



1 BRUCE REED GOODMILLER (SBN 121491)
 Bruce_goodmiller@ci.richmond.ca.us
 2 RACHEL H. SOMMOVILLA (SBN 231529)
 Rachel_sommovilla@ci.richmond.ca.us
 3 **CITY ATTORNEY'S OFFICE FOR CITY OF RICHMOND**
 450 Civic Center Plaza
 4 Richmond, CA 94804
 Tel: (510) 620-6509
 5 Fax: (510) 620-6518

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STEPHEN H. HASH, CLERK OF THE COURT
 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF CONTRA COSTA
 By S. OZUNA Deputy Clerk

6 VICTOR M. SHER (SBN 96197)
 vic@sheredling.com
 7 MATTHEW K. EDLING (SBN 250940)
 matt@sheredling.com
 8 TIMOTHY R. SLOANE (SBN 292864)
 tim@sheredling.com
 9 MARTIN D. QUINONES (SBN 293318)
 marty@sheredling.com
 10 MEREDITH S. WILENSKY (SBN 309268)
 meredith@sheredling.com
 11 KATIE H. JONES (SBN 300913)
 katie@sheredling.com
 12 **SHER EDLING LLP**
 100 Montgomery St., Ste. 1410
 13 San Francisco, CA 94104
 Tel: (628) 231-2500
 14 Fax: (628) 231-2929

PER LOCAL RULE, THIS
 CASE IS ASSIGNED TO
 DEPT 17 FOR ALL
 PURPOSES.

SUMMONS ISSUED

FILE VIA FAX

15 *Attorneys for Plaintiff*
 16 *The City of Richmond, a municipal corporation*
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 CONTRA COSTA**

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

Case No. **C 18-00055**

COMPLAINT FOR:

21 Plaintiff,

22 vs.

23 CHEVRON CORP.; CHEVRON U.S.A. INC.;
 EXXONMOBIL CORP.; BP P.L.C.; BP
 24 AMERICA, INC.; ROYAL DUTCH SHELL
 PLC; SHELL OIL PRODUCTS COMPANY
 25 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

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, but not limited to, global warming, rising
17 atmospheric and ocean temperatures, ocean acidification, melting polar ice caps and glaciers, more
18 extreme and volatile weather, drought, and sea level rise.² Plaintiffs, the People of the State of
19 California and City of Richmond,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, “Richmond” 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 and associated consequences of those physical and environmental changes.⁴ The primary source
13 of this pollution is the extraction, production, and consumption of coal, oil, and natural gas,
14 referred to collectively in this Complaint as "fossil fuel products."⁵

15 4. The rate at which Defendants have extracted and sold fossil fuel products has
16 exploded since the Second World War, as have emissions from those products. The substantial
17 majority of all greenhouse gas emissions in history has occurred since the 1950s, a period known
18 as the "Great Acceleration."⁶ About three quarters of all industrial CO₂ emissions in history have
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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 past and
22 committed sea level rise (sea level rise that will occur even in the absence of any future emissions),
23 as well as for a substantial portion of changes to the hydrologic cycle, because of the consumption
24

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 of their fossil fuel products.

2 8. Extreme flooding events will more than double in frequency on California’s Pacific
3 coast by 2050.¹⁰ Flooding and storms will become more frequent and more severe, and average
4 sea level will rise substantially along California’s coast, including in the City of Richmond.
5 Disruptions to weather cycles, extreme precipitation and drought, heatwaves, and associated
6 consequences—all due to anthropogenic global warming—will increase in the City of Richmond.
7 The City, situated on a peninsula and surrounded on its northern, western, and southern boundaries
8 by the San Francisco Bay, is particularly vulnerable to sea level rise, and water shortages, and has
9 already spent significant funds to study, mitigate, and adapt to the effects of global warming.
10 Climate change impacts already adversely affect Richmond and jeopardize City-owned or operated
11 facilities deemed critical for operations, utility services, and risk management, as well as other
12 assets that are essential to community health, safety, and well-being.

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

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

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

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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>.

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 other results of the changing hydrologic regime caused by increasing temperatures, and associated
4 consequences of those physical and environmental changes, bear the costs of those impacts on the
5 City, rather than Plaintiffs, local taxpayers, residents, or broader segments of the public. The City
6 does not seek to impose liability on Defendants for their direct emissions of greenhouse gases and
7 does not seek to restrain Defendants from engaging in their 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 Richmond, 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 cycle, 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, and the consequences of those physical
16 and environmental changes in the City’s jurisdiction.

17 14. Plaintiff City of Richmond (“Richmond” or “the City”), a municipal corporation,
18 is a political subdivision of the State of California. It is a city located in Contra Costa County.

19 15. The City is bordered by the San Francisco Bay to the North, West, and South, and
20 the Richmond Hills to the East.

21 16. Richmond is already experiencing sea level rise and associated impacts. The City
22 will experience significant additional sea level rise over the coming decades through at least
23 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>.