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15 *The City of Santa Cruz, a municipal corporation*
16 *and on behalf of the People of the State of California*

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **IN AND FOR THE COUNTY OF SANTA CRUZ**

19 THE CITY OF SANTA CRUZ, a municipal
corporation, individually and on behalf of THE
20 PEOPLE OF THE STATE OF CALIFORNIA,

21 Plaintiff,

22 vs.

23 CHEVRON CORP.; CHEVRON U.S.A. INC.;
24 EXXONMOBIL CORP.; BP P.L.C.; BP
AMERICA, INC.; ROYAL DUTCH SHELL
25 PLC; SHELL OIL PRODUCTS COMPANY
LLC; CITGO PETROLEUM CORP.;
26 CONOCOPHILLIPS; CONOCOPHILLIPS
COMPANY; PHILLIPS 66; TOTAL E&P USA
27 INC.; TOTAL SPECIALTIES USA INC.; ENI
S.p.A.; ENI OIL & GAS INC.; ANADARKO
28 PETROLEUM CORP.; OCCIDENTAL

Case No.

COMPLAINT FOR:

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

JURY TRIAL DEMANDED

1 PETROLEUM CORP.; OCCIDENTAL
2 CHEMICAL CORP.; REPSOL S.A.; REPSOL
3 ENERGY NORTH AMERICA CORP.;
4 REPSOL TRADING USA CORP.;
5 MARATHON OIL COMPANY; MARATHON
6 OIL CORPORATION; MARATHON
7 PETROLEUM CORP.; HESS CORP.; DEVON
8 ENERGY CORP.; DEVON ENERGY
9 PRODUCTION COMPANY, L.P.; ENCANA
10 CORP.; APACHE CORP.; and DOES 1
11 through 100, inclusive,

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Defendants.

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1 **I. INTRODUCTION**

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

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

25 ² Exhibit A, attached to this Complaint, is a timeline highlighting information alleged in the
26 paragraphs below. The timeline illustrates what the fossil fuel companies knew, when they knew
27 it, and what they failed to do to prevent the environmental effects that are now imposing real
costs on people and communities around the country. The information comes from key industry
documents and other sources.

28 ³ As used in this Complaint, “Santa Cruz” and “City” refer to all areas within the geographic
boundaries of the City.

1 2. Defendants are vertically integrated extractors, producers, refiners, manufacturers,
2 distributors, promoters, marketers, and sellers of fossil fuel products. Decades of scientific
3 research show that pollution from the production and use of Defendants' fossil fuel products plays
4 a direct and substantial role in the unprecedented rise in emissions of greenhouse gas pollution and
5 increased atmospheric CO₂ concentrations since the mid-20th century. This dramatic increase in
6 atmospheric CO₂ and other greenhouse gases is the main driver of the gravely dangerous changes
7 occurring to the global climate.

8 3. Anthropogenic (human-caused) greenhouse gas pollution, primarily in the form of
9 CO₂, is far and away the dominant cause of global warming resulting in severe impacts, including,
10 but not limited to, sea level rise, disruption to the hydrologic cycle, more frequent and intense
11 drought, more frequent and intense extreme precipitation, more frequent and intense heatwaves,
12 more frequent and intense wildfires, and associated consequences of those physical and
13 environmental changes.⁴ The primary source of this pollution is the extraction, production, and
14 consumption of coal, oil, and natural gas, referred to collectively in this Complaint as "fossil fuel
15 products."⁵

16 4. The rate at which Defendants have extracted and sold fossil fuel products has
17 exploded since the Second World War, as have emissions from those products. The substantial
18 majority of all greenhouse gas emissions in history has occurred since the 1950s, a period known
19 as the "Great Acceleration."⁶ About three quarters of all industrial CO₂ emissions in history have
20

21 ⁴See IPCC, Climate Change 2014: Synthesis Report, Contribution of Working Groups I, II and
22 III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Core
23 Writing Team, R.K. Pachauri and L.A. Meyer (eds.)]. IPCC, Geneva, Switzerland. Page 6,
Figure SMP.3, <https://www.ipcc.ch/report/ar5/syr/>.

24 ⁵ See C. Le Quéré et al., Global Carbon Budget 2016, *Earth Syst. Sci. Data* 8, 632 (2016),
25 <http://www.earth-syst-sci-data.net/8/605/2016/>. Cumulative emissions since the beginning of the
26 industrial revolution to 2015 were 413 GtC attributable to fossil fuels, and 190 GtC attributable
to land use change. *Id.* Global CO₂ emissions from fossil fuels and industry remained nearly
constant at 9.9 GtC in 2015, distributed among coal (41 %), oil (34 %), gas (19 %), cement (5.6
%), and gas flaring (0.7 %). *Id.* at 629.

27 ⁶ Will Steffen, et al., The Trajectory of the Anthropocene: The Great Acceleration (2015),
28 <http://journals.sagepub.com/doi/abs/10.1177/2053019614564785>.

1 occurred since the 1960s,⁷ and more than half have occurred since the late 1980s.⁸ The annual rate
2 of CO₂ emissions from extraction, production, and consumption of fossil fuels has increased by
3 more than 60% since 1990.⁹

4 5. Defendants have known for nearly 50 years that greenhouse gas pollution from their
5 fossil fuel products has a significant impact on the Earth's climate and sea levels. Defendants'
6 awareness of the negative implications of their own behavior corresponds almost exactly with the
7 Great Acceleration, and with skyrocketing greenhouse gas emissions. With that knowledge,
8 Defendants took steps to protect their own assets from these threats through immense internal
9 investment in research, infrastructure improvements, and plans to exploit new opportunities in a
10 warming world.

11 6. Instead of working to reduce the use and combustion of fossil fuel products, lower
12 the rate of greenhouse gas emissions, minimize the damage associated with continued high use
13 and combustion of such products, and ease the transition to a lower carbon economy, Defendants
14 concealed the dangers, sought to undermine public support for greenhouse gas regulation, and
15 engaged in massive campaigns to promote the ever-increasing use of their products at ever greater
16 volumes. Thus, each Defendant's conduct has contributed substantially to the buildup of CO₂ in
17 the environment that drives global warming and its physical, environmental, and socioeconomic
18 consequences.

19 7. Defendants are directly responsible for 215.9 gigatons of CO₂ emissions between
20 1965 and 2015, representing 17.5% of total emissions of that potent greenhouse gas during that
21 period. Accordingly, Defendants are directly responsible for a substantial portion of committed
22 sea level rise (sea level rise that will occur even in the absence of any future emissions) because
23 of the consumption of their fossil fuel products.

25 ⁷ R. J. Andres et al., A Synthesis of Carbon Dioxide Emissions from Fossil-Fuel Combustion,
26 *Biogeosciences*, 9, 1851 (2012), <http://www.biogeosciences.net/9/1845/2012/>.

27 ⁸ *Id.*

28 ⁹ C. Le Quéré et al., Global Carbon Budget 2016, *Earth Syst. Sci. Data* 8, 630 (2016),
<http://www.earth-syst-sci-data.net/8/605/2016/>.

1 8. Extreme flooding events will more than double in frequency on California’s Pacific
2 coast by 2050.¹⁰ Flooding and storms will become more frequent and more severe, and average
3 sea level will rise substantially along California’s coast, including in the City of Santa Cruz.
4 Disruptions to weather cycles, extreme precipitation and drought, increased frequency and
5 magnitude of wildfires, and associated consequences—all due to anthropogenic global warming—
6 will increase in the City of Santa Cruz. The City, flanked on its entire southern boundary by the
7 Pacific Ocean and otherwise surrounded by a greenbelt of forested open space, is particularly
8 vulnerable to sea level rise, water shortages, and increased wildfire risks, and has already spent
9 significant funds to study, mitigate, and adapt to the effects of global warming. Climate change
10 impacts already adversely affect Santa Cruz and jeopardize the City’s utilities, beaches, roads,
11 public transportation, water supply, other municipal infrastructure and essential public services,
12 its tourism and fisheries economies, precious ecosystems and habitats, and the safety and well-
13 being of its communities.

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

16 10. Defendants’ production, promotion, marketing of fossil fuel products, simultaneous
17 concealment of the known hazards of those products, and their championing of anti-regulation and
18 anti-science campaigns, actually and proximately caused Plaintiffs’ injuries.

19 11. Accordingly, the City brings claims against Defendants for Public Nuisance on
20 behalf of the People of California as well as itself, Strict Liability for Failure to Warn, Strict
21 Liability for Design Defect, Private Nuisance, Negligence, Negligent Failure to Warn, and
22 Trespass.

23
24
25 ¹⁰ Sean Vitousek, et al., Doubling of Coastal Flooding Frequency Within Decades Due to Sea-
26 Level Rise, Scientific Reports, (May 18, 2017) (“Only 10 cm of SLR doubles the flooding
27 potential in high-latitude regions with small shape parameters, notably the North American west
28 coast (including the major population centers Vancouver, Seattle, San Francisco, and Los
Angeles), 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](https://www.usgs.gov/news/next-decades-frequency-coastal-flooding-will-double-globally).

1 12. By this action, the City seeks to ensure that the parties who have profited from
2 externalizing the responsibility for sea level rise, drought, extreme precipitation events, heatwaves,
3 wildfires, other results of a changing hydrologic regime caused by increasing temperatures, and
4 associated consequences, bear the costs of those impacts on the City, rather than Plaintiffs, local
5 taxpayers or residents. The City does not seek to impose liability on Defendants for their direct
6 emissions of greenhouse gases and does not seek to restrain defendants from engaging in their
7 business operations.

8 **II. PARTIES**

9 **A. Plaintiffs**

10 13. Plaintiff, the People of the State of California (“the People”), by and through the
11 City Attorney for the City of Santa Cruz, brings this suit pursuant to Code of Civil Procedure
12 section 731, and Civil Code sections 3479, 3480, 3491, and 3494, to abate the nuisance caused by
13 sea level rise and changes to the hydrologic regime, including, but not limited to, increased
14 frequency and magnitude of drought, increased frequency and magnitude of extreme precipitation
15 events, increased frequency and magnitude of heatwaves, increased frequency and magnitude of
16 wildfires, and the consequences of those physical and environmental changes in the City’s
17 jurisdiction.

18 14. Plaintiff City of Santa Cruz (“Santa Cruz” or “the City”), a municipal corporation,
19 is a political subdivision of the State of California. It is a city located in Santa Cruz County.

20 15. The City is bordered by the Pacific Ocean to the South and surrounded by a
21 greenbelt of open space.

22 16. Santa Cruz is already experiencing sea level rise and associated impacts. The City
23 will experience significant additional sea level rise over the coming decades through at least
24 2150.¹¹

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

1 17. The sea level rise impacts to the City associated with an increase in average mean
2 sea level height include, but are not limited to, increased inundation (permanent) and flooding
3 (temporary) in natural and built environments with higher tides and intensified wave and storm
4 surge events; aggravated wave impacts, including erosion, damage, and destruction of built
5 structures and infrastructure, as well as natural features like cliffs, beaches and dunes, with
6 consequent landslides; changes in sediment supply that could alter or destroy natural coastal
7 habitats like beaches and wetlands, which would otherwise naturally mitigate sea level rise
8 impacts; and saltwater intrusion on groundwater and infrastructure.

9 18. In addition, Santa Cruz is and will continue to be impacted by disruptions to the
10 hydrologic cycle. The City is already experiencing a climatic and meteorological shift toward
11 hotter, dryer, and longer summers, with more extreme precipitation events; increased ambient
12 temperature; and increasingly frequent and severe drought. These changes have led to increased
13 wildfire risk, water shortages, impacts to biodiversity, impacts to public health, and economic
14 injuries to important industries in the City, such as tourism. The City must expend substantial funds
15 to plan for and respond to these phenomena, and to mitigate their secondary and tertiary impacts.

16 19. Compounding these environmental impacts are cascading social and economic
17 impacts, which are secondary and tertiary injuries to the City that will arise out of localized
18 climate-related damage.

19 20. The City's municipal infrastructure that will be impacted by climate change and
20 consequent sea level rise and disruption of hydrologic cycles includes, but is not limited to, potable
21 water, stormwater and sewage transport systems; roads, bike paths, and public transit facilities;
22 government buildings and schools; a wastewater treatment plant; and real property, such as
23 beaches and parks, and related infrastructure, which have already suffered damage from rising sea
24 levels and/or will suffer increasing damage in the future through rising sea levels and through the
25 exacerbation of natural climate-driven phenomena such as wildfires, drought, and coastal erosion.

26 **B. Defendants**

27 21. Defendants' are responsible for a substantial portion of the total greenhouse gases
28 emitted since 1965. Defendants, individually and collectively, are responsible for extracting,

1 refining, processing, producing, promoting, and marketing fossil fuel products, the normal and
2 intended use of which has led to the emission of a substantial percentage of the total volume of
3 greenhouse gases released into the atmosphere since 1965. Indeed, between 1965 and 2015, the
4 named Defendants extracted from the earth enough fossil fuel materials (i.e. crude oil, coal, and
5 natural gas) to account for approximately one in every five tons of CO₂ and methane emitted
6 worldwide. Accounting for their wrongful promotion and marketing activities, Defendants bear a
7 dominant responsibility for global warming generally, and for Plaintiffs' injuries in particular.

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

14 23. **Chevron Entities**

15 a. Chevron Corporation is a multi-national, vertically integrated energy and
16 chemicals company incorporated in the State of Delaware, with its global headquarters and
17 principal place of business in San Ramon, California.

18 b. Chevron U.S.A., Inc. is a Pennsylvania corporation with its principal place
19 of business located in San Ramon, California. Chevron U.S.A. Inc. is a wholly owned subsidiary
20 of Chevron Corporation.

21 c. "Chevron" as used hereafter, means collectively, Defendants Chevron
22 Corp. and Chevron U.S.A. Inc.

23 d. Chevron operates through a web of U.S. and international subsidiaries at all
24 levels of the fossil fuel supply chain. Chevron's and its subsidiaries' operations consist of
25 exploring for, developing, and producing crude oil and natural gas; processing, liquefaction,
26 transportation, and regasification associated with liquefied natural gas; transporting crude oil by
27 major international oil export pipelines; transporting, storage, and marketing of natural gas;
28 refining crude oil into petroleum products; marketing of crude oil and refined products;

1 transporting crude oil and refined products by pipeline, marine vessel, motor equipment and rail
2 car; basic and applied research in multiple scientific fields including of chemistry, geology, and
3 engineering; and manufacturing and marketing of commodity petrochemicals, plastics for
4 industrial uses, and fuel and lubricant additives.

5 24. **ExxonMobil Corporation**

6 a. ExxonMobil Corporation (“Exxon”) is a multi-national, vertically
7 integrated energy and chemicals company incorporated in the State of New Jersey with its
8 headquarters and principal place of business in Irving, Texas. Exxon is among the largest publicly
9 traded international oil and gas companies in the world.

10 b. Exxon consists of numerous divisions and affiliates in all areas of the fossil
11 fuel industry, including exploration for and production of crude oil and natural gas; manufacture
12 of petroleum products; and transportation, marketing, and sale of crude oil, natural gas, and
13 petroleum products. Exxon is also a major manufacturer and marketer of commodity
14 petrochemical products.

15 c. Exxon does substantial fossil fuel product related business in California,
16 and a substantial portion of its fossil fuel products are extracted, refined, transported, traded,
17 distributed, marketed and/or sold in California. Among other operations, more than 540 Exxon-,
18 Mobil-, or Esso-branded gas stations operate throughout the state, and Exxon owns and operates a
19 petroleum storage and transport facility in the San Ardo Oil Field in San Ardo, Monterey County,
20 California. From 1966 to 2016, Exxon owned and operated an oil refinery in Torrance, Los
21 Angeles County, California. Exxon Co. USA, an ExxonMobil subsidiary, operated a petroleum
22 refinery in Benicia, Solano County, California, from 1968 to 2000.

23 25. **BP Entities**

24 a. BP P.L.C. is a multi-national, vertically integrated energy and
25 petrochemical public limited company, registered in England and Wales with its principal place of
26 business in London, England. BP P.L.C. consists of three main operating segments: (1) exploration
27 and production, (2) refining and marketing, and (3) gas power and renewables.

1 b. BP P.L.C. does substantial fossil-fuel related business in the United States,
2 by marketing through licensure; franchising its petroleum products in the U.S. under the BP,
3 ARCO and ARAL brands; and by operating oil and gas extraction and refining projects in the Gulf
4 of Mexico, Alaska, Arkansas, Colorado, New Mexico, Oklahoma, Texas, and Wyoming.

5 c. BP America, Inc., is a wholly-owned subsidiary of BP P.L.C. BP America
6 Inc. is a vertically integrated energy and petrochemical company incorporated in the State of
7 Delaware with its headquarters and principal place of business in Houston, Texas. BP America,
8 Inc., consists of numerous divisions and affiliates in all aspects of the fossil fuel industry, including
9 exploration for and production of crude oil and natural gas; manufacture of petroleum products;
10 and transportation, marketing, and sale of crude oil, natural gas, and petroleum products. BP is
11 also a major manufacturer and marketer of commodity petrochemical products. BP America Inc.
12 is registered to do business in the State of California and has a registered agent for service of
13 process with the California Secretary of State.

14 d. Defendants BP P.L.C. and BP America, Inc. are collectively referred to
15 herein as “BP.”

16 e. BP does substantial fossil fuel product-related business in California, and a
17 substantial portion of its fossil fuel products are extracted, refined, transported, traded, distributed,
18 marketed, and/or sold in California. Among other operations, BP operates 275 ARCO-licensed
19 and branded gas stations in California and more than 70 compressed natural gas and liquefied
20 natural gas fueling stations, provides natural gas used to power more than 6.9 million California
21 households, and distributes and markets petroleum-based lubricants marketed under the “Castrol”
22 brand name throughout the state. From 2000 to 2013, BP also owned and operated an oil refinery
23 in Carson, Los Angeles County, California. BP’s marketing and trading business maintains an
24 office in Irvine, Orange County, California. BP maintains an energy research center in San Diego,
25 San Diego County, California.

26 26. **Shell Entities**

27 a. Royal Dutch Shell PLC is a vertically integrated, multinational energy and
28 petrochemical company. Royal Dutch Shell is incorporated in England and Wales, with its

1 headquarters and principle place of business in the Hague, Netherlands. Royal Dutch Shell PLC
2 consists of numerous divisions, subsidiaries and affiliates engaged in all aspects of the fossil fuel
3 industry, including exploration, development, extraction, manufacturing and energy production,
4 transport, trading, marketing and sales.

5 b. Shell Oil Products Company LLC is a wholly-owned subsidiary of Royal
6 Dutch Shell PLC. Shell Oil Products Company LLC is incorporated in the State of Delaware and
7 maintains its principal place of business in Houston, Texas. Shell Oil Products Company LLC is
8 registered to do business in the State of California and has a registered agent for service of process
9 in California. Shell Oil Products Company LLC is an energy and petrochemical company involved
10 in refining, transportation, distribution and marketing of Shell fossil fuel products.

11 c. Defendants Royal Dutch Shell PLC and Shell Oil Products Company LLC
12 are collectively referred to as “Shell.”

13 d. Shell does substantial fossil fuel product-related business in California, and
14 a substantial portion of its fossil fuel products are extracted, refined, transported, traded,
15 distributed, marketed and/or sold in California. Among other endeavors, Shell operates a
16 petroleum refinery in Martinez, Contra Costa County, California; operates a distribution center in
17 Carson, California; and produces heavy oil and natural gas within the state. Shell also owned and
18 operated a refinery in Wilmington (Los Angeles), Los Angeles County, California from 1998 to
19 2007, and a refinery in Bakersfield, Kern County, California from 2001 to 2005. Shell also operates
20 hundreds of Shell-branded gas stations in California.

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

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

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

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

12 28. **ConocoPhillips Entities**

13 a. ConocoPhillips is a multinational energy company incorporated in the State
14 of Delaware and with its principal place of business in Houston, Texas. ConocoPhillips consists
15 of numerous divisions, subsidiaries, and affiliates engaged in all aspects of the fossil fuel industry,
16 including exploration, extraction, production, manufacture, transport, and marketing.

17 b. ConocoPhillips Company is 100% owned by ConocoPhillips.
18 ConocoPhillips Company is registered to do business in California and has a registered agent for
19 service of process in California.

20 c. Phillips 66 is a multinational energy and petrochemical company
21 incorporated in Delaware and with its principal place of business in Houston, Texas. It
22 encompasses downstream fossil fuel processing, refining, transport, and marketing segments that
23 were formerly owned and/or controlled by ConocoPhillips. Phillips 66 is registered to do business
24 in the State of California and has a registered agent for service of process in California.

25 d. Defendants ConocoPhillips, ConocoPhillips Company, and Phillips 66 are
26 collectively referred to herein as “ConocoPhillips.”

27 e. ConocoPhillips does substantial fossil fuel product-related business in
28 California, and a substantial portion of its fossil fuel products are extracted, refined, transported,

1 traded, distributed, marketed, and/or sold in California. For instance, ConocoPhillips owns and
2 operates oil and natural gas terminals in California, owns and operates refineries in Arroyo Grande
3 (San Luis Obispo County), Colton (San Bernardino County), and Wilmington (Los Angeles
4 County), California, and distributes its products throughout California. Phillips 66 also owns and
5 operates oil refineries in Rodeo (Contra Costa County), Santa Maria (Santa Barbara County), and
6 Wilmington (Los Angeles County), California, each of which was owned and operated by
7 ConocoPhillips and its predecessors in interest from 1997 to 2012.

8 29. **Total Entities**

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

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

25 30. **Eni Entities**

26 a. Eni S.p.A. (“Eni”) is a vertically integrated, multinational energy company
27 focusing on petroleum and natural gas. Eni is incorporated in the Republic of Italy, with its
28 principal place of business in Rome, Italy. With its consolidated subsidiaries, Eni engages in the

1 exploration, development and production of hydrocarbons; in the supply and marketing of gas,
2 liquid natural gas, and power; in the refining and marketing of petroleum products; in the
3 production and marketing of basic petrochemicals, plastics and elastomers; in commodity trading;
4 and in electricity marketing and generation.

5 b. Eni Oil & Gas Inc. is incorporated in Texas, with its principal place of
6 business in Houston, Texas. Eni Oil & Gas Inc., is a wholly owned subsidiary of Eni America Ltd.,
7 a Delaware corporation doing business in the United States. Eni America, Ltd. Is a wholly owned
8 subsidiary of Eni UHL Ltd., a British corporation with its registered office in London, United
9 Kingdom. Eni UHL Ltd. is a wholly owned subsidiary of Eni ULT, Ltd., a British corporation with
10 its registered office on London, United Kingdom. Eni ULT, Ltd. is a wholly owned subsidiary of
11 Eni Lasmo Plc, a British corporation with its registered office on London, United Kingdom. Eni
12 Investments Plc, a British corporation with its registered office in London, United Kingdom, holds
13 a 99.99% ownership interest in Eni Lasmo Plc (the other 0.01% ownership interest is held by
14 another Eni entity, Eni UK Ltd, a British corporation with its registered office in London, United
15 Kingdom). Eni S.p.A owns a 99.99% interest in Eni Investments Plc. Eni UK Ltd. holds the
16 remainder interest in Eni Investments Plc. Collectively, these entities are referred to as “Eni.”

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

22 31. **Anadarko Entities**

23 a. Anadarko Petroleum Corporation (“Anadarko”) is incorporated in the State
24 of Delaware and maintains its principal place of business in The Woodlands, Texas. Anadarko is
25 a multinational, vertically integrated energy company comprised of multiple upstream and
26 downstream segments. These include exploration, production, gathering, processing, treating,
27 transporting, marketing, and selling fossil fuel products derived primarily from petroleum and
28 natural gas. In the United States, Anadarko entities operate fossil fuel product exploration and

1 production concerns in Texas, the Gulf of Mexico, Alaska, the Powder River Basin, Utah,
2 Colorado, and the Marcellus Shale Formation. Anadarko operates fossil fuel product production
3 and exploration activities internationally in Algeria, Ghana, Mozambique, and Columbia, among
4 others. Anadarko Petroleum Corporation is registered to do business in California and has
5 designated an agent for service of process in California.

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

14 32. **Occidental Entities**

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

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

27 c. Defendants Occidental Petroleum Corporation and Occidental Chemical
28 Corporation are collectively referred to as “Occidental.”

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

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

16 33. **Repsol S.A.**

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

24 b. Repsol does substantial fossil fuel product-related business in the State of
25 California, and a substantial portion of its fossil fuel products are extracted, refined, transported,
26 traded, distributed, marketed and/or sold in California. For instance, Repsol subsidiary Repsol
27 Energy North America Corporation, incorporated in the State of Texas and with its principal place
28 of business in The Woodlands, Texas, is listed as a natural gas procurement, storage,

1 transportation, scheduling, and risk management provider by Pacific Gas and Electric, a California
2 utility. Repsol Energy North America Corporation is registered to do business in California and
3 has designated an agent for service of process in California. Repsol subsidiary Repsol Trading
4 USA Corporation, incorporated in the State of Texas and with its principal place of business in
5 The Woodlands, Texas, is also registered do business in California and has designated an agent
6 for service of process in California. Additionally, Repsol represents on its website that it is
7 engaging in strategic opportunities involving its fossil fuel products in California, which may
8 consist of crude oil, gasoline, diesel, and/or jet fuel.

9 34. **Marathon Entities**

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

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

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

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

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

3 35. **Hess Corporation**

4 a. Hess Corp. (“Hess”) is a global, vertically integrated petroleum exploration
5 and extraction company incorporated in the State of Delaware with its headquarters and principal
6 place of business in New York, New York.

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

14 36. **Devon Energy Entities**

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

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

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

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

3 37. **Encana Corporation**

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

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

16 38. **Apache Corporation**

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

21 b. During the time at issue, Apache extracted natural gas from wells developed
22 on approximately seven million acres of land held in the Canadian provinces of British Columbia,
23 Alberta, and Saskatchewan, and Apache did substantial fossil fuel product-related business in
24 California. Apache transported a substantial volume of the natural gas extracted from its Canadian
25 holdings to California, where it sold that gas to electric utilities, end-users, other fossil fuel
26 companies, supply aggregators, and other fossil fuel marketers. Apache directed sales of its natural
27 gas to California in addition to markets in Washington state, Chicago, and western Canada, to
28

1 intentionally retain a diverse customer base and maximize profits from the differential price rates
2 and demand levels in those respective markets.

3 39. **Doe Defendants**

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

10 41. **Relevant Non-Parties: Fossil Fuel Industry Associations**

11 42. As set forth in greater detail below, each Defendant had actual knowledge that its
12 fossil fuel products were hazardous. Defendants obtained knowledge of the hazards of their
13 products independently and through their membership and involvement in trade associations.

14 43. Each Defendant's fossil fuel promotion and marketing efforts were assisted by the
15 trade associations described below. Acting on behalf of the Defendants, the industry associations
16 engaged in a long-term course of conduct to misrepresent, omit, and conceal the dangers of
17 Defendants' fossil fuel products.

18 a. **The American Petroleum Institute (API)**: API is a national trade
19 association representing the oil and gas industry, formed in 1919. The following Defendants and/or
20 their predecessors in interest are and/or have been API members at times relevant to this litigation:
21 Chevron, ExxonMobil, Shell, ConocoPhillips, Anadarko, Occidental, Repsol, Marathon, Encana,
22 and Apache.¹²

23 b. **The Western States Petroleum Association (WSPA)**: WSPA is a trade
24 association representing oil producers in Arizona, California, Nevada, Oregon and Washington.¹³

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26 ¹² American Petroleum Institute, Members (webpage) (accessed June 1, 2017) available at
<http://www.api.org/membership/members>.

27 ¹³ Western States Petroleum Association, About (webpage) (accessed December 18, 2017),
28 <https://www.wspa.org/about/>.

1 Membership has included, among other entities: BP, Chevron, Shell, Phillips 66, ConocoPhillips,
2 and ExxonMobil.¹⁴

3 c. **The American Fuel and Petrochemical Manufacturers (AFPM)** is a
4 national association of petroleum and petrochemical companies. At relevant times, its members
5 included, but were not limited to, BP Petrochemicals, BP Products North America, Chevron
6 U.S.A. Inc., CITGO Petroleum Corporation, Exxon Mobil Corporation, Occidental Chemical
7 Corporation, Phillips 66, Shell Chemical Company, and Total Petrochemicals & Refining USA,
8 Inc.¹⁵

9 d. **The Information Council for the Environment (ICE)**: ICE was formed
10 by coal companies and their allies, including Western Fuels Association and the National Coal
11 Association. Associated companies included Pittsburg and Midway Coal Mining (Chevron),¹⁶ and
12 Island Creek Coal Company (Occidental).

13 e. **The Global Climate Coalition (GCC)**: GCC was an industry group formed
14 to oppose greenhouse gas emission reduction policies and the Kyoto Protocol. It was founded in
15 1989 shortly after the first Intergovernmental Panel on Climate Change meeting was held, and
16 disbanded in 2001. Founding members included the National Association of Manufacturers, the
17 National Coal Association, the Edison Electric Institute, and the United States Chamber of
18 Commerce. The GCC's early individual corporate members included Amoco (BP), API, Chevron,
19 Exxon, Ford, Shell Oil, Texaco (Chevron) and Phillips Petroleum (ConocoPhillips). Over its
20 existence other members and funders included ARCO (BP), BHP, and the Western Fuels
21 Association. The coalition also operated for several years out of the National Association of
22 Manufacturers' offices.

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25 ¹⁴ Western States Petroleum Association, Member Companies (webpage) (accessed December
18, 2017), <https://www.wspa.org/about/>.

26 ¹⁵ American Fuel and Petrochemical Manufacturers, Membership Directory (webpage) (accessed
27 June 30, 2017), available at <https://www.afpm.org/membership-directory/> (accessed June 30,
2017).

28 ¹⁶ Hereinafter, parenthetical references to Defendants indicate corporate ancestry and/or
affiliation.

1 **III. AGENCY**

2 44. At all times herein mentioned, each of the Defendants was the agent, servant,
3 partner, aider and abettor, co-conspirator, and/or joint venturer of each of the remaining
4 Defendants herein and was at all times operating and acting within the purpose and scope of said
5 agency, service, employment, partnership, conspiracy, and joint venture and rendered substantial
6 assistance and encouragement to the other Defendants, knowing that their conduct was wrongful
7 and/or constituted a breach of duty.

8 **IV. JURISDICTION AND VENUE**

9 45. This court's personal jurisdiction over Defendants named herein is proper because
10 each Defendant maintains substantial contacts with California by and through their fossil fuel
11 business operations in this state, as described above, and because Plaintiffs' injuries described
12 herein arose out of and relate to those operations and occurred in California.

13 46. The Superior Court of California for Santa Cruz County is a court of general
14 jurisdiction and therefore has subject matter jurisdiction over this action.

15 47. Venue is proper in Santa Cruz County pursuant to Code of Civil Procedure sections
16 395 and 395.5, because the injuries giving rise to the City's claims occurred in Santa Cruz County.

17 **V. FACTUAL BACKGROUND**

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

19 48. Warming of the climate system is unequivocal, and since the 1950s, many of the
20 observed changes to the climate system are unprecedented over decades to millennia. Globally,
21 the atmosphere and ocean have warmed, sea level has risen, and the amounts of snow and ice have
22 diminished, thereby altering hydrologic systems.¹⁷ As a result, extreme weather events have
23 increased, including heat waves, droughts, floods, wildfires, and increased heavy precipitation
24 events.¹⁸

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28 ¹⁷ IPCC, *Climate Change 2014: Synthesis Report*, 40 (2014).

¹⁸ *Id.* at 8.

1 49. Ocean and land surface temperatures have increased at a rapid pace during the late
2 20th and early 21st centuries:

- 3 a. 2016 was the hottest year on record by globally averaged surface
4 temperatures, exceeding mid-20th century mean ocean and land surface
5 temperatures by approximately 1.69° F.¹⁹ Eight of the twelve months in 2016
6 were hotter by globally averaged surface temperatures than those respective
7 months in any previous year. October, November, and December 2016
8 showed the second hottest average surface temperatures for those months,
9 second only to temperatures recorded in 2015.²⁰
- 10 b. The Earth’s hottest month ever recorded was February 2016, followed
11 immediately by the second hottest month on record, March 2016.²¹
- 12 c. The second hottest year on record by globally averaged surface temperatures
13 was 2015, and the third hottest was 2014.²²
- 14 d. The ten hottest years on record by globally averaged surface temperature have
15 all occurred since 1998, and sixteen of the seventeen hottest years have
16 occurred since 2001.²³

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20 ¹⁹ NOAA, Global Summary Information – December 2016,
21 <https://www.ncdc.noaa.gov/sotc/summary-info/global/201612>; NASA, NASA, NOAA Data
22 Show 2016 Warmest Year on Record Globally (press release) (January 18, 2017),
[https://www.nasa.gov/press-release/nasa-noaa-data-show-2016-warmest-year-on-record-](https://www.nasa.gov/press-release/nasa-noaa-data-show-2016-warmest-year-on-record-globally)
23 [globally](https://www.nasa.gov/press-release/nasa-noaa-data-show-2016-warmest-year-on-record-globally).

24 ²⁰ NASA, NASA, NOAA Data Show 2016 Warmest Year on Record Globally (January 18,
25 2017), [https://www.nasa.gov/press-release/nasa-noaa-data-show-2016-warmest-year-on-record-](https://www.nasa.gov/press-release/nasa-noaa-data-show-2016-warmest-year-on-record-globally)
26 [globally](https://www.nasa.gov/press-release/nasa-noaa-data-show-2016-warmest-year-on-record-globally).

27 ²¹ Jugal K. Patel, How 2016 Became Earth’s Hottest Year on Record, N.Y. Times (January 18,
28 2017), [https://www.nytimes.com/interactive/2017/01/18/science/earth/2016-hottest-year-on-](https://www.nytimes.com/interactive/2017/01/18/science/earth/2016-hottest-year-on-record.html)
[record.html](https://www.nytimes.com/interactive/2017/01/18/science/earth/2016-hottest-year-on-record.html).

²² NASA, NASA, NOAA Data Show 2016 Warmest Year on Record Globally (January 18,
2017), [https://www.nasa.gov/press-release/nasa-noaa-data-show-2016-warmest-year-on-record-](https://www.nasa.gov/press-release/nasa-noaa-data-show-2016-warmest-year-on-record-globally)
[globally](https://www.nasa.gov/press-release/nasa-noaa-data-show-2016-warmest-year-on-record-globally).

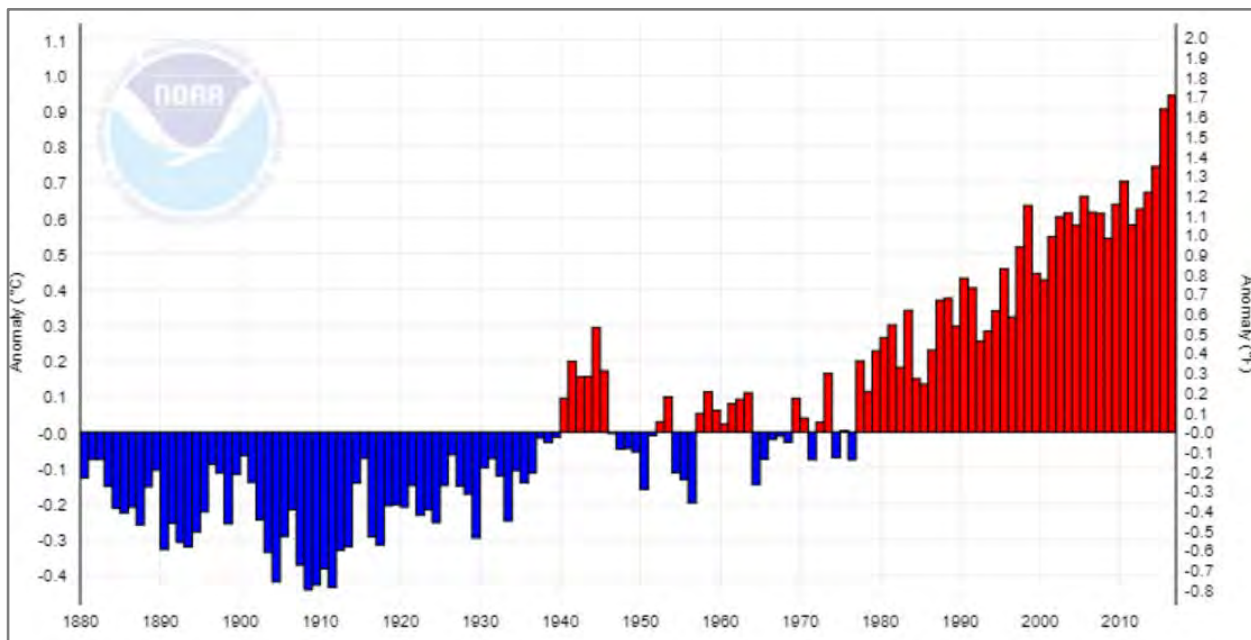
²³ Id.

1 e. Each of the past three decades has been warmer by average surface
2 temperature than any preceding decade on record.²⁴

3 f. The period between 1983 and 2012 was likely the warmest 30-year period in
4 the Northern Hemisphere since approximately 700 AD.²⁵

5 50. The average global surface and ocean temperature in 2016 was approximately 1.7°F
6 warmer than the 20th century baseline, which is the greatest positive anomaly observed since at
7 least 1880.²⁶ The increase in hotter temperatures and more frequent positive anomalies during the
8 Great Acceleration is occurring both globally and locally, including in Santa Cruz. The graph
9 below shows the increase in global land and ocean temperature anomalies since 1880, as measured
10 against the 1910–2000 global average temperature.²⁷

11 **Global Land and Ocean Temperature Anomalies, January - December**



24 IPCC Climate Change 2014: Synthesis Report at 2 (2014).

25 Id.

26 NOAA, National Centers for Environmental Information, Climate at a Glance (Global Time Series) (June 2017) https://www.ncdc.noaa.gov/cag/time-series/global/globe/land_ocean/ytd/12/1880-2016.

27 Id.

1 51. The mechanism by which human activity causes global warming and climate
2 change is well established: ocean and atmospheric warming is overwhelmingly caused by
3 anthropogenic greenhouse gas emissions.²⁸

4 52. When emitted, greenhouse gases trap heat within the Earth’s atmosphere that would
5 otherwise radiate into space.

6 53. Greenhouse gases are largely byproducts of humans combusting fossil fuels to
7 produce energy, and using fossil fuels to create petrochemical products.

8 54. Human activity, particularly greenhouse gas emissions, is the primary cause of
9 global warming and its associated effects on Earth’s climate.

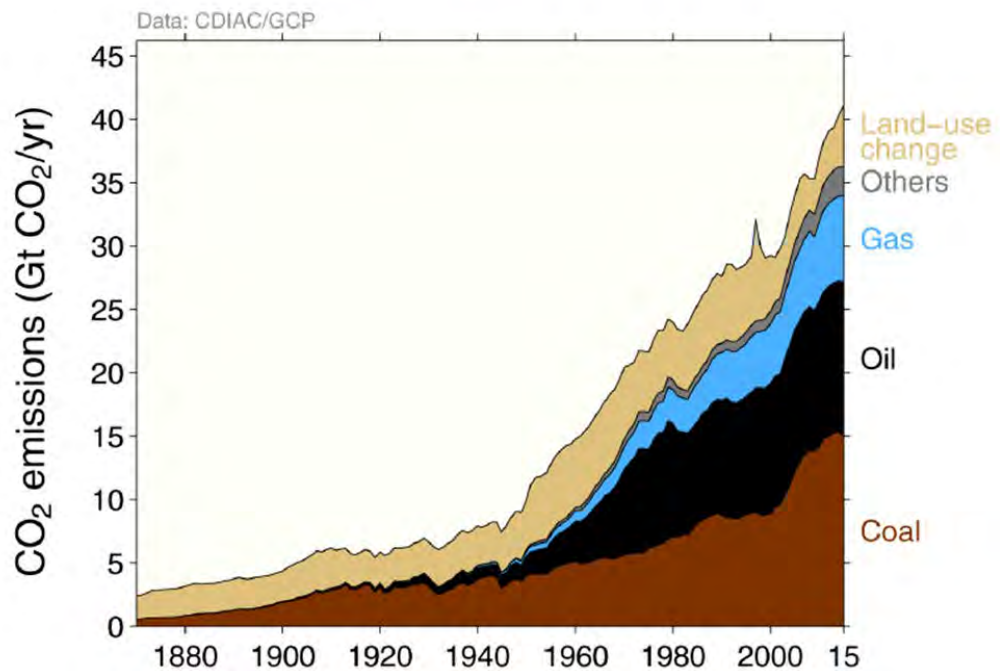
10 55. Prior to World War II, most anthropogenic CO₂ emissions were caused by land-use
11 practices, such as forestry and agriculture, which altered the ability of the land and global biosphere
12 to absorb CO₂ from the atmosphere; the impacts of such activities on Earth’s climate were
13 relatively minor. Since the beginning of the Great Acceleration, however, both the annual rate and
14 total volume of anthropogenic CO₂ emissions have increased enormously following the advent of
15 major uses of oil, gas, and coal. The graph below shows that while CO₂ emissions attributable to
16 forestry and other land-use change have remained relatively constant, total emissions attributable
17 to fossil fuels have increased dramatically since the 1950s.²⁹

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25 ²⁸ IPCC, Climate Change 2014: Synthesis Report, at 4 (2014).

26 ²⁹ C. Le Quéré et al., Global Carbon Budget 2016, Earth Syst. Sci. Data 8 (2016), citing CDIAC;
27 R.A. Houghton et al., Carbon Emissions from Land Use and Land-Cover Change
28 Biogeosciences 9, 5125-5142 (2012), <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, Biogeosciences Vol. 118:1 (2013), <http://onlinelibrary.wiley.com/doi/10.1002/jgrg.20042/abstract>.

Total Annual Carbon Dioxide Emissions by Source, 1860-2015:



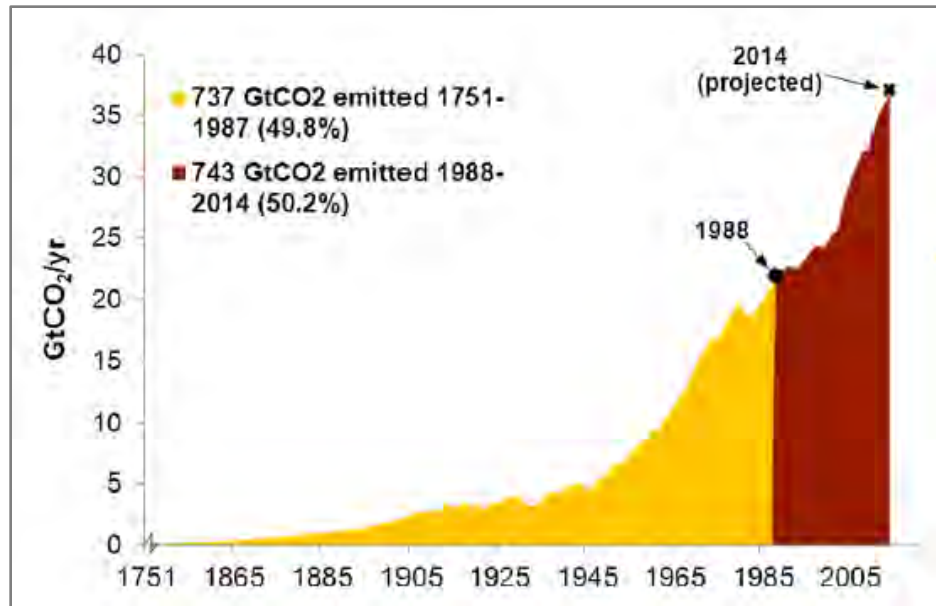
56. As human reliance on fossil fuels for industrial and mechanical processes has increased, so too have greenhouse gas emissions, especially of CO₂. The Great Acceleration is marked by a massive increase in the annual rate of fossil fuel emissions: more than half of all cumulative CO₂ emissions have occurred since 1988.³⁰ The rate of CO₂ emissions from fossil fuels and industry, moreover, has increased threefold since the 1960s, and by more than 60% since 1990.³¹ The graph below illustrates the increasing rate of global CO₂ emissions since the industrial era began.³²

³⁰ R. J. Andres, et al., A Synthesis of Carbon Dioxide Emissions from Fossil-Fuel Combustion, *Biogeosciences*, 9, 1851 (2012), <http://www.biogeosciences.net/9/1845/2012/>.

³¹ C. Le Quéré, et al., Global Carbon Budget 2016, *Earth Syst. Sci. Data* 8, 625, 630 (2016), <http://www.earth-syst-sci-data.net/8/605/2016/> (“Global CO₂ 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”).

³² Peter Frumhoff, et al. The Climate Responsibilities of Industrial Carbon Producers, *Climatic Change* 132:157-171, 164 (2015).

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



13 57. Because of the increased use of fossil fuel products, concentrations of greenhouse
14 gases in the atmosphere are now at a level unprecedented in at least 800,000 years.³³ The graph
15 below illustrates the nearly 30% increase in atmospheric CO₂ concentration above pre-Industrial
16 levels since 1960.³⁴

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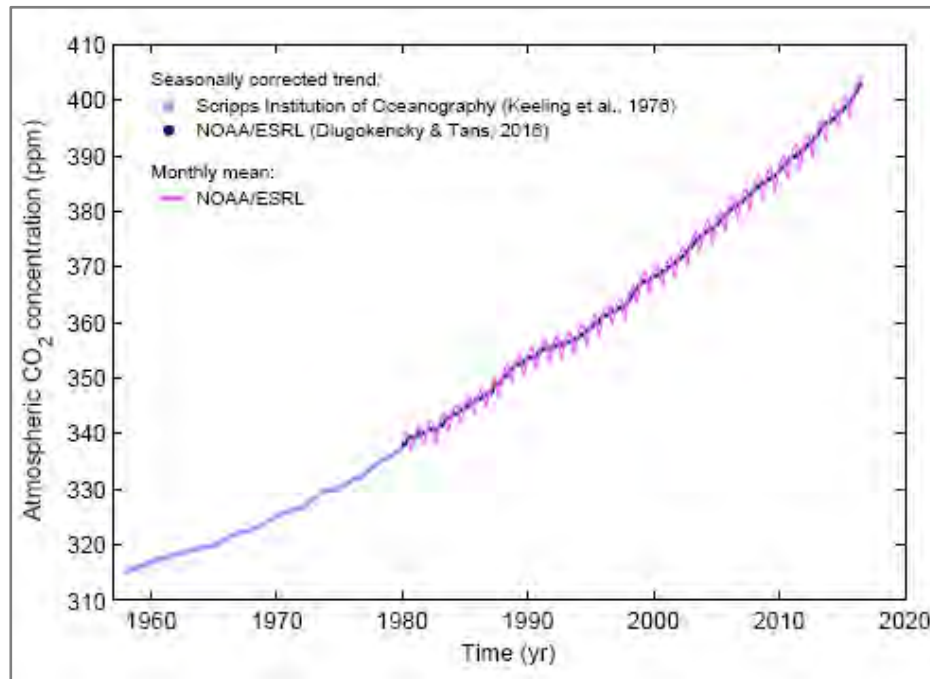
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27 ³³ IPCC, Climate Change 2014: Synthesis Report, at 4 (2014),
<https://www.ipcc.ch/report/ar5/syr/>.

28 ³⁴ C. Le Quéré, et al., Global Carbon Budget 2016, Earth Syst. Sci. Data 8, 608 (2016),
<http://www.earth-syst-sci-data.net/8/605/2016/>.

1 **Atmospheric Carbon Dioxide Concentration in Parts Per Million, 1960-2015:**



13 **B. Sea Level Rise—Known Causes and Observed Effects**

14 58. Sea level rise is the physical consequence of (a) the thermal expansion of ocean
15 waters as they warm; (b) increased mass loss from land-based glaciers that are melting as ambient
16 air temperature increases; and (c) the shrinking of land-based ice sheets due to increasing ocean
17 and air temperature.³⁵

18 59. Of the increase in energy that has accumulated in the Earth’s atmosphere between
19 1971 and 2010, more than 90% is stored in the oceans.³⁶

20 60. Anthropogenic forcing, in the form of greenhouse gas pollution largely from the
21 production, use, and combustion of fossil fuel products, is the dominant cause of global mean sea
22 level rise since 1970, explaining at least 70% of the sea level rise observed between 1970 and
23 2000.³⁷ Natural radiative forcing—that is, causes of climate change not related to human activity—
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25 ³⁵ NOAA, Is Sea Level Rising Ocean Facts (webpage) available at
<http://oceanservice.noaa.gov/facts/sealevel.html>.

26 ³⁶ IPCC, Climate Change 2014: Synthesis Report, at 4 (2014),
<https://www.ipcc.ch/report/ar5/syr/>.

27 ³⁷ Aimee B. A. Slangen, et al., Anthropogenic Forcing Dominates Global Mean Sea-Level Rise
28 Since 1970, *Nature Climate Change*, Vol. 6, 701 (2016).

1 “makes essentially zero contribution [to observed sea level rise] over the twentieth century (2%
2 over the period 1900–2005).”³⁸

3 61. Anthropogenic greenhouse gas pollution is the dominant factor in each of the
4 independent causes of sea level rise, including the increase in ocean thermal expansion,³⁹ in glacier
5 mass loss, and in more negative surface mass balance from the ice sheets.⁴⁰

6 62. There is a well-defined relation between cumulative emissions of CO₂ and
7 committed global mean sea level. This relation, moreover, holds proportionately for committed
8 regional sea level rise.⁴¹

9 63. Nearly 100% of the sea level rise from any projected greenhouse gas emissions
10 scenario will persist for at least 10,000 years.⁴² This owes to the long residence time of CO₂ in the
11 atmosphere that sustains temperature increases, and inertia in the climate system.⁴³

12 64. Anthropogenic greenhouse gas pollution caused the increased frequency and
13 severity of extreme sea level events (temporary sea level height increases due to storm surges or
14 extreme tides, exacerbated by elevated baseline sea level) observed during the Great
15 Acceleration.⁴⁴ The incidence and magnitude of extreme sea level events has increased globally
16 since 1970.⁴⁵ The impacts of such events, which generally occur with large storms, high tidal
17 events, offshore low-pressure systems associated with high winds, or the confluence of any of
18 these factors,⁴⁶ are exacerbated with higher average sea level, which functionally raises the
19 baseline for the destructive impact of extreme weather and tidal events. Indeed, the magnitude and
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21 ³⁸ Id.

22 ³⁹ Id.

23 ⁴⁰ Id.

24 ⁴¹ Peter U. Clark et al., Consequences of Twenty-First-Century Policy for Multi-Millennial
25 Climate and Sea-Level Change, Nature Climate Change Vol. 6, 365 (2016).

26 ⁴² Id. at 361.

27 ⁴³ Id. at 360.

28 ⁴⁴ IPCC, Climate Change 2013: Summary for Policymakers, page 7, Table SPM.1 (2013),
https://www.ipcc.ch/pdf/assessment-report/ar5/wg1/WGIAR5_SPM_brochure_en.pdf.

⁴⁵ IPCC, Climate Change 2013: The Physical Science Basis, Contribution of Working Group I to
the Fifth Assessment Report of the IPCC, 290 (2013),
http://www.climatechange2013.org/images/report/WG1AR5_ALL_FINAL.pdf.

⁴⁶ Id.

1 frequency of extreme sea level events can occur in the absence of increased intensity of storm
2 events, given the increased average elevation from which flooding and inundation events begin.
3 These effects, and others, significantly and adversely affect Plaintiffs, with increased severity in
4 the future.

5 65. Historical greenhouse gas emissions alone through 2000 will cause a global mean
6 sea level rise of at least 7.4 feet.⁴⁷ Additional greenhouse gas emissions from 2001–2015 have
7 caused approximately 10 additional feet of committed sea level rise. Even immediate and
8 permanent cessation of all additional anthropogenic greenhouse gas emissions would not prevent
9 the eventual inundation of land at elevations between current average mean sea level and 17.4 feet
10 of elevation in the absence of adaptive measures.

11 66. The relationship between anthropogenic CO₂ emissions and committed sea level
12 rise is nearly linear and always positive. For emissions, including future emissions, from the year
13 2001, the relation is approximately 0.25 inches of committed sea level rise per 1 GtCO₂ released.
14 For the period 1965 to 2000, the relation is approximately 0.05 inches of committed sea level rose
15 per 1 GtCO₂ released. For the period 1965 to 2015, normal use of Defendants’ fossil fuel products
16 caused a substantial portion of committed sea level rise. Each and every additional unit of CO₂
17 emitted from the use of Defendants’ fossil fuel products will add to the sea level rise already
18 committed to the geophysical system.

19 67. Projected onshore impacts associated with rising sea temperature and water level
20 include, but are not limited to, increases in flooding and erosion; increases in the occurrence,
21 persistence, and severity of storm surges; infrastructure inundation; saltwater intrusion in
22 groundwater; public and private property damage; and pollution associated with damaged
23 wastewater infrastructure. All of these effects significantly and adversely affect Plaintiffs.

24 68. Sea level rise has already taken grave tolls on inhabited coastlines. For instance, the
25 U.S. National Oceanic and Atmospheric Administration (“NOAA”) estimates that nuisance
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27 ⁴⁷ Peter U. Clark, et al., Consequences of Twenty-First-Century Policy for Multi-Millennial
28 Climate and Sea-Level Change, Nature Climate Change Vol. 6, 365 (2016).

1 flooding occurs from 300% to 900% more frequently within U.S. coastal communities today than
2 just 50 years ago.⁴⁸

3 69. Nationwide, more than three quarters (76%) of flood days caused by high water
4 levels from sea level rise between 2005 and 2014 (2,505 of the 3,291 flood days) would not have
5 happened but for human-caused climate change. More than two-thirds (67%) of flood days since
6 1950 would not have happened without the sea level rise caused by increasing greenhouse
7 gas emissions.⁴⁹

8 70. Regional expressions of sea level rise will differ from the global mean, and are
9 especially influenced by changes in ocean and atmospheric dynamics, as well as the gravitational,
10 deformational, and rotational effects of the loss of glaciers and ice sheets.⁵⁰ Due to these effects,
11 Santa Cruz will experience significantly greater absolute committed sea level rise than the global
12 mean.⁵¹

13 71. The City of Santa Cruz, California is uniquely situated along the northern edge of
14 Monterey Bay and surrounded by a greenbelt of open space, with a river running through its
15 downtown and tourist-serving areas. Although these geographic features are a part of its appeal,
16 these features increase its vulnerability to the impacts of climate change. Sea level in California,
17 including Santa Cruz, will continue to rise significantly and dangerously through at least 2150.⁵²

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23 ⁴⁸ NOAA, Is Sea Level Rising, Ocean Facts, <http://oceanservice.noaa.gov/facts/sealevel.html>.

24 ⁴⁹ Climate Central, Sea Level Rise Upping Ante on ‘Sunny Day’ Floods (October 17, 2016),
<http://www.climatecentral.org/news/climate-change-increases-sunny-day-floods-20784>.

25 ⁵⁰ Peter U. Clark, et al., Consequences of Twenty-First-Century Policy for Multi-Millennial
Climate and Sea-Level Change, Nature Climate Change Vol. 6, 364, (2016).

26 ⁵¹ See id., Figure 3(c).

27 ⁵² See Gary Griggs, et al., Rising Seas in California: An Update on Sea-Level Rise Science,
California Ocean Science Trust, p. 26, Table 1(b) (April 2017),
<http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf>.

1 72. Without Defendants’ fossil fuel-related greenhouse gas pollution, current sea level
2 rise would have been far less than the observed sea level rise to date.⁵³ Similarly, committed sea
3 level rise that will occur in the future would also be far less.⁵⁴

4 **C. Disruption to the Hydrologic Cycle—Known Causes and Observed Effects**

5 73. The “hydrologic cycle” describes the temporal and spatial movement of water
6 through oceans, land, and the atmosphere.⁵⁵ “Evapotranspiration” is the process by which water
7 on the Earth’s surface turns to vapor and is absorbed into the atmosphere. The vast majority of
8 evapotranspiration is due to the sun’s energy heating water molecules, resulting in evaporation.⁵⁶
9 Plants also draw water into the atmosphere from soil through transpiration. Volcanoes, sublimation
10 (the process by which solid water changes to water vapor), and human activity also contribute to
11 atmospheric moisture.⁵⁷ As water vapor rises through the atmosphere and reaches cooler air, it
12 becomes more likely to condense and fall back to Earth as precipitation.

13 74. Upon reaching Earth’s surface as precipitation, water may take several different
14 paths. It can be reevaporated into the atmosphere; seep into the ground as soil moisture or
15 groundwater; run off into rivers and streams; or stop temporarily as snowpack or ice. It is during
16 these phases, when water is available at or near the Earth’s surface, that water is captured for use
17 by humans.

18 75. Anthropogenic global warming caused by Defendants’ fossil fuel products is
19 disrupting and will continue to disrupt the hydrologic cycle in Santa Cruz by changing
20 evapotranspiration patterns.⁵⁸ As the lower atmosphere becomes warmer, evaporation rates have

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22 ⁵³ Robert E. Kopp, et al., Temperature-driven Global Sea-level Variability in the Common Era,
23 Proceedings of the National Academy of Sciences, Vol. 113, No. 11, E1434-E1441, E1438
(2016), <http://www.pnas.org/content/113/11/E1434.full>.

24 ⁵⁴Peter 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).

25 ⁵⁵ NASA Earth Observatory, The Water Cycle, (webpage), accessed Nov. 29, 2017, available at
<https://earthobservatory.nasa.gov/Features/Water/page1.php>.

26 ⁵⁶ See USGS, The Water Cycle: Evaporation (webpage), accessed Nov. 29, 2017, available at
<https://water.usgs.gov/edu/watercycleevaporation.html>.

27 ⁵⁷ NASA Earth Observatory, The Water Cycle, (webpage), accessed Nov. 29, 2017, available at
<https://earthobservatory.nasa.gov/Features/Water/page1.php>.

28 ⁵⁸ Id.

1 and will continue to increase, resulting in an increase in the amount of moisture circulating
2 throughout the lower atmosphere. An observed consequence of higher water vapor concentrations
3 is a shift toward increased frequency of intense precipitation events, mainly over land areas.
4 Furthermore, because of warmer temperatures, more precipitation is falling as rain rather than
5 snow. These changes affect both the quantity and quality of water resources available to both
6 human and ecological systems, including in Santa Cruz.

7 76. California is particularly sensitive to changes in the hydrologic cycle. Annual
8 precipitation totals in California depend on precipitation from a relatively few storms. If just one
9 or two storms do not arrive in California or yield less precipitation than needed in a given year,
10 that year's precipitation total and water resources will suffer disproportionately. Conversely, a
11 relatively few large or "extra" storms may result in a particularly wet year.⁵⁹ For context,
12 approximately one-third to one-half of all the precipitation that falls in California, on average, has
13 fallen in only five to ten wet days per year.⁶⁰ Historically, California's rainy season is narrow –
14 that is, the opportunity for precipitation and water supply replenishment is already temporally
15 limited – with approximately 95% of annual precipitation falling between October and May, and
16 66.6% confined to between November and March.

17 77. The maximum air temperature in the greater San Francisco Bay Area, including
18 Santa Cruz, has steadily risen over the last century by approximately 1.8°F, and all model and
19 scenario projections indicate it will continue to rise.⁶¹ For example, ambient air temperature
20 projections show continued increases over the coming decades, reaching between 3.6° and 7.2°F
21 in the region by 2100.⁶²

24 ⁵⁹ Michael D. Dettinger, et al., Atmospheric Rivers, Floods and the Water Resources of
25 California, Water Vol. 3, 445-478, 461 (2011).

26 ⁶⁰ Id.

27 ⁶¹ U.S. Geological Survey, Simulation of Climate Change in San Francisco Bay Basins,
28 California: Case Studies in the Russian River Valley and Santa Cruz Mountains, Scientific
Investigations Report 2012-5132, at 12 (2012).

⁶² See id.

1 78. As the Earth’s surface temperature has increased, so has evaporation.⁶³ Moreover,
2 for every 1.8°F of anthropogenic global warming, the atmosphere’s capacity to hold water vapor
3 increases by 7%.⁶⁴ Thus, anthropogenic global warming has increased substantially the total
4 volume of water vapor in the atmosphere at any given time.⁶⁵

5 79. In Santa Cruz, anthropogenic climate change is compressing precipitation into mid-
6 winter (January-February) months, which will create drier than normal conditions in the City in
7 the fall (November-December) and spring (March-April), effectively extending the summer “dry”
8 season and compressing the winter “wet” season.

9 80. Additionally, California is moving toward a regime in which annual rainfall is
10 increasingly either extremely abundant or extremely lacking, with fewer “normal” rainfall years
11 occurring in 1982-2015 as compared to 1949-1981.⁶⁶

12 81. The upshot is that the same amount of rain will fall in a shorter period via more
13 intense storms in Santa Cruz. The water supply generated from those events evaporates more
14 quickly, resulting in diminished surface water availability and diminished groundwater recharge.
15 In turn, this will diminish water supply for both human and ecological demand. Decreased soil
16 moisture will result in increased fuel aridity – that is, vegetation will dry out quickly and
17 completely in the absence of water, increasing its flammability.

18 82. Because of anthropogenic global warming, Santa Cruz’s hydrologic regime is
19 shifting toward one characterized by more frequent and severe drought, more extreme precipitation
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21 ⁶³ NASA Earth Observatory, The Water Cycle, (webpage), accessed Nov. 29, 2017, available at
22 <https://earthobservatory.nasa.gov/Features/Water/page1.php>.

23 ⁶⁴ IPCC, Climate Change 2013: The Physical Science Basis, Contribution of Working Group I to
24 the Fifth Assessment Report of the IPCC (2013),
25 http://www.climatechange2013.org/images/report/WG1AR5_ALL_FINAL.pdf.

26 ⁶⁵ NASA Earth Observatory, The Water Cycle, (webpage), accessed Nov. 29, 2017, available at
27 <https://earthobservatory.nasa.gov/Features/Water/page1.php>.

28 ⁶⁶ Daniel L. Swain, et al., Trends in Atmospheric Patters Conducive to Seasonal Precipitation
and Temperature Extremes in California, Science Advances, e10501344, p. 5 (2016); U.S.
Geological Survey, Simulation of Climate Change in San Francisco Bay Basins, California: Case
Studies in the Russian River Valley and Santa Cruz Mountains, Scientific Investigations Report
2012-5132, p. 36 (2012).

1 events, more frequent and severe heatwaves, and more frequent and severe wildfires. These
2 individual consequences of changes to the hydrologic regime are described below.

3 **i. Drought**

4 83. Drought is a period of moisture deficit defined either by a deficiency in the amount
5 or timing of precipitation relative to a reference period (“meteorological drought”), or by a
6 shortage of water supply for specific human, ecological, or other uses (“hydrologic drought”).
7 Drought originates from a deficiency in precipitation and/or an elevation of temperature (and
8 therefore evaporation) relative to normal conditions, resulting in a water shortage for an activity,
9 group, or ecological use.⁶⁷

10 84. As a result of anthropogenic global warming, Santa Cruz’s hydrologic regime is
11 shifting toward one that is characterized by more frequent, more intense drought.⁶⁸

12 85. California and Santa Cruz most recently experienced a record-setting drought in
13 2012-2016, which featured the lowest multi-year precipitation total recorded in the state, as well
14 as the highest annual temperature.⁶⁹ Anthropogenic warming was a substantial contributing cause
15 of the severity of that drought,⁷⁰ which caused significant and material injuries in Santa Cruz.

16 86. As annual rainfall concentrates into a shorter time span, the annual dry period is
17 growing longer, resulting in conditions of moisture deficiency over longer periods. Even in the
18 absence of substantial changes in average precipitation in the City, precipitation will fall in a
19 shorter time span and therefore be less susceptible to capture and use.

20 87. An increase in the frequency and persistence of unusual atmospheric pressure
21 patterns also have contributed to the frequency of meteorological drought in California and the

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23 ⁶⁷ See, e.g., Donald A. Wilhite & Michael H. Glantz, Understanding the Drought Phenomenon:
The Role of Definitions, Drought Mitigation Center Faculty Publications 20 (1985)

24 ⁶⁸ Union of Concerned Scientists, Causes of Drought: What’s the Climate Connection?
25 (webpage), http://www.ucsusa.org/global_warming/science_and_impacts/impacts/causes-of-drought-climate-change-connection.html#.WgCiK2i3w0F (accessed Nov. 6, 2017).

26 ⁶⁹ Noah S. Diffenbaugh, et al., Anthropogenic Warming Has Increased Drought Risk in
California, Proceedings of the National Academy of Sciences, 3931-3936, 3931 (2015).

27 ⁷⁰ See A. Park Williams, et al., Contribution of Anthropogenic Warming to California Drought
28 During 2012-2014 Geophysical Research Letters, 42, 6819-6828 (2015).

1 City. For instance, multi-year persistence of an atmospheric high-pressure ridge off the California
2 coast that diverted atmospheric moisture away from California was a substantial contributor to the
3 absence of precipitation during the 2012-2016 California drought.⁷¹

4 88. The co-occurrence of the precipitation/moisture deficits that constitute “drought”
5 with extremely warm temperatures induced by anthropogenic global warming exacerbates the
6 impacts of precipitation deficits by amplifying evapotranspiration and inducing increased
7 groundwater withdrawal and surface water diversion, thereby magnifying the impacts of drought
8 in Santa Cruz.⁷² Continued global warming is likely to cause a transition to a regime in which
9 essentially every seasonal, annual, and multiannual precipitation deficit co-occurs with historically
10 warm ambient temperatures.⁷³ Thus, future droughts in the City will be more severe than historical
11 droughts, with an attendant exacerbation of drought impacts.

12 **ii. Extreme Precipitation**

13 89. Evaporation increases with surface temperature, and warmer air can hold more
14 moisture than cooler air. The increase in water vapor in the atmosphere, via increased
15 evapotranspiration and increased capacity, increases the intensity of precipitation that falls from
16 the atmosphere.

17 90. A consequence of higher water vapor concentrations in the atmosphere is the
18 increased frequency of intense precipitation events.⁷⁴ Moreover, a larger proportion of
19 precipitation will fall in a shorter amount of time as compared to the historical average.⁷⁵
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24 ⁷¹ Noah S. Diffenbaugh, et al., Anthropogenic Warming Has Increased Drought Risk in
25 California, Proceedings of the National Academy of Sciences, 3931-3936, 3931 (2015).

26 ⁷² Id.

27 ⁷³ Id. at 3934.

28 ⁷⁴ NASA Earth Observatory, The Water Cycle, (webpage), accessed Nov. 29, 2017, available at
<https://earthobservatory.nasa.gov/Features/Water/page1.php>.

⁷⁵ Id.

1 Extreme precipitation episodes in California will become even more extreme as the climate
2 changes.⁷⁶

3 91. Extreme precipitation events (the upper 0.1% of daily rain events) have increased
4 substantially over the past 100 years in the United States, by about 33%.⁷⁷ In California, the
5 weather phenomena that drive extreme precipitation events are increasing in both frequency and
6 magnitude.

7 92. Historically, the most dangerous storms in California have been warm and wet
8 storms that strike in winter, producing intense rains over large areas, , melting snowpack in the
9 Sierra Nevada, and unleashing many of the State’s largest floods.⁷⁸ These storms are delivered via
10 atmospheric rivers – bands of warm, moist air containing water vapor evaporated in southerly
11 latitudes that transport water from the tropics to the western U.S.⁷⁹ When atmospheric rivers hit
12 the mountainous topography of California, Pacific moisture is forced out of the atmosphere as very
13 intense precipitation, the magnitude of which can rival the intensity of landfalling hurricanes in
14 the tropics.⁸⁰ Atmospheric river storms are the primary meteorological cause of extreme
15 precipitation and flooding in California.⁸¹ Projections indicate that major atmospheric river storms
16 with attendant winter flooding will increase with warming of the climate.⁸² Winters with
17 exceptionally large numbers of atmospheric river storms will increase in the 21st Century.⁸³
18 Moreover, the amount of precipitation delivered by future atmospheric rivers will increase with
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21 ⁷⁶ Michael Dettinger, Climate Change, Atmospheric Rivers, and Floods in California – A
22 Multimodel Analysis of Storm Frequency and Magnitude Changes, Journal of the American
23 Water Resources Association Vol. 47, No. 3, 515 (2011).

24 ⁷⁷ Groisman, P. Y. A. *et al.* Trends in intense precipitation in the climate record J. Clim. 18,
25 1326–1350 (2005).

26 ⁷⁸ Michael Dettinger, Climate Change, Atmospheric Rivers, and Floods in California – A
27 Multimodel Analysis of Storm Frequency and Magnitude Changes, Journal of the American
28 Water Resources Association Vol. 47, No. 3, 515 (2011).

⁷⁹ Id.

⁸⁰ Id.

⁸¹ Id.

⁸² Id. at 518.

⁸³ Id.

1 anthropogenic global warming.⁸⁴ Projections show that future atmospheric river storms will
2 exceed the intensity of any atmospheric river storm previously observed.⁸⁵

3 93. Heavy precipitation events (defined as rainfall equal to or greater than the historical
4 95th percentile) will increase in frequency by 3.1 events per year by the year 2100.⁸⁶

5 94. Among other impacts, extreme precipitation events cause, contribute to, or
6 exacerbate disruption of surface substrate, thereby leading to increased frequency and magnitude
7 of landslides.

8 **iii. Heat Waves**

9 95. Heatwaves are prolonged periods with excessive ambient temperatures, often (but
10 not necessarily) defined with reference to historical temperatures at a given locale.

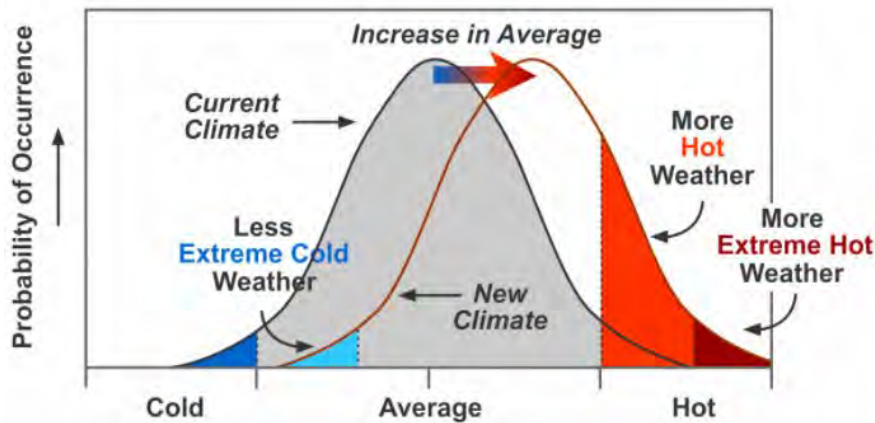
11 96. As the Earth's surface temperature warms, there is not only an overall increase in
12 average temperature but also a frequency of extremely warm temperature, corresponding with a
13 decrease in extremely cold temperature. The following graph illustrates the statistical shift in
14 expected average and extreme temperatures due to climate change.⁸⁷

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23 ⁸⁴ Michael Dettinger, Climate Change, Atmospheric Rivers, and Floods in California – A
24 Multimodel Analysis of Storm Frequency and Magnitude Changes, Journal of the American
25 Water Resources Association Vol. 47, No. 3, 520 (2011).

26 ⁸⁵ Id. at 521.

27 ⁸⁶ Xiang Gao, et al., 21st Century Changes in U.S. Heavy Precipitation Frequency Based on
28 Resolved Atmospheric Patterns, MIT Joint Program on the Science and Policy of Global
Change: Report 302, 15 (2016).

⁸⁷ IPCC, Fourth Assessment Report: Climate Change 2007: Working Group I: The Physical
Science Basis Box TS.5, Figure 1, *available at*
https://www.ipcc.ch/publications_and_data/ar4/wg1/en/box-ts-5-figure-1.html.



97. Since as early as the 1950s, increases in the duration, intensity, and especially the frequency of heatwaves have been detected over many regions,⁸⁸ including the western United States.⁸⁹

98. Record-breaking high temperatures are now outnumbering record lows by an average decadal ratio of 2:1 across the United States.⁹⁰ This represents an increase from approximately 1.09 high temperature records for every one low temperature record in the 1950s, and 1.36 high temperature records for every one low temperature record in the 1990s.⁹¹

99. The frequency of record high temperatures relative to record low temperatures will continue to increase with future anthropogenic global warming. For instance, under even a moderate rising emissions scenario, the ratio of record high maximum to record low minimum

⁸⁸ S.E. Perkins-Kirkpatrick & P.B. Gibson, Changes in Regional Heatwave Characteristics as a Function of Increasing Global Temperature, *Scientific Reports* 7:12256 at 1 (2017).

⁸⁹ Noah. S. Diffenbaugh & Moestasim Ashfaq, Intensification of Hot Extremes in the United States, *Geophysical Research Letters* Vol. 37, L15701 at (2010).

⁹⁰ Gerald A. Meehl, et al., Relative Increase of Record High Maximum Temperatures Compared to Record Low Minimum Temperatures in the U.S. *Geophysical Research Letters*, L23701 at 3 (2009).

⁹¹ See Climate Signals beta Record High Temps vs. Record Low Temps (webpage), accessed Dec. 5, 2017, available at <http://www.climatesignals.org/data/record-high-temps-vs-record-low-temps>.

1 temperatures in the US will continue to increase, reaching ratios of about 20:1 by 2050, and
2 roughly 50:1 by 2100.⁹²

3 100. The annual average number of extreme heat days⁹³ has increased in Santa Cruz
4 relative to the historical baseline.⁹⁴

5 101. With future emissions, the annual average number of extreme heat days will
6 continue to increase substantially in the City.⁹⁵

7 **iv. Wildfires**

8 102. The climatic and meteorological trends toward longer, hotter, drier summers in
9 Santa Cruz are key indicia of increased fire occurrence, area burned, and fire behavior.⁹⁶ Climate
10 drives moisture availability and weather conditions that increase fire risk.⁹⁷ Wet conditions during
11 winter and spring promote fuel (vegetation) growth, while dry conditions prior to and during fire
12 season increase the flammability of live and dead fuels that sustain wildfires.⁹⁸ Factors that limit
13 and/or facilitate wildfires that are interrelated to moisture availability include fuel aridity,⁹⁹ fuel
14 density, ambient meteorological conditions (temperature, relative humidity, wind, and
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18 ⁹² Gerald A. Meehl, et al., Relative Increase of Record High Maximum Temperatures Compared
19 to Record Low Minimum Temperatures in the U.S. *Geophysical Research Letters*, L23701 at 3
20 (2009).

21 ⁹³ Defined as days in April-October that meet or exceed the 98th percentile of historical
22 maximum temperatures between April 1 and October 31 based on observed daily temperature
23 data from 1961–1990.

24 ⁹⁴ See California Energy Commission, Cal-Adapt: Exploring California’s Climate Change
25 Research, Number of Extreme Heat Days Tool, accessed Nov. 30, 2017, available at [http://cal-](http://cal-adapt.org)
26 [adapt.org](http://cal-adapt.org).

27 ⁹⁵ Id.

28 ⁹⁶ John T. Abatzoglou & Crystal A. Kolden, Relationships Between Climate and Macroscale
Area Burned in the Western United States, *International Journal of Wildland Fire* at A (2013).

⁹⁷ A.L. Westerling & B.P. Bryant, Climate Change and Wildfire in California, *Climatic Change*,
87 (Suppl. 1) S231-S249, S233 (2007).

⁹⁸ Id.

⁹⁹ John T. Abatzoglou & A. Park Williams, Impact of Anthropogenic Climate Change on
Wildfires Across Western US Forests, *Proceedings of the National Academy of Sciences*, Vol.
113, No. 42, E11770-11775, E11770 (2016) (citations omitted).

1 precipitation), availability of ignition sources (lightning and anthropogenic sources), and fire
2 suppression rates.¹⁰⁰

3 103. In Northern California, including Santa Cruz, there is a positive correlation between
4 autumn-winter temperatures and the area burned in the subsequent fire season (i.e. higher
5 temperature in a given autumn-winter correlates with larger areas burned in the following fire
6 season), and a negative correlation between moisture availability and the area burned during the
7 fire season (i.e. less moisture correlates to more area burned).¹⁰¹ Thus, as temperatures increase,
8 and moisture availability decreases with anthropogenic global warming's effects on the hydrologic
9 cycle, conditions have and will continue to become more conducive to wildfires in the City.

10 104. Fire activity, including the number of large fires, total area burned, and fire-season
11 length, have all increased across the western United States in the last half century.¹⁰² Man-made
12 global warming has and will continue to exacerbate the areal extent and frequency of extreme fire
13 risk in California, including Santa Cruz.¹⁰³

14 105. Anthropogenic climate change is responsible for increasing the number of days in
15 which there is a high fire potential in the western United States, including Santa Cruz, by a
16 substantial number per year over the period 1979-2015.¹⁰⁴

17 106. Anthropogenic forcing, in the form of greenhouse gas pollution attributable to the
18 defendants' fossil fuel products, is responsible for nearly doubling the land surface area burned by
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20 ¹⁰⁰ O. Pechony & D.T. Shindell, Driving Forces of Global Wildfires Over the Past Millenium
21 and the Forthcoming Century, Proceedings of the National Academy of Sciences, Vol. 107, No.
22 45, 19167-19170, 19167 (2010).

23 ¹⁰¹ John T. Abatzoglou & Crystal A. Kolden, Relationships Between Climate and Macroscale
24 Area Burned in the Western United States, International Journal of Wildland Fire at F (2013).

25 ¹⁰² John T. Abatzoglou & A. Park Williams, Impact of Anthropogenic Climate Change on
26 Wildfires Across Western US Forests, Proceedings of the National Academy of Sciences, Vol.
27 113, No. 42, E11770-11775, E11770 (2016) (citations omitted).

28 ¹⁰³ See Jin-Ho Yoon, et al., Extreme Fire Season in California: A Glimpse into the Future?,
Bulletin of the American Meteorological Society,

¹⁰⁴ John T. Abatzoglou & A. Park Williams, Impact of Anthropogenic Climate Change on
Wildfires Across Western US Forests, Proceedings of the National Academy of Sciences, Vol.
113, No. 42, E11770-11775, E11771 (2016).

1 wildfires in the western United States, which includes Santa Cruz, over the period 1984-2015.¹⁰⁵
2 The net increase in burned area attributable to anthropogenic climate change in the Western United
3 States during that timeframe is approximately 10.4 million acres.¹⁰⁶

4 107. The annual average area burned by wildfires in Santa Cruz has increased
5 substantially from the period 1961-1990 to the period 2006-2017.¹⁰⁷

6 108. The average area in Santa Cruz annually burned by wildfires will continue to
7 increase substantially at least through the 2099 relative to the historical baseline.¹⁰⁸

8 **D. Attribution**

9 109. “Carbon factors” analysis, devised by the International Panel on Climate Change
10 (IPCC), the United Nations International Energy Agency, and the U.S. Environmental Protection
11 Agency, quantifies the amount of CO₂ emissions attributable to a unit of raw fossil fuel extracted
12 from the Earth.¹⁰⁹ Emissions factors for oil, coal, liquid natural gas, and natural gas are different
13 for each material but are nevertheless known and quantifiable for each.¹¹⁰ This analysis accounts
14 for the use of Defendants’ fossil fuel products, including non-combustion purposes that sequester
15 CO₂ rather than emit it (e.g., production of asphalt).

16 110. Defendants’ historical and current fossil fuel extraction and production records are
17 publicly available in various fora. These include university and public library collections, company
18 websites, company reports filed with the U.S. Securities and Exchange Commission, company
19 histories, and other sources. The cumulative CO₂ and methane emissions attributable to
20 Defendants’ fossil fuel products were calculated by reference to such publicly available

22 ¹⁰⁵ John T. Abatzoglou & A. Park Williams, Impact of Anthropogenic Climate Change on
23 Wildfires Across Western US Forests, Proceedings of the National Academy of Sciences, Vol.
113, No. 42, E11770-11775, E11772 (2016) (citations omitted).

24 ¹⁰⁶ Id.

25 ¹⁰⁷ See California Energy Commission, Cal-Adapt: Exploring California’s Climate Change
Research, Wildfire Tool, accessed Nov. 30, 2017, available at <http://cal-adapt.org>.

26 ¹⁰⁸ Id.

27 ¹⁰⁹ See Richard Heede, Tracing Anthropogenic Carbon Dioxide and Methane Emissions to Fossil
Fuel and Cement Producers, 1854-2010, Climatic Change 122, 232-33 (2014),
<https://link.springer.com/article/10.1007/s10584-013-0986-y>.

28 ¹¹⁰ See, e.g., id.

1 documents.

2 111. While it is possible to distinguish CO₂ derived from fossil fuels from other sources,
3 it is not possible to determine the source of any particular individual molecule of CO₂ in the
4 atmosphere attributable to anthropogenic sources because such greenhouse gas molecules do not
5 bear markers that permit tracing them to their source, and because greenhouse gasses quickly
6 diffuse and comingle in the atmosphere. However, cumulative carbon analysis allows an accurate
7 calculation of net annual CO₂ and methane emissions attributable to each Defendant by quantifying
8 the amount and type of fossil fuels products each Defendant extracted and placed into the stream
9 of commerce, and multiplying those quantities by each fossil fuel product's carbon factor.

10 112. Defendants, through their extraction, promotion, marketing, and sale of their fossil
11 fuel products, caused approximately 17.5% of global fossil fuel product-related CO₂ between 1965
12 and 2015, with contributions currently continuing unabated. This constitutes a substantial portion
13 of all such emissions in history, and the attendant historical, projected, and committed sea level
14 rise and disruptions to the hydrologic cycle associated therewith.

15 113. By quantifying CO₂ and methane pollution attributable to Defendants by and
16 through their fossil fuel products, ambient air and ocean temperature, sea level, and hydrologic
17 cycle responses to those emissions are also calculable, and can be attributed to Defendants on an
18 individual and aggregate basis. Individually and collectively, Defendants' extraction, sale, and
19 promotion of their fossil fuel products are responsible for substantial increases in ambient (surface)
20 temperature, ocean temperature, sea level, droughts, extreme precipitation events, heat waves,
21 wildfires, and other adverse impacts on Plaintiffs described herein.

22 114. Anthropogenic CO₂ emissions have caused a substantial portion of both observed
23 and committed mean global sea level rise.¹¹¹

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27 ¹¹¹ Peter U. Clark, et al., Consequences of Twenty-First-Century Policy for Multi-Millennial
28 Climate and Sea-Level Change, Nature Climate Change Vol. 6, 365 (2016).

1 115. Anthropogenic CO₂ emissions have caused and will continue to cause increased
2 frequency and severity of droughts.¹¹²

3 116. Anthropogenic CO₂ emissions have caused and will continue to cause increases in
4 daily precipitation extremes over land.¹¹³

5 117. Anthropogenic CO₂ emissions have caused and will continue to cause increased
6 frequency and magnitude of maximum temperature extremes relative to the historical baseline.¹¹⁴

7 118. Anthropogenic CO₂ emissions have caused and will continue to cause increased
8 frequency and magnitude of wildfires, resulting in additional acreage burned on an annual basis.¹¹⁵

9 119. Defendants, through their extraction, promotion, marketing, and sale of their fossil
10 fuel products, caused a substantial portion of both those emissions and the attendant historical,
11 projected, and committed sea level rise and other consequences of the resulting climatic changes
12 described herein, including increased droughts, extreme weather events, and wildfires.

13 120. As explained above, this analysis considers only the volume of raw material
14 actually extracted from the Earth by these Defendants. Many of these Defendants actually are
15 responsible for far greater volumes of emissions because they also refine, manufacture, produce,
16 market, promote, and sell more fossil fuel derivatives than they extract themselves by purchasing
17 fossil fuel products extracted by independent third parties.

18 121. In addition, considering the Defendants' lead role in promoting, marketing, and
19 selling their fossil fuels products between 1965 and 2015; their efforts to conceal the hazards of
20 those products from consumers; their promotion of their fossil fuel products despite knowing the
21 dangers associate with those products; their dogged campaign against regulation of those products
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23 _____
24 ¹¹² See, e.g., A. Park Williams, et al., Contribution of Anthropogenic Warming to California
Drought during 2012-2014 *Geophysical Research Letters* 42, 6819-6828 (2015).

25 ¹¹³ See, e.g., E.M. Fischer & R. Knutti, Anthropogenic Contribution to Global Occurrence of
Heavy-Precipitation and High-Temperature Extremes, *Nature Climate Change* Vol. 5, 560 – 564
26 (2015).

27 ¹¹⁴ Id.

28 ¹¹⁵ See, e.g. John T. Abatzoglou & A. Park Williams, Impact of Anthropogenic Climate Change
on Wildfires Across Western US Forests, *Proceedings of the National Academy of Sciences*,
Vol. 113, No. 42, E11770-11775, E11770 (2016)

1 based on falsehoods, omissions, and deceptions; and their failure to pursue less hazardous
2 alternatives available to them, Defendants, individually and together, have substantially and
3 measurably contributed to the Plaintiffs' climate change-related injuries.

4 **E. Defendants Went to Great Lengths to Understand the Hazards Associated**
5 **with, and Knew or Should Have Known of the Dangers Associated with the**
6 **Extraction, Promotion, and Sale of Their Fossil Fuel Products.**

7 122. By 1965, concern about the risks of anthropogenic greenhouse gas emissions
8 reached the highest level of the United States' scientific community. In that year, President Lyndon
9 B. Johnson's Science Advisory Committee Panel on Environmental Pollution reported that by the
10 year 2000, anthropogenic CO₂ emissions would "modify the heat balance of the atmosphere to
11 such an extent that marked changes in climate . . . could occur."¹¹⁶ President Johnson announced
12 in a special message to Congress that "[t]his generation has altered the composition of the
13 atmosphere on a global scale through . . . a steady increase in carbon dioxide from the burning of
14 fossil fuels."¹¹⁷

15 123. These statements from the Johnson Administration, at a minimum, put Defendants
16 on notice of the potentially substantial dangers to people, communities, and the planet associated
17 with unabated use of their fossil fuel products. Moreover, Defendants had amassed a considerable
18 body of knowledge on the subject through their own independent efforts.

19 124. A 1963 Conservation Foundation report on a conference of scientists referenced in
20 the 1966 World Book Encyclopedia, as well as in presidential panel reports and other sources
21 around that time, described many specific consequences of rising greenhouse gas pollution in the
22 atmosphere. It warned that a doubling of carbon dioxide "could be enough to bring about immense
23 flooding of lower portions of the world's land surface, resulting from increased melting of
24 glaciers." The publication also asserted that "a continuing rise in the amount of atmospheric carbon
25 dioxide is likely to be accompanied by a significant warming of the surface of the earth which by

26 ¹¹⁶ President's Science Advisory Committee, Restoring the Quality of Our Environment: Report
27 of the Environmental Pollution Panel, page 9 (November 1965),
<https://hdl.handle.net/2027/uc1.b4315678>.

28 ¹¹⁷ President Lyndon B. Johnson, Special Message to Congress on Conservation and Restoration
of Natural Beauty (February 8, 1965), <http://acsc.lib.udel.edu/items/show/292>.

1 melting the polar ice caps would raise sea level and by warming the oceans would change
2 considerably the distributions of marine species including commercial fisheries.” It warned of the
3 potential inundation of “many densely settled coastal areas, including the cities of New York and
4 London” and the possibility of “wiping out the world’s present commercial fisheries.” The report,
5 in fact, noted that “the changes in marine life in the North Atlantic which accompanied the
6 temperature change have been very noticeable”.¹¹⁸

7 125. In 1968, a Stanford Research Institute (SRI) report commissioned by the American
8 Petroleum Institute (“API”) and made available to all of its members, concluded, among other
9 things:

10 If the Earth’s temperature increases significantly, a number of events might be
11 expected to occur including the melting of the Antarctic ice cap, a rise in sea levels,
warming of the oceans and an increase in photosynthesis. . . .

12 It is clear that we are unsure as to what our long-lived pollutants are doing to our
13 environment; however, there seems to be no doubt that the potential damage to our
14 environment could be severe. . . . [T]he prospect for the future must be of serious
concern.¹¹⁹

15 126. In 1969, Shell memorialized an on-going 18-month project to collect ocean data
16 from oil platforms to develop and calibrate environmental forecasting theories related to predicting
17 wave, wind, storm, sea level, and current changes and trends.¹²⁰ Several Defendants and/or their
18 predecessors in interest participated in the project, including Esso Production Research Company
19 (ExxonMobil), Mobil Research and Development Company (ExxonMobil), Pan American
20 Petroleum Corporation (BP), Gulf Oil Corporation (Chevron), Texaco Inc. (Chevron), and the
21 Chevron Oil Field Research Company.

23 ¹¹⁸ The Conservation Foundation, Implications of Rising Carbon Dioxide Content of the
24 Atmosphere: A statement of trends and implications of carbon dioxide research reviewed at a
conference of scientists, (March 1963),

25 <https://babel.hathitrust.org/cgi/pt?id=mdp.39015004619030;view=1up;seq=5>.

26 ¹¹⁹ Elmer Robinson and R.C. Robbins, Sources, Abundance, and Fate of Gaseous Atmospheric
Pollutants, Stanford Research Institute (February 1968),

27 <https://www.smokeandfumes.org/documents/document16>.

28 ¹²⁰ M.M. Patterson, An Ocean Data Gathering Program for the Gulf of Mexico, Society of
Petroleum Engineers (1969), <https://www.onepetro.org/conference-paper/SPE-2638-MS>.

1 127. In a 1970 report by H.R. Holland from the Engineering Division of Imperial Oil
2 (Exxon), he stated: “Since pollution means disaster to the affected species, the only satisfactory
3 course of action is to prevent it – to maintain the addition of foreign matter at such levels that it
4 can be diluted, assimilated or destroyed by natural processes – to protect man’s environment from
5 man.” He also noted that “a problem of such size, complexity and importance cannot be dealt with
6 on a voluntary basis.” CO₂ was listed as an air pollutant in the document.¹²¹

7 128. In 1972, API members, including Defendants, received a status report on all
8 environmental research projects funded by API. The report summarized the 1968 SRI report
9 describing the impact of Defendants’ fossil fuel products on the environment, including global
10 warming and attendant consequences. Industry participants who received this report include:
11 American Standard of Indiana (BP), Asiatic (Shell), Ashland (Marathon), Atlantic Richfield (BP),
12 British Petroleum (BP), Chevron Standard of California (Chevron), Cities Service (Citgo),
13 Continental (ConocoPhillips), Dupont (former owner of Conoco), Esso Research (ExxonMobil),
14 Ethyl (formerly affiliated with Esso, which was subsumed by ExxonMobil), Getty (ExxonMobil),
15 Gulf (Chevron, among others), Humble Standard of New Jersey (ExxonMobil/Chevron/BP),
16 Marathon, Mobil (ExxonMobil), Pan American (BP), Phillips (ConocoPhillips), Shell, Standard
17 of Ohio (BP), Texaco (Chevron), Union (Chevron), Edison Electric Institute (representing electric
18 utilities), Bituminous Coal Research (coal industry research group), Mid-Continent Oil & Gas
19 Association (presently the U.S. Oil & Gas Association, a national trade association), Western Oil
20 & Gas Association, National Petroleum Refiners Association (presently the American Fuel and
21 Petrochemical Manufacturers Association, a national trade association), Champlin (Anadarko),
22 Skelly (ExxonMobil), Colonial Pipeline (ownership has included BP, Citgo, ExxonMobil,
23 ConocoPhillips, Chevron entities, among others) and Caltex (Chevron), among others.¹²²

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25 _____
26 ¹²¹ H.R. Holland, Pollution is Everybody’s Business, Imperial Oil (1970),
27 [https://www.desmogblog.com/sites/beta.desmogblog.com/files/DeSmogBlog-](https://www.desmogblog.com/sites/beta.desmogblog.com/files/DeSmogBlog-Imperial%20Oil%20Archive-Pollution-Everyone-Business-1970.pdf)
28 [Imperial%20Oil%20Archive-Pollution-Everyone-Business-1970.pdf](https://www.desmogblog.com/sites/beta.desmogblog.com/files/DeSmogBlog-Imperial%20Oil%20Archive-Pollution-Everyone-Business-1970.pdf)

¹²² American Petroleum Institute, Environmental Research, A Status Report, Committee for Air and Water Conservation (January 1972), <http://files.eric.ed.gov/fulltext/ED066339.pdf>.

1 129. In a 1977 presentation and again in a 1978 briefing, Exxon scientists warned the
2 Exxon Corporation Management Committee that CO₂ concentrations were building in the Earth's
3 atmosphere at an increasing rate, that CO₂ emissions attributable to fossil fuels were retained in
4 the atmosphere, and that CO₂ was contributing to global warming.¹²³ The report stated:

5 There is general scientific agreement that the most likely manner in which mankind
6 is influencing the global climate is through carbon dioxide release from the burning
7 of fossil fuels . . . [and that] Man has a time window of five to ten years before the
need for hard decisions regarding changes in energy strategies might become
critical.¹²⁴

8 One presentation slide read: "Current scientific opinion overwhelmingly favors attributing
9 atmospheric carbon dioxide increase to fossil fuel combustion."¹²⁵ The report also warned that "a
10 study of past climates suggests that if the earth does become warmer, more rainfall should result.
11 But an increase as large as 2°C would probably also affect the distribution of the rainfall."
12 Moreover, in summary, the report concluded that "doubling in CO₂ could increase average global
13 temperature 1°C to 3°C by 2050 A.D. (10°C predicted at poles)."¹²⁶

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

20 131. Exxon scientists made the case internally for using company resources to build
21 corporate knowledge about the impacts of the promotion, marketing, and consumption of
22 Defendants' fossil fuel products. Exxon climate researcher Henry Shaw wrote in 1978: "The
23 rationale for Exxon's involvement and commitment of funds and personnel is based on our need
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25 ¹²³ Memo from J.F. Black to F.G. Turpin, The Greenhouse Effect, Exxon Research and
26 Engineering Company (June 6, 1978), [http://www.climatefiles.com/exxonmobil/1978-exxon-
memo-on-greenhouse-effect-for-exxon-corporation-management-committee/](http://www.climatefiles.com/exxonmobil/1978-exxon-memo-on-greenhouse-effect-for-exxon-corporation-management-committee/).

27 ¹²⁴ Id.

28 ¹²⁵ Id.

¹²⁶ Id.

1 to assess the possible impact of the greenhouse effect on Exxon business. Exxon must develop a
2 credible scientific team that can critically evaluate the information generated on the subject and be
3 able to carry bad news, if any, to the corporation.”¹²⁷ Moreover, Shaw emphasized the need to
4 collaborate with universities and government to more completely understand what he called the
5 “CO₂ problem.”¹²⁸

6 132. In 1979, API and its members, including Defendants, convened a Task Force to
7 monitor and share cutting edge climate research among the oil industry. The group was initially
8 called the CO₂ and Climate Task Force, but changed its name to the Climate and Energy Task
9 Force in 1980 (hereinafter referred to as “API CO₂ Task Force”). Membership included senior
10 scientists and engineers from nearly every major U.S. and multinational oil and gas company,
11 including Exxon, Mobil (ExxonMobil), Amoco (BP), Phillips (ConocoPhillips), Texaco
12 (Chevron), Shell, Sunoco, Sohio (BP) as well as Standard Oil of California (BP) and Gulf Oil
13 (Chevron, among others). The Task Force was charged with assessing the implications of emerging
14 science on the petroleum and gas industries and identifying where reductions in greenhouse gas
15 emissions from Defendants’ fossil fuel products could be made.¹²⁹

16 133. In 1979, API sent its members a background memo related to the API CO₂ and
17 Climate Task Force’s efforts, stating that CO₂ concentrations were rising steadily in the
18 atmosphere, and predicting when the first clear effects of climate change might be felt.¹³⁰

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21 ¹²⁷ Henry Shaw, Memo to Edward David Jr. on the “Greenhouse Effect”, Exxon Research and
22 Engineering Company (December 7, 1978),
<http://insideclimatenews.org/sites/default/files/documents/Credible%20Scientific%20Team%201978%20Letter.pdf>.

23 ¹²⁸ Id.

24 ¹²⁹ American Petroleum Institute, AQ-9 Task Force Meeting Minutes (March 18, 1980),
<http://insideclimatenews.org/sites/default/files/documents/AQ-9%20Task%20Force%20Meeting%20%281980%29.pdf> (AQ-9 refers to the “CO₂ and Climate”
25 Task Force).

26 ¹³⁰ Neela Banerjee, Exxon’s Oil Industry Peers Knew About Climate Dangers in the 1970s, Too,
27 Inside Climate News (December 22, 2015),
<https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco>.

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

4 “We should determine how Exxon can best participate in all these [atmospheric
5 science research] areas and influence possible legislation on environmental
6 controls. It is important to begin to anticipate the strong intervention of
7 environmental groups and be prepared to respond with reliable and credible data. It
8 behooves [Exxon] to start a very aggressive defensive program in the indicated
9 areas of atmospheric science and climate because there is a good probability that
10 legislation affecting our business will be passed. Clearly, it is in our interest for
11 such legislation to be based on hard scientific data. The data obtained from research
12 on the global damage from pollution, e.g., from coal combustion, will give us the
13 needed focus for further research to avoid or control such pollutants.”¹³¹

14 135. That same year, Exxon Research and Engineering reported that: “The most widely
15 held theory [about increasing CO₂ concentration] is that the increase is due to fossil fuel
16 combustion, increasing CO₂ concentration will cause a warming of the earth’s surface, and the
17 present trend of fossil fuel consumption will cause dramatic environmental effects before the year
18 2050.”¹³² According to the report, “ecological consequences of increased CO₂” to 500 ppm (1.7
19 times 1850 levels) could mean: “a global temperature increase of 3°F”; “the southwest states would
20 be hotter, probably by more than 3°F, and drier”; “most of the glaciers in the North Cascades and
21 Glacier National Park would be melted;” “there would be less of a winter snow pack in the
22 Cascades, Sierras, and Rockies, necessitating a major increase in storage reservoirs;” “marine life
23 would be markedly changed;” and “maintaining runs of salmon and steelhead and other subarctic
24 species in the Columbia River system would become increasingly difficult.”¹³³ With a doubling of

23 ¹³¹ Henry Shaw, Exxon Memo to H.N. Weinberg about “Research in Atmospheric Science”,
24 Exxon Inter-Office Correspondence (November 19, 1979),
25 [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).

26 ¹³² W.L. Ferrall, Exxon Memo to R.L. Hirsch about “Controlling Atmospheric CO₂”, Exxon
27 Research and Engineering Company (October 16 1979),
28 <http://insideclimatenews.org/sites/default/files/documents/CO2%20and%20Fuel%20Use%20Projections.pdf>.

¹³³ Id.

1 the 1860 CO₂ concentration, “ocean levels would rise four feet” and “the Arctic Ocean would be
2 ice free for at least six months each year, causing major shifts in weather patterns in the northern
3 hemisphere.”¹³⁴

4 136. Further, the report stated that unless fossil fuel use was constrained, there would be
5 “noticeable temperature changes” associated with an increase in atmospheric CO₂ from about 280
6 parts per million before the Industrial Revolution to 400 parts per million by the year 2010.¹³⁵
7 Those projections proved remarkably accurate—atmospheric CO₂ concentrations surpassed 400
8 parts per million in May 2013, for the first time in millions of years.¹³⁶ In 2015, the annual average
9 CO₂ concentration rose above 400 parts per million, and in 2016 the annual low surpassed 400
10 parts per million, meaning atmospheric CO₂ concentration remained above that threshold all
11 year.¹³⁷

12 137. In 1980, API’s CO₂ Task Force members discussed the oil industry’s responsibility
13 to reduce CO₂ emissions by changing refining processes and developing fuels that emit less CO₂.
14 The minutes from the Task Force’s February 29, 1980, meeting included a summary of a
15 presentation on “The CO₂ Problem” given by Dr. John Laurmann, which identified the “scientific
16 consensus on the potential for large future climatic response to increased CO₂ levels” as a reason
17 for API members to have concern with the “CO₂ problem” and informed attendees that there was
18 “strong empirical evidence that rise [in CO₂ concentration was] caused by anthropogenic release
19 of CO₂, mainly from fossil fuel combustion.”¹³⁸ Moreover, Dr. Laurmann warned that the amount
20 of CO₂ in the atmosphere could double by 2038, which he said would likely lead to a 2.5° C (4.5°F)

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23 ¹³⁴ Id.

¹³⁵ Id.

24 ¹³⁶ Nicola Jones, How the World Passed a Carbon Threshold and Why it Matters, Yale
25 Environment 360 (Jan. 26, 2017), <http://e360.yale.edu/features/how-the-world-passed-a-carbon-threshold-400ppm-and-why-it-matters>.

¹³⁷ Id.

26 ¹³⁸ American Petroleum Institute, AQ-9 Task Force Meeting Minutes (March 18, 1980),
27 [http://insideclimateneeds.org/sites/default/files/documents/AQ-](http://insideclimateneeds.org/sites/default/files/documents/AQ-9%20Task%20Force%20Meeting%20%281980%29.pdf)
28 [9%20Task%20Force%20Meeting%20%281980%29.pdf](http://insideclimateneeds.org/sites/default/files/documents/AQ-9%20Task%20Force%20Meeting%20%281980%29.pdf) (AQ-9 refers to the “CO₂ and Climate”
Task Force).

1 rise in global average temperatures with “major economic consequences.” He then told the Task
2 Force that models showed a 5°C (9°F) rise by 2067, with “globally catastrophic effects.”¹³⁹ A
3 taskforce member and representative of Texaco (Chevron) leadership present at the meeting
4 posited that the API CO₂ Task Force should develop ground rules for energy release of fuels and
5 the cleanup of fuels as they relate to CO₂ creation.

6 138. In 1980, the API CO₂ Task Force also discussed a potential area for investigation:
7 alternative energy sources as a means of mitigating CO₂ emissions from Defendants’ fossil fuel
8 products. These efforts called for research and development to “Investigate the Market Penetration
9 Requirements of Introducing a New Energy Source into World Wide Use.” Such investigation was
10 to include the technical implications of energy source changeover, research timing,
11 and requirements.¹⁴⁰

12 139. By 1980, Exxon’s senior leadership had become intimately familiar with the
13 greenhouse effect and the role of CO₂ in the atmosphere. In that year, Exxon Senior Vice President
14 and Board member George Piercy questioned Exxon researchers on the minutiae of the ocean’s
15 role in absorbing atmospheric CO₂, including whether there was a net CO₂ flux out of the ocean
16 into the atmosphere in certain zones where upwelling of cold water to the surface occurs, because
17 Piercy evidently believed that the oceans could absorb and retain higher concentrations of CO₂
18 than the atmosphere.¹⁴¹ This inquiry aligns with Exxon supertanker research into whether the
19 ocean would act as a significant CO₂ sink that would sequester atmospheric CO₂ long enough to
20 allow unabated emissions without triggering dire climatic consequences. As described below,
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25 ¹³⁹ Id.

26 ¹⁴⁰ Id.

27 ¹⁴¹ Neela Banerjee, More Exxon Documents Show How Much It Knew About Climate 35 Years
28 Ago, Inside Climate News (Dec. 1, 2015),
<https://insideclimatenews.org/news/01122015/documents-exxons-early-co2-position-senior-executives-engage-and-warming-forecast>.

1 Exxon eventually scrapped this research before it produced enough data from which to derive
2 a conclusion.¹⁴²

3 140. Also in 1980, Imperial Oil (ExxonMobil) reported to Esso and Exxon managers
4 and environmental staff that increases in fossil fuel usage aggravates CO₂ in the atmosphere.
5 Noting that the United Nations was encouraging research into the carbon cycle, Imperial reported
6 that “[t]echnology exists to remove CO₂ from [fossil fuel power plant] stack gases but removal of
7 only 50% of the CO₂ would double the cost of power generation.” Imperial also reported that its
8 coordination department had been internally evaluating its and Exxon’s products to determine
9 whether disclosure of a human health hazard was necessary. The report notes that Section (8e) of
10 Toxic Substances Control Act, 55 U.S.C. §§ 1601 et seq., requires that anyone who discovers that
11 a material or substance in commercial use is or may be a significant risk to human health must
12 report such findings to the Environmental Protection Agency within 15 days. Although greenhouse
13 gases are human health hazards (because they have serious consequences in terms of global food
14 production, disease virulence, and sanitation infrastructure, among other impacts), neither
15 Imperial, Exxon, nor any other Defendant has ever filed a disclosure with the U.S. Environmental
16 Protection Agency pursuant to the Toxic Substances Control Act. Exxon scientist Roger Cohen
17 warned his colleagues in a 1981 internal memorandum that “future developments in global data
18 gathering and analysis, along with advances in climate modeling, may provide strong evidence for
19 a delayed CO₂ effect of a truly substantial magnitude,” and that under certain circumstances it
20 would be “very likely that we will unambiguously recognize the threat by the year 2000.”¹⁴³ Cohen
21 had expressed concern that the memorandum mischaracterized potential effects of unabated CO₂

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24 ¹⁴² Neela Banerjee, et al., Exxon Believed Deep Dive into Climate Research Would Protect Its
25 Business, Inside Climate News (Sept. 17, 2015),
<https://insideclimatenews.org/news/16092015/exxon-believed-deep-dive-into-climate-research-would-protect-its-business>.

26 ¹⁴³ Roger W. Cohen, Exxon Memo to W. Glass about possible “catastrophic” effect of CO₂,
27 Exxon Inter-Office Correspondence (Aug. 18, 1981),
<http://www.climatefiles.com/exxonmobil/1981-exxon-memo-on-possible-emission-consequences-of-fossil-fuel-consumption/>.

1 emissions from Defendants' fossil fuel products: ". . . it is distinctly possible that the . . . [Exxon
2 Planning Division's] scenario will produce effects which will indeed be catastrophic (at least for
3 a substantial fraction of the world's population)."¹⁴⁴

4 141. In 1981, Exxon's Henry Shaw, the company's lead climate researcher at the time,
5 prepared a summary of Exxon's current position on the greenhouse effect for Edward David Jr.,
6 president of Exxon Research and Engineering, stating in relevant part:

- 7 • "Atmospheric CO₂ will double in 100 years if fossil fuels grow at 1.4%/ a².
- 8 • 3°C global average temperature rise and 10°C at poles if CO₂ doubles.
 - 9 ○ Major shifts in rainfall/agriculture
 - Polar ice may melt"¹⁴⁵

10 142. In 1982, another report prepared for API by scientists at the Lamont-Doherty
11 Geological Observatory at Columbia University recognized that atmospheric CO₂ concentration
12 had risen significantly compared to the beginning of the industrial revolution from about 290 parts
13 per million to about 340 parts per million in 1981 and acknowledged that despite differences in
14 climate modelers' predictions, all models indicated a temperature increase caused by
15 anthropogenic CO₂ within a global mean range of 4° C (7.2° F). The report advised that there was
16 scientific consensus that "a doubling of atmospheric CO₂ from [] pre-industrial revolution value
17 would result in an average global temperature rise of (3.0 ± 1.5)°C [5.4 ± 2.7° F]." It went further,
18 warning that "[s]uch a warming can have serious consequences for man's comfort and survival
19 since patterns of aridity and rainfall can change, the height of the sea level can increase
20 considerably and the world food supply can be affected."¹⁴⁶ Exxon's own modeling research
21 confirmed this, and the company's results were later published in at least three peer-reviewed
22

23 ¹⁴⁴ Id.

24 ¹⁴⁵ Henry Shaw, Exxon Memo to E. E. David, Jr. about "CO₂Position Statement", Exxon Inter-
25 Office Correspondence (May 15, 1981),
<https://insideclimatenews.org/sites/default/files/documents/Exxon%20Position%20on%20CO2%20%281981%29.pdf>.

26 ¹⁴⁶ American Petroleum Institute, Climate Models and CO₂ Warming: A Selective Review and
27 Summary, Lamont-Doherty Geological Observatory (Columbia University) (March 1982),
[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)
28 Warming-a.pdf.

1 scientific papers.¹⁴⁷

2 143. Also in 1982, Exxon's Environmental Affairs Manager distributed a primer on
3 climate change to a "wide circulation [of] Exxon management . . . intended to familiarize Exxon
4 personnel with the subject."¹⁴⁸ The primer also was "restricted to Exxon personnel and not to be
5 distributed externally."¹⁴⁹ The primer compiled science on climate change available at the time,
6 and confirmed fossil fuel combustion as a primary anthropogenic contributor to global warming.
7 The report estimated a CO₂ doubling around 2090 based on Exxon's long-range modeled outlook.
8 The author warned that "uneven global distribution of increased rainfall and increased
9 evaporation" were expected to occur, and that "disturbances in the existing global water
10 distribution balance would have dramatic impact on soil moisture, and in turn, on agriculture."¹⁵⁰
11 Moreover, the melting of the Antarctic ice sheet could result in global sea level rise of five feet
12 which would "cause flooding on much of the U.S. East Coast, including the State of Florida and
13 Washington, D.C."¹⁵¹ Indeed, it warned that "there are some potentially catastrophic events that
14 must be considered," including sea level rise from melting polar ice sheets. It noted that some
15 scientific groups were concerned "that once the effects are measurable, they might not
16 be reversible."¹⁵²

17 144. In a summary of Exxon's climate modeling research from 1982, Director of
18 Exxon's Theoretical and Mathematical Sciences Laboratory Roger Cohen wrote that "the time
19 required for doubling of atmospheric CO₂ depends on future world consumption of fossil fuels."

21 ¹⁴⁷ See Roger W. Cohen, Exxon Memo summarizing findings of research in climate modeling,
22 Exxon Research and Engineering Company (September 2, 1982),
23 [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) (discussing research articles).

24 ¹⁴⁸ M. B. Glaser, Exxon Memo to Management about "CO₂ 'Greenhouse' Effect", Exxon
25 Research and Engineering Company (November 12, 1982),
26 <http://insideclimatenews.org/sites/default/files/documents/1982%20Exxon%20Primer%20on%20CO2%20Greenhouse%20Effect.pdf>.

26 ¹⁴⁹ Id.

27 ¹⁵⁰ Id.

27 ¹⁵¹ Id.

28 ¹⁵² Id.

1 Cohen concluded that Exxon’s own results were “consistent with the published predictions of more
2 complex climate models” and “in accord with the scientific consensus on the effect of increased
3 atmospheric CO₂ on climate.”¹⁵³

4 145. At the fourth biennial Maurice Ewing Symposium at the Lamont-Doherty
5 Geophysical Observatory in October 1982, attended by members of API, Exxon Research and
6 Engineering Company president E.E. David delivered a speech titled: “Inventing the Future:
7 Energy and the CO₂ ‘Greenhouse Effect.’”¹⁵⁴ His remarks included the following statement:
8 “[F]ew people doubt that the world has entered an energy transition away from dependence upon
9 fossil fuels and toward some mix of renewable resources that will not pose problems of CO₂
10 accumulation.” He went on, discussing the human opportunity to address anthropogenic climate
11 change before the point of no return:

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

15 146. Throughout the early 1980s, at Exxon’s direction, Exxon climate scientist Henry
16 Shaw forecasted emissions of CO₂ from fossil fuel use. Those estimates were incorporated into
17 Exxon’s 21st century energy projections and were distributed among Exxon’s various divisions.
18 Shaw’s conclusions included an expectation that atmospheric CO₂ concentrations would double in
19 2090 per the Exxon model, with an attendant 2.3–5.6° F average global temperature increase. Shaw
20 compared his model results to those of the U.S. EPA, the National Academy of Sciences, and the
21 Massachusetts Institute of Technology, indicating that the Exxon model predicted a longer delay
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23

24 ¹⁵³ Roger W. Cohen, Exxon Memo summarizing findings of research in climate modeling, Exxon
25 Research and Engineering Company (September 2, 1982),
26 [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).

27 ¹⁵⁴ E. E. David, Jr., Inventing the Future: Energy and the CO₂ Greenhouse Effect: Remarks at the
28 Fourth Annual Ewing Symposium, Tenafly, NJ (1982),
<http://sites.agu.org/publications/files/2015/09/ch1.pdf>.

1 than any of the other models, although its temperature increase prediction was in the mid-range of
2 the four projections.¹⁵⁵

3 147. During the 1980s, many Defendants formed their own research units focused on
4 climate modeling. The API, including the API CO₂ Task Force, provided a forum for Defendants
5 to share their research efforts and corroborate their findings related to anthropogenic greenhouse
6 gas emissions.¹⁵⁶

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

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

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

17 Prevention means engineering a new generation of fuels, lubricants and chemical
18 products. . . . Prevention means designing catalysts and processes that minimize
19 or eliminate the production of unwanted byproducts. . . . Prevention on a global
20 scale may even require a dramatic reduction in our dependence on fossil fuels—
and a shift towards solar, hydrogen, and safe nuclear power. It may be possible
that—just possible—that the energy industry will transform itself so completely

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24 ¹⁵⁵ Neela Banerjee, More Exxon Documents Show How Much It Knew About Climate 35 Years
Ago, Inside Climate News (Dec. 1, 2015),
25 <https://insideclimatenews.org/news/01122015/documents-exxons-early-co2-position-senior-executives-engage-and-warming-forecast>.

26 ¹⁵⁶ Neela Banerjee, Exxon's Oil Industry Peers Knew About Climate Dangers in the 1970s, Too,
Inside Climate News (December 22, 2015),
27 <https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco>.

1 that observers will declare it a new industry. . . . Brute force, low-tech responses
2 and money alone won't meet the challenges we face in the energy industry.¹⁵⁷

3 149. In 1989, Esso Resources Canada (ExxonMobil) commissioned a report on the
4 impacts of climate change on existing and proposed natural gas facilities in the Mackenzie River
5 Valley and Delta, including extraction facilities on the Beaufort Sea and a pipeline crossing
6 Canada's Northwest Territory.¹⁵⁸ It reported that "large zones of the Mackenzie Valley could be
7 affected dramatically by climatic change" and that "the greatest concern in Norman Wells [oil
8 town in North West Territories, Canada] should be the changes in permafrost that are likely to
9 occur under conditions of climate warming." The report concluded that, in light of climate models
10 showing a "general tendency towards warmer and wetter climate," operation of those facilities
11 would be compromised by increased precipitation, increase in air temperature, changes in
12 permafrost conditions, and significantly, sea level rise and erosion damage.¹⁵⁹ The authors
13 recommended factoring these eventualities into future development planning and also warned that
14 "a rise in sea level could cause increased flooding and erosion damage on Richards Island."

15 150. In 1991, Shell produced a film called "Climate of Concern." The film advises that
16 while "no two [climate change projection] scenarios fully agree, . . . [they] have each prompted
17 the same serious warning. A warning endorsed by a uniquely broad consensus of scientists in their
18 report to the UN at the end of 1990." The warning was an increasing frequency of abnormal
19 weather, and of sea level rise of about one meter over the coming century. Shell specifically
20 described the impacts of anthropogenic sea level rise on tropical islands, "barely afloat even now,
21 . . . [f]irst made uninhabitable and then obliterated beneath the waves. Wetland habitats destroyed
22 by intruding salt. Coastal lowlands suffering pollution of precious groundwater." It warned of

23 _____
24 ¹⁵⁷ Richard E. Tucker, High Tech Frontiers in the Energy Industry: The Challenge Ahead,
AICHE National Meeting (November 30, 1988),
25 <https://hdl.handle.net/2027/pur1.32754074119482?urlappend=%3Bseq=522>.

26 ¹⁵⁸ Stephen Lonergan & Kathy Young, An Assessment of the Effects of Climate Warming on
Energy Developments in the Mackenzie River Valley and Delta, Canadian Arctic, Energy
27 Exploration & Exploitation, Vol. 7, Issue 5 (Oct. 1, 1989),
<http://journals.sagepub.com/doi/abs/10.1177/014459878900700508>.

28 ¹⁵⁹ Id.

1 “greenhouse refugees,” people who abandoned homelands inundated by the sea, or displaced
2 because of catastrophic changes to the environment. The video concludes with a stark admonition:
3 “Global warming is not yet certain, but many think that the wait for final proof would be
4 irresponsible. Action now is seen as the only safe insurance.”¹⁶⁰

5 151. In the mid-1990s, ExxonMobil, Shell and Imperial Oil (ExxonMobil) jointly
6 undertook the Sable Offshore Energy Project in Nova Scotia. The project’s own Environmental
7 Impact Statement declared: “The impact of a global warming sea-level rise may be particularly
8 significant in Nova Scotia. The long-term tide gauge records at a number of locations along the
9 N.S. coast have shown sea level has been rising over the past century. . . . For the design of coastal
10 and offshore structures, an estimated rise in water level, due to global warming, of 0.5 m [1.64
11 feet] may be assumed for the proposed project life (25 years).”¹⁶¹

12 152. Climate change research conducted by Defendants and their industry associations
13 frequently acknowledged uncertainties in their climate modeling—those uncertainties, however,
14 were merely with respect to the magnitude and timing of climate impacts resulting from fossil fuel
15 consumption, not that significant changes would eventually occur. The Defendants’ researchers
16 and the researchers at their industry associations harbored little doubt that climate change was
17 occurring and that fossil fuel products were, and are, the primary cause.

18 153. Despite the overwhelming information about the threats to people and the planet
19 posed by continued unabated use of their fossil fuel products, Defendants failed to act as they
20 reasonably should have to mitigate or avoid those dire adverse impacts. Defendants instead
21 adopted the position, as described below, that the absence of meaningful regulations on the
22 consumption of their fossil fuel products was the equivalent of a social license to continue the
23 unfettered pursuit of profits from those products. This position was an abdication of Defendants’
24

25 ¹⁶⁰Jelmer Mommers, Shell Made a Film About Climate Change in 1991 (Then Neglected To
26 Heed Its Own Warning), de Correspondent (Feb. 27, 2017),
27 <https://thecorrespondent.com/6285/shell-made-a-film-about-climate-change-in-1991-then-neglected-to-heed-its-own-warning/692663565-875331f6>.

28 ¹⁶¹ ExxonMobil, Sable Project, Development Plan, Volume 3 – Environmental Impact Statement
<http://soep.com/about-the-project/development-plan-application/>.

1 responsibility to consumers and the public, including Plaintiffs, to act on their unique knowledge
2 of the reasonably foreseeable hazards of unabated production and consumption of their fossil
3 fuel products.

4 **F. Defendants Did Not Disclose Known Harms Associated with the Extraction,**
5 **Promotion, and Consumption of Their Fossil Fuel Products, and Instead**
6 **Affirmatively Acted to Obscure Those Harms and Engaged in a Concerted**
7 **Campaign to Evade Regulation.**

8 154. By 1988, Defendants had amassed a compelling body of knowledge about the role
9 of anthropogenic greenhouse gases, and specifically those emitted from the normal use of
10 Defendants' fossil fuel products, in causing global warming, disruptions to the hydrologic cycle,
11 extreme precipitation and drought, heatwaves, wildfires, and associated consequences for human
12 communities and the environment. On notice that their products were causing global climate
13 change and dire effects on the planet, Defendants were faced with the decision of whether to take
14 steps to limit the damages their fossil fuel products were causing and would continue to cause for
15 virtually every one of Earth's inhabitants, including the People of the State of California, and the
16 City of Santa Cruz and its citizens.

17 155. Defendants at any time before or thereafter could and reasonably should have taken
18 any of a number of steps to mitigate the damages caused by their fossil fuel products, and their
19 own comments reveal an awareness of what some of these steps may have been. Defendants should
20 have made reasonable warnings to consumers, the public, and regulators of the dangers known to
21 Defendants of the unabated consumption of their fossil fuel products, and they should have taken
22 reasonable steps to limit the potential greenhouse gas emissions arising out of their fossil
23 fuel products.

24 156. But several key events during the period 1988–1992 appear to have prompted
25 Defendants to change their tactics from general research and internal discussion on climate change
26 to a public campaign aimed at evading regulation of their fossil fuel products and/or emissions
27 therefrom. These include:

- 28 a. In 1988, National Aeronautics and Space Administration (NASA) scientists
confirmed that human activities were actually contributing to global

1 warming.¹⁶² On June 23 of that year, NASA scientist James Hansen’s
2 presentation of this information to Congress engendered significant news
3 coverage and publicity for the announcement, including coverage on the front
4 page of the New York Times.

5 b. On July 28, 1988, Senator Robert Stafford and four bipartisan co-sponsors
6 introduced S. 2666, “The Global Environmental Protection Act,” to regulate
7 CO₂ and other greenhouse gases. Four more bipartisan bills to significantly
8 reduce CO₂ pollution were introduced over the following ten weeks, and in
9 August, U.S. Presidential candidate George H.W. Bush pledged that his
10 presidency would “combat the greenhouse effect with the White House
11 effect.”¹⁶³ Political will in the United States to reduce anthropogenic
12 greenhouse gas emissions and mitigate the harms associated with Defendants’
13 fossil fuel products was gaining momentum.

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

18 d. In 1990, the IPCC published its First Assessment Report on anthropogenic
19 climate change,¹⁶⁴ in which it concluded that (1) “there is a natural
20 greenhouse effect which already keeps the Earth warmer than it would
21 otherwise be,” and (2) that

22 emissions resulting from human activities are substantially
23 increasing the atmospheric concentrations of the greenhouse

24
25 ¹⁶² See Peter C. Frumhoff, et al., The Climate Responsibilities of Industrial Carbon Producers,
Climatic Change, Vol. 132, 161 (2015).

26 ¹⁶³ New York 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>.

27 ¹⁶⁴ See IPCC, Reports,
28 http://www.ipcc.ch/publications_and_data/publications_and_data_reports.shtml.

1 gases carbon dioxide, methane, chlorofluorocarbons (CFCs) and
2 nitrous oxide. These increases will enhance the greenhouse
3 effect, resulting on average in an additional warming of the
4 Earth's surface. The main greenhouse gas, water vapour, will
5 increase in response to global warming and further enhance it.¹⁶⁵

6 The IPCC reconfirmed these conclusions in a 1992 supplement to
7 the First Assessment report.¹⁶⁶

- 8 e. The United Nations began preparation for the 1992 Earth Summit in Rio de
9 Janeiro, Brazil, a major, newsworthy gathering of 172 world governments, of
10 which 116 sent their heads of state. The Summit resulted in the United Nations
11 Framework Convention on Climate Change (UNFCCC), an international
12 environmental treaty providing protocols for future negotiations aimed at
13 “stabiliz[ing] greenhouse gas concentrations in the atmosphere at a level that
14 would prevent dangerous anthropogenic interference with the climate
15 system.”¹⁶⁷

16 157. These world events marked a shift in public discussion of climate change, and the
17 initiation of international efforts to curb anthropogenic greenhouse emissions – developments that
18 had stark implications for, and would have diminished the profitability of, Defendants’ fossil fuel
19 products.

20 158. But rather than collaborating with the international community by acting to
21 forestall, or at least decrease, their fossil fuel products’ contributions to global warming, sea level
22 rise, disruptions to the hydrologic cycle, and associated consequences to Santa Cruz and other
23 communities, Defendants embarked on a decades-long campaign designed to maximize continued
24 dependence on their products and undermine national and international efforts like the Kyoto
25 Protocol to rein in greenhouse gas emissions.

26 ¹⁶⁵ IPCC, Climate Change: The IPCC Scientific Assessment, Policymakers Summary (1990),
27 http://www.ipcc.ch/ipccreports/far/wg_I/ipcc_far_wg_I_spm.pdf.

28 ¹⁶⁶ IPCC, 1992 IPCC Supplement to the First Assessment Report (1992),
http://www.ipcc.ch/publications_and_data/publications_ipcc_90_92_assessments_far.shtml.

¹⁶⁷ United Nations, United Nations Framework Convention on Climate Change, Article 2 (1992),
<https://unfccc.int/resource/docs/convkp/conveng.pdf>.

1 159. Defendants’ campaign, which focused on concealing, discrediting, and/or
2 misrepresenting information that tended to support restricting consumption of (and thereby
3 decreasing demand for) Defendants’ fossil fuel products, took several forms. The campaign
4 enabled Defendants to accelerate their business practice of exploiting fossil fuel reserves, and
5 concurrently externalize the social and environmental costs of their fossil fuel products. These
6 activities stood in direct contradiction to Defendants’ own prior recognition that the science of
7 anthropogenic climate change was clear and that the greatest uncertainties involved responsive
8 human behavior, not scientific understanding of the issue.

9 160. Defendants took affirmative steps to conceal, from Plaintiffs and the general public,
10 the foreseeable impacts of the use of their fossil fuel products on the Earth’s climate and associated
11 harms to people and communities. Defendants embarked on a concerted public relations campaign
12 to cast doubt on the science connecting global climate change to fossil fuel products and
13 greenhouse gas emissions, in order to influence public perception of the existence of anthropogenic
14 global warming and sea level rise, disruptions to weather cycles, extreme precipitation and
15 drought, and associated consequences. The effort included promoting their hazardous products
16 through advertising campaigns and the initiation and funding of climate change denialist
17 organizations, designed to influence consumers to continue using Defendants’ fossil fuel products
18 irrespective of those products’ damage to communities and the environment.

19 161. For example, in 1988, Joseph Carlson, an Exxon public affairs manager, described
20 the “Exxon Position,” which included among others, two important messaging tenets: (1)
21 “[e]mphasize the uncertainty in scientific conclusions regarding the potential enhanced
22 Greenhouse Effect;” and (2) “[r]esist the overstatement and sensationalization [sic] of potential
23 greenhouse effect which could lead to noneconomic development of non-fossil fuel resources.”¹⁶⁸

24 162. In 1991, for example, the Information Council for the Environment (“ICE”), whose
25 members included affiliates, predecessors and/or subsidiaries of Defendants, including Pittsburg
26

27 ¹⁶⁸ Joseph M. Carlson, Exxon Memo on “The Greenhouse Effect” (August 3, 1988),
28 <https://assets.documentcloud.org/documents/3024180/1998-Exxon-Memo-on-the-Greenhouse-Effect.pdf>.

1 and Midway Coal Mining (Chevron) and Island Creek Coal Company (Occidental), launched a
2 national climate change science denial campaign with full-page newspaper ads, radio commercials,
3 a public relations tour schedule, “mailers,” and research tools to measure campaign success.
4 Included among the campaign strategies was to “reposition global warming as theory (not fact).”
5 Its target audience included older less-educated males who are “predisposed to favor the ICE
6 agenda, and likely to be even more supportive of that agenda following exposure to new info.”¹⁶⁹

7 163. An implicit goal of ICE’s advertising campaign was to change public opinion and
8 avoid regulation. A memo from Richard Lawson, president of the National Coal Association asked
9 members to contribute to the ICE campaign with the justification that “policymakers are prepared
10 to act [on global warming]. Public opinion polls reveal that 60% of the American people already
11 believe global warming is a serious environmental problem. Our industry cannot sit on the
12 sidelines in this debate.”¹⁷⁰

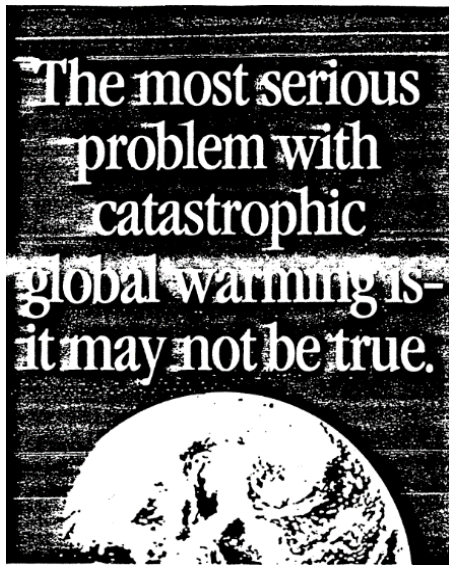
13 164. The following images are examples of ICE-funded print advertisements
14 challenging the validity of climate science and intended to obscure the scientific consensus on
15 anthropogenic climate change and induce political inertia to address it.¹⁷¹

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23 ¹⁶⁹ Union of Concerned Scientists, Deception Dossier #5: Coal’s “Information Council on the
24 Environment” Sham, (1991), http://www.ucsusa.org/sites/default/files/attach/2015/07/Climate-Deception-Dossier-5_ICE.pdf.

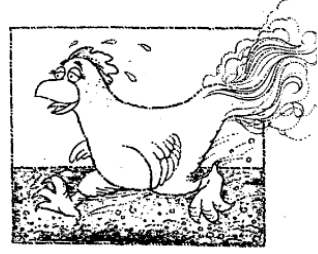
25 ¹⁷⁰ Naomi Oreskes, My Facts Are Better Than Your Facts: Spreading Good News about Global
26 Warming (2010), in Peter Howlett, et al., How Well Do Facts Travel?: The Dissemination of
27 Reliable Knowledge, 136-166. Cambridge University Press.
doi:10.1017/CBO9780511762154.008.8.

28 ¹⁷¹ Union of Concerned Scientists, Deception Dossier #5: Coal’s “Information Council on the
Environment” Sham, at 47-49 (1991),
http://www.ucsusa.org/sites/default/files/attach/2015/07/Climate-Deception-Dossier-5_ICE.pdf.

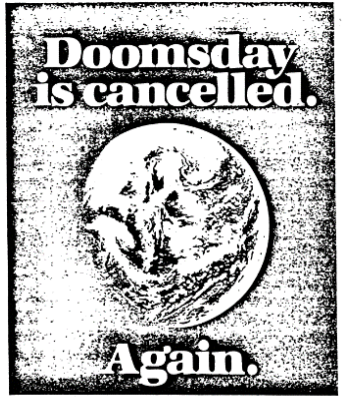
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Who told you the earth was warming... Chicken Little?



Chicken Little's hysterics about the sky falling was based on a fact that just threw us all off proportion. It's the same with global warming. There's no hard evidence it is occurring. In fact, evidence the Earth is warming is weak. Your data makes Al Gore's has been the primary cause & contribution. Climate models cannot accurately predict the future global change. And the underlying physics of climate change are still wide open to debate. If you care about the earth, but don't want your imagination to run away with you, make sure you get the facts. Write: Informed Citizens for the Environment, P.O. Box 1011, Grand Forks, North Dakota 58206, or call 701/784-6373. We'll send you the facts about global warming. Climate models cannot accurately



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 non-existent. Climate models cannot accurately predict the 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 want 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 1011, Grand Forks, North Dakota 58206 or call 701/784-6373. We'll send you the facts about global warming. Climate models cannot accurately



165. In 1996, Exxon released a publication called "Global Warming: Who's Right? Facts about a debate that's turned up more questions than answers." In the publication's preface, Exxon CEO Lee Raymond stated that "taking drastic action immediately is unnecessary since many scientists agree there's ample time to better understand the climate system." The subsequent article described the greenhouse effect as "unquestionably real and definitely a good thing," while ignoring the severe consequences that would result from the influence of the increased CO₂ concentration on the Earth's climate. Instead, it characterized the greenhouse effect as simply "what makes the earth's atmosphere livable." Directly contradicting their own internal reports and peer-reviewed science, the article ascribed the rise in temperature since the late 19th century to "natural fluctuations that occur over long periods of time" rather than to the anthropogenic emissions that Exxon and other scientists had confirmed were responsible. The article also falsely challenged the computer models that projected the future impacts of unabated fossil fuel product consumption, including those developed by Exxon's own employees, as having been "proved to be inaccurate." The article contradicted the numerous reports circulated among Exxon's staff, and by the API, by stating that "the indications are that a warmer world would be far more benign than many imagine . . . moderate warming would reduce mortality rates in the US, so a slightly warmer climate would be more healthful." Raymond concluded his preface by attacking advocates for

1 limiting the use of his company’s fossil fuel products as “drawing on bad science, faulty logic, or
2 unrealistic assumptions” – despite the important role that Exxon’s own scientists had played in
3 compiling those same scientific underpinnings.¹⁷²

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

8
9 Some people who argue that we should drastically curtail our use of fossil fuels
10 for environmental reasons . . . my belief [is] that such proposals are neither prudent
11 nor practical. With no readily available economic alternatives on the horizon,
12 fossil fuels will continue to supply most of the world’s and this region’s energy
13 for the foreseeable future.

14
15 Governments also need to provide a stable investment climate...They should
16 avoid the temptation to intervene in energy markets in ways that give advantage
17 to one competitor over another or one fuel over another.

18
19 We also have to keep in mind that most of the greenhouse effects comes from
20 natural sources . . . Leaping to radically cut this tiny sliver of the greenhouse pie
21 on the premise that it will affect climate defies common sense and lacks foundation
22 in our current understanding of the climate system.

23
24 Let’s agree there’s a lot we really don’t know about how climate will change in
25 the 21st century and beyond . . . It is highly unlikely that the temperature in the
26 middle of the next century will be significantly affected whether policies are
27 enacted now or 20 years from now. It’s bad public policy to impose very costly
28 regulations and restrictions when their need has yet to be proven.¹⁷³

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

¹⁷² Exxon Corp., Global Warming: Who’s Right?, (1996),
<https://www.documentcloud.org/documents/2805542-Exxon-Global-Warming-Whos-Right.html>.
¹⁷³ Lee R. Raymond, Energy – Key to growth and a better environment for Asia-Pacific nations,
World Petroleum Congress (October 13, 1997),
<https://assets.documentcloud.org/documents/2840902/1997-Lee-Raymond-Speech-at-China-World-Petroleum.pdf>.

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

6 There is absolutely no agreement among climatologists on whether or not the planet
7 is getting warmer, or, if it is, on whether the warming is the result of man-made
8 factors or natural variations in the climate. . . . I feel very safe in saying that the view
9 that burning fossil fuels will result in global climate change remains an unproved
10 hypothesis.¹⁷⁴

11 168. Mobil (ExxonMobil) paid for a series of “advertorials,” advertisements located in
12 the editorial section of the New York Times and meant to look like editorials rather than paid ads.
13 These ads discussed various aspects of the public discussion of climate change and sought to
14 undermine the justifications for tackling greenhouse gas emissions as unsettled science. The 1997
15 advertorial below¹⁷⁵ argued that economic analysis of emissions restrictions was faulty and
16 inconclusive and therefore a justification for delaying action on climate change.

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26 ¹⁷⁴ Robert Peterson, A Cleaner Canada in Imperial Oil Review (Summer 1998),
27 [http://www.documentcloud.org/documents/2827818-1998-Imperial-Oil-Robert-Peterson-A-
28 Cleaner-Canada.html](http://www.documentcloud.org/documents/2827818-1998-Imperial-Oil-Robert-Peterson-A-Cleaner-Canada.html)

¹⁷⁵ Mobil, When Facts Don’t Square with the Theory, Throw Out the Facts (1997) New York
Times, A31 (August 14, 1997), [https://www.documentcloud.org/documents/705550-mob-nyt-
1997-aug-14-whenfactsdentsquare.html](https://www.documentcloud.org/documents/705550-mob-nyt-1997-aug-14-whenfactsdentsquare.html).

like race,

But when we no longer allow those choices, both civility and common sense will have been diminished. □

who was dragged from his sister's car by police officers and shot in the face at point-blank range. The cops

who have the power to do something about those officers, but choose not to. □

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



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

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

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

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

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

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

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

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

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

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

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

Mobil The energy to make a difference.

<http://www.mobil.com>

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1 169. In 1998, API, on behalf of Defendants, among other fossil fuel companies and
2 organizations supported by fossil fuel corporate grants, developed a Global Climate Science
3 Communications Plan that stated that unless “climate change becomes a non-issue . . . there may
4 be no moment when we can declare victory for our efforts.” Rather, API proclaimed that “[v]ictory
5 will be achieved when . . . average citizens ‘understand’ (recognize) uncertainties in climate
6 science; [and when] recognition of uncertainties becomes part of the ‘conventional wisdom.’”¹⁷⁶
7 The multi-million-dollar, multi-year proposed budget included public outreach and the
8 dissemination of educational materials to schools to “begin to erect a barrier against further efforts
9 to impose Kyoto-like measures in the future”¹⁷⁷ – a blatant attempt to disrupt international efforts,
10 pursuant to the UNFCCC, to negotiate a treaty that curbed greenhouse gas emissions.

11 170. Soon after, API distributed a memo to its members identifying public agreement on
12 fossil fuel products’ role in climate change as its highest priority issue.¹⁷⁸ The memorandum
13 illuminates API’s and Defendants’ concern over the potential regulation of Defendants’ fossil fuel
14 products: “Climate is at the center of the industry’s business interests. Policies limiting carbon
15 emissions reduce petroleum product use. That is why it is API’s highest priority issue and defined
16 as ‘strategic.’”¹⁷⁹ Further, the API memo stresses many of the strategies that Defendants
17 individually and collectively utilized to combat the perception of their fossil fuel products as
18 hazardous. These included:

- 19 a. Influencing the tenor of the climate change “debate” as a means to establish
20 that greenhouse gas reduction policies like the Kyoto Protocol were not
21 necessary to responsibly address climate change;

24 ¹⁷⁶ Joe Walker, E-mail to Global Climate Science Team, attaching the Draft Global Science
25 Communications Plan (April 3, 1998), [https://assets.documentcloud.org/documents/784572/api-
global-climate-science-communications-plan.pdf](https://assets.documentcloud.org/documents/784572/api-global-climate-science-communications-plan.pdf).

26 ¹⁷⁷ Id.

27 ¹⁷⁸ Committee on Oversight and Government Reform, Allegations of Political Interference with
28 Government Climate Change Science, page 51 (March 19, 2007),
[https://ia601904.us.archive.org/25/items/gov.gpo.fdsys.CHRG-110hhr37415/CHRG-
110hhr37415.pdf](https://ia601904.us.archive.org/25/items/gov.gpo.fdsys.CHRG-110hhr37415/CHRG-110hhr37415.pdf).

¹⁷⁹ Id.

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- b. Maintaining strong working relationships between government regulators and communications-oriented organizations like the Global Climate Coalition, the Heartland Institute, and other groups carrying Defendants’ message minimizing the hazards of the unabated use of their fossil fuel products and opposing regulation thereof;
- c. Building the case for (and falsely dichotomizing) Defendants’ positive contributions to a “long-term approach” (ostensibly for regulation of their products) as a reason for society to reject short term fossil fuel emissions regulations, and engaging in climate change science uncertainty research; and
- d. Presenting Defendants’ positions on climate change in domestic and international forums, including by preparing rebuttals to IPCC reports.

171. Additionally, Defendants mounted a campaign against regulation of their business practices in order to continue placing their fossil fuel products into the stream of commerce, despite their own knowledge and the growing national and international scientific consensus about the hazards of doing so. These efforts came despite Defendants’ recent recognition that “risks to nearly every facet of life on Earth . . . could be avoided only if timely steps were taken to address climate change.”¹⁸⁰

172. The Global Climate Coalition (GCC), on behalf of Defendants and other fossil fuel companies, funded advertising campaigns and distributed material to generate public uncertainty around the climate debate, with the specific purpose of preventing U.S. adoption of the Kyoto Protocol, despite the leading role that the U.S. had played in the Protocol negotiations.¹⁸¹ Despite an internal primer stating that various “contrarian theories” [i.e., climate change skepticism] do

¹⁸⁰ Neela Banerjee, Exxon’s Oil Industry Peers Knew About Climate Dangers in the 1970s, Too, Inside Climate News (December 22, 2015), <https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco>.
¹⁸¹ Id.

1 not “offer convincing arguments against the conventional model of greenhouse gas emission-
2 induced climate change,” GCC excluded this section from the public version of the backgrounder
3 and instead funded efforts to promote some of those same contrarian theories over subsequent
4 years.¹⁸²

5 173. A key strategy in Defendants’ efforts to discredit scientific consensus on climate
6 change and the IPCC was to bankroll scientists who, although accredited, held fringe opinions that
7 were even more questionable given the sources of their research funding. These scientists obtained
8 part or all of their research budget from Defendants directly or through Defendant-funded
9 organizations like API,¹⁸³ but they frequently failed to disclose their fossil fuel industry
10 underwriters.¹⁸⁴

11 174. Creating a false sense of disagreement in the scientific community (despite the
12 consensus that its own scientists, experts, and managers had previously acknowledged) has had an
13 evident impact on public opinion. A 2007 Yale University-Gallup poll found that while 71% of
14 Americans personally believed global warming was happening, only 48% believed that there was
15 a consensus among the scientific community, and 40% believed there was a lot of disagreement
16 among scientists over whether global warming was occurring.¹⁸⁵

17 175. 2007 was the same year the IPCC published its Fourth Assessment Report, in which
18 it concluded that “there is *very high confidence* that the net effect of human activities since 1750
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22 ¹⁸² Gregory J. Dana, Memo to AIAM Technical Committee Re: Global Climate Coalition (GCC)
23 – Primer on Climate Change Science – Final Draft, Association of International Automobile
Manufacturers (January 18, 1996), <http://www.webcitation.org/6FyqHawb9>.

24 ¹⁸³ Willie Soon and Sallie Baliunas, Proxy Climatic and Environmental Changes of the Past 1000
25 Years, *Climate Research* 23, 88-110 (January 31, 2003), [http://www.int-](http://www.int-res.com/articles/cr2003/23/c023p089.pdf)
[res.com/articles/cr2003/23/c023p089.pdf](http://www.int-res.com/articles/cr2003/23/c023p089.pdf).

26 ¹⁸⁴ Newsdesk, Smithsonian Statement: Dr. Wei-Hock (Willie) Soon, *Smithsonian* (February 26,
2015), <http://newsdesk.si.edu/releases/smithsonian-statement-dr-wei-hock-willie-soon>.

27 ¹⁸⁵ American Opinions on Global Warming: A Yale/Gallup/Clearvision Poll, Yale Program on
28 Climate Change Communication (July 31, 2007),
<http://climatecommunication.yale.edu/publications/american-opinions-on-global-warming/>.

1 has been one of warming.”¹⁸⁶ The IPCC defined “very high confidence” as at least a 9 out of 10
2 chance.¹⁸⁷

3 176. Defendants borrowed pages out of the playbook of prior denialist campaigns. A
4 “Global Climate Science Team” (“GCST”) was created that mirrored a front group created by the
5 tobacco industry, known as The Advancement of Sound Science Coalition, whose purpose was to
6 sow uncertainty about the fact that cigarette smoke is carcinogenic. The GCST’s membership
7 included Steve Milloy (a key player on the tobacco industry’s front group), Exxon’s senior
8 environmental lobbyist; an API public relations representative; and representatives from Chevron
9 and Southern Company that drafted API’s 1998 Communications Plan. There were no scientists
10 on the “Global Climate Science Team.” GCST developed a strategy to spend millions of dollars
11 manufacturing climate change uncertainty. Between 2000 and 2004, Exxon donated \$110,000 to
12 Milloy’s efforts and another organization, the Free Enterprise Education Institute and \$50,000 to
13 the Free Enterprise Action Institute, both registered to Milloy’s home address.¹⁸⁸

14 177. Defendants by and through their trade association memberships, worked directly,
15 and often in a deliberately obscured manner, to evade regulation of the emissions resulting from
16 use of their fossil fuel products.

17 178. Defendants have funded dozens of think tanks, front groups, and dark money
18 foundations pushing climate change denial. These include the Competitive Enterprise Institute, the
19 Heartland Institute, Frontiers for Freedom, Committee for a Constructive Tomorrow, and Heritage
20 Foundation. From 1998 to 2014 ExxonMobil spent almost \$31 million funding numerous
21 organizations misrepresenting the scientific consensus that Defendants’ fossil fuel products were
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23 ¹⁸⁶ IPCC, Climate Change 2007: The Physical Science Basis. Contribution of Working Group I
24 to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (2007),
<https://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-spm.pdf> (emphasis in original).

25 ¹⁸⁷ Id.

26 ¹⁸⁸ Seth Shulman et al. Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big Tobacco’s
27 Tactics to Manufacture Uncertainty on Climate Science, Union of Concerned Scientists, 19
28 (January 2007),
http://www.ucsusa.org/sites/default/files/legacy/assets/documents/global_warming/exxon_report.pdf.

1 causing climate change, sea level rise, and injuries to Santa Cruz, among other coastal
2 communities.¹⁸⁹ Several Defendants have been linked to other groups that undermine the scientific
3 basis linking Defendants' fossil fuel products to climate change and sea level rise, including the
4 Frontiers of Freedom Institute and the George C. Marshall Institute.

5 179. Exxon acknowledged its own previous success in sowing uncertainty and slowing
6 mitigation through funding of climate denial groups. In its 2007 Corporate Citizenship Report,
7 Exxon declared: "In 2008, we will discontinue contributions to several public policy research
8 groups whose position on climate change could divert attention from the important discussion on
9 how the world will secure the energy required for economic growth in an environmentally
10 responsible manner."¹⁹⁰ Despite this pronouncement, Exxon remained financially associated with
11 several such groups after the report's publication.

12 180. Defendants could have contributed to the global effort to mitigate the impacts of
13 greenhouse gas emissions by, for example delineating practical technical strategies, policy goals,
14 and regulatory structures that would have allowed them to continue their business ventures while
15 reducing greenhouse gas emissions and supporting a transition to a lower carbon future. Instead,
16 Defendants undertook a momentous effort to evade international and national regulation of
17 greenhouse gas emissions to enable them to continue unabated fossil fuel production.

18 181. As a result of Defendants' tortious, false and misleading conduct, reasonable
19 consumers of Defendants' fossil fuel products and policy-makers, 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, heatwaves, wildfires,
22 and drought; the acceleration of global warming since the mid-20th century and the continuation
23 thereof; and about the fact that the continued increase in fossil fuel product consumption that
24 creates severe environmental threats and significant economic costs for coastal communities,
25 including Santa Cruz. Reasonable consumers and policy makers have also been deceived about

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27 ¹⁸⁹ ExxonSecrets.org, ExxonMobil Climate Denial Funding 1998-2014
<http://exxonsecrets.org/html/index.php>.

28 ¹⁹⁰ ExxonMobil, 2007 Corporate Citizenship Report (December 31, 2007).

1 the depth and breadth of the state of the scientific evidence on anthropogenic climate change, and
2 in particular, about the strength of the scientific consensus demonstrating the role of fossil fuels in
3 causing both climate change and a wide range of potentially destructive impacts, including sea
4 level rise, disruptions to the hydrologic cycle, extreme precipitation, heatwaves, wildfires, drought,
5 and associated consequences.

6 **G. In Contrast to their Public Statements, Defendants' Internal Actions**
7 **Demonstrate their Awareness of and Intent to Profit from the Unabated Use**
8 **of Fossil Fuel Products.**

8 182. In contrast to their public-facing efforts challenging the validity of the scientific
9 consensus about anthropogenic climate change, Defendants' acts and omissions evidence their
10 internal acknowledgement of the reality of climate change and its likely consequences. These
11 actions include, but are not limited to, making multi-billion-dollar infrastructure investments for
12 their own operations that acknowledge the reality of coming anthropogenic climate-related change.
13 These investments included (among others), raising offshore oil platforms to protect against sea
14 level rise; reinforcing offshore oil platforms to withstand increased wave strength and storm
15 severity; and developing and patenting designs for equipment intended to extract crude oil and/or
16 natural gas in areas previously unreachable because of the presence of polar ice sheets.¹⁹¹

17 183. For example, in 1973 Exxon obtained a patent for a cargo ship capable of breaking
18 through sea ice¹⁹² and for an oil tanker¹⁹³ designed specifically for use in previously unreachable
19 areas of the Arctic.

20 184. In 1974, Chevron obtained a patent for a mobile arctic drilling platform designed
21 to withstand significant interference from lateral ice masses,¹⁹⁴ allowing for drilling in areas with
22 increased ice floe movement due to elevated temperature.

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24 ¹⁹¹ Amy Lieberman and Suzanne Rust, Big Oil braced for global warming while it fought
25 regulations, L.A. Times (December 31, 2015) <http://graphics.latimes.com/oil-operations/>.

25 ¹⁹² Patents, Icebreaking cargo vessel, Exxon Research Engineering Co. (April 17, 1973)
26 <https://www.google.com/patents/US3727571>.

26 ¹⁹³ Patents, Tanker vessel, Exxon Research Engineering Co. (July 17, 1973)
27 <https://www.google.com/patents/US3745960>.

27 ¹⁹⁴ Patents, Arctic offshore platform, Chevron Res (August 27, 1974)
28 <https://www.google.com/patents/US3831385>.

1 185. That same year, Texaco (Chevron) worked toward obtaining a patent for a method
2 and apparatus for reducing ice forces on a marine structure prone to being frozen in ice through
3 natural weather conditions,¹⁹⁵ allowing for drilling in previously unreachable Arctic areas that
4 would become seasonally accessible.

5 186. Shell obtained a patent similar to Texaco's (Chevron) in 1984.¹⁹⁶

6 187. In 1989, Norske Shell, Royal Dutch Shell's Norwegian subsidiary, altered designs
7 for a natural gas platform planned for construction in the North Sea to account for anticipated sea
8 level rise. Those design changes were ultimately carried out by Shell's contractors, adding
9 substantial costs to the project.¹⁹⁷

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

14 b. In 1986, the Norwegian parliament granted Norske Shell authority to
15 complete the first development phase of the Troll field gas deposits, and
16 Norske Shell began designing the "Troll A" gas platform, with the intent to
17 begin operation of the platform in approximately 1995. Based on the very
18 large size of the gas deposits in the Troll field, the Troll A platform was
19 projected to operate for approximately 70 years.

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

24 ¹⁹⁵ Patents, Mobile, arctic drilling and production platform, Texaco Inc. (February 26, 1974)
25 <https://www.google.com/patents/US3793840>.

26 ¹⁹⁶ Patents, Arctic offshore platform, Shell Oil Company (January 24, 1984)
27 <https://www.google.com/patents/US4427320>.

28 ¹⁹⁷ Greenhouse Effect: Shell Anticipates a Sea Change, N.Y. Times (December 20, 1989)
<http://www.nytimes.com/1989/12/20/business/greenhouse-effect-shell-anticipates-a-sea-change.html>.

- 1 d. In 1989, Shell engineers revised their plans to increase the above-water
2 height of the platform by 3–6 feet, specifically to account for higher
3 anticipated average sea levels and increased storm intensity due to global
4 warming over the platform’s 70-year operational life.¹⁹⁸
- 5 e. Shell projected that the additional 3–6 feet of above-water construction
6 would increase the cost of the Troll A platform by as much as \$40 million.

7 **H. Defendants’ Actions Prevented the Development of Alternatives That Would**
8 **Have Eased the Transition to a Less Fossil Fuel Dependent Economy.**

9 188. The harms and benefits of Defendants’ conduct can be balanced in part by weighing
10 the social benefit of extracting and burning a unit of fossil fuels against the costs that a unit of fuel
11 imposes on society, known as the “social cost of carbon” or “SCC.”

12 189. Because climatic responses to atmospheric temperature increases are non-linear,
13 and because greenhouse gas pollution accumulates in the atmosphere, some of which does not
14 dissipate for potentially thousands of years (namely CO₂), there is broad agreement that SCC
15 increases as emissions rise, and as the climate warms. Relatedly, as atmospheric CO₂ levels and
16 surface temperature increase, the costs of remediating any individual environmental injury—for
17 example infrastructure to mitigate sea level rise, and changes to agricultural processes—also
18 increases. In short, each additional ton of CO₂ emitted into the atmosphere will have a greater net
19 social cost as emissions increase, and each additional ton of CO₂ will have a greater net social cost
20 as global warming accelerates.

21 190. A critical corollary of the non-linear relationship between atmospheric CO₂
22 concentrations and SCC is that delayed efforts to curb those emissions have increased
23 environmental harms and increased the magnitude and cost to remediate harms that have already
24 occurred or are locked in by previous emissions. Therefore, Defendants’ campaign to obscure the
25 science of climate change and to expand the extraction and use of fossil fuels greatly increased
26 and continues to increase the harms and rate of harms suffered by the City and the People.

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28 ¹⁹⁸ Id.; Amy Lieberman and Suzanne Rust, Big Oil Braced for Global Warming While It Fought
Regulations, L.A. Times (December 31, 2015), <http://graphics.latimes.com/oil-operations/>.

1 191. The consequences of delayed action on climate change, exacerbated by Defendants’
2 actions, already have drastically increased the cost of mitigating further harm. Had concerted
3 action begun even as late as 2005, an annual 3.5% reduction in CO₂ emissions to lower atmospheric
4 CO₂ to 350 ppm by the year 2100 would have restored earth’s energy balance¹⁹⁹ and halted future
5 global warming, although such efforts would not forestall committed sea level rise already locked
6 in.²⁰⁰ If efforts do not begin until 2020, however, a 15% annual reduction will be required to restore
7 the Earth’s energy balance by the end of the century.²⁰¹ Earlier steps to reduce emissions would
8 have led to smaller – and less disruptive – measures needed to mitigate the impacts of fossil fuel
9 production.

10 192. The costs of inaction and the opportunities to confront anthropogenic climate
11 change and sea level rise caused by normal consumption of their fossil fuel products, were not lost
12 on Defendants. In a 1997 speech by John Browne, Group Executive for BP America, at Stanford
13 University, Browne described Defendants’ and the entire fossil fuel industry’s responsibility and
14 opportunities to reduce use of fossil fuel products, reduce global CO₂ emissions, and mitigate the
15 harms associated with the use and consumption of such products:

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

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

19 [T]here is now an effective consensus among the world’s leading scientists and
20 serious and well informed people outside the scientific community that there is a

21 ¹⁹⁹ “Climate equilibrium” is the balance between Earth’s absorption of solar energy and its own
22 energy radiation. Earth is currently out of equilibrium due to the influence of anthropogenic
23 greenhouse gases, which prevent radiation of energy into space. Earth therefore warms and move
24 back toward energy balance. Reduction of global CO₂ concentrations to 350 ppm is necessary to
25 re-achieve energy balance, if the aim is to stabilize climate without further global warming and
26 attendant sea level rise. *See* James Hansen et al., Assessing “Dangerous Climate Change”:
27 Required Reduction of Carbon Emissions to Protect Young People, Future Generations and
28 Nature, 8 PLOS ONE 1, 4-5 (December 3, 2013),

<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0081648>.

²⁰⁰ James Hansen et al., Assessing “Dangerous Climate Change”:
27 Emissions to Protect Young People, Future Generations and Nature, 8 PLOS ONE 1, 10
28 (December 3, 2013), <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0081648>.

²⁰¹ *Id.*

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discernible human influence on the climate, and a link between the concentration of carbon dioxide and the increase in temperature.

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

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

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

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

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

To control our own emissions.

To fund continuing scientific research.

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 to the problem.”²⁰²

193. Despite Defendants’ knowledge of the foreseeable, measurable harms associated with the unabated consumption and use of their fossil fuel products, and despite the existence and Defendants’ knowledge of technologies and practices that could have helped to reduce the foreseeable dangers associated with their fossil fuel products, Defendants continued to market and promote heavy fossil fuel use, dramatically increasing the cost of abatement. At all relevant times, Defendants were deeply familiar with opportunities to reduce the use of their fossil fuel products, reduce global CO₂ emissions associated therewith, and mitigate the harms associated with the use

²⁰² John Browne, BP Climate Change Speech to Stanford, Climate Files (May 19, 1997), <http://www.climatefiles.com/bp/bp-climate-change-speech-to-stanford/>.

1 and consumption of such products. Examples of that recognition include, but are not limited to the
2 following:

- 3 a. In 1963, Esso (Exxon) obtained multiple patents on technologies for fuel
4 cells, including on the design of a fuel cell and necessary electrodes,²⁰³ and
5 on a process for increasing the oxidation of a fuel, specifically methanol, to
6 produce electricity in a fuel cell.²⁰⁴
- 7 b. In 1970, Esso (ExxonMobil) obtained a patent for a “low-polluting engine
8 and drive system” that used an interburner and air compressor to reduce
9 pollutant emissions, including CO₂ emissions, from gasoline combustion
10 engines (the system also increased the efficiency of the fossil fuel products
11 used in such engines, thereby lowering the amount of fossil fuel product
12 necessary to operate engines equipped with this technology).²⁰⁵

13 194. Defendants could have made major inroads to mitigate Plaintiffs’ injuries through
14 technology by developing and employing technologies to capture and sequester greenhouse gases
15 emissions associated with conventional use of their fossil fuel products. Defendants had
16 knowledge dating at least back to the 1960s, and indeed, internally researched and perfected many
17 such technologies. For instance:

- 18 a. The first patent for enhanced oil recovery technology, a process by which CO₂
19 is captured and reinjected into oil deposits, was granted to an ARCO (BP)
20 subsidiary in 1952.²⁰⁶ This technology could have been further developed as
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23 ²⁰³ Patents, Fuel cell and fuel cell electrodes, Exxon Research Engineering Co. (December 31,
1963) <https://www.google.com/patents/US3116169>.

24 ²⁰⁴ Patents, Direct production of electrical energy from liquid fuels, Exxon Research Engineering
Co. (December 3, 1963) <https://www.google.com/patents/US3113049>.

25 ²⁰⁵ Patents, Low-polluting engine and drive system, Exxon Research Engineering Co. (May 16,
1970) <https://www.google.com/patents/US3513929>.

26 ²⁰⁶ James P. Meyer, Summary of Carbon Dioxide Enhanced Oil Recovery (CO₂EOR) Injection
27 Well Technology, American Petroleum Institute, page 1,
28 <http://www.api.org/~media/Files/EHS/climate-change/Summary-carbon-dioxide-enhanced-oil-recovery-well-tech.pdf>.

- 1 a carbon capture and sequestration technique;
- 2 b. Phillips Petroleum Company (ConocoPhillips) obtained a patent in 1966 for
- 3 a “Method for recovering a purified component from a gas” outlining a
- 4 process to remove carbon from natural gas and gasoline streams;²⁰⁷ and
- 5 c. In 1973, Shell was granted a patent for a process to remove acidic gases,
- 6 including CO₂, from gaseous mixtures.

7 195. Despite this knowledge, Defendants’ later forays into the alternative energy sector

8 were largely pretenses. For instance, in 2001, Chevron developed and shared a sophisticated

9 information management system to gather greenhouse gas emissions data from its explorations

10 and production to help regulate and set reduction goals.²⁰⁸ Beyond this technological

11 breakthrough, Chevron touted “profitable renewable energy” as part of its business plan for several

12 years and launched a 2010 advertising campaign promoting the company’s move towards

13 renewable energy. Despite all this, Chevron rolled back its renewable and alternative energy

14 projects in 2014.²⁰⁹

15 196. Similarly, ConocoPhillips’ 2012 Sustainable Development report declared

16 developing renewable energy a priority in keeping with their position on sustainable development

17 and climate change.²¹⁰ Their 10-K filing from the same year told a different story: “As an

18 independent E&P company, we are solely focused on our core business of exploring for,

19 developing and producing crude oil and natural gas globally.”²¹¹

20 _____

21 ²⁰⁷ Patents, Method for recovering a purified component from a gas, Phillips Petroleum Co

(January 11, 1966) <https://www.google.com/patents/US3228874>.

22 ²⁰⁸ Chevron, Chevron Press Release – Chevron Introduces New System to Manage Energy Use

(September 25, 2001).

23 ²⁰⁹ Benjamin Elgin, Chevron Dims the Lights on Green Power, Bloomberg (May 29, 2014)

24 [https://www.bloomberg.com/news/articles/2014-05-29/chevron-dims-the-lights-on-renewable-](https://www.bloomberg.com/news/articles/2014-05-29/chevron-dims-the-lights-on-renewable-energy-projects)

energy-projects.

25 ²¹⁰ ConocoPhillips, Sustainable Development (2013)

26 [http://www.conocophillips.com/sustainable-](http://www.conocophillips.com/sustainable-development/Documents/2013.11.7%201200%20Our%20Approach%20Section%20Final.pdf)

development/Documents/2013.11.7%201200%20Our%20Approach%20Section%20Final.pdf.

27 ²¹¹ ConocoPhillips Form 10-K, U.S. Securities and Exchange Commission Webpage (December

28 [31, 2012\)](https://www.sec.gov/Archives/edgar/data/1163165/000119312513065426/d452384d10k.htm)

<https://www.sec.gov/Archives/edgar/data/1163165/000119312513065426/d452384d10k.htm>.

1 197. Likewise, while Shell orchestrated an entire public relations campaign around
2 energy transitions towards net zero emissions, a fine-print disclaimer in its 2016 net-zero pathways
3 report reads: “We have no immediate plans to move to a net-zero emissions portfolio over our
4 investment horizon of 10–20 years.”²¹²

5 198. BP, appearing to abide by the representations Lord Browne made in his speech
6 described in paragraph 152, above, engaged in a rebranding campaign to convey an air of
7 environmental stewardship and renewable energy to its consumers. This included renouncing its
8 membership in the GCC in 2007, changing its name from “British Petroleum” to “BP” while
9 adopting the slogan “Beyond Petroleum,” and adopting a conspicuously green corporate logo.
10 However, BP’s self-touted “alternative energy” investments during this turnaround included
11 investments in natural gas, a fossil fuel, and in 2007 the company reinvested in Canadian tar sands,
12 a particularly high-carbon source of oil.²¹³ The company ultimately abandoned its wind and solar
13 assets in 2011 and 2013, respectively, and even the “Beyond Petroleum” moniker in 2013.²¹⁴

14 199. After posting a \$10 billion quarterly profit, Exxon in 2005 stated that “We’re an oil
15 and gas company. In times past, when we tried to get into other businesses, we didn’t do it well.
16 We’d rather re-invest in what we know.”²¹⁵

17 200. Even if Defendants did not adopt technological or energy source alternatives that
18 would have reduced use of fossil fuel products, reduced global greenhouse gas pollution, and/or
19 mitigated the harms associated with the use and consumption of such products, Defendants could
20 have taken other practical, cost-effective steps to reduce the use of their fossil fuel products, reduce
21 global greenhouse gas pollution associated therewith, and mitigate the harms associated with the
22 use and consumption of such products. These alternatives could have included, among other
23

24 ²¹² Energy Transitions Towards Net Zero Emissions (NZE), Shell (2016).

25 ²¹³ Fred Pearce, Greenwash: BP and the Myth of a World ‘Beyond Petroleum,’ The Guardian,
26 (November 20, 2008) [https://www.theguardian.com/environment/2008/nov/20/fossilfuels-
energy](https://www.theguardian.com/environment/2008/nov/20/fossilfuels-energy).

27 ²¹⁴ Javier E. David, ‘Beyond Petroleum’ No More? BP Goes Back to Basics, CNBC (April 20,
2013) <http://www.cnbc.com/id/100647034>.

28 ²¹⁵ James R. Healy, Alternate Energy Not in Cards at ExxonMobil (October 28, 2005)
https://usatoday30.usatoday.com/money/industries/energy/2005-10-27-oil-invest-usat_x.htm.

1 measures:

- 2 a. Accepting scientific evidence on the validity of anthropogenic climate change
3 and the damages it will cause people and communities, including Plaintiffs,
4 and the environment. Mere acceptance of that information would have altered
5 the debate from *whether* to combat climate change and sea level rise to *how*
6 to combat it; and avoided much of the public confusion that has ensued over
7 nearly 30 years, since at least 1988;
- 8 b. Forthrightly communicating with Defendants' shareholders, banks, insurers,
9 the public, regulators and Plaintiffs about the global warming and sea level
10 rise hazards of Defendants' fossil fuel products that were known to
11 Defendants, would have enabled those groups to make material, informed
12 decisions about whether and how to address climate change and sea level rise
13 vis-à-vis Defendants' products;
- 14 c. Refraining from affirmative efforts, whether directly, through coalitions, or
15 through front groups, to distort public debate, and to cause many consumers
16 and business and political leaders to think the relevant science was far less
17 certain that it actually was;
- 18 d. Sharing their internal scientific research with the public, and with other
19 scientists and business leaders, so as to increase public understanding of the
20 scientific underpinnings of climate change and its relation to Defendants'
21 fossil fuel products;
- 22 e. Supporting and encouraging policies to avoid dangerous climate change, and
23 demonstrating corporate leadership in addressing the challenges of
24 transitioning to a low-carbon economy;
- 25 f. Prioritizing alternative sources of energy through sustained investment
26 and research on renewable energy sources to replace dependence on
27 Defendants' inherently hazardous fossil fuel products;
- 28

1 g. Adopting their shareholders' concerns about Defendants' need to protect their
2 businesses from the inevitable consequences of profiting from their fossil fuel
3 products. Over the period of 1990-2015, Defendants' shareholders proposed
4 hundreds of resolutions to change Defendants' policies and business practices
5 regarding climate change. These included increasing renewable energy
6 investment, cutting emissions, and performing carbon risk assessments,
7 among others.

8 201. Despite their knowledge of the foreseeable harms associated with the consumption
9 of Defendants' fossil fuel products, and despite the existence and fossil fuel industry knowledge
10 of opportunities that would have reduced the foreseeable dangers associated with those products,
11 Defendants wrongfully and falsely promoted, campaigned against regulation of, and concealed the
12 hazards of use of their fossil fuel products.

13 **I. Defendants Caused Plaintiffs' Injuries**

14 202. Defendants individually and collectively extracted a substantial percentage of all
15 raw fossil fuels extracted globally since 1965. Defendants individually and collectively refined,
16 promoted, marketed, and sold a substantial percentage of all fossil fuels ultimately used and
17 combusted. And Defendants played a leadership role in campaigns to deny the link between their
18 products and the adverse effects of fossil fuel emissions, avoid regulation, and lessen the carbon
19 footprint affecting the world climate system.

20 203. CO₂ emissions attributable to fossil fuels that Defendants extracted from the Earth
21 and injected into the market are responsible for a substantial percentage of greenhouse gas
22 pollution since 1965.

23 204. Defendants' individual and collective conduct, including, but not limited to, their
24 extraction, refining, and/or formulation of fossil fuel products; their introduction of fossil fuel
25 products into the stream of commerce; their wrongful promotion of their fossil fuel products and
26 concealment of known hazards associated with use of those products; and their failure to pursue
27 less hazardous alternatives available to them; is a substantial factor in causing the increase in global
28 mean temperature and consequent increase in global mean sea surface height and disruptions to

1 the hydrologic cycle, including, but not limited to, more frequent and extreme droughts, more
2 frequent and extreme precipitation events, more frequent and extreme heat waves, and more
3 frequent and extreme wildfires, and the associated consequences of those physical and
4 environmental changes, since 1965.

5 205. Defendants have actually and proximately caused the sea levels to rise, increased
6 the destructive impacts of storm surges, increased coastal erosion, exacerbated the onshore impact
7 of regular tidal ebb and flow, caused saltwater intrusion, disrupted the hydrologic cycle, caused
8 increased frequency and severity of drought, caused increased frequency and severity of extreme
9 precipitation events, caused increased frequency and severity of heat waves, caused increased
10 frequency and severity of wildfires, and caused consequent social and economic injuries associated
11 with the aforementioned physical and environmental impacts, among other impacts, resulting in
12 inundation, destruction, and/or other interference with Plaintiffs' property and citizenry.

13 206. Plaintiffs have already incurred, and will foreseeably continue to incur, injuries,
14 and damages because of sea level rise and disruptions to the hydrologic cycle, including increased
15 frequency and severity of drought, increased frequency and severity of extreme precipitation
16 events, increased frequency and severity of heat waves, increased frequency and severity of
17 wildfires, and consequent social and economic injuries associated with those physical and
18 environmental changes, all of which have been caused and/or exacerbated by Defendants' conduct.

19 207. But for Defendants' conduct, Plaintiffs would have suffered no or far less injuries
20 and damages than they have endured, and foreseeably will endure, due to anthropogenic sea level
21 rise, disruption of the hydrologic cycle, and associated consequences of those physical and
22 environmental changes.

23 **i. Sea Level Rise-Related Conditions and Injuries.**

24 208. Santa Cruz has experienced significant sea level rise over the last half century
25 attributable to Defendants' conduct.²¹⁶ Sea level rise endangers City property and infrastructure,
26

27 ²¹⁶ See NOAA, Mean Sea Level Trend at Tide Station 9413450 (Monterey, CA),
28 https://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?stnid=9413450 (accessed Nov. 3, 2017).

1 causing coastal flooding of low-lying areas, erosion of coastal cliffs, saltwater intrusion, and storm
2 surges. Several critical City facilities, existing roadways, sanitary sewer, storm pipes and water
3 mains, wetlands, habitat, coastal trails, access points, and beaches are already suffering the
4 combined hazards of sea level rise. The City will experience additional, significant, and dangerous
5 sea level rise through at least the year 2150,²¹⁷ and the increases will continue and accelerate.
6 Additionally, Santa Cruz will experience greater committed sea level rise due to the “locked in”
7 greenhouse gases already emitted.²¹⁸ The City will suffer greater overall sea level rise than the
8 global average.²¹⁹

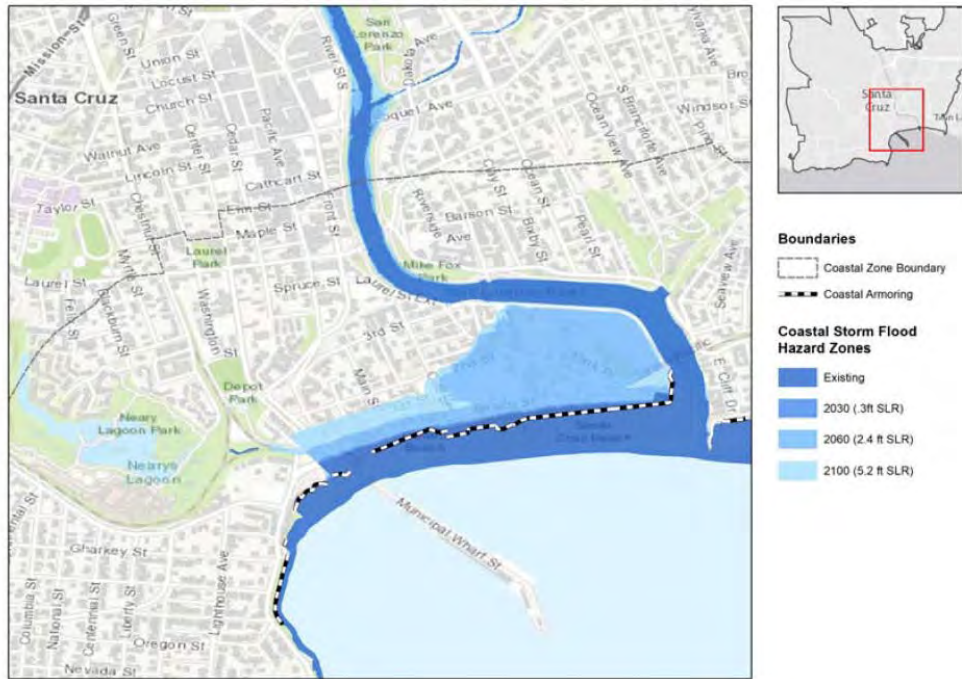
9 209. The City of Santa Cruz is particularly vulnerable to the impacts of sea level rise
10 because of its substantial coastline characterized by steep cliffs and pocket beaches combined and
11 because a large portion of its downtown urban core is located within the historic flood plain of the
12 San Lorenzo River. The maps below illustrate the areas of the City that are experiencing and will
13 continue to experience increases in flooding, tidal inundation, erosion, wave overtopping, and
14 other impacts of sea level rise.

21 ²¹⁷ Gary Griggs, et al., Rising Seas in California: An Update on Sea-Level Rise Science,
22 California Ocean Science Trust, p. 26, Table 1(b) (April 2017),
23 [http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-](http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf)
24 [rise-science.pdf](http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf) (describing sea level rise at the Golden Gate, approximately 80 miles from Santa
Cruz)

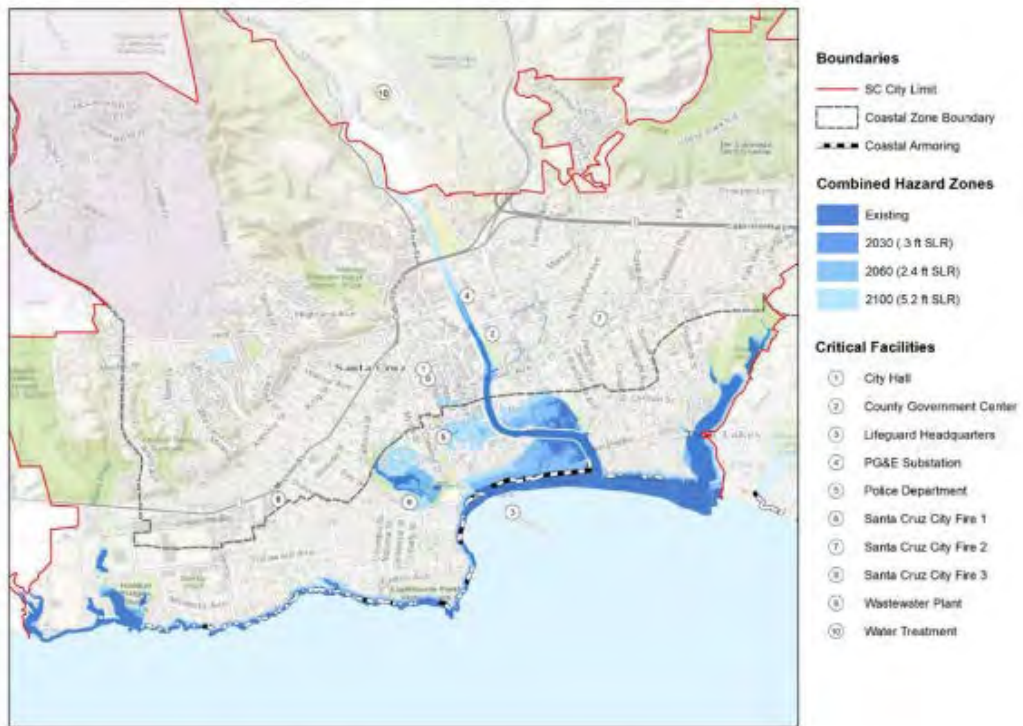
25 ²¹⁸ Peter U. Clark, et al., Consequences of Twenty-First-Century Policy for Multi-Millennial
Climate and Sea-Level Change, Nature Climate Change Vol. 6, 363-65 (2016).

26 ²¹⁹ Global sea level rise is projected to be 82.7 cm (32.6 inches) above 2000 levels by 2100. See
27 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; page 117 at Table 5.3. The
28 San Francisco Bay Area sea level rise is projected to be 91.9 cm (36.2 inches) over 2000 by
2100. Id.

COASTAL STORM FLOOD HAZARD ZONES – BEACH FLATS (2030, 2060, AND 2100)



COMBINED²²⁰ COASTAL HAZARD ZONES (2030, 2060, AND 2100)



²²⁰ “Combined coastal hazards” includes rising tide, coastal storm flooding, and erosion.

1 210. The increased flooding and severe storm events associated with climate change will
2 result in significant structural and financial losses in the City’s low-lying downtown. The
3 downtown area in the San Lorenzo River floodplain falls within the 100-year floodplain
4 boundaries mapped by the Federal Emergency Management Agency.²²¹ The City has spent
5 substantial funds to raise the height of the San Lorenzo River levees as a measure to protect against
6 flooding associated with rising sea levels and increasingly extreme precipitation events.²²²

7 211. Being situated on the flood plain of the San Lorenzo River, Santa Cruz’s downtown
8 is also particularly vulnerable to saltwater intrusion. During high tides, the water table rises,
9 sometimes reaching within a few feet of the surface requiring City Public Works Department to
10 pump groundwater back out to sea. Sea level rise will exacerbate this issue in the future, requiring
11 more monitoring and pumping.

12 212. Additional sea level rise-related impacts to the City’s beaches and coastline will
13 include, but are not limited to, the following:

- 14 a. Coastline along West Coast Drive is characterized by 25-40-foot cliffs
15 broken up by small pocket beaches. Sea level rise and coastal erosion will
16 narrow the beaches and threaten the road, bike path, parking areas, the
17 Bethany Curve Bridge, and sewage pumping station along West Coast
18 Drive.
- 19 b. The area from Cowell’s Beach to the San Lorenzo River mouth is one long,
20 wide, essentially continuous beach which is an intensively used recreational
21 area and boasts the Santa Cruz Beach Boardwalk, which attracts about 3
22 million people annually. Sea level rise will impact this area through
23 inundation and storm damage to oceanfront development and infrastructure.
- 24 c. Seabright Beach and Santa Cruz Small Craft Harbor are currently protected

26 _____
27 ²²¹ City of Santa Cruz, Draft Local Hazard Mitigation Plan Update, 2017-2022, 67-69 (2017).

28 ²²² City of Santa Cruz, Economic Development, Development Projects, Levees Project,
[http://www.cityofsantacruz.com/government/city-departments/economic-](http://www.cityofsantacruz.com/government/city-departments/economic-development/development-projects/levees-project)
development/development-projects/levees-project (accessed December 2017)

1 from erosion by jetties that have essentially halted annual cliff erosion rates.
2 However, sea level rise will narrow the beach and resume erosion, injuring
3 East Cliff Drive and the harbor facilities.

4 d. The City's Wastewater Treatment Plant located near Neary Lagoon serves
5 approximately 135,000 people, including 58,000 residents of the city of
6 Santa Cruz, as well as people living in the Live Oak, East Cliff and Capitola
7 areas. The plant already suffers from high ground water condition, and
8 ground water levels rise in response to a continued sea level rise will
9 exacerbate the existing problems requiring implementation of adaptation
10 measures such as a cut off wall, sealing wastewater pipes, and monitoring
11 and protecting the facility from ground water infiltration.

12 213. The City of Santa Cruz is planning adaptation strategies to address sea level rise
13 and related impacts, including coastal armoring, managed retreat, sealing wastewater facilities and
14 pipes, and replacing the Highway 1/9 bridge. A new 2.8-mile West Cliff Drive, and new revetment
15 or armoring to protect private homes within the hazard zone, would be enormously expensive.

16 214. Some sea level rise impacts do not offer any practical adaptation measure. One such
17 impact is the inundation of beaches where a building, rip rap, or other structure is fixed at the back
18 edge of the beach. Increased erosion, severe storms and flooding will gradually narrow these
19 beaches. Public beaches are the focal point of the tourism industry in the City. Natural Bridges
20 State Beach and Its Beach are the largest and most intensively used beaches. Costly beach
21 nourishment projects can mitigate these effects, but acreage and tidal availability of City beaches
22 will decrease. Because tourism and recreation will be gradually affected by beach loss, along with
23 the loss of other public lands and structures, the City stands to lose material portions of tax revenue
24 because of the continued erosion and inundation of its beaches and other tourist attractions.

25 215. Sea level rise will also impact tourism through increased flooding, storm waves,
26 and erosion of key roads and bridges located at low elevation and close to the coast. Damage to
27 these access points will result in declines in tourist visitors to the City, which in turn decreases the
28 economic productivity of the tourism industry and associated tax revenue to the City.

1 216. As a direct and proximate result of the acts and omissions of the Defendants'
2 alleged herein, Plaintiff has incurred significant expenses related to planning for and predicting
3 future sea level rise injuries to its real property, improvements thereon, municipal infrastructure,
4 and citizens, in order to preemptively mitigate and/or prevent such injuries. This includes updates
5 to the Local Hazard Mitigation Plan and other planning documents at significant expense to the
6 City.

7 217. As a direct and proximate result of the acts and omissions of the Defendants'
8 alleged herein, Plaintiff has incurred and will continue to incur significant expenses related to
9 planning for and predicting future sea level rise injuries to its real property, improvements thereon,
10 civil infrastructure, and citizens, in order to preemptively mitigate and/or prevent such injuries.

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

14 219. As a direct and proximate result of Defendants' acts and omissions alleged herein,
15 Plaintiffs' real property has been inundated by sea water, causing injury and damages thereto and
16 to improvements thereon, and preventing free passage on, use of, and normal enjoyment of that
17 real property, or permanently destroying it.

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

20 **ii. Conditions and Injuries Resulting from Disruption to the**
21 **Hydrologic Cycle**

22 **a. Precipitation and Water Supply**

23 221. Anthropogenic greenhouse gas emissions attributable to Defendants' fossil fuel
24 products and consequent changes to the hydrologic cycle increase the frequency and severity of
25 extreme precipitation events in the winter and drought in the dry season. Both of these disruptions
26 to precipitation patterns in the region will adversely affect the water supply in the City of Santa
27 Cruz.

1 222. The City of Santa Cruz Water Department serves approximately 90,000 customers
2 spread from Davenport to Live Oak. The City is particularly vulnerable to supply reliability issues
3 stemming from two factors. First, the City’s water system is unique in that it is entirely self-reliant.
4 The City’s water supply relies entirely on rainfall, surface runoff, and groundwater infiltration
5 occurring within watersheds located in Santa Cruz County. Thus, the amount of water available
6 varies from year to year as a function of rainfall and runoff.

7 223. Second, the City has limited storage capacity.²²³ The Loch Lomond Reservoir, the
8 City’s sole reservoir, has a storage capacity of 2.8 billion gallons. Under current conditions, Santa
9 Cruz only has a marginally adequate amount of storage to serve demand during dry years when
10 the system’s reservoir does not fill completely.

11 224. Disruption in the precipitation patterns resulting from climate change can affect the
12 quantity, quality, and distribution of water available to the City. The changing precipitation
13 patterns due to global warming will significantly alter the amount of water available to the city,
14 both surface and groundwater. Elevated winter flows present a challenge to the City’s water
15 supply. The San Lorenzo River is the City’s primary source of drinking water, providing an
16 average of 50% of the City’s annual water supply. Major storms mobilize sediment, increasing
17 turbidity (i.e. the cloudiness of water due to siltation) far in exceedance water treatment capacity.
18 Therefore, increased storm intensity and frequency will reduce the time during which the City can
19 draw water from the San Lorenzo River, unless the City improves water treatment capacity. More
20 intense winter precipitation will also result in lower summer base flows, reducing the time window
21 during which water can be diverted from streams. Thus, increased winter runoff paired with
22 decrease summer flows will require the City to significantly increase storage capacity.
23 Consequently, anthropogenic global warming will turn what is currently a marginally deficient
24 water supply into one of seriously deficient supply in the coming years.²²⁴

25 225. Other climate-related impacts, such as increased winter storms and wildfires also
26 pose a risk to the City’s water supply by threatening damage to water infrastructure.

27 _____
28 ²²³ City of Santa Cruz, Draft Local Hazard Mitigation Plan Update, 2017-2022, 78 (2017).

²²⁴ Id. at 78.

1 226. The City has put considerable time and resources into studying, planning for, and
2 mitigating damage and vulnerabilities exacerbated by climate-driven changes to the hydrological
3 cycle. The City is considering water supply alternatives such as inter-basin water transfers and
4 passive and active aquifer recharge. Improvement of the Santa Cruz water supply's sufficiency
5 and reliability by 2025 is a "very high priority action."²²⁵

6 227. More intense winter precipitation has impacts beyond water supply. A significant
7 increase in the intensity and amount of rainfall during winter months will contributing to larger
8 flows along the San Lorenzo River and the major tributaries within the City limits increasing risks
9 of floods, landslides, and dam failure. Many of the City's water system facilities and pipelines are
10 located in hilly and mountainous areas of Santa Cruz County, which are prone to landslides.²²⁶

11 228. More intense winter precipitation will also stress the City's stormwater
12 infrastructure. Improvements to the City's storm drain system to reduce flood risks will be very
13 expensive for the City.

14 **b. Wildfires**

15 229. Anthropogenic greenhouse gas emissions attributable to Defendants' fossil fuel
16 products and consequent changes to the hydrologic cycle increase the risk of wildfire in the City
17 of Santa Cruz. Increased wildfire risk threatens individuals, residences, open space, public and
18 private infrastructure, City-owned real property and buildings, natural resources, and other City
19 resources.

20 230. The City of Santa Cruz Fire Department responds annually to about 50 vegetation
21 type fires.²²⁷ Suppression costs to contain and extinguish each of these fires cumulatively were
22 several tens of millions of dollars.²²⁸ The destructive force of these fires has been, and will
23 continue to be, exacerbated by anthropogenic greenhouse gases attributable to defendants' fossil
24 fuel products.

25
26 ²²⁵ Id. at 142.

27 ²²⁶ Id. at 143.

28 ²²⁷ Id. at 58.

²²⁸ Id. at 58.

1 231. The City has expended and will continue to expend significant funds studying,
2 planning, preparing for, and preventing the increased risk of wildfire that will impact the City and
3 its residents.²²⁹

4 232. Within the City of Santa Cruz there are five wildland/urban interface areas, all of
5 which are subject to increased risk of wildfire from climate change.²³⁰ Residential development
6 continues to spread into wildland/urban interface areas increasing the danger to life and property
7 should a fire occur. Areas targeted as “likely” to have a wildland fire include the Arroyo
8 Seco/Meder Canyon, DeLaveaga, Pogonip, Moore Creek area and Arana Gulch.²³¹ Increased use
9 of these areas by residents, transient encampments with fires, and young adults, exacerbates the
10 risks. The wildland/urban interface areas in the City, and their relative wildfire risk, are illustrated
11 in the figure below.²³² Additional City resources located outside of the City’s jurisdictional
12 boundaries are at risk from increased frequency and magnitude of wildfires, including water
13 service areas and water infrastructure areas on which the City depends for water service.²³³

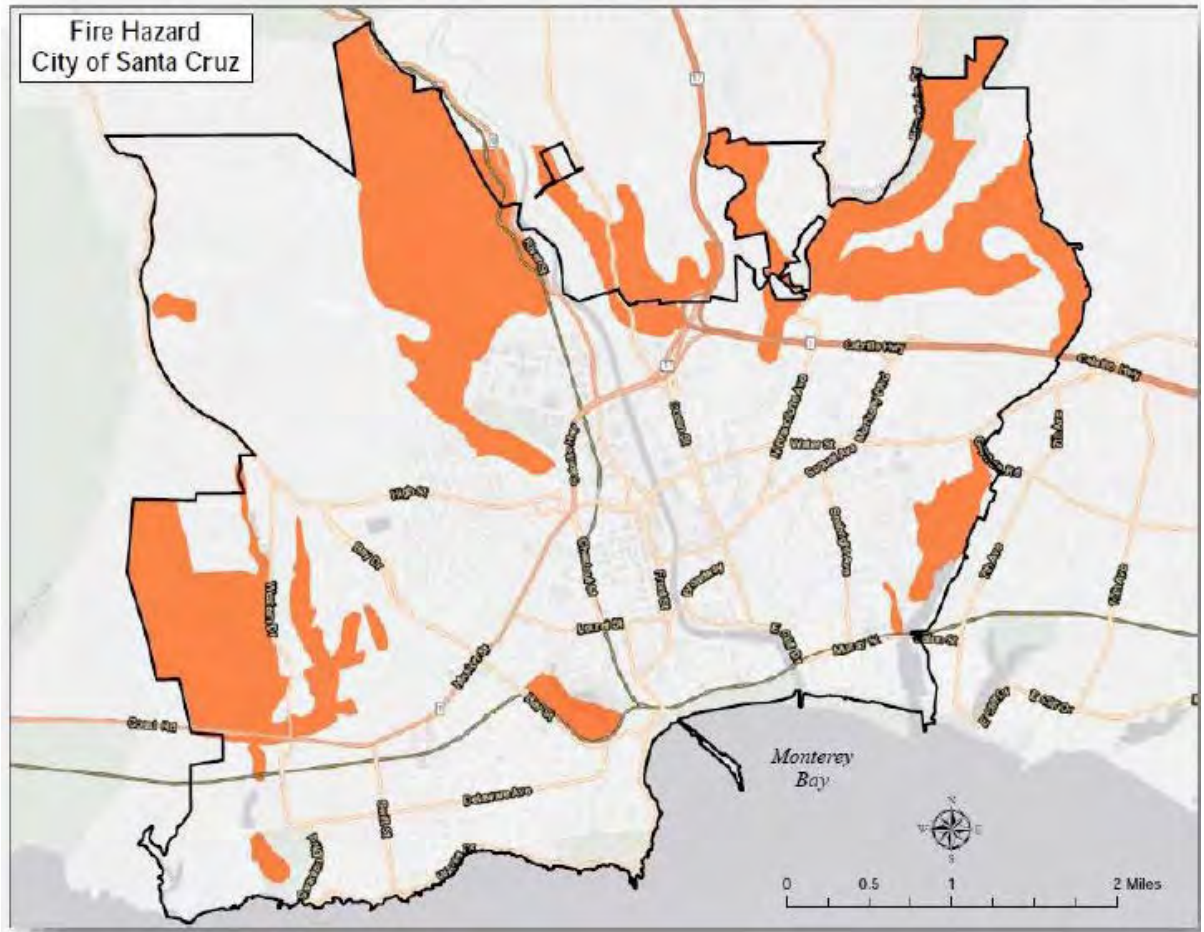
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26 ²²⁹ Id. at 146.

27 ²³⁰ Id. at 56-57.

28 ²³¹ Id. at 59.

²³² City of Santa Cruz, Draft Local Hazard Mitigation Plan Update, 2017-2022, 56-57 (2017).

²³³ Id. at 58.



233. Public buildings that are in the wildfire hazard zone areas include, but are not limited to, the historic Pogonip Clubhouse, DeLaveaga Golf Club and associated buildings, schools (including university housing and educational buildings within city limits), day care centers, and some park structures. There are also commercial and/or industrial structures in the threat zone.

234. The City estimates that there are 6,026 people and 1,270 parcels with 1,084 structures located within the wildfire hazard zone.²³⁴ The City estimates the value of property in the wildfire hazard area in the several hundreds of millions of dollars.²³⁵

²³⁴ Id. at 61 Table 5-1.

²³⁵ Id.

1 239. Increased frequency and intensity of wildfires will increase fire-related injuries and
2 increase respiratory and cardiovascular risks from smoke, ash, and fine particles.²³⁹

3 240. Increased frequency and intensity of drought will create human health impacts by
4 reducing water availability to fight wildfires.²⁴⁰ Drought will also increase risk of exposure to
5 health hazards including wildfires, dust storms, extreme heat events, flash flooding, degraded
6 water quality, and reduced water quantity.²⁴¹

7 241. In addition, a warming climate system, will create disease-related public health
8 impacts in the City, including but not limited to, increased incidence of emerging diseases and
9 vector-borne disease with migration of animal and insect disease vectors; physical and mental
10 health impacts associated with severe weather events, such as flooding, when they cause
11 population dislocation and infrastructure loss; exacerbation of existing respiratory disease,
12 cardiovascular disease, and stroke as a result of heatwaves and increased average temperature;
13 and respiratory distress, and exacerbation of existing disease.²⁴²

14 242. Sea level rise will increase risk of public health impacts in the City including, but
15 are not limited to, salt water intrusion into coastal aquifers reducing quality and quantity of water
16 supply; loss of recreational venues and hazards to infrastructure and public safety due to coastal
17 erosion; and; and indoor air quality problems from mold resulting from water intrusion.²⁴³

18 243. Public health impacts are likely to be disproportionately borne by communities
19 made vulnerable by geographic, racial, or income disparities.²⁴⁴ The City is taking steps to ensure
20 that vulnerable communities are provided with necessary information and resources to respond to
21 climate change-related extreme weather events.

22 244. As a direct and proximate result of the acts and omissions of the Defendants'
23 alleged herein, Plaintiff has incurred significant expenses related to planning for and predicting
24

25 ²³⁹ Id.

26 ²⁴⁰ Id.

27 ²⁴¹ Id.

28 ²⁴² Id.

²⁴³ Id.

²⁴⁴ Id.

1 injuries from disruptions to the hydrologic cycle and associated consequences to its real property,
2 improvements thereon, civil infrastructure, citizens, water supply, and public health, in order to
3 preemptively mitigate and/or prevent such injuries.

4 245. As a direct and proximate result of Defendants' acts and omissions alleged herein,
5 Plaintiffs have incurred and will continue to injuries and damages resulting from disruption to the
6 hydrologic cycle and associated consequences. These injuries and damages include, but are not
7 limited to, infrastructural repair, reinforcement of roads and beach access, and loss of revenue.

8 246. Defendants' conduct as described herein is therefore an actual, substantial, and
9 proximate cause of Plaintiffs' injuries relating to and resulting from disruption to the hydrologic
10 cycle, including increasing frequency and severity of drought, increasing frequency and severity
11 of extreme precipitation events, increasing frequency and severity of heatwaves, increasing
12 frequency and severity of wildfires, and the associated consequences of those physical and
13 environmental changes.

14 **VI. CAUSES OF ACTION**

15 **FIRST CAUSE OF ACTION**

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

17 **(Against All Defendants)**

18 247. The People incorporate by reference each and every allegation contained above, as
19 though set forth herein in full.

20 248. Defendants, and each of them, by their affirmative acts and omissions, have created,
21 contributed to, and assisted in creating, conditions in the City of Santa Cruz, and permitted those
22 conditions to persist, which constitute a nuisance by, *inter alia*, increasing local sea level, and
23 associated flooding, inundation, erosion, and other impacts within the City; increasing the
24 frequency and magnitude of drought in the City; increasing the frequency and magnitude of
25 extreme heat days in the City; increasing the frequency and magnitude of extreme precipitation
26 events in the City; and increasing the frequency and magnitude of wildfires in the City.

27 249. Defendants specifically created, contributed to, and/or assisted, and/or were a
28 substantial contributing factor in the creation of the public nuisance, by, *inter alia*:

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- a. extracting raw fossil fuel products, including crude oil, coal, and natural gas from the Earth, and placing those fossil fuel products into the stream of commerce;
- b. affirmatively and knowingly promoting the sale and use of fossil fuel products which Defendants knew to be hazardous and knew would cause or exacerbate global warming and related consequences, including, but not limited to, sea level rise, drought, extreme precipitation events, heatwaves, and wildfires;
- c. affirmatively and knowingly concealing the hazards that Defendants knew would result from the normal use of their fossil fuel products by misrepresenting and casting doubt on the integrity of scientific information related to climate change;
- d. disseminating and funding the dissemination of information intended to mislead customers, consumers, and regulators regarding known and foreseeable risk of climate change and its consequences, which follow from the normal, intended use and foreseeable misuse of Defendants' fossil fuel products;
- e. affirmatively and knowingly campaigning against the regulation of their fossil fuel products, despite knowing the hazards associated with the normal use of those products, in order to continue profiting from use of those products by externalizing those known costs onto people, the environment, and communities, including the People; and failing to warn the public about the hazards associated with the use of fossil fuel products.

250. The condition created by Defendants substantially and negatively affects the interests of the public at large. In particular, higher sea level, more frequent and extreme droughts, more frequent and extreme precipitation events, more frequent and extreme heat waves, and more frequent and extreme wildfires, and the associated consequences of those physical and environmental changes: (1) are harmful and dangerous to human health; (2) are indecent and

1 offensive to the senses of the ordinary person; (3) obstruct and threaten to obstruct the free use of
2 the People's property so as to interfere with the comfortable enjoyment of life and property; and
3 (4) obstruct and threaten to obstruct the free passage and use of navigable lakes, rivers, bays,
4 streams, canals, basins, public parks, squares, streets, and/or highways within the City of Santa
5 Cruz.

6 251. The People of the State of California have a common right to be free from the
7 increased severity of these hazards due to climate change higher sea level, more frequent and
8 extreme drought, more frequent and extreme precipitation events, more frequent and extreme heat
9 waves, more frequent and extreme wildfires, and the associated consequences of those physical
10 and environmental changes.

11 252. The seriousness of rising sea levels, higher sea level, more frequent and extreme
12 drought, more frequent and extreme precipitation events, more frequent and extreme heat waves,
13 more frequent and extreme wildfires, and the associated consequences of those physical and
14 environmental changes, is extremely grave and outweighs the social utility of Defendants' conduct
15 because, *inter alia*,

16 a. interference with the public's rights due to sea level rise, more frequent and
17 extreme drought, more frequent and extreme precipitation events, more
18 frequent and extreme heat waves, more frequent and extreme wildfires, and
19 the associated consequences of those physical and environmental changes
20 as described above, is expected to become so regular and severe that it will
21 cause material deprivation of and/or interference with the use and
22 enjoyment of public and private property in the City;

23 b. the ultimate nature of the harm is the destruction of real and personal
24 property, rather than mere annoyance;

25 c. the interference borne is the loss of property and infrastructure within Santa
26 Cruz, which will actually be borne by Plaintiff's citizens as loss of use of
27 public and private property and infrastructure and diversion of tax dollars
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away from other public services to the mitigation of and/or adaptation to climate change impacts;

d. Plaintiff's property, which serves myriad uses including residential, infrastructural, commercial, and ecological, is not suitable for regular inundation, flooding, landslides, wildfires and/or other physical or environmental consequences of anthropogenic global warming;

e. the social benefit of placing fossil fuels into the stream of commerce is outweighed by the availability of other sources of energy that could have been placed into the stream of commerce that would not have caused anthropogenic climate change and its physical and environmental consequences as described herein; Defendants, and each of them, knew of the external costs of placing their fossil fuel products into the stream of commerce, and rather than striving to mitigate those externalities, Defendants instead acted affirmatively to obscure them from public consciousness;

f. the cost to society of each ton of greenhouse gases emitted into the atmosphere increases as total global emissions increase, so that unchecked extraction and consumption of fossil fuel products is more harmful and costly than moderated extraction and consumption; and

g. it was practical for Defendants, and each of them, in light of their extensive knowledge of the hazards of placing fossil fuel products into the stream of commerce and extensive scientific engineering expertise, to develop better technologies and to pursue and adopt known, practical, and available technologies, energy sources, and business practices that would have mitigated greenhouse gas pollution and eased the transition to a lower carbon economy.

1 the City; and increasing the frequency and magnitude of wildfires in the City, all of which have
2 resulted in, and will continue to result in, injury to the Plaintiff.

3 261. The conditions created by Defendants substantially and negatively affect the
4 interests of the public at large. Climate change impacts, including but not limited to, higher sea
5 level, more frequent and extreme droughts, more frequent and extreme precipitation events, more
6 frequent and extreme heat waves, and more frequent and extreme wildfires, and the associated
7 consequences of those physical and environmental changes: (1) are harmful and dangerous to
8 human health; (2) are indecent and offensive to the senses of the ordinary person; (3) obstruct and
9 threaten to obstruct the free use of the People's property so as to interfere with the comfortable
10 enjoyment of life and property; and (4) obstruct and threaten to obstruct the free passage and use
11 of navigable lakes, rivers, bays, streams, canals, basins, public parks, squares, streets, and/or
12 highways within City of Santa Cruz.

13 262. Climate change impacts associated with sea level rise, more frequent and extreme
14 droughts, more frequent and extreme precipitation events, more frequent and extreme heat waves,
15 and more frequent and extreme wildfires, and the associated consequences of those physical and
16 environmental changes will impact a substantial numbers of residents and citizens living, owning
17 property, operating businesses, and relying on the public infrastructure in Santa Cruz; therefore,
18 the conditions created by Defendants affect substantial numbers of people in Plaintiff's
19 communities at the same time.

20 263. The seriousness of anthropogenic global warming impacts including *inter alia*
21 rising sea levels, more frequent and extreme droughts, more frequent and extreme precipitation
22 events, more frequent and extreme heat waves, and more frequent and extreme wildfires, and the
23 associated consequences of those physical and environmental changes, is extremely grave, and
24 outweighs the social utility of Defendants' conduct. The seriousness of the harm to Plaintiff City
25 of Santa Cruz outweighs the benefit of Defendants' and each of their conduct, because

- 26 a. the interference with Plaintiff's property is expected to become so regular
27 and severe as to be a permanent;

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- b. the nature of the harm is the destruction of and loss of use and enjoyment of Plaintiff's property, rather than mere annoyance;
- c. the interference borne is the loss of property and infrastructure within Santa Cruz, which will actually be borne by Plaintiff's citizens as loss of use of public property and infrastructure and diversion of tax dollars away from other public services to the mitigation of and/or adaptation to climate change impacts;
- d. Plaintiff's public and private property, which serves myriad uses including residential, infrastructural, commercial, and ecological, is not suitable for regular inundation, wildfire, erosion, drought, and other climate change impacts;
- e. the burden on Plaintiff to mitigate and prevent the interference with its property is significant and severe, as costs associated with addressing sea level rise, more frequent and extreme droughts, more frequent and extreme precipitation events, more frequent and extreme heat waves, and more frequent and extreme wildfires, and the associated consequences of those physical and environmental changes caused by Defendants, are projected to be enormously expensive over the next several decades;
- f. the social benefit of the purpose of placing fossil fuels into the stream of commerce, if any, is outweighed by the availability of other sources of energy that could have been placed into the stream of commerce that would not have caused sea level rise, more frequent and extreme droughts, more frequent and extreme precipitation events, more frequent and extreme heat waves, and more frequent and extreme wildfires, and the associated consequences of those physical and environmental changes; Defendants, and each of them, knew of the external costs of placing their fossil fuel products into the stream of commerce, and rather than striving to mitigate

1 those externalities, instead acted affirmatively to obscure them from public
2 consciousness;

3 g. the social cost of each ton of CO₂ emitted into the atmosphere increases as
4 total global emissions increase, so that unchecked extraction and
5 consumption of fossil fuel products is more harmful and costly than
6 moderated extraction and consumption; and

7 h. it was practical for Defendants, and each of them, in light of their extensive
8 knowledge of the hazards of placing fossil fuel products into the stream of
9 commerce and extensive scientific engineering expertise, to develop better
10 technologies and to pursue and adopt known, practical, and available
11 technologies, energy sources, and business practices that would have
12 mitigated the greenhouse gas pollution caused by their fossil fuel products
13 and eased the transition to a lower carbon economy.

14 264. In addition to the harms suffered by the public at large, Plaintiff has suffered special
15 injuries different in kind. Among other harms,

16 a. Plaintiff has been forced to spend or set aside significant funds to assess,
17 plan for, and enact policy and infrastructure changes needed to mitigate
18 rising sea levels on Plaintiff's publicly owned infrastructure, beaches, and
19 other public coastal property, and needed to mitigate the impacts of more
20 frequent and extreme droughts, more frequent and extreme precipitation
21 events, more frequent and extreme heat waves, and more frequent and
22 extreme wildfires, and the associated consequences of those physical and
23 environmental changes, on property within Plaintiff's jurisdiction;

24 b. Plaintiff has had to plan for and provide additional public health,
25 emergency, and other public services in response to more frequent and more
26 intense flooding and storm surges, more frequent and extreme droughts,
27 more frequent and extreme precipitation events, more frequent and extreme
28 heat waves, and more frequent and extreme wildfires, and the associated

1 consequences of those physical and environmental changes, on both
2 properties owned by Plaintiffs, and properties owned, leased, and utilized
3 by residents, citizens, and visitors to Plaintiffs' communities.

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

10 266. As a direct and proximate result of Defendants' conduct, as set forth above, the City
11 of Santa Cruz has been unreasonably interfered with because Defendants knew or should have
12 known that their conduct would create a continuing problem with long-lasting significant negative
13 effects on the rights of the public.

14 267. Defendants' actions are a direct and legal cause of the public nuisance described
15 herein.

16 268. Defendants' acts and omissions as alleged herein are indivisible causes of Plaintiff
17 City of Santa Cruz's injuries and damages as alleged herein.

18 269. Wherefore, Plaintiff prays for relief as set forth below.

19 **THIRD CAUSE OF ACTION**

20 **(Strict Liability—Failure to Warn on behalf of City of Santa Cruz)**

21 **(Against All Defendants)**

22 270. Plaintiff City of Santa Cruz incorporates by reference each and every allegation
23 contained above, as though set forth herein in full.

24 271. Defendants, and each of them, extracted raw fossil fuel products, including crude
25 oil, coal, and natural gas from the Earth, and placed those fossil fuel products into the stream of
26 commerce.

27 272. Defendants, and each of them, extracted, refined, formulated, designed, packaged,
28 distributed, tested, constructed, fabricated, analyzed, recommended, merchandised, advertised,

1 promoted, and/or sold fossil fuel products, which were intended by Defendants, and each of them,
2 to be combusted for energy, refined into petrochemicals, and refined and/or incorporated into
3 petrochemical products including fuels and plastics.

4 273. Defendants, and each of them, heavily marketed, promoted, and advertised fossil
5 fuel products and their derivatives, which were sold or used by their respective affiliates and
6 subsidiaries. Defendants received direct financial benefit from their affiliates' and subsidiaries'
7 sales of fossil fuel products. Defendants' roles as promoters and marketers were integral to their
8 respective businesses and a necessary factor in bringing fossil fuel products and their derivatives
9 to the consumer market, such that Defendants had control over, and a substantial ability to
10 influence, the manufacturing and distribution processes of their affiliates and subsidiaries.

11 274. Throughout the times at issue, Defendants individually and collectively knew or
12 should have known, in light of the scientific knowledge generally accepted at the time, that fossil
13 fuel products, whether used as intended or misused in a foreseeable manner, release greenhouse
14 gases into the atmosphere that inevitably cause *inter alia* global warming, sea level rise, more
15 frequent and extreme droughts, more frequent and extreme precipitation events, more frequent and
16 extreme heat waves, and more frequent and extreme wildfires, and the associated consequences of
17 those physical and environmental changes.

18 275. Throughout the times at issue and continuing today, fossil fuel products presented
19 and still present a substantial risk of injury to Plaintiffs through the climate effects described above,
20 whether used as intended or misused in a reasonably foreseeable manner.

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

24 277. Throughout the times at issue, Defendants individually and in concert widely
25 disseminated marketing materials, refuted the scientific knowledge generally accepted at the time,
26 advanced pseudo-scientific theories of their own, and developed public relations campaigns and
27 materials that prevented reasonable consumers from recognizing the risk that fossil fuel products
28 would cause grave climate changes, including those described herein.

1 to be burned for energy, refined into petrochemicals, and refined and/or incorporated into
2 petrochemical products including but not limited to fuels and plastics.

3 286. Defendants, and each of them, heavily marketed, promoted, and advertised fossil
4 fuel products and their derivatives, which were sold or used by their respective affiliates and
5 subsidiaries. Defendants' received direct financial benefit from their affiliates' and subsidiaries'
6 sales of fossil fuel products. Defendants' roles as promoters and marketers were integral to their
7 respective businesses and a necessary factor in bringing fossil fuel products and their derivatives
8 to the consumer market, such that Defendants had control over, and a substantial ability to
9 influence, the manufacturing and distribution processes of their affiliates and subsidiaries.

10 287. Throughout the time at issue, fossil fuel products have not performed as safely as
11 an ordinary consumer would expect them to because greenhouse gas emissions from their use
12 cause numerous global and local changes to Earth's climate. In particular, ordinary consumers did
13 not expect that:

- 14 a. fossil fuel products are the primary cause of global warming since the dawn
15 of the industrial revolution, and by far the primary cause of global warming
16 acceleration in the 20th and 21st centuries;
- 17 b. fossil fuel products would cause acceleration of sea level rise since the
18 beginning of the 20th century;
- 19 c. normal use and/or foreseeable misuse of fossil fuel products would cause
20 more frequent and extreme drought;
- 21 d. normal use and/or foreseeable misuse of fossil fuel products would cause
22 more frequent and extreme precipitation events;
- 23 e. normal use and/or foreseeable misuse of fossil fuel products would cause
24 more frequent and extreme heat waves;
- 25 f. normal use and/or foreseeable misuse of fossil fuel products would cause
26 more frequent and extreme wildfires;
- 27 g. normal use and/or foreseeable misuse of fossil fuel products would cause
28 other injurious changes to the environment as alleged herein;

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- h. by increasing sea level rise and increasing the severity and intensity of droughts, extreme precipitation events, heat waves, wildfires, and the associated consequences of those physical and environmental changes, fossil fuel products cause damage to publicly and privately owned infrastructure and buildings, including homes;
- i. the social cost of each ton of CO₂ emitted into the atmosphere increases as total global emissions increase, so that unchecked extraction and consumption of fossil fuel products is more harmful and costly than moderated extraction and consumption; and
- j. for these reasons and others, the unmitigated use of fossil fuel products present significant threats to the environment and human health and welfare.

288. Throughout the times at issue, Defendants individually and in concert widely disseminated marketing materials, refuted the scientific knowledge generally accepted at the time, advanced pseudo-scientific theories of their own, and developed public relations materials, among other public messaging efforts, that prevented reasonable consumers from forming an expectation that fossil fuel products would cause grave climate changes, including those described herein.

289. Additionally, and in the alternative, Defendants' fossil fuel products are defective because the risks they pose to consumers and to the public, including and especially to Plaintiff, outweigh their benefits, because:

- a. the gravity of the potential harms caused by fossil fuel products is extreme; global warming and its attendant consequences are guaranteed to occur following the use or foreseeable misuse of fossil fuel products because such use inherently releases greenhouse gases into the atmosphere; and global warming would continue to occur for decades even if all greenhouse gas emissions ceased;
- b. the social benefit of the purpose of placing fossil fuels into the stream of commerce is overshadowed by the availability of other sources of energy

1 that could have been placed into the stream of commerce that would not
2 have caused global warming, its associated consequences including those
3 described herein, and accordingly Plaintiff's injuries; Defendants, and each
4 of them, knew of the external costs of placing their fossil fuel products into
5 the stream of commerce, and rather than striving to mitigate those
6 externalities, instead acted affirmatively to obscure them from public
7 consciousness;

8 c. Defendants' campaign of disinformation regarding global warming and the
9 climatic effects of fossil fuel products prevented customers, consumers,
10 regulators, and the general public from taking steps to mitigate the
11 inevitable consequences of fossil fuel consumption, and incorporating those
12 consequences into either short-term decisions or long-term planning;

13 d. the cost to society of each ton of CO₂ emitted into the atmosphere increases
14 as total global emissions increase so that unchecked extraction and
15 consumption of fossil fuel products is more harmful and costly than
16 moderated extraction and consumption; and

17 e. it was practical for Defendants, and each of them, in light of their extensive
18 knowledge of the hazards of placing fossil fuel products into the stream of
19 commerce, to pursue and adopt known, practical, and available
20 technologies, energy sources, and business practices that would have
21 mitigated their greenhouse gas pollution and eased the transition to a lower
22 carbon economy, reduced global CO₂ emissions, and mitigated the harms
23 associated with the use and consumption of such products.

24 290. Defendants' individual and aggregate fossil fuel products were used in a manner
25 for which they were intended to be used, or misused in a manner foreseeable to Defendants and
26 each of them, by individual and corporate consumers, the result of which was the addition of CO₂
27 emissions to the global atmosphere with attendant global and local consequences.
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1 298. The conditions created by Defendants substantially and negatively affect Plaintiff's
2 interest in its own real property. In particular, higher sea level, more frequent and extreme drought,
3 more frequent and extreme precipitation events, more frequent and extreme heat waves, and more
4 frequent and extreme wildfires, and the associated consequences of those physical and
5 environmental changes:

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

14 299. The conditions described herein created by Defendants' conduct substantially
15 interfere with Plaintiff's use and quiet enjoyment of its properties.

16 300. Plaintiff has not consented to Defendants' creation of the conditions that have led
17 to sea level rise, more frequent and extreme drought, more frequent and extreme precipitation
18 events, more frequent and extreme heat waves, and more frequent and extreme wildfires, and the
19 associated consequences of those physical and environmental changes.

20 301. The ordinary person, and the ordinary city or county in Plaintiff's position, would
21 be reasonably annoyed and disturbed by Defendants' conduct and the conditions created thereby,
22 because, *inter alia*, those conditions infringes on Plaintiff's ability to provide public space to
23 residents and visitors, and have forced Plaintiff to plan for and provide additional emergency and
24 other public services in response to more frequent and more intense flooding, storm surges,
25 extreme precipitation, drought, wildfires on properties owned by Plaintiff.

26 302. The seriousness of rising sea levels, more frequent and extreme drought, more
27 frequent and extreme precipitation events, more frequent and extreme heat waves, and more
28 frequent and extreme wildfires, and the associated consequences of those physical and

1 environmental changes, is extremely grave, and outweighs the social utility of defendants'
2 conduct. The seriousness of the harms to Plaintiff outweighs the benefit of Defendants' and each
3 of their conduct, because:

- 4 a. the interference with Plaintiff's property is expected to become so regular
5 and severe as to be permanent;
- 6 b. the nature of the harm is the destruction of Plaintiff's public and private real
7 and personal property, rather than mere annoyance;
- 8 c. the interference borne is the loss of property and infrastructure within Santa
9 Cruz, which will actually be borne by Plaintiff's citizens as loss of use of
10 public property and infrastructure and diversion of tax dollars away from
11 other public services to the mitigation of and/or adaptation to climate
12 change impacts;
- 13 d. Plaintiff's public and private property, which serves myriad uses including
14 industrial, residential, infrastructural, commercial, and ecological, is not
15 suitable for regular inundation, wildfire, erosion, landslides, or other global
16 warming impacts including those described herein;
- 17 e. the burden on Plaintiff to mitigate and prevent the interference with its
18 property is significant and severe, as costs associated with addressing sea
19 level rise, more frequent and extreme drought, more frequent and extreme
20 precipitation events, more frequent and extreme heat waves, and more
21 frequent and extreme wildfires, and the associated consequences of those
22 physical and environmental changes caused by Defendants are projected to
23 be enormously expensive over the next several decades;
- 24 f. the social benefit of the purpose of placing fossil fuels into the stream of
25 commerce is overshadowed by the availability of other sources of
26 alternative energy sources that could have been placed into the stream of
27 commerce that would not have caused sea level rise, more frequent and
28 extreme precipitation events, more frequent and extreme heat waves, and

1 more frequent and extreme wildfires, and the associated consequences of
2 those physical and environmental changes; Defendants, and each of them,
3 knew of the external costs of placing their fossil fuel products into the
4 stream of commerce, and rather than striving to mitigate those externalities,
5 Defendants acted affirmatively to obscure those costs from public
6 consciousness;

7 g. the social cost each ton of CO₂ emitted into the atmosphere increases as
8 total global emissions increase, so that unchecked extraction and
9 consumption of fossil fuel products is more harmful and costly than
10 moderated extraction and consumption;

11 h. Defendants' campaign of disinformation regarding global warming and the
12 climatic effects of fossil fuel products prevented customers, consumers,
13 regulators, and the general public from staking steps to mitigate the
14 inevitable consequences of fossil fuel consumption, and incorporating those
15 consequences into either short-term decisions or long-term planning; and

16 i. it was practical for Defendants, and each of them, in light of their extensive
17 knowledge of the hazards of placing fossil fuel products into the stream of
18 commerce, to pursue and adopt known, practical, and available
19 technologies, energy sources, and business practices that would have
20 mitigated their greenhouse gas pollution and eased the transition to a lower
21 carbon economy, reduced global CO₂ emissions, and mitigated the harms
22 associated with the use and consumption of such products.

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

25 304. Defendants' wrongful conduct was oppressive, malicious, and fraudulent, in that
26 their conduct was willful, intentional, and in conscious disregard for the rights of others.
27 Defendants' conduct was so vile, base, and contemptible that it would be looked down upon and
28 despised by reasonable people, justifying an award of punitive and exemplary damages in an

1 amount subject to proof at trial, and justifying equitable disgorgement of all profits Defendants
2 obtained through their unlawful and outrageous conduct.

3 305. Defendants' acts and omissions as alleged herein are indivisible causes of Plaintiff
4 City of Santa Cruz's injuries and damage as alleged herein.

5 306. Wherefore, Plaintiff prays for relief as set forth below.

6 **SIXTH CAUSE OF ACTION**

7 **(Negligence on Behalf of City of Santa Cruz)**

8 **(Against All Defendants)**

9 307. Plaintiff City of Santa Cruz incorporates by reference each and every allegation
10 contained above, as though set forth herein in full.

11 308. Defendants knew or should have known of the climate effects inherently caused by
12 the normal use and operation of their fossil fuel products, including the likelihood and likely
13 severity of global and local sea level rise and its consequences, and including Plaintiff's injuries
14 and damages described herein.

15 309. Defendants, collectively and individually, had a duty to use due care in developing,
16 designing, testing, inspecting, and distributing 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.

20 310. Defendants, and each of them, breached their duty of due care by, *inter alia*:

21 a. allowing fossil fuel products to enter the stream of commerce, despite
22 knowing them to be defective due to their inevitable propensity to cause sea
23 level rise, more frequent and extreme drought, more frequent and extreme
24 precipitation events, more frequent and extreme heat waves, and more
25 frequent and extreme wildfires, and the associated consequences of those
26 physical and environmental changes;

27 b. failing to act on the information and warnings they received from their own
28 internal research staff, as well as from the international scientific

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community, that the unabated extraction, promotion, and sale of their fossil fuel products would result in material dangers to the public, including the City of Santa Cruz;

c. failing to take actions including, but not limited to, pursuing and adopting known, practical, and available technologies, energy sources, and business practices that would have mitigated greenhouse gas pollution caused by Defendants' fossil fuel products and eased the transition to a lower carbon economy; shifting to non-fossil fuel products, and researching and/or offering technologies to mitigate CO₂ emissions in conjunction with sale and distribution of their fossil fuel products; and pursuing other available alternatives that would have prevented or mitigated the injuries to Plaintiff caused by sea level rise, more frequent and extreme drought, more frequent and extreme precipitation events, more frequent and extreme heat waves, and more frequent and extreme wildfires, and the associated consequences of those physical and environmental changes, that Defendants, and each of them, knew or should have foreseen would inevitably result from use of Defendants' fossil fuel products;

d. engaging in a campaign of disinformation regarding global warming and the climatic effects of fossil fuel products that prevented customers, consumers, regulators, and the general public from staking steps to mitigate the inevitable consequences of fossil fuel consumption, and incorporating those consequences into either short-term decisions or long-term planning.

311. Defendants individual and collective acts and omissions were actual, substantial causes of sea level rise, more frequent and extreme drought, more frequent and extreme precipitation events, more frequent and extreme heat waves, and more frequent and extreme wildfires, and the associated consequences of those physical and environmental changes, including Plaintiff's injuries and damages set forth herein, as sea levels would not have risen to the levels that caused Plaintiff's injuries, and prevailing climatic and meteorological regimes would not have

1 been disrupted to a magnitude that caused Plaintiff's injuries, but for Defendants introduction of
2 their fossil fuel products into the stream of commerce.

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

5 313. Defendants' acts and omissions as alleged herein are indivisible causes of Plaintiff
6 City of Santa Cruz's injuries and damage as alleged herein.

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

13 315. Wherefore, Plaintiff prays for relief as set forth below.

14 **SEVENTH CAUSE OF ACTION**

15 **(Negligence - Failure to Warn on Behalf of City of Santa Cruz)**

16 **(Against All Defendants)**

17 316. Plaintiff City of Santa Cruz incorporates by reference each and every allegation
18 contained above, as though set forth herein in full.

19 317. Defendants knew or should have known, based on information passed to them from
20 their internal research divisions and affiliates and/or from the international scientific community,
21 of the climate effects inherently caused by the normal use and operation of their fossil fuel
22 products, including the likelihood and likely severity of global warming, global and local sea level
23 rise, more frequent and extreme drought, more frequent and extreme precipitation events, more
24 frequent and extreme heat waves, and more frequent and extreme wildfires, and the associated
25 consequences of those physical and environmental changes, including Plaintiff's injuries and
26 damages described herein.

27 318. Defendants knew or should have known, based on information passed to them from
28 their internal research divisions and affiliates and/or from the international scientific community,

1 that the climate effects described herein rendered their fossil fuel products dangerous, or likely to
2 be dangerous, when used as intended or misused in a reasonably foreseeable manner.

3 319. Throughout the times at issue, Defendants failed to adequately warn any consumers
4 or any other party of the climate effects that inevitably flow from the use or foreseeable misuse of
5 their fossil fuel products.

6 320. Throughout the times at issue, Defendants individually and in concert widely
7 disseminated marketing materials, refuted the scientific knowledge generally accepted at the time,
8 advanced pseudo-scientific theories of their own, and developed public relations materials that
9 prevented reasonable consumers from recognizing the risk that fossil fuel products would cause
10 grave climate changes, undermining and rendering ineffective any warnings that Defendants may
11 have also disseminated.

12 321. Given the grave dangers presented by the climate effects that inevitably flow from
13 the normal use or foreseeable misuse of fossil fuel products, a reasonable extractor, manufacturer,
14 formulator, seller, or other participant responsible for introducing fossil fuel products into the
15 stream of commerce, would have warned of those known, inevitable climate effects.

16 322. Defendants' conduct was a direct and proximate cause of Plaintiff's injuries and a
17 substantial factor in the harms suffered by Plaintiff as alleged herein.

18 323. Defendants' acts and omissions as alleged herein are indivisible causes of Plaintiff
19 City of Santa Cruz's injuries and damage as alleged herein.

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

26 325. Wherefore, Plaintiff prays for relief as set forth below.
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1 **EIGHTH CAUSE OF ACTION**

2 **(Trespass on Behalf of City of Santa Cruz)**

3 **(Against All Defendants)**

4 326. Plaintiff City of Santa Cruz incorporates by reference each and every allegation
5 contained above, as though set forth herein in full.

6 327. Plaintiff City of Santa Cruz owns, leases, occupies, and/or controls real property
7 within Plaintiff's city boundaries and within communities located within the City.

8 328. Defendants, and each of them, have intentionally, recklessly, or negligently caused
9 flood waters, wildfires, extreme precipitation, landslides, saltwater, and other materials, to enter
10 Plaintiff City of Santa Cruz's property, by extracting, refining, formulating, designing, packaging,
11 distributing, testing, constructing, fabricating, analyzing, recommending, merchandising,
12 advertising, promoting, marketing, and/or selling fossil fuel products, knowing those products in
13 their normal operation and use or foreseeable misuse would cause global and local sea levels to
14 rise, more frequent and extreme drought, more frequent and extreme precipitation events, more
15 frequent and extreme heat waves, and more frequent and extreme wildfires, and the associated
16 consequences of those physical and environmental changes.

17 329. Plaintiff Santa Cruz did not give permission for Defendants, or any of them, to
18 cause floodwaters, wildfires, extreme precipitation, landslides, saltwater, and other materials to
19 enter its property as a result of the use of Defendants' fossil fuel products.

20 330. Plaintiff City of Santa Cruz has been and continues to be actually injured and
21 continues to suffer damages as a result of Defendants and each of their having caused flood waters,
22 wildfires, extreme precipitation, landslides, saltwater, and other materials, to enter its real property,
23 by *inter alia* submerging real property owned by Plaintiff, causing flooding and increased water
24 table which has invaded and threatens to invade real property owned by Plaintiff and rendered it
25 unusable, causing storm surges and heightened waves which have invaded and threatened to
26 invade real Property owned by Plaintiff, burning Plaintiff's land, and causing landslides to enter
27 Plaintiff's property, and in so doing, rendering Plaintiff's land unusable.

1 331. Defendants' and each Defendant's introduction of their fossil fuel products into the
2 stream of commerce was a substantial factor in causing the injuries and damages to Plaintiff's
3 public and private real property as alleged herein.

4 332. Defendants' acts and omissions as alleged herein are indivisible causes of Plaintiff
5 City of Santa Cruz's injuries and damages as alleged herein.

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

12 334. Wherefore, Plaintiff prays for relief as set forth below.

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1 **VII. PRAYER FOR RELIEF**

- 2 1. Compensatory damages in an amount according to proof;
- 3 2. Equitable relief, including abatement of the nuisances complained of herein;
- 4 3. Reasonable attorneys' fees pursuant to California Code of Civil Procedure 1021.5
- 5 or otherwise;
- 6 4. Punitive damages;
- 7 5. Disgorgement of profits;
- 8 6. Costs of suit; and
- 9 7. For such and other relief as the court may deem proper.


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Dated: December 20, 2017

**CITY ATTORNEY FOR CITY OF SANTA
CRUZ**

By: 
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municipal corporation, and on behalf of the
People of the State of California*

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VIII. JURY DEMAND

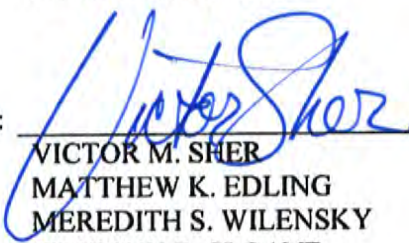
Plaintiff City of Santa Cruz demands a jury trial on all issues so triable.

Dated: December 20, 2017

**CITY ATTORNEY FOR CITY OF SANTA
CRUZ**

By: 
ANTHONY P. CONDOTTI, CITY ATTORNEY

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EXHIBIT A

Truth or CO₂ consequences

MAJOR FOSSIL FUEL COMPANIES have known the truth for nearly 50 years: their oil, gas, and coal products create greenhouse gas pollution that warms the planet and changes our climate. They've known for decades that the consequences could be catastrophic and that only a narrow window of time existed to take action before the damage might not be reversible. They have nevertheless engaged in a coordinated, multi-front effort to conceal and contradict their own knowledge of these threats, discredit the growing body of publicly available scientific evidence, and persistently create doubt in the minds of customers, consumers, regulators, the media, journalists, teachers, and the general public about the reality and consequences of climate change.

This timeline highlights information, alleged in lawsuits against fossil fuel companies, that comes from key industry documents and other sources. It illustrates what the industry knew, when they knew it, and what they didn't do to prevent the impacts that are now imposing real costs on people and communities around the country. While the early warnings from the industry's own scientists and experts often acknowledged the uncertainties in their projections, those uncertainties were typically about the timing and magnitude of the climate change impacts – not about whether those impacts would occur or whether the industry's oil, gas, and coal were the primary cause. On those latter points, as these documents show, they were quite certain.

DATE	DOCUMENT	TEXT
NOV. 5, 1965	"RESTORING THE QUALITY OF OUR ENVIRONMENT," REPORT OF THE ENVIRONMENTAL POLLUTION PANEL, PRESIDENT'S SCIENCE ADVISORY COMMITTEE	President Lyndon Johnson's Science Advisory Committee finds that " <i>[P]ollutants have altered on a global scale the carbon dioxide content of the air" and "[M]an is unwittingly conducting a vast geophysical experiment" by burning fossil fuels that are injecting CO₂ into the atmosphere. The committee concludes that by the year 2000, we could see "measurable and perhaps marked changes in climate, and will almost certainly cause significant changes in the temperature and other properties of the stratosphere."</i>
FEB. 1968	"SOURCES, ABUNDANCE, AND FATE OF GASEOUS ATMOSPHERIC POLLUTANTS," REPORT PREPARED BY STANFORD RESEARCH INSTITUTE SCIENTISTS ELMER ROBINSON AND R.C. ROBBINS FOR THE AMERICAN PETROLEUM INSTITUTE (API)	The American Petroleum Institute commissions a report finding that: <ul style="list-style-type: none"> • "<i>[A]lthough there are other possible sources for the additional CO₂ now being observed in the atmosphere, none seems to fit the presently observed situation as well as the fossil fuel emanation theory."</i> • "<i>Significant temperature changes are almost certain to occur by the year 2000, and these could bring about climatic changes."</i> • "<i>There seems to be no doubt that the potential damage to our environment could be severe."</i> • "<i>What is lacking, however, is an application of these CO₂ data to air pollution technology and work toward systems in which CO₂ emissions would be brought under control."</i>
JUNE 6, 1978	PRESENTATION SHARED WITH EXXON MANAGEMENT COMMITTEE FROM EXXON RESEARCH AND ENGINEERING SCIENCE ADVISOR, JAMES BLACK	Exxon Science Advisor James Black tells the company's Management Committee that " <i>[T]here is general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels" and that "[M]an has a time window of five to ten years before the need for hard decisions regarding changes in energy strategy might become critical."</i>
SEPT. 17, 1978	CONGRESS PASSES NATIONAL CLIMATE POLICY ACT	Congress passes the National Climate Policy Act to help " <i>the Nation and the world to understand and respond to natural and man-induced climate processes and their implications."</i>

Truth or CO₂ consequences

DATE	DOCUMENT	TEXT
DEC. 7, 1978	CO2 RESEARCH PROPOSAL FROM EXXON RESEARCH AND ENGINEERING'S ENVIRONMENTAL AREA MANAGER, HENRY SHAW	<p>Exxon scientist Henry Shaw proposes that the company initiate a comprehensive research program "to assess the possible impact of the greenhouse effect on Exxon business." He argues that the company needs "a credible scientific team that can critically evaluate the information generated on the subject and be able to carry bad news, if any, to the corporation."</p>
OCT. 16, 1979	"CONTROLLING THE CO2 CONCENTRATION IN THE ATMOSPHERE," STUDY BY EXXON EMPLOYEE STEVE KNISELY	<p>An Exxon internal study finds that:</p> <ul style="list-style-type: none"> • "The present trend of fossil fuel consumption will cause dramatic environmental effects before the year 2050." • "[R]ecognizing the uncertainty, there is a possibility that an atmospheric CO2 buildup will cause adverse environmental effects in enough areas of the world to consider limiting the future use of fossil fuels as major energy sources." • "The <u>potential</u> problem is great and urgent."
FEB. 29, 1980	MEETING MINUTES FROM THE AMERICAN PETROLEUM INSTITUTE'S (API'S) CO2 AND CLIMATE TASK FORCE: PRESENTATION BY DR. J. LAURMAN	<p>Dr. J. Laurman tells API's Climate Task Force that "there is a scientific consensus on the potential for large future climatic response to increased CO2 levels" and that "remedial actions will take a long time to become effective."</p>
AUG. 6, 1980	"REVIEW OF ENVIRONMENTAL PROTECTION ACTIVITIES FOR 1978-1979," IMPERIAL OIL REPORT	<p>An internal "Review of Environmental Protection Activities for 1978-1979" by Imperial Oil, which was distributed widely to Exxon/Esso Corporate Managers, finds that "[T]echnology exists to remove CO2 from stack gases but removal of only 50% of the CO2 would double the cost of power generation."</p>
AUG. 18, 1981	MEMO FROM ROGER COHEN, DIRECTOR OF EXXON'S THEORETICAL AND MATHEMATICAL SCIENCE LABORATORY, TO SCIENTIST WERNER GLASS	<p>Exxon Strategic Planning Manager Roger Cohen comments on an internal assessment of CO2 emissions and the greenhouse effect that is prepared at the request of Senior VP and Director Morey O'Loughlin:</p> <ul style="list-style-type: none"> • "[I]t is very likely that we will unambiguously recognize the threat by the year 2000 because of advances in climate modeling and the beginning of real experimental confirmation of the CO2 effect." • "Whereas I can agree with the statement that our best guess is that observable effects in the year 2030 will be 'well short of catastrophic', it is distinctly possible that the [Planning Division's] scenario will later produce effects that will indeed be catastrophic (at least for a substantial fraction of the earth's population)."
APRIL 1, 1982	"CO2 'GREENHOUSE' EFFECT," INTERNALLY DISTRIBUTED SUMMARY BY EXXON MANAGER M.B. GLASER OF A TECHNICAL REVIEW PREPARED BY EXXON RESEARCH AND ENGINEERING COMPANY'S COORDINATION AND PLANNING DIVISION	<p>An internal Exxon "CO2 'Greenhouse Effect' Summary" finds that "[T]here is concern among some scientific groups that once the effects are measurable, they might not be reversible and little could be done to correct the situation in the short term" and that "[M]itigation of the 'greenhouse effect' could require major reductions in fossil fuel combustion."</p>

Truth or CO₂ consequences

DATE	DOCUMENT	TEXT
SEPT. 2, 1982	MEMO FROM ROGER COHEN, DIRECTOR OF EXXON'S THEORETICAL AND MATHEMATICAL SCIENCE LABORATORY, TO EXXON MANAGEMENT INCLUDING PRESIDENT OF EXXON CORPORATION'S RESEARCH AND ENGINEERING, E. E. DAVID JR.	<p>The Director of Exxon's Theoretical and Mathematical Sciences Laboratory, Roger Cohen, summarizes the findings of their research in climate modeling:</p> <ul style="list-style-type: none"> • "[O]ver the past several years a clear scientific consensus has emerged regarding the expected climatic effects of increased atmospheric CO₂." • "It is generally believed that the first unambiguous CO₂-induced temperature increase will not be observable until around the year 2000." • "[T]he results of our research are in accord with the scientific consensus on the effect of increased atmospheric CO₂ on climate."
OCT. 1982	"INVENTING THE FUTURE: ENERGY AND THE CO₂ 'GREENHOUSE' EFFECT," E. E. DAVID JR. REMARKS AT THE FOURTH ANNUAL EWING SYMPOSIUM, TENAFLY, NJ	<p>In a speech, E. E. David Jr., President of Exxon Research and Engineering Company, states: "It is ironic that the biggest uncertainties about the CO₂ buildup are not in predicting what the climate will do, but in predicting what people will do. . . [It] appears we still have time to generate the wealth and knowledge we will need to invent the transition to a stable energy system."</p>
SUMMER 1988	PUBLIC AWARENESS OF THE GREENHOUSE EFFECT AND EFFORTS TO COMBAT IT RAMP UP	<p>The summer of 1988 sees a flurry of activity around climate change policy:</p> <ul style="list-style-type: none"> • Dr. James Hansen, Director of NASA's Goddard Institute for Space Studies, tells Congress that the Institute's greenhouse effect research shows "the global warming is now large enough that we can ascribe with a high degree of confidence a cause and effect relationship with the greenhouse effect." • At least four bipartisan bills are introduced in Congress, three championed by Republicans, to regulate greenhouse gas emissions.
AUG. 3, 1988	"THE GREENHOUSE EFFECT," DRAFT WRITTEN BY JOSEPH M. CARLSON, AN EXXON PUBLIC AFFAIRS MANAGER	<p>Despite declaring the Greenhouse Effect "one of the most significant environmental issues for the 1990s," Carlson writes that Exxon's position should be to "emphasize the uncertainty in scientific conclusions regarding the potential enhanced Greenhouse Effect."</p>
AUG. 31, 1988	VICE PRESIDENT GEORGE H.W. BUSH CAMPAIGN SPEECH IN MICHIGAN	<p>Vice President George H.W. Bush, in a speech while running for President, says "[T]hose who think we are powerless to do anything about the greenhouse effect forget about the 'White House effect'; as President, I intend to do something about it."</p>
DEC. 6, 1988	THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (IPCC) IS FORMED	<p>The IPCC is formed in December 1988 by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) to provide policymakers with regular assessments of the scientific basis of climate change, its impacts and future risks, and options for adaptation and mitigation.</p>
DEC. 20, 1989	"GREENHOUSE EFFECT: SHELL ANTICIPATES A SEA CHANGE," ARTICLE IN THE NEW YORK TIMES	<p>A New York Times article reports: "In what is considered the first major project that takes account of the changes the greenhouse effect is expected to bring, [Shell] engineers are designing a huge platform that anticipates rising water in the North Sea by raising the platform from the standard 30 meters - the height now thought necessary to stay above the waves that come in a once-a-century storm - to 31 or 32 meters."</p>

Truth or CO₂sequences

DATE	DOCUMENT	TEXT
1991	<u>"CLIMATE OF CONCERN," DOCUMENTARY PRODUCED AND DISTRIBUTED BY SHELL</u>	Shell releases a 30-minute educational video warning of climate change's negative consequences ranging from sea level rise and wetland destruction to "greenhouse refugees." It concludes: "Global warming is not yet certain, but many think that the wait for final proof would be irresponsible. Action now is seen as the only safe insurance."
MAY 1991	<u>INFORMATION COUNCIL FOR THE ENVIRONMENT (ICE) PR CAMPAIGN</u>	The Information Council for the Environment (ICE), formed by the coal industry, launches a national climate change science denial campaign with data collection, full-page newspaper ads, radio commercials, a PR tour, and mailers.
DEC. 1995	<u>"PREDICTING FUTURE CLIMATE CHANGE: A PRIMER," GLOBAL CLIMATE COALITION'S (GCC) INTERNAL PRIMER DRAFT, PREPARED BY GCC'S SCIENCE TECHNICAL ADVISORY COMMITTEE V. THEIR PUBLICLY DISTRIBUTED BACKGROUNDER, "SCIENCE AND GLOBAL CLIMATE CHANGE: WHAT DO WE KNOW? WHAT ARE THE UNCERTAINTIES?"</u>	The Global Climate Coalition (GCC), a fossil fuel industry group, drafts an internal primer analyzing "contrarian theories" and concluding that they do not "offer convincing arguments against the conventional model of greenhouse gas emission-induced climate change." However, a publicly distributed version excluded this section while focusing on scientific disagreement and uncertainty by citing some of those same contrarian scientists.
FALL 1996	<u>"GLOBAL WARMING: WHO'S RIGHT? FACTS ABOUT A DEBATE THAT'S TURNED UP MORE QUESTIONS THAN ANSWERS," PUBLICATION FROM EXXON CORPORATION</u>	An eight-page Exxon publication questions the negative impact the greenhouse effect might have and plays up the uncertainty. The introductory statement by Lee Raymond, Exxon's chairman and CEO, claims that "[S]cientific evidence remains inconclusive as to whether human activities affect global climate."
APRIL 3, 1998	<u>"GLOBAL SCIENCE COMMUNICATIONS ACTION PLAN," DRAFT BY THE AMERICAN PETROLEUM INSTITUTE (API)</u>	The American Petroleum Institute develops a multi-million dollar communications and outreach plan to ensure that "climate change becomes a non-issue." It maintains that "[V]ictory will be achieved when...uncertainties in climate science [become] part of the 'conventional wisdom.'"
DEC. 11, 2000	<u>LETTER FROM LLOYD KEIGWIN, SENIOR SCIENTIST AT THE WOODS HOLE OCEANOGRAPHIC INSTITUTION, TO PETER ALTMAN, NATIONAL CAMPAIGN COORDINATOR FOR EXXONMOBIL</u>	A senior scientist at Woods Hole Oceanographic Institution, Lloyd Keigwin, sends a letter to Exxon's Peter Altman, summarizing their email and phone conversations regarding Exxon's misleading use of Keigwin's study results. "The sad thing is that a company with the resources of ExxonMobil is exploiting the data for political purposes when they could actually get much better press by supporting research into the role of the ocean in climate change."
JUNE 20, 2001	<u>"YOUR MEETING WITH MEMBERS OF THE GLOBAL CLIMATE COALITION," US DEPARTMENT OF STATE MEMO AND TALKING POINTS</u>	Talking points for State Department Undersecretary Paula Dobriansky's meeting with the Global Climate Coalition at API's headquarters: "POTUS rejected Kyoto, in part, based on input from you."

Truth or CO₂sequences

DATE	DOCUMENT	TEXT
SEPT. 26, 2002	LETTER FROM MICHAEL MACCRACKEN, RETIRING SENIOR SCIENTIST FROM THE OFFICE OF THE US GLOBAL CHANGE RESEARCH PROGRAM, TO EXXON CEO LEE RAYMOND: "RE: WITH REGARD TO THE EXXONMOBIL FACSIMILE ON FEBRUARY 6, 2001 FROM DR. AG RANDOL TO MR. JOHN HOWARD OF THE COUNCIL ON ENVIRONMENTAL QUALITY"	<p>Michael MacCracken, the former director of the National Assessment Coordination Office of the US Global Change Research Program, writes to Exxon CEO Lee Raymond in response to ExxonMobil's criticism of a US climate change assessment: <i>"In my earlier experience, arguing for study of adaptation had been a position of industry, but now when this was attempted, ExxonMobil argued this was premature. Roughly, this is equivalent to turning your back on the future and putting your head in the sand—with this position, it is no wonder ExxonMobil is the target of environmental and shareholder critics...Certainly, there are uncertainties, but decisions are made under uncertainty all the time--that is what executives are well paid to do. In this case, ExxonMobil is on the wrong side of the international scientific community, the wrong side of the findings of all the world's leading academies of science, and the wrong side of virtually all of the world's countries as expressed, without dissent, in the IPCC reports...To call ExxonMobil's position out of the mainstream is thus a gross understatement. There can be all kinds of perspectives about what one might or might not do to start to limit the extent of the change, but to be in opposition to the key scientific findings is rather appalling for such an established and scientific organization."</i></p>
OCT. 21, 2002	MARKUPS BY PHILIP COONEY, CHIEF OF STAFF FOR THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY, ON A DRAFT STRATEGIC PLAN FOR THE CLIMATE CHANGE SCIENCE PROGRAM	<p>Philip Cooney, Chief of Staff for the White House Council of Environmental Quality and a former lawyer and lobbyist for the American Petroleum Institute with no scientific credentials, edits a Draft Strategic Plan for the US Climate Change Science Program to introduce uncertainty about global warming and its impacts. In 2005, Cooney resigns after being accused of doctoring scientific reports and is hired by Exxon. A Union of Concerned Scientists report published samples of Cooney's edits (p.56).</p>
JUNE 11, 2009	"THE PROPORTIONALITY OF GLOBAL WARMING TO CUMULATIVE CARBON EMISSIONS," PUBLICATION BY DAMON MATTHEWS PUBLISHED IN NATURE	<p>Damon Matthews publishes seminal research in the peer-reviewed Nature journal showing a linear relationship between greenhouse gas emissions and increasing global temperatures.</p>
AUG. 12, 2009	EMAIL FROM API CEO JACK GERARD TO API'S MEMBERSHIP REGARDING A SERIES OF "ENERGY CITIZEN" RALLIES IN 20 STATES DURING THE END OF THE CONGRESSIONAL RECESS	<p>The American Petroleum Institute's CEO, Jack Gerard, emails API's membership promising "up front resources" and encouraging turnout for "Energy Citizen" rallies in about 20 states. Gerard says they are "collaborating closely with the allied oil and natural gas associations" in order to "aim a loud message at those states' U.S. Senators to avoid the mistakes embodied in the House climate bill."</p>
NOV. 22, 2013	"TRACING ANTHROPOGENIC CARBON DIOXIDE AND METHANE EMISSIONS TO FOSSIL FUEL AND CEMENT PRODUCERS, 1854-2010," PUBLICATION BY RICK HEEDE PUBLISHED IN CLIMATIC CHANGE	<p>Rick Heede, co-founder and director of the Climate Accountability Institute, authors a peer-reviewed study revealing that 90 producers of oil, natural gas, coal, and cement – the "carbon majors" – are responsible for 63 percent of cumulative industrial CO₂ and methane emissions worldwide between 1751 and 2010. Just 28 companies are responsible for 25 percent of all emissions since 1965.</p>

Truth or CO₂sequences

DATE	DOCUMENT	TEXT
NOV. 11, 2014	"WSPA PRIORITY ISSUES," PRESENTATION BY WESTERN STATES PETROLEUM ASSOCIATION PRESIDENT CATHERINE REHEIS- BOYD	<p>The Western States Petroleum Association, a top lobbying and trade association for the oil industry, describes in a presentation the <i>"campaigns and coalitions [it has] activated that have contributed to WSPA's advocacy goals and continue to respond to aggressive anti-oil initiatives in the West,"</i> including investment <i>"in several coalitions that are best suited to drive consumer and grassroots messages to regulators and policymakers."</i></p>