead to a 2.5° C (4.5° F) rise in  
19 global average temperatures with “major economic consequences.” He then told the Task Force  
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22 <sup>55</sup> Id.

23 <sup>56</sup> Nicola Jones, How the World Passed a Carbon Threshold and Why it Matters, Yale  
24 Environment 360 (Jan. 26, 2017), <http://e360.yale.edu/features/how-the-world-passed-a-carbon-threshold-400ppm-and-why-it-matters>.

25 <sup>57</sup> Id.

26 <sup>58</sup> J. J. Nelson, American Petroleum Institute, letter to AQ-9 Task Force re The CO<sub>2</sub> Problem; Addressing Research Agenda Development (Mar. 18, 1980) at 2, available at <https://www.industrydocuments.ucsf.edu/docs/gffl0228>.

27 <sup>59</sup> American Petroleum Institute, AQ-9 Task Force Meeting Minutes (Mar. 18, 1980),  
28 <http://insideclimatenews.org/sites/default/files/documents/AQ-9%20Task%20Force%20Meeting%20%281980%29.pdf> (AQ-9 refers to the API CO<sub>2</sub> Task Force).

1 that models showed a 5° C (9° F) rise by 2067, with “globally catastrophic effects.”<sup>60</sup> He also  
2 suggested that, despite uncertainty, “THERE IS NO LEEWAY” in the time for acting. A Task  
3 Force member and representative of Texaco leadership present at the meeting posited that the API  
4 CO<sub>2</sub> Task Force should develop ground rules for energy release of fuels and the cleanup of fuels  
5 as they relate to CO<sub>2</sub> creation. Attendees to the presentation also included scientists and executives  
6 from API, Exxon, and SOHIO (a predecessor to BP), and the minutes of the meeting were  
7 distributed to the entire Task Force. API minutes show that the Task Force discussed topics  
8 including “the technical implications of energy source changeover,” “ground rules for energy  
9 release of fuels and the cleanup of fuels as they relate to CO<sub>2</sub> creation,” and researching “the  
10 Market Penetration Requirements of Introducing a New Energy Source into World Wide Use.”<sup>61</sup>  
11 The Task Force even asked the question “what is the 50 year future of fossil fuels?”

12 88. In 1980, the API CO<sub>2</sub> Task Force also discussed a potential area for investigation:  
13 alternative energy sources as a means of mitigating CO<sub>2</sub> emissions from Defendants’ fossil fuel  
14 products. These efforts called for research and development to “Investigate the Market Penetration  
15 Requirements of Introducing a New Energy Source into World Wide Use.” Such investigation was  
16 to include the technical implications of energy source changeover, research timing, and  
17 requirements.<sup>62</sup>

18 89. By 1980, Exxon’s senior leadership had become intimately familiar with the  
19 greenhouse effect and the role of CO<sub>2</sub> in the atmosphere. In that year, Exxon Senior Vice President  
20 and Board member George Piercy questioned Exxon researchers on the minutiae of the ocean’s  
21 role in absorbing atmospheric CO<sub>2</sub>, including whether there was a net CO<sub>2</sub> flux out of the ocean  
22 into the atmosphere in certain zones where upwelling of cold water to the surface occurs, because  
23 Piercy evidently believed that the oceans could absorb and retain higher concentrations of CO<sub>2</sub>

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27 <sup>60</sup> Id.

28 <sup>61</sup> Id.

<sup>62</sup> Id.

1 than the atmosphere.<sup>63</sup> This inquiry aligned with Exxon supertanker research into whether the  
2 ocean would act as a significant CO<sub>2</sub> sink that would sequester atmospheric CO<sub>2</sub> long enough to  
3 allow reckless emissions without triggering dire climatic consequences. As described below,  
4 Exxon eventually scrapped this research before it produced enough data from which to derive a  
5 conclusion.<sup>64</sup>

6 90. Also in 1980, Imperial Oil (Exxon) reported to Esso and Exxon managers and  
7 environmental staff that increases in fossil fuel usage aggravates CO<sub>2</sub> in the atmosphere. Noting  
8 that the United Nations was encouraging research into the carbon cycle, Imperial reported that  
9 there was “no doubt” that fossil fuels were aggravating the build-up of CO<sub>2</sub> in the atmosphere and  
10 that “[t]echnology exists to remove CO<sub>2</sub> from [fossil fuel power plant] stack gases but removal of  
11 only 50% of the CO<sub>2</sub> would double the cost of power generation.” Imperial also reported that its  
12 coordination department had been internally evaluating its and Exxon’s products to determine  
13 whether disclosure of a human health hazard was necessary. The report notes that Section (8e) of  
14 Toxic Substances Control Act, 55 U.S.C. §§ 1601 et seq., requires that anyone who discovers that  
15 a material or substance in commercial use is or may be a significant risk to human health must  
16 report such findings to the Environmental Protection Agency within 15 days. Although greenhouse  
17 gases are human health hazards (because they have serious consequences in terms of global food  
18 production, disease virulence, and sanitation infrastructure, among other impacts), neither  
19 Imperial, Exxon, nor any other Defendant has ever filed a disclosure with the U.S. Environmental  
20 Protection Agency pursuant to the Toxic Substances Control Act.

21 91. Exxon scientist Roger Cohen warned his colleagues in a 1981 internal  
22 memorandum that “future developments in global data gathering and analysis, along with advances  
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24 <sup>63</sup> Neela Banerjee, More Exxon Documents Show How Much It Knew About Climate 35 Years  
25 Ago, Inside Climate News (Dec. 1, 2015),  
26 <https://insideclimatenews.org/news/01122015/documents-exxons-early-co2-position-senior-executives-engage-and-warming-forecast>.

27 <sup>64</sup> Neela Banerjee et al., Exxon Believed Deep Dive Into Climate Research Would Protect Its  
28 Business, Inside Climate News (Sept. 17, 2015),  
<https://insideclimatenews.org/news/16092015/exxon-believed-deep-dive-into-climate-research-would-protect-its-business>.

1 in climate modeling, may provide strong evidence for a delayed CO<sub>2</sub> effect of a truly substantial  
2 magnitude,” and that under certain circumstances it would be “very likely that we will  
3 unambiguously recognize the threat by the year 2000.”<sup>65</sup> Cohen had expressed concern that the  
4 memorandum mischaracterized potential effects of reckless CO<sub>2</sub> emissions from Defendants’  
5 fossil fuel products: “. . . it is distinctly possible that the . . . [Exxon Planning Division’s] scenario  
6 will produce effects which will indeed be catastrophic (at least for a substantial fraction of the  
7 world’s population).”<sup>66</sup>

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

- 11 • “Atmospheric CO<sub>2</sub> will double in 100 years if fossil fuels grow at 1.4%/ a<sup>2</sup>.
- 12 • 3°C global average temperature rise and 10°C at poles if CO<sub>2</sub> doubles.
  - 13 ○ Major shifts in rainfall/agriculture
  - 14 ○ Polar ice may melt”<sup>67</sup>

15 93. In 1982, another report prepared for API by scientists at the Lamont-Doherty  
16 Geological Observatory at Columbia University recognized that atmospheric CO<sub>2</sub> concentration  
17 had risen significantly compared to the beginning of the industrial revolution from about 290 parts  
18 per million to about 340 parts per million in 1981 and acknowledged that despite differences in  
19 climate modelers’ predictions, all models indicated a temperature increase caused by  
20 anthropogenic CO<sub>2</sub> within a global mean range of 4° C (7.2° F). The report advised that there was  
21 scientific consensus that “a doubling of atmospheric CO<sub>2</sub> from [] pre-industrial revolution value  
22 would result in an average global temperature rise of (3.0 ± 1.5)°C [5.4 ± 2.7° F].” It went further,

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23 <sup>65</sup> Roger W. Cohen, Exxon Memo to W. Glass about possible “catastrophic” effect of CO<sub>2</sub>,  
24 Exxon Inter-Office Correspondence (Aug. 18, 1981),  
25 [http://www.climatefiles.com/exxonmobil/1981-exxon-memo-on-possible-emission-  
consequences-of-fossil-fuel-consumption/](http://www.climatefiles.com/exxonmobil/1981-exxon-memo-on-possible-emission-consequences-of-fossil-fuel-consumption/).

26 <sup>66</sup> Id.

27 <sup>67</sup> Henry Shaw, Exxon Memo to E. E. David, Jr. about “CO<sub>2</sub>Position Statement”, Exxon Inter-  
28 Office Correspondence (May 15, 1981),  
[https://insideclimatenews.org/sites/default/files/documents/Exxon%20Position%20on%20CO2%  
20%281981%29.pdf](https://insideclimatenews.org/sites/default/files/documents/Exxon%20Position%20on%20CO2%20%281981%29.pdf).

1 warning that “[s]uch a warming can have serious consequences for man’s comfort and survival  
2 since patterns of aridity and rainfall can change, the height of the sea level can increase  
3 considerably and the world food supply can be affected.”<sup>68</sup> Exxon’s own modeling research  
4 confirmed this, and the company’s results were later published in at least three peer-reviewed  
5 scientific papers.<sup>69</sup>

6 94. Also in 1982, Exxon’s Environmental Affairs Manager distributed a primer on  
7 climate change to a “wide circulation [of] Exxon management . . . intended to familiarize Exxon  
8 personnel with the subject.”<sup>70</sup> The primer also was “restricted to Exxon personnel and not to be  
9 distributed externally.”<sup>71</sup> The primer compiled science on climate change available at the time, and  
10 confirmed fossil fuel combustion as a primary anthropogenic contributor to global warming. The  
11 report estimated a CO<sub>2</sub> doubling around 2090 based on Exxon’s long-range modeled outlook. The  
12 author warned that the melting of the Antarctic ice sheet could result in global sea level rise of five  
13 feet which would “cause flooding on much of the U.S. East Coast, including the State of Florida  
14 and Washington, D.C.”<sup>72</sup> Indeed, it warned that “there are some potentially catastrophic events  
15 that must be considered,” including sea level rise from melting polar ice sheets. It noted that some  
16 scientific groups were concerned “that once the effects are measurable, they might not be  
17 reversible.”<sup>73</sup>

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20 <sup>68</sup> American Petroleum Institute, Climate Models and CO<sub>2</sub> Warming: A Selective Review and  
21 Summary, Lamont-Doherty Geological Observatory (Columbia University) (Mar. 1982),  
22 [https://assets.documentcloud.org/documents/2805626/1982-API-Climate-Models-and-CO2-](https://assets.documentcloud.org/documents/2805626/1982-API-Climate-Models-and-CO2-Warming-a.pdf)  
23 [Warming-a.pdf](https://assets.documentcloud.org/documents/2805626/1982-API-Climate-Models-and-CO2-Warming-a.pdf).

24 <sup>69</sup> See Roger W. Cohen, Exxon Memo summarizing findings of research in climate modeling,  
25 Exxon Research and Engineering Company (Sept. 2, 1982),  
26 [https://insideclimatenews.org/sites/default/files/documents/%2522Consensus%2522%20on%20](https://insideclimatenews.org/sites/default/files/documents/%2522Consensus%2522%20on%20CO2%20Impacts%20(1982).pdf)  
27 [CO2%20Impacts%20\(1982\).pdf](https://insideclimatenews.org/sites/default/files/documents/%2522Consensus%2522%20on%20CO2%20Impacts%20(1982).pdf) (discussing research articles).

28 <sup>70</sup> M. B. Glaser, Exxon Memo to Management about “CO<sub>2</sub> ‘Greenhouse’ Effect”, Exxon  
Research and Engineering Company (Nov. 12, 1982),  
[http://insideclimatenews.org/sites/default/files/documents/1982%20Exxon%20Primer%20on%20](http://insideclimatenews.org/sites/default/files/documents/1982%20Exxon%20Primer%20on%20CO2%20Greenhouse%20Effect.pdf)  
[CO2%20Greenhouse%20Effect.pdf](http://insideclimatenews.org/sites/default/files/documents/1982%20Exxon%20Primer%20on%20CO2%20Greenhouse%20Effect.pdf).

<sup>71</sup> Id.

<sup>72</sup> Id.

<sup>73</sup> Id.

1           95. In a summary of Exxon’s climate modeling research from 1982, Director of  
2 Exxon’s Theoretical and Mathematical Sciences Laboratory Roger Cohen wrote that “the time  
3 required for doubling of atmospheric CO<sub>2</sub> depends on future world consumption of fossil fuels.”  
4 Cohen concluded that Exxon’s own results were “consistent with the published predictions of more  
5 complex climate models” and “in accord with the scientific consensus on the effect of increased  
6 atmospheric CO<sub>2</sub> on climate.”<sup>74</sup>

7           96. At the fourth biennial Maurice Ewing Symposium at the Lamont-Doherty  
8 Geophysical Observatory in October 1982, attended by members of API, Exxon Research and  
9 Engineering Company president E.E. David delivered a speech titled: “Inventing the Future:  
10 Energy and the CO<sub>2</sub> ‘Greenhouse Effect.’”<sup>75</sup> His remarks included the following statement: “[F]ew  
11 people doubt that the world has entered an energy transition away from dependence upon fossil  
12 fuels and toward some mix of renewable resources that will not pose problems of CO<sub>2</sub>  
13 accumulation.” He went on, discussing the human opportunity to address anthropogenic climate  
14 change before the point of no return:

15                   It is ironic that the biggest uncertainties about the CO<sub>2</sub> buildup are not in predicting  
16 what the climate will do, but in predicting what people will do. . . . [It] appears we  
17 still have time to generate the wealth and knowledge we will need to invent the  
18 transition to a stable energy system.

19           97. Throughout the early 1980s, at Exxon’s direction, Exxon climate scientist Henry  
20 Shaw forecasted emissions of CO<sub>2</sub> from fossil fuel use. Those estimates were incorporated into  
21 Exxon’s 21st century energy projections and were distributed among Exxon’s various divisions.  
22 Shaw’s conclusions included an expectation that atmospheric CO<sub>2</sub> concentrations would double in  
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25 <sup>74</sup> Roger W. Cohen, Exxon Memo summarizing findings of research in climate modeling, Exxon  
26 Research and Engineering Company (Sept. 2, 1982),  
[https://insideclimatenews.org/sites/default/files/documents/%2522Consensus%2522%20on%20CO2%20Impacts%20\(1982\).pdf](https://insideclimatenews.org/sites/default/files/documents/%2522Consensus%2522%20on%20CO2%20Impacts%20(1982).pdf).

27 <sup>75</sup> E. E. David, Jr., Inventing the Future: Energy and the CO<sub>2</sub> Greenhouse Effect: Remarks at the  
28 Fourth Annual Ewing Symposium, Tenafly, NJ (1982),  
<http://sites.agu.org/publications/files/2015/09/ch1.pdf>.



1 2090 per the Exxon model, with an attendant 2.3–5.6° F average global temperature increase. Shaw  
2 compared his model results to those of the U.S. EPA, the National Academy of Sciences, and the  
3 Massachusetts Institute of Technology, indicating that the Exxon model predicted a longer delay  
4 than any of the other models, although its temperature increase prediction was in the mid-range of  
5 the four projections.<sup>76</sup>

6 98. During the 1980s, many Defendants formed their own research units focused on  
7 climate modeling. The API, including the API CO<sub>2</sub> Task Force, provided a forum for Defendants  
8 to share their research efforts and corroborate their findings related to anthropogenic greenhouse  
9 gas emissions.<sup>77</sup>

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

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

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

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24 <sup>76</sup> Neela Banerjee, More Exxon Documents Show How Much It Knew About Climate 35 Years  
25 Ago, Inside Climate News (Dec. 1, 2015),  
26 <https://insideclimatenews.org/news/01122015/documents-exxons-early-co2-position-senior-executives-engage-and-warming-forecast>.

27 <sup>77</sup> Neela Banerjee, Exxon’s Oil Industry Peers Knew About Climate Dangers in the 1970s, Too,  
28 Inside Climate News (Dec. 22, 2015), <https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco>.

1 Prevention means engineering a new generation of fuels, lubricants and chemical  
2 products. . . . Prevention means designing catalysts and processes that minimize  
3 or eliminate the production of unwanted byproducts. . . . Prevention on a global  
4 scale may even require a dramatic reduction in our dependence on fossil fuels—  
5 and a shift towards solar, hydrogen, and safe nuclear power. It may be possible  
6 that—just possible—that the energy industry will transform itself so completely  
7 that observers will declare it a new industry. . . . Brute force, low-tech responses  
8 and money alone won’t meet the challenges we face in the energy industry.<sup>78</sup>

9 100. In 1987, Shell published an internal “brief for companies of the Royal Dutch/Shell  
10 Group” titled “Air pollution: an oil industry perspective.” In this report, the company described  
11 the greenhouse effect as occurring “largely as a result of burning fossil fuels and deforestation.”<sup>79</sup>  
12 Shell further acknowledged the “concern that further increases in carbon dioxide levels could cause  
13 climatic changes, notably a rise in overall temperature, having major environmental, social and  
14 economic consequences.”<sup>80</sup>

15 101. In 1988, the Shell Greenhouse Effect Working Group issued a confidential internal  
16 report, “The Greenhouse Effect,” which acknowledged global warming’s anthropogenic nature:  
17 “Man-made carbon dioxide, released into and accumulated in the atmosphere, is believed to warm  
18 the earth through the so-called greenhouse effect.” The authors also noted the burning of fossil  
19 fuels as a primary driver of CO<sub>2</sub> buildup and warned that warming could “create significant  
20 changes in sea level, ocean currents, precipitation patterns, regional temperature and weather.”  
21 They further pointed to the potential for “direct operational consequences” of sea level rise on  
22 “offshore installations, coastal facilities and operations (e.g. platforms, harbors, refineries,  
23 depots).”<sup>81</sup>

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24 <sup>78</sup> Richard E. Tucker, High Tech Frontiers in the Energy Industry: The Challenge Ahead, AICHE  
25 National Meeting (Nov. 30, 1988),

26 <https://hdl.handle.net/2027/pur1.32754074119482?urlappend=%3Bseq=522>.

27 <sup>79</sup> Shell Briefing Service, Air pollution: an oil industry perspective (1987), at 4,  
28 <https://www.documentcloud.org/documents/24359057-shell-briefing-service-air-pollution-an-oil-industry-perspective-nr1-1987>.

<sup>80</sup> Id. at 5.

<sup>81</sup> Shell Internationale Petroleum, Greenhouse Effect Working Group, The Greenhouse Effect  
(May 1988) at 1, 27, available at <https://www.documentcloud.org/documents/4411090-Document3.html#document/p9/a411239>.

1           102. Similar to early warnings by Exxon scientists, the 1988 Shell report noted that “by  
2 the time the global warming becomes detectable it could be too late to take effective  
3 countermeasures to reduce the effects or even to stabilise the situation.” The authors mentioned  
4 the need to consider policy changes on multiple occasions, noting that “the potential implications  
5 for the world are . . . so large that policy options need to be considered much earlier” and that  
6 research should be “directed more to the analysis of policy and energy options than to studies of  
7 what we will be facing exactly.”<sup>82</sup>

8           103. In 1989, Esso Resources Canada (Exxon) commissioned a report on the impacts of  
9 climate change on existing and proposed natural gas facilities in the Mackenzie River Valley and  
10 Delta, including extraction facilities on the Beaufort Sea and a pipeline crossing Canada’s  
11 Northwest Territory.<sup>83</sup> It reported that “large zones of the Mackenzie Valley could be affected  
12 dramatically by climatic change” and that “the greatest concern in Norman Wells [oil town in  
13 North West Territories, Canada] should be the changes in permafrost that are likely to occur under  
14 conditions of climate warming.” The report concluded that, in light of climate models showing a  
15 “general tendency towards warmer and wetter climate,” operation of those facilities would be  
16 compromised by increased precipitation, increase in air temperature, changes in permafrost  
17 conditions, and significantly, sea level rise and erosion damage.<sup>84</sup> The authors recommended  
18 factoring these eventualities into future development planning and also warned that “a rise in sea  
19 level could cause increased flooding and erosion damage on Richards Island.”

20           104. In the mid-1990s, Exxon, Shell and Imperial Oil (Exxon) jointly undertook the  
21 Sable Offshore Energy Project in Nova Scotia. The project’s own Environmental Impact Statement  
22 declared: “The impact of a global warming sea-level rise may be particularly significant in Nova  
23 Scotia. The long-term tide gauge records at a number of locations along the N.S. coast have shown  
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25 <sup>82</sup> Id. at 1, 6.

26 <sup>83</sup> Stephen Lonergan and Kathy Young, An Assessment of the Effects of Climate Warming on  
27 Energy Developments in the Mackenzie River Valley and Delta, Canadian Arctic, Energy  
Exploration & Exploitation, Vol. 7, Issue 5 (Oct. 1, 1989),  
<http://journals.sagepub.com/doi/abs/10.1177/014459878900700508>.

28 <sup>84</sup> Id.

1 sea level has been rising over the past century . . . . For the design of coastal and offshore structures,  
2 an estimated rise in water level, due to global warming, of 0.5 m [1.64 feet] may be assumed for  
3 the proposed project life (25 years).”<sup>85</sup>

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

10 106. In 1991, Ken Croasdale, a senior ice researcher for Exxon’s subsidiary Imperial  
11 Oil, stated to an audience of engineers that greenhouse gas concentrations are rising “due to the  
12 burning of fossil fuels. Nobody disputes this fact.”<sup>86</sup>

13 107. Defendants also meticulously examined plausible scenarios if they failed to act in  
14 the face of their internal knowledge. For instance, Shell evaluated in a 1989 internal confidential  
15 planning document the issue of “climate change – the greenhouse effect, global warming,” which  
16 the document identified as “the most important issue for the energy industry.”<sup>87</sup> The document  
17 compared a scenario in which society “addresses the potential problem” with one in which it does  
18 not. Acknowledging that “[c]hanging emission levels . . . and changing atmospheric CO2  
19 concentration has been likened to turning around a VLCC [very large crude carrier],” even  
20 “substantial efforts” by 2010 would have “hardly any impact on CO2 concentration.” In later years,  
21 however, the impacts are “strikingly different”; early efforts “will not prevent the problem arising,  
22

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23 <sup>85</sup> ExxonMobil, Sable Project, Development Plan, Volume 3 – Environmental Impact Statement  
24 <http://soep.com/about-the-project/development-plan-application/>.

25 <sup>86</sup> Jerving et al., Special Report: What Exxon Knew About Global Warming’s Impact on the  
26 Arctic, L.A. Times (Oct. 10, 2015), available at <https://www.latimes.com/business/la-na-advexxon-arctic-20151011-story.html>.

27 <sup>87</sup> Shell, Scenarios 1989–2010: Challenge and Response (Oct. 1989), at 33,  
28 <https://www.documentcloud.org/documents/23735737-1989-oct-confidential-shell-group-planning-scenarios-1989-2010-challenge-and-response-disc-climate-refugees-and-shift-to-non-fossil-fuels>.

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

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

7       The changes would, however, most impact on humans. In earlier times, man was  
8 able to respond with his feet. Today, there is no place to go because people already  
9 stand there. Perhaps those in industrial countries could cope with a rise in sea level  
10 (the Dutch examples) but for poor countries such defences are not possible. The  
11 potential refugee problem ... could be unprecedented. Africans would push into  
Europe, Chinese into the Soviet Union, Latins into the United States, Indonesians  
into Australia. Boundaries would count for little – overwhelmed by the numbers.  
Conflicts would abound. Civilization could prove a fragile thing.<sup>88</sup>

12  
13       108. In another 1989 confidential internal planning document, Shell anticipated that  
14 “public/media pressures” to “adopt[] environmental programmes” such as “much tighter targets  
15 for CO<sub>2</sub> emissions” could prompt “effective consumer responses” that “will lead to intense and  
16 unpredictable pressures on business.”<sup>89</sup> The scenario envisioned that “[c]oncerns about global  
17 warming and depletion will depress production of fossil fuels, their market share declining as  
18 renewables are actively promoted,” given that “[w]here there can be real consumer choice it will  
19 be a dominant force, especially where interest is heightened by obvious environmental impact.”<sup>90</sup>

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

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

25  
26 <sup>88</sup> Id. at 36.

27 <sup>89</sup> See Shell UK, UK Scenarios 1989 (Nov. 1989), at 31, 34,  
<https://embed.documentcloud.org/documents/24359062-snippets-of-confidential-shell-uk-november-1989-scenarios>.

28 <sup>90</sup> Id. at 34.

1 reinforced the human connection to climate change . . . Following the storms, a  
2 coalition of environmental NGOs brings a class-action suit against the US  
3 government and fossil-fuel companies on the grounds of neglecting what scientists  
4 (including their own) have been saying for years: that something must be done. A  
5 social reaction to the use of fossil fuels grows, and individuals become ‘vigilante  
6 environmentalists’ in the same way, a generation earlier, they had become fiercely  
7 anti-tobacco. Direct-action campaigns against companies escalate. Young  
8 consumers, especially, demand action.<sup>91</sup>

9 110. Fossil fuel companies did not just consider climate change impacts in scenarios;  
10 they also incorporated those impacts in their on-the-ground planning. In the mid-1990s, Exxon,  
11 Shell, and Imperial Oil (Exxon) jointly undertook the Sable Offshore Energy Project in Nova  
12 Scotia. The project’s own Environmental Impact Statement declared, “The impact of a global  
13 warming sea-level rise may be particularly significant in Nova Scotia. The long-term tide gauge  
14 records at a number of locations along the N.S. coast have shown sea level has been rising over  
15 the past century. . . . For the design of coastal and offshore structures, an estimated rise in water  
16 level, due to global warming, of 0.5 m [1.64 feet] may be assumed for the proposed project life  
17 (25 years).”<sup>92</sup>

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

26 \_\_\_\_\_  
27 <sup>91</sup> Royal Dutch/Shell Group, Group Scenarios 1998–2020, at 115, 122 (1998),  
<http://www.documentcloud.org/documents/4430277-27-1-Compiled.html>.

28 <sup>92</sup> ExxonMobil, Sable Project Development Plan, vol. 3, Environmental Impact Statement (Feb.  
1996), at 4-77.

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

7           112.   Notwithstanding Defendants’ early knowledge of climate change, Defendants have  
8           engaged in advertising and communications campaigns intended to promote their fossil fuel  
9           products by downplaying the harms and risks of global warming. Initially, the campaigns tried to  
10           show that global warming was not occurring. More recently, the campaigns have sought to  
11           minimize the risks and harms from global warming. The deception campaigns had the purpose and  
12           effect of inflating and sustaining the market for fossil fuels, which—in turn—drove up greenhouse  
13           gas emissions, accelerated global warming, delayed the energy economy’s transition to a lower-  
14           carbon future, and brought about devastating climate change impacts to Richmond and its  
15           Disadvantaged Communities<sup>93</sup>—sometimes referred to as environmental justice communities.

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

24           114.   Defendants at any time before or thereafter could and should reasonably have taken  
25           any of a number of steps to mitigate the damage caused by their deception and fossil fuel products,  
26           and their own comments reveal an awareness of what some of these steps may have been. For  
27           example, Defendants should have issued reasonable warnings to consumers and the public of the  
28           dangers known to Defendants of the consumption of their fossil fuel products. Doing so would

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<sup>93</sup> See City of Richmond, Climate Action Plan, at 20 (Oct. 2016).

1 have allowed consumers to act sooner and faster to reduce their fossil fuel consumption, and would  
2 have stimulated consumer demand for non-carbon energy alternatives whose use does not imperil  
3 the Earth. This process is now stutteringly underway, but was wrongfully delayed by Defendants’  
4 deception and continued downplaying of the reality and severity of climate change—and of fossil  
5 fuels’ role in causing it.

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

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

15 b. On July 28, 1988, Senator Robert Stafford and four bipartisan co-sponsors  
16 introduced S. 2666, “The Global Environmental Protection Act,” to regulate CO<sub>2</sub> and other  
17 greenhouse gases. Four more bipartisan bills to significantly reduce CO<sub>2</sub> pollution were introduced  
18 over the following ten weeks, and in August, U.S. Presidential candidate George H.W. Bush  
19 pledged that his presidency would “combat the greenhouse effect with the White House effect.”<sup>95</sup>  
20 Political will in the United States to reduce anthropogenic greenhouse gas emissions and mitigate  
21 the harms associated with Defendants’ fossil fuel products was gaining momentum.

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

26  
27 <sup>94</sup> See Frumhoff et al. (2015), supra note 25, at 161.

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



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

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

11 The IPCC reconfirmed these conclusions in a 1992 supplement to the First  
12 Assessment report.<sup>98</sup>

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

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

22 117. Defendants’ campaigns, which focused on concealing, discrediting, and/or  
23 misrepresenting information that tended to support restricting consumption of (and thereby  
24 decreasing demand for) Defendants’ fossil fuel products, took several forms. The campaigns

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24 <sup>96</sup> See IPCC, Reports,  
[http://www.ipcc.ch/publications\\_and\\_data/publications\\_and\\_data\\_reports.shtml](http://www.ipcc.ch/publications_and_data/publications_and_data_reports.shtml).

25 <sup>97</sup> IPCC, Climate Change: The IPCC Scientific Assessment, Policymakers Summary (1990),  
[http://www.ipcc.ch/ipccreports/far/wg\\_I/ipcc\\_far\\_wg\\_I\\_spm.pdf](http://www.ipcc.ch/ipccreports/far/wg_I/ipcc_far_wg_I_spm.pdf).

26 <sup>98</sup> IPCC, 1992 IPCC Supplement to the First Assessment Report (1992),  
27 [http://www.ipcc.ch/publications\\_and\\_data/publications\\_ipcc\\_90\\_92\\_assessments\\_far.shtml](http://www.ipcc.ch/publications_and_data/publications_ipcc_90_92_assessments_far.shtml).

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

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

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

19 119. In a secretly recorded video from 2021, an Exxon executive stated:

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

21 Did we join some of these shadow groups to work against some of the early efforts?  
22 Yes, that’s true. There’s nothing illegal about that.

23 We were looking out for our investments. We were looking out for our  
24 shareholders.<sup>100</sup>

25 120. In 1988, Joseph Carlson, an Exxon public affairs manager, described the “Exxon  
26 Position,” which included among others, two important messaging tenets: (1) “[e]mphasize the

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27 <sup>100</sup> Jeff Brady, Exxon Lobbyist Caught on Video Talking About Undermining Biden’s Climate  
28 Push, NPR (July 1, 2021, 11:37 AM ET), <https://www.npr.org/2021/07/01/1012138741/exxon-lobbyist-caught-on-video-talks-about-undermining-bidens-climate-push>.

1 uncertainty in scientific conclusions regarding the potential enhanced Greenhouse Effect;” and (2)  
2 “[r]esist the overstatement and sensationalization [sic] of potential greenhouse effect which could  
3 lead to noneconomic development of non-fossil fuel resources.”<sup>101</sup>

4 121. Reflecting on his time as an Exxon consultant in the 1980s, Professor Martin  
5 Hoffert, a former New York University physicist who researched climate change, expressed regret  
6 over Exxon’s “climate science denial program campaign” in his sworn testimony before Congress:  
7 [O]ur research [at Exxon] was consistent with findings of the United Nations  
8 Intergovernmental Panel on Climate Change on human impacts of fossil fuel  
9 burning, which is that they are increasingly having a perceptible influence on  
10 Earth’s climate. . . . If anything, adverse climate change from elevated CO<sub>2</sub> is  
11 proceeding faster than the average of the prior IPCC mild projections and fully  
12 consistent with what we knew back in the early 1980’s at Exxon. . . . I was greatly  
13 distressed by the climate science denial program campaign that Exxon’s front office  
14 launched around the time I stopped working as a consultant—but not collaborator—  
15 for Exxon. The advertisements that Exxon ran in major newspapers raising doubt  
16 about climate change were contradicted by the scientific work we had done and  
17 continue to do. Exxon was publicly promoting views that its own scientists knew  
18 were wrong, and we knew that because we were the major group working on this.<sup>102</sup>

19 122. Likewise, Shell “shaped a series of influential industry-backed publications that  
20 downplayed or omitted key risks; emphasized scientific uncertainties; and pushed for more fossil  
21 fuels, particularly coal.”<sup>103</sup> In 1992, for instance, Shell released a publication for wide external  
22 distribution purporting to describe the “Basic Scientific Facts” of the “Potential Augmented  
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22 <sup>101</sup> Joseph M. Carlson, Exxon Memo on “The Greenhouse Effect” (Aug. 3, 1988),  
23 [https://assets.documentcloud.org/documents/3024180/1998-Exxon-Memo-on-the-Greenhouse-  
Effect.pdf](https://assets.documentcloud.org/documents/3024180/1998-Exxon-Memo-on-the-Greenhouse-Effect.pdf).

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

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

1 Greenhouse Effect.”<sup>104</sup> This document downplayed the scientific consensus (that Shell internally  
2 acknowledged) by referring to the “relatively few established scientific fundamentals” regarding  
3 the causes of climate change.<sup>105</sup> It also misleadingly suggested that a “particular cause” of global  
4 warming was “difficult” to identify, even though Shell had identified the use of its products as a  
5 significant contributor to the greenhouse effect in the previous decade.<sup>106</sup> (For example, in 1985,  
6 a Shell UK environmental scientist had published an article laying out the scientific fact that  
7 “[b]urning of fossil fuels which have taken millions of years to form has effectively upset the  
8 balance [of the Carbon Cycle] leading to an increase in CO<sub>2</sub> in the atmosphere.”<sup>107</sup>).

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

13 In 1996, Exxon released a publication called “Global Warming: Who’s Right? Facts about a debate  
14 that’s turned up more questions than answers.” In the publication’s preface, Exxon CEO Lee  
15 Raymond stated that “taking drastic action immediately is unnecessary since many scientists agree  
16 there’s ample time to better understand the climate system.” The subsequent article described the  
17 greenhouse effect as “unquestionably real and definitely a good thing,” while ignoring the severe  
18 consequences that would result from the influence of the increased CO<sub>2</sub> concentration on the  
19 Earth’s climate. Instead, it characterized the greenhouse effect as simply “what makes the earth’s

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22 <sup>104</sup> Jan Kuyper, Shell Group Planning, Business Environment Occasional Paper, Potential  
23 Augmented Greenhouse Effect: Basic Scientific Facts (Sept. 1992), at 3,  
[https://www.documentcloud.org/documents/24359060-1992-internal-shell-group-planning-](https://www.documentcloud.org/documents/24359060-1992-internal-shell-group-planning-report-potential-augmented-greenhouse-effect-and-depletion-of-the-ozone-layer)  
24 [report-potential-augmented-greenhouse-effect-and-depletion-of-the-ozone-layer](https://www.documentcloud.org/documents/24359060-1992-internal-shell-group-planning-report-potential-augmented-greenhouse-effect-and-depletion-of-the-ozone-layer)

25 <sup>105</sup> Id. at 5.

26 <sup>106</sup> Id.

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

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

1 atmosphere livable.” Directly contradicting their own internal reports and peer-reviewed science,  
2 the article ascribed the rise in temperature since the late 19th century to “natural fluctuations that  
3 occur over long periods of time” rather than to the anthropogenic emissions that Exxon and other  
4 scientists had confirmed were responsible. The article also falsely challenged the computer models  
5 that projected the future impacts of fossil fuel product consumption, including those developed by  
6 Exxon’s own employees, as having been “proved to be inaccurate.” The article contradicted the  
7 numerous reports circulated among Exxon’s staff, and by API, by stating that “the indications are  
8 that a warmer world would be far more benign than many imagine . . . moderate warming would  
9 reduce mortality rates in the US, so a slightly warmer climate would be more healthful.” Raymond  
10 concluded his preface by attacking the basis for reducing consumption of his company’s fossil fuel  
11 products as “drawing on bad science, faulty logic, or unrealistic assumptions”—despite the  
12 important role that Exxon’s own scientists had played in compiling those same scientific  
13 underpinnings.<sup>109</sup>

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

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

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

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

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

1           125. Exxon and Mobil (Exxon) paid for a series of “advertorials,” advertisements  
2 located in the editorial section of The New York Times and meant to look like editorials rather  
3 than paid ads. These ads discussed various aspects of the public discussion of climate change and  
4 sought to undermine the justifications for tackling greenhouse gas emissions as unsettled science.  
5 For example, the 1993 Mobil advertorial below argued that “what’s wrong with so much of the  
6 global warming rhetoric” is “[t]he lack of solid scientific data,” and quoted a purportedly neutral  
7 scientific expert who insisted that ““there is a large amount of empirical evidence suggesting that  
8 the apocalyptic vision is in error and that the highly touted greenhouse disaster is most  
9 improbable.””<sup>111</sup> It also quoted another purportedly neutral scientist who asserted that “the net  
10 impact [of a modest warming] may yet be beneficial.”

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

# Apocalypse no

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

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

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

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

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

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

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

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

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

And they don't stand up to reality testing. Comparing actual temperatures over the last 100 years against model calculations, the models predicted temperature increases higher than those that actually occurred. Moreover, most of the earth's temperature increase over the last century occurred before 1940. Yet, the real build-up in man-made CO<sub>2</sub> didn't occur until after 1940. Temperatures actually fell between 1940 and 1970.

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

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

All of which would seem to suggest that the jury's still out on whether drastic steps to curb CO<sub>2</sub> emissions are needed. It would seem that the phenomenon—and its impact on the economy—are important enough to warrant considerably more research before proposing actions we may later regret.

Perhaps the sky isn't falling, after all.

**Mobil**

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

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

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

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19 <sup>112</sup> DeSmog, Robert C. Balling, Jr., <https://www.desmog.com/robert-c-balling-jr/>.

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

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

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

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

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



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

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

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

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

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

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

<sup>120</sup> Id.

1 to hundreds of oil companies around the world, including Defendants. This memo explained that,  
2 to forestall a global shift away from burning fossil fuels for energy, the industry should emphasize  
3 uncertainties in climate science, and the need for further research.<sup>121</sup>

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

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

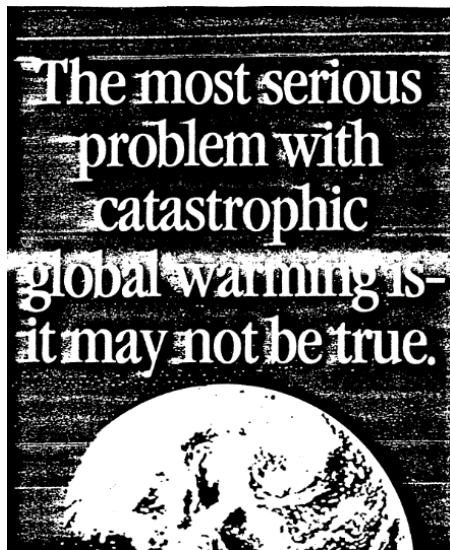
17 133. The following images are examples of ICE-funded print advertisements  
18 challenging the validity of climate science, which sought to obscure the scientific consensus on  
19 anthropogenic climate change in order to inflate consumer demand for fossil fuels:<sup>124</sup>

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

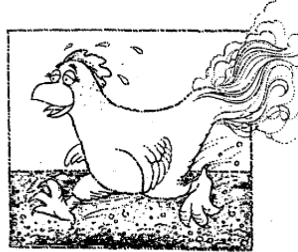
24 <sup>122</sup> Id.

25 <sup>123</sup> Naomi Oreskes, My Facts Are Better Than Your Facts: Spreading Good News about Global  
26 Warming (2010), in Peter Howlett et al., How Well Do Facts Travel?: The Dissemination of  
Reliable Knowledge, 136-166. Cambridge University Press.  
doi:10.1017/CBO9780511762154.008.8.

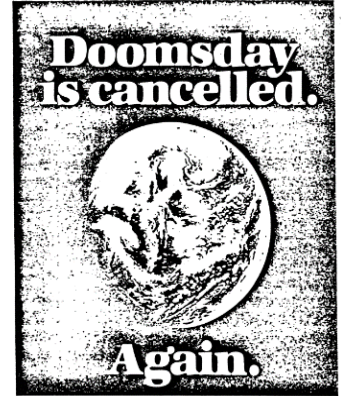
27 <sup>124</sup> Union of Concerned Scientists, Deception Dossier #5: Coal’s “Information Council on the  
28 Environment” Sham, 47–49 (1991),  
[http://www.ucsusa.org/sites/default/files/attach/2015/07/Climate-Deception-Dossier-5\\_ICE.pdf](http://www.ucsusa.org/sites/default/files/attach/2015/07/Climate-Deception-Dossier-5_ICE.pdf).



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



Chicken Little's hysteria about the sky falling was based on a fact that just shows a lack of perspective. It's the same with global warming. There's no hard evidence it is warming. In fact, evidence the earth is heating is weak. Proof that carbon dioxide has been the primary cause is nonexistent. Climate models cause inaccurate predictions for future global change. And the scientific process of climate change are still wide open to debate. If you care about the world, but don't want your language to run away with you, make sure you get the facts. Write Informed Citizens for the Environment, P.O. Box 1033, Grand Forks, North Dakota 58006, or call (701) 746-6373. We'll send you the facts about global warming.



The twentieth century has seen many predictions of global destruction. In the 1950'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 nonexistent. Climate models cause accurately predict for 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 1033, Grand Forks, North Dakota 58006 or call (701) 746-6373. We'll send you the facts about global warming.

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

The GCC believes that the preponderance of the evidence indicates that most, if not all, of the observed warming is part of [a] natural warming trend which began approximately 400 years ago. If there is an anthropogenic component to this

<sup>125</sup> Id.

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

1 observed warming, the GCC believes that it must be very small and must be  
2 superimposed on a much larger natural warming trend.<sup>127</sup>

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

17 136. In a 1994 public report, the GCC stated that "observations have not yet confirmed  
18 evidence of global warming that can be attributed to human activities," and that "[t]he claim that  
19 serious impacts from climate change have occurred or will occur in the future simply has not been  
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22 <sup>127</sup> Global Climate Coalition, Global Climate Coalition: An Overview 2 (Nov. 1996),  
23 <http://www.climatefiles.com/denial-groups/global-climatecoalition-collection/1996-global-climate-coalition-overview/>.

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

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

28 <sup>130</sup> SourceWatch, Global Climate Coalition,  
[http://www.sourcewatch.org/index.php/Global\\_Climate\\_Coalition](http://www.sourcewatch.org/index.php/Global_Climate_Coalition) (last edited Dec. 25, 2019).

1 proven.”<sup>131</sup> In 1994, the GCC Board of Directors was composed of high-level executives from  
2 API, Exxon, Phillips Petroleum Company (ConocoPhillips), and Texaco (Chevron).  
3 Representatives from Shell, Amoco (BP), and BP were also GCC members at that time.<sup>132</sup> In 1995,  
4 the GCC published a booklet called “Climate Change: Your Passport to the Facts,” which stated,  
5 “[w]hile many warnings have reached the popular press about the consequences of a potential  
6 man-made warming of the Earth’s atmosphere during the next 100 years, there remains no  
7 scientific evidence that such a dangerous warming will actually occur.”<sup>133</sup> In 1995, GCC’s Board  
8 of Directors included high-level executives from Texaco (Chevron), API, ARCO, and Phillips  
9 Petroleum Company.<sup>134</sup>

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

15 138. In addition to publicly spreading false and misleading information about the climate  
16 science consensus, the GCC also sought to undermine credible climate science from within the  
17 IPCC. After becoming a reviewer of IPCC’s Second Assessment Report in 1996, the GCC used  
18 its position to accuse the convening author of a key chapter in the Report of modifying its  
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20 <sup>131</sup> GCC, Issues and Options: Potential Global Climate Change, Climate Files (1994), available at  
21 [http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1994-potential-](http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1994-potential-global-climate-change-issues)  
22 [global-climate-change-issues](http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1994-potential-global-climate-change-issues).

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

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

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

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

1 conclusions. The GCC claimed that the author, climatologist Ben Santer, had engaged in  
2 “scientific cleansing” that “understate[d] uncertainties about climate change causes and effect . . .  
3 to increase the apparent scientific support for attribution of changes to climate to human  
4 activities.”<sup>136</sup> The GCC also arranged to spread the accusation among reporters, editors of  
5 scientific journals, and even the op-ed page of the Wall Street Journal.<sup>137</sup> This effort “was widely  
6 perceived to be an attempt on the part of the GCC to undermine the credibility of the IPCC.”<sup>138</sup>

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

17 140. Despite the shift in official public messaging, Defendants surreptitiously continued  
18 to organize and fund programs designed to deceive the public about the weight and veracity of the  
19 climate science consensus. In 1998, API convened a Global Climate Science Communications  
20 Team (“GCST”) whose members included representatives from Exxon, Chevron, and API.<sup>142</sup>

21  
22 <sup>136</sup> Franz, Science, Skeptics and Non-State Actors in the Greenhouse, at 14.

23 <sup>137</sup> Naomi Oreskes & Erik Conway (2011), supra note 113, at 205–13 (2011); see also S. Fred  
24 Singer, Climate Change and Consensus, Science vol. 271, no. 5249 (Feb. 2, 1996); Frederick  
Seitz, A Major Deception on 'Global Warming', Wall Street Journal (June 12, 1996).

25 <sup>138</sup> Franz, Science, Skeptics, and Non-State Actors in the Greenhouse, at 15.

26 <sup>139</sup> Nathaniel Rich, Losing Earth: A Recent History, London: Picador 186 (2020).

27 <sup>140</sup> Franta (2022), supra note 121, at 170.

28 <sup>141</sup> Id. at 177.

<sup>142</sup> In 1998, the GCC Board included executives from API, Amoco (BP), Chevron, Exxon, Mobil  
(Exxon), and Texaco (Chevron); and CEOs from ARCO (BP) and Amoco (BP) were on the

1 There were no scientists on the “Global Climate Science Communications Team.” Steve Milloy  
2 (a key player in the tobacco industry’s front group) and his organization, The Advancement of  
3 Sound Science Coalition (“TASSC”), were founding members of the GCSCT. TASSC was a fake  
4 grassroots citizen group created by the tobacco industry to sow uncertainty by discrediting the  
5 scientific link between exposure to second-hand cigarette smoke and increased rates of cancer and  
6 heart disease. Philip Morris had launched TASSC on the advice of its public relations firm, which  
7 advised Philip Morris that the tobacco company itself would not be a credible voice on the issue  
8 of smoking and public health. TASSC, through API and with the approval of Defendants, also  
9 became a front group for the fossil fuel industry beyond its role in GCSCT, using the same tactics  
10 it had honed while operating on behalf of tobacco companies to spread doubt about climate science.  
11 Although TASSC posed as a grassroots group of concerned citizens, it received significant funding  
12 from Defendants. For example, between 2000 and 2004, Exxon donated \$50,000 to Milloy’s  
13 Advancement of Sound Science Center; and an additional \$60,000 to the Free Enterprise  
14 Education Institute and \$50,000 to the Free Enterprise Action Institute, both of which were  
15 registered to Milloy’s home address.<sup>143</sup> The GCSCT, including TASSC, represented a continuation  
16 of Defendants’ concerted actions to sow doubt and confusion about climate change in order to  
17 inflate consumer demand for fossil fuels.

18 141. The GCSCT continued Defendants’ efforts to expand the market for fossil fuels by  
19 convincing the public that the scientific basis for climate change was in doubt. The multi-million-  
20 dollar, multi-year plan, among other elements, sought to: (a) “[d]evelop and implement a national  
21 media relations program to inform the media about uncertainties in climate science to generate  
22 national, regional, and local media coverage on the scientific uncertainties”; (b) “[d]evelop a

23 \_\_\_\_\_  
24 executive committee for API's Board of Directors, and high-level executives from  
25 ConocoPhillips, ARCO, Anadarko, Marathon, BP, Shell, Chevron, Citgo, and Exxon also served  
26 as Board members; see 1998 GCC Membership, Climate Investigations Center,  
[https://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1998-  
membership/](https://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1998-membership/).

27 <sup>143</sup> Union of Concerned Scientists, Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big  
28 Tobacco’s Tactics to Manufacture Uncertainty on Climate Science (July 16, 2007),  
<https://www.ucsusa.org/resources/smoke-mirrors-hot-air>.

1 global climate science information kit for media including peer-reviewed papers that undercut the  
2 ‘conventional wisdom’ on climate science”; (c) “[p]roduce . . . a steady stream of op-ed columns”;  
3 and (d) “[d]evelop and implement a direct outreach program to inform and educate members of  
4 Congress . . . and school teachers/students about uncertainties in climate science”<sup>144</sup>—a blatant  
5 attempt to deceive consumers and the general public in order to ensure a continued and unimpeded  
6 market for their fossil fuel products.

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

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

20 144. Another key strategy in Defendants’ efforts to discredit scientific consensus on  
21 climate change and the IPCC was to bankroll scientists who, although accredited, held fringe  
22 opinions that were even more questionable given the sources of their research funding. These  
23 scientists obtained part or all of their research budget from Defendants directly or through  
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26 <sup>144</sup> Email from Joe Walker to Global Climate Science Team, Draft Global Climate Science  
27 Communications Plan (Apr. 3, 1998), [https://assets.documentcloud.org/documents/784572/api-](https://assets.documentcloud.org/documents/784572/api-global-climate-science-communications-plan.pdf)  
28 [global-climate-science-communications-plan.pdf](https://assets.documentcloud.org/documents/784572/api-global-climate-science-communications-plan.pdf).

<sup>145</sup> Id.



1 Defendant-funded organizations like API,<sup>146</sup> but they frequently failed to disclose their fossil fuel  
2 industry underwriters.<sup>147</sup> During the early- to mid-1990s, Exxon directed some of this funding to  
3 Dr. Fred Seitz, Dr. Fred Singer, and/or Seitz and Singer’s Science and Environmental Policy  
4 Project (“SEPP”) in order to launch repeated attacks on mainstream climate science and IPCC  
5 conclusions, even as Exxon scientists participated in the IPCC.<sup>148</sup> Seitz, Singer, and SEPP had  
6 previously been paid by the tobacco industry to create doubt in the public mind about the hazards  
7 of smoking.<sup>149</sup> Seitz and Singer were not climate scientists.

8 145. At least one industry-funded scientist, Dr. Wei-Hock Soon, contractually agreed to  
9 allow donors to review his research before publication, and his housing institution agreed not to  
10 disclose the funding arrangement without prior permission from his fossil fuel donors.<sup>150</sup> Between  
11 2001 and 2012, various fossil fuel interests, including Exxon and API, paid Soon over \$1.2  
12 million.<sup>151</sup> “Dr. Soon, in correspondence with his corporate funders, described many of his  
13 scientific papers as ‘deliverables’ that he completed in exchange for their money.”<sup>152</sup> His  
14 Defendant-funded research includes articles in scientific journals accusing the IPCC of overstating  
15 the negative environmental effects of carbon dioxide emissions and arguing that the sun is  
16 responsible for recent climate trends. Soon was also the lead author of a 2003 article that argued  
17 that the climate had not changed significantly. The article was widely promoted by other denial  
18

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

23 <sup>147</sup> Newsdesk, Smithsonian Statement: Dr. Wei-Hock (Willie) Soon, *Smithsonian* (Feb. 26,  
24 2015), <http://newsdesk.si.edu/releases/smithsonian-statement-dr-wei-hock-willie-soon>.

25 <sup>148</sup> Union of Concerned Scientists (2007), supra note 143.

26 <sup>149</sup> S. Fred Singer, *SourceWatch* (Feb. 25, 2020),  
27 [http://www.sourcewatch.org/index.php/S.\\_Fred\\_Singer](http://www.sourcewatch.org/index.php/S._Fred_Singer); [http://www.sourcewatch.org/](http://www.sourcewatch.org/index.php/Frederick_Seitz)  
28 [index.php/Frederick\\_Seitz](http://www.sourcewatch.org/index.php/Frederick_Seitz).

<sup>150</sup> Union of Concerned Scientists, Climate Deception Dossier #1: Dr. Wei-Hock Soon’s  
Smithsonian Contracts, (July 2015), <https://perma.cc/JL2V-XYGL>.

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

<sup>152</sup> Id.

1 groups funded by Exxon, including via “Tech Central Station,” a website supported by Exxon.<sup>153</sup>  
2 Soon published other bogus “research” in 2009, attributing global warming to solar activity, for  
3 which Exxon paid him \$76,106.<sup>154</sup> This 2009 grant was made several years after Exxon had  
4 publicly committed not to fund global warming deniers.<sup>155</sup>

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

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

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

17 149. Creating a false sense of disagreement in the scientific community (despite the  
18 consensus that its own scientists, experts, and managers had previously acknowledged) has had an  
19 evident impact on public opinion. A 2007 Yale University-Gallup poll found that while 71% of  
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21 <sup>153</sup> Union of Concerned Scientists (2007), supra note 143, at 13–14.

22 <sup>154</sup> Willie Soon FOIA Grants Chart (Feb. 8, 2011), available at  
23 <https://www.documentcloud.org/documents/682765-willie-soon-foia-grants-chart-02-08-2011.html>.

24 <sup>155</sup> Formerly found at  
25 [http://www.socialfunds.com/shared/reports/1211896380\\_ExxonMobil\\_2007\\_](http://www.socialfunds.com/shared/reports/1211896380_ExxonMobil_2007_Corporate_Citizenship_Report.pdf)  
26 [Corporate\\_Citizenship\\_Report.pdf](http://www.socialfunds.com/shared/reports/1211896380_ExxonMobil_2007_Corporate_Citizenship_Report.pdf).

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

29 <sup>157</sup> Allegations of Political Interference with Government Climate Change Science: Hearing  
30 Before the Comm. on Oversight and Government Reform, 110th Cong. 324 (Mar. 19, 2007)  
(statement of Philip A. Cooney), [https://www.govinfo.gov/content/pkg/CHRG-](https://www.govinfo.gov/content/pkg/CHRG-110hrg37415/html/CHRG-110hrg37415.htm)  
31 [110hrg37415/html/CHRG-110hrg37415.htm](https://www.govinfo.gov/content/pkg/CHRG-110hrg37415/html/CHRG-110hrg37415.htm)).

1 Americans personally believed global warming was happening, only 48% believed that there was  
2 a consensus among the scientific community, and 40% believed there was a lot of disagreement  
3 among scientists over whether global warming was occurring.<sup>158</sup> Eight years later, a 2015 Yale-  
4 George Mason University poll found that “[o]nly about one in ten Americans understands that  
5 nearly all climate scientists (over 90%) are convinced that human-caused global warming is  
6 happening, and just half . . . believe a majority do.”<sup>159</sup> Further, it found that 33% of Americans  
7 believe that climate change is mostly due to natural causes, compared to the 97% of peer-reviewed  
8 papers that acknowledge that global warming is real and at least partly human-caused.<sup>160</sup> The lack  
9 of progress, and even regress, in the public understanding of climate science over this period—  
10 during which Defendants professed to accept the conclusions of mainstream climate science—  
11 testifies to the success of Defendants’ deception campaign in thwarting dissemination of accurate  
12 scientific expertise to the public regarding the effects fossil fuel consumption.

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

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

24 <http://climatecommunication.yale.edu/publications/american-opinions-on-global-warming/>.

25 <sup>159</sup> Leiserowitz et al., Climate Change in the American Mind (Yale Program on Climate Change  
Comm. & Geo. Mason U., Ctr. for Climate Change Comm eds., Oct. 2015),

26 <https://climatecommunication.yale.edu/wp-content/uploads/2015/11/Climate-Change-American-Mind-October-20151.pdf>.

27 <sup>160</sup> Id. at 7.

28 <sup>161</sup> Neela Banerjee et al., Exxon: The Road Not Taken, INSIDE CLIMATE NEWS,  
<https://insideclimatenews.org/project/exxon-the-road-not-taken/>.

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

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

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

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

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

18 155. As a result of Defendants’ tortious, false and misleading conduct, consumers of  
19 Defendants’ fossil fuel products in Richmond, as elsewhere, have been deliberately and  
20 unnecessarily deceived about: the role of fossil fuel products in causing global warming, sea level  
21 rise, disruptions to the hydrologic cycle, and increased extreme precipitation, heat waves, drought,  
22 and other consequences of the climate crisis; the acceleration of global warming since the mid-

23  
24 <sup>162</sup> The Los Angeles Times published a series of three articles between October and December  
25 2015.

26 <sup>163</sup> Carol Muffett & Steven Feit, Smoke and Fumes: The Legal and Evidentiary Basis for Holding  
27 Big Oil Accountable for the Climate Crisis, CENTER FOR INT’L ENV’T L. (2017),  
28 <https://www.ciel.org/reports/smoke-and-fumes>.

<sup>164</sup> Christopher M. Matthews & Collin Eaton, Inside Exxon’s Strategy to Downplay Climate  
Change, THE WALL STREET J. (Sept. 14, 2023), <https://www.wsj.com/business/energy-oil/exxon-climate-change-documents-e2e9e6af>.

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

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

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

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

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

3 158. For example, oil and gas reserves in the Arctic that were not previously reachable  
4 due to sea ice are becoming increasingly reachable as sea ice thins and melts due to climate  
5 change.<sup>165</sup> In 1973 Exxon obtained a patent for a cargo ship capable of breaking through sea ice<sup>166</sup>  
6 and for an oil tanker<sup>167</sup> designed specifically for use in previously unreachable areas of the Arctic.

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

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

14 161. Shell obtained a patent for an Arctic offshore platform adapted for conducting  
15 operations in the Beaufort Sea in 1984.<sup>170</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

22 163. As greenhouse gas pollution accumulates in the atmosphere, some of which does  
23 not dissipate for potentially thousands of years (namely CO<sub>2</sub>), climate changes and consequent  
24 adverse environmental changes compound, and their frequencies and magnitudes increase. As

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

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

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

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

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

22 166. The costs of inaction and the opportunities to confront anthropogenic climate  
23

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24 <sup>173</sup> Shaw & McCall, Exxon Research and Engineering Company’s Technological Forecast: CO<sub>2</sub>  
25 Greenhouse Effect (Dec. 18, 1980) at 5, available at  
26 [https://www.climatefiles.com/exxonmobil/1980-exxon-memo-on-the-co2-greenhouse-effect-  
andcurrent-programs-studying-the-issue/](https://www.climatefiles.com/exxonmobil/1980-exxon-memo-on-the-co2-greenhouse-effect-andcurrent-programs-studying-the-issue/).

27 <sup>174</sup> Exxon Research and Engineering Company, Coordination and Planning Division, CO<sub>2</sub>  
28 Greenhouse Effect: A Technical Review (Apr. 1, 1982) at 17–18, available at  
[https://www.climatefiles.com/exxonmobil/1982-memo-to-exxon-management-about-co2-  
greenhouse-effect/](https://www.climatefiles.com/exxonmobil/1982-memo-to-exxon-management-about-co2-greenhouse-effect/).



1 change and sea level rise caused by normal consumption of their fossil fuel products were not lost  
2 on Defendants. In a 1997 speech by John Browne, Group Executive for BP America, at Stanford  
3 University, Browne described Defendants' and the entire fossil fuel industry's responsibility and  
4 opportunities to reduce use of fossil fuel products, reduce global CO<sub>2</sub> emissions, and mitigate the  
5 harms associated with the use and consumption of such products:

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

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

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

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

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

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

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

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

26       To control our own emissions.

27       To fund continuing scientific research.

28       To take initiatives for joint implementation.

      To develop alternative fuels for the long term.

      And to contribute to the public policy debate in search of the wider global answers

1 to the problem.<sup>175</sup>

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

9 168. At all relevant times, Defendants were deeply familiar with opportunities to reduce  
10 the use of their fossil fuel products, reduce global CO<sub>2</sub> emissions associated therewith, and mitigate  
11 the harms associated with the use and consumption of such products. Examples of that recognition  
12 include, but are not limited to, the following:

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

17 b. In 1963, Esso (Exxon) obtained multiple patents on technologies for fuel  
18 cells, including on the design of a fuel cell and necessary electrodes,<sup>177</sup> and on a process for  
19 increasing the oxidation of a fuel, specifically methanol, to produce electricity in a fuel cell.<sup>178</sup>  
20 In 1970, Esso (Exxon) obtained a patent for a “low-polluting engine and drive system” that used  
21 an interburner and air compressor to reduce pollutant emissions, including CO<sub>2</sub> emissions, from  
22 gasoline combustion engines (the system also increased the efficiency of the fossil fuel products

23 \_\_\_\_\_  
24 <sup>175</sup> John Browne, BP Climate Change Speech to Stanford, Climate Files (May 19, 1997),  
<http://www.climatefiles.com/bp/bp-climate-change-speech-to-stanford/>.

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

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

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

1 used in such engines, thereby lowering the amount of fossil fuel product necessary to operate  
2 engines equipped with this technology).<sup>179</sup>

3 c. In 1980, Imperial Oil wrote in its “Review of Environmental Protection  
4 Activities for 1978–79”: “There is no doubt that increases in fossil fuel usage and decreases in  
5 forest cover are aggravating the potential problem of increased CO<sub>2</sub> in the atmosphere. Technology  
6 exists to remove CO<sub>2</sub> from stack gases but removal of only 50% of the CO<sub>2</sub> would double the cost  
7 of power generation.”<sup>180</sup>

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

19 e. A 1989 article in a publication from Exxon Corporate Research for  
20 company use only stated: “CO<sub>2</sub> emissions contribute about half the forcing leading to a potential  
21 enhancement of the Greenhouse Effect. Since energy generation from fossil fuels dominates  
22

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23 <sup>179</sup> James P. Meyer, Summary of Carbon Dioxide Enhanced Oil Recovery (CO<sub>2</sub>EOR) Injection  
24 Well Technology, American Petroleum Institute, page 1,  
25 <http://www.api.org/~media/Files/EHS/climate-change/Summary-carbon-dioxide-enhanced-oil-recovery-well-tech.pdf>.

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

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

1 modern CO<sub>2</sub> emissions, strategies to limit CO<sub>2</sub> growth focus near term on energy efficiency and  
2 long term on developing alternative energy sources. Practiced at a level to significantly reduce the  
3 growth of greenhouse gases, these actions would have substantial impact on society and our  
4 industry—near-term from reduced demand for current products, long term from transition to  
5 entirely new energy systems.”<sup>182</sup>

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

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

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

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

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

26  
27 <sup>182</sup> Brian Flannery, Greenhouse Science, Connections: Corporate Research, Exxon Research and  
28 Engineering Company (1989), <http://www.climatefiles.com/exxonmobil/1989-exxon-mobil-article-technologys-place-marketing-mix>.

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

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

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

13           172. Defendants intended for consumers to rely on their omissions and concealments  
14 and to continue purchasing Defendants' fossil fuel products without regard for the damage such  
15 products cause.

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

26           174. A consumer who received accurate information that fossil fuel use was a primary  
27 driver of climate change, and about the resultant dangers to the environment and to public health,  
28 might have decreased the consumer's use of fossil fuel products and/or demanded lower-carbon

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

12 175. As described herein, by casting doubt upon the scientific consensus on climate  
13 change, Defendants deceived consumers about the relationship between consumption of fossil  
14 fuels and climate change, and the magnitude of the threat posed by fossil fuel use. Consumers  
15 equipped with complete and accurate knowledge about the climate and the public health effects of  
16 continued consumption of fossil fuels would have likely formed a receptive customer base for  
17 clean energy alternatives decades before such demand in fact developed. Instead, Defendants’  
18 campaign of deception allowed them to exploit public uncertainty to reap substantial profits.

19 176. The delayed emergence of a scalable market for non-fossil fuel energy is  
20 attributable to consumers’ industry-induced ignorance of the reality and severity of the climatic  
21

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

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

1 consequences associated with normal use of fossil fuels. The societal transition to a low-carbon  
2 economy would have been far cheaper and more efficient had Defendants publicly acknowledged  
3 the conclusions reached by their own scientists and the broader scientific community. As a result  
4 of this delay, huge quantities of avoidable greenhouse gas emissions have been released into the  
5 atmosphere, causing greater total emissions, higher peak emissions, and all associated climatic  
6 effects.

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

9 177. The fact that Defendants and their proxies knowingly provided incomplete and  
10 misleading information to the public, including consumers, only recently became discoverable due  
11 to, among other things:

12 a. Defendants’ above-described deception campaign, which continues to this  
13 day;

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

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

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

23 179. Defendants have continued to mislead the public about the impact of fossil fuel  
24 products on climate change through “greenwashing.” Through recent advertising campaigns and  
25 public statements in California and/or intended to reach California, including but not limited to  
26 online advertisements and social media posts, Defendants falsely and misleadingly portray these  
27 products as “green,” and the Defendants portray themselves as climate-friendly energy companies  
28 that are deeply engaged in finding solutions to climate change. In reality, Defendants continue to

1 primarily invest in, develop, promote, and profit from fossil fuel products and heavily market those  
2 products to consumers, with full knowledge that those products will continue to exacerbate climate  
3 change harms.

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

13 181. As described above, Defendants, directly and/or through membership in other  
14 organizations, continue to misrepresent their own activities, the fact that their products cause  
15 climate change, and the danger presented by climate change. Exemplars of Defendants' continuing  
16 misrepresentations, omissions, and deceit follow below.

17 182. As recently as June 2018, a post on the official Shell blog stated: "the potential  
18 extent of change in the climate itself could now be limited. In other words, the prospect of runaway  
19 climate change might have passed."<sup>185</sup> However, this statement is not supported by valid scientific  
20 research, and was and is contradicted by various studies.<sup>186</sup>

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22 <sup>185</sup> David Hone, Has Climate Change Run Its Course??, Shell Climate Change Blog (June 14,  
23 2018), <https://blogs.shell.com/2018/06/14/has-climate-change-run-its-course>.

24 <sup>186</sup> See, e.g., Fiona Harvey, Carbon Emissions from Warming Soils Could Trigger Disastrous  
25 Feedback Loop, The Guardian (Oct. 5, 2017), [https://www.theguardian.com/environment/2017/  
26 oct/05/carbon-emissions-warming-soils-higher-than-estimated-signalling-tipping-points](https://www.theguardian.com/environment/2017/oct/05/carbon-emissions-warming-soils-higher-than-estimated-signalling-tipping-points);  
Jonathan Watts, Domino-Effect of Climate Events Could Move Earth into a 'Hothouse' State,  
27 The Guardian (Aug. 7, 2018), [https://www.theguardian.com/environment/2018/aug/06/domino-  
28 effect-of-climate-events-could-push-earth-into-a-hothouse-state](https://www.theguardian.com/environment/2018/aug/06/domino-effect-of-climate-events-could-push-earth-into-a-hothouse-state); Fiona Harvey, 'Tipping Points'  
Could Exacerbate Climate Crisis, Scientists Fear, The Guardian (Oct. 9, 2018),  
[https://www.theguardian.com/environment/2018/oct/09/tipping-points-could-exacerbate-climate-  
crisis-scientists-fear](https://www.theguardian.com/environment/2018/oct/09/tipping-points-could-exacerbate-climate-crisis-scientists-fear).



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

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

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

18           186. On May 27, 2015, at Exxon’s annual shareholder meeting, then-CEO Rex Tillerson  
19 misleadingly downplayed global warming’s risks by stating that climate models used to predict  
20 future impacts were unreliable: “What if everything we do it turns out our models are lousy, and  
21 we don’t get the effects we predict? Mankind has this enormous capacity to deal with adversity,  
22

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

24 <sup>188</sup> IPCC, Summary for Policymakers: Working Group I Contribution to the Fifth Assessment  
25 Report 17 (2013), [https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5\\_SPM\\_FINAL.pdf](https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_SPM_FINAL.pdf).

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

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

1 and those solutions will present themselves as those challenges become clear.”<sup>191</sup> But as noted  
2 above, in 1982 Exxon’s scientific staff stated, based upon the climate models, that there was a  
3 “clear scientific consensus” with respect to the level of projected future global warming and  
4 starting shortly thereafter Exxon relied upon the projections of climate models, including its own  
5 climate models, in order to protect its own business assets. Tillerson’s statement reached  
6 consumers because it was reported in the press, including in California,<sup>192</sup> as is common when  
7 fossil fuel company CEOs make statements regarding climate change and as Exxon had reason to  
8 know would occur.

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

15 188. Until approximately early 2016, API’s website referred to global warming as  
16 “possible man-made warming” and claimed that the human contribution is “uncertain.” API  
17 removed this statement from its website in 2016 when journalistic investigations called attention  
18 to API’s misleading statements on global warming and its participation in the climate change Task  
19 Force during the late 1970s and early 1980s.

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22 <sup>191</sup> Dallas Morning News, Exxon CEO: Let’s Wait for Science to Improve Before Solving  
23 Problem of Climate Change (May 27, 2015),  
[https://www.dallasnews.com/business/energy/2015/05/28/](https://www.dallasnews.com/business/energy/2015/05/28/exxon-ceo-let-s-wait-for-science-to-improve-before-solving-problem-of-climate-change)

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

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

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

<sup>194</sup> See IPCC, Climate Change 2014, Impacts, Adaptation, and Vulnerability, Summary for  
Policymakers, available at [http://www.ipcc.ch/pdf/assessment-](http://www.ipcc.ch/pdf/assessment-report/ar5/wg2/ar5_wgII_spm_en.pdf)  
[report/ar5/wg2/ar5\\_wgII\\_spm\\_en.pdf](http://www.ipcc.ch/pdf/assessment-report/ar5/wg2/ar5_wgII_spm_en.pdf).

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

6           a. Exxon’s “Lights Across America” website advertisement states that natural  
7 gas is “helping dramatically reduce America’s emissions”<sup>195</sup> even though natural gas is a fossil  
8 fuel causing widespread planetary warming and harm to coastal cities like Richmond and the use  
9 of natural gas competes with wind and solar, which have no greenhouse gas emissions.

10           b. In 2017, Shell’s CEO promoted massive fossil fuel use by stating that the  
11 fossil fuel industry could play a “crucial role” in lifting people out of poverty.<sup>196</sup> A Shell website  
12 promotion states: “We are helping to meet the world’s growing energy demand while limiting  
13 CO<sub>2</sub> emissions, by delivering more cleaner-burning natural gas.”<sup>197</sup>

14           c. BP touts natural gas on its website as “a vital lower carbon energy source”  
15 and as playing a “crucial role” in a transition to a lower carbon future.<sup>198</sup> BP promotes continued  
16 massive fossil fuel use as enabling two billion people to be lifted out of poverty.<sup>199</sup>

17           d. Chevron’s website implores the public that “we produce safe, reliable  
18 energy products for people around the world.”<sup>200</sup> Chevron also promotes massive use of fossil  
19 fuels as the key to lifting people out of poverty: “Reliable and affordable energy is necessary for  
20

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21 <sup>195</sup> Formerly found at  
22 [https://www.youtube.com/watch?v=tMu1CBjXfq4&list=PLlrXIHj7zayYGaExfTp\\_](https://www.youtube.com/watch?v=tMu1CBjXfq4&list=PLlrXIHj7zayYGaExfTp_B4t6gqTtkGf9A&index=6)  
23 [B4t6gqTtkGf9A&index=6](https://www.youtube.com/watch?v=tMu1CBjXfq4&list=PLlrXIHj7zayYGaExfTp_B4t6gqTtkGf9A&index=6) (at 0:46).

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

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

25 <sup>198</sup> BP, Sustainability Report 2016 (Apr. 6, 2017), [https://www.bp.com/content/dam/bp/business-](https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/sustainability/archive/archived-reports-and-translations/2016/bp-sustainability-report-2016.pdf)  
26 [sites/en/global/corporate/pdfs/sustainability/archive/archived-reports-and-translations/2016/bp-](https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/sustainability/archive/archived-reports-and-translations/2016/bp-sustainability-report-2016.pdf)  
27 [sustainability-report-2016.pdf](https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/sustainability/archive/archived-reports-and-translations/2016/bp-sustainability-report-2016.pdf).

27 <sup>199</sup> BP, Energy Outlook, [http://www.bp.com/en/global/corporate/energy-economics/energy-](http://www.bp.com/en/global/corporate/energy-economics/energy-outlook.html)  
28 [outlook.html](http://www.bp.com/en/global/corporate/energy-economics/energy-outlook.html).

28 <sup>200</sup> Chevron, Products and Services, <https://www.chevron.com/operations/products-services>.

1 improving standards of living, expanding the middle class and lifting people out of poverty. Oil  
2 and natural gas will continue to fulfill a significant portion of global energy demand for decades  
3 to come – even in a carbon-constrained scenario.”<sup>201</sup> A prior Chevron advertisement still available  
4 on the web promotes Chevron fossil fuels on a massive scale by stating that “our lives demand  
5 oil.”<sup>202</sup>

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

9 **I. Richmond Has Suffered, Is Suffering, and Will Suffer Injuries From**  
10 **Defendants’ Tortious Conduct.**

11 190. Defendants’ individual and collective conduct—including, but not limited to, their  
12 failures to warn of the threats their fossil fuel products posed to the climate; their wrongful  
13 promotion of fossil fuel products and their concealment of known hazards associated with the use  
14 of those products; and their public deception campaigns designed to obscure the connection  
15 between their products and climate change and its environmental, physical, social, and economic  
16 consequences—is a direct and proximate cause that brought about or helped bring about climate  
17 change and consequent harms to Richmond. Such harms include the increase in global mean  
18 temperature and consequent increase in sea level rise and attendant flooding; and disruptions to  
19 the hydrologic cycle, including, but not limited to, more frequent and extreme droughts, more  
20 frequent and extreme precipitation events and resulting flooding, erosion, and landslides, higher  
21 groundwater levels and an accompanying increased risk of contaminant spread from hazardous,  
22 superfund, landfills, and similar sites, more frequent and extreme heat waves, reduced air quality;

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24  
25 <sup>201</sup> Chevron, Managing Climate Change Risks, <https://www.chevron.com/corporate-responsibility/climate-change/managing-climate-risk>.

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

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

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

1 and the cascading social, economic, health, and other consequences of these environmental  
2 changes. These adverse impacts will continue to increase in frequency and severity in Richmond  
3 and disproportionately impact the City’s most vulnerable communities.

4 191. The City of Richmond is uniquely situated in the northeastern corner of the San  
5 Francisco Bay and is surround on three sides by water. Sea level in California, including  
6 Richmond, will continue to rise significantly and dangerously through at least 2150.<sup>205</sup>

7 192. Without Defendants’ fossil fuel-related greenhouse gas pollution, current sea level  
8 rise would have been far less than the observed sea level rise to date.<sup>206</sup> Similarly, committed sea  
9 level rise that will occur in the future would also be far less.<sup>207</sup>

10 193. In addition, anthropogenic climate change is compressing precipitation within the  
11 winter, which will create drier than normal conditions in the City during the rest of the year,  
12 effectively extending the summer “dry” season and compressing the winter “wet” season.

13 194. California is moving toward a regime in which annual rainfall is increasingly either  
14 extremely abundant or extremely lacking, with fewer “normal” rainfall years occurring in 1982–  
15 2015 as compared to 1949–1981.<sup>208</sup>

16 195. The upshot is that approximately the same amount of rain will fall in a shorter  
17 period via more intense storms in Richmond. The water supply generated from those events  
18 evaporates more quickly, resulting in diminished surface water availability and diminished  
19 groundwater recharge. In turn, this will diminish water supply for both human and ecological  
20 demand. Decreased soil moisture will result in increased fuel aridity—that is, vegetation will dry  
21 out quickly and completely in the absence of water, increasing its flammability.

22  
23  
24 <sup>205</sup> See Griggs et al. (2017), supra note 10, at 26, Table 1(b).

25 <sup>206</sup> Robert E. Kopp et al., Temperature-driven Global Sea-level Variability in the Common Era,  
26 Proceedings of the National Academy of Sciences, Vol. 113, No. 11, E1434-E1441, E1438  
(2016), <http://www.pnas.org/content/113/11/E1434.full>.

27 <sup>207</sup> Peter U. Clark et al., Consequences of Twenty-First-Century Policy for Multi-Millennial  
Climate and Sea-Level Change, Nature Climate Change Vol. 6, 365 (2016).

28 <sup>208</sup> Daniel L. Swain et al., Trends in Atmospheric Patters Conducive to Seasonal Precipitation  
and Temperature Extremes in California, Science Advances, e10501344, at .5 (2016).

1           196. Because of anthropogenic global warming, Richmond’s hydrologic regime is  
2 shifting toward one characterized by more frequent and severe drought, more extreme precipitation  
3 events, and more frequent and severe heatwaves, among other impacts.

4           197. Plaintiffs have already incurred, and will foreseeably continue to incur, injuries and  
5 damages because of sea level rise and disruptions to the hydrologic cycle including increased  
6 frequency and severity of drought, increased frequency and severity of extreme precipitation  
7 events, increased frequency and severity of heat waves, increased frequency and severity of  
8 wildfires, increased public health hazards, and consequent social and economic injuries associated  
9 with those physical and environmental changes, all of which have been caused and/or exacerbated  
10 by Defendants’ conduct.

11           198. But for Defendants’ conduct, Plaintiffs would have suffered no or far less injuries  
12 and damages than they have, and will foreseeably endure, due to expected anthropogenic sea level  
13 rise, disruption of the hydrologic cycle, and associated consequences of those physical and  
14 environmental changes.

15           199. Defendants have actually and proximately caused the sea levels to rise, increased  
16 the destructive impacts of storm surges, increased coastal erosion, exacerbated the onshore impact  
17 of regular tidal ebb and flow, caused saltwater intrusion, disrupted the hydrologic cycle, caused  
18 increased frequency and severity of drought, caused increased frequency and severity of extreme  
19 precipitation events, caused increased frequency and severity of heat waves, and caused  
20 consequent social and economic injuries associated with the aforementioned physical and  
21 environmental impacts, among other impacts, resulting in inundation, destruction, and/or other  
22 interference with Plaintiffs’ property and residents.

23           200. Plaintiffs have already incurred, and will foreseeably continue to incur, injuries,  
24 and damages because of sea level rise and disruptions to the hydrologic cycle, including increased  
25 frequency and severity of drought, increased frequency and severity of extreme precipitation  
26 events, increased frequency and severity of heat waves, and consequent social and economic  
27 injuries associated with those physical and environmental changes, all of which have been caused  
28 and/or exacerbated by Defendants’ conduct.

1           201. But for Defendants’ conduct, Plaintiffs would have suffered no or far less injuries  
2 and damages than they have endured, and foreseeably will endure, due to anthropogenic sea level  
3 rise, disruption of the hydrologic cycle, and associated consequences of those physical and  
4 environmental changes.

5           202. Richmond has experienced significant sea level rise and associated impacts over  
6 the last half century attributable to Defendants’ conduct.<sup>209</sup> Sea level rise endangers City property  
7 and infrastructure, causing coastal flooding of low-lying areas, erosion, salinity intrusion, higher  
8 risk of liquefaction during seismic events, and storm surges. Several critical City facilities, existing  
9 roadways, wastewater treatment facilities, residential neighborhoods, industrial areas including the  
10 Port of Richmond and the Chevron Refinery, highways, rail lines, emergency response facilities,  
11 and parks have suffered and/or will suffer injuries due to sea level rise expected by the end of this  
12 century. The City will experience additional, significant, and dangerous sea level rise through at  
13 least the year 2150,<sup>210</sup> and the increases will continue and accelerate. Additionally, Richmond will  
14 experience greater committed sea level rise due to the “locked in” greenhouse gases already  
15 emitted.<sup>211</sup> The City will suffer greater overall sea level rise than the global average.<sup>212</sup>

16           203. The City of Richmond is particularly vulnerable to the impacts of sea level rise  
17 because of its substantial coastline and substantial low-lying areas East of Point Molate. The map  
18 below depicts the areas of Richmond what would be inundated by three feet of sea level rise  
19 augmented by a 100-year coastal flood, or by four feet of sea level rise augmented by a 50-year  
20 extreme tide (with both events being equivalent to sea level rise of six-feet five-inches above  
21  
22  
23

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24 <sup>209</sup> See City of Richmond, Climate Action Plan, supra note 93, at F-8.

25 <sup>210</sup> Griggs et al. (2017), supra note 10, at 26, Table 1(b).

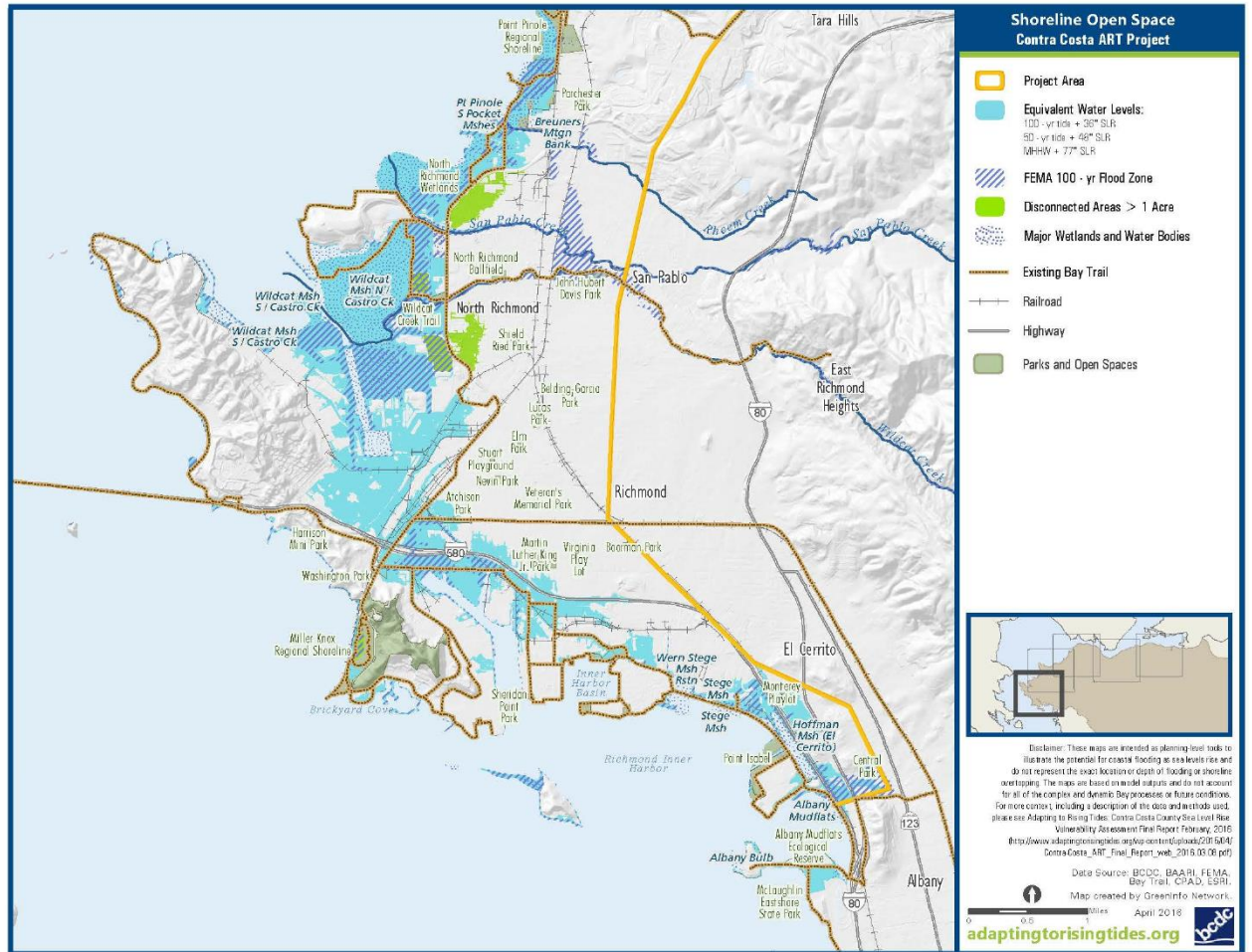
26 <sup>211</sup> Clark et al. (2016), supra note 207, at 363–65.

27 <sup>212</sup> Global sea level rise is projected to be 82.7 cm (32.6 inches) above 2000 levels by 2100. See  
28 National Research Council, Sea-Level Rise for the Coasts of California, Oregon, and  
Washington: Past Present and Future (2012) at page 107 at Table 5.2; at 117 at Table 5.3. The  
San Francisco Bay Area sea level rise is projected to be 91.9 cm (36.2 inches) over 2000 by  
2100. Id.

1 current average conditions).<sup>213</sup> The map also shows the FEMA 100-year flood zone under current  
2 conditions.

3 **Figure 6: Flood Zone Under Current Conditions**

4 Figure 4.6: Potential Inundation from Sea Level Rise along Richmond Shoreline



204. Furthermore, the City of Richmond has and will continue to experience injuries due to changes to the hydrologic cycle caused by Defendants' conduct. Changes to the hydrologic cycle have caused and will continue to cause the City multiple significant injuries, including, but not limited to, infrastructure damage; disruption to the City's water supply; interference with the use and enjoyment of City-owned public property; and the financial, manpower, and other costs

<sup>213</sup> City of Richmond, Climate Action Plan, *supra* note 93, at F-21.



1 of planning for expected climatic changes and of responding to acute injuries to assets within the  
2 City.

3 205. Sea level rise-related and hydrologic cycle change-related impacts on public,  
4 industrial, commercial, and residential assets within the City have caused and will continue to  
5 cause injuries to the City, either directly, or through secondary and tertiary impacts that cause the  
6 City to expend resources in responding to these impacts, lose revenue due to decreased economic  
7 activity in the City, and suffer other injuries. Among the properties that have and/or will be injured  
8 by sea level rise, changes to the hydrologic cycle, and their related impacts, are:

9 a. **Transportation Infrastructure:** Sea level rise and flooding will damage  
10 main thoroughfares in the City, including, but not limited to, Interstates 580 (from the Castro Street  
11 Interchange to the Contra Costa County line) and 80 (approach to the Carquinez Bridge and San  
12 Pablo Avenue interchange) and surface streets the City of Richmond owns and manages in the  
13 Point Richmond, Marina Bay, and Iron Triangle neighborhoods. This includes segments of  
14 Richmond Parkway/Castro Street and Central Avenue, which are major truck and transit routes  
15 and important arterials for commuters and emergency service vehicles.<sup>214</sup> Even temporary damage  
16 or partial closures of these highways could impact traffic at a regional scale.<sup>215</sup> The Union Pacific  
17 (UP) rail line in particular is primarily located adjacent to the shoreline and crosses many tidal  
18 creeks and channels as well as coastal floodplains. The rail line serves as ad-hoc flood protection  
19 in many locations, with tidal marshes and mudflats on the bayside of the rail track that help reduce  
20 wind, wave, and tidal energy. However, these marshes and mudflats that protect the rail line from  
21 erosion and flood damage will be damaged by expected sea level rise,<sup>216</sup> which would cause  
22 disruption to the rail line, inland flooding, and other consequences. Extreme precipitation events  
23 have caused landslides and related impacts on Rifle Range Road, Castro Ranch Road, and Knob  
24 Cone Drive. The City recently bore response and other costs associated with a culvert collapse on  
25 Via Verde during an extreme precipitation event. Additionally, many roads in the Richmond Hills

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26  
27 <sup>214</sup> Id. at 73.

28 <sup>215</sup> Id.

<sup>216</sup> See id.

1 are in high-risk zones for wildfires, or will be by the year 2100, which can in turn couple with the  
2 impacts of extreme precipitation events and cause landslides and water quality issue, among other  
3 impacts.

4           **b. Industrial Property:** Port of Richmond terminals currently do not have  
5 groundwater pumping systems in place and the rising groundwater table will damage roads, rails  
6 and electrical components that support port operations.<sup>217</sup> Flooding will damage electrical  
7 equipment located at or below-grade, such as electrical equipment found in graving basins in the  
8 Port of Richmond. Rail lines, local roads (Richmond Parkway/Canal Boulevard, South Garrard  
9 Boulevard, West Cutting Boulevard, Wright Avenue, Marina Way South, Hoffman Boulevard,  
10 and Harbor Way South) and the Interstate that serve the Port of Richmond are vulnerable to  
11 flooding.<sup>218</sup> Low-lying and shoreline portions of the Chevron Refinery site, in particular along the  
12 eastern side of the site, are located in the 100-year floodplain. These areas and adjacent low-lying  
13 areas will be flooded with two feet of sea level rise or more in the absence of mitigation measures.  
14 Flooding on the east side of the refinery will impact pipelines, roads, rail lines, buildings, and the  
15 wastewater treatment plant, and exposes these assets to corrosive seawater.<sup>219</sup> Sea level rise-related  
16 damage to the Chevron facility could have severe consequences to the City in the form of response  
17 costs, environmental damage, and public health impacts, among others.

18           **c. Energy Infrastructure:** The City’s natural gas infrastructure will suffer  
19 inundation of pipelines and pumping stations due to temporary flooding or other impacts of sea  
20 level rise. Buried pipelines are directly and indirectly injured by sea level rise-related groundwater  
21 table increase and salinity intrusion.<sup>220</sup>

22           **d. Public Facilities:** Washington Elementary School is exposed to four feet or  
23 more of sea level rise and is within the current 500-year floodplain.<sup>221</sup> Many schools in Richmond  
24

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25 <sup>217</sup> Id. at F-102.

26 <sup>218</sup> Id.

27 <sup>219</sup> Id. at F-99.

28 <sup>220</sup> Id. at 74.

<sup>221</sup> Contra Costa County, Adapting to Rising Tides: Contra Costa County Assessment and  
Adaptation Project at 112 (Mar. 2017).

1 are already critically overcrowded, and loss of even one facility will have serious consequences  
2 for other schools.

3 e. **Commercial Property:** A substantial number of commercial parcels  
4 already do or will experience flooding in Richmond. Many of these are boat harbors/marinas, most  
5 of which are in the Brickyard Cove neighborhood. Other commercial uses that will be impacted  
6 include stores, office buildings and restaurants that are mostly located along the southern  
7 Richmond shoreline, to the south of I-580.<sup>222</sup>

8 f. **Residential Property:** Certain neighborhoods and hundreds of single-  
9 family residential parcels in Richmond have or will experience flooding that will be more frequent  
10 and extensive due to sea level rise. Many parcels in Brickyard Cove and Point Richmond, already  
11 in the 100-year floodplain, will flood with less than three feet of sea level rise.<sup>223</sup> These include  
12 the portion of Santa Fe between Virginia and Florida Avenues, and 1st to 6th streets. Single-family  
13 residences in this neighborhood will be damaged by five feet or more of sea level rise.

14 g. **Wastewater Management:** The City owns the Richmond Municipal Sewer  
15 District, which operates a wastewater treatment plant in Point Richmond and approximately half  
16 of the sewer lines within the City's boundaries.<sup>224</sup> The City provides wastewater disposal service  
17 to a 52.6 square mile service area with a substantial majority of the City's residents as well as  
18 industrial, commercial and public customers.<sup>225</sup> The City will directly bear injuries to those  
19 systems, including its effluent pump stations that lift and convey wastewater to the treatment plant,  
20 from sea level rise, including inundation, flooding, and salinity intrusion.<sup>226</sup> Flooding is already  
21 causing extensive sanitary sewer overflows that create substantial response costs for the City and  
22 have exposed the City to liability for violations of environmental laws.

23  
24  
25 \_\_\_\_\_  
26 <sup>222</sup> Id. at 30.

27 <sup>223</sup> City of Richmond, Climate Action Plan, supra note 93, at 73.

28 <sup>224</sup> Id. at 59.

<sup>225</sup> Id. at F-51.

<sup>226</sup> Id.

1           h.       **Stormwater/Flood Management Infrastructure:** Richmond has  
2 approximately 94 miles of separate storm sewer pipes plus numerous gutters, manholes, outfalls,  
3 storm gates, pump stations and other drainage infrastructure that manage rainfall runoff and  
4 prevent flooding. Six feet or less of sea level rise will damage critical stormwater assets, including  
5 a significant portion of the City’s collection devices (storm drains, catch basins, etc.), manholes,  
6 weirs, storm gates, pump stations, and pipe.<sup>227</sup> A substantial majority of ocean outfalls will be  
7 inundated at high tide with six feet of sea level rise. As these outfalls do not have storm gates to  
8 prevent Bay water from entering the stormwater system, where upstream pipe capacity is  
9 insufficient to store both stormwater and Bay water, there will be street and basement flooding  
10 during extreme tides or potentially during the daily high tide. This is already a problem in many  
11 low-lying areas along the Richmond shoreline where historic marshes were filled for development.  
12 Higher water tables associated with sea level rise will also infiltrate the stormwater system and  
13 further reduce pipe capacity, and pipes and other infrastructure.<sup>228</sup> Extreme precipitation events  
14 have overwhelmed and/or will overwhelm the City’s storm drain and creek flood management  
15 systems, causing flooding. The current stormwater drainage system is designed for extreme  
16 precipitation based on historical averages, but generally wetter conditions will outpace the existing  
17 system’s ability to handle extreme events, necessitating revision of that infrastructure.<sup>229</sup>

18           i.       **Parks:** Five parks in the City will experience flooding. These five parks  
19 represent a significant percentage of the City of Richmond’s total park acreage and are all located  
20 along the shoreline. The City includes 32 miles of the regional Bay Trail, which in Richmond is  
21 located on erodible shoreline such as levees, bluffs, and natural shorelines. Flood damage to park  
22 infrastructure, including, but not limited to, shoreline protection, public access areas, lawns,  
23 restrooms, picnic areas, playing fields, and parking lots will require park closures and costly  
24  
25  
26

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27 <sup>227</sup> Id. at F-56.

28 <sup>228</sup> Id. at 76.

<sup>229</sup> Id. at F-17.

1 repairs. These parks will be lost if not protected or relocated. These parks also rely on vulnerable  
2 roads and trails for access.<sup>230</sup>

3 j. **Natural Resources:** The City has been exposed and will continue to be  
4 exposed to the public health, environmental, and legal repercussions of sanitary sewer overflows  
5 associated with extreme precipitation events. Additionally, increased flooding in Wildcat Creek  
6 will affect marsh habitat and endangered rail and saltmarsh harvest mouse populations in Wildcat  
7 Marsh. Increased flooding in Wildcat and San Pablo Creeks could also mobilize industrial  
8 substances and introduce contaminants to surrounding areas.<sup>231</sup> Without improved maintenance,  
9 restoration, and enhancement, the existing tidal marshes in Richmond will be lost between 2070  
10 and 2100.<sup>232</sup>

11 k. **Water Supply:** Drought and changes in precipitation patterns are  
12 decreasing the stability of the City's water supply. Richmond receives its water from the East Bay  
13 Municipal Utility District.<sup>233</sup> Changes to the statewide hydrologic regime have reduced snowpack  
14 (a critical freshwater reservoir in California), consolidated precipitation into a shorter timeframe  
15 thereby reducing its amenability to capture, and caused decreases to water quality. These  
16 environmental changes have compelled the State of California to induce mandatory water  
17 rationing. In response, the City has incurred expenses in rationing, conservation, and contingency  
18 planning for decreased water supply reliability associated with these changes to the hydrologic  
19 regime.<sup>234</sup> The City will experience decreased water quality in local reservoirs associated with loss  
20 of watershed vegetation and increased incidence of wildfires in the regions from which its water  
21 supply is drawn.<sup>235</sup> Higher temperatures will strain local water supply, which has increased and  
22 will continue to increase the City's irrigation demand and expenses. The City has experienced loss

23  
24 <sup>230</sup> Id. at F-90-92.

25 <sup>231</sup> Id. at F-72.

26 <sup>232</sup> Id. at F-89.

27 <sup>233</sup> The City does not by this action seek abatement of any nuisance conditions outside its  
jurisdiction.

28 <sup>234</sup> City of Richmond, Climate Action Plan, supra note 93, at F-18.

<sup>235</sup> Id.

1 of street trees, among other injuries, as a result of hydrologic change-related water supply issues.  
2 This City has expended resources in planning for upgrades to its water storage and delivery  
3 facilities, and to diversify local water supplies.<sup>236</sup>

4 206. The City is planning, at significant expense, adaptation strategies to address sea  
5 level rise and related impacts, including, but not limited to, development of a strategic planning  
6 document and adaptive management plan to address sea level rise along the City's developing  
7 shoreline.<sup>237</sup> Additionally, the City has incurred significant expense in educating and engaging the  
8 public on climate change issues, and to promote community involvement in actions to reduce  
9 climate change risks, including by educating particularly vulnerable populations about the public  
10 health impacts of extreme heat waves (such as heat stroke), drought (diminished water supply),  
11 and other climate change-related impacts.<sup>238</sup> Implementation of these planning and outreach  
12 processes will come at a substantial cost to the City.

13 207. As a direct and proximate result of the acts and omissions of the Defendants'  
14 alleged herein, Plaintiff has incurred significant expenses related to planning for and predicting  
15 future sea level rise-related and hydrologic cycle change-related injuries to its real property,  
16 improvements thereon, municipal infrastructure, and residents, and other community assets in  
17 order to preemptively mitigate and/or prevent injuries to itself and its residents.

18 208. As a direct and proximate result of Defendants' acts and omissions alleged herein,  
19 Plaintiffs have incurred sea level rise-related and hydrologic regime change-related injuries and  
20 damages. These include, but are not limited to, infrastructural repair, planning costs, and response  
21 costs to flooding and other acute incidents.

22 209. As a direct and proximate result of Defendants' acts and omissions alleged herein,  
23 Plaintiffs' real property has been inundated by sea water, and extreme precipitation, among other  
24 climate-change related intrusions, causing injury and damages thereto and to improvements  
25

26  
27 <sup>236</sup> Id. at F-47.

28 <sup>237</sup> Id. at 72.

<sup>238</sup> See id. at 71–72.

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

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

5 **VI. CAUSES OF ACTION**

6 **FIRST CAUSE OF ACTION**

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

8 **(Against All Defendants)**

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

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

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

26 214. Defendants, individually and in concert with each other, created, caused,  
27 contributed to, and assisted in the creation of these and other climate change-related harms in  
28 Richmond by, among other things, affirmatively and deceptively promoting the sale and use of

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

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

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

- 26 a. interference with the public's rights so regular and severe as to cause  
27 permanent inundation;
- 28 b. the destruction of real and personal property, rather than mere annoyance;



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

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

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

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

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

15 h. Public health harms including reduced air quality from smoke and  
16 dangerous pollutants caused by more frequent and intense wildfires across California, which  
17 exacerbates existing health conditions, damages lungs and increases rates of childhood asthma,  
18 respiratory and heart disease, and death, and which reduces visibility and obstructs scenic views.

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

21 218. This public nuisance affects and/or interferes with the rights of an entire community  
22 and/or the rights of a considerable number of persons in Richmond and the State of California to  
23 health, safety, peace, comfort, and convenience.

24 219. The People's injuries and threatened injuries from each Defendant's affirmative  
25 acts or omissions are indivisible injuries. Each Defendant's past and ongoing conduct is a direct  
26 and proximate cause of the People's injuries and threatened injuries. As a direct and proximate  
27 result of Defendants' acts and omissions, Plaintiffs will be required to expend significant public  
28 resources to mitigate the impacts of climate-related harms throughout Richmond.



1 squares, streets, bodies of water, and/or highways within Richmond. They therefore constitute a  
2 nuisance.

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

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

25 230. The climate change-related harms that Defendants created, caused, contributed to,  
26 and assisted in the creation of, constitute a substantial and unreasonable interference with and  
27 obstruction of public rights and property, including, *inter alia*, the public rights to health, safety,  
28 welfare, peace, comfort, and convenience of Richmond residents and other citizens. These

1 interferences with public rights, which Defendants knew their affirmative wrongful promotion  
2 would cause or exacerbate, include without limitation:

3 a. interference with the public's rights so regular and severe as to cause  
4 permanent inundation;

5 b. the destruction of real and personal property, rather than mere annoyance;

6 c. the loss of property and infrastructure within Richmond, which will actually  
7 be borne by Plaintiff's residents as loss of use of public property and infrastructure and diversion  
8 of tax dollars away from other public services to sea level rise;

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

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

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

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

20 h. Public health harms including reduced air quality from smoke and  
21 dangerous pollutants caused by more frequent and intense wildfires across California, which  
22 exacerbates existing health conditions, damages lungs and increases rates of childhood asthma,  
23 respiratory and heart disease, and death, and which reduces visibility and obstructs scenic views.

24 231. The harms caused by Defendants' nuisance-creating conduct are extremely grave  
25 and far outweigh the social utility of that conduct.

26 232. This public nuisance affects and/or interferes with the rights of an entire community  
27 and/or the rights of a considerable number of persons in Richmond to health, safety, peace,  
28 comfort, and convenience.

1           233. In addition to the harms suffered by the public at large, Plaintiff has suffered special  
2 injuries different in kind. Among other harms,

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

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

10           234. Plaintiff's injuries and threatened injuries from each Defendant's affirmative acts  
11 or omissions are indivisible injuries. Each Defendant's past and ongoing conduct is a direct and  
12 proximate cause of Plaintiff's injuries and threatened injuries. As a direct and proximate result of  
13 Defendants' acts and omissions, Plaintiff will be required to expend significant public resources  
14 to mitigate the impacts of climate-related harms throughout Richmond.

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

21           236. As a direct and proximate result of Defendants' conduct, as set forth above, the  
22 common rights enjoyed by the general public in the City of Richmond have been unreasonably  
23 interfered with because Defendants knew or should have known that their conduct would create a  
24 continuing problem with long-lasting significant negative effects on the rights of the public.

25           237. Defendants' actions are a direct and legal cause of the public nuisance.

26           238. Defendants are jointly and severally liable to Plaintiff for committing a public  
27 nuisance.

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1 which result in risks to human health and safety, damage to property and infrastructure, and loss  
2 of use of public services in Richmond.

3 245. Throughout the times at issue and continuing today, Defendants' fossil fuel  
4 products and their derivatives were used, distributed, and sold in a manner in which they were  
5 reasonably foreseeably intended to be used, distributed, and sold, including but not limited to being  
6 combusted for energy, combusted to power automobiles, refined into petrochemicals, and refined  
7 and/or incorporated into petrochemical products including, but not limited to, fuels and plastics.

8 246. Throughout the times at issue and continuing today, fossil fuel products presented  
9 and still present a substantial risk of injury to Plaintiff through the climate effects described above,  
10 whether used as intended or misused in a reasonably foreseeable manner. They were not  
11 reasonably safe at the time they left Defendants' control because they lacked adequate warnings  
12 and instructions. Defendants' actual and/or constructive knowledge described above also  
13 encompassed all of the risks described in this paragraph.

14 247. The fossil fuel products and their derivatives reached consumers substantially  
15 unchanged from the condition in which they left the Defendants' control. Defendants and their  
16 affiliates and subsidiaries knew, or should have known, that these fossil fuel products and their  
17 derivatives would be used by Plaintiff, its residents, and others within the Richmond's limits,  
18 amongst others, in the manner reasonably foreseeably intended.

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

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

26 250. Throughout the times at issue, Defendants individually and in concert widely  
27 disseminated marketing materials, refuted the scientific knowledge generally accepted at the time  
28 concerning climate change, and advanced pseudo-scientific theories of their own, and developed

1 public relations campaigns and materials that prevented reasonable consumers from recognizing  
2 or discovering the latent risk that Defendants' fossil fuel products and their derivatives would  
3 cause grave climate changes. Defendants also represented, asserted, claimed, and warranted that  
4 their fossil fuel products and derivatives were safe for their intended and foreseeable uses.

5 251. Despite the Defendants' superior and unequal knowledge of the risks posed by  
6 fossil fuel products and their derivatives, Defendants, and each of them, breached their duty to  
7 warn by failing to adequately warn Plaintiff, customers, and the public of the risks of climate  
8 change and other dangers that Defendants knew would inevitably follow from the intended or  
9 reasonably foreseeable use of Defendants' fossil fuel products.

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

15 253. Accordingly, throughout the times at issue, the ordinary consumer would not  
16 recognize that the use of fossil fuel products and their derivatives causes global and localized  
17 changes in climate, and consequent injuries to Richmond and its communities, as described herein.

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

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

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1 flooding, increasing the frequency and intensity of extreme heat events (including fire smoke), and  
2 increasing the intensity and frequency of storms.

3 265. The condition created by Defendants substantially and negatively affects Plaintiff's  
4 interest in its own real property. In particular, higher sea level, increased storm frequency and  
5 intensity, increased frequency and intensity of extreme heat events (including fire smoke), and  
6 increased flooding frequency and intensity are:

- 7 a. harmful and dangerous to human health;
- 8 b. indecent and offensive to the senses of the ordinary person; and
- 9 c. threatening to obstruct the free use of Plaintiff's property and property  
10 owned by Plaintiff's residents and citizens, so as to interfere with the comfortable enjoyment of  
11 life and property; and
- 12 d. threatening to obstruct the free passage and use of public parks, squares,  
13 streets, bodies of water, and/or highways within Richmond.

14 266. The condition described above created by Defendants' conduct substantially  
15 interferes with Plaintiff's use and quiet enjoyment of its properties.

16 267. Plaintiff has not consented to Defendants' conduct in creating the condition that has  
17 led to climate change and its associated harms.

18 268. The ordinary person, and the ordinary City or public entity in Plaintiff's position,  
19 would be reasonably annoyed and disturbed by Defendants' conduct and the condition created  
20 thereby, because, *inter alia*, it infringes on Plaintiff's ability to provide public space and safe  
21 property to residents and visitors, and has forced Plaintiff to plan for and provide additional  
22 emergency and other public services in response to more frequent and more intense flooding and  
23 storm surges on properties owned by Plaintiff.

24 269. The seriousness of rising sea levels, increased weather volatility, flooding, and  
25 extreme heat events (including fire smoke) is extremely grave, and outweighs the social utility of  
26 Defendants' conduct. The seriousness of the harm to Plaintiff outweighs the benefit of Defendants'  
27 and each of their conduct.

28



1 adverse environmental changes, and the associated consequences of those physical and  
2 environmental changes in Richmond and elsewhere, with compounding effects in Disadvantaged  
3 Communities. Defendants possessed knowledge that these climate-related harms would result in  
4 risks to human health and safety, damage to property and infrastructure, and loss of use.

5 278. Given the scientific evidence available to and conducted by Defendants, as  
6 referenced herein, such injury was likely and reasonably foreseeable.

7 279. Under California law, each Defendant had a duty to Plaintiff and its residents to  
8 exercise reasonable care in the marketing, promoting, sale, and/or labeling of their fossil fuel  
9 products and to act reasonably for the protection of Richmond and its residents to avoid inflicting  
10 the injuries described herein. All Defendants had a duty to exercise reasonable care in the  
11 production and dissemination of information regarding the climate impacts of fossil fuel products  
12 to users of those products and to the public.

13 280. Defendants had superior knowledge of the risk posed by fossil fuel products at all  
14 times relevant to this Complaint.

15 281. Defendants, collectively and individually, had a duty to use due care in developing,  
16 testing, inspecting, selling, and marketing their fossil fuel products. That duty obligated  
17 Defendants collectively and individually to, *inter alia*, prevent defective products from entering  
18 the stream of commerce, and prevent reasonably foreseeable harm that could have resulted from  
19 the ordinary use or reasonably foreseeable misuse of Defendants' products.

20 282. Defendants, and each of them, breached their duty of due care by engaging in a  
21 campaign of disinformation regarding global warming and the climatic effects of fossil fuel  
22 products that prevented customers and the general public from taking steps to mitigate the  
23 inevitable consequences of fossil fuel consumption, and incorporating those consequences into  
24 either short-term decisions or long-term planning. This includes when they advertised, promoted,  
25 and/or sold fossil fuel products and their derivatives, while failing to include warnings of the risk  
26 of harm associated with fossil fuel products and their derivatives, in a manner that they knew or  
27 should have known would result in injury to human health and safety, damage to Plaintiff's  
28 property and infrastructure, loss of use of Plaintiff's services, and other damages to the Plaintiff.

1           283. Any warnings provided by Defendants were rendered ineffective by the years-long  
2 deceptive marketing practices and public relations campaigns, which promulgated false and  
3 misleading statements, casted doubt on the consensus of climate scientists, and advanced pseudo-  
4 scientific theories.

5           284. Defendants' individual and collective acts and omissions were actual, substantial  
6 causes of climate change and its consequences, including Plaintiff's injuries and damages set forth  
7 herein.

8           285. Defendants' individual and collective acts and omissions were proximate causes of  
9 climate change and its consequences, including Plaintiff's injuries and damages set forth herein.  
10 No other act, omission, or natural phenomenon intervened in the chain of causation between  
11 Defendants' conduct and Plaintiff's injuries and damages, or superseded Defendants' breach of  
12 their duties' substantiality in causing Plaintiff's injuries and damages.

13           286. As a direct and proximate result of Defendants' and each of their acts and  
14 omissions, Plaintiff sustained injuries and damages as set forth herein.

15           287. Defendants' acts and omissions as alleged herein are indivisible causes of  
16 Plaintiff's injuries and damage as alleged herein.

17           288. A reasonably careful company would not engage in a decades-long deceptive  
18 marketing and public relations campaign to promulgate such false and misleading statements,  
19 would not manufacture, distribute, sell, or promote fossil fuel products and their derivatives  
20 without warning, would warn of these products' hazardous properties, and/or would take steps to  
21 enhance the safety and/or reduce the risk of the products.

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

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1 storm surges, more frequent and severe heat waves and extreme temperatures, reduced air quality,  
2 and the consequences and injuries associated with those physical and environmental changes,  
3 which result in risks to human health and safety, damage to property and infrastructure, and loss  
4 of use of public services in Richmond.

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

10 298. Throughout the times at issue and continuing today, Defendants' fossil fuel  
11 products and their derivatives were used, distributed, and sold in a manner in which they were  
12 reasonably foreseeably intended to be used, distributed, and sold, including but not limited to being  
13 combusted for energy, combusted to power automobiles, refined into petrochemicals, and refined  
14 and/or incorporated into petrochemical products including, but not limited to, fuels and plastics.

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

18 300. Throughout the times at issue and continuing today, fossil fuel products presented  
19 and still present a substantial risk of injury to Plaintiff through the climate effects described above,  
20 whether used as intended or misused in a reasonably foreseeable manner. They were not  
21 reasonably safe at the time they left Defendants' control because they lacked adequate warnings  
22 and instructions. Defendants' actual and/or constructive knowledge described above also  
23 encompassed all of the risks described in this paragraph. The fossil fuel products and their  
24 derivatives reached consumers substantially unchanged from the condition in which they left the  
25 Defendants' control. Defendants and their affiliates and subsidiaries knew, or should have known,  
26 that these fossil fuel products and their derivatives would be used by Plaintiff, its residents, and  
27 others within the Richmond's limits, amongst others, in the manner reasonably foreseeably  
28 intended.

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

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

12           303. Despite the Defendants' superior and unequal knowledge of the risks posed by  
13 fossil fuel products and their derivatives, Defendants, and each of them, breached their duty to  
14 warn by failing to adequately warn Plaintiffs, customers, and the public of the risks of climate  
15 change and other dangers that Defendants knew would inevitably follow from the intended or  
16 reasonably foreseeable use of Defendants' fossil fuel products.

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

22           305. Accordingly, throughout the times at issue, the ordinary consumer would not  
23 recognize that the use of fossil fuel products and their derivatives causes global and localized  
24 changes in climate, and consequent injuries to Richmond and its communities, as described herein.

25           306. Had the Defendants provided adequate warnings and not waged a deceptive  
26 campaign against climate science, their fossil fuel products and their derivatives would not have  
27 had widespread acceptance in the marketplace, and alternatives to fossil fuel products could have  
28



1 been developed faster, investment in fossil fuel alternatives would be greater, and/or fossil fuel  
2 alternatives would be used in greater amounts.

3 307. Moreover, had the Defendants provided adequate warnings about the adverse  
4 impacts to public health and the environment that result from the intended and reasonably  
5 foreseeable use of fossil fuel products and their derivatives, Plaintiff and its residents would have  
6 taken measures to decrease fossil fuel dependency to avoid or lessen the climate change-related  
7 harms described herein and property damage that would inevitably follow.

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

10 309. Defendants further breached their duty of care by making untruthful, deceptive,  
11 and/or misleading environmental marketing claims, explicit and implied, in violation of Cal. Bus.  
12 & Prof. Code § 17580.5. By violating the greenwashing statute, Defendants are presumed to have  
13 breached their duty per se under Evidence Code § 669.

14 a. Defendants violated § 17580.5 with such conduct including deceptively  
15 marketing fossil fuel products claimed to be "low carbon," "emissions-reducing," "clean" and/or  
16 "green," or otherwise environmentally beneficial or benign when in reality those products  
17 contribute to climate change and are harmful to the health of the planet and its people; and  
18 deceptively marketing their companies and their products as contributing to solutions to climate  
19 change when in reality their investments in clean energy and alternative fuels pale in comparison  
20 to their investments in expanding fossil fuel production.

21 b. This conduct was the proximate cause of Plaintiff's climate related injuries.

22 c. Plaintiff's injuries resulted from an occurrence of the nature which the  
23 greenwashing statute was designed to prevent.

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

26 310. Defendants' wrongful conduct was oppressive, malicious, and fraudulent, in that  
27 their conduct was willful, intentional, and in conscious disregard for the rights of others.  
28 Defendants' conduct was so vile, base, and contemptible that it would be looked down upon and

1 despised by reasonable people, justifying an award of punitive and exemplary damages in an  
2 amount subject to proof at trial, and justifying equitable disgorgement of all profits Defendants  
3 obtained through their unlawful and outrageous conduct.

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

8 312. Defendants' acts and omissions as alleged herein are indivisible causes of  
9 Plaintiff's injuries as alleged herein.

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

12 314. Wherefore, Plaintiff prays for relief as set forth below.

13 **SEVENTH CAUSE OF ACTION**

14 **(Trespass on Behalf of the City of Richmond)**

15 **(Against All Defendants)**

16 315. Plaintiff incorporates by reference each and every allegation in §§ I–V contained  
17 above, as though set forth herein in full.

18 316. Plaintiff owns, leases, occupies, and/or controls real property within Richmond  
19 boundaries and within communities located within the City.

20 317. Defendants, and each of them, have intentionally, recklessly, or negligently caused  
21 ocean waters, storm surges, flood waters, extreme precipitation, and airborne pollutants including  
22 smog and wildfire smoke to enter Plaintiff's property, by advertising, promoting, marketing,  
23 and/or selling fossil fuel products in a manner which, knowing those products in their normal  
24 operation and use or foreseeable misuse would cause global and local sea levels to rise, cause  
25 flooding to become more frequent and more intense, and cause storm surges to become more  
26 frequent and more intense.

27 318. Plaintiff did not give permission for Defendants, or any of them, to cause ocean  
28 water to enter its property.

1           319. Plaintiff has been and continues to be actually injured and continues to suffer  
2 damages as a result of Defendants and each of their having caused ocean water to enter their real  
3 property, by *inter alia* permanently submerging real property owned by Plaintiff, causing flooding  
4 which have invaded and threatens to invade real property owned by Plaintiff and rendered it  
5 unusable, and causing storm surges which have invaded and threatened to invade real Property  
6 owned by Plaintiff and rendered it unusable.

7           320. Defendants' and each Defendant's conduct, including their decades-long campaign  
8 of deception, which had the purpose and effect of inflating and sustaining the market for fossil  
9 fuels, drove up greenhouse gas emissions, accelerated global warming, delayed the energy  
10 economy's transition to a lower-carbon future, and brought about devastating climate change  
11 impacts to Richmond, was a substantial factor in causing the injuries and damages to Plaintiff's  
12 public and private real property.

13           321. Defendants' acts and omissions as alleged herein are indivisible causes of  
14 Plaintiff's injuries and damage as alleged herein.

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

21           323. Defendants are jointly and severally liable to the Plaintiff for causing trespass.

22           324. Wherefore, Plaintiff prays for relief as set forth below.

23 **VII. PRAYER FOR RELIEF**

- 24           1. Compensatory damages in an amount according to proof;  
25           2. Equitable relief to abate the nuisances complained of herein;  
26           3. Reasonable attorneys' fees pursuant to California Code of Civil Procedure 1021.5  
27 or otherwise;  
28           4. Punitive damages;

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- 5. Disgorgement of profits;
- 6. Finding Defendants jointly and severally liable for causing, creating, assisting in the creation, of, contributing to, and/or maintaining a public nuisance;
- 7. Ordering an abatement fund remedy to be paid for by Defendants to provide for infrastructure and other support necessary for the People to abate the nuisances complained of herein;
- 8. Pre- and post-judgment interest as permitted by law;
- 9. Costs of suit and expenses; and
- 10. For such and other relief as the court may deem proper.

**VIII. JURY DEMAND**

Plaintiff the City of Richmond demands a jury trial on all issues so triable.

**CITY OF RICHMOND  
CITY ATTORNEY'S OFFICE**

Dated: June 10, 2024

By: /s/ Dave Aleshire  
 DAVE ALESHIRE  
 City Attorney  
 SHANNON MOORE  
 Chief Assistant City Attorney  
 KIMBERLY Y. CHIN  
 Senior Assistant City Attorney

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*Attorneys for The City of Richmond, a municipal corporation, individually and on behalf of the People of the State of California*

1 **PROOF OF SERVICE**

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

6 On June 10, 2024, I served copies of the following document:

7 **FIRST AMENDED COMPLAINT**

8 upon the counsel listed below via File&ServeXpress as follows:

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I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, CA on June 10, 2024.

/s/ Oni Strawn  
Oni Strawn