

# 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	Design Defect	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	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓			✓	✓	
Maui (HI)	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓			✓		
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. Md. (Hollander)	Yes	Granted, Affirmed <sup>2</sup> Stay Pending Appeal Denied	4th Circuit affirmed remand on March 6, 2020. <sup>2</sup> U.S. Supreme Court accepted Defendant's cert. petition re: the scope of appellate review on October 1, 2020. State court action deferred pending ruling re personal jurisdiction in unrelated cases.
Rhode Island	Yes: D. R.I. (Smith)	Yes	Granted, Affirmed <sup>3</sup> Stay Pending Appeal Denied	1st Circuit affirmed remand on October 29, 2020. <sup>3</sup> Case stayed in state court pending rulings re personal jurisdiction in unrelated cases.
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 underway.
Minnesota	Yes: D. Minn. (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.D.C. (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)	Yes; D.S.C. (Hendricks)	N.A.	N.A.	Filed in state court September 9, 2020. Removed to federal court October 9, 2020. Remand motion expected.
Delaware	Yes; D. Del. (Stark)	N.A.	N.A.	Filed in state court September 10, 2020. Removed to federal court October 23, 2020. Remand motion expected.
Maui (HI)	Yes; D. Haw. (Watson)	N.A.	N.A.	Filed in state court October 12, 2020. Removed to federal court on October 30, 2020. Remand motion 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)	Stayed	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> No appeal filed.	Federal court granted motion to remand; Exxon did not appeal. <sup>7</sup> Motion to dismiss briefing in state court.
Hoboken (NJ)	Yes; D.N.J. (Vasquez)	Pending	Pending	Filed in state court September 3, 2020. Removed to federal court October 9, 2020. Remand motion expected.
Connecticut	Yes; D. Conn. (Hall)	Pending	Pending	Filed in state court September 14, 2020. Removed to federal court October 14, 2020. Remand motion 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), *cert. granted* \_\_\_ S. Ct. \_\_\_ (Oct. 2, 2020).
3. *Rhode Island v. Chevron Corp.*, \_\_\_ F.3d \_\_\_, No. 19-1818, 2020 WL 6336000 (1st Cir. Oct. 29, 2020).

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).