

# CLIMATE LITIGATION: CASES AND CLAIMS

CASE	DEFENDANTS					IMPACTS				LEGAL CLAIMS ASSERTED							
	Exxon	Chevron, Shell, BP	Other Fossil Fuel Cos	Koch	American Petroleum Institute	SLR	Hydro Cycle	Health	Other	Public Nuis. (People)	Nuis. (Pub/Priv)	Trespass	Prod. Liab.	Negl	FTW	Consumer Protection	Other
San Mateo, Marin, Imperial Beach (CA)	✓	✓	✓			✓				✓	✓	✓	✓	✓	✓		
Santa Cruzes, Richmond (CA)	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
Baltimore (MD)	✓	✓	✓			✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	
Rhode Island	✓	✓	✓			✓	✓	✓	✓		✓	✓	✓	✓	✓		✓
PCFFA	✓	✓	✓				✓		✓		✓		✓	✓	✓		
San Francisco / Oakland (CA)	✓	✓				✓				✓							
Honolulu (HI)	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓			✓		
Minnesota	✓			✓	✓		✓	✓	✓						✓	✓	✓
District of Columbia	✓	✓							✓							✓	
Charleston (SC)	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
Delaware	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓			✓	✓	
New York City (NY)	✓	✓	✓			✓					✓	✓					
King County (WA)	✓	✓	✓			✓	✓		✓		✓	✓					
Boulder (CO)	✓		✓				✓		✓		✓	✓				✓	
Massachusetts	✓								✓							✓	✓
Hoboken (NJ)	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	
Connecticut	✓								✓							✓	

# CLIMATE LITIGATION: CASE STATUS

CASE NAME	REMOVED/ COURT	REMAND SOUGHT?	REMAND STATUS	CURRENT STATUS
San Mateo, Marin, Imperial Beach, Santa Cruzes, Richmond (CA)	Yes: N.D. Cal. (Chhabria)	Yes	Granted, Affirmed <sup>1</sup>	The 9th Circuit affirmed remand to state court on May 26, 2020, and denied Defendants' request for an <i>en banc</i> rehearing on August 4, 2020. <sup>1</sup> Further action stayed pending Defendants' anticipated petition for certiorari.
Baltimore (MD)	Yes: D. Maryland (Hollander)	Yes	Granted, Affirmed <sup>2</sup> Stay Pending Appeal Denied	4th Circuit affirmed remand on March 6, 2020. <sup>2</sup> Defendants' petitioned for Supreme Court review of the scope of appellate review on March 31, 2020. State ct. action deferred pending ruling re: personal jurisdiction in unrelated cases.
State of Rhode Island	Yes: D. R.I. (Smith)	Yes	Granted <sup>3</sup> Stay Pending Appeal Denied	Case stayed in state court pending rulings re: personal jurisdiction in unrelated cases. Defendants' appeal of remand pending in 1st Circuit. Oral argument held September 11, 2020.
Pacific Coast Federation of Fishermen's Associations	Yes: N.D. Cal. (Chhabria)	Yes	Stayed	Parties stipulated a stay of further action pending final outcome of 9th Circuit appeal of CA cases.
San Francisco, Oakland (CA)	Yes: N.D. Cal. (Alsup)	Yes	Denied, Reversed <sup>4</sup>	The 9th Circuit reversed the district court's denial of remand on May 26, 2020. <sup>4</sup> Case returned to federal district court to determine whether there are any other bases for federal court jurisdiction. Defendants' request for a rehearing or <i>en banc</i> hearing was rejected on August 12, 2020.
Honolulu (HI)	Yes: D. Haw. (Watson)	Yes	Pending	Stay lifted by Judge Watson on August 21, 2020. Proceedings on remand motion expected Fall 2020.
Minnesota	Yes: D. MN (Tunheim)	Yes	Pending	Filed in state district court, June 24, 2020. Removed to federal court July 27, 2020. Remand motion filed August 27, 2020.
District of Columbia	Yes: D. DC (Kelly)	Yes	Pending	Filed in DC Superior Court, June 25, 2020. Removed to federal court July 17, 2020. Remand motion filed August 17, 2020.
Charleston (SC)	Expected	N.A.	N.A.	Filed in state court Sept. 9, 2020. Removal expected.
Delaware	Expected	N.A.	N.A.	Filed in state court Sept. 10, 2020. Removal expected.
New York City (NY)	N.A.: Filed in federal court	N.A.	N.A.	Case dismissed. <sup>5</sup> City's appeal pending in 2nd Circuit. Oral argument held November 22, 2019.
King County (WA)	Yes: W.D. Wash. (Lasnik)	No	Stayed	Parties stipulated a stay of further action pending outcome of 9th Circuit appeal of CA cases.
Boulder (City and County) San Miguel County (CO)	Yes: D. Colo. (Martinez)	Yes	Granted, Affirmed <sup>6</sup> Stay Pending Appeal Denied	Case underway in state court. Hearing on Motion to Dismiss: June 1, 2020. The 10th Circuit affirmed remand to state court on July 7, 2020. <sup>6</sup>
Massachusetts	Yes: D. Mass. (Young)	Yes	Granted <sup>7</sup> Stay Pending Appeal Denied	Federal court granted motion to remand; Exxon did not appeal. <sup>7</sup> Motion to dismiss briefing in state court.
Hoboken (NJ)	Expected	N.A.	N.A.	Filed in state court September 3, 2020. Removal expected.
Connecticut	Expected	N.A.	N.A.	Filed in state court September 14, 2020. Removal expected.

1. *County of San Mateo v. Chevron Corp.*, 960 F.3d 586 (9th Cir. 2020), reh'g denied Aug. 4, 2020.

2. *Mayor & City Council of Baltimore v. BP P.L.C.*, 952 F.3d 452 (4th Cir. 2020), petition for cert. filed (Mar. 31, 2020)

3. *Rhode Island v. Chevron Corp.*, 393 F. Supp. 3d 142 (D.R.I. 2019), appeal filed, No. 19-1818 (1st Cir.)

4. *City of Oakland v. BP p.l.c.*, 969 F.3d 895 (9th Cir. 2020), reh'g denied, amended opinion issued Aug. 12, 2020.

5. *City of New York v. BP P.L.C.*, 325 F. Supp. 3d 466 (S.D.N.Y. 2018), appeal filed, No. 18-2188 (2d Cir.)

6. *Boulder County v. Suncor Energy (U.S.A.) Inc.*, 965 F.3d 792 (10th Cir. July 7, 2020)

7. *Massachusetts v. Exxon Mobil Corp.*, No. 19-12430-WGY, 2020 WL 2769681 (D. Mass. May 28, 2020)