

# CLIMATE LITIGATION CASES AND CLAIMS: CITIES, COUNTIES, & PCFFA

CASE	DEFENDANTS					IMPACTS				LEGAL CLAIMS ASSERTED							
(filing date)	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) (7/17/2017)	✓	✓	✓			✓				✓	✓	✓	✓	✓	✓		
Santa Cruzes (12/20/2017) Richmond (CA) (1/22/2018)	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
Baltimore (MD) (7/20/2018)	✓	✓	✓			✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	
PCFFA (11/14/2018)	✓	✓	✓				✓		✓		✓		✓	✓	✓		
San Francisco / Oakland (CA) (9/19/2017)	✓	✓				✓				✓							
Honolulu (HI) (3/9/2020)	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓			✓		
Charleston (SC) (9/9/2020)	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
Maui (HI) (10/12/2020)	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓			✓		
Annapolis (MD) (2/22/2021)	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
New York City (NY) [Consumer Protection] (4/22/2021)	✓	Shell, BP			✓											✓	
Anne Arundel (MD) (4/26/2021)	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
New York City (NY) (1/9/2018)	✓	✓	✓			✓					✓	✓					
King County (WA) (5/9/2018)	✓	✓	✓			✓	✓		✓		✓	✓					
Boulder (CO) (4/17/2018)	✓		✓				✓		✓		✓	✓				✓	
Hoboken (NJ) (9/2/2020)	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	

# CLIMATE LITIGATION CASE STATUS: CITIES, COUNTIES, & PCFFA

CASE NAME	REMOVED/ COURT	REMAND SOUGHT?	REMAND STATUS	CURRENT STATUS
<b>San Mateo, Marin, Imperial Beach, Santa Cruzes, Richmond (CA)</b>	Yes: N.D. Cal. (Chhabria)	Yes	Granted, Affirmed <sup>1</sup>	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> SCOTUS remanded to 9th Circuit to consider Defendants' other removal grounds on May 24, 2021.
<b>Baltimore (MD)</b>	Yes: D. Md. (Hollander)	Yes	Granted, Affirmed. SCOTUS remanded <sup>2</sup> Stayed in state ct.	4th Circuit affirmed remand on March 6, 2020. <sup>2</sup> U.S. Supreme Court reversed 4th Circuit re: scope of appellate review on May 17, 2021, and remanded case to 4th Circuit for consideration of Defendants' other grounds for removal. State court action deferred pending 4th Circuit action.
<b>Pacific Coast Federation of Fishermen's Associations</b>	Yes: N.D. Cal. (Chhabria)	Yes	Stayed	Parties stipulated a stay of further action pending final outcome of 9th Circuit appeal of CA cases.
<b>San Francisco, Oakland (CA)</b>	Yes: N.D. Cal. (Alsup)	Yes	Denied, Reversed <sup>3</sup>	The 9th Circuit reversed the district court's denial of remand on May 26, 2020; Defendants' request for a rehearing or <i>en banc</i> hearing was rejected on August 12, 2020; Returned to federal district court to determine whether there are any other bases for federal jurisdiction. Defendants petitioned for cert. on January 8, 2021. Renewed remand motion filed January 28, 2021. SCOTUS denied cert. June 14, 2021. <sup>3</sup>
<b>Honolulu (HI)</b>	Yes: D. Haw. (Watson)	Yes	Granted, <sup>6</sup> Appeal pending	Remanded to state court February 12, 2021, <sup>6</sup> appeal docketed in Ninth Circuit, stay motions denied. State Court: Motion to stay denied May 20, 2021. Hearing on Motions to Dismiss August 27, 2021.
<b>Charleston (SC)</b>	Yes; D.S.C. (Hendricks)	Yes	Stayed	Filed in state court September 9, 2020. Removed to federal court October 9, 2020. Remand motion filed November 5, 2020. Stayed pending 4 <sup>th</sup> Circuit's opinion in <i>Baltimore</i> .
<b>Maui (HI)</b>	Yes; D. Haw. (Watson)	Yes	Granted <sup>6</sup>	Remanded to state court February 12, 2021, <sup>6</sup> appeal docketed in Ninth Circuit. State Court: Motion to stay pending.
<b>Annapolis (MD)</b>	Yes (Hollander)	Yes	Stayed	Filed in state court February 22, 2021. Removed to federal court March 25, 2021; Motion to remand filed May 13, 2021; stayed pending 4th Circuit's opinion in <i>Baltimore</i> .
<b>New York City (NY) [Consumer Protection]</b>	Yes (Caproni)	Yes	Pending	Filed in state court April 22, 2021. Removed to federal court May 28, 2021. Remand briefing in progress.
<b>Anne Arundel (MD)</b>	Yes (Hollander)	Yes	Pending	Filed in state court April 26, 2021. Removed to federal court May 28, 2021. Remand motion filed June 28, 2021.
<b>New York City (NY)</b>	N.A.: Filed in federal court	N.A.	N.A.	Case dismissed by District Court July 19, 2018. 2nd Circuit affirmed dismissal April 1, 2021. <sup>4</sup>
<b>King County (WA)</b>	Yes: W.D. Wash. (Lasnik)	Stayed	Stayed	Stay lifted; Defendants filed motions to dismiss August 23, 2021. Voluntarily dismissed without prejudice September 28, 2021.
<b>Boulder (City and County) San Miguel County (CO)</b>	Yes: D. Colo. (Martinez)	Yes	Granted, Affirmed <sup>5</sup>	Case underway in state court. Motion to transfer venue granted in part on January 25, 2021. The 10th Circuit affirmed remand to state court on July 7, 2020. <sup>5</sup> SCOTUS remanded to 10th Circuit to consider Defendants' other removal grounds on May 24, 2021
<b>Hoboken (NJ)</b>	Yes; D.N.J. (Vasquez)	Yes	Granted <sup>7</sup> , appeal pending	Filed in state court September 3, 2020. Removed to federal court October 9, 2020. Remanded to state court September 8, 2021.

1. *County of San Mateo v. Chevron Corp.*, 960 F.3d 586 (9th Cir. 2020), *reh'g denied* Aug. 4, 2020, *vacated and remanded to address removal grounds other than federal officer*, No. 20-884 (U.S. May 24, 2021).

2. *BP P.L.C v. Mayor & City Council of Baltimore*, 141 S. Ct. 1532 (2021).

3. *City of Oakland v. BP p.l.c.*, 969 F.3d 895 (9th Cir. 2020), *reh'g denied, amended opinion issued* Aug. 12, 2020, *petition for cert. denied* (June 14, 2021).

4. *City of New York v. BP P.L.C.*, 993 F.3d 81 (2d Cir. 2021).

5. *Boulder County v. Suncor Energy (U.S.A.) Inc.*, 965 F.3d 792 (10th Cir. 2020), *vacated and remanded to address removal grounds other than federal officer*, No. 20-783 (U.S. May 24, 2021).

6. *City & Cty. of Honolulu v. Sunoco LP*, No. 20-cv-163, 2021 WL 531237 (D. Haw. Feb. 12, 2021), *appeal filed*, No. 21-15318 (9th Cir. Feb. 23, 2021).

7. *City of Hoboken v. Exxon Mobil Corp.*, 2021 WL 4077541 (D.N.J. Sept. 8, 2021), *appeal filed* (3d Cir.)