IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

COUNTY OF MULTNOMAH,

Plaintiff,

v.

EXXON MOBIL CORP., SHELL PLC, F.K.A. ROYAL DUTCH SHELL PLC, SHELL U.S.A., INC., EQUILON ENTERPRISES LLC DBA SHELL OIL PRODUCTS US, BP PLC, BP AMERICA, INC., BP PRODUCTS NORTH AMERICA, INC., CHEVRON CORP., CHEVRON U.S.A., INC., CONOCOPHILLIPS, MOTIVA ENTERPRISES, LLC, OCCIDENTAL PETROLEUM F.K.A. ANADARKO PETROLEUM CORP., SPACE AGE FUEL, INC., VALERO ENERGY CORP., TOTALENERGIES, S.E. F.K.A. TOTAL S.A., TOTALENERGIES MARKETING USA F.K.A. TOTAL SPECIALTIES USA, INC., MARATHON OIL COMPANY, MARATHON OIL CORP., MARATHON PETROLEUM CORP., PEABODY ENERGY CORP., KOCH INDUSTRIES, INC., AMERICAN PETROLEUM INSTITUTE, WESTERN STATES PETROLEUM ASSOCIATION, MCKINSEY & COMPANY, INC., MCKINSEY HOLDINGS, INC., and DOES 1-250 INCLUSIVE,

Defendants.

Case No. 23CV25264

FIRST AMENDED COMPLAINT
(Public Nuisance, Negligence, Fraud & Deceit, and Trespass)

PRAYER: $51,550,000,000

Or Laws 2012, ch. 48, Sec. 2; ORS 21.160(1)(e)

CLAIMS NOT SUBJECT TO MANDATORY ARBITRATION

JURY TRIAL REQUESTED

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FIRST AMENDED COMPLAINT FOR CIVIL DAMAGES AND ABATEMENT OF PUBLIC NUISANCE

I. NATURE OF THE CASE

1.

This is a case that seeks damages and equitable relief for harm caused to Multnomah County (hereafter, "County" or "Plaintiff"), by Defendants' execution of a scheme to rapaciously sell fossil fuel products and deceptively promote them as harmless to the environment, while they knew that carbon pollution emitted by their products into the atmosphere would likely cause deadly extreme heat events like that which devastated Multnomah County in late June and early July 2021. Beginning on June 25, 2021, the Plaintiff, Multnomah County was scorched by the most extreme heat event in its history. For several consecutive days and nights, a "heat dome," sometimes called a "blocking event" or an "extreme heat event," boiled the County, causing massive loss of life, grave ill health, destruction of County property, and the consumption of resources. Over three consecutive days, County temperatures reached highs of 108°, 112°, and 116° Fahrenheit. All three of those high temperatures exceeded those of any day in any previous year in the County, ever. Tree ring data revealed that the 2021 Pacific Northwest ("PNW") heat dome was the hottest event in the region since *the beginning of the record time* (starting in 950AD).[1]

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[1] Heeter, K.J., Harley, G.L., Abatzoglou, J.T. *et al.* Unprecedented 21st century heat across the Pacific Northwest of North America. *npj Clim Atmos Sci* 6, 5 (2023). https://doi.org/10.1038/s41612-023-00340-3.

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2.

Because Multnomah County has historically enjoyed a mild climate, a substantial portion of its residents, even those who have financial resources, have no central cooling system or window units in their homes. A total of 69 people died in Multnomah County from overheating during this event. In a typical year, Multnomah County experiences *zero* deaths from heat-related illnesses. Prior to June 2021, Multnomah County recorded only two hyperthermia deaths since 2010 — one each in 2016 and 2018.[2] More people died from the June 2021 heat wave in Multnomah County than died from heat in the entire state of Oregon in the past 20 years.[3] Deaths from *all causes* during the heat dome were double the normal level.

3.

Many other residents fell ill from heat strokes, heat exhaustion, and dehydration. Hundreds required emergency and critical medical care.

4.

The severity of the heat dome caused the County to expend enormous financial and human resources that it otherwise would not have, and thus added crushing economic burden upon the County, in tandem with the devastating human toll exacted upon its residents. In addition to providing many types of emergency health and human services for residents suffering from the extreme heat, the County spent taxpayer money to provide people with shelter, cooling centers,

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[2] Multnomah County, June 2021 Extreme Heat Event, Preliminary Findings and Action Steps https://www.multco.us/file/june-2021-heat-event-preliminary-findings-and-action-steps (last visited June 12, 2023).

[3] Id.

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fans, food, portable air conditioners, clothes, and water. The agitation and desperation wrought by the record heat provoked an increase in crime and violence within the County, which further taxed the resources of law enforcement and County healthcare providers, who were already pushed beyond their limits in trying to care for those suffering from heat strokes and heat-related illnesses. In the wake of the June 2021 extreme heat event, the County spent significant sums of its taxpayer monies to prepare for future ones. These expenditures included increases in shelter space, supplies, warehousing of supplies, an early warning system, staffing, training, and tree density. Still, the County lacks the resources to adequately prepare for comparable or more severe heat extremes.

5.

The heat dome that cost so much life and loss was not a natural weather event. It did not just happen because life can be cruel, nor can it be rationalized as simply a mystery of God's will. Rather, the heat dome was a direct and foreseeable consequence of the Defendants' decision to sell as many fossil fuel products over the last six decades as they could and to lie to the County, the public, and the scientific community about the catastrophic harm that pollution from those products into the Earth's and the County's atmosphere would cause. In the aftermath of the June 2021 heat dome, world renown climatologists, physicists and statisticians researched the causes of that extreme heat event and published their conclusions in peer-reviewed scientific journals. One

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such study concluded that the occurrence of a heat wave of the intensity experienced in the study area would have been virtually impossible without anthropogenic climate change ("ACC").[4]

6.

The same study concluded that this extreme heat event was 150 times less likely to have occurred in the absence of ACC.[5]

7.

Finally, the authors determined that in the absence of ACC, a heat event this extreme in this region might occur, if at all, one time in 1000 years. Escalating carbon pollution has increased the likelihood that it will reoccur every 5 to 10 years."[6]

8.

These autopsy-like climatic diagnoses corroborated prognoses that the Defendants had since the late 1950s internally forecasted would occur: The heat catastrophe was caused by carbon pollution emitted into and accumulated by the atmosphere that warmed the planet and the region where the County resides, as well as dried out the region's soil. It was so extreme and historically anomalous that it would not have occurred so intensely, nor at all, absent that pollution. In sum, but for carbon atmospheric pollution, the 2021 Pacific Northwest heat dome would have not

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[4] Philip, S. Y., et al., Rapid attribution analysis of the extraordinary heat wave on the Pacific coast of the US and Canada in June 2021, Earth Syst. Dynam., 13, 1689–1713 (2022). https://doi.org/10.5194/esd-13-1689-2022.

[5] Id.

[6] Id.

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occurred, and in the unlikely event that some atypical heating period may have still occurred, it would not have been as severe or as destructive.

9.

The extreme heat event that began on June 25, 2021, and the Plaintiff's damages caused by it, occurred because first, the Defendants' historical carbon and methane pollution heated up the Earth's (and the Plaintiff's) atmosphere and, second, the Defendants' engaged in a sophisticated campaign of deflection and deception that denied what they knew was the foreseeable consequence of using their fossil fuel products.

10.

Defendants have known and foreseen for decades that their fossil fuel pollution would cause widespread and catastrophic harm throughout the world, including to Plaintiff, but they lied and cynically sought to sow "scientific" and public doubt in furtherance of their ceaseless, ravenous quest for more wealth. The use and consumption of fossil fuels—oil, natural gas, and coal—is the primary source of greenhouse gas emissions. Those greenhouse gas emissions have warmed the earth 1.1 to 1.2 ° C since 1900.[7] The American Petroleum Institute ("API"), in coordination with several Fossil Fuel Defendants that are long-standing members of that organization, investigated the science and advised *each other*, but not the public, in stark terms

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[7] 2020 World Meteorological Organization (WMO) Report, https://public.wmo.int/en/media/press-release/2020-was-one-of-three-warmest-years-record#:~:text=The%20differences%20in%20average%20global,(1850%2D1900)%20level.

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that fossil fuel usage would cause global warming and catastrophic climate changes like those experienced in Multnomah County.

11.

API is a trade group that promotes the fossil fuel production and sales activities of its members, which include the following Defendants: Exxon, Shell, Chevron, BP, ConocoPhillips, Motiva, and Anadarko. In 1965, API's president, Frank Ikard, stated *internally* to the group's members, "… there is still time to save the world's peoples from the catastrophic consequence of pollution, but time is running out."[8] In 1965, the Defendants could have publicly admitted what they privately understood: emissions into the atmosphere from the use of Defendants' fossil fuels threatened "the world's people" with "catastrophic consequence[s]." Defendants understood that such threats could be avoided if course corrections were implemented imminently, before "time [runs] out." Yet, Defendants did the opposite. They made no such public admission. They lied publicly and repeatedly about the harm their pollution was causing and the calamities it would cause. They chose to safeguard their financial bottom lines, rather than the health and safety of the Plaintiff, the planet, and "the world's peoples."

12.

Fossil Fuel Defendants consciously decided that they would lie about the impact of their fossil fuel products on the global climate, and regional climate that includes Multnomah County. In 1989, Fossil Fuel Defendants mobilized a campaign to create the "Global Climate Coalition"

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[8] Franta, B., Early oil industry knowledge of CO_2 and global warming. Nature Clim Change 8, 1024–1025 (2018). https://doi.org/10.1038/s41558-018-0349-9.

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("GCC"). Through this organization, Fossil Fuel Defendants and others funded a marketing campaign that intended to deceive and violate Oregon's statutes and common law. That deception continues to this day.

13.

In the spring of 1998, Fossil Fuel Defendants further organized their deceptive scheme into what is now known as the "Victory" memorandum. The Defendants perceived that a "consensus" had formed among qualified scientists and the informed public that carbon pollution from fossil fuel consumption was substantially warming the planet and thereby inducing weather extremes that posed an existential threat. Rather than seeking to modify their business activities to reduce that threat, the Defendants set forth upon a plan *to change the narrative* about that serious problem and undermine the consensus with pseudo-science, fabricated doubt, and a well-funded, sustained public relations campaign to promote their spin. To that end, they sponsored a cadre of mercenary "experts" who were selected for the purpose of seeding scientific literature and serving as moles in climatology group think. Their role is and was to espouse fossil fuel industry-sponsored propaganda under a false pretense that it was objective and reliable contrary science, and they spread their disinformation across America, including in Multnomah County.

14.

In furtherance of the scheme that Defendants hatched in the "Victory" memorandum, they, and the fabulists they sponsor, corrupted legitimate scientific literature by seeding it with anti-science, pro-industry propaganda, upon which consumers, including consumer taxpayers in Multnomah County, have detrimentally relied.

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15.

The culpable conduct of the Fossil Fuel Defendants, as described more fully in this First Amended Complaint includes:

(a). Defendants proclaimed that climate change was not a real or imminent threat while they had actual knowledge that it was.

(b). Defendants had a duty to disclose under Oregon laws, but failed to disclose: 1) their own scientists confirmed that global climate change was a genuine and serious threat; 2) that pollution from their fossil fuel products was a direct cause of that threat; and 3) extreme heat in otherwise mild climates like America's Pacific Northwest was one of the threats that they predicted was made more likely to happen with more severe consequences.

(c). To conceal their fraudulent marketing scheme, Defendants masked their activities through front groups, dark money funding, pseudo scientists for hire, all in an enterprise to deceive the public and Multnomah County.

(d). Defendants failed to warn the public, including Multnomah County and its citizens of the external social, economic and environmental costs from using their products. Instead, the Defendants created a narrative of scarcity of resources to maintain their energy production monopoly, make higher profits, and block development of alternative energy, so as to create a seemingly unbreakable dependence on their products.

16.

Defendants' false and misleading promotion and sale of fossil fuel products are individually and collectively a cause, of the extreme heat event that struck the County beginning on June 25, 2021, two similar heat events that occurred in 2022, another one in May 2023, as well as causing an increase in the frequency and severity of wildfires, which in turn were made more frequent and more severe by two decades of drought. The harms caused by Defendants to Plaintiff are ongoing and will multiply. Because Defendants have polluted the atmosphere with enormous amounts of methane and carbon dioxide, which remain aloft for decades, and they continue to do so without

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restraint, extreme heat events will reoccur with increasing intensity and frequency.[9] Because Defendants' carbon and methane polluting products and activities cause both global and regional temperature rise and sustained periods of drought, Plaintiff has experienced and will continue to experience massive, unmanageable wildfires. Plaintiff lacks sufficient resources to prepare for the enormity of that impending harm and seeks all remedies from Defendants provided by Oregon state law for its damages, past and future, as well as for abatement of such harms.

17.

Plaintiff Multnomah County brings this action in its sovereign capacity for the public benefit and to promote the welfare of the public. The County of Multnomah also brings this action as an exercise of its police power, which includes, but is not limited to, its power to prevent pollution of the County's property, air, and waters, to prevent and abate nuisances, and to prevent and abate hazards to public health, safety, welfare, and the environment. Finally, the County of Multnomah also brings this action in its capacity as *parens patriae* on behalf of its taxpaying residents who have suffered and will suffer harms, including for the expenditures of County resources arising from extreme heat events and wildfires caused by Defendants' malfeasance, which is further described herein. **All of Plaintiff's claims for relief arise under Oregon state law. Plaintiff seeks no remedy under Federal law and expressly disclaims all theories of recovery, if any, that may exist exclusively under Federal law**. **Plaintiff does not seek relief**

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[9] Zhang, X., Zhou, T., Zhang, W. et al. Increased impact of heat domes on 2021-like heat extremes in North America under global warming. Nat Commun 14, 1690 (2023). https://doi.org/10.1038/s41467-023-37309-y.

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with respect to any federal enclave located within the County's geographic borders, or any federal enclave elsewhere.

II. THE PARTIES, JURISDICTION AND VENUE

A. Plaintiff

18.

Multnomah County is an existing county government duly formed under the laws of the State of Oregon and is a body politic and corporate. The seat of Multnomah County is in Portland, Oregon. The Multnomah County Board of Commissioners is duly elected to exercise the powers of Multnomah County and has approved the filing of this lawsuit. According to the 2020 US consensus, 815,428 people reside in Multnomah County, the state's most populous county.

19.

Pursuant to ORS 468A.205(2) the Oregon legislature declared "that it is the policy of this state for state and local governments, businesses, nonprofit organizations and individual residents to prepare for the effects of global warming and by doing so, prevent and reduce the social, economic, and environmental effects of global warming."

20.

It has long been the policy in the State of Oregon that the discharge into the air of gases and particulates that cause injury to human, plant or animal life is a public nuisance and, as such, is contrary to public policy.[10] Moreover, since 1951, it has been the public policy in Oregon "[t]o

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[10] *Smejkal v. Empire Lite-Rock, Inc.*, 547 P.2d 1363, 1367, 1976 Ore. LEXIS 904, *13 (April 26, 1976).

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restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the state."[11]

21.

Multnomah County has standing and authority to bring this lawsuit under the Constitution of the State of Oregon, Oregon Revised Statutes, The Multnomah County Charter, and under the common law principle of *parens patriae*. Multnomah County has the right to bring this action to recover damages caused by the Defendants' malfeasance and protect the public interest and public health of its citizens against fossil fuel induced weather extremes.

22.

On June 22, 2023, the Multnomah County Board of Commissioners voted unanimously on a resolution declaring that ACC has caused an on-going public nuisance of climate related mass catastrophe events driven by human caused climate change that has increased the frequency, duration, and intensity of multiple disasters, which include extreme heat events (including, but not limited to, "heat domes"), wildfires (and wildfire-generated smoke), and drought. Thus, the existence of a public nuisance that burdens the County from anthropogenic climate change is memorialized by official decree of Multnomah County.

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[11] *Id.* (citing Oregon Laws 1951, Chapter 425, § 7).

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B. Defendants

1. Oil and Gas Defendants

23.

The Oil and Gas Defendants and Coal Defendants in this action, both individually and collectively, have substantially polluted the world's atmosphere with the greenhouse gases ("GHG") that super heat the planet's surface and catalyze extreme heat events. About three quarters of all fossil fuel combustion CO2 emissions in history have occurred since the 1960s and estimates have more than half occurring since the late 1980s and even as late as 1994.12 The annual rate of CO2 emissions by some estimates from production, consumption, and use of fossil fuels has increased by more than 60% since 1990.13 Cumulative carbon analysis allows an accurate calculation of net annual CO2 and methane emissions attributable to each Defendant by quantifying the amount and type of fossil fuel products each Defendant extracted and placed into the stream of commerce, and multiplying those quantities by each fossil fuel product's carbon factor.14

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[12] R. J. Andres et al., A synthesis of carbon dioxide emissions from fossil-fuel combustion, 9 BIOGEOSCIENCES1845, at 1851 (2012), https://bg.copernicus.org/articles/9/1845/2012/bg-9-1845-2012.pdf (last visited June 20, 2023); See also ¶¶ 165-174.

[13] Le Quéré et al., Global Carbon Budget 2016, 8 EARTH SYST. SCI. DATA 605, at 630 (2016), https://essd.copernicus.org/articles/8/605/2016/essd-8-605-2016.pdf (last visited June 20. 2023).

[14] Richard Heede, Tracing Anthropogenic Carbon Dioxide and Methane Emissions to Fossil Fuel and Cement Producers, 1854–2010, 122 CLIMACTIC CHANGE 229-241 (2014), https://link.springer.com/content/pdf/10.1007/s10584-013-0986-y.pdf; see also, Richard Heede, Carbon Majors: Update of Top Twenty companies 1965-2017, CLIMATE ACCOUNTABILITY INSTITUTE (Oct. 9, 2019), https://climateaccountability.org/wp-content/uploads/2020/12/CAI-PressRelease-Top20-Oct19.pdf (last visited June 20. 2023).

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24.

The Oil and Gas Defendants, listed below, (along with their co-venturer carbon majors) are directly responsible for the majority of global GHG emissions from 1965-present.

25.

Defendant, Exxon Mobil Corp. ("Exxon") is incorporated in New Jersey, with its principal place of business in Irving, Texas. It is registered with the SEC and is traded under the symbol, "XOM." Exxon, along with Defendants, BP, Shell, Chevron and their predecessor corporations constituted a group in the 1970's known as the "Seven Sisters,"[15] which controlled around 85% of the world's petroleum reserves.[16]

26.

Exxon is an American multinational oil and gas corporation and has consistently ranked as the world's second largest company by revenue.[17] It is one of the largest of the world's Big Oil companies.[18]

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[15] "Seven Sisters" was a common term for the seven transnational oil companies of the "Consortium for Iran" oligopoly or Enterprise, which dominated the global petroleum industry from the mid-1940s to the mid-1970s. The industry group consisted of Anglo-Iranian (started as Anglo-Persian) Oil Company (now BP), Gulf Oil (later part of Chevron), Royal Dutch Shell, Standard Oil Company of California (SoCal, now Chevron), Standard Oil Company of New Jersey (Esso, later Exxon, now part of Exxon Mobil), Standard Oil Company of New York (Socony, later Mobil, also now part of ExxonMobil), and Texaco (later merged into Chevron).

[16] Ian Mann, Shaky industry that runs the world, THE TIMES (Jan. 24, 2010), https://www.timeslive.co.za/ideas/2010-01-24-shaky-industry-that-runs-the-world/ (last visited June 14, 2023).

[17] Fortune, Global 500, FORTUNE 500, https://fortune.com/fortune500/2022/ (last visited June 14, 2023).

[18] Id.

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27.

Exxon is vertically integrated and is active in every area of the oil and gas industry, including exploration and production, refining, transport, distribution and marketing, petrochemicals, plastics, power generation and trading.

28.

When ranked by oil and gas reserves, Exxon, is ranked 14th in the world.[19] Exxon's total assets at the end of 2018 were valued at $346.2 billion.[20]

29.

Exxon manages, directs, and controls its and its subsidiaries' policies and practices related to climate change and fossil fuel production. Exxon is the second largest investor-owned greenhouse gas emitter.[21]

30.

Exxon is the largest non-government owned company in the energy industry.[22] Exxon is

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[19] Steve Forbes, Will We Rid Ourselves of This Pollution?, FORBES (Mar. 20, 2007), https://www.forbes.com/forbes/2007/0416/033.html?sh=350a237f22f4 (last visited June 14, 2023).

[20] Exxon Mobil, 2018 Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 (Form 10K), EXXONMOBIL (Feb. 27, 2019), https://www.sec.gov/Archives/edgar/data/34088/000003408819000010/xom10k2018.htm (last visited June 15, 2023).

[21] Exxon Mobil, 2018 Financial & Operating Review, EXXONMOBIL (2019) https://corporate.exxonmobil.com/-/media/Global/Files/annual-report/2018-Financial-and-Operating-Review.pdf (last visited June 14, 2023).

[22] Roslan Khasawneh, Exxon Mobil Eyes Multi-Billion Dollar Investment at Singapore Refinery: Executive, REUTERS (Oct. 3, 2018), https://www.reuters.com/article/us-singapore-bunker-sibcon-exxon-mobil-idUKKCN1MD0EF (last visited June 14, 2023).

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organized functionally into several global operating divisions, namely Upstream, Downstream and Chemical, such as Exxon Coal & Minerals, Inc. It also owns hundreds of smaller subsidiaries, all fossil fuel based, such as Imperial Oil Limited (69.6% ownership) in Canada, and SeaRiver Maritime, a petroleum shipping company.

31.

Exxon's upstream operation includes exploration, extraction, shipping, and wholesale operations. Those operations drive much of ExxonMobil's revenue, accounting for approximately 70% of the total.[23]

32.

Exxon's downstream operation, consisting of marketing, refining, and retail operations, is based in Houston, Texas. Exxon merged its refining and marketing divisions, namely ExxonMobil Refining and Supply Company and ExxonMobil Fuels, Lubricants & Specialties Marketing Company in 2018, which enables ExxonMobil to generate more cash flow from downstream activities – helping the energy giant to counter the volatility in its upstream business. Exxon's downstream operations include its sales of petroleum-based consumer products in Oregon.

33.

ExxonMobil Chemical is a petrochemical company which was created by merging Exxon's and Mobil's chemical industries. Its principal products include petroleum-based olefins and

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[23] Exxon Mobil, ExxonMobil Financial and Operations Summary: Overview and Highlights, EXXONMOBIL (2018) https://web.archive.org/web/20181024231915/https://corporate.exxonmobil.com/en/company/annual-report/financial-operating-highlights (last visited June 14, 2023).

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aromatics, ethylene glycol, polyethylene, and polypropylene along with specialty lines such as elastomers, plasticizers, solvents, process fluids, oxo alcohols and adhesive resins.

34.

Exxon's "Mobil 1" brand is the market leader in high-value synthetic lubricants and is sold in Oregon.[24]

35.

Exxon's "Infineum" line is a joint venture with Royal Dutch Shell that manufactures and markets petroleum additives for the fuel and lubricant industries to commercial and consumer markets.[25] The Infineum line manufactures and markets crankcase lubricant additives, fuel additives, and specialty lubricant additives, as well as automatic transmission fluids, gear oils, and industrial oils.[26] Infineum is a formulator, manufacturer and marketer of petroleum additives for the fuel and lubricant industries. Their products include small engine, passenger car motor, heavy-duty engine, gas engine, and marine oils along with fuels, transmission fluids, viscosity modifiers, and pour point depressants.[27] Their products are classified into five distinct groups: driveline

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[24] ExxonMobil, ExxonMobil 2018 Financial & Operating Review, EXXONMOBIL (Apr. 2. 2019) https://corporate.exxonmobil.com/-/media/Global/Files/annual-report/2018-Financial-and-Operating-Review.pdf (last visited June 18, 2023).

[25] Jack W. Plunkett, Plunkett's Chemicals, Coatings & Plastics Industry Almanac: The Only Complete Guide to the Chemicals Industry (2009).

[26] Id.

[27] Bloomberg, Infineum International Limited – Company Profile and News, BLOOMBERG https://www.bloomberg.com/profile/company/2573746Z:LN?leadSource=uverify%20wall (last visited June 20, 2023).

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additives, engine oil additives, fuel additives, marine additives and industrial products and are sold worldwide, including in Oregon and Multnomah County.

36.

Exxon advertises, markets, and sells its products in Oregon and Multnomah County. Exxon conducts substantial fossil fuel product business in Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.

37.

Exxon also has a known joint venture with another carbon major, Petrobras,[28] which is responsible for gigatons of industrial CO_2e GH emissions from 1965-2023.

38.

Considering Exxon's responsibility, coupled with those of its joint venture carbon major partner, Exxon is responsible for substantial GHG emissions from 1965-2023 in both the direct and indirect use of their products.

39.

Exxon is a major carbon emitter, and its emissions are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which Exxon is individually as well as jointly and severally liable to Plaintiff.

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[28] ExxonMobil, Petrobras and ExxonMobil Form Strategic Alliance, ExxonMobil (Dec. 14, 2017) https://corporate.exxonmobil.com/news/news-releases/2017/1214_petrobras-and-exxonmobil-form-strategic-alliance (last visited June 20, 2023).

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40.

Exxon engaged in an enterprise of misrepresentation about the effect its activities would have on the climate, and that they could cause such an extreme heat event to occur. Exxon's misrepresentations and fraud were individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which Exxon is individually as well as jointly and severally liable to Plaintiff.

41.

Defendant, Shell PLC F.K.A. Royal Dutch Shell PLC is a public limited company registered in England and Wales, with its international headquarters in The Hague, Netherlands. Shell's headquarters for its U.S. operations is in Houston, Texas. Shell manages, directs, and controls its and its subsidiaries' policies and practices related to climate change and fossil fuel production. Shell is the seventh largest investor-owned greenhouse gas emitter.

42.

Defendant, Shell USA, Inc. is a corporation incorporated in Delaware, and headquartered at 1000 Main Street, Houston, Texas 77002. Shell USA can be served through its registered agent in Oregon.

43.

Defendant, Equilon Enterprises LLC dba Shell Oil Products US is an oil refiner and marketer incorporated in Delaware and with headquarters located at 910 Louisiana Street, Houston, Texas 77002. Equilon Enterprises LLC dba Shell Oil Products US sold over 39,348,691 $mtCO_2e$ worth of fossil fuels in Oregon.

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44.

Together Defendants Shell PLC F.K.A. Royal Dutch Shell PLC, Shell USA, Inc, Equilon Enterprises LLC dba Shell Oil Products US, and any other subsidiaries and affiliate entities are collectively, "Shell."

45.

Shell has operations in over 70 countries, produces nearly 3.2 million barrels of oil equivalent per day, sold 64.2 million tons of liquefied natural gas (LNG) during 2021 and has interests in 10 refineries.[29] Like Exxon, Shell has billions in proven reserves. As of the end of December 2014, Shell boasted 13.7 billion barrels of oil equivalent.[30] Shell is registered with the SEC and is traded as RDSA. At the end of 2018, Shell reported $339.2 billion in assets.[31]

46.

Like Exxon, Shell is vertically integrated and is active in every area of the oil and gas industry, including exploration and production, refining, transport, distribution and marketing, petrochemicals (plastics), power generation and trading.[32]

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[29] Shell Global, Who We Are, SHELL PLC https://www.shell.com/about-us/who-we-are.html (last visited June 14, 2023).

[30] Shell Global, Recommended Cash and Share Offer for BG Group PLC by Royal Dutch Shell PLC, SHELL PLC (Apr. 8, 2015) https://www.shell.com/media/news-and-media-releases/2015/recommended-cash-and-share-offer-for-bg-group-plc.html (last visited June 14, 2023).

[31] Royal Dutch Shell PLC, Form 20-F Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 (Mar. 14, 2019) https://shell.gcs-web.com/static-files/548074c8-9ff1-4e08-9c69-ffd2c081f875 (last visited June 14, 2023).

[32] Vertical integration is the merging together of two businesses that are at different stages of production—for example, a food manufacturer and a chain of supermarkets. Merging in this way with something further on in the production process (and thus closer to the final consumer) is

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47.

Shell branded gasoline was sold in Oregon through retail stations and wholesale distributors. Shell lubricants are sold through Christensen USA in Oregon.[33] Shell's website reflects at least 205 Shell gas stations in Oregon, with as many as 156 in the Multnomah County area as of June 22, 2023.[34]

48.

Shell owns "Pennzoil," "Quaker State" and "Jiffy Lube." Shell sells its engine oil and lubricants in Multnomah County, Oregon, and around the world. Shell claims to be the number one global lubricant supplier, delivering market-leading lubricants to consumers in over 100 countries.[35] Shell advertises, markets, and sells its products, including consumer products, in Multnomah County. Shell conducts substantial fossil fuel product business in Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.

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known as forward integration. The Economist, Vertical Integration, THE ECONOMIST (Mar. 20, 2019) https://www.economist.com/news/2009/03/30/vertical-integration (last visited June 18, 2023).

[33] Shell United States, Find a Shell Lubricants Dealer, Shell United States https://www.shell.us/business-customers/lubricants-for-business/lubricants-distributor-locator.html (last visited June 15, 2023); Christensen, Fuel Products, Lubricants, Partners, Christensen USA https://christensenusa.com/products/ (last visited June 15, 2023).

[34] Shell United States, Gas Station Near Me, SHELL UNITED STATES https://www.shell.us/motorist/gas-station-near-me (last visited June 14, 2023).

[35] Shell United States, Shell Engine Oils and Lubricants, SHELL UNITED STATES https://www.shell.com/motorist/oils-lubricants (last visited June 14, 2022).

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49.

Shell is responsible for substantial GHG emissions from 1965-2023 in both the direct and end use of their products.

50.

Shell also has joint ventures with another carbon major, Gazprom,[36] which is responsible for substantial GHG emissions from 1965-2023. Shell also has known joint ventures with another carbon major, National Iranian Oil Company,[37] which is also responsible for substantial GHG emissions from 1965-2023.

51.

Shell also has known joint ventures with another carbon major, China Petroleum,[38] which is responsible for substantial GHG emissions from 1965-2023. Shell also has known joint ventures with another carbon major, Pemex,[39] which is responsible for substantial GHG emissions from 1965-2023.

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[36] Reuter Staff, Gazprom, Shell to invest $13 billion in projects in Russia: Russian Energy Minister, Reuters (June 16, 2016) https://www.reuters.com/article/us-russia-forum-gazprom-shell/gazprom-shell-to-invest-13-billion-in-projects-in-russia-russian-energy-minister-idUSKCN0Z223G (last visited June 14, 2023).

[37] Tom DiChristopher, The Billion-Dollar Gold Rush to Tap into Iranian Oil, CNBC (Nov. 6, 2016) https://www.cnbc.com/2016/11/03/the-billion-dollar-gold-rush-to-tap-into-iranian-oil.html (last visited June 14, 2023).

[38] Offshore Energy, Shell, CNPC Form Well Manufacturing JV (The Netherlands), OFFSHORE ENERGY (Jun. 20, 2011) https://www.lngworldnews.com/shell-cnpc-form-well-manufacturing-jv-the-netherlands/ (last visited June 20. 2023).

[39] Oil & Gas Journal, Pemex to Acquire Interest in Shell Texas Refinery, OIL & GAS JOURNAL (Aug. 31, 1992) https://www.ogj.com/home/article/17218678/pemex-to-acquire-interest-in-shell-texas-refinery (last visited June 20. 2023).

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52.

Shell also has a known joint venture with another carbon major, Abu Dhabi National Oil Company,[40] which is responsible for substantial GHG emissions from 1965-2023.

53.

Shell also has a known joint venture with another carbon major, Kuwait National Petroleum Corporation,[41] which is responsible for substantial GHG emissions from 1965-2023.

54.

Considering Shell's responsibility, coupled with those of its joint venture carbon major partners, Shell and its affiliates have contributed a substantial amount of industrial GHG emissions from 1965 to 2023.

55.

Shell is a major carbon emitter, and its emissions are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which Shell is individually and jointly and severally liable to Plaintiff.

56.

Shell has engaged in an enterprise of misrepresentation about the effect its activities would have on the climate, and that they could cause such an extreme heat event to occur. Shell's

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[40] Abu Dhabi National Oil Company, Our Partners, ABU DHABI NATIONAL OIL COMPANY https://www.adnoc.ae/en/our-partners (last visited June 14, 2023).

[41] 360 Feed Wire, Kuwait Petroleum and Shell Sign Agreement for Long-Term Supply of LNG to Meet Domestic Energy Needs, OIL AND GAS 360 (Dec. 27, 2017) https://www.oilandgas360.com/wired-news-kuwait-petroleum-and-shell-sign-agreement-for-long-term-supply-of-lng-to-meet-domestic-energy-needs/ (last visited June 15, 2023).

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misrepresentations and fraud were individually and collectively (with the other Defendants) a cause of harm to Plaintiff for which Shell is individually and jointly and severally liable to Plaintiff.

57.

Defendant, Chevron Corporation is incorporated in Delaware with its principal place of business in San Ramon, California. Chevron manages, directs, and controls its and its subsidiaries' policies and practices related to climate change and fossil fuel production.[42] Chevron is a publicly traded corporation registered with the SEC and its symbol is "CVX."

58.

Chevron Corporation is an American multinational energy corporation. One of the successor companies of Standard Oil, it is headquartered in San Ramon, California, and active in more than 180 countries.

59.

Defendant, Chevron U.S.A. Inc. is a Pennsylvania corporation with its principal place of business in California. Chevron U.S.A. Inc. does business in Oregon and is the wholly owned subsidiary of Chevron Corporation.

60.

Chevron Corporation and Chevron U.S.A. Inc. are hereafter referred to as "Chevron."

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[42] Richard Heede, Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010, CLIMATIC CHANGE, (Nov. 22, 2013) https://link.springer.com/content/pdf/10.1007/s10584-013-0986-y.pdf (last visited June 15, 2023).

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61.

Like Exxon and Shell, Chevron is a fully integrated oil company, engaged in every aspect of the oil industry, including hydrocarbon exploration and production, refining, marketing, and transport; chemicals manufacturing and retail sales; plastics from petrochemicals and power generation.[43]

62.

Chevron sells the "Delo," "Ursa," "Havoline," "IsoClean" and "Techron" heavy duty diesel engine oils, coolants/antifreeze, transmission fluids, gear oils, greases and hydraulic oils in Multnomah County and Oregon.

63.

Chevron is one of the world's largest oil companies; as of 2017, it ranked nineteenth in the Fortune 500 list of the top U.S. closely held and public corporations and sixteenth on the Fortune Global 500 list of the top 500 corporations worldwide.[44] It was also one of the Seven Sisters that dominated the global petroleum industry from the mid-1940s to the 1970s.[45]

64.

According to its 2017 corporate disclosures, Chevron had $253.8 billion in total assets and 11.7 billion barrels in proven reserves.[46]

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[43] Chevron, Our History, CHEVRON, https://www.chevron.com/about/history (last visited June 15, 2023).
[44] Fortune, Chevron | 2022 Fortune 500, FORTUNE https://fortune.com/company/chevron/fortune500/ (last visited June 15, 2023).
[45] Id.
[46] Chevron, 2017 Annual Report, CHEVRON (2018).

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65.

Chevron markets and sells its products in Multnomah County and Oregon. Chevron conducts substantial fossil fuel product business in Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.

66.

Chevron is responsible for substantial GHG emissions from 1965-2023 in both the direct emissions from their industry and the end use of their products.

67.

Like Shell, Chevron partners with other carbon majors worldwide.

68.

Chevron also has known joint ventures with another carbon major, PDSVA,[47] which is responsible for substantial GHG emissions from 1965-2023. Chevron and BP also have known joint ventures with other carbon majors, Eni, Sonangol, and Total SA.[48] Eni is responsible for substantial GHG emissions from 1965-2023. Sonangol is responsible for substantial GHG emissions from 1965-2023. Total SA is responsible for substantial GHG emissions from 1965-

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https://www.chevron.com/-/media/chevron/annual-report/2017/2017-Annual-Report.pdf (last visited June 15, 2023).

[47] Chevron, Venezuela, CHEVRON, https://www.chevron.com/worldwide/venezuela. (last visited June 20. 2023); Abu Dhabi National Oil Company (ADNOC), ADNOC Signs Landmark Strategic Partnership Agreements with Eni and OMV in Refining and Trading, ABU DHABI NATIONAL OIL COMPANY (Jan. 27, 2019) https://www.adnoc.ae/en/news-and-media/press-releases/2019/adnoc-signs-landmark-strategic-partnership-agreements. (last visited June 15, 2023).

[48] NS Energy, EU clears Angolan LNG joint venture by BP, Chevron, Eni, Sonangol and Total, NS ENERGY (May 16, 2012) https://www.nsenergybusiness.com/news/newseu-clears-angolan-lng-joint-venture-by-bp-chevron-eni-sonangol-and-total-170512/ (last visited June 15, 2023).

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2023. Chevron also has known joint ventures with Nigerian National Petroleum,[49] which is responsible for substantial GHG emissions from 1965-2023.

69.

Considering Chevron's responsibility, coupled with those of its joint venture carbon major partners, Chevron and its affiliates have contributed substantial GHG emissions from 1965-2023.

70.

Chevron is a major carbon emitter, and its emissions are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which Chevron is individually and jointly and severally liable to Plaintiff.

71.

Chevron engaged in an enterprise of misrepresentation about the effect its activities would have on the climate, and that they could cause such an extreme heat event to occur. Chevron's misrepresentations and fraud were individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to Plaintiff.

72.

Defendant, BP PLC is a public limited company registered in England and Wales, with its international headquarters in London, England. The headquarters for BP's U.S. operations is in Houston, Texas. BP manages, directs, and controls its and its subsidiaries' policies and practices

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[49] Chevron, Nigeria, CHEVRON, https://www.chevron.com/worldwide/nigeria (last visited June 15, 2023).

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related to climate change and fossil fuel production. BP is the third largest investor-owned greenhouse gas emitter.

73.

Defendant, BP America, Inc., is incorporated in Delaware, and is headquartered at 501 Westlake Park Blvd, Houston, Texas 77079. BP America can be served through its registered agent in Oregon.

74.

Defendant, BP Products North America, Inc., F.K.A. The American Oil Company, F.K.A. the AMOCO Oil Company, is a Maryland corporation registered to do business in Oregon. BP Products North America is described as one of the largest retailers of oil and gas in the United States, including Oregon and Multnomah County.

75.

Defendants BP PLC, BP America, Inc., and BP Products North America, Inc. and all subsidiaries and affiliates are collectively referred to as "BP."

76.

BP is one of the world's seven oil and gas "supermajors" (including Exxon, Shell, Chevron, ConocoPhillips among others).[50] Like Exxon, Shell, and Chevron, BP is vertically integrated in both the production, refining and marketing of oil-based products.

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[50] Tom Bergin, Oil Majors Output Grown Hinges On Strategy Shift, REUTERS (Aug. 1, 2008) https://www.reuters.com/article/us-oilmajors-production-idUSL169721220080801 (last visited June 15, 2023).

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77.

BP upstream activities include exploring for new oil and natural gas resources, developing access to such resources, and producing, transporting, storing, and processing oil.[51] In 2017, BP produced around 3.6 million barrels per day of oil equivalent,[52] of which 2.26 million barrels per day were liquids and 7.744 billion cubic feet was natural gas. In 2017, BP boasted reserves of 18.441 million barrels per day of oil equivalent.[53]

78.

BP downstream activities include the refining, marketing, manufacturing, transportation, trading and supply of crude oil, petrochemicals and petroleum-based plastic and resin products.[54] BP's downstream operation is responsible for BP's fuels, lubricants and petrochemical businesses and has major operations located in Europe, North America, and Asia.[55]

79.

Castrol is BP's main brand for industrial and automotive lubricants and is applied to a large range of BP oils, greases and similar products for most lubrication applications, selling these

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[51] Forbes, BP Company Overview & News, FORBES https://www.forbes.com/companies/bp/?sh=6e11aa61384b#41b79e1c384b (last visited June 15, 2023).
[52] BP, BP Annual Report and Form 20-F 2017, BP (2018) https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/investors/bp-annual-report-and-form-20f-2017.pdf (last visited June 15, 2023).
[53] Id.
[54] Forbes, BP Company Overview & News, FORBES https://www.forbes.com/companies/bp/?sh=6e11aa61384b#41b79e1c384b (last visited June 15, 2023).
[55] Reuters, BP PLC Stock Price & Latest News, REUTERS https://www.reuters.com/markets/companies/BP.L (last visited June 15, 2023).

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products worldwide,[56] including in Multnomah County. BP has three refineries located in the US that represent about 40% of their global refining capacity.[57] BP markets petroleum products in more than 50 countries worldwide.[58] It has around 18,300 service stations.[59]

80.

BP is registered with the SEC and is traded as "BP." On July 28, 2018, it was reported that BP has acquired a portfolio of unconventional oil and gas assets from BHP Billiton Petroleum (North America) for $10.5 billion.[60] BHP was also a member of API.[61] BP markets and sells its products in Multnomah County and Oregon. BP conducts substantial fossil fuel product business in Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.

81.

BP is responsible for substantial GHG emissions from 1965-2023.

82.

As of February 27, 2022, BP held 19.75% of the shares of Rosneft Oil Company (OTC:

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[56] BP, Castrol, BP https://www.bp.com/en/global/corporate/who-we-are/our-brands/castrol.html (last visited June 15, 2023).
[57] BP, Refineries, BP, https://www.bp.com/en_us/united-states/home/what-we-do/production-and-operations/refineries.html (last visited June 15, 2023).
[58] BP, BP Annual Report and Form 20-F 2017, BP (2018) https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/investors/bp-annual-report-and-form-20f-2017.pdf (last visited June 15, 2023).
[59] Id.
[60] Sonali Paul and Ron Bousso, BP pays $10.5 billion for BHP shale assets to beef up U.S. business, REUTERS (Jul. 26, 2018) https://www.reuters.com/article/us-bhp-divestiture-bp-idUSKBN1KG34V (last visited June 15, 2023).
[61] BHP, Industry Associations 2019 Review: Second Update, BHP (2019) https://www.bhp.com/about/operating-ethically/industry-associations/2019-review-second-update (last visited June 15, 2023).

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OJSCY).[62] Rosneft serves as the leader of Russia's petroleum industry and remains the world's largest publicly traded petroleum company. BP and Rosneft have a joint-venture agreement to develop prospective resources in East and West Siberia. Rosneft is responsible for substantial GHG emissions from 1965-2023.

83.

BP, along with China Petroleum and Basra Oil Company, are working in partnership to develop Rumaila, an oil field in Iraq and the third-largest producing field in the world, estimated to have around 17 billion barrels of recoverable oil remaining.[63] BP is also providing technical assistance to the North Oil Company to aid the redevelopment of the Kirkuk field in Iraq. Kirkuk is estimated to have around 9 billion barrels of recoverable oil remaining. Basra Oil Company and North Oil Company are two of the nine companies that are owned by the Iraq National Oil Company,[64] another carbon major which is responsible for substantial GHG emissions from 1965-2023.

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[62] BP, BP to Exit Rosneft Shareholding, BP (Feb. 27, 2022) https://www.bp.com/en/global/corporate/news-and-insights/press-releases/bp-to-exit-rosneft-shareholding.html (last visited June 15, 2023).

[63] BP, What We do, Iraq, Reviving One of the World's Super-giant Oilfields, BP https://www.bp.com/en/global/corporate/what-we-do/bp-worldwide/bp-in-iraq.html (last visited June 15, 2023).

[64] Reuters, Iraq transfers ownership of nine state oil companies to new National Oil Company, REUTERS, (Oct. 18, 2018, 10:18 AM), https://www.reuters.com/article/us-iraq-oil/iraq-transfers-ownership-of-nine-state-oil-companies-to-new-national-oil-company-idUSKCN1MS27E (last visited June 15, 2023).

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84.

BP also has known joint ventures with another carbon major, Sonatrach,[65] which is responsible for substantial GHG emissions from 1965-2023.

85.

Considering BP's responsibility, coupled with those of its joint venture carbon major partners, BP and its affiliates have contributed a substantial amount of industrial emissions from 1965-2023 in both direct emissions from their extraction and refining and the end use of their products.

86.

BP is a major carbon emitter, and its emissions are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to Plaintiff.

87.

BP has engaged in an enterprise of misrepresentation about the effect its activities would have on the climate, and that they could cause such an extreme heat event to occur. BP's misrepresentations and fraud were individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to Plaintiff.

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[65] BP, BP Has a Long History of Working in Algeria, BP https://www.bp.com/en/global/corporate/what-we-do/bp-worldwide/bp-in-algeria.html (last visited June 15, 2023).

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88.

Defendant, ConocoPhillips is incorporated in Delaware, with its principal place of business in Houston, Texas. ConocoPhillips manages, directs, and controls its and its subsidiaries' policies and practices related to climate change and fossil fuel production.

89.

ConocoPhillips is the world's largest independent pure-play exploration and production company ranking No. 77 in the 2022 Fortune 500 list of the largest United States corporations by total revenue.[66] ConocoPhillips is the fifth largest investor-owned greenhouse gas emitter.[67]

90.

Like Exxon, Shell, Chevron and BP, ConocoPhillips is a fully integrated oil company. ConocoPhillips was created through the merger of American oil companies Conoco Inc. and Phillips Petroleum Co. on August 30, 2002.[68] In 2012, ConocoPhillips spun off its downstream assets as a new, separate company, Phillips 66.[69]

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[66] Fortune, Fortune 500 List, FORTUNE https://fortune.com/fortune500/ (last visited June 15, 2023).
[67] Paul Griffin, The Carbon Majors Database CDP Carbon Majors Report 2017, CDP (Jul. 2017) https://cdn.cdp.net/cdp-production/cms/reports/documents/000/002/327/original/Carbon-Majors-Report-2017.pdf?1501833772 (last visited June 15, 2023).
[68] ConocoPhillips, Form 8-K12G3, (Aug. 30, 2002), http://edgar.secdatabase.com/2323/89882202001082/filing-main.htm (last visited June 15, 2023).
[69] Christopher Helman, As ConocoPhillips Spins Off Refining Assets, Think Twice Before Buying The New Phillips 66, FORBES, (Apr. 30, 2012), https://www.forbes.com/sites/christopherhelman/2012/04/30/as-conocophillips-spins-off-refining-assets-should-you-own-the-new-phillips-66/?sh=230ec05b4eb7 (last visited June 15, 2023).

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91.

Phillips 66 is the fourth-largest lubricants supplier in the United States. Phillips 66 claims that, with its world-class research and development facilities and eight proprietary blending and packaging facilities, Phillips 66 lubricants are sold in more than 80 countries, including the United States under the brands of "Phillips 66," "Red Line" and "Kendall."[70]

92.

ConocoPhillips participates in chemicals and plastics production worldwide through a 50 percent interest in Chevron Phillips Chemical Company LLC (CPChem), one of the world's largest producers of olefins, polyolefins, aromatics and styrenics, piping, and proprietary plastics.[71]

93.

As of 2014, CP Chem has 5,000 employees worldwide, $9 billion in assets, and 36 manufacturing and research facilities in eight countries, including the United States, Belgium, China, Colombia, Qatar, Saudi Arabia, Singapore, and South Korea.[72]

94.

ConocoPhillips is registered with the SEC and is traded as "COP." ConocoPhillips markets and sells its products in Multnomah County and Oregon. ConocoPhillips conducts substantial

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[70] Id.

[71] New York Encyclopedia, ConocoPhillips, NEW YORK ENCYCLOPEDIA, https://www.newworldencyclopedia.org/entry/ConocoPhillips (last visited June 15, 2023).

[72] Chevron Phillips Chemical, Who We Are, CHEVRON PHILLIPS CHEMICAL, https://www.cpchem.com/who-we-are/company-history (last visited June 15, 2023).

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fossil fuel product business in Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.

95.

ConocoPhillips is responsible for substantial GHG emissions from 1965-2023 in both direct emissions from their extraction and refining and end use of their products.

96.

ConocoPhillips is a major carbon emitter, and its emissions are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff, for which it is individually and jointly and severally liable to Plaintiff.

97.

ConocoPhillips has engaged in an enterprise of misrepresentation about the effect its activities would have on the climate, and that they could cause such an extreme heat event to occur. ConocoPhillips's misrepresentations and fraud were individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to Plaintiff.

98.

Defendant, Motiva Enterprises, LLC ("Motiva") is a wholly owned subsidiary of Saudi Arabia Refining Company ("Aramco"). Motiva has an interest in a joint-venture partnership with Shell and Texaco known as Motiva Enterprises, LLC, which refines and markets petroleum products in the eastern and Gulf Coast areas of the United States under the Texaco and Shell

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brands. Motiva Enterprises, LLC, is a fully owned affiliate of Aramco and is headquartered in Houston, Texas.[73]

99.

State-owned Saudi Aramco is one of the world's largest petrochemical companies, with 2018 sales of almost $356 billion. In 2019, Aramco announced plans to invest $15 billion to acquire a 20% stake in a Reliance Industries Ltd. unit that includes one of the world's largest polypropylene businesses.[74]

100.

In March, Aramco paid a little more than $69bn (€61bn) for a 70% stake in global commodity and engineering resins supplier Saudi Basic Industries Corp.[75] Saudi Aramco also has partnered with Dow Inc. on the Sadara plastics and petrochemicals joint venture in Saudi Arabia.

101.

In 2017, Aramco purchased Motiva Enterprises, LLC from Co-Defendant Shell, including the Port Arthur, Texas refinery and the right to sell Shell branded gasoline and diesel in numerous

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[73] Aramco, Saudi Aramco and Shell Finalize Agreement to Separate Motiva Assets, ARAMCO (Mar. 7, 2017) https://www.aramco.com/en/news-media/news/2017/motiva-shell-aramco-separation (last visited June 15, 2023).

[74] Frank Esposito, Saudi Aramco continues growth with Texas acquisition, (Aug. 21, 2019, 1:25 PM), PLASTIC NEWS EUROPE, https://www.plasticsnews.com/news/saudi-aramco-continues-buying-spree-flint-hills-feedstocks-site-texas (last visited June 15, 2023).

[75] On March 27, 2019, SABIC announced that state-owned energy company Saudi Aramco signed a share purchase agreement to acquire a 70% majority stake in SABIC from the Public Investment Fund of Saudi Arabia in a private transaction worth $69.1 billion. Aramco, Saudi Aramco Signs Share Purchase Agreement to Acquire 70% Majority Stake in SABIC from the Public Investment Fund of Saudi Arabia, ARAMCO (Mar. 27, 2019) https://www.aramco.com/en/news-media/news/2019/aramco-sabic (last visited June 15, 2023).

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US states, including Oregon.

102.

SABIC (Saudi Arabia Basic Industries Corporation) is a public petrochemical company founded in 1976 and based in Riyadh, Saudi Arabia. SABIC is 70% owned by Aramco.[76]

103.

SABIC is active in chemicals and intermediates, industrial polymers, fertilizers, and metals. SABIC is the world's third-largest producer of polyethylene and the fourth-largest producer of polypropylene and polyolefins in general.[77] The company operates in more than 40 countries across the world, has 60 manufacturing sites and employs over 40,000 people. According to Forbes, SABIC generated about $35 billion in sales in 2017.[78]

104.

Motiva's products include diesel, gasoline, liquefied petroleum gas (LPG), aviation fuel, and lubricants, which are supplied to American states in the South, Mid-Atlantic, and the Northeast. Marketing outlets include 5200 Shell and 76-branded service stations, and 24 storage and distribution terminals.

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[76] Bloomberg, Saudi Basic Industries Corp. (SABIC: Saudi Arabia): Stock Quote & Company Profile - Businessweek, BLOOMBERG, https://www.bloomberg.com/quote/SABIC:AB?leadSource=uverify%20wall (last visited June 15, 2023).

[77] Plastics Technology, Top 10 Largest Plastic Producing Companies, PLASTICS TECHNOLOGY https://www.plastics-technology.com/articles/top-largest-plastic-producing-companies (last visited June 15, 2023).

[78] Forbes, Saudi Basic Industries, Company Overview & News, FORBES, https://www.forbes.com/companies/saudi-basic-industries/#2aa3a7a073dc (last visited June 15, 2023).

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105.

Motiva is registered to do business in Oregon. Motiva markets and sells its products in Oregon through its joint ventures with co-Defendants. Motiva conducts substantial fossil fuel product business in Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.

106.

Parent company Aramco is the world's largest contributor to global industrial GHG and is responsible for substantial GHG emissions from 1965-2023 in both direct emissions from their industry and end use of their products.

107.

Motiva is a major carbon emitter, and its emissions are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to Plaintiff.

108.

Motiva engaged in an enterprise of misrepresentation about the effect its activities would have on the climate, and that they could cause such an extreme heat event to occur. Motiva's misrepresentations and fraud were individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to Plaintiff.

109.

Defendant, Occidental Petroleum F.K.A. Anadarko Petroleum Corp. (Anadarko) is an American Petroleum and natural gas exploration company headquartered in The Woodlands,

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Texas. Anadarko is ranked 257th on the Fortune 500[79] and is registered with the SEC and is traded as APC.

110.

Anadarko, in addition to exploration and production, engages in petroleum and natural gas gathering, processing, treating, and transportation. The company also participates in the hard minerals business through its ownership of non-operated joint ventures and royalty arrangements.

111.

As of December 31, 2018, the company had approximately 1.473 billion barrels of oil equivalent of proved reserves, 45% of which was oil reserves, 37% of which was natural gas, and 18% was natural gas liquids. In 2018, the company produced 666 thousand barrels of oil equivalent per day.[80]

112.

In 2019, Anadarko was acquired by Occidental Petroleum. Occidental Petroleum is responsible for substantial GHG emissions from 1965-2023.

113.

Anadarko operates in the upstream, midstream, and downstream marketing of its oil-based

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[79] Fortune 500, Anadarko Petroleum, FORTUNE, https://fortune.com/fortune500/2016/anadarko-petroleum/ (last visited June 15, 2023).

[80] U.S. Securities and Exchange Commission, Anadarko Petroleum Corporation 2018 Form 10-K Annual Report, U.S. SECURITIES AND EXCHANGE COMMISSION, https://www.sec.gov/Archives/edgar/data/773910/000077391019000009/apc201810k-10k.htm (last visited June 15, 2023).

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products, including plastics.[81]

114.

The company's international operations accounted for 14% of total sales volumes during 2018 and 12% of total proved reserves at year-end 2018. The company has holdings in Algeria, Ghana, Mozambique, Colombia, and The Ivory Coast among others.[82]

115.

Anadarko markets and sells consumer products[83] worldwide, including in Oregon. Anadarko conducts substantial fossil fuel product business in Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.

116.

Anadarko is responsible for substantial GHG emissions from 1965-2023 in both direct emissions from their extraction and end use of their products.

117.

Considering Anadarko's responsibility, coupled with its parent carbon major Occidental, Anadarko and its parent are responsible for substantial GHG emissions from 1965-2023 in both direct emissions from the extraction and end use of their products.

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[81] Business Wire, Occidental Completes Acquisition of Anadarko, BUSINESS WIRE (Aug. 8, 2019, 11:21 AM) https://www.businesswire.com/news/home/20190808005586/en/Occidental-Completes-Acquisition-of-Anadarko (last visited June 15, 2023).

[82] Fortune 500, Anadarko Petroleum, FORTUNE, https://fortune.com/fortune500/2016/anadarko-petroleum/ (last visited June 15, 2023).

[83] Forbes, Anadarko Petroleum, FORBES https://www.forbes.com/companies/anadarko-petroleum/?sh=40dcb73c468c (last visited June 15, 2023).

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118.

Anadarko is a major carbon emitter, and its emissions are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to Plaintiff.

119.

Anadarko engaged in an enterprise of misrepresentation about the effect its activities would have on the climate, and that they could cause such an extreme heat event to occur. Anadarko's misrepresentations and fraud were individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which it is individually and jointly and severally liable to Plaintiff.

120.

Defendant, Valero Energy Corporation, ("Valero") is a corporation organized under the laws of the state of Delaware, with its principal place of business at One Valero Way, in San Antonio, Texas.

121.

Valero Energy Corporation is the world's largest independent petroleum refiner. Through its subsidiaries, Valero Energy Corporation owns 15 petroleum refineries in the United States, Canada, and the United Kingdom which generate total throughput capacity of approximately 3.2 million barrels per day. Valero Energy Corporation and its subsidiaries supply approximately 7,000

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independently owned fuel outlets carrying its family of brands in the United States, Canada, the U.K., Ireland, and Mexico, as well as rack and bulk markets in those countries and Peru.[84]

122.

Valero Energy Corporation determines and directs marketing, production, and/or distribution of fossil fuel products for itself and its subsidiaries. Additionally, Valero Energy Corporation directs policy and procedures for itself and its subsidiaries regarding the marketing, advertising, climate change, and greenhouse gas emissions from fossil fuel products, and communications strategies concerning climate change and the link between fossil fuel use and climate-related impacts on the environment and communities.

123.

Valero Energy Corporation subsidiary, Valero Marketing and Supply Company, has been registered to do business in Oregon and has had a designated agent for service of process in Oregon from 1999 to the present. Valero Energy Corporation subsidiary, Valero Payment Services Company, has been registered to do business in Oregon and has had a designated agent for service of process in Oregon from 2015 to the present. Valero Energy Corporation subsidiary, Valero Refining Company-California, has been registered to do business in Oregon and has had a designated agent for service of process in Oregon from 2000 to the present.

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[84] Valero, Our History Advancing the Future of Energy Through the Years https://www.valero.com/about/our-history (last visited June 18, 2023).

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124.

At times relevant herein, Valero Energy Corporation, individually, and through one or more of its subsidiaries, sold fossil fuel products including fuels, engine oils, lubricants, and/or greases at several gas stations owned and/or operated in Oregon including but not limited to stations located in the Oregon cities of Ashland, Bend, Eugene, Klamath Falls, and Medford. Valero Energy Corporation and the subsidiaries it controls conduct substantial fossil fuel product business in Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.

125.

Valero is responsible for substantial GHG emissions in both direct emissions from their refining, transportation, and retail sales of their products.

126.

Fossil fuel emissions attributable to Valero Energy Company and the subsidiaries it controls are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which the company is individually and jointly and severally liable to Plaintiff. Valero Energy Company refused to disclose the truth about the nature and degree to which its fossil fuel operations, and those of the subsidiaries it controls, could super heat and thereby harm Multnomah County. This Defendant's deception is individually and collectively (with the other Defendants) a of enormous harm to the Plaintiff for which the Defendant is individually and jointly and severally liable to Plaintiff.

127.

Defendant, Koch Industries, Inc., ("Koch") is a corporation organized and existing under the laws of the State of Kansas with its headquarters located in Wichita, Kansas. Koch is the second

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largest privately held company in the United States and earned more than $120 billion in revenue in 2022.[85]

128.

Koch Industries, Inc. consists of multiple subsidiaries and affiliates, many of which are and have been involved in the exploration, extraction, production, manufacturing, refining, distribution, and/or marketing of petroleum products. Those subsidiaries unnamed in this First Amended Complaint are DOES 1-25.

129.

One such subsidiary, Flint Hills Resources LP, formerly known as Koch Petroleum Group, is a wholly owned subsidiary of Koch Industries which sells gasoline, diesel, jet fuel, ethanol, polymers, intermediate chemicals, base oils, and asphalt. It operates refineries with a combined crude oil processing capacity of more than 700,000 barrels per day.[86] Additionally, it transports petroleum products through a network of over 4,000 miles of pipeline.[87]

130.

Koch Industries, Inc. has a substantial presence in the State of Oregon. According to the company website, Koch Industries, Inc. accounts for 1,617 jobs and $148,591,526 in wages and

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[85] Murphy, A., America's Largest Private Companies Forbes (Decemner 1, 2022) https://www.forbes.com/lists/largest-private-companies/?sh=4d6a7d9cbac4 (last visited on June 18, 2023).
[86] Flint Hills Resources, The Rewards of Refining, https://www.fhr.com/products-services/fuels-and-aromatics (last visited on June 18, 2023).
[87] Id.

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benefits in the State of Oregon.[88] One of its wholly owned subsidiaries, Georgia Pacific, has 4 locations in Oregon, including one in Multnomah County, which account for total combined compensation and benefits, including direct and indirect jobs, of $450,000,000, and capital investments and acquisitions in Oregon since 2013 valued at $746,000,000.[89]

131.

Several Koch Industries, Inc. subsidiaries, including the petroleum refining, distributing, and transporting subsidiary, Flint Hills Resources LP, are registered to do business in the State of Oregon. Flint Hills Resources LP and its predecessor entities have been registered to do business in Oregon from 1995 to the present.

132.

Koch Industries, Inc. controls and has controlled companywide decision making about the amount and scope of its fossil fuel production and sales, including those of its subsidiaries. Koch Industries, Inc. determines and directs marketing, production, and/or distribution of fossil fuel products by its subsidiaries. Additionally, Koch Industries, Inc. controls and has controlled companywide decision making on matters including but not limited to marketing, advertising, climate change, and greenhouse gas emissions from its fossil fuel products, and communications

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[88] Koch Industries, Driving Change Around the World – Locations https://www.kochind.com/about/locations (last visited on June 18, 2023).

[89] Georgia Pacific Our Locations https://www.gp.com/about-us/locations/oregon/ (last visited on June 18, 2023).

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strategies concerning climate change and the link between fossil fuel use and climate-related impacts on the environment and communities, on behalf of itself and its subsidiaries.

133.

Defendant Koch Industries, Inc. and its predecessors, successors, parents, subsidiaries, affiliates, and/or divisions, are collectively referred to herein as "Koch."

134.

Koch is responsible for substantial GHG emissions in both direct emissions from their industry activities, and end use of their products.

135.

At times relevant herein, Koch, through one or more of its subsidiaries, sold fossil fuel products including fuels, engine oils, lubricants, and/or greases at several gas stations owned and/or operated in Oregon. Upon information and belief, Koch, and the subsidiaries it controls. conduct substantial fossil fuel product business in Oregon and Koch purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.

136.

Fossil fuel emissions attributable to Koch and the subsidiaries it controls are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which the company is individually and jointly and severally liable to Plaintiff. Koch refused to disclose the truth about the nature and degree to which its fossil fuel operations, and those of the subsidiaries it controls, could super heat and thereby harm Multnomah County. Instead, Koch has funded a concerted effort to deceive the public through climate change denial campaigns. This Defendant's

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deception is individually and collectively (with the other Defendants) a cause of enormous harm to the Plaintiff for which the Defendant is individually and jointly and severally liable to Plaintiff.

137.

Defendant TotalEnergies, S.E. is a French multinational energy and petroleum company with its headquarters in Courbevoie, France. The entity was formerly known as Total S.A. but changed its name to TotalEnergies, S.E. as an intended illustration of its investments in the production of green electricity.

138.

Defendant, TotalEnergies Marketing USA, Inc., is a wholly owned subsidiary of TotalEnergies, S.E. and/or its predecessor Total S.A. and, at times relevant herein, marketed, distributed, and sold the fossil fuel products of TotalEnergies, S.E. and/or its predecessor Total S.A. Total Specialties USA Inc. is incorporated in Delaware and headquartered in Houston, Texas.

139.

Defendant, TotalEnergies Marketing USA, Inc., f/k/a Total Specialties USA Inc., f/k/a Total Lubricants USA, Inc., f/k/a Total Fina ELF Lubricants USA, Inc., f/k/a ELF Lubricants North America, Inc., is and/or has been registered to do business in the State of Oregon and has and/or previously had designated an agent for service of process in Oregon. Total Specialties USA Inc. does substantial fossil fuel product-related business in Oregon, and a substantial portion of its fossil fuel products are transported, distributed, marketed, and/or sold in Oregon. For instance, TotalEnergies Marketing USA, Inc., maintains regular sales or distribution relationships with Oregon distributors and sellers of Total fossil fuel products, including engine oils, lubricants, greases, and/or industrial petroleum products. Said Oregon distributors or sellers include, but are

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not necessarily limited to, Mighty Auto Parts, which maintains one or more retail stores in Oregon, and Advance Auto Parts, which maintains several retail stores in Oregon, including multiple retail stores in Multnomah County. TotalEnergies Marketing USA, Inc., conducts substantial fossil fuel product business in Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.

140.

Defendants TotalEnergies, S.E. and TotalEnergies Marketing USA, Inc., and its predecessors, successors, parents, subsidiaries, affiliates, and divisions, are collectively referred to herein as "Total."

141.

Total is responsible for substantial GHG emissions from 1965-2023 in both direct emissions from their industry activities, and end use of their products.

142.

Fossil fuel emissions attributable to Total are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which the company is individually and jointly and severally liable to Plaintiff. Total refused to disclose the truth about the nature and degree to which its fossil fuel operations could super heat and thereby harm Multnomah County. This Defendant's deceptions have caused substantial harm to the Plaintiff for which the Defendant is individually and jointly and severally liable.

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143.

Defendant, Marathon Oil Corporation is incorporated under the laws of the State of Delaware with its corporate headquarters and principal place of business located in the Marathon Oil Tower in Houston, Texas.

144.

Marathon Oil Corporation consists of multiple subsidiaries and affiliates involved in the exploration, extraction, production, and marketing of fossil fuel products. As of December 31, 2020, the company had 972 million barrels of oil equivalent of estimated proven reserves. In 2020, the company sold 383 thousand barrels of oil equivalent per day.[90]

145.

Defendant, Marathon Oil Company is an energy company incorporated in the State of Ohio with its principal place of business in Houston, Texas. Marathon Oil Company is a wholly owned subsidiary and/or corporate ancestor of Marathon Oil Corporation which acts on Marathon Oil Corporation's behalf and subject to Marathon Oil Corporation's control.

146.

Marathon Oil Corporation subsidiary, Marathon Oil Company, has been registered to do business in Oregon and has had a designated agent for service of process in Oregon from 1982 to the present.

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[90] Marathon Oil Corporation Form 10-K, December 31, 2020 https://www.sec.gov/ix?doc=/Archives/edgar/data/101778/000010177821000018/mro-20201231.htm (last visited on June 18, 2023).

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147.

Defendant, Marathon Petroleum Corporation was a wholly owned subsidiary of Marathon Oil Corporation until was spun off from the operations of Marathon Oil Corporation in 2011.[91] Marathon Petroleum is a company organized and existing under the laws of the state of Delaware with its principal place of business in Findlay, Ohio.

148.

Marathon Petroleum Corporation operates the nation's largest refining system, with a crude oil refining capacity of approximately 2.9 million barrels per day from 13 refineries across the United States, including Anacortes, Washington.[92]

149.

Marathon Petroleum Corporation owns the general partner and majority limited partner interest in MPLX LP, a midstream company that owns and operates gathering, processing, and fractionation assets, as well as crude oil and light product transportation and logistics infrastructure.[93] MPLX LP subsidiary, Marathon Pipe Line LLC, operates pipelines, storage tanks,

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[91] Marathon Landing Page, Announcement that Marathon Oil and Marathon Petroleum Corporation are separate entities as of 2011, https://www.marathon.com/ (last visited on June 18, 2023).

[92] Marathon, Nation's Largest Refiner, MPC Refinery Locations in the US, https://www.marathonpetroleum.com/Operations/Refining/ (last visited on June 18, 2023).

[93] Marathon Petroleum Corporation, We are MPC - About Us, https://www.marathonpetroleum.com/About/ (last visited on June 18, 2023).

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and marine facilities across the country, including a pipeline called the "Boise – Pasco 8"-6" Products" pipeline which runs through northeastern Oregon.[94]

150.

Marathon Petroleum Corporation maintains a coast-to-coast retail network of gas stations where Marathon Petroleum Corporation products are sold, including Marathon branded stations as well as stations bearing the ARCO brand which Marathon Petroleum Corporation acquired in 2018.[95] There are currently 41 ARCO stations in the State of Oregon, several of which are in Multnomah County.[96]

151.

Marathon Petroleum Corporation was registered to do business in Oregon from 1982 until on or after 2017 and has had a designated agent for service of process in Oregon from 1982 to the present. Marathon Petroleum Corporation subsidiary, Marathon Pipeline LLC has been registered to do business in Oregon and has had a designated agent for service of process in Oregon from 2019 to the present.

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[94] Marathon Petroleum Corporation, Coast to Coast Retail Network https://www.marathonpetroleum.com/Operations/Retail/ (last visited on June 18, 2023).

[95] ARCO, Gas Station Locations https://www.arco.com/en-us/northwest/find-a-station/multnomah%20county,%20OR/ (last visited on June 18, 2023); Number of gas Stations in the United States in 2023, https://www.scrapehero.com/location-reports/ARCO-USA/ (last visited on June 18, 2023).

[96] Id.

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152.

Defendants Marathon Oil Corporation, Marathon Oil Company, and Marathon Petroleum Corporation and their predecessors, successors, parents, subsidiaries, affiliates, and divisions are collectively referred to herein as ("Marathon").

153.

Marathon conducts substantial fossil fuel product business in Oregon and purposefully avails itself of the rights, obligations, and privileges of Oregon's laws.

154.

According to the Oregon Department of Environmental Quality, Marathon is responsible for 42,655,513 metric tons of CO_2 e from 2010 to 2020.

155.

Marathon is responsible for substantial GHG emissions from 1965-2023 in both direct emissions from their industry, and end use of their products.

156.

Marathon's public statements and proclamations made in furtherance of its campaign of deception and denial, and its repeated failure to warn the public and consumers of global warming-related hazards when it marketed, advertised, and sold its products, were intended to conceal, and mislead the public and consumers about the serious adverse consequences from continued use of Marathon's products. Said conduct was intended to reach and influence Multnomah County, as well as its residents, among others, to continue unabated use of Defendants' fossil fuel products, resulting in Multnomah County's injuries.

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157.

Fossil fuel emissions attributable to Marathon are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which the company is individually and jointly and severally liable to Plaintiff. Marathon refused to disclose the truth about the nature and degree to which its fossil fuel operations could super heat and thereby harm Multnomah County. Marathon's deceptions are individually and collectively (with the other Defendants) a cause of enormous harm to the Plaintiff for which this Defendant is individually and jointly and severally liable to Plaintiff.

158.

Defendant, Space Age Fuel, Inc. was organized under the laws of Oregon in 1982. Its principal place of business is 15525 SE FOR MOR CT, Clackamas, OR 97015. Space Age Fuel, Inc. is a resident of the State of Oregon and purposefully avails itself of the rights, obligations, and privileges of the laws of Oregon.

159.

Space Age Fuel is a fossil fuel marketer, and retail distributor.

160.

Space Age Fuel owns a retail chain of fuel and convenience stores. Space Age Fuel operates predominately under the Space Age brand along with the Exxon and Union 76 brands.[97]

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[97] Space Age, Retail, http://spaceagefuel.com/retail/ (last visited on June 18, 2023).

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161.

Over the years Space Age Fuel Inc. has experienced rapid growth. Space Age Fuel Inc. is one of the largest independent marketers in the State of Oregon.

162.

Space Age Fuel consists of four divisions which are the company operated stations, commercial sales accounts, commercial freight deliveries and home heating oil deliveries. Currently Space Age Fuel currently operates nine truck and trailers in the Pacific Northwest.

163.

Space Age Fuel delivers its own fossil fuel and the fossil fuel of others in the state of Oregon. Space Age Fuel currently operates twenty-one locations and supplies another 60 retail and wholesale fueling facilities.

164.

Space Age Fuel also transports fuel for other Petroleum companies when the need arises. Space Age Fuel sells both unbranded and branded products. Space Age Fuel's branded products are with Exxon and ConocoPhillips.

165.

Space Age is responsible for substantial GHG emissions from 1982-2023 in both direct emissions from their storage, transportation and end use of their products.

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166.

During the years 2010 through 2021, Space Age Fuel contributed 7,601,219 metric tons of CO_2 greenhouse gas emissions in Oregon.[98] These numbers were self-reported to the Oregon Department of Environmental Quality. Carbon emissions attributable to this Defendant are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which this Defendant is individually and jointly and severally liable to Plaintiff. This Defendant's refusal to disclose that its fossil fuel activities could cause substantial damage to Plaintiff and deadly consequences to the County's inhabitants was individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which this Defendant is individually and jointly and severally liable to Plaintiff.

2. Coal Defendants

167.

Defendant, Peabody Energy Corporation ("Peabody") is a multi-national energy company incorporated in the State of Delaware and with its principal place of business in St. Louis, Missouri. Through a diverse web of affiliates and subsidiaries, Peabody is the world's largest coal extractor

[98] Fuel Suppliers, 2010 – 2021 – Greenhouse Gas Emissions From Fuel Use, Oregon DEQ, https://www.oregon.gov/deq/ghgp/Pages/GHG-Emissions.aspx (last visited June 13, 2023).

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by volume. Peabody is registered with the SEC and is traded under ticker "BTU."

168.

Peabody primary business consists of the mining, sale, and distribution of coal, which is purchased for use in electricity generation and steelmaking. Peabody also markets, brokers and trades coal through offices in China, Australia, the United Kingdom, and the United States.

169.

In 2017, Peabody recorded sales of 191.5 million tons of coal.[99] Peabody markets coal to electricity generating and industrial customers in more than 25 nations on six continents. As of December 31, 2017, the company had approximately 5.2 billion tons of proven and probable coal reserves.[100] Peabody filed for bankruptcy in 2016, and emerged reorganized in 2017, but continues the conduct alleged herein.

170.

Peabody maintains ownership of majority interests in 23 surface and underground mining operations located throughout the United States and Australia.[101] On information and belief, Peabody directs some of its business activities into Oregon and purposefully avails itself of the

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[99] Peabody, Annual report which provides a comprehensive overview of the company for the past year, PEABODY (2021), https://www.peabodyenergy.com/Investor-Info/Shareholder-Information/Annual-Report (last visited June 15, 2023).

[100] Id.

[101] Peabody Energy, Operations, PEABODY ENERGY, https://www.peabodyenergy.com/ (last visited June 15, 2023).

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rights, obligations, and privileges of the laws of Oregon.

171.

In the United States, company-owned mines are located in Wyoming, Colorado, Arizona, New Mexico, Illinois, and Indiana. Peabody's largest operation is the North Antelope Rochelle Mine located in Campbell County, Wyoming, mining more than 92 million tons of coal in 2016.[102] Peabody spun off coal mining operations in West Virginia and Kentucky into Patriot Coal Corporation in October 2007.

172.

Vitol Group, the biggest independent oil trader, and mining giant Coal Defendant Peabody Energy Corp. have joined forces. The companies have teamed with a U.K. startup which has developed a process to pulverize coal, remove impurities and pollutants, and blend it with crude or fuels for use by refineries and other customers.[103]

173.

Peabody also has known joint venture with another carbon major, Coal India.[104] Peabody Coal India ranks eighth among the top twenty companies. Coal India is responsible for substantial GHG emissions from 1965-2023 in both direct emissions from their industry and end use of their

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[102] Mine Safety and Health Administration, MSHA Mine Overview, MINE SAFETY AND HEALTH ADMINISTRATION, https://www.msha.gov/ (last visited June 15, 2023).
[103] Andy Hoffman, Oil Trader Vitol Teams with Peabody to Grind Coal for Refineries, BLOOMBERG (Jul. 18, 2018), https://www.bnnbloomberg.ca/oil-trader-vitol-teams-with-peabody-to-grind-coal-for-refineries-1.1109759 (last visited June 15, 2023).
[104] Mineweb, Coal India to ink joint venture with Peabody, MINEWEB (May 18, 2011, 6:20 AM), https://www.mining.com/coal-india-to-ink-joint-venture-with-peabody/102/ (last visited June 15, 2023).

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products.

174.

Peabody is responsible for fossil fuel generated GHG emissions from 1965-2023, in both direct emissions from their industrial operations and end use of their products.[105]

175.

Along with its joint venture, Peabody is responsible for substantial fossil fuel sourced GHG emissions from 1965-2023. GHG emissions attributable to Peabody are individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which Peabody is individually and jointly and severally liable to Plaintiff. Peabody's failure to disclose the truth that its GHG emissions could cause extreme heat events and thereby inflict great damage to Plaintiff is individually and collectively (with the other Defendants) a cause of enormous harm to Plaintiff for which Peabody is individually and jointly and severally liable to Plaintiff.

176.

The Oil and Gas Defendants and Coal Defendants listed above are collectively responsible for a substantial portion of all GHG emissions from 1965-2023, in both direct emissions from their

[105] Griffin, *supra* footnote 67.

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industry activities and end use of their product.[106]

177.

Thus, these Oil and Gas Defendants and Coal Defendants (together called "Fossil Fuel Defendants") were individually and collectively (with the other Defendant groups) a cause of the County's damages from extreme heat events, wildfires, and droughts described herein.

178.

Decades ago, the Fossil Fuel Defendants knew that their fossil fuel activities would substantially contribute to a dramatic rise in the concentration of GHG in the atmosphere and that the concentration of GHG in the atmosphere would lead to significant temperature changes, which would, in turn, lead to changes in the global climate, such as the increased frequency and intensity of extreme weather-related events like the heat dome and wildfires. They knew and should have known that immediate and sustained reductions in carbon pollution from their products were required to avoid a new normal of fossil fuel induced climate catastrophes. Had the Defendants *disclosed the truth* somewhere along the way, that because of the mass consumption of Defendants' fossil fuel products, regions like Multnomah County would experience high temperatures for a sustained period more than *35 degrees F* above normal, including highs of 116 degrees F in June, an environmentally conscious community and leadership structure like that in the County would have *been able to prepare* for such an extreme. The Defendants knew and foresaw that which the County did not: The climate change that the Defendants were causing did not just include the

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[106] Id.

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melting of distant ice caps, stranding of polar bears, rising of sea levels, and the diminishment of Greenland, but rather, could heat and smoke choke the County to a degree that was deadly to many of its inhabitants and unparalleled in its history.

179.

When an allegation is made in this First Amended Complaint to an act or omission of the Defendants, unless specifically attributed or otherwise stated, such allegations assert that the officers, directors, agents, employees, or representatives of the Defendants committed or authorized such an act or omission, or failed to adequately supervise or properly control or direct their employees while engaged in the management, direction, operation or control of the affairs of Defendants, and did so while acting within the scope of their employment or agency. In addition, each Fossil Fuel Defendant acted individually, as well as in concerted or coordinated action with other Defendants, when causing economic harm and property damages to the Plaintiff, as well as in the negligent and/or intentional creation of a public nuisance in the County.

3. Estimated Carbon Footprint for Fossil Fuel Defendants

180.

Each Oil and Coal Defendant above is a major carbon emitter. Each Defendant's carbon footprint,[107] the amount of carbon dioxide (and other greenhouse gases) historically emitted from

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[107] Defendants have reported on their equity production of crude oil and natural gas and related fossil fuels since the passage of the Securities Act in 1933, and even earlier in annual reports to shareholders. However, oil and gas companies only began reporting on refinery output and petroleum product sales in the 1990s (often much later) in annual reports to shareholders or 10-Ks or 20-Fs filed with the SEC. Plaintiff has used publicly available data to estimate emissions of carbon dioxide (CO_2) on three components of emissions attributed to the Defendant:

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its operations and products is individually and collectively (with the other Defendants) a cause of the warming that is responsible for the occurrence, frequency and severity of the extreme weather events alleged by Plaintiff, including but not limited to the 2021 heat dome, the extreme heat of 2022, the ongoing drought and the Oregon wildfires and wildfire-generated smoke. Defendant's historical carbon emissions can be measured as a linear carbon-to-climate temperature response.

181.

Based on the information available, prior to discovery, the tables and charts below indicate, for each Defendant, for a given period of time, a good faith estimate of their individual "carbon footprint" or "CF." The CF is expressed in metric tons of carbon dioxide emitted (i.e., tCO2e) and

---

Fossil fuel production method: emissions based on the carbon contained in the company's net equity production of crude oil and natural gas on an annual basis, deducting for sequestered net non-energy uses of petroleum for lubricants, petrochemicals, and road oil, and the combustion of the carbon fuels by a particular Defendant's worldwide consumers who use those fuels as intended;
Refinery Output method: emissions based on the carbon content of company-reported petroleum products supplied through the company's own refineries (or share of jointly owned refineries), ignoring output of petrochemical and other non-combustible feedstocks. Defendant may run only its own crude oil through its refineries, or, more commonly, supplement refinery input with third party crude oil;
Petroleum product sales method: emissions based on the carbon content of company-reported sale of petroleum products such as jet-fuel, gasoline, distillate fuels, heavy fuels, propane, and the like. As with the refinery output method, the emission factor per barrel (bbl) of each fuel is well known, hence the emissions of CO_2 for each Defendant's sales of petroleum products can be estimated. Vertically integrated Defendants procure additional quantities of finished petroleum products to supplement those refined in its refineries and often sell far more petroleum products than refined through its global supply chains to wholesalers and branded gas stations.
Plaintiff's estimate of each Defendant's carbon footprint is a good faith effort to compile the figures based on the information available. As such, the estimates herein are conservative. Through the process of discovery, continued research, and development by experts, Plaintiff will amend the carbon footprint quantity of each Defendant over a given period of time as new information is obtained.

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includes methane emitted (unless otherwise stated). The figures below include estimated emissions from flaring, operated refinery emissions, Defendant's own fuel use, vented CO_2, and fugitive methane. The fossil fuel production data, as compared to end-product sales or extraction to combustion supply chain data, are relatively accessible. The end product sales or supply chain data, which includes raw and refined fossil fuel products purchased from third parties, is less accessible. In general, for a vertically integrated private shareholder owned fossil fuel company, the CF based on the quantity of fossil fuel products sold (and combusted) is significantly greater than the CF based on the quantity of fossil fuels extracted. As more data on Defendants' fossil fuel refining, procurement of finished petroleum fuels from third parties, and petroleum product sales data becomes available through the process of discovery or otherwise, Plaintiffs reserves the right to supplement and update each Defendant's aggregated and cumulative CF calculations for use at trial.

182.

Emissions attributed to Defendants from oil, gas, & coal production between 1965 - 2022.

Table 1. Emissions attributed to Defendants from oil, gas, & coal production between 1965 -2022

COMPANY	YEARS OF COVERAGE	PRODUCTION-RELATED $MTCO_2$
British Petroleum	1965-2022	36,506
Chevron	1965-2022	45,639
ConocoPhillips	1965-2022	16,576
ExxonMobil	1965-2022	44,772
Occidental (incl. Anadarko)	1965-2022	10,289
Peabody Energy	1965-2022	16,901
Shell	1965-2022	34,469
TotalEnergies	1965-2022	14,421

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Table 2. Emissions attributed to Defendants from oil, gas, & coal production from Earliest Date Available

COMPANY	YEARS OF COVERAGE	PRODUCTION-RELATED $MTCO_{2e}$ (CO_2 & CH_4)
British Petroleum	1913-2022	42,530
Chevron	1912-2022	57,090
ConocoPhillips	1924-2022	20,332
ExxonMobil	1884-2022	55,105
Occidental (incl. Anadarko)	1945-2022	11,361
Peabody Energy	1945-2022	17,661
Shell	1892-2022	40,674
TotalEnergies	1934-2022	16,624

Table 3. Estimated Emissions attributed to Defendants from Petroleum Products and Natural Gas sales (to be updated)

Company	Years of coverage	Product-sales $MtCO_2$	Average $MtCO_2/yr$
ExxonMobil	1983-2022	38,765	969
Shell	1993-2022	28,618	954
BP	2004-2022	17,854	940
Chevron	2001-2022	11,355	516
TotalEnergies	2011-2022	4,407	367
Valero (petroleum only)	2010-2022	4,737	364
Marathon	2010-2022	4,575	352
Peabody Energy	1950-2022	15,834	217
Koch Industries (petroleum only)	2006-2022	1,720	101
Motiva (petroleum only)	2010-2022	1,108	85
Occidental (gas only)	1955-2022	757	12

Table 3 shows, for each Defendant above, from the severely limited sales data publicly accessible, the carbon emissions based on the quantity of fossil fuel products sold.

183.

The following charts (i.e., Figures 1, 2 and 3) show the historical carbon emissions from eight Defendants based on company-reported production of crude oil, natural gas and coal. The

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emissions, quantified in terms of millions of tons of CO_2 emitted, are based on the quantity of carbon fuels extracted. The totals deduct fossil fuel products that are not combusted for the purpose of generating energy (e.g., road oil, petrochemicals, lubricants). The total emissions (minus the deductions mentioned) are calculated using well known emission factors for petroleum products such as gasoline, distillate fuels, heavy oils, and jet fuel, as well as natural gas. The final net emissions for eight Defendants are estimated for 1965 to 2022 in Figure 1. This calculation thus excludes estimated *substantial* operational emissions attributable to each company, such as from flaring of natural gas, vented CO_2 from gas processing, use of company fuels for refineries and pipelines, and vented and fugitive methane.

Figure 1. Emissions for Eight Defendants from oil & gas production, 1965-2022

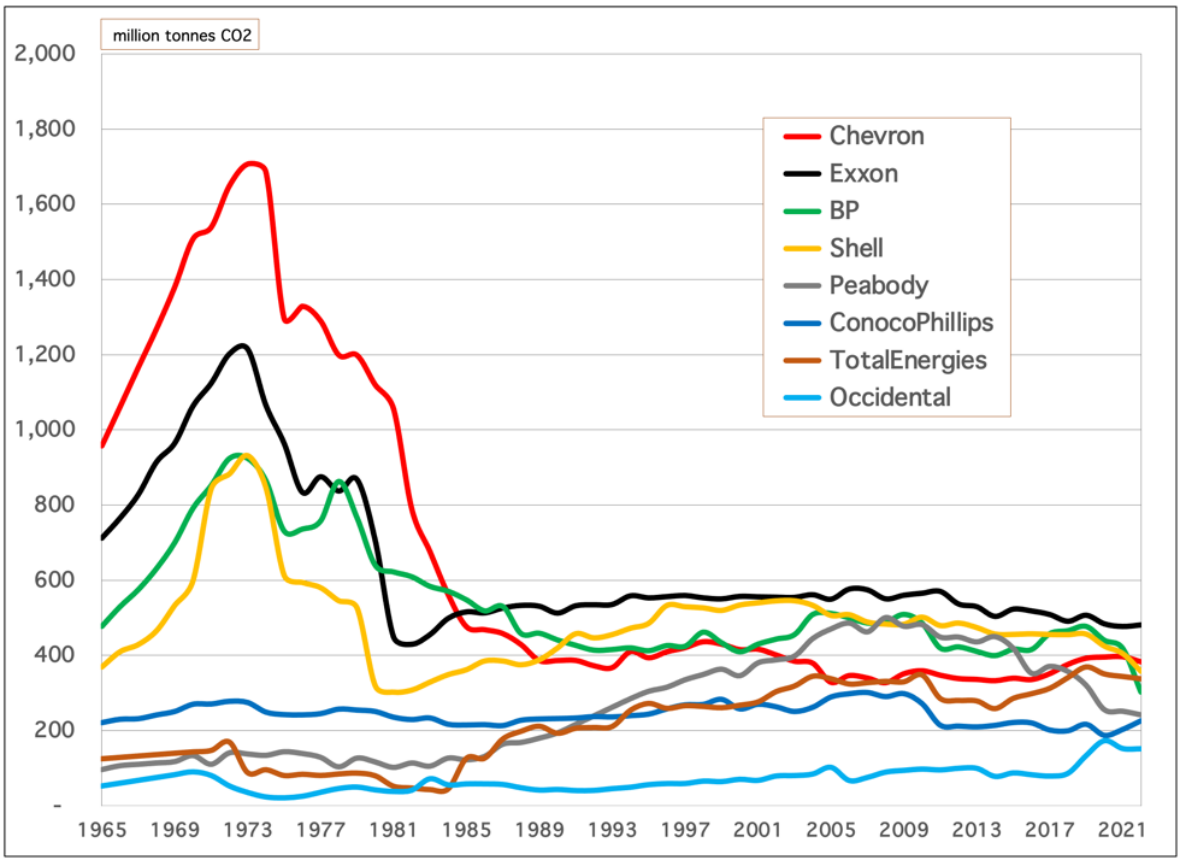

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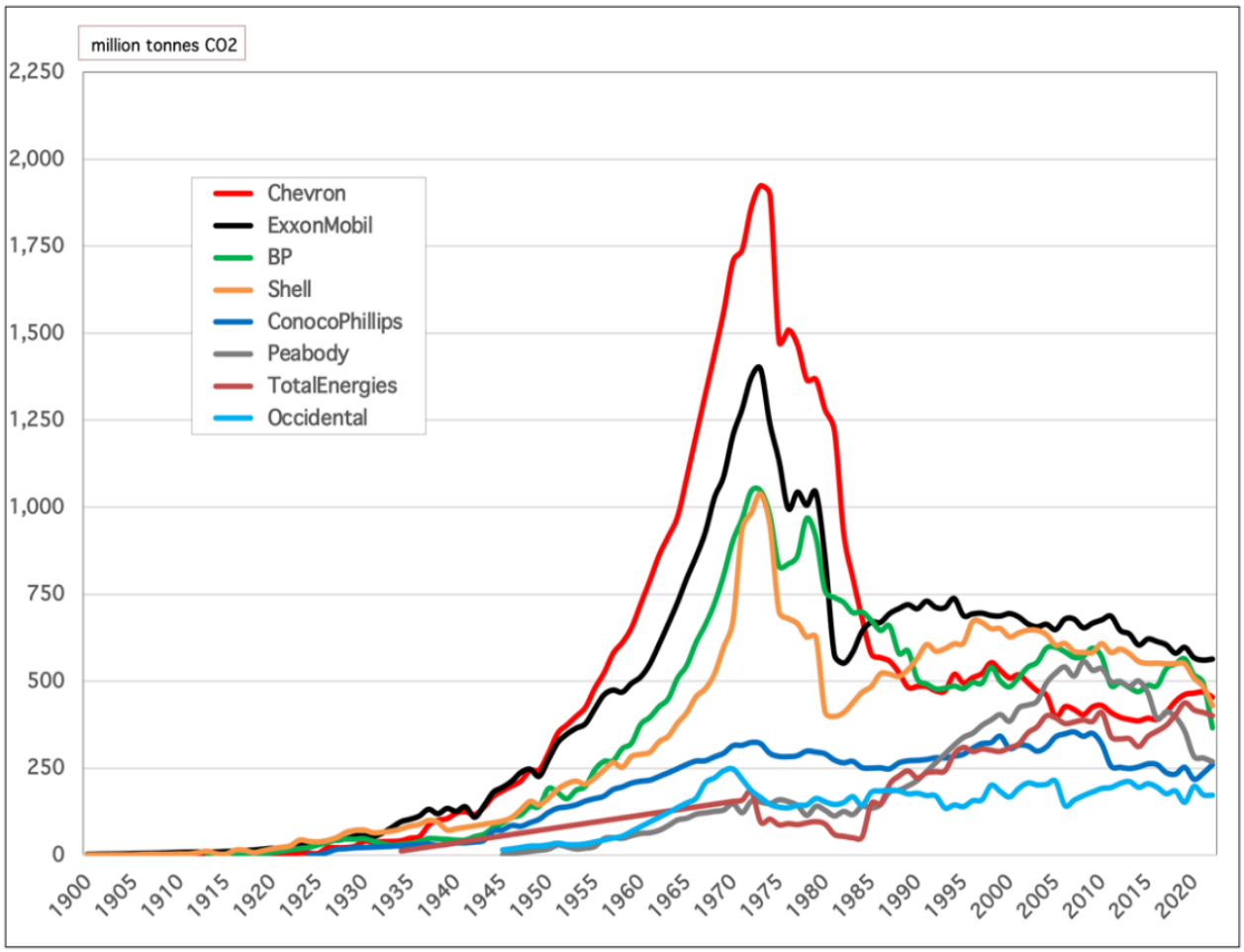
Figure 2 includes estimated operational emissions *and* emissions from coal-assets owned by eight Defendants.

Figure 2. Emissions from Eight Defendants oil, gas, & coal production, 1900-2022



Based on company-reported production of net equity crude oil, natural gas, and coal over the period from 1900 to 2022 the associated emissions of CO_2 and methane attributed to each of the eight Defendants can be summed, as shown in Figure 3.

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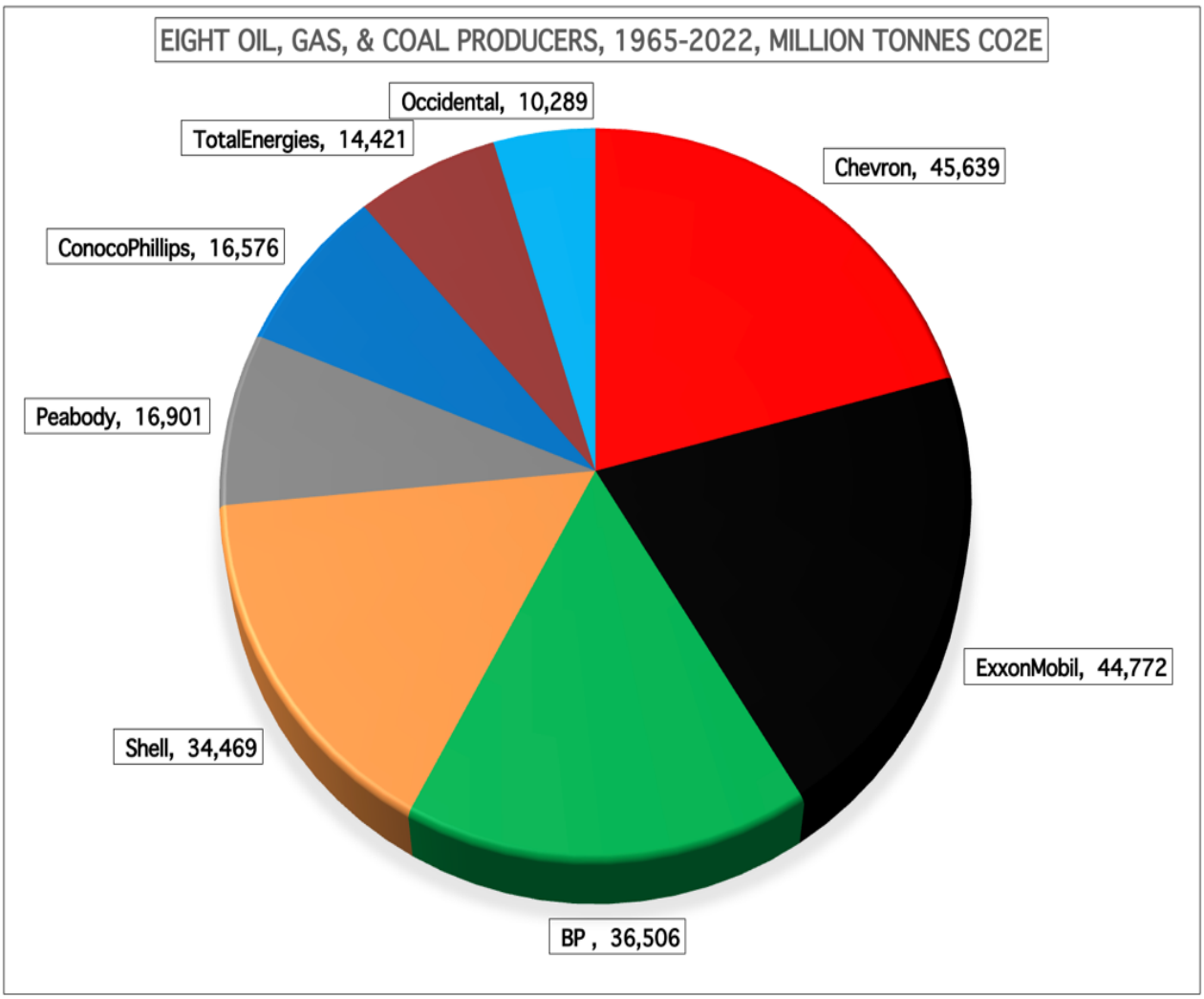
Figure 3. Eight Carbon Majors cumulative emissions from oil, gas, & coal production 1965-2022



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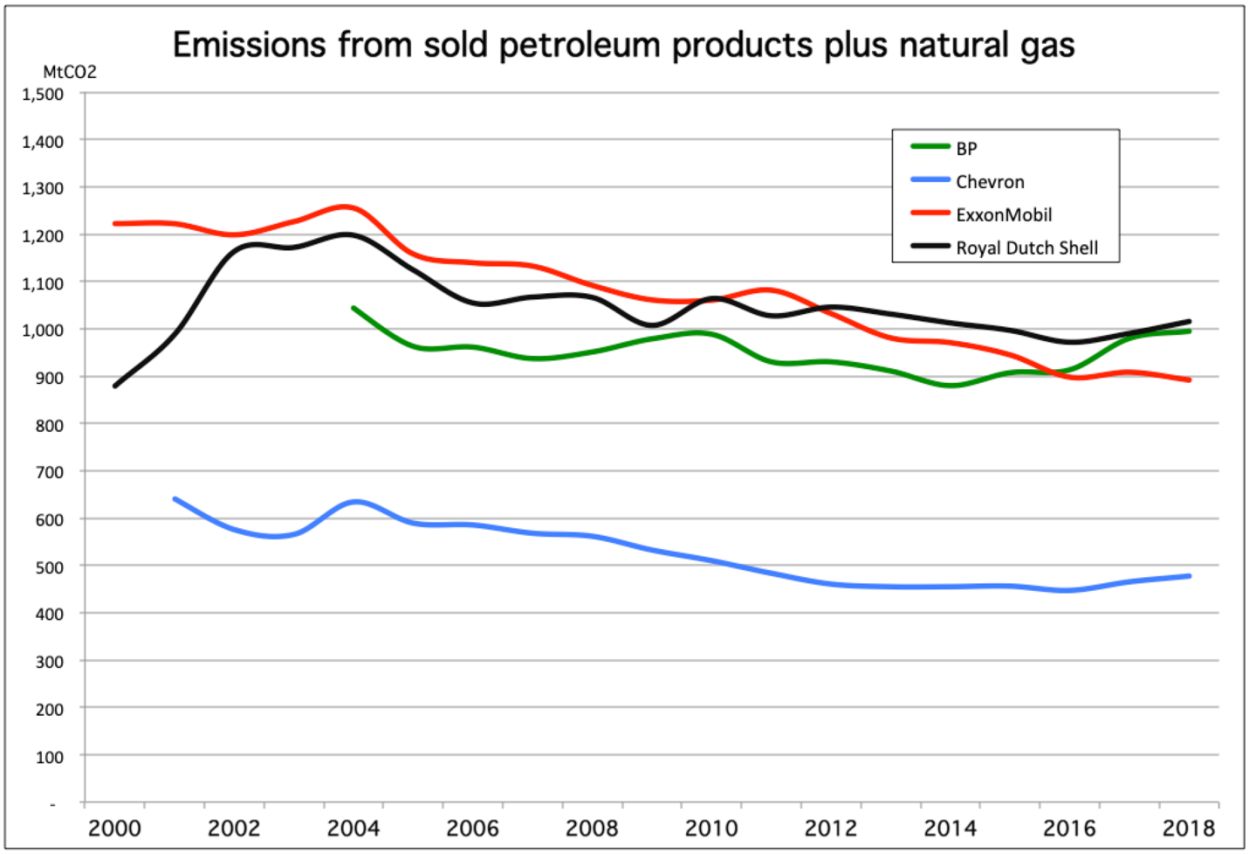
In Figure 4, Plaintiffs show from 2000 to 2018 the CF for four Defendants based on the combustion of fossil fuel products sold.

Figure 4: Emissions from four Vertically Integrated Defendants Including End Products Sold



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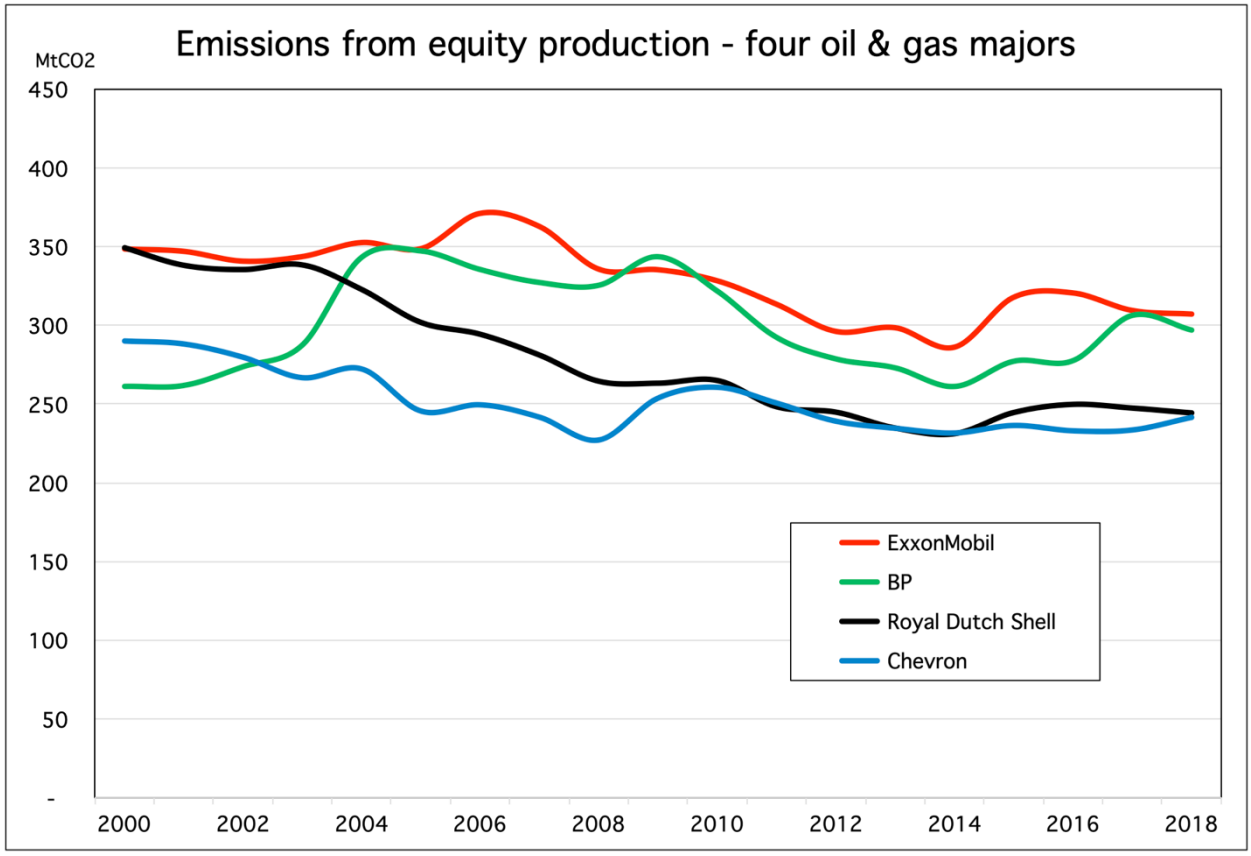
In Figure 5, Plaintiffs show, for the same period, for the same Defendants, the CF based solely on the quantity of fossil fuels extracted or produced. For these four Defendants, the CF based on the combustion of products sold in the marketplace is significantly greater than the CF based solely on the quantity of fossil fuel products extracted.

Figure 5: Emissions from Same 4 Vertically Integrated Defendants from Production Only



184.

Scientists have established a simple yet robust metric for measuring the "dose-response" relationship between cumulative CO2 emissions and global warming, as measured in degrees Celsius. The formula is referred to as TCRE, the Transient Climate Response to Cumulative CO2

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Emissions. TCRE is the proportionality constant that links a quantity of CO_2 emissions to a global temperature increase. The relationship between the amount of emissions and the change in temperature is near linear.

185.

Plaintiffs will show that the aggregated and cumulative greenhouse gas emissions from each fossil fuel Defendant was individually and collectively (with the other Defendants) a cause of increasing the probability and severity of the heat dome, wildfires and drought identified and described herein. But for the Fossil Fuel Defendants' conduct, more than half of the total greenhouse gas accumulation would not have occurred, the climate would not have dramatically warmed and extreme weather events would not be as severe or as frequent as those that have been smothering the County since late June 2021.

4. Trade and Front Groups

186.

Defendant, the American Petroleum Institute ("API") is a national trade association representing the oil and gas industry, formed in 1919. API is headquartered in Washington, DC. In 2021, API reported total revenues of $228,789,035.

187.

The following Defendants and/or their predecessors in interest are and/or have been API members at times relevant to this litigation: Exxon, Shell, Chevron, BP, ConocoPhillips, Motiva,

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and Anadarko, all of whom have actively served on boards, committees and groups for API.[108]

188.

API is a nonprofit corporation registered to do business in Oregon during the period at issue in this lawsuit.

189.

With more than 600 members, API is the country's largest oil trade association.

190.

API asserts that it "speak[s] for the oil and gas industry to the public, Congress and the Executive Branch, state governments and the media."[109] API states that it "negotiate[s] with regulatory agencies, represent[s] the industry in legal proceedings, participate[s] in coalitions and work[s] in partnership with other associations to achieve [its] members' public policy goals."[110] API's purpose is to advance the individual members' collective business interests, which includes increasing consumers' consumption of oil and gas to Defendants' financial benefit. Among other

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[108] API's full membership is much more extensive, and includes predecessors to the Fossil Fuel Defendants named herein, American Standard of Indiana (BP), Asiatic (Shell), Ashland (Marathon), Atlantic Richfield (BP), British Petroleum (BP), Chevron Standard of California (Chevron), Esso Research (ExxonMobil), Ethyl (formerly affiliated with Esso, which was subsumed by ExxonMobil), Getty (ExxonMobil), Gulf (Chevron, among others), Humble Standard of New Jersey (ExxonMobil/Chevron/BP), Marathon, Mobil (ExxonMobil), Pan American (BP), Shell, Standard of Ohio (BP), Texaco (Chevron), Union (Chevron), Skelly (ExxonMobil), Colonial Pipeline (ownership has included BP, ExxonMobil, and Chevron entities, among others), Continental (ConocoPhillips), Dupont (former owner of Conoco), Phillips (ConocoPhillips), and Caltex (Chevron).

[109] About API, American Petroleum Institute, https://www.api.org/about (last visited on June 12, 2023).

[110] Id.

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functions, API coordinates among members of the petroleum industry and gathers information of interest to the industry and disseminates that information to its members.

191.

API has coordinated and participated in a deliberate misinformation campaign to downplay and/or outright deny the causal relationship between the GHG emissions of its members and extreme weather events like those described herein. API's deception is individually and collectively (with the other Defendants) a cause of enormous harm to the Plaintiff for which this Defendant is individually and jointly and severally liable to Plaintiff. Upon information and belief, API has directed business activities into Oregon and purposefully availed itself of the rights, obligations, and privileges of the laws of Oregon.

192.

Defendant, the Western States Petroleum Association ("WSPA") is a non-profit trade association headquartered in Sacramento, California, representing Fossil Fuel Defendants' interests in Arizona, California, Nevada, Oregon and Washington. Its members include, and at times relevant to this matter, have included ExxonMobil, Shell, Chevron, Valero, Marathon, and BP.

193.

The Western States Petroleum Association was founded in 1907 and represents companies that account for the bulk of petroleum exploration, production, refining, transportation, and marketing in the five western states of Arizona, California, Nevada, Oregon, and Washington.

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194.

WSPA has engaged in a climate deception/misinformation campaign in Oregon to continue to further the business objectives of its carbon polluting members. WSPA has conducted substantial business activities in Oregon and purposefully availed itself of the rights, obligations, and privileges of the laws of Oregon.

195.

WSPA has coordinated and participated in a deliberate misinformation campaign to downplay and/or deny the causal relationship between the GHG emissions of its members and extreme weather events like those described herein. WSPA's deception is individually and collectively (with the other Defendants) a cause of enormous harm to the Plaintiff for which this Defendant is individually and jointly and severally liable to Plaintiff.

5. Other Defendants

196.

McKinsey and Company, Inc. United States is a privately owned entity headquartered in New York, New York. McKinsey is registered to do business in Oregon and in all fifty states. At all relevant times, McKinsey has transacted business throughout Oregon, including in Multnomah County. McKinsey has conducted substantial business activities in Oregon and purposefully availed itself of the rights, obligations, and privileges of the laws of Oregon.

197.

Defendant McKinsey & Company, Inc. is a corporation organized under the laws of the state of New York. McKinsey's principal place of business is located at 711 Third Avenue, New

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York, NY 10017. It may be served with process via its registered agent, Corporation Service Company, at 80 State Street, Albany, NY 12207.

198.

Defendant McKinsey Holdings, Inc. is a Delaware corporation with its principal place of business is located at 711 Third Avenue, New York, NY 10017. It may be served with process via its registered agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

199.

Upon information and belief, McKinsey & Company, Inc. is the parent company of McKinsey Holdings, Inc., which is itself the parent company of both McKinsey & Company, Inc. United States and McKinsey & Company, Inc. Washington D.C. Upon information and belief, each subsidiary corporation is wholly owned by its parent. to as (collectively "McKinsey").

200.

McKinsey is one of the world's largest and most influential consulting companies. McKinsey prides itself on learning the intimacies of its clients' businesses, embedding itself in management, and evolving "transformational partnerships" with actual boots on the ground. McKinsey's work with fossil fuel entities dates back several decades. Though McKinsey promotes itself as being "committed to protecting the planet," McKinsey counts at least seventeen mining and fossil fuel companies among its biggest clients. McKinsey's claims of commitment to environmental protectionism stand in stark contrast to the millions of dollars it has earned assisting its fossil fuel and mining company clients in promoting themes to deny the existence and/or gravity of ACC.

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201.

Since 2010, McKinsey has worked for at least forty-three of the hundred companies that have pumped substantial tons of carbon dioxide into the atmosphere since 1965.

202.

Those forty-three companies, when accounting for the customers who use their products, were responsible for a substantial share of the greenhouse gas emissions from the fossil fuel industry, including Defendants, in the past several decades.

203.

Chevron is one of McKinsey's biggest clients, generating at least $50 million in consulting fees in 2019. Saudi Aramco, number one on the list, has been a McKinsey client since at least the 1970s. During that half a century, Chevron's total emissions were approximately 43.7 gigatons (43 billion tons) of carbon dioxide. In 2019, energy-related emissions for the entire planet amounted to about 33 gigatons, according to the International Energy Agency.

204.

Other top McKinsey fossil fuel clients include ExxonMobil, BP, Royal Dutch Shell, Russia's Gazprom, and Qatar Petroleum.

205.

McKinsey has coordinated and participated in a deliberate misinformation campaign to downplay and/or outright deny the causal relationship between the GHG emissions of its members and extreme weather events like those described herein. McKinsey's contribution to, and deception is a individually and collectively (with the other Defendants) a cause of enormous harm to the Plaintiff for which this Defendant is individually and jointly and severally liable to Plaintiff.

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206.

DOES 25-250, are heretofore unnamed entities, organizations or persons actively engaged in the GHG emissions, or in the deceptive enterprise that have harmed Multnomah County.

C. Venue

207.

Venue is proper in Multnomah County under ORS 14.080(1) because a substantial portion of the causes of action asserted by Plaintiff herein arose in Multnomah County.

III. FACTUAL ALLEGATIONS

A. Anthropogenic Climate Change (ACC) is Scorching the Planet

208.

Fossil fuels are a primary cause of global warming. This is the consensus among the world's leading scientists.[111] Present-day concentrations of atmospheric carbon dioxide (CO_2) are at higher levels than at any time in at least the past two million years.[112]

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[111] Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6), Chapter 2.1, (2023) ("Human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850-1900 in 2011-2020. Global greenhouse gas emissions have continued to increase over 2010-2019, with unequal historical and ongoing contributions arising from unsustainable energy use…"). https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM_final.pdf

[112] Gulev, S. K. et al. Changing State of the Climate System. In Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (eds. Masson-Delmotte, V. et al.)(Cambridge University Press Cambridge, United Kingdom and New York, NY, USA, 287–422), (2021) https://doi.org/10.1017/9781009157896.004.

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209.

ACC is already affecting many weather and climate extremes in every region across the globe, including in the Pacific Northwest and Multnomah County.[113] In 1960, the atmospheric concentration of CO_2 was measured at 317 ppm. Today it is 423 ppm.

210.

The fossil fuel products that Defendants marketed, distributed, extracted, refined, transported, and sold, when used as intended, release greenhouse gases, including carbon dioxide (CO_2) and methane, which trap atmospheric heat.

211.

The earth's temperature depends on the balance between energy entering and leaving the planet's system. When sunlight reaches the planet surface, it can either be reflected into space or absorbed by the earth. Incoming energy that is absorbed by the earth warms the planet. Once absorbed, the planet releases some of the energy back into the atmosphere as heat (also called infrared radiation). Solar energy that is reflected to space does not warm the earth.

212.

Global temperatures have warmed by 1.1°C to 1.2°C since 1900.[114] Global warming has destabilized the planet's climate patterns and has caused an increased frequency and intensity of extreme weather events, like the 2021 PNW heat dome.

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[113] Id.
[114] Id.

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213.

The scientific community has determined and declared that because of rising greenhouse gas emissions, planet Earth is facing an unprecedented and accelerating climate emergency. Scientists have warned that ACC has substantially contributed to rising land, air and oceanic temperatures, the melting of the polar ice sheets, and the increased frequency and severity of extreme heat events, wildfires, drought, floods, and storms.[115] In sum, scientists have declared that unabated climate change presents a "code red" danger to humanity.[116]

214.

Changes in Oregon's climate are being harshly felt and growing worse at a rapid pace. Nine of Oregon's hottest years in recorded history have occurred since the year 2000 and seven have come since 2010.[117]

215.

Multiple scientific studies have found that climate change is already contributing to extreme heat waves, widespread drought conditions, severe wildfires, coastal erosion, and other erratic weather conditions in Oregon. [118] Unless carbon emissions decline considerably, these

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[115] Fleishman, Erica, and Oregon Climate Change Research Institute. 2023. Sixth Oregon Climate Assessment. : [Corvallis, Oregon] : Oregon Climate Change Research Institute, Oregon State University, https://energyinfo.oregon.gov/blog/2023/1/11/occris-sixth-climate-assessment-outlines-climate-change-effects-on-oregon (last visited June 13, 2023).
[116] Id.
[117] Id.
[118] Id.

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impacts will intensify over the coming decades.[119]

216.

According to the Oregon Climate Change Research Institute, if greenhouse gas emissions continue at current levels, the annual temperature in Oregon is projected to increase by 5°F by the 2050s and 8.2°F by the 2080s, with the greatest seasonal increases in summer.[120]

217.

The Oregon Climate Change Research Institute has found that ACC poses a significant threat to Oregon's forestry, fisheries, water supplies, and coastal resources. In addition to extreme heat events, the OCCRI predicts that other likely ACC-related impacts include winter flooding, summer droughts, loss of shoreline, forest fires, worsening air quality, diminished fish and wildlife habitat, retreating glaciers, decreased snowpack, and increased disease vectors and invasive species.

218.

Increased temperatures are projected to contribute to: (i) decreased winter snowpack and changes in the timing and volume of streamflow fed by snowmelt; (ii) increased summer water demand, especially during more intense and longer summer droughts; (iii) increased risk of flooding due to more intense snow events and sea level rise; (iv) increased risk of fire in forest lands, open space, and in areas where forest and residential lands overlap; (v) increased risk of heat-related morbidity and mortality during more intense summer heat waves like the extreme heat

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[119] Id.
[120] Id.

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event of June 2021; (vi) increased summer air pollution and related health impacts; (vii) decreased summer hydropower production and increased summer energy demand, especially from air conditioning; (viii) increased harm to aquatic wildlife because of warmer water temperatures in streams, rivers, lakes; and (ix) increased shifts in habitat, invasive species, and insects affecting forest health, agriculture, and ecosystem function.

B. Oregonians Died and Multnomah County Suffered Damages Because of Defendants' Fossil Fuel Activities – 2021 PNW Heat Dome

219.

In June of 2021, the Pacific Northwest experienced an extreme weather event unlike any the region has ever experienced. The extreme weather event occurred earlier in the summer, before residents could naturally acclimate to warmer temperatures.[121] Additionally, the heat dome brought a prolonged period of heat intensity never experienced in the region.[122]

220.

Multnomah County, known for its traditionally mild climate, was unprepared for the devastation the heat dome unleashed on its citizens. Although extreme heat is one of the leading causes of weather-related deaths in the United States[123] — in some years killing more people than

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[121] Multnomah County, Preliminary Review on Excessive Heat Deaths, https://www.multco.us/preliminary-review-excessive-heat-deaths-multnomah-county-june-2021 (last visited June 12, 2023).

[122] Id.

[123] CDC, Extreme Heat and Your Health, https://www.cdc.gov/nceh/features/trackingheat/index.html#:~:text=Extreme%20heat%20events%2C%20or%20heat,inability%20to%20cool%20down%20properly. ("Extreme heat events, or heat waves, are one of the leading causes of weather-related deaths in the United States. When

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all other weather hazards (except hurricanes) combined — the severity of these conditions and their impacts was new for customarily cool and wet Multnomah County.[124]

221.

On June 25, 2021, the high temperature in Multnomah County was **95° F.** The average high temperature for this date prior to 2021 was 76° F.[125]

222.

On June 26, 2021, the high temperature in Multnomah County was **108° F.** The average high temperature for this date prior to 2021 was 76.4° F.[126]

223.

On June 27, 2021, the high temperature in Multnomah County was **112 ° F.** The average high temperature for this date prior to 2021 was 76.7° F.[127]

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temperatures rise in the summer, extremely hot weather can cause sickness or even death. Heat stress is heat-related illness caused by your body's inability to cool down properly.").

[124] Multnomah County, Preliminary Review on Excessive Heat Deaths, https://www.multco.us/preliminary-review-excessive-heat-deaths-multnomah-county-june-2021 (last visited June 12, 2023).

[125] This average is calculated from temperature readings from 1991 to 2020 for June 25. https://www.extremeweatherwatch.com/cities/portland-or/day/june-25 (last visited on June 12, 2023).

[126] This average is calculated from temperature readings from 1991 to 2020 for June 26. https://www.extremeweatherwatch.com/cities/portland-or/day/june-26 (last visited on June 12, 2023).

[127] This average is calculated from temperature readings from 1991 to 2020 for June 27. https://www.extremeweatherwatch.com/cities/portland-or/day/june-27 (last visited on June 12, 2023).

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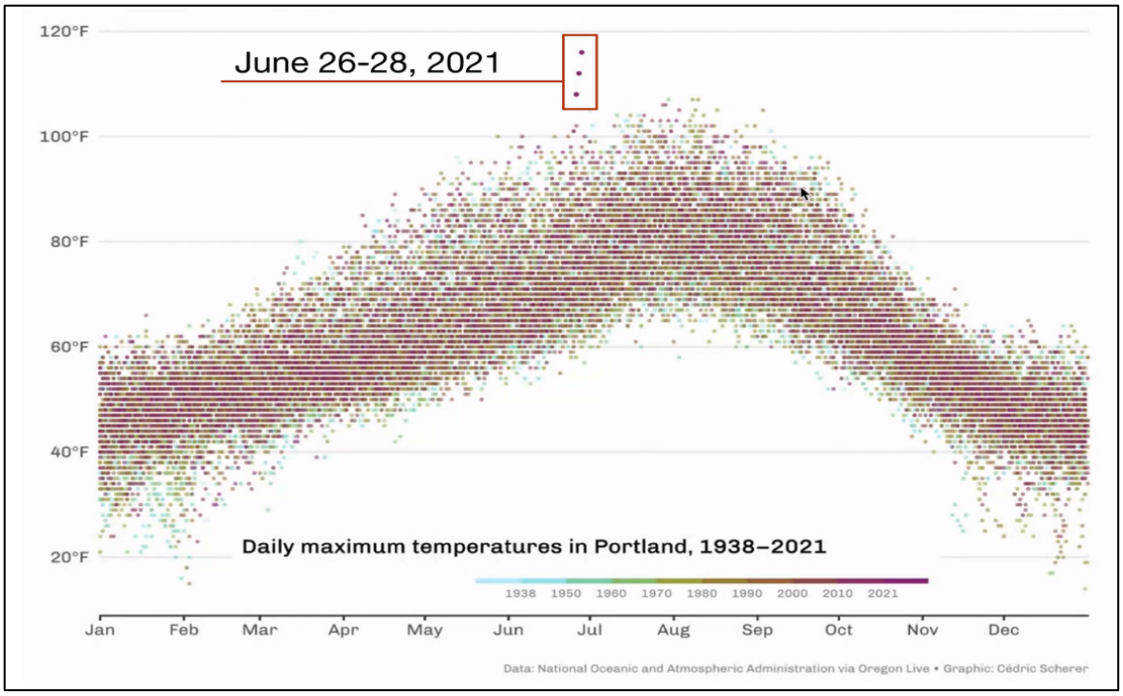
224.

On June 28, 2021, the high temperature in Multnomah County was **116° F.** The average high temperature for this date prior to 2021 was 77° F.[128]

225.

The temperature readings on June 26, 27, and 28 were so far outside the normal distribution of temperatures that this heat event was classified as an extreme weather event—and perhaps the most extreme in history.[129] The graph below shows how outside of the mean temperatures were:



[128] This average is calculated from temperature readings from 1991 to 2020 for June 28. https://www.extremeweatherwatch.com/cities/portland-or/day/june-28 (last visited on June 12, 2023).

[129] Multnomah County, June 2021 Extreme Heat Event, Preliminary Findings and Action Steps https://www.multco.us/file/june-2021-heat-event-preliminary-findings-and-action-steps (last visited June 12, 2023).

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226.

The occurrence of the heat dome was "virtually impossible" without ACC caused by Defendants' fossil fuel related activities and enterprise.[130]

227.

Another study that evaluated the 2021 PNW heat dome concluded, "[i]t is clear… that anthropogenic warming of the planet contributed to the severity of this event."[131]

228.

Yet another study determined that "while the extreme heat was unprecedented, it was nevertheless mechanistically linked to regional climate change.[132]

229.

Defendants' carbon emissions were individually and collectively a cause of the dramatic warming of the region's surface temperature, the decrease in atmospheric moisture and the desiccation of the region's soil. Defendants' collective emissions fueled an impenetrable and slow-moving high-pressure system, all of which combined to cause the 2021 PNW heat dome.

230.

Defendants' GHG emissions were individually and collectively (with the other Defendants) a cause of the occurrence and severity of the heat dome. The heat dome would have been less

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[130] Philip, *et al.*, *supra*, Footnote 4.
[131] White, R.H., Anderson, S., Booth, J.F. et al. The unprecedented Pacific Northwest heatwave of June 2021. Nat Commun 14, 727 (2023). https://doi.org/10.1038/s41467-023-36289-3.
[132] Bartusek, S., Kornhuber, K. & Ting, M. 2021 North American heatwave amplified by climate change-driven nonlinear interactions. Nat. Clim. Chang. **12**, 1143–1150 (2022). https://doi.org/10.1038/s41558-022-01520-4.

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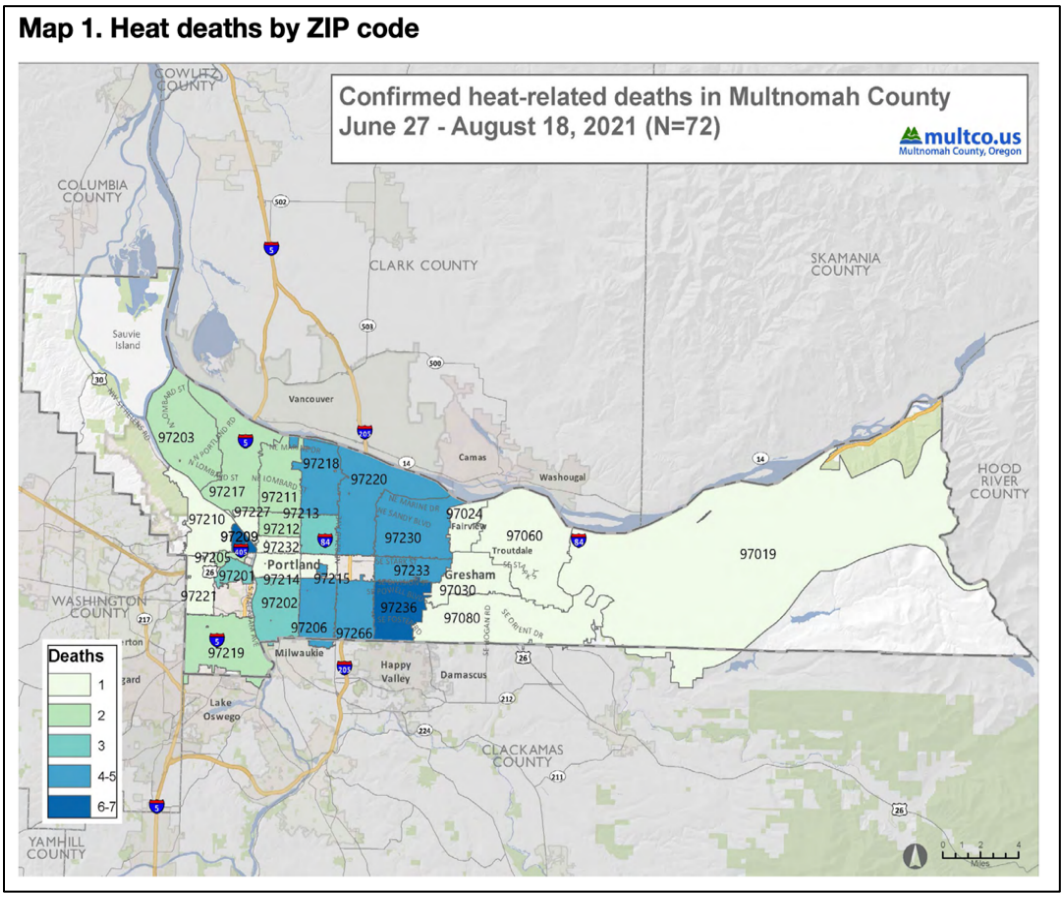
likely to occur without Defendants' GHG emissions and the warming it caused. Even if the heat dome would have occurred absent a Defendant's GHG contributions, the heat dome would have been less severe and less catastrophic in and to Multnomah County.

231.

The 2021 PNW heat dome event was responsible for approximately 619 heat-related deaths in Canada, a 95% increase over the number reported for late-June in prior years. The State of Washington recorded 196 heat-related deaths. Oregon recorded 100 deaths, 69 of which occurred in Multnomah County, which the coroner ruled were caused by hyperthermia. These deaths were in virtually every zip code of Multnomah County.

Map 1. Heat deaths by ZIP code



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232.

In prior years, the County reported zero heat-related deaths. Elderly persons living alone in muti-family buildings without air conditioning in densely populated parts of the region accounted for a large percentage of those who perished.

233.

In a typical year, there are about 95 deaths from all causes in the last week of June. In 2021 there were 186, nearly double the average during the previous three years.

234.

In addition to casualties and injuries, the heat dome's impacts were far-reaching. Roads, rails, bridges, power stations, utilities, hardscapes, parks, levees, greenscapes, and buildings were impacted. Asphalt melted. Businesses shuttered. Tourists fled. Marine life perished. Circuits fried. Productivity plummeted as the heat drove the outdoor labor force indoors, away from their jobs, simply to survive. Multnomah County incurred immediate costs by treating people with heat-related symptoms and establishing air-conditioned emergency shelters, among other costs. The County recorded 257 emergency visits for heat illness, compared to a typical volume of 83 visits for that same time of the year.

235.

To the North, the heat dome sparked wildfires, which in turn generated smoke-related health impacts, as well as eventual floods and mudslides.

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236.

Long term global warming and soil drying transformed the heat dome from "virtually impossible" to a more than likely a 10 yearly reoccurrence if the climate continues to warm from the current 1.2ºC to 2°C over pre-industrial times.[133]

237.

"Global warming caused a ~0.8°C–1°C increase in heatwave temperatures. Future warming would lead to a ~5°C increase in heatwave temperature by the end of the 21st century."[134]

238.

"Climate model projections indicate a rapidly increasing risk of the PNW regularly experiencing 2021-like extreme summer temperatures, with a 50% chance of yearly occurrence by 2050. The 2021 summer temperatures experienced across the PNW provide a benchmark and impetus for communities in historically temperate climates to account for extreme heat-related impacts in climate change adaptation strategies."[135]

239.

In light of the 2021 PNW extreme heat wave, "policymakers and governments need to prepare for events beyond current records – particularly with trends caused by ACC enhancing the probability of extremes. Heatwaves are deadly—but better preparation can save lives. Planning

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[133] Bartusek, S., Kornhuber, K. & Ting, M. 2021 North American heatwave amplified by climate change-driven nonlinear interactions. Nat. Clim. Chang. **12**, 1143–1150 (2022). https://doi.org/10.1038/s41558-022-01520-4.

[134] Emily Bercos-Hickey, et al. "Anthropogenic contributions to the 2021 Pacific Northwest heatwave." Geophysical Research Letters 49 (2022).

[135] Id.

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ahead can reduce mortality from climatic extremes. For example, city heat plans that include actions such as establishing cooling centers or reducing hours of work for outdoor workers can reduce heat impacts. Policy changes following the 2003 European heatwave led to fewer deaths after the similar magnitude 2006 event.[136]

240.

During Summer 2021, the number of Heat-Related Illness Emergency Department or urgent care clinic (ED) visits were over twice those observed in past years (2016-2019). Multnomah County recorded 266 heat-related Emergency Department visits in 2021. In 2020, the County recorded 55 visits. In 2021, Multnomah County recorded 52 heat related hospitalizations. In the prior three years, from 2018 to 2019, the County averaged 4 hospitalizations.

241.

Increasing CO_2 emissions and global temperatures are expected to create more extreme heat events in Multnomah County in the future, in the form of heatwaves, wildfires, and storms. Damage from extreme weather events restricts access to essential services, including clean water, food, basic sanitation, and health care. Trauma from the loss of friends, family, and community also creates stress and affects mental health. This stress grows over time if limited resources are available for mental and physical care, recovery, and reconstruction efforts.

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[136] Thompson, V., Mitchell, D., Hegerl, G.C. et al. The most at-risk regions in the world for high-impact heatwaves. Nat Commun 14, 2152 (2023). https://doi.org/10.1038/s41467-023-37554-1 (last visited on June 18, 2023).

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C. ACC Has Caused Deadly Fires and Smoke Plumes that Have Harmed the Public Health of Multnomah County

242.

On September 7th and 8th of 2020 several fires inundated Oregon. Five of these fires were megafires—which are greater than 100,000 acres in size.[137] These fires became known as the Labor Day 2020 fires.[138] There were 12 other fires ranging from 112 to 50,951 acres.[139]

243.

Multnomah County was inundated with smoke from these fires. On Monday September 7, 2020, the Oregon Department of Environmental Quality (DEQ) issued an air quality alert for Multnomah County.[140]

244.

Multnomah County remained under a dense smoke warning from September 12-17, 2020. This smoke intrusion incident resulted in the most hazardous air quality in the world for a period of time and the worst ever recorded in Multnomah County.[141]

245.

In response, Multnomah County was required to provide KN95 masks, emergency

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[137] Report, Oregon Forest Resources Institute, Economic Impacts to Oregon's Forest Sector September 2021, 1.0 Executive Summary at p. 8 https://oregonforests.org/sites/default/files/2021-09/OFRI-LaborDayFiresEconomicReport_Final%20Sept%202021.pdf.
[138] Id.
[139] Id.
[140] Report, Wildfire Threat and Smoke Intrusion Incident, After Action Report/Improvement Plan (AAR/IP) Multnomah County, Oregon May 8, 2021, p. 4.
[141] Id. at 5.

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services, shelters, and fire response management. In the wake of the smoke intrusion incident, the County replaced 1,200 air filters and provided extensive HVAC maintenance.

D. ACC is Contributing to the Frequency and Severity of Deadly Wildfires and Smoke

246.

Anthropogenic climate change, induced by the burning of fossil fuels, has caused an increase in the frequency and severity of wildfires in Oregon, which not only destroy lives, property and natural resources, but also generate plumes of toxic smoke which in the last ten years has damaged the health and property of residents of Multnomah County.

247.

Wildfire-generated plumes of smoke inject fine particulate matter (PM2.5) at high altitudes, increasing long-range transport of PM2.5 from locations outside of the County where they have caused a health hazard.

248.

Excessive PM2.5, pollution from wildfires cause numerous human health problems, including chronic obstructive pulmonary disease, acute lower respiratory illness, asthma, ischemic heart disease, and lung cancer that disproportionately affect vulnerable populations, such as

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children with respiratory ailments, the elderly, people of color, and the economically disadvantaged[142]

249.

The health problems are amplified in airsheds closest to a specific fire event, but impacts can extend over vast distances depending on wind patterns and other factors. The particulates are dangerous to human health.

250.

Wildfire-generated particulate matter has increased dramatically in Oregon, which has directly impacted the health of people in Multnomah County. From 1979 through 2019, the duration of the fire weather season in forests in Oregon has increased by 43 percent, and the annual number of days when fire danger was extreme increased by 166 percent. Widespread drought has led to increased fire danger.

251.

The Oregon Global Warming Commission stated its 2023 report to the legislature that:

> "Climate change is already having a measurable impact on Oregon's landscape, communities and economy. Oregon is experiencing increased temperatures, changing precipitation patterns, reduced snowpack, drier summers, and more frequent and damaging wildfires. Since the 2020 Report to the Legislature, extreme heat events, severe drought conditions, shifting precipitation patterns, and high-intensity wildfires have continued to inflict significant damage on Oregonians, communities, the environment, and the economy. These impacts are projected to become more frequent and severe as temperatures increase and global climate conditions become more extreme and unpredictable."

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[142] Reid CE, Maestas MM. Wildfire smoke exposure under climate change: impact on respiratory health of affected communities. CURR OPIN PULM MED. Mar 25, 2019, pp 179-187. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6743728/.

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252.

The report further predicted, "Warmer temperatures and drier conditions increase the risk of more frequent and severe wildfires."

253.

The total area of land burned by wildfire each year has increased in Oregon over the past 35 years, and wildfires have grown larger and spread into higher elevations during this period. In the Pacific Northwest, the number of days with extreme wildfire danger have more than doubled since 1979. Drought, increased aridity, and reductions in relative humidity contribute to the growing fire risk in Oregon. As global temperatures increase, wildfires are expected to become larger and fire seasons increasingly extreme in Oregon and across the West.

254.

ACC, induced by the burning of fossil fuels, has substantially contributed to hotter, drier conditions that generate more toxic smoke from wildfires. ACC has substantially contributed to diminished air quality and increased levels of harmful ground level ozone. Wildfire-generated smoke triggers asthma symptoms.

255.

ACC, induced by the burning of fossil fuels, has substantially contributed to air quality related respiratory illness visits at hospital emergency departments and urgent care clinics in the County. In 2022, a total of 84,081 visits in Multnomah, Washington and Clackamas Counties were due to air quality-related illness, most of which occurred in Multnomah County. From 2016 to 2022, Multnomah County recorded steadily increased visits each year except in 2021, which recorded a level similar to 2017.

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256.

In September of 2020, Multnomah County experienced a spike in medical visits for asthma caused by poor air quality as a result of ACC-related wildfire smoke. Asthma-related emergency room visits in Multnomah County increased by nearly one-third in the four weeks during and after wildfires in 2020.

257.

The Labor Day fires of 2020 produced extreme smoke levels resulting in unhealthy air quality in Multnomah County.

258.

The air quality index in Multnomah County from September 10th through the 13th repeatedly broke records during the Labor Day 2020 fires (215, 287, 288 and 477 AQI, respectively).[143] AQI above 200 is considered "very unhealthy."[144] Before 2015, Portland did not have a single day with air quality ≥ Unhealthy for Sensitive Groups (USG) from wildfire smoke since air quality monitoring began in 1985.[145] From 2015 to 2022, Portland had 26 ≥ USG days or

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[143] State of Oregon Department of Environmental Quality, *Wildfire Smoke Trends and the Air Quality Index* (May 2023) https://www.oregon.gov/deq/wildfires/Documents/WildfireSmokeTrendsReport.pdf (last visited June 21, 2023).

[144] Id.

[145] Id.

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3.3 ≥ USG days/year.[146] In 2020, Portland had its first days over the unhealthy AQI level with 3 very unhealthy and 5 hazardous days.[147] In 2022, Portland had 3 ≥ USG days.[148]

259.

AQI categories from wildfire smoke have been increasing since around 2012, with more frequent days at more "unhealthy" or worse levels, including the record-breaking events of September 2020.[149] Scientists expect this trend will continue and worsen.

260.

The Labor Day 2020 fires were among the worst ever in Oregon history, scorching nearly 1,500 square miles of mainly forested areas, the largest area in the state's recorded history. Strong and dry winds, combined with desiccated vegetation, drove the rapid growth of the fires. A key driver of the wildfires was unusually high aridity (the drop in atmospheric water vapor), a trend to which fossil fuel induced climate change substantially contributed.

261.

The Labor Day fires are also part of a regional trend. Total annual area burned in Oregon has increased during the last 35 years.[150] As aridity has increased, wildfires have spread into higher

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[146] Id.
[147] Id.
[148] Id.
[149] Id.
[150] Oregon Department of Energy, *OCCRI's Sixth Climate Assessment Outlines Climate Change Effects On Oregon* https://energyinfo.oregon.gov/blog/2023/1/11/occris-sixth-climate-assessment-outlines-climate-change-effects-on-oregon (last visited on June 21, 2023).

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elevations that previously were cool and moist enough to deter fire expansion.[151]

262.

The United Nations Environment Programme Report, authored by 52 international scientists, linked global spread of landscape-scale wildfires to global overheating that is "turning landscapes into tinderboxes, while more extreme weather means stronger, hotter, drier winds to fan the flames."[152]

263.

More than a dozen rigorous peer-reviewed studies and meta-analyses (synthesis studies) confirm the presence of a consistent pattern of increased wildfire events and severity in Oregon that is attributable to fossil fuel induced ACC.[153]

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[151] Id.

[152] United Nations Environmental Program, Spreading like Wildfire: The Rising Threat of Extraordinary Landscape Fires (2022) https://www.unep.org/resources/report/spreading-wildfire-rising-threat-extraordinary-landscape-fires (last visited June 20, 2023).

[153] *See* Dennison, P. E., Brewer, S. C., Arnold, J. D., & Moritz, M. A. (2014). Large wildfire trends in the western United States, 1984–2011. *Geophysical Research Letters*, *41*(8), 2928-2933. https://doi.org/10.1002/2014GL059576 (increased Western wildfire attributed in part to warmer and drier summer conditions (drought severity). For all ecoregions combined, the number of large fires increased at a rate of seven fires per year, while total fire area increased at a rate of 355 km^2 per year."); Westerling, A. L. (2016) Increasing western US forest wildfire activity: sensitivity to changes in the timing of spring *Phil. Trans. R. Soc. B* 371: 2015017820150178 http://doi.org/10.1098/rstb.2015.0178 (reaffirmed the tight association between wildfire activity and the relatively high cumulative warm-season actual evapotranspiration and early spring snow melt. Notably, there was a +1000% increase in wildfire activity from 2003-2012 and the increase was attributed to spring and summer temperature increases.); Abatzoglou, J. T., & Williams, A. P. (2016). Impact of anthropogenic climate change on wildfire across western US forests. *Proceedings of the National Academy of Sciences*, *113*(42), 11770-11775. https://doi.org/10.1073/pnas.1607171113 ("anthropogenic increases in temperature and vapor pressure deficit significantly enhanced fuel aridity across western forests during 2000–2015, contributing to 75% more forested area experiencing high fire-season fuel aridity and an average

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of 9 additional days per year of high fire potential. ACC accounted for ~55% of observed increases in fuel aridity and wildfire potential in recent decades."); Holden, Z. A., *et al*. (2018) Decreasing fire season precipitation increased recent western US forest wildfire activity. *Proceedings of the National Academy of Sciences*, *115*(36), E8349-E8357. https://doi.org/10.1073/pnas.1802316115 (declines in summer precipitation and rain days associated with GHG increases are the primary driver of increases in wildfire area in the West.); Abatzoglou, J. T., Rupp, D. E., & Sadegh, M. (2021). Compound Extremes Drive the Western Oregon Wildfires of September 2020. *Geophysical Research Letters*, *48*(8), e2021GL092520. https://doi.org/10.1029/2021GL092520 ("the 2020 Labor Day fires in Oregon exceeded the area burned in any single year for at least the past 120 years, contributing to hazardous air quality and massive smoke plumes. Unusually warm conditions with limited precipitation occurred in the 60-days prior to the fires. Exceptionally strong winds and dry air drove rapid rates of fire spread. The concurrence of these drivers created conditions unmatched in the observational record."); Mass, C. F., *et al*. (2021). The September 2020 Wildfires over the Pacific Northwest. Wea. Forecasting, 36, 1843–1865. https://doi.org/10.1175/WAF-D-21-0028.1 ("the Labor Day fires of 2020 were driven by strong … highly unusual winds. Wildfires produced dense smoke that initially moved westward over the Willamette Valley and eventually covered the entire region. Air quality rapidly degraded to hazardous levels, representing the worst levels in recent decades."); Hawkins, L. R., *et al*. (2022). Anthropogenic Influence on Recent Severe Autumn Fire Weather in the West Coast of the United States. *Geophysical Research Letters*, *49*(4), e2021GL095496. https://doi.org/10.1029/2021GL095496 ("ACC factors (fuel aridity, warmer temperatures during dry wind events) increased fuel aridity and likelihood of extreme fire weather by 40% in northern California and Oregon."); Dahl, K., *et al*. (2023) *Environ. Res. Lett.* **18** 064011. https://doi.org/10.1088/1748-9326/acbce8 (linked increases in burned forest area across the West and southwestern Canada to the vapor pressure deficit, meaning drier atmospheric conditions produced drought-stressed plants and soils that readily burned. The study used a robust global energy balance carbon-cycle model and a suite of downscaled climate models to "attribute emissions to vapor pressure deficit from 1901–2021 and cumulative forest fire area from 1986–2021. Emissions were responsible for 48% of long-term rise in vapor pressure deficit and, correspondingly, 37% of the cumulative area burned. Emissions also contributed to nearly half the increase in drought- and fire-danger since 1901."); MacDonald, G., *et al*. (2023). Drivers of California's changing wildfires: a state-of-the-knowledge synthesis. *International Journal of Wildland Fire* **32**, 1039-1058. https://doi.org/10.1071/WF22155 (Synthesizing the literature on climate-wildfire attribution studies finding that there was a "striking increase in annual area burned in the West related to increasing temperatures and the atmospheric vapor pressure deficit. ACC was the main driver behind wildfire activity. The trend is projected to increase without reductions in GHGs.); Marc Turco, M., *et al*. (2023). Anthropogenic climate change impacts exacerbate summer forest fires in California. *Proceedings of the National Academy of Sciences*, *120*(25), e2213815120. https://doi.org/10.1073/pnas.2213815120 (Used the latest simulations for climate change attribution and detection studies showing that nearly all observed increases in burned area

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264.

Anthropogenic climate change, induced by the burning of fossil fuels, has caused and exacerbated wildfires in Oregon that harmed Multnomah County. ACC has increased the vapor pressure deficit and the summer temperatures dramatically, two conditions that influence the frequency and severity of wildfires. Other ACC factors contributing to increasing wildfire activity include unusually strong winds, a higher incidence of lightning, longer fire seasons, and decreased snowpack.

265.

The vapor pressure deficit and summer temperatures are likely to further increase in the decades ahead, meaning even more extreme wildfire events are forecasted.

266.

Since 2020, wildfires have cost Oregon $3 billion in structure losses in this decade alone. The 2020 Labor Day wildfires were the most destructive urban-wildland fires on record, killing 11 people, destroying 4300 homes, and triggering $422 million in federal aid.[154] All told, there were 21 fires in Oregon in summer/fall of 2020, 12 of which started over the Labor Day weekend,

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in California over the past half-century was attributed to ACC (summer temperature increases, dryness). Model simulations using ACC factors alone accounted for 172% (range 84 to 310%) more area burned than simulations with natural forcing only (no ACC in the model). Their results indicate that observed increases in burned area was primarily due to greater fuel aridity (from drying and summer temperatures).

[154] Eckert, T, *$422M federal grant approved to assist 2020 Oregon wildfire survivors,* OPB, Oct. 6, 2022 https://www.opb.org/article/2022/10/06/federal-assistance-for-2020-oregon-wildfires-survivors/#:~:text=The%20U.S.%20Department%20of%20Housing,fires%20throughout%20Oregon%20in%202020. (last visited on June 21, 2023).

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producing "smoke waves" which detrimentally impacted smoke and air quality levels in Multnomah County.

267.

Wildfire-generated toxic smoke plumes have caused damage to Multnomah County, its residents, and its property. As carbon emissions continue, and global temperatures increase Multnomah, County will suffer more extreme heat days, more poor air quality days, larger wildfires, and more "smoke waves."

268.

GHGs from Fossil Fuel Defendants' emissions caused the fires to burn more severely and more intensely, which in turned caused smoke penetration and related harm in and to Multnomah County. Drought conditions are linked to climate-driven temperature increases across wide swaths of the western United States, which evaporates soil of moisture which in turn makes heatwaves more severe. Changes in climate will affect future fire frequency and severity.[155] Climate change will result in longer wildfire seasons, increased wildfire frequency, larger burn zones, and increased wildfire severity.[156]

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[155] Halofsky, J.E., Peterson, D.L. & Harvey, B.J. Changing wildfire, changing forests: the effects of climate change on fire regimes and vegetation in the Pacific Northwest, USA. fire ecol 16, 4 (2020). https://doi.org/10.1186/s42408-019-0062-8 (According to projections based on historical records, current trends, and simulation modeling, protracted warmer and drier conditions will drive lower fuel moisture and longer fire seasons in the future, likely increasing the frequency and extent of fires…).

[156] USDA Northwest Climate Hub, How do Climate and Wildfire Relate? https://www.climatehubs.usda.gov/hubs/northwest/topic/climate-change-and-wildfire-idaho-oregon-and-washington (last visited June 13, 2023);

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269.

Wildfires were sparked during the 2021 heat dome and thereafter.[157] Because of Defendants' acts or omissions related to the burning of fossil fuels, Multnomah County will suffer harm from smoke penetration, including adverse health impacts on its citizens from the intense smoke. As one climatologist described the matter, "it's like someone poured gasoline on the forest."[158]

E. Extreme Heat is Here to Stay and Is Caused By Defendants' Activities – 2022 Heatwave

270.

In 2022, Multnomah County experienced seven consecutive days of temperatures above 95 F from July 25 through July 31.[159]

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[157] Bartusek, S., Kornhuber, K. & Ting, M. 2021 North American heatwave amplified by climate change-driven nonlinear interactions. Nat. Clim. Chang. **12**, 1143–1150 (2022). https://doi.org/10.1038/s41558-022-01520-4.

[158] Burns, J, We know climate change set the conditions for Oregon fires. Dis it stoke the flames, too? Sept. 21, 2020 https://www.opb.org/article/2020/09/21/oregon-wildfires-climate-change-role/ (last visited on June 18, 2023); Abatzoglou, J. T., Rupp, D. E., O'Neill, L. W., & Sadegh, M. (2021). Compound extremes drive the western Oregon wildfires of September 2020. Geophysical Research Letters, 48 https://doi.org/10.1029/2021GL092520 ("studies suggest that climate change has contributed to increased fuel aridity and longer fire seasons and the probability of compound hot-dry extremes and climate projections suggest continued warming with slight decreases in summer precipitation in the Pacific Northwest over the 21st century.").

[159] Ehrlich, A., Portland breaks record for consecutive days of temperatures 95 or higher July 31, 2022, https://www.opb.org/article/2022/07/31/portland-breaks-record-for-consecutive-days-of-temperatures-95-or-higher/ (last visited on June 18, 2023).

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271.

This heatwave took the lives of five Multnomah County residents.[160]

272.

In 2022, the County recorded 172 heat-related illness Emergency visits, which was 40% greater than the number of visits between 2016 and 2019.

273.

Defendants' activities have caused unprecedented and excessive heat to plague Multnomah County.

F. ***ACC Has Caused Droughts that Will Continue to Wreak Havoc on Multnomah County***

274.

Over the last three years, a severe drought caused by the emissions from the burning of Defendants' fossil fuel products has strained the water supply to communities, agriculture, and ecosystems. Water availability is central to the state's economy, contributing significantly to the resilience of agricultural and livestock production, public health, urban environments, energy supply, fisheries, and industry.[161]

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[160] Multnomah County, Medical Examiner confirms five heat deaths during summer 2022, March 7, 2023, https://www.multco.us/multnomah-county/news/news-release-medical-examiner-confirms-five-heat-deaths-during-summer-2022 (last visited June 21, 2023).

[161] Oregon Climate Assessment, January 2023, Fleischman, Editor, Oregon State University, https://ir.library.oregonstate.edu/concern/technical_reports/gt54kw197) (last visited June 20, 2023).

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275.

Virtually all of Oregon is in a multiple-year drought, defined as drought that persists for more than one water year. Impacts on human and natural systems become more severe in each consecutive year of drought as groundwater, soils, and surface-water bodies continually dry without normal recharge.[162]

276.

In 17 of the last 23 water years, Oregon's precipitation was below normal. In terms of precipitation, water years 2001 and 2020 ranked as the third and fifth driest water years in Oregon since 1895.[163]

277.

The average temperature in Oregon also was warmer than normal in 18 of the last 23 water years, which contributed to increases in evapotranspiration and drought frequency.[164]

278.

For 2020, the drought was the most severe in Oregon's recorded history. The 2020 drought was driven by a combination of low precipitation and high evapotranspiration, which in turn produced well above normal temperatures.[165]

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[162] Id.
[163] Id.
[164] Id.
[165] Id.

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279.

Yearly estimates of soil moisture from tree rings suggested that the years 2000–2021 were the driest in Oregon since at least 800 CE. These years were characterized by low snowpack, decreased summer streamflow, low precipitation during all seasons, and steadily rising evaporative demand due to climate change-induced aridification.[166]

280.

Persistent and severe droughts have occurred in Oregon since 2000. These droughts were driven by ACC, which substantially contributed to low winter precipitation and snowpack and low summer precipitation and high winter temperature. Low precipitation contributed to each drought, but temperature and snowpack also affected drought severity and impacts. An estimated 19 percent of the soil moisture deficits in the West from 2000–2021 were caused by fossil fuel induced ACC.[167]

281.

Evaporation is expected to increase in Oregon as temperatures increase. Warm air holds more moisture than cool air, so projected increases in total evaporation are driven by projected increases in vapor pressure deficit. Even if the net water balance (precipitation minus evaporation) increases on average, the likelihood of drought, particularly during summer, increases as precipitation becomes more intense and seasonal. The severity and duration of droughts are

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[166] Id.
[167] Id.

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projected to increase across most of Oregon. Droughts are projected to be 11–33 percent longer and at least 40 percent more severe by the end of the century.[168]

G. Defendants Had Knowledge on the Impact of Their Fossil Fuel Activities—But Chose Windfall Profits Over Humanity

282.

The connection between burning fossil fuels and atmospheric CO_2 pollution was first suspected in the scientific literature in 1856.[169] The connection was confirmed in 1930.[170] In 1954, scientists at the California Institute of Technology ("Cal Tech") proposed to the API to commission a study that would differentiate carbon molecules released from the burning of fossil fuels versus natural sources.[171] Cal Tech had already determined from tree ring studies that fossil fuels had caused the atmospheric concentrations of CO_2 to rise by 5% in the past 100 years or so.[172] In 1955, the API funded the Cal Tech study, received the results, but never published the same.[173] In 1959, the renown physicist Edward Teller appeared at an API meeting and warned that the combustion of fossil fuels was contaminating the atmosphere, and would soon raise global temperatures sufficiently to melt the polar ice caps and raise the sea level.[174]

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[168] Id.
[169] Franta, B. Early oil industry knowledge of CO_2 and global warming. Nature Clim Change **8**, 1024–1025 (2018). https://doi.org/10.1038/s41558-018-0349-9.
[170] Id.
[171] Id.
[172] Id.
[173] Id.
[174] Id.

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283.

On March 29, 1958, Charles Keeling began recording daily carbon in the Earth's atmosphere at the Mauna Loa observatory in Hawaii.[175] Keeling's first reading on March 29, 1958, measured the atmospheric CO_2 concentration at 313 ppm.[176]

284.

By the 1950s, the Fossil Fuel Defendants (herein also called "Oil Defendants") discovered that climate change would present dangerous risks to the world's population.[177] In response, they engaged in decades-long concerted effort to keep Multnomah County, and the rest of the United States in the dark about those risks, while they reaped profits by false and deceptive consumer advertising misinformation.

285.

In 1967, Shell, with assistance from Exxon, Chevron and BP, gathered ocean data concerning its oil platforms in the Gulf of Mexico and studied wave, wind, barometric pressure,

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[175] Britannica, Keeling Curve, BRITANNICA, https://www.britannica.com/science/Keeling-Curve (last visited June 18, 2023).

[176] ACS, The Keeling Curve: Carbon Dioxide Measurements at Mauna Loa, ACS, https://www.acs.org/content/acs/en/education/whatischemistry/landmarks/keeling-curve.html (last visited June 18, 2023).

[177] American Institute of Physics. The discovery of Global Warming, AMERICAN INSTITUTE OF PHYSICS, (2022) https://history.aip.org/climate/index.htm#contents (last visited June 20, 2023); Craig Harmon, The Natural Distribution of Radiocarbon and the Exchange Time of Carbon Dioxide Between Atmosphere and Sea, Tellus, 1-17 (9TH Ed. 1957); Roger Revelle & Hans E. Seuss, Carbonates and carbon dioxide, Memoirs of the Geological Society of America 239–295 (1957).

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storms, sea level, and current changes and trends on its six platforms in the Gulf of Mexico.[178] The report was necessary to develop and calibrate environmental forecasting theories to protect the industry's platforms. What they found out guided their marketing strategies for the next five decades. There is also evidence that they built their offshore platforms higher to contend with ocean rise from warming.

286.

Thus, more than fifty years ago, scientists for the Fossil Fuel Defendants concluded that "doubling in CO_2 could increase average global temperature 1°C to 3°C by 2050….10°C predicted at poles." In the 1968 report for the American Petroleum Institute (API), attached as Exhibit 1, the scientists stated:

a) "Significant temperature changes are almost certain to occur by the year 2000 and these could bring about climatic change…if the Earth's temperature increases significantly, a number of events might be 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."

b) "It is clear that we are unsure as to what our long-lived pollutants are doing to our environment; however, there seems to be no doubt that the potential damage to our environment could be severe."[179]

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[178] M. Patterson, An Ocean Data Gathering Program for the Gulf of Mexico, Society of Petroleum Engineers (1969), (Available at: https://www.onepetro.org/conference-paper/SPE-2638-MS.) (last visited June 20, 2023).

[179] E. Robinson & R.C. Robbins, Final Report, Sources, Abundance, and Fate of Gaseous. Atmospheric Pollutants, SRI Project PR-6755, prepared for American Petroleum Institute, at 109-110.

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287.

A 1969 supplemental report by scientists for API, projected that based on current fuel usage at the time, atmospheric CO_2 concentrations would reach 370 ppm by the turn of the century.[180] They proved to be ominously correct. It was 369.34 ppm in 2000.[181]

288.

API's scientists connected the rise in atmospheric CO2 concentrations to the use of fossil fuels, warning that the temptations and consequences of ignoring CO_2 as a pollutant could be of global importance as a factor that could change man's environment.[182] This report was disseminated to the oil industry through API, including to Oil Defendants Exxon, Shell, BP, ConocoPhillips, Motiva and Anadarko (or their predecessors in interest) in a 1972 status report.[183]

289.

In clandestine fashion, the oil industry began to prepare for climate change. In 1973 and 1974, Exxon obtained a patent for a cargo ship capable of breaking sea ice and for an oil tanker

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[180] E. Robinson & R.C. Robbins, Sources, Abundance, and Fate of Gaseous Atmospheric Pollutants Supplement, Stanford Research Institute (June 1969).

[181] NASA Goddard Institute for Space Studies, Global Mean CO_2Mixing Ratios (ppm): Observations, NASA GODDARD INSTITUTE FOR SPACE STUDIES, https://data.giss.nasa.gov/modelforce/ghgases/Fig1A.ext.txt (last visited June 20, 2023).

[182] Elmer Robinson and R.C. Robbins, Sources, Abundance, and Fate of Gaseous Atmospheric Pollutants Supplement, STANFORD RESEARCH INSTITUTE (Jun. 1969), http://chr.gov.ph/wp-content/uploads/2019/11/Exhibit-3I-Sources-Abundance-and-Fate-of-Gaseous-Atmospheric-Pollutants-Supplement.pdf (last visited June 20, 2023).

[183] Committee for Air and Water Conservation American Petroleum Institute, Environmental Research, A Status Report, Committee for Air and Water Conservation, AMERICAN PETROLEUM INSTITUTE (Jan.1972), https://files.eric.ed.gov/fulltext/ED066339.pdf (last visited Nov 15, 2022).

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designed specifically for use in previously unreachable areas of the Arctic.[184] Chevron also obtained a patent for a mobile arctic drilling platform designed to withstand significant interference from lateral ice masses,[185] allowing for drilling in areas with increased ice flow movement due to elevated temperature.

290.

Norske Shell, Royal Dutch Shell's Norwegian subsidiary[186] factored rising sea levels into plans for its "Troll A platform" to account for higher anticipated average sea levels and increased storm intensity due to global warming over the platform's 70-year operational life[187] at a cost of nearly $40 million.

291.

Exxon's Henry Shaw stated in a memo to David Edward, Jr. in 1978, attached as Exhibit 2**,** that Exxon needed to understand the "CO_2 problem" and wanted to "assess the possible impact of the greenhouse effect on Exxon business. Exxon must develop a credible scientific team that

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[184] ExxonMobil Research Engineering Co., Icebreaking cargo vessel, GOOGLE PATENTS (Apr. 17, 1973), https://patents.google.com/patent/US3727571A/en (last visited June 20, 2023); ExxonMobil Research Engineering Co., Tanker vessel, GOOGLE PATENTS (Jul. 17, 1973), (last visited June 20, 2023).

[185] Chevron Research & Technology Co., Arctic offshore platform, GOOGLE PATENTS (Aug. 27, 1974) https://patents.google.com/patent/US3831385A/fi (last visited June 20, 2023).

[186] N.Y. Times, Greenhouse Effect: Shell Anticipates A Sea Change, N.Y. TIMES (Dec. 20, 1989), http://www.nytimes.com/1989/12/20/business/greenhouse-effect-shell-anticipates-a-sea-change.html (last visited June 20, 2023).

[187] Id.; Amy Lieberman and Susanne Rust, Big Oil braced for global warming while it fought regulations, L. A. TIMES (Dec. 31, 2015), https://graphics.latimes.com/oil-operations/ (last visited June 20, 2023).

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can critically evaluate the information generated on the subject and be able to carry bad news, if any, to the corporation."[188]

292.

From 1979 to 1982, the Exxon Research and Engineering (ER&E) Company pursued major global warming-based projects.[189] Exxon's described the projects thusly: "Establish a scientific presence through research program in climate modeling; selective support of outside activities; maintain awareness of new scientific developments."[190]

293.

At a presentation for Exxon's Corporation Management Committee in 1978, attached as Exhibit 3**,** Exxon was warned that CO_2 concentrations were building in the Earth's atmosphere at an increasing rate, that CO_2 emissions attributable to fossil fuels were retained in the atmosphere, and that CO_2 was contributing to global warming.[191] An Exxon executive expressed the concern

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[188] Henry Shaw, Memo from Henry Shaw to Edward David Jr., The "Greenhouse Effect," EXXON RESEARCH AND ENGINEERING COMPANY (Dec. 7, 1978), https://www.climatefiles.com/exxonmobil/1978-exxon-memo-on-programs-developed-to-measure-co2-uptake-and-request-credible-scientific-team/ (last visited June 20, 2023).

[189] G.H. Long, Atmospheric CO_2 Scoping Study, EXXON RESEARCH AND ENGINEERING COMPANY (Feb. 5, 1981), https://www.climatefiles.com/exxonmobil/1981-exxon-report-potential-climate-change-research-programs/ (last visited June 20, 2023); A.M. Natkin, Memo Summarizing Climate Modeling and CO2 Greenhouse Effect Research, EXXON RESEARCH AND ENGINEERING COMPANY, (Sept. 2, 1982), https://www.climatefiles.com/exxonmobil/1982-exxon-memo-summarizing-climate-modeling-and-co2-greenhouse-effect-research/ (last visited June 20, 2023).

[190] A.J. Callegari, Corporate Research Program in Climate/CO_2-Greenhouse, EXXON CORPORATE RESEARCH PROGRAM (Feb. 2, 1984), https://www.climatefiles.com/exxonmobil/1984-exxon-report-on-climate-modeling-and-co2-effects/ (last visited June 20, 2023).

[191] Id.

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that humans have a "window of five to ten years before the need for hard decisions regarding changes in energy strategies might become critical."[192] That was **55 years ago**.

294.

Steve Knisely was a summer intern at Exxon Research and Engineering in 1979 when Exxon asked him to analyze how global warming might affect fuel use.[193] Knisley's report, attached as Exhibit 4**,** predicted that if nothing was done and that if fossil fuel use was not limited, there would be noticeable temperature changes and 400 ppm of CO_2 in the atmosphere by 2010. His prediction was remarkably accurate. There was 388.61 ppm carbon in the atmosphere on January 16, 2010, per NASA data.[194]

295.

Knisely even concluded that the fossil fuel industry might need to leave 80% of its recoverable reserves in the ground to avoid doubling CO_2 concentrations.[195]

296.

At this time, Exxon scientists expressed grave concern about the potential impacts of fossil fuel-driven global warming and advocated internally for additional fossil fuel industry-generated

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[192] Id.
[193] Lisa Song, Neal Banerjee and David Hasemyer, Exxon Confirmed Global Warming Consensus in 1982 with In-House Climate Models, INSIDE CLIMATE NEWS (Sept. 22, 2015), https://insideclimatenews.org/news/22092015/exxon-confirmed-global-warming-consensus-in-1982-with-in-house-climate-models/ (last visited June 20, 2023).
[194] NASA, Vital Signs, NASA GLOBAL CLIMATE CHANGE, https://climate.nasa.gov/vital-signs/carbon-dioxide/ (last visited June 20, 2023).
[195] *See* Exhibit 4.

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research considering the growing consensus that consumption of fossil fuel products was changing the planet's climate.[196]

297.

Indeed, on November 19, 1979, Exxon's Henry Shaw, the company's lead climate researcher at the time, wrote an inter-office memorandum concerning "Research in Atmospheric Science", attached as Exhibit 5**,** wherein he stated:

> We should determine how Exxon can best participate in all these [atmospheric science research] areas and influence possible legislation on environmental controls. It is important to begin to anticipate the strong intervention of environmental groups and be prepared to respond with reliable and credible data. It behooves [Exxon] to start a very aggressive defensive program in the indicated areas of atmospheric science and climate because there is a good probability that legislation affecting our business will be passed. Clearly, it is in our interest for such legislation to be based on hard scientific data. The data obtained from research on the global damage from pollution, e.g., from coal combustion, will give us the needed focus for further research to avoid or control such pollutants.[197]

298.

That same year, Exxon's W.L. Ferrall summarized Exxon's internal findings in a memo concerning "Controlling Atmospheric CO_2," [Exhibit 4] concluding that:

a) the increase [in CO_2 concentration] is due to fossil fuel combustion,

b) increasing CO_2 concentration will cause a warming of the earth's surface.

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[196] Id.

[197] Henry Shaw, Memo to H.N. Weinberg about Research in Atmospheric Science, Inter-Office Correspondence, EXXON CORP. (Nov. 19, 1979), https://www.climatefiles.com/exxonmobil/1979-exxon-memo-on-atmospheric-science-research-to-influence-legislation/ (last visited June 20, 2023).

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c) present trend of fossil fuel consumption will cause dramatic environmental effects before the year 2050."[198]

299.

Doubling of CO_2 concentration (using 1860 as a baseline), Ferrall predicted that "ocean levels would rise four feet" and the "Arctic Ocean would be ice free for at least six months each year, causing major shifts in weather patterns in the northern hemisphere."[199]

300.

The American Petroleum Institute and scientists from Exxon, Mobil, Amoco (now BP), Phillips (now ConocoPhillips), Texaco (now, Shell, Sunoco, Sohio (now BP)) as well as Standard Oil (now BP) and Gulf Oil (now Chevron), began the "CO_2 and Climate Task Force" to monitor and to freely share industry knowledge on climate research between 1979 and 1983.[200]

301.

In 1979, API sent its members a background memo related to API's CO_2 and Climate Task Force's efforts, stating that CO_2 concentrations were rising steadily in the atmosphere, and predicting when the first clear effects of climate change might be felt.[201]

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[198] W.L. Ferrall, Memo to R.L. Hirsch Controlling Atmospheric CO_2, EXXON RESEARCH AND ENGINEERING COMPANY (Oct. 16, 1979). https://www.climatefiles.com/exxonmobil/1979-exxon-memo-on-potential-impact-of-fossil-fuel-combustion/ (last visited June 20, 2023).

[199] Id.

[200] Id.

[201] Neela Banerjee, Exxon's Oil Industry Peers Knew About Climate Dangers in the 1970s, Too, INSIDE CLIMATE NEWS (Dec. 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/ (last visited June 20, 2023).

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302.

In 1980, API's CO_2 Task Force members discussed the oil industry's responsibility to reduce CO_2 emissions by changing refining processes and developing fuels that emit less CO_2. The minutes from the Task Force's meeting on February 29, 1980 included a summary of a presentation on "The CO_2 Problem," which identified the "scientific consensus on the potential for large future climatic response to increased CO_2 levels" as a reason for API members to have concern with the "CO_2 problem" and informed attendees that there was "strong empirical evidence" that rise in CO_2 concentration was caused by anthropogenic release of CO_2, mainly from fossil fuel combustion (emphasis added).[202] Those minutes are attached as Exhibit 6.

303.

Dr. Laurman warned the Fossil Fuel Defendants that the amount of CO_2 in the atmosphere could double by 2038, which he said would likely lead to a 2.5° C (4.5º F) rise in global average temperature, resulting in "major economic consequences." He then told the task force that climate models predicted a 5°C (9º F) rise by 2067, with "globally catastrophic effects."[203] A Texaco (now Chevron) representative posited that the API CO_2 Task Force should develop ground rules for energy release of fuels and the cleanup of fuels as they relate to CO_2 creation.

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[202] American Petroleum Institute, AQ-9 Task Force Meeting Minutes, attached as Exhibit 6**.** AQ-9 refers to the "CO_2 and Climate" Task Force.
[203] Id.

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304.

In 1980, the API CO_2 Task Force also discussed a potential area for investigation: alternative energy sources as a means of mitigating CO_2 emissions from Defendants' fossil fuel products. These efforts called for research and development to "Investigate the Market Penetration Requirements of Introducing a New Energy Source into Worldwide Use." Such investigation was to include the technical implications of energy source changeover, research timing, and requirements.

305.

These Meeting Minutes from the February 29, 1980, meeting of the CO_2 and Climate Task Force, reflected a dire prediction:

CLIMATE MODELING – CONCLUSIONS

- GLOBAL AVERAGED 2.5º C RISE EXPECTED BY 2038 AT A 3% p.a. GROWTH RATE OF ATMOSPHERIC CO_2 CONCENTRATION
- LARGE ERROR IN THIS ESTIMATE - 1 IN 10 CHANCE OF THIS CHANGE BY 2005
- NO REGIONAL CLIMATE CHANGE ESTIMATES YET POSSIBLE
- LIKELY IMPACTS:

1º C RISE (2005):	BARELY NOTICEABLE
2.5º C RISE (2038):	MAJOR ECONOMIC CONSEQUENCES, STRONG REGIONAL DEPENDENCE
5º C RISE (2067):	GLOBALLY CATASTROPHIC EFFECTS

306.

The Climate Task Force estimated that the Earth would warm up by 2.5° C by 2038. The February 29, 1980, meeting of API's CO_2 and Climate Task Force concluded with the following warning:

CONCLUSIONS

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AT A 3% PER ANNUM GROWTH RATE OF CO_2, **A 2.5ºC RISE BRINGS WORLD ECONOMIC GROWTH TO A HALT IN ABOUT 2025**.[204]

307.

Exxon scientist Roger Cohen warned his colleagues in a 1981 internal memorandum, attached as Exhibit 7, that "future developments in global data gathering and analysis, along with advances in climate modeling, may provide strong evidence for a delayed CO_2 effect of a truly substantial magnitude," and that under certain circumstances it would be "very likely that we will unambiguously recognize the threat by the year 2000.[205] Cohen previously expressed concern that the memorandum mischaracterized potential effects of unabated CO_2 emissions from Defendants' fossil fuel products: "[I]t is distinctly possible that the . . . [Exxon Planning Division's] scenario will produce effects which will indeed be catastrophic (at least for a substantial fraction of the world's population)."[206]

308.

In 1981, Exxon's Henry Shaw prepared a summary of Exxon's current position on the greenhouse effect, attached as Exhibit 8**,** for Edward David Jr., president of Exxon Research and Engineering, stating in relevant part that: "Atmospheric CO_2 will double in 100 years if fossil fuels grow at 1.4%"… there will be a "3° Celsius global average temperature rise and 10° Celsius at

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[204] Id. (emphasis added).
[205] Roger W. Cohen, Exxon Memo to W. Glass about possible "catastrophic" effect of CO_2, Inter-Office Correspondence, EXXONMOBIL CORP. (Aug. 18, 1981), https://www.mass.gov/files/documents/2016/10/tp/exxon-appendix-memo-support.pdf (last visited (last visited June 20, 2023).
[206] Id.

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poles if CO_2 doubles" and there will be "major shifts in rainfall/agriculture" and "polar ice may melt."[207]

309.

In 1982, another report prepared for API by scientists at the Lamont-Doherty Geological Observatory at Columbia University, attached as Exhibit 9, recognized that atmospheric CO_2 concentration had risen significantly compared to the beginning of the industrial revolution from about 290 parts per million to about 340 parts per million in 1981 and acknowledged that despite differences in climate modelers' predictions, all models indicated a temperature increase caused by anthropogenic CO_2 within a global mean range of 4º C (7.2° F).

310.

Roger W. Cohen of Exxon Memo, summarizing findings of research in climate modeling, Exxon Research Engineering Co. dated Sept. 2, 1982, report advised that there was scientific consensus that "a doubling of atmospheric CO_2 from pre-industrial revolution value would result in an average global temperature rise of (3.0 ± 1.5)° C [5.4 ± 2.7° F]." It went further, warning that "[s]uch a warming can have serious consequences for man's comfort and survival since patterns of aridity and rainfall can change, the height of the sea level can increase considerably, and the world food supply can be affected."[208]

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[207] Henry Shaw, Exxon Memo to E. E. David, Jr. about "CO_2Position Statement, Inter-Office Correspondence, EXXONMOBIL CORP. (May 15, 1981), https://docs.house.gov/meetings/GO/GO28/20190409/109294/HMTG-116-GO28-20190409-SD007.pdf (last visited June 20, 2023).

[208] American Petroleum Institute, Climate Models and CO_2 Warming: A Selective Review and Summary, Lamont-DOHERTY GEOLOGICAL OBSERVATORY (COLUMBIA UNIVERSITY) (Mar. 1982),

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311.

Also, in 1982, Exxon's Environmental Affairs Manager, M.B. Glaser, distributed a primer on climate change, attached as Exhibit 10**,** to a "wide circulation [of] Exxon management…. intended to familiarize Exxon personnel with the subject."[209] The primer also was "restricted to Exxon personnel and not to be distributed externally."[210]

312.

Glaser submitted a chart to Exxon which reflected CO_2 in the atmosphere, and how the temperature would increase by year:[211]

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https://insideclimatenews.org/wp-content/uploads/2016/02/API-1982-Climate-models-and-CO2-warming.pdf (last visited June 20, 2023).

[209] M.B. Glaser, Exxon Memo to Management about "CO_2 'Greenhouse' Effect", EXXON RESEARCH AND ENGINEERING CO. (NOV. 12, 1982), https://www.climatefiles.com/exxonmobil/1982-memo-to-exxon-management-about-co2-greenhouse-effect/ (last visited June 20, 2023).

[210] Id.

[211] Id. at 7.

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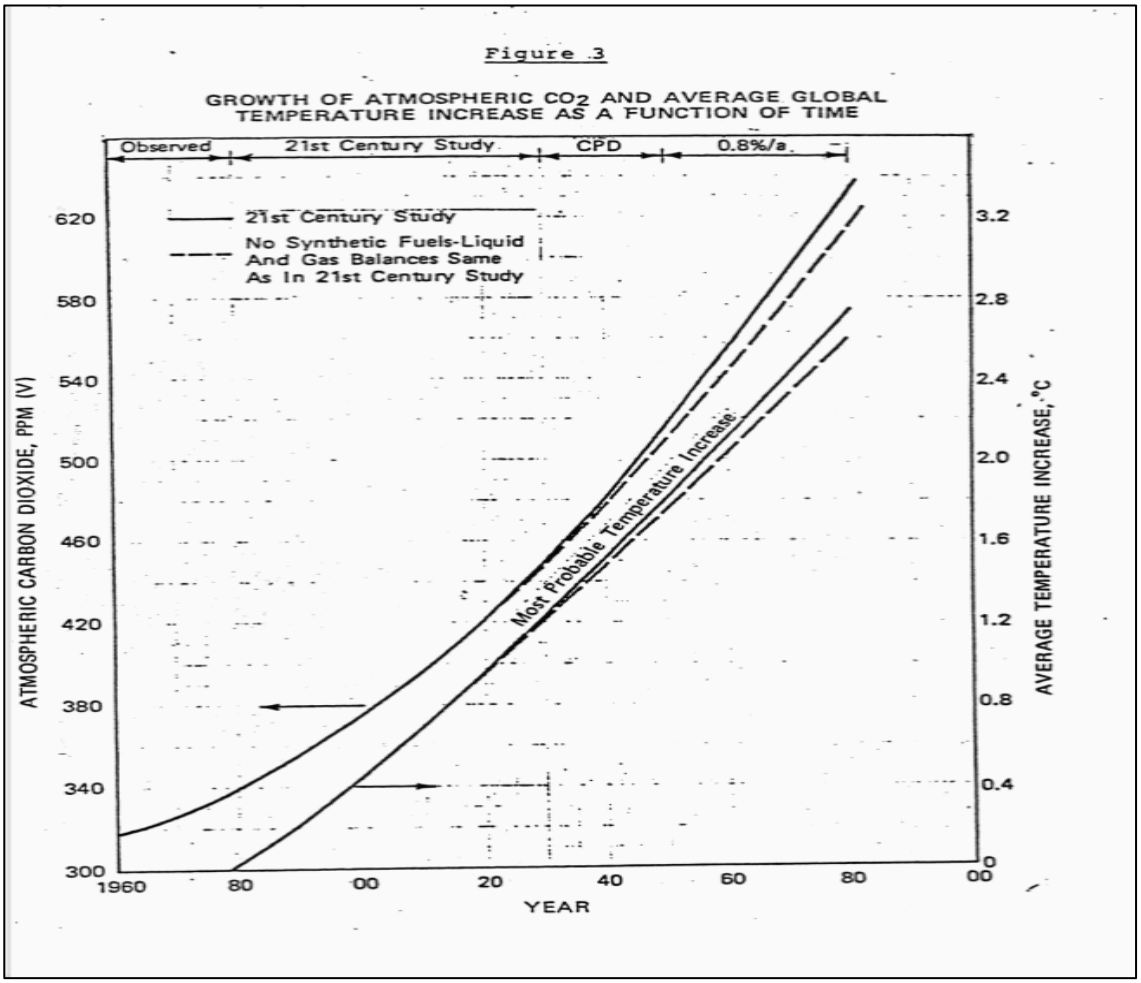

313.

Glaser's primer collected science on climate change available at the time and confirmed fossil fuel combustion as a primary anthropogenic contributor to global warming. The report

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estimated a CO_2 doubling around 2090 based on Exxon's long-range modeled outlook.

314.

Glaser warned that "there are some potentially catastrophic events that must be considered," including increased sea surface temperatures, and the loss of Antarctic ice sheets.[212] It noted that some scientific groups were concerned "that once the effects are measurable, they might not be reversible."[213]

315.

During the time the Task Force was in effect, the development of shale oil was of paramount concern to API. It was discussed that the production of oil shale may generate 3-5 times more carbon emissions.[214]

316.

Director of Exxon's Theoretical and Mathematical Sciences Laboratory Roger Cohen agreed and wrote that "the time required for doubling of atmospheric CO_2 depends on future world consumption of fossil fuels." Cohen concluded that Exxon's own results were "consistent with the published predictions of more complex climate models" and "in accord with the scientific consensus on the effect of increased atmospheric CO_2 on climate."[215]

317.

In October 1982, attended by members of API, Exxon Research and Engineering Company

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[212] Id.
[213] Id.
[214] Id.
[215] Cohen, *supra*, Footnote 205.

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president E.E. David delivered a speech titled: "Inventing the Future: Energy and the CO_2 'Greenhouse Effect.'"[216] His remarks, attached as Exhibit 11**,** included the following statement: "[F]ew people doubt that the world has entered an energy transition away from dependence upon fossil fuels and toward some mix of renewable resources that will not pose problems of CO_2 accumulation." He went on, discussing the human opportunity to address anthropogenic climate change before the point of no return:

> It is ironic that the biggest uncertainties about the CO_2 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.[217]

318.

Throughout the early 1980s, at Exxon's direction, Exxon climate scientist Henry Shaw forecasted emissions of CO_2 from fossil fuel use. Those estimates were incorporated into Exxon's 21st century energy projections, attached as Exhibit 12, and were distributed among Exxon's various divisions.

319.

Shaw's conclusions included an expectation that atmospheric CO_2 concentrations would double in 2090 per the Exxon model, with an attendant 2.3–5.6º F average global temperature

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[216] Dr. E. E. David, Jr., Inventing the Future: Energy and the CO_2 Greenhouse Effect: Remarks at the Fourth Annual Ewing Symposium, Tenafly, NJ, EXXON RESEARCH AND ENGINEERING COMPANY, (Oct. 26, 1982), https://www.climatefiles.com/exxonmobil/inventing-future-energy-co2-greenhouse-effect/ (last visited June 20, 2023).
[217] Id. (emphasis added).

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increase. Shaw compared his model results to those of the U.S. EPA, the National Academy of Sciences, and the Massachusetts Institute of Technology, indicating that the Exxon model predicted a longer delay than any of the other models, although its temperature increase prediction was in the mid-range of the four projections.[218]

320.

During the 1980s, these Defendants additionally formed their own research units focused on climate modeling. The API, including the API CO_2 Task Force, provided a forum for Defendants to share their research efforts and corroborate their findings related to anthropogenic greenhouse gas emissions.[219]

321.

James J. Nelson, the former director of the task force, was interviewed by Inside Climate News' Neela Banerjee and said that by 1983, the CO_2 and Climate Task Force was maneuvered by API into lobbying against regulation. "They (API) were less interested in pushing the envelope of science and more interested in how to make it more advantageous politically or economically for the oil industry."[220]

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[218] Neela Banerjee, More Exxon Documents Show How Much It Knew About Climate 35 Years Ago, INSIDE CLIMATE NEWS (Dec. 1, 2015), https://insideclimatenews.org/news/01122015/documents-exxons-early-co2-position-senior-executives-engage-and-warming-forecast (last visited June 20, 2023).
[219] Banerjee, *supra*, Footnote 201.
[220] Id.

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322.

By the early 1980s the Defendants had initiated a five-point plan in response to their unique knowledge of the danger faced by the world's population, as a result of the ever-increasing sale and use of their products. First, hide or obfuscate the dangers of climate change; second, increase supply and production; third, decrease prices; fourth, prevent non-carbon energy sources from developing; and fifth, stop or deter regulation of the carbon industry.

323.

During this time, the Fossil Fuel Defendants' statements express an understanding of their obligation to consider and mitigate the externalities of unabated promotion, marketing, and sale of their fossil fuel products, but they failed to do so, leaving our planet exposed to dangers.

324.

Fossil Fuel Defendants have long understood grim truths about the global harm caused by their products and expressed them in insular circles before working to sow public doubt about their veracity. For example, in 1988, Richard Tucker, then president of Mobil Oil, observed to industry colleagues:

> [H]umanity, which has created the industrial system that has transformed civilizations, is also responsible for the environment, which sometimes is at risk because of 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. The environmental covenant requires action on many fronts…the low-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. Prevention means engineering a new generation of fuels, lubricants and chemical products…. Prevention means designing catalysts and processes that minimize or eliminate the production of unwanted byproducts…. Prevention on a global scale may even require a dramatic reduction in our dependence on fossil fuels—

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> 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 that observers will declare it a new industry…. Brute force, low-tech responses and money alone won't meet the challenges we face in the energy industry.[221]

325.

Also, in 1988, the Shell Greenhouse Effect Working Group issued a confidential internal report, "The Greenhouse Effect," attached as Exhibit 13, which acknowledged global warming's anthropogenic nature: "Man-made carbon dioxide released into and accumulated in the atmosphere is believed to warm the earth through the so-called greenhouse effect." The authors also noted the burning of fossil fuel as a primary driver of CO_2 buildup and warned that ocean warming would impact marine species populations and that "shifts in ranges and migration patterns could result in local losses of food source revenues and could require [fishing] operations in other (more distant) grounds."[222]

326.

In addressing "Socio-economic implications" of climate change, the authors noted that, "[w]hile the greenhouse effect is a global phenomenon, the consequences and many of the socio-economic implications will be regional and local …." The authors went on to address specific impacts including "Changing air temperature."[223]

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[221] Richard E. Tucker, High Tech Frontiers in the Energy Industry: The Challenge Ahead, AIChE National Meeting (Nov. 30, 1988).
[222] Shell Internationale Petroleum, Greenhouse Effect Working Group, The Greenhouse Effect, Shell Internationale Petroleum (May 30, 1988) https://www.climatefiles.com/shell/1988-shell-report-greenhouse/ (last visited June 20, 2023).
[223] Id.

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327.

Local temperature change, the report stated, may necessitate local adaptation of the buildings in which people live and work, technologies for heating or cooling, energy sources for heating and cooling, new food preparation technologies, new cultivation techniques, etc. All such adaptations are costly, and some would drastically change the way people live and work.[224]

328.

Given these and other socio-economic implications, the Shell Greenhouse Effect Working Group advocated for a plan in which industry would work with governments to address the problem:

> With fossil fuel combustion being the major source of CO_2 in the atmosphere, a forward-looking approach by the energy industry is clearly desirable, seeking to play its part with governments and others in the development of appropriate measures to tackle the problem.[225]

329.

Like early warnings by Exxon scientists, the Shell report notes that "by the time the global warming becomes detectable it could be too late to take effective countermeasures to reduce the effects or even to stabilize the situation." The authors mention the need to consider policy changes on multiple occasions, noting that "the potential implications for the world are…so large that policy options need to be considered much earlier" and that research should be "directed more to

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[224] Id. at 27-28.
[225] Id. at 1.

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the analysis of policy and energy options than to studies of what we will be facing exactly."[226]

330.

The Fossil Fuel Defendants Exxon, Shell, BP, ConocoPhillips, Motiva, Valero, Total and Anadarko (and their predecessors in interest) were at the forefront of carbon dioxide research for much of the latter half of the 20th century. Collectively, they studied and developed cutting edge and innovative technology, working with top researchers to produce exceptionally sophisticated greenhouse gas studies and climate change models.

331.

The Fossil Fuel Defendants actively participated in committees, boards and groups for the American Petroleum Institute, Western States Petroleum Association (and others) and received numerous studies and updates from various committees regarding industry wide knowledge.

332.

The largest Fossil Fuel Defendants worked with McKinsey to create strategies that allowed for exponential increase in the use of their products, artificial creation of energy dependence, and control climate messaging to create doubt.

333.

Defendants failed to act reasonably to mitigate or avoid the dire adverse impacts their scientists carefully predicted. Defendants instead adopted the position, as described below, that the absence of meaningful regulations on the consumption of their fossil fuel products was the

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[226] Id.

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equivalent of a social license to continue the unfettered pursuit of profits from those products. This position was an abdication of Defendants' obligation to consumers and the public, including Multnomah County, to act on their unique knowledge of the hazards of unabated production and consumption of their fossil fuel products.

334.

By 1988, Defendants had amassed a compelling body of knowledge about the role of anthropogenic greenhouse gases—specifically those emitted from the normal use of Defendants' fossil fuel products—in causing global warming, increased mean surface temperature, heatwaves, and the attendant consequences for human communities and the environment.

335.

The Fossil Fuel Defendants possessed actual knowledge that their products were causing global climate change and predicted dire effects on the planet. The Fossil Fuel Defendants were faced with the decision of whether to take steps to limit the damages their fossil fuel products were causing and would continue to cause for virtually every area of the globe, including Multnomah County.

336.

It was also during this time that the Fossil Fuel Defendants were investing in offshore platforms and needed to study climate change to protect their own assets from rising sea levels. These investments included (among others), raising offshore oil platforms to protect against sea level rise; reinforcing offshore oil platforms to withstand increased wave strength and storm severity; and developing and patenting designs for equipment intended to extract crude oil and/or

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natural gas in areas previously unreachable because of the presence of polar ice sheets.[227] The Defendants understood that to effectuate their conspiracy and enterprise, they must find more oil and gas, produce more, maintain low prices, and stifle the alternative energy source companies and the governmental regulators.

337.

Ordinary care required Defendants to have taken any of several steps to mitigate the damages caused by their fossil fuel products, and their own comments reveal an awareness of the steps they were required to take.

338.

Ordinary care required Defendants to have made reasonable warnings to consumers, the public, and regulators of the dangers known to them of the unabated consumption of their fossil fuel products and were required to have taken reasonable steps to limit the potential greenhouse gas emissions arising out of those products.

339.

The Defendants acted carelessly and recklessly, rather than reasonably or with ordinary care. Instead of acting to limit the potential greenhouse gas emissions, they mobilized with the coal and fossil fuel dependent industries to manufacture and spread propaganda and deception about climate science, contrary to their own internal scientific conclusions, to ensure

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[227] Amy Lieberman and Suzanne Rust, Big Oil braced for global warming while it fought regulations, L.A. TIMES (Dec. 31, 2015), https://graphics.latimes.com/oil-operations/ (last visited June 20, 2023).

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unencumbered emissions and the sale of their products to consumers worldwide and in Multnomah County.

340.

Exxon instructed Duane Levine, Exxon's manager of science and strategy development, to give a primer to the company's board of directors on February 22, 1989, which is attached as Exhibit 14.

341.

Levine told the board of directors what they already knew ten years prior: There was general consensus among scientists that the burning of fossil fuels could raise global temperatures significantly by the middle of the 21st century — between 2.7 and 8.1° F — causing glaciers to melt and sea levels to rise."[228] Speaking of impending regulation, Exxon's LeVine warned "arguments that we can't tolerate delay and must act now can lead to irreversible and costly Draconian steps."[229]

342.

Levine quoted from the 1983 "Changing Climate Report" from the Natural Research Council. [230]

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[228] Katie Jennings, Dino Grandoni and Susanne Rust, How Exxon went from leader to skeptic on climate change research, L. A. TIMES (Oct. 23, 2015), https://graphics.latimes.com/exxon-research/ (last visited June 20, 2023).
[229] Id.
[230] *See*, Exhibit 15.

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343.

In a 1989 internal newsletter, attached as Exhibit 15, Exxon's resident climate expert Brian Flannery confirmed that regulatory efforts to reduce the risk of climate change, would "alter profoundly the strategic direction of the energy industry." And he warned that the impact on the company from those efforts "will come sooner … than from climate change itself."[231]

344.

Reiterating the position taken a decade earlier, Joseph M. Carlson, Exxon Memo on "The Greenhouse Effect" dated Aug. 3, 1988, attached as Exhibit 16, described the "Exxon Position," which included among others, two important tenets:

a) **emphasize the uncertainty** in scientific conclusions regarding the potential enhanced Greenhouse Effect; and

b) **resist** the overstatement and sensationalization (sic) of potential greenhouse effect which could lead to noneconomic development of non-fossil fuel resources.[232]

H. The Global Climate Coalition: The Propaganda Machine

345.

Though the Fossil Fuel Defendants are market competitors in some respects, they share a common purpose to sell as many of their polluting products as possible and to deceive or

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[231] Id.

[232] Joseph M. Carlson, Exxon Memo on "The Greenhouse Effect", EXXONMOBIL CORP. (Aug. 3, 1988). https://www.climatefiles.com/exxonmobil/566/#:~:text=In%20the%20document%2C%20Carlson%20states,can%20have%20disastrous%20environmental%20impacts (last visited June 20, 2023).

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overwhelm those who may wish to modify that behavior. In furtherance of that shared objective, the Fossil Fuel and Coal Defendants converged and formed the "Global Climate Coalition" ("GCC") to fund and coordinate a multi-year, multi-million-dollar, multi-organization misinformation campaign designed explicitly to undermine climate science and further their business interests.

346.

Multnomah County alleges a pattern of conduct that includes the Defendants' conscious efforts to hide behind third parties, touted as "green" or "pro-environment." This practice is a form of greenwashing, sometimes referred to as "green sheen." Greenwashing is a public relations spin to promote the public's perception that an organization's products, aims, or policies are environmentally friendly.[233] Greenwashing was used when forming the Global Climate Coalition and became a repetitive and effective scheme to deceive consumers.

347.

The GCC was formed in 1989 as a public relations and international lobbyist group of businesses that opposed action to reduce greenhouse gas emissions and publicly challenged the science behind global warming, even though the founders knew otherwise. The following is a list of the founding members of the GCC on November 16, 1989: [234]

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[233] The Age of Persuasion, Season 5: It's Not Easy Being Green: Green Marketing, CBC RADIO (Jan. 8, 2011).

[234] Global Climate Coalition, Global Climate Coalition Membership, GLOBAL CLIMATE COALITION (Nov. 16, 1989), https://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1989-membership/ (last visited June 20, 2023).

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Global Climate Coalition Membership

Aluminum Association
American Electric Power Service Corporation
American Gas Association
American Iron & Steel Institute
American Mining Congress
American Nuclear Energy Council
American Paper Institute
American Petroleum Institute
Amoco Corporation
ARCO
Armco, Inc.
Association of Home Appliance Manufacturers
Automobile Importers of America
BHP - Utah International, Inc.
Business Roundtable
Chemical Manufacturers Association
Chrysler Corporation
Clean Air Working Group
Coalition Opposed to Energy Taxes
Consolidation Coal Company
Consumers Power Company
Council of Industrial Boiler Owners
Dow Chemical Company
E.I. Dupont de Nemours & Company, Inc.
Eastman Kodak
Edison Electric Institute
Electricity Consumers Resource Council
Ford Motor Company
General Motors Corporation
Georgia Pacific Corporation
Hercules Inc.
IBM
Jefferson Energy Foundation
Maytag Corporation
Motor Vehicle Manufacturers Association
National Association of Manufacturers
National Coal Association
National Steel Corporation
Occidental Chemical Corporation
Pacific Gas & Electric Company
Peabody Holding Company, Inc.
Petrochemical Energy Group
Petroleum Marketers Association of America
Phillips Petroleum Company
Portland Cement Association
PPG Industries
Process Gas Consumers Group
Rubber Manufacturers Association
Shell Oil Company
Society of the Plastics Industry, Inc.
Southern Company Services, Inc.
Texaco, Inc.
Union Carbide Corporation
UNOCAL Corporation
U.S. Chamber of Commerce
U.S. Council for Energy Awareness
U.S. Council for International Business

348.

The GCC, on behalf of Fossil Fuel Defendants and other fossil fuel companies, funded advertising campaigns and distributed material to misinform the public about climate change, with the specific purpose of preventing U.S. adoption of the Kyoto Protocol—an international treaty that commits state parties to reduce greenhouse gas emissions, based on the scientific

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consensus that global warming is occurring—despite the leading role that the U.S. had played in the Protocol negotiations.[235]

349.

From the outset, the corporate interests that controlled the central components of the GCC were fossil fuel producers, including coal mining interests and oil companies, and fossil fuel dependent industries, including coal-burning utilities, railroads who moved coal, automobiles, and chemical companies. Approximately 53% of membership in the GCC centered around fossil fuel activities, namely coal, oil, and auto companies. These companies also represented approximately 38% of board membership.[236] The Defendants were integral to the foundation and purpose of the GCC.

350.

The GCC was "reorganized" in 1992 by Phillips Petroleum (now ConocoPhillips), BHP (now BP), Ford, National Mining Association, Shell, Texaco (now Chevron), Exxon, Chrysler (now FCA), General Motors, the National Association of Manufacturers, the American Petroleum Institute (Oil Defendants), the National Coal Association (Coal Defendants), among many other

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[235] Id.

[236] The Global Climate Coalition, Big Business Funds Climate Change Denial and Regulatory Delay, CLIMATE INVESTIGATIONS CENTER (Mar. 25, 2019), https://climateinvestigations.org/wp-content/uploads/2019/04/The-Global-Climate-Coalition-Denial-and-Delay.pdf (last visited June 20, 2023).

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fossil fuel dependent companies.[237]

351.

The GCC, including its member corporations and member trade associations, represented hundreds of thousands of businesses and was managed by Ruder Finn, a public relations firm.[238]

352.

Despite an internal primer stating that various "contrarian theories"—i.e., climate change skepticism—do not "offer convincing arguments against the conventional model of greenhouse gas emission induced climate change," GCC excluded this section from the public version of the backgrounder (talking points) and instead funded efforts to promote those same contrarian theories. It does so to this day.[239]

353.

The GCC's financial information is not publicly available, though some has been uncovered by researchers. GCC's advocacy activities including political lobbying, aggressive and

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[237] Ian McGregor, *Organizing to Influence the Global Politics of Climate Change,* AUSTRALIAN AND NEW ZEALAND ACADEMY OF MANAGEMENT CONFERENCE (2008), https://opus.lib.uts.edu.au/bitstream/10453/11492/1/2008000811OK.pdf (last visited June 20, 2023).

[238] Wendy E. Franz, Science, skeptics, and non-state actors in the greenhouse, BELFER CENTER FOR SCIENCE AND INTERNATIONAL AFFAIRS (Sept. 1998), https://www.belfercenter.org/sites/default/files/legacy/files/Science%20Skeptics%20and%20Non-State%20Actors%20in%20the%20Greenhouse%20-%20E-98-18.pdf (last visited June 20, 2023).

[239] Gregory J. Dana, Memo to AIAM Technical Committee Re: Global Climate Coalition (GCC) – Primer on Climate Change Science – Final Draft, ASSOCIATION OF INTERNATIONAL AUTOMOBILE MANUFACTURERS (Jan. 18, 1996), https://www.ucsusa.org/sites/default/files/attach/2015/07/Climate-Deception-Dossier-7_GCC-Climate-Primer.pdf (last visited June 20, 2023).

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misleading promotion of promotion of climate change denialism, criticism of the processes of international climate organizations, critiques of reliable but ominous climate models, and personal attacks on scientists and environmentalists whose work confirms that GHGs are warming the planet and thereby inducing devastating weather events.

354.

The effort included promoting their hazardous products through advertising campaigns and the initiation and funding of climate change denialist organizations, designed to influence consumers to continue using Defendants' fossil fuel products regardless of those products' damage to communities and the environment.

355.

The Fossil Fuel Defendants took affirmative steps to conceal from the Multnomah County, its residents, and the public, the foreseeable impacts of the use of their fossil fuel products on the planet's climate and associated harms to people and communities. Using the GCC, these Defendants embarked on a public relations campaign and colluded with Peabody, among others, to deceive the public about the science connecting global climate change to fossil fuel products and greenhouse gas emissions, to influence public perception of the existence of anthropogenic global warming. Under the guise of the GCC, the Fossil Fuel Defendants were able to collude with other members to accomplish what it could not fully do on their own: discredit scientific consensus and foster deception. In doing so, they exponentially increased the sales of their products, expanded consumer demand for them, and built an energy monopoly.

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356.

A key strategy in Defendants' efforts to discredit scientific consensus on climate change, including the Intergovernmental Panel on Climate Change ("IPCC"), a body of scientists from every major country created by the United Nations, was to bankroll and hide behind scientists who, although sometimes accredited, held fringe opinions that were even more suspect given the sources of their research funding, which was not publicly disclosed and contrary to the insiders' own conclusions about their consumer products. These scientists obtained part or all their research budget from Defendants directly or through Defendant-funded organizations like API,[240] but failed to disclose their fossil fuel industry underwriters in violation of common law fraud and consumer protections laws.[241]

357.

In 1991, the Coal Defendants formed another greenwashed front group, Information Council on the Environment ("ICE"), with the express purpose of deceiving the public about climate science. ICE was a U.S. organization created by the National Coal Association, the Western Fuels Association, and Edison Electrical Institute. Defendant Peabody was a member.

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[240] Willie Soon & Sallie Baliunas, Proxy Climatic and Environmental Changes of the Past 1000 Years, 23 Climate Research at 88,105 (Jan. 31, 2003) https://www.jstor.org/stable/24868339 (last visited June 20, 2023).

[241] Smithsonian, *Smithsonian Statement: Dr. Wei-Hock (Willie) Soon*, LEGISTORM (Feb. 26, 2015). https://www.legistorm.com/stormfeed/view_rss/529271/organization/36823/title/smithsonian-statement-dr-wei-hock-willie-soon.html (last visited June 20, 2023).

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358.

ICE launched a $500,000 advertising and public relations campaign to determine if their deceptive "science approach sells" [242] and, in ICE's words, "reposition global warming as theory (not fact)" a framing that makes clear that by 1991 global warming was an accepted scientific fact, and that the group's objectives to "reposition global warming as a theory" were pure propaganda, not based in science. Patrick Michaels, Robert Balling and Sherwood B. Idso all lent their names in 1991 to its scientific advisory panel.[243]

359.

The Coal Defendants' publicity plan called for placing these three scientists, along with fellow climate change denier S. Fred Singer, in broadcast appearances, op-ed pages, and newspaper interviews by its public relations firm.[244]

360.

Another company was contracted to conduct opinion polls, which identified "older, less-educated males from larger households who are not typically active information-seekers" and "younger, lower-income women" as "good targets for radio advertisements" that would "directly attack the proponents of global warming …. through comparison of global warming to historical

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[242] *See* May 7, 1991, correspondence from E. Erie to O. Mark DeMichele.

[243] Kathy Mulvey & Seth Shulman, The Climate Deception Dossier Internal Fossil Fuel Industry Memos Reveal Decades of Corporate Disinformation, UNION OF CONCERNED SCIENTISTS (July 2015), at 20, https://www.ucsusa.org/sites/default/files/attach/2015/07/The-Climate-Deception-Dossiers.pdf (last visited June 20, 2023).

[244] Matthew L. Wald, Pro-Coal Ad Campaign Disputes Warming Idea, N. Y. TIMES (Jul. 8, 1991), https://www.nytimes.com/1991/07/08/business/pro-coal-ad-campaign-disputes-warming-idea.html (last visited June 20, 2023).

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or mythical instances of gloom and doom."[245]

361.

ICE used print campaigns to influence public opinion. One such campaign showed a sailing ship about to drop off the edge of a flat world into the jaws of a waiting dragon. The headline read: "Some say the earth is warming. Some also said the earth was flat." Another featured a cowering chicken under the headline, "Who Told You the Earth Was Warming . . . Chicken Little?" Another ad was targeted at Minneapolis readers and asked, "If the earth is getting warmer, why is Minneapolis getting colder?"

362.

The images appearing below are some examples of ICE-funded print advertisements challenging the validity of climate science and intended to obscure the scientific consensus on anthropogenic climate change and reduce political inertia to address it.[246]

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[245] Id.
[246] Mulvey & Shulman, *supra*, Footnote 24.

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The most serious problem with catastrophic global warming is– it may not be true.

Some forecasters say the Earth's temperature is rising. They say that catastrophic global warming will take place in the years ahead.

But the U.S. Department of Agriculture—in the first update in 25 years of its "Plant Hardiness Report"—determined that on both coasts of this country, winter temperatures are 5 to 10 degrees cooler than previously reported.

The evidence can be seen in the increase in cold damage to Florida orange groves and California eucalyptus. And a moving frost line has led to a shorter growing season in some parts of the South.

Now, most of us aren't climatologists. But facts like these simply don't jibe with the theory that catastrophic global warming is taking place. Which seems to say we need more research. And more evidence.

If you care about the Earth—but want to keep a cool head about it—now is your chance to get more facts.

Call the Information Council for the Environment, 1-800-345-6369 extension 522. We'll send you a free packet of information on global climate change. Or just mail us the coupon below.

Because the best environmental policy is a policy based on fact.

Please send me your FREE information packet on global climate change.

Information Council for the Environment

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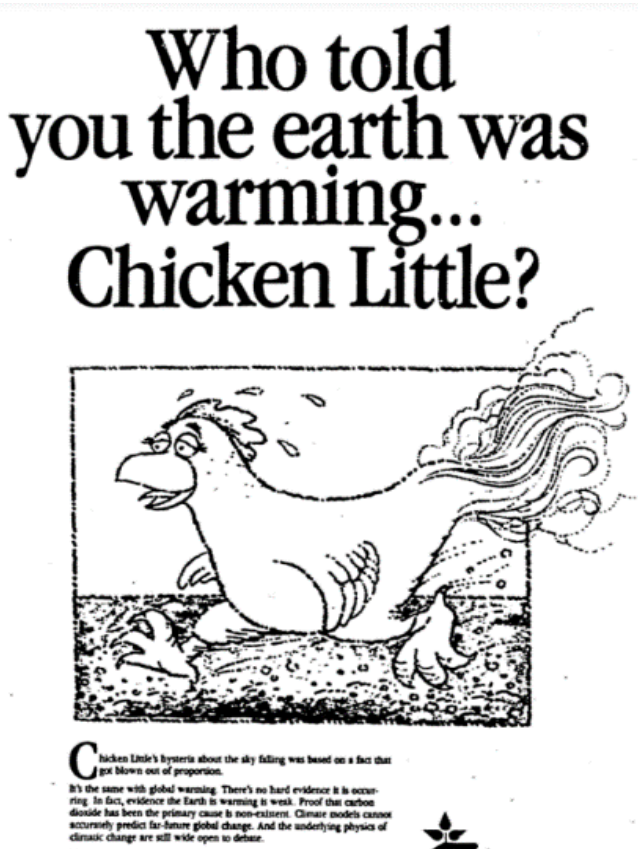

363.

The goals of ICE's advertising campaign were to undermine the science, manufacture deception and dupe public opinion regarding the realities of global warming. A memo from Richard Lawson, president of the National Coal Association, asked members to contribute to the ICE campaign with the justification that policymakers are prepared to act on global warming, noting that opinion polls revealed 60% of Americans believed global warming was a serious

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environmental problem and that "our industry cannot sit on the sidelines in this debate."[247] The ICE propaganda strategy is attached as Exhibit 17.

364.

In December 1992, the Global Climate Coalition's Executive Director, John Shales, wrote in a letter to *The New York Times*: "...there is considerable debate on whether or not man-made greenhouse gases (produced primarily by burning fossil fuels) are triggering a dangerous 'global warming' trend." The letter in full:

> **To the Editor:**
>
> "Cheapest Protection of Nature May Lie In Taxes, Not Laws" (Science Times, Nov. 24) echoes the theme that bad taxes become good taxes (alias "green fees") when they tax "bad" things. According to the article, these include fossil fuels, traffic and household garbage.
>
> While tax policy can affect behavior, misguided tax policy can dampen economic prosperity in attempting to solve problems that might not exist or that could be solved in less onerous ways. The World Resources Institute study you cite asks Americans to pay higher energy prices to prevent catastrophic global warming.
>
> But there is considerable debate on whether or not man-made greenhouse gases (produced primarily by burning fossil fuels) are triggering a dangerous "global warming" trend. At an international meeting of climate experts in 1990, an intergovernmental panel on climate change concluded that "it is impossible to prove a cause-and-effect relationship" between man-made emissions and global warming. In the 1992 supplement to that report, the scientists stated, "It is still not

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[247] Naomi Oreskes, My Facts Are Better Than Your Facts: Spreading Good News about Global Warming, in Peter Howlett et al., How Well Do Facts Travel? The Dissemination of Reliable Knowledge, CAMBRIDGE UNIVERSITY PRESS (2011), at 136–66, https://doc.lagout.org/Others/Cambridge.University.Press-How.Well.Do.Facts.Travel.2010.RETAiL.EBook.pdf (last visited June 19, 2023).

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> possible to attribute with high confidence all, or even part of, the observed global warming to the enhanced greenhouse effect."
>
> We know that climate change over the last 100 years is well within the planet's natural variation (the global climate has never been "stable"). If scientists don't agree that man-made global warming is a problem, does the United States want to pay the costs incurred from an energy tax, including a diminished competitive position with our trading partners? A major Japanese Government agency has backed away from a carbon tax because of its impact on industry. You cite a $5 trillion price tag in the study.
>
> The American business community has made significant improvements in energy efficiency and now spends approximately $100 billion a year complying with environmental regulations. These improvements have resulted in a substantial reduction in greenhouse gas emissions.
>
> A green fee is a carbon tax, and a carbon tax is an energy tax. That translates into higher prices, lost jobs, reduced paychecks and slower growth.[248]

365.

That year, in 1992, the GCC distributed a video entitled *The Greening of Planet Earth,*[249] to media, policy makers and its competitors, several Middle Eastern oil-producing countries, which claimed that increasing atmospheric carbon dioxide could boost crop yields and solve world

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[248] John Schlaes, What Global Warming?, N.Y. TIMES (Dec. 22, 1992), https://www.nytimes.com/1992/12/22/opinion/l-what-global-warming-250692.html (last visited June 20, 2023).

[249] A sequel, entitled, The Greening of Planet Earth Continues, was released in 1998. The video was narrated by Sherwood Idso. The Greening Earth Society, now defunct, was a public relations organization which denied the effects of climate change and the impacts of increased levels of carbon dioxide. The Society published the World Climate Report, a newsletter edited by Patrick Michaels of the Cato Institute.

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hunger. These claims were inconsistent with climate models by the Fossil Fuel Defendants that predicted global climatic catastrophe.[250]

366.

Amidst this propaganda to muddy the waters of climate change facts, the United Nations began preparation for the 1992 Earth Summit in Rio de Janeiro, Brazil. The Summit was a major, newsworthy gathering of 172 world governments, of which 116 sent their heads of state. On May 9, 1992, the United Nations Framework Convention on Climate Change ("UNFCCC") adopted an international environmental treaty providing protocols for future negotiations aimed at "stabiliz[ing] greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system." The treaty was opened for signature at the Earth Summit in Rio de Janeiro on June 14, 1992.

367.

Candace Crandall of Science & Environmental Policy Project ("SEPP") registered at the IPPC's Rio Earth Summit as a "publicist" for the "science team" while the GCC ran an industry-wide collaborative delay and disinformation program to try to block decisions being taken at the Summit. These actions were coordinated by public relations giant Burson-Marsteller. The main anti-IPPC operation in Rio at the 1992 Earth Summit was run by the Global Climate Coalition.[251]

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[250] Amy Lieberman and Susanne Rust, Big Oil braced for global warming while it fought regulations, L. A. TIMES (Dec. 31, 2015), https://graphics.latimes.com/oil-operations/ (last visited June 19, 2023).

[251] The Center for Media and Democracy, Candace C. Crandall, CENTER FOR MEDIA AND DEMOCRACY (CMD) https://www.sourcewatch.org/index.php/Candace_C._Crandall (last visited June 19, 2023).

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368.

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

369.

The GCC's indoctrination, which focused on concealing, discrediting, and/or misrepresenting information that tended to support restricting consumption of (and thereby decreasing demand for) Defendants' fossil fuel products, enabled Defendants to accelerate their business practice of exploiting fossil fuel reserves, and concurrently externalize the social and environmental costs of their fossil fuel products.

370.

These activities stood in direct contradiction to the Fossil Fuel Defendants' prior recognition that the science of anthropogenic climate change was clear and that the greatest uncertainties involved responsive human behavior, not scientific understanding of the issue.

371.

A 1994 Shell report titled "The Enhanced Greenhouse Effect: A Review of the Scientific Aspects", attached as Exhibit 18**,** warned of the potentially dramatic economic effects of "ill-advised policy measures" relating to climate change. While this 1994 report recognized the IPCC conclusions as the mainstream view, the author emphasized scientific uncertainty and that the "evolution of energy systems indicates that policies to curb greenhouse gas emissions beyond 'no regrets' measures could be premature, divert resources from more pressing needs and further

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distort markets."[252]

372.

When the GCC became a standalone organization in 1995, independent from the National Association of Manufacturers, the membership grew, adding at least eight new utilities and seven new oil and coal corporations as members. At the same time, the budget tripled, with tax documents showing three million dollars in corporate and trade association dues in tax years 1996 and 1997, compared to one million dollars in dues from the years 1994 and 1995.[253]

373.

In 1995, GCC assembled an advisory committee of scientific and technical experts to compile an internal, 17-page report on climate science entitled *Predicting Future Climate Change: A Primer*, attached as Exhibit 19, which stated: "The scientific basis for the Greenhouse Effect and the potential impact of human emissions of greenhouse gases such as CO_2 on climate is well established and cannot be denied."

374.

But that is not the message Defendants and their co-conspirators promoted to consumers, investors, or the public. Even though these GCC members knew that their products caused catastrophic effects, including extreme changes in heat, GCC disseminated climate denial claims

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[252] P. Langcake, The Enhanced Greenhouse Effect: A review of the Scientific Aspects, ROYAL DUTCH SHELL (Dec. 1994), https://www.climatefiles.com/shell/1994-shell-enhanced-greenhouse-effect-review-scientific-aspects/ (last visited June 19, 2023).

[253] Climate Investigations Center, Global Climate Coalition Documents: Big Business Funds Climate Change Denial and Regulatory Delay, CLIMATE INVESTIGATIONS CENTER, https://climateinvestigations.org/global-climate-coalition-documents/ (last visited June 19, 2023).

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that relied largely on the *World Climate Review* and its successor, the *World Climate Report*, which was edited by Patrick Michaels, funded by the Western Fuels Association[254] and promoted by the Greening Earth Society, purportedly debunking the catastrophic effects of their products on our atmosphere.

375.

The Greening Earth Society ("GEC") was a public relations organization which promoted a thesis that there was considerable scientific doubt about the effects of climate change and increased atmospheric accumulation of carbon dioxide. The Western Fuels Association created the GEC and shared office space with it. The GEC promoted the views of climate skeptics such as Patrick Michaels, Fred Singer, and Richard Lindzen.[255] In 1996, the GEC published a report titled "Changing Weather? Facts and Fallacies about Climate Change", attached as Exhibit 20. The GEC publicly opposed IPCC's scientific consensus to further the business objectives of its fossil fuel benefactors rather than for intellectually honest or science-based reasons.

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[254] Wendy E. Franz, Science, skeptics, and non-state actors in the greenhouse, BELFER CENTER FOR SCIENCE AND INTERNATIONAL AFFAIRS (Sept. 1998), https://www.belfercenter.org/sites/default/files/legacy/files/Science%20Skeptics%20and%20Non-State%20Actors%20in%20the%20Greenhouse%20-%20E-98-18.pdf (last visited June 19, 2023).

[255] David Levy and Sandra Rothenberg, Corporate Strategy and Climate Change: Heterogeneity and Change in the Global Automobile Industry, BELFER CENTER FOR SCIENCE AND INTERNATIONAL AFFAIRS (Sept. 30, 1999), https://www.belfercenter.org/publication/corporate-strategy-and-climate-change-heterogeneity-and-change-global-automobile (last visited June 19, 2023).

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376.

In July 1996, at a Washington, D.C. press conference on the eve of the second United Nations Climate Change conference in Geneva, GEC's executive director said, "The time for decision is not yet now."[256]

377.

In 1996, Exxon released a publication, attached as Exhibit 21**,** titled "Global Warming: Who's Right? Facts about a debate that's turned up more questions than answers." 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."

378.

In the publication, another 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 CO_2 concentration on Earth's climate. Exxon downplayed the greenhouse effect as simply "what makes the earth's atmosphere livable."

379.

In this 1996 publication, Exxon contradicted its own internal reports and peer reviewed science, attributing 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

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[256] John H Cushman Jr., Report says global warming poses threat to public health. N. Y. TIMES, (Jul. 8, 1996) https://www.nytimes.com/1996/07/08/world/report-says-global-warming-poses-threat-to-public-health.html (last visited June 20, 2023).

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scientists had confirmed were responsible. The article also falsely and cynically challenged the accuracy of computer models that projected the future impacts of unabated fossil fuel product consumption, including those developed by Exxon's own employees for the company's use.

380.

Exxon's 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 limiting the use of his company's fossil fuel products as "drawing on bad science, faulty logic, or unrealistic assumptions"—despite the important role that Exxon's own scientists had played in compiling those same scientific underpinnings.[257]

381.

Joining with Exxon, API published a report in the 1996 titled "Reinventing Energy: Making the Right Choices", attached as Exhibit 22**,** warning against concern over CO_2 buildup and any need to curb consumption or regulate the industry. The same API that less than 20 years earlier had concluded that global warming from fossil fuel emissions could cause "globally catastrophic" effects now wrote that "there is no persuasive basis for forcing Americans to dramatically change their lifestyles to use less oil." The authors discouraged the further development of certain

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[257] Exxon Corp., Global warming: who's right? (1996), EXXON CORP, https://www.climatefiles.com/exxonmobil/global-warming-who-is-right-1996/ (last visited June 20, 2023).

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alternative energy sources, writing that "government agencies have advocated the increased use of ethanol and the electric car, without the facts to support the assertion that either is superior to existing fuels and technologies" and that "policies that mandate replacing oil with specific alternative fuel technologies freeze progress at the current level of technology, and reduce the chance that innovation will develop better solutions." The report denies the human connection to climate change, saying that no "scientific evidence exists that human activities are significantly affecting sea levels, rainfall, surface temperatures or the intensity and frequency of storms," concluding that "facts don't support the arguments for restraining oil use."[258]

382.

Every Thursday from 1985 to 2000, Mobil bought a full-page in the *New York Times* and used its ad space to publish what appeared to be scientific articles.[259] At the same time, in 1996, Exxon, while publicly denying the threat of global warming, designed its drilling rigs off the Nova Scotia coast to account for a 0.5-meter anthropogenic rise in sea levels that climate models predicted would likely occur during the expected 25-year lifespan of the structures.[260]

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[258] American Petroleum Institute, Reinventing Energy, AMERICAN PETROLEUM INSTITUTE (1996) https://www.climatefiles.com/trade-group/american-petroleum-institute/1996-reinventing-energy/ (last visited June 20, 2023).

[259] Connor Gibson, How Exxon Used the New York Times to Make You Question Climate Science, ECOWATCH (Sept. 2, 2017) https://www.ecowatch.com/exxon-new-york-times-2479595376.html (last visited June 20, 2023).

[260] Amy Lieberman and Susanne Rust, Big Oil braced for global warming while it fought regulations, L. A. TIMES (Dec. 31, 2015), https://graphics.latimes.com/oil-operations/ (last visited June 20, 2023).

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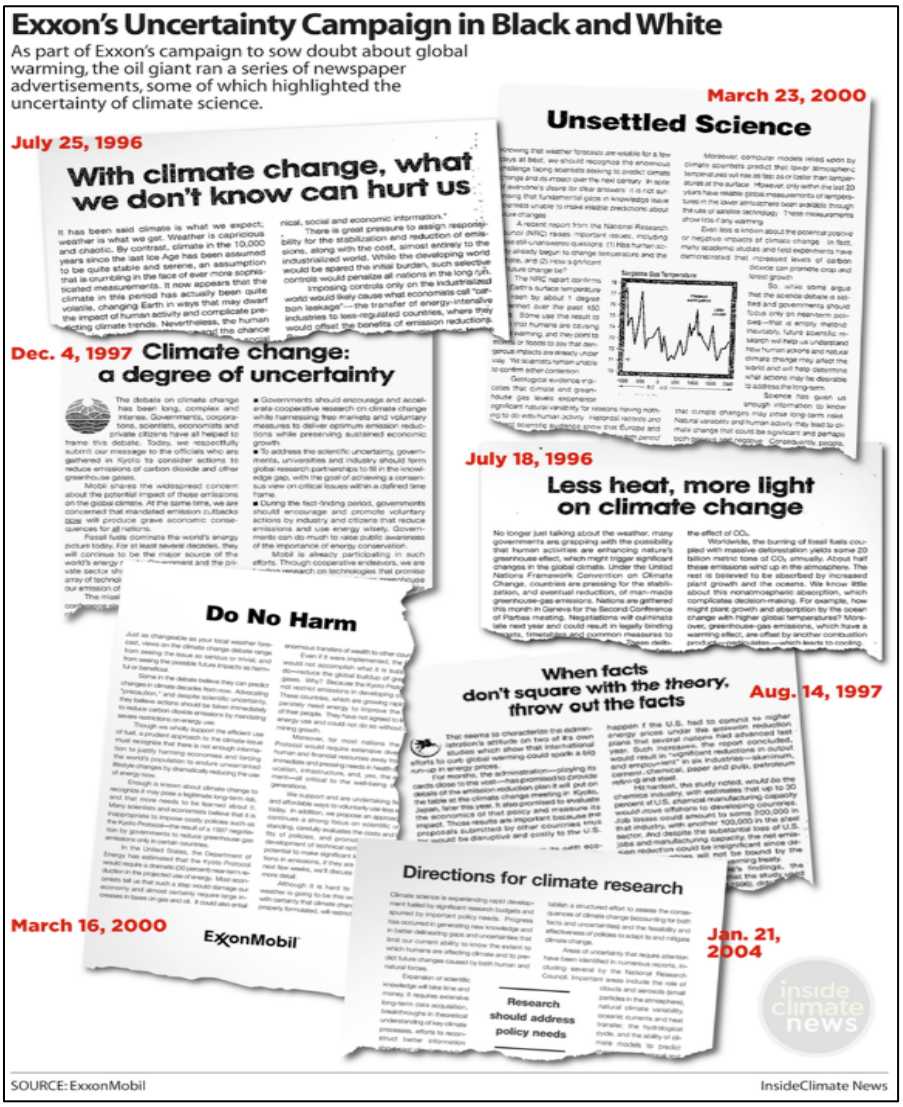
383.

Mobil's advertorials continued until 2000 and Exxon continued to publish multiple 'Advertorials', again, designed to 'misinform' the public: [261]



[261] NPR, Climate Change Is 'Greatest Challenge Humans Have Ever Faced,' Author Says, NPR (Apr. 16, 2019 1:59 PM) https://www.npr.org/2019/04/16/713829853/climate-change-is-greatest-challenge-humans-have-ever-faced-author-says (last visited June 20, 2023). Photo source: Inside Climate News.

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384.

In 1997, Mobil paid for an ad/article published in the *New York Times* proclaiming:

> Let's face it: The science of climate change is too uncertain to mandate a plan of action that could plunge economies into turmoil…We still don't know what role man-made greenhouse gases might play in warming the planet.[262]

385.

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

> Some people who argue that we should drastically curtail our use of fossil fuels for environmental reasons…my belief [is] that such proposals are neither prudent nor practical. With no readily available economic alternatives on the horizon, fossil fuels will continue to supply most of the worlds and this region's energy for the foreseeable future... Governments also need to provide a stable investment climate…They should avoid the temptation to intervene in energy markets in ways that give advantage to one competitor over another or one fuel over another. We also have to keep in mind that most of the greenhouse effects comes from natural sources.…Leaping to radically cut this tiny sliver of the greenhouse pie on the premise that it will affect climate defies common sense and lacks foundation in our current understanding of the climate system. Let's agree there's a lot we really don't know about how climate

---

[262] Dino Grandoni, ExxonMobil asked people to 'read the documents' it produced on climate change. So, these Harvard researchers did. THE WASHINGTON POST (Aug. 24, 2017) *https://www.washingtonpost.com/news/powerpost/wp/2017/08/24/exxonmobil-asked-people-to-read-the-documents-it-produced-on-climate-change-so-these-harvard-researchers-did* (last visited June 20, 2023).

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> will change in the 21st century and beyond.…It is highly unlikely that the temperature in the middle of the next century will be significantly affected whether policies are enacted now or 20 years from now. It's bad public policy to impose very costly regulations and restrictions when their need has yet to be proven.[263]

386.

In 1997, the GCC launched an advertising campaign in the US against any agreement aimed at reducing greenhouse gas emissions internationally. This was run through an organization called the Global Climate Information Project ("GCIP"), which was sponsored by the GCC and the American Association of Automobile Manufacturers, among others. The GCIP was represented by Shandwick Public Affairs, the second-largest PR firm in the United States.[264]

387.

The GCIP's ads were produced by Goddard Claussen/First Tuesday, a California-based PR firm, which falsely claimed "It's Not Global and It Won't Work." Among other things, the ads indicated that "Americans will pay the price ... 50¢ more for every gallon of gasoline," even though there was no proposal for such a tax. There was no treaty at that point, and no government

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[263] Lee R. Raymond, Energy – Key to growth and a better environment for Asia-Pacific nations, WORLD PETROLEUM CONGRESS (Oct. 13, 1997), *https://www.climatefiles.com/exxonmobil/1997-exxon-lee-raymond-speech-at-world-petroleum-congress/* (last visited June 20, 2023).

[264] Shandwick Public Affairs is a division of Weber Shandwick Worldwide (WSW) was, in 2004, the world's largest public relations company. A subsidiary of the Interpublic Group, it was formed as the product of the mergers of Weber Public Relations and Shandwick Worldwide in late 2000. In 2001, Weber Shandwick merged with BSMG to become the largest PR operation in the world. Other Shandwick clients include Browning-Ferris Industries, Central Maine Power, Georgia-Pacific Corp., Monsanto Chemical Co., New York State Electric and Gas Co., Ciba-Geigy, Ford Motor Company, Hydro-Quebec, Pfizer, and Procter & Gamble. SourceWatch, Weber Shandwick, THE CENTER FOR MEDIA AND DEMOCRACY, *https://www.sourcewatch.org/index.php/Weber_Shandwick* (last visited June 20, 2023).

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proposals, then or now, that have suggested a "50 cent gallon gas tax." The ads are attached hereto as Exhibit 23.

388.

In August 1997, a few months before the Kyoto Conference on Climate Change, the GCC helped launch a massive advertising campaign designed to prevent the United States from endorsing any meaningful agreement to reduce global carbon emissions. This group, including in its ranks these Defendants, some of the world's most powerful corporations and trade associations involved with fossil fuels, concentrated its efforts on a series of television ads that attempted to confuse and frighten Americans.

389.

In the 1990s, Defendant Koch began funding Climate Denial Groups including those named herein. By estimates, Koch spent $145,556,729 from 1997 to 2018 on directed campaigns to spread doubt and continue to amass profits.[265]

390.

Mobil's 1997 advertorial below[266] argued that economic analysis of emissions restrictions was faulty and inconclusive and therefore a justification for delaying action on climate change.

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[265] Greenpeace, Koch Industries: Secretly Funding the Climate Denial Machine, *https://www.greenpeace.org/usa/fighting-climate-chaos/climate-deniers/koch-industries/* (last visited on June 19, 2023).

[266] Mobil, When Facts Don't Square with the Theory, Throw Out the Facts, N.Y. TIMES, (Aug. 14, 1997) at A31, https://www.documentcloud.org/documents/705550-mob-nyt-1997-aug-14-whenfactsdontsquare.html? (last visited June 19, 2023).

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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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391.

An example of one of Mobil's advertisements in the *New York Times*, published on November 7, 1997, is reproduced below:

Display Ad 26 -- No Title
New York Times (1923-Current file): Nov 6, 1997;
ProQuest Historical Newspapers: The New York Times (1851-2008) with Index (1851-1993)
pg. A31

Science: what we know and don't know

As the debate over climate change heats up, science is being upstaged by the call for solutions. At stake is a complex issue with many questions. Some things we know for certain. Others are far from certain.

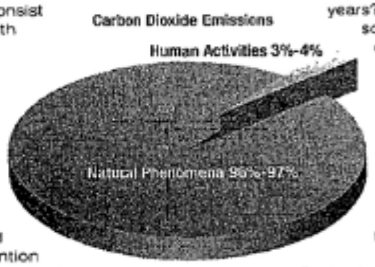
First, we know greenhouse gases account for less than one percent of Earth's atmosphere. The ability of these gases to trap heat and warm Earth is an important part of the climate system because it makes our planet habitable. Greenhouse gases consist largely of water vapor, with smaller amounts of carbon dioxide (CO_2), methane and nitrous oxide and traces of chlorofluorocarbons (CFCs).

The focus of concern is CO_2. While most of the CO_2 emitted by far is the result of natural phenomena—namely respiration and decomposition, most attention has centered on the three to four percent related to human activities—burning of fossil fuels, deforestation. The amount of carbon dioxide in the atmosphere has risen in the last 100 years, leading scientists to conclude that the increase is a result of man-made activities.

Although the linkage between the greenhouse gases and global warming is one factor, other variables could be much more important in the climate system than emissions produced by man.

The UN-sponsored Intergovernmental Panel on Climate Change (IPCC) thought it had found the magic bullet when it concluded that the one-degree Fahrenheit rise in global temperatures over the past century may bear a "fingerprint" of human activity. The fingerprint soon blurred when an IPCC lead author conceded to the "uncertainty inherent in computer climate modeling."

Nonetheless, nations at Kyoto are being asked to embrace proposals that could have potentially huge impacts on economies and lifestyles. Nations are being urged to cut emissions without knowing either the severity of the problem—that is, will Earth's temperature increase over the next 50–100 years?—or the efficacy of the solution—will cutting CO_2 emissions reduce the problem?



Within a decade, science is likely to provide more answers on what factors affect global warming, thereby improving our decision-making. We just don't have this information today.

Answers to questions on climate change will require more reliable measurements of temperature at many places on Earth, better understanding of clouds and ocean currents along with greater computer power.

This process shouldn't be short-circuited to satisfy an artificial deadline, like the conference in Kyoto. Whatever effect increased concentrations of man-made gases may have, it will develop slowly over decades. Thus, there is time for scientists to refine their understanding of the climate system, while governments, industry and the public work to find practical means to control greenhouse gases, if such measures are called for. Adopting quick-fix measures at this point could pose grave economic risks for the world.

Mobil The energy to make a difference.

http://www.mobil.com/climatechange

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392.

The GCC had an active subcommittee named the "Global Climate Coalition Science and Technology Assessment Committee" (STAC). In 1996, members of this subcommittee on science and technology were represented by Ford, Exxon, API, the NMA, BHP, and many others.

393.

At STAC's June 20, 1996 meeting, which was held at the API headquarters, notes were prepared and distributed by the Association of International Automobile Manufacturers (AIAM), released talking points from Bronson Gardner to Jim Pinto and distributed to the STAC committee for addressing whether 1995 was "really that much hotter than normal or whether the data was 'blown out of proportion'" giving STAC and the GCC talking points for downplaying record setting temperatures.[267]

394.

In 1997 alone, the GCC spent $13 million opposing the Kyoto Protocol.[268]

1. The GCSCT Action Plan--Double Down on Deception

395.

Members of the GCC created a task force which met at a "workshop" held at the API

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[267] Howard J. Feldman, 1996 GCC STAC June Meeting Minutes, GLOBAL CLIMATE CHANGE COALITION (Jun. 20, 1996), https://www.documentcloud.org/documents/5689156-AIAM-051229.html (last visited June 20, 2023).

[268] Maggie Farley, Showdown at Global Warming Summit, L. A. TIMES (Dec. 7, 1997), https://www.latimes.com/archives/la-xpm-1997-dec-07-mn-61743-story.html (last visited June 20, 2023).

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headquarters in late March of 1998.[269] A memorandum titled the "Global Climate Science Communication Team Action Plan" ("GCSCT" Action Plan) and written by API's Joe Walker memorializing the workshop's goals, strategies and tactics was emailed to the GCSCT team members on April 3, 1998, and is attached hereto as Exhibit 24.

396.

The email from Joe Walker with the GCSCT Action Plan which detailed a scheme on how the GCC would achieve "Victory" by duping consumers through front groups, promoters, and media strategists:

[269] The e-mail is undated but refers to a workshop that occurred the Friday before. As the attachment is dated April 3, 1998.

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Joe Walker

To: Global Climate Science Team
Cc: Michelle Ross; Susan Moya
Subject: Draft Global Climate Science Communications Plan

As promised, attached is the draft Global Climate Science Communications Plan that we developed during our workshop last Friday. Thanks especially to those of you who participated in the workshop, and in particular to John Adams for his very helpful thoughts following up our meeting, and Alan Caudill for turning around the notes from our workshop so quickly.

Please review the plan and get back to me with your comments as soon as possible.

As those of you who were at the workshop know, we have scheduled a follow-up team meeting to review the plan in person on Friday, April 17, from 1 to 3 p.m. at the API headquarters. After that, we hope to have a "plan champion" help us move it forward to potential funding sources, perhaps starting with the global climate "Coordinating Council." That will be an item for discussion on April 17.

Again, thanks for your hard work on this project. Please e-mail, call or fax me with your comments. Thanks.

Regards,
Joe Walker

397.

The cover page of the GCSCT Action Plan, setting forth its goals, current reality, and when **"victory"** would be achieved, is infamously known as the "Victory Memo:"

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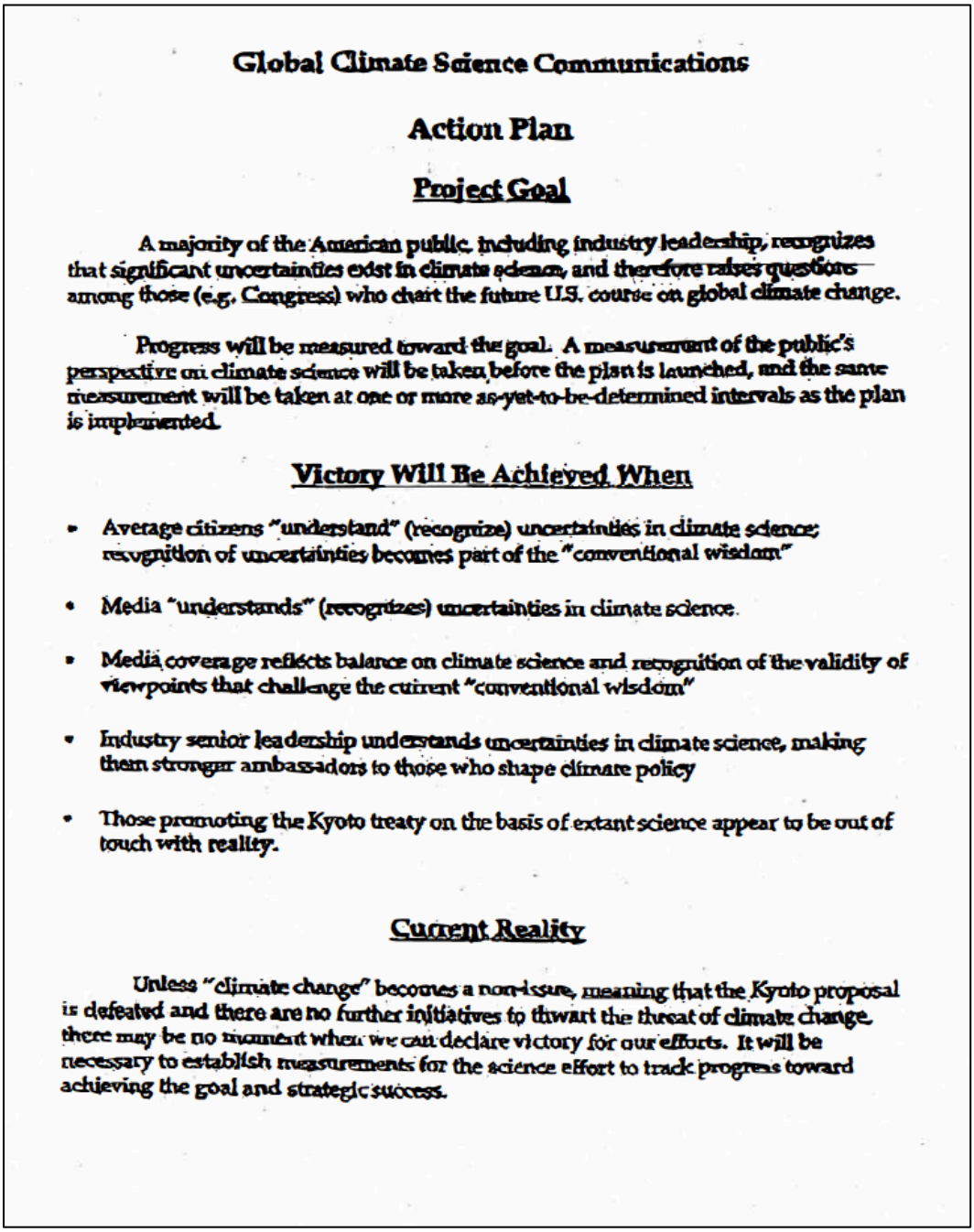

Global Climate Science Communications

Action Plan

Project Goal

A majority of the American public, including industry leadership, recognizes that significant uncertainties exist in climate science, and therefore raises questions among those (e.g. Congress) who chart the future U.S. course on global climate change.

Progress will be measured toward the goal. A measurement of the public's perspective on climate science will be taken before the plan is launched, and the same measurement will be taken at one or more as-yet-to-be-determined intervals as the plan is implemented.

Victory Will Be Achieved When

- Average citizens "understand" (recognize) uncertainties in climate science; recognition of uncertainties becomes part of the "conventional wisdom"
- Media "understands" (recognizes) uncertainties in climate science.
- Media coverage reflects balance on climate science and recognition of the validity of viewpoints that challenge the current "conventional wisdom"
- Industry senior leadership understands uncertainties in climate science, making them stronger ambassadors to those who shape climate policy
- Those promoting the Kyoto treaty on the basis of extant science appear to be out of touch with reality.

Current Reality

Unless "climate change" becomes a non-issue, meaning that the Kyoto proposal is defeated and there are no further initiatives to thwart the threat of climate change, there may be no moment when we can declare victory for our efforts. It will be necessary to establish measurements for the science effort to track progress toward achieving the goal and strategic success.

398.

The GCSCT Action Plan named the following members, a who's who of fossil fuel industry insiders and advocates, as having contributed to the Plan's development: John Adams, John Adams

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Associates; Candace Crandall, Science and Environmental Policy Project;[270] David Rothbard, Committee for A Constructive Tomorrow; Jeffrey Salmon, The Marshall Institute;[271] Lee Garrigan, Environmental Issues Council;[272] Lynn Bouchey and Myron Ebell, Frontiers of Freedom;[273] Peter Cleary, Americans for Tax Reform;[274] Randy Randol, Exxon Corp.; Robert Gehri, The Southern

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[270] Candace Crandall was the wife of S. Fred Singer and registered for the Rio conference as a "publicist" for a science team at the Rio Conference where GCC participated in 1992.

[271] Also known as "The George C. Marshall Institute" (GMI) is a "non-profit" organization funded by the profits from oil and gas interests and co-founded by Frederick Seitz in 1984. It has received substantial funding from Exxon's Exxon Education Foundation. SourceWatch, *George C. Marshall Institute,* THE CENTER FOR MEDIA AND DEMOCRACY, https://www.sourcewatch.org/index.php/George_C._Marshall_Institute (last visited June 20, 2023).

[272] The Environmental Issues Council (EIC) was established in 1993 by a number of leading U.S. industry trade associations to serve as a "new ally against ill-conceived environmental regulation." SourceWatch, *Environmental Issues Council*, THE CENTER FOR MEDIA AND DEMOCRACY, https://www.sourcewatch.org/index.php/Environmental_Issues_Council (last visited June 20, 2023). Environmental Issues Council website no longer active. The EIC included membership of the Independent Petroleum Association of America (IPAA) "has represented independent oil and natural gas producers for three-quarters of a century."
United States Environmental Protection Agency (EPA), *Oil and Gas, Resources,* UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) https://archive.epa.gov/sectors/web/html/oilandgas.html#:~:text=IPAA%20is%20a%20national%20trade,three%2Dquarters%20of%20a%20century (last visited June 20, 2023).

[273] According to a 2003 *New York Times* report, Frontiers of Freedom, which has about a $700,000 annual budget, received $230,000 from Exxon in 2002, up from $40,000 in 2001, according to Exxon documents. George Landrith, Frontiers of Freedom's President told the *New York Times* "They've determined that we are effective at what we do" and that Exxon essentially took the attitude, "We like to make it possible to do more of that."
Jennifer Lee, *Exxon Backs Groups That Question Global Warming,* THE NEW YORK TIMES (May 28, 2003), https://www.nytimes.com/2003/05/28/business/exxon-backs-groups-that-question-global-warming.html (last visited June 20, 2023).

[274] ATR is a member of the American Legislative Exchange Council ("ALEC").
Noble Ellington, *National Chairman Of ALEC Responds To Report,* Interview with Terry Gross in Fresh Air, NPR (Jul. 21, 2011), https://www.npr.org/2011/07/21/138575665/national-chairman-of-alec-responds-to-report
(last visited June 20, 2023).

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Company;[275] Sharon Kneiss, Chevron Corp.; Steve Milloy, The Advancement of Sound Science Coalition;[276] and Joseph Walker, American Petroleum Institute.

399.

Defendants borrowed propagandist strategies right out of the playbook of prior denialist campaigns. This team mirrored a front group created by the tobacco industry, known as "The Advancement of Sound Science Coalition," whose purpose was to *mislead consumers* that cigarette smoke was not carcinogenic.

400.

The GCSCT's membership included Steve Milloy (a key player on the tobacco industry's front group) for Exxon. Between 2000 and 2004, Exxon donated $110,000 to Milloy's efforts and

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[275] Southern Company has been a corporate funder of the American Legislative Exchange Council (ALEC) Clearinghouse on Environmental Advocacy and Research, project of the Environmental Working Group. Information of the American Legislative Exchange Council archived organizational profile by Wayback Machine, (Dec. 2, 2000).

[276] The Advancement of Sound Science Coalition ("TASSC") is a now-defunct, industry-funded PR front group run by the APCO Worldwide public relations firm. It worked to hang the label of "junk science" on environmentalists and health activists. TASSC was created in 1993 as a front for Philip Morris which was attempting to discredit ETS (Environmental Tobacco Smoke) research as a long-term cause of increased cancer and heart problems in the community -- especially among office workers and children living with smoking parents. APCO billed the tobacco company $25,000 a month to run the operation. Chevron, Exxon and GM were all funders of TASSC which promoted climate change denial. Bob Burton and Sheldon Rampton, *Thinking Globally, Acting Vocally: The International Conspiracy to Overheat the Earth,* PR WATCH (1997) https://www.prwatch.org/files/pdfs/prwatch/prwv4n4.pdf (last visited June 20, 2023).

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another organization, the Free Enterprise Education Institute, and $50,000 to the Free Enterprise Action Institute, both registered to Milloy's home address.[277]

401.

The GCSCT Action Plan set out its goals: sow confusion for consumers, make global warming into a "non-issue," defeat the Kyoto Protocol, and ensure "there are no further initiatives to thwart the threat of climate change."[278]

2. Climate Science Messaging without Scientists or Science

402.

There were no **scientists** on the "Global Climate **Science** Communications Team." (GCSCT). The GCSCT Action Plan's purpose was clear---keep consumers buying their products and further industry objectives by directing the future of US global climate change policy.

403.

The GCSCT Action Plan allocated an initial budget of $7.9 million, most of which would fund efforts to inject fake science and bold-faced lies into the global climate debate.[279] From 1998 to 2008, Exxon alone invested more than $20 million to think tanks that dedicated a large amount

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[277] Seth Shulman et al. Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big Tobacco's Tactics to Manufacture Uncertainty on Climate Science, UNION OF CONCERNED SCIENTISTS, (Jan. 2007), at 19, https://www.ucsusa.org/sites/default/files/2019-09/exxon_report.pdf (last visited Nov. 15, 2022).
[278] Joe Walker, Global Climate Science Communications Action Plan, GLOBAL CLIMATE SCIENCE COMMUNICATIONS TEAM (GCSCT) (Apr. 3, 1998), https://insideclimatenews.org/wp-content/uploads/2015/12/Global-Climate-Science-Communications-Plan-1998.pdf (last visited Nov 15, 2022).
[279] Id.

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of effort to undermining the scientific consensus on climate change in fulfillment of the purpose of the GCSCT Action Plan.[280]

404.

Naomi Oreskes and Erik M. Conway, authors of *Merchants of Doubt*, similarly note:

> In 2005…Chris Mooney documented how in just a few years Exxon Mobil had channeled more than $8 million to forty different organizations that challenged the scientific evidence of global warming. The organizations did not just include probusiness and conservative think tanks, but also "quasi-journalistic outlets like TechCentralStation.com (a website providing 'news, analysis, research, and commentary' that received $95,000 from ExxonMobil in 2003), a *FoxNews.com* columnist, and even religious and civil rights groups". Mooney also noted how former ExxonMobil chairman and CEO Lee Raymond served as vice-chairman of the board of trustees for the American Enterprise Institute, which received $960,000 in funding from ExxonMobil, and how in 2002, ExxonMobil explicitly earmarked $60,000 for "legal activities" by the Competitive Enterprise Institute.
>
> Mooney described what happened when scientists released the comprehensive *Arctic Climate Impact Assessment*, which concluded that the Arctic was warming at twice the rate of the rest of the world…The report was blasted in a column by Steve Milloy, now working as a columnist for *FoxNews.com* and serving as an adjunct scholar at the Cato Institute, which received $75,000 from ExxonMobil….Milloy had received money from ExxonMobil: $40,000 to The Advancement of Sound Science Center and $50,000 to the Free Enterprise Action Institute–both of which are registered to Milloy's home address.[281]

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[280] Global Climate Science Communications Team, Global Climate Science Communications Action Plan, GLOBAL CLIMATE SCIENCE COMMUNICATIONS TEAM, https://insideclimatenews.org/wp-content/uploads/2015/12/Global-Climate-Science-Communications-Plan-1998.pdf (last visited June 20, 2023).

[281] Naomi Oreskes & Erik M. Conway, Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming, BLOOMSBURY PRESS (2010), at 246-247.

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405.

GCC members, through its GCSCT Action Plan, doubled down on disseminating these contrarian theories, particularly through ghostwriters, front groups and think tanks. It needed to flood the public with false science, media blitzes, advertorials, and doubt. The multi-million-dollar, multi-year proposed budget included public outreach and the dissemination of educational materials to schools to begin to erect a barrier against further efforts to impose Kyoto-like measures in the future.[282]

406.

Imperial Oil (now Exxon) CEO Robert Peterson also falsely denied the established connection between Defendants' fossil fuel products and ACC in the Summer 1998 Imperial Oil Review, attached as Exhibit 25, "A Cleaner Canada":

> [Climate change] has absolutely nothing to do with pollution and air quality. Carbon dioxide is not a pollutant but an essential ingredient of life on this planet…. [T]he question of whether or not the trapping of 'greenhouse' gases will result in the planet's getting warmer…has no connection whatsoever with our day-to-day weather. There is absolutely no agreement among climatologists on whether or not the planet is getting warmer, or, if it is, on whether the warming is the result of man-made factors or natural variations in the climate…. I feel very safe in saying that the view that burning fossil fuels will result in global climate change remains an unproved hypothesis.[283]

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[282] Global Climate Science Communications Team, *supra*, Footnote 280.

[283] Robert Peterson, A Cleaner Canada, IMPERIAL OIL REVIEW (1998), https://www.climatefiles.com/exxonmobil/imperial-oil/1998-imperial-oil-article-a-cleaner-canada-by-robert-peterson/ (last viewed June 20, 2023).

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407.

In the early 1990s, both API and Exxon funded and promoted the work of Fred Seitz,[284] Fred Singer, and Singer's Science and Environmental Policy Project[285] ("SEPP"). Singer's wife, Candace Crandall, the Executive Director at SEPP, registered at the Rio conference as a 'publicist' for a "science team" in 1992.[286] Neither Seitz nor Singer was trained in climate science, but both had previously been hired by industry, including tobacco companies, to create doubt in the public mind—again, where there should have been none.[287]

408.

The GCSCT Action Plan went into high gear. Taking money from the GCC and its members, Seitz, Singer, and SEPP were used to attack climate science, and specifically the IPCC conclusions and process. In 1998, Seitz helped organize and distribute the "The Global Warming Petition Project" (also known as the "Oregon Petition"). Launched from Oregon, the Oregon

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[284] George C. Marshall Institute, Recent Founders, GEORGE C. MARSHALL INSTITUTE, http://web.archive.org/web/20000823170917/www.marshall.org/funders.htm (last visited June 20, 2023).

[285] Exxon Education Foundation, Corporate Giving Source: Dimensions, EXXONMOBIL (1997); ExxonMobil, Foundation Form 990, DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE (IRS) (2000), https://www.documentcloud.org/documents/1019871-2000-exxonmobil-foundation-form-990 (last visited June 20, 2023).

[286] The Center for Media and Democracy, Candace C. Crandall, CENTER FOR MEDIA AND DEMOCRACY (CMD) https://www.sourcewatch.org/index.php/Candace_C._Crandall (last visited June 20, 2023).

[287] D. Hevesi, Frederick Seitz, 96, Dies; Physicist Who Led Skeptics of Global Warming, THE NEW YORK TIMES (Mar. 03, 2008), https://www.nytimes.com/2008/03/06/us/06seitz.html#:~:text=Frederick%20Seitz%2C%20a%20renowned%20physicist,confirmed%20by%20his%20son%2C%20Joachim (last visited June 20, 2023).

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Petition was created to misinform and deceive the public about the scientific results and the consensus of climate change, urging the United States government to reject the global warming Kyoto Protocol of 1997 and similar policies.[288]

409.

The petition, attached as Exhibit 26**,** was formatted to appear sanctioned by the National Academy of Scientists and sent to thousands of American scientists. Supposedly signed by 17,000 "scientists," the petition claimed to find "no convincing scientific evidence that human release of greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate." The list of signatories was filled not with 17,000 actual scientists, but fictitious names, deceased persons, and celebrities.[289]

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[288] Sander van der Linden et al., Inoculating the Public against Misinformation about Climate Change, GLOBAL CHALLENGES (2017), https://onlinelibrary.wiley.com/doi/epdf/10.1002/gch2.201600008 (last visited June 20, 2023).

[289] Michael E. Mann. The Hockey Stick and the Climate Wars. Columbia University Press (2012), at 66.

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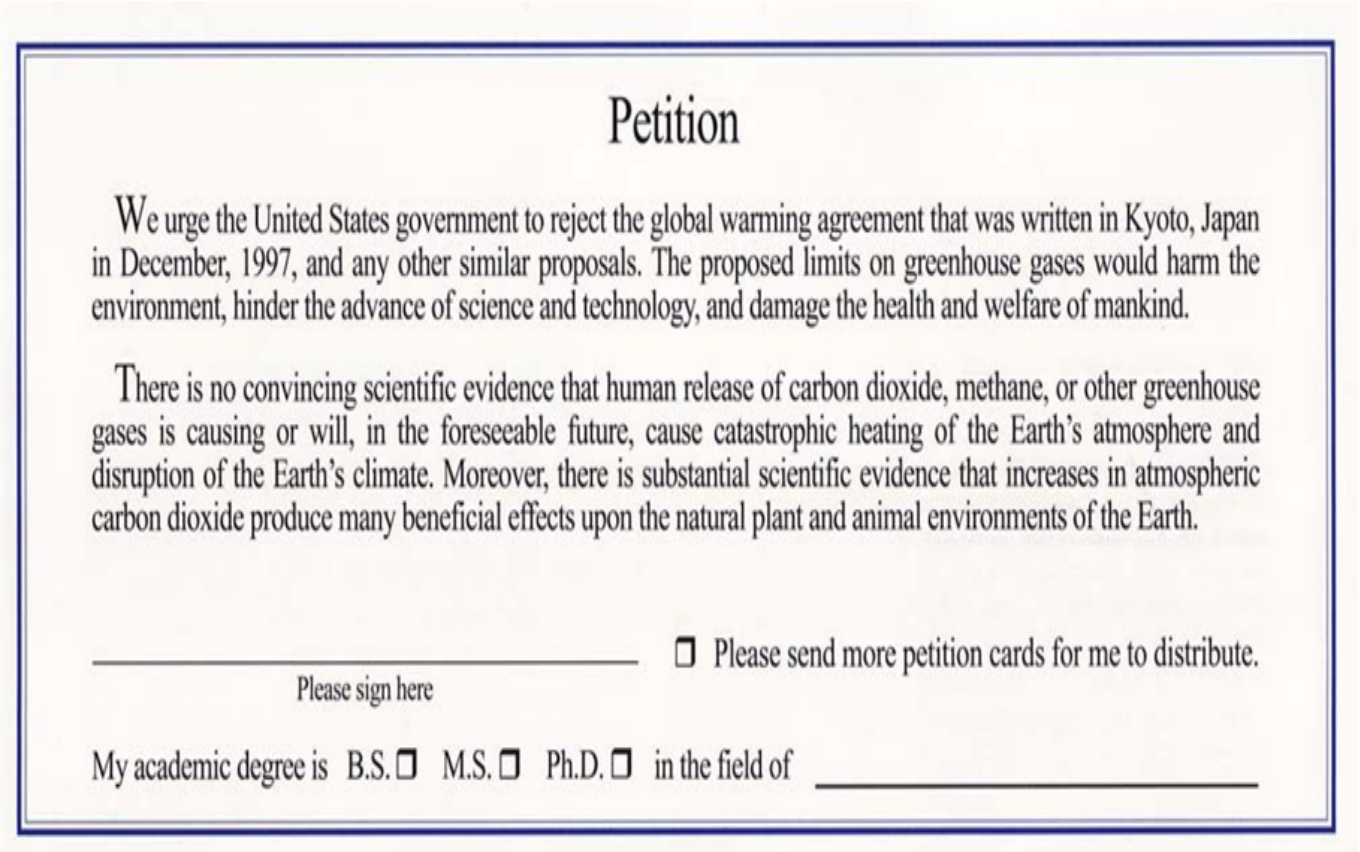
410.

The petition:[290]



Petition

We urge the United States government to reject the global warming agreement that was written in Kyoto, Japan in December, 1997, and any other similar proposals. The proposed limits on greenhouse gases would harm the environment, hinder the advance of science and technology, and damage the health and welfare of mankind.

There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the Earth.

_____ ❒ Please send more petition cards for me to distribute.

Please sign here

My academic degree is B.S.❒ M.S.❒ Ph.D.❒ in the field of _____

[290] Global Warming Petition Project website, http://www.petitionproject.org/ (last visited Nov. 14, 2022). Note: on June 20, 2023, the website claims that 31,487 American scientists have signed this petition, including 9,029 with PhDs.

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411.

The petition was organized and circulated by Arthur B. Robinson, president of the Oregon Institute of Science and Medicine (described as "a small independent research group") in 1998, and again in 2007.[291]

412.

Frederick Seitz, then chairman of the George C. Marshall Institute, wrote a supporting cover letter, attached as Exhibit 27, signed as "Past President National Academy of Sciences USA, President Emeritus Rockefeller University."[292] The National Academy held a press conference to disclaim the mailing and distance itself from its former president.[293] Between 1998 and 2008, the George C. Marshall Institute received a total of $715,000 in funding from ExxonMobil alone.[294]

413.

The petition also included a 12 page "review article" with information about global warming. The article, attached as Exhibit 28, is titled "Environmental Effects of Increased

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[291] Devin Henry, Climate change petition pits scientists against each other, THE MINNESOTA DAILY (May 28, 2008), https://mndaily.com/222080/news/world/climate-change-petition-pits-scientists-against-each-other/ (last visited June 20, 2023).

[292] Gary J. Weisel, Skeptics, Naysayers, Anomalies, and Controversies in Eds. Brian C. Black et al., Climate Change: An Encyclopedia of Science and History, ABC-CLIO (2013) at 1241.

[293] Id.

[294] Ed Pilkington, Palin fought safeguards for polar bears with studies by climate change sceptics, THE GUARDIAN (Sep. 30, 2018), https://www.theguardian.com/world/2008/sep/30/uselections2008.sarahpalin1#:~:text=The%20Republican%20Sarah%20Palin%20and,species%2C%20the%20Guardian%20can%20disclose (last visited June 20, 2023).

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Atmospheric Carbon Dioxide" by Arthur B. Robinson, Noah E. Robinson, Sallie Baliunas, and Willie Soon.[295]

3. Fossil Fuel Defendants Attempt To Sanitize Carbon Front Groups From Their Image

414.

Despite the success that Fossil Fuel Defendants accomplished through their front groups, publicly they attempted to distance themselves from the deception, and that facade was also deceptive.

415.

John Browne, Chairman of British Petroleum, in a speech at Stanford University on May 19, 1997, announced that "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 in BP have reached that point." BP itself withdrew from the GCC, but stayed as a member of API, which is a member of GCC. Shell also formally withdrew, but its trade groups did not.

416.

In February 1999, Atlantic Richfield Company, then a division of BP, CEO Michael Bowlin acknowledged in a speech he delivered at an energy industry conference, "We've embarked on the

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[295] W. Soon, S. L. Baliunas, A. B. Robinson & Z. W. Robinson (Oct. 26, 1999). Environmental Effects of Increased Atmospheric Carbon Dioxide, CLIMATE RESEARCH, https://www.researchgate.net/publication/260851815_Environmental_Effects_of_Increased_Atmospheric_Carbon_Dioxide (last visited June 20, 2023).

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beginning of the Last Days of the Age of Oil."[296] Bowlin discussed the need to convert our carbon-based energy economy into a hydrogen-based energy economy. However, BP maintained membership and private participation with the GCC through its trade association, API.

417.

The companies who publicly left GCC then formed the Pew Center for Environmental Change ("C2ES") and appointed a "Business Environmental Leadership Council" ("BELC") in 1998 with the following statement: "We accept the views of most scientists that enough is known about the science and environmental impacts of climate change for us to take actions to address its consequences."[297]

418.

But they did not. Publicly, the companies left GCC and formed the BELC to address the growing public outrage for blatantly funding climate denial and hid behind their trade associations to continue to profit. This two-faced position would dominate for decades, all to the detriment of Multnomah County, Oregon residents, and consumers.

419.

While the GCC members formed the new Pew Center to appease the public, the companies met privately and formed the "Global Climate Science Communications Team" (GCSCT), setting

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[296] Id.

[297] Center for Climate and Energy Solutions, Business Environmental Leadership Council, CENTER FOR CLIMATE AND ENERGY SOLUTIONS, www.c2es.org/our-work/belc/ (last visited June 20, 2023).

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out their marketing battle plan to undermine the science they knew was accurate regarding climate change.

420.

In 2000, the GCC announced that it was restructuring as an association of trade associations and would henceforth only include trade associations in its membership. The companies, which had abandoned the GCC, as one journalist noted, like "rats leaving a sinking ship," and adopted scientific consensus on climate change through the Pew Center were still represented by their trade associations in the GCC, which funded climate denial of that scientific consensus.

421.

In 1998, API distributed a roadmap memo after the "Victory" memo, (Exhibit 24), outlining the fossil fuel industry's plan to use scientists as spokespersons for the industry's views.

422.

The GCSCT Action Memo outlined five distinct hierarchal levels:

a) **Global Climate Coalition:** a group of trade associations representing the Defendants and many others.

b) **Organizers of the GCSCT:** GCC members API (Shell, Chevron, BP, ConocoPhillips, Motiva, and Anadarko), Exxon, with CEI (Koch), CFACT, Lynn Bouchey, Myron Ebell, SEPP, and others.

c) **Funders:** National Mining Association (Peabody) API (Shell, Chevron, BP, ConocoPhillips, Motiva, Anadarko and others), Business Round Table (all Defendants), Independent Petroleum Association of America and Edison Electric Institute (EEI).

d) **Allocators:** ALEC (Koch), CEI (Koch), CFACT (Koch), Frontiers of Freedom, and The Marshall Institute.

e) **Promoters:** Heartland Institute, CFACT (Koch), ALEC (Koch), Frontiers of Freedom, the (George) Marshall Institute, SEPP, CO_2, CEI

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(Koch), Myron Ebell, Marc Morano, Lord Christopher Monckton, Sherwood Idso, ICE, Fred Singer, Willie Soon, among many others.

423.

The GCSCT Action Memo stresses how the Defendants individually and collectively have utilized propaganda to combat the perception and reality that pollution from their fossil fuel products is destructive to our planet and those who live on it.

424.

Defendants have funded and continue to fund dozens of think tanks, front groups, and dark money foundations as the GCC marketers, pushing climate change denial. These include the Competitive Enterprise Institute, the Heartland Institute, Frontiers for Freedom, Committee for a Constructive Tomorrow, and the Heritage Foundation.

425.

From 1998 to 2014, Exxon alone spent almost **$31 million** funding numerous organizations to undermine the scientific consensus that Defendants' fossil fuel products were causing climate change.[298] Several Defendants have been linked to other groups that undermine the scientific basis linking Defendants' fossil fuel products to climate change, including the Frontiers of Freedom Institute and the George C. Marshall Institute.

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[298] Union of Concerned Scientists, ExxonMobil Foundation & Corporate Giving to Climate Change Denier & Obstructionist Organizations, UNION OF CONCERNED SCIENTISTS, https://www.ucsusa.org/sites/default/files/attach/2015/07/ExxonMobil-Climate-Denial-Funding-1998-2014.pdf (last visited June 20, 2023).

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4. Fossil Fuel Defendants Use Advertorials to Sow Public Doubt Through Deception

426.

Researchers who scoured through advertorials and published internal documents of ExxonMobil concluded that "in essence, these public statements reflect only the 'doubt' side of ExxonMobil's mixed internal dialogue."[299] Geoffrey Supran and Naomi Oreskes' "Assessing ExxonMobil's climate change communications (1977–2014)", attached as Exhibit 29, concluded that Exxon's peer-reviewed literature overwhelmingly acknowledges anthropogenic global warming as real, and human caused.

427.

Exxon's non-peer reviewed documents, including industry targeted speeches, reports, and company pamphlets, contain more references designed to misinform. The predominant stance taken in ExxonMobil's propaganda, however, according to the researchers is 'Doubt'. According to the researchers, of the 72% of climate change advertorials by Exxon that took a position, 81% of those take the position of 'Doubt', with the remainder split between 'Acknowledge' (11.5%) and 'Acknowledge and Doubt' (7.5%).

428.

Roughly 80% of Exxon's external communications designed to hit big audiences—its consumers—emphasized uncertainty, while more than 80% of internal and scientific

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[299] Geoffrey Supran and Naomi Oreskes, Assessing ExxonMobil's climate change communications (1977–2014), Environ. Res. Lett., (2017), https://iopscience.iop.org/article/10.1088/1748-9326/aa815f (last visited June 20, 2023).

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communications designed to be seen by no one other than internal communications or a very small number of academic audiences agree with the real scientific consensus that fossil fuels caused climate change and that it was very dangerous.

429.

The Researchers concluded:

> Available documents show a discrepancy between what ExxonMobil's scientists and executives discussed about climate change privately and in academic circles and what it presented to the general public. The company's peer-reviewed, non-peer-reviewed, and internal communications consistently tracked evolving climate science: broadly acknowledging that AGW is real, human-caused, serious, and solvable, while identifying reasonable uncertainties that most climate scientists readily acknowledged at that time. In contrast, ExxonMobil's advertorials in the NYT overwhelmingly emphasized only the uncertainties, promoting a narrative inconsistent with the views of most climate scientists, including ExxonMobil's own. This is characteristic of what Freudenberg et al term the **Scientific Certainty Argumentation Method (SCAM)**—a tactic for undermining public understanding of scientific knowledge.[300] Likewise, the company's peer-reviewed, non-peer-reviewed, and internal documents acknowledge the risks of stranded assets, whereas their advertorials do not. In light of these findings, we judge that ExxonMobil's AGW communications were misleading; we are not in a position to judge whether they violated any laws.[301]

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[300] William R. Freudenburg, Robert Gramling and Debra J. Davidson, Scientific Certainty Argumentation Methods (SCAMs): Science and the Politics of Doubt, SOCIOLOGICAL INQUIRY (2008), https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1475-682X.2008.00219.x (last visited Nov. 15, 2022); Robert N. Proctor and Londa Schiebinger, Agnotology—The Making and Unmaking of Ignorance, STANFORD UNIVERSITY PRESS (2008).

[301] Supran & Oreskes, *supra*, Footnote 299.

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5. The False "Scientists" Sowed Doubt as Defendants Intended.

430.

The creation of this false sense of disagreement in the scientific community is a direct contradiction of the consensus that the industry's own scientists, experts, and managers had previously acknowledged. The GCSCT Action Memo's entire purpose, however, was to create disagreement where there should be none.

431.

The National Coal Association 1991 ICE campaign noted that opinion polls revealed 60% of Americans believed global warming was a serious environmental problem and that "our industry cannot sit on the sidelines in this debate."[302] The GCSCT 1998 Action Memo mentions how public opinion can be swayed with fake science:

> Charlton Research's survey of 1,100 "informed Americans" suggests that while Americans currently perceive climate change to be a great threat, public opinion is open to change on climate science. When informed that "some scientists believe there is not enough evidence to suggest that [what is called global climate change] is a long-term change due to human behavior and activities," 58 percent of those surveyed said they were more likely to oppose the Kyoto treaty. Moreover, half the respondents harbored doubts about climate science."[303]

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[302] Naomi Oreskes, My Facts Are Better Than Your Facts: Spreading Good News about Global Warming, in Peter Howlett et al., How Well Do Facts Travel? The Dissemination of Reliable Knowledge, CAMBRIDGE UNIVERSITY PRESS (2011), at 136–66, https://doc.lagout.org/Others/Cambridge.University.Press-How.Well.Do.Facts.Travel.2010.RETAiL.EBook.pdf (last visited Nov. 15, 2022).

[303] Joe Walker, Global Climate Science Communications Action Plan, GLOBAL CLIMATE SCIENCE COMMUNICATIONS TEAM (GCSCT) (Apr. 3, 1998), at 2, https://insideclimatenews.org/wp-content/uploads/2015/12/Global-Climate-Science-Communications-Plan-1998.pdf (last visited June 20, 2023).

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432.

Defendants' propaganda has been successful. A 2007 Yale University-Gallup poll found that while 71% of Americans personally believed global warming was happening, only 48% believed that there was a consensus among the scientific community, and 40% believed there was a lot of disagreement among scientists over whether global warming was occurring.[304]

433.

The purpose of undermining public opinion was mercantile: to continue to sell enormous amounts fossil fuel for astronomical profits products, irrespective of the extreme weather changes those products cause by their use, and the GCC and its members were—and are—successful in fulfilling that objective.

434.

IPCC published its Fourth Assessment Report in 2007, in which it concluded that "there is very high confidence that the net effect of human activities since 1750 has been one of warming."[305] The IPCC defined "very high confidence" as at least a 9 out of 10 chance.[306] Despite these findings, and the fact that the Fossil Fuel Defendants understood that causal relationship

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[304] American Opinions on Global Warming: A Yale/Gallup/Clearvision Poll, YALE PROGRAM ON CLIMATE CHANGE COMMUNICATION (July 31, 2007), https://climatecommunication.yale.edu/publications/american-opinions-on-global-warming/ (last visited June 20, 2023).

[305] Intergovernmental Panel on Climate Change (IPCC), Summary for Policymakers in Climate A report of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, CAMBRIDGE UNIVERSITY PRESS (2007), at 3, https://www.ipcc.ch/site/assets/uploads/2018/02/ar4-wg1-spm-1.pdf (last visited June 18, 2023).

[306] Id.

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decades earlier, the Defendants continued to market their products by funding climate change denialism and undermining scientific consensus to keep consumer demand high.

435.

Exxon acknowledged its own previous success in sowing uncertainty—when there should have been none—and slowing mitigation through funding of climate denial groups. In its 2007 Corporate Citizenship Report, Exxon declared: "In 2008, we will discontinue contributions to several public policy research groups whose position on climate change could divert attention from the important discussion on how the world will secure the energy required for economic growth in an environmentally responsible manner."[307] Despite this pronouncement, Exxon continued to support several such groups after the report's publication.

6. Western States Petroleum Association—A Front Group with An Oregonian Audience

436.

The GCSCT Action Plan mentions developing and utilizing grass root organizations three times (pages 4, 5 and 7) in a PowerPoint presentation leaked in November of 2014 from the Western States Petroleum Association ("WSPA"),[308] the top lobbyist for the oil industry in the

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[307] ExxonMobil, 2007 Corporate Citizenship Report, EXXONMOBIL (Dec. 31, 2007), https://grist.org/wp-content/uploads/2009/07/community_ccr_2007.pdf (last visited June 20, 2023).

[308] Western States Petroleum Association (WSPA) is a non-profit trade association that represents companies that account for the bulk of petroleum exploration, production, refining, transportation and marketing in the six western states of Arizona, California, Hawaii, Nevada, Oregon, and Washington. Founded in 1907, WSPA is the oldest petroleum trade association in the United States of America. WSPA's headquarters are located in Sacramento, California. Additional WSPA

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western United States (including Oregon) and the oldest petroleum trade association in the country. The WPSA "activates" and funds front groups that are designed to change public opinion on climate change.[309]

437.

The WPSA front groups, with names like the "Oregonians For Sound Fuel Policy" and "Fed Up At The Pump," appeared to be grassroots groups representing consumer interests, but were really part of WSPA's multimillion dollar public relations campaign to further the oil industry's propaganda machine.[310]

438.

The slide below identifies groups that were "activated" by the WSPA. Many of the names are clearly "greenwashed" to hide the group's and WPSA's real purpose of working against climate policy. The actions of some of these groups were conducted in, or directed to, Multnomah County.

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locations include offices in Torrance; Santa Barbara; Bakersfield; Scottsdale, Arizona; and Olympia, Washington.
Western States Petroleum Association, About, WESTERN STATES PETROLEUM ASSOCIATION, https://www.wspa.org/about/ (last visited June 20, 2023).

[309] Bloomberg, Leaked: The Oil Lobby's Conspiracy to Kill Off California's Climate Law. BLOOMBERG (Nov. 25, 2014), https://www.bloomberg.com/news/articles/2014-11-25/leaked-the-oil-lobbys-conspiracy-to-kill-off-californias-climate-law?leadSource=uverify%20wall (last visited June 20, 2023).

[310] Matt Connolly, California's Friendly Neighborhood Citizens Groups Are Really Just Big Oil in Disguise, MIC (Nov. 26, 2014) https://www.mic.com/articles/105196/california-s-friendly-neighborhood-citizens-groups-are-really-just-big-oil-in-disguise (last visited June 20, 2023).

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439.

This leaked presentation from WSPA revealed a stealth campaign to change public opinion and keep the consumers lulled into purchasing their products.

440.

Most of the publications questioning climate change came not from scientific journals, but from industry-funded think tanks masquerading as scientific. A study by Professors Peter Jacques and Mark Freeman, political scientists at University of Central Florida, found that 92.2% of the

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skepticism literature was published by GCC-funded think tanks or authors affiliated with those think tanks.[311]

441.

Even though Exxon was aware as early as 1979 that fossil fuels affected climate change and that its fossil fuels posed an existential threat to the future, Exxon continued funding front groups, providing over $2 million in funding from 1998 to 2005.[312]

442.

The GCSCT also funded Willie Soon, another lead climate skeptic.[313] Soon co-authored the article which accompanied the Oregon Petition, *supra* ¶ 410. Most infamously, Soon wrote one of the few denialist articles to be published in a peer-reviewed scientific journal.[314] But that article quickly turned into a scandal where the editorial staff quit. Despite this, Soon earned a "Courage in Defense of Science Award" from The Heartland Institute.[315]

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[311] James Hoggan & Richard Littlemore, Climate Cover-Up: The Crusade to Deny Global Warming, on 81 (2009).

[312] Seth Shulman et al. Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big Tobacco's Tactics to Manufacture Uncertainty on Climate Science, UNION OF CONCERNED SCIENTISTS, (Jan. 2007), https://www.ucsusa.org/sites/default/files/2019-09/exxon_report.pdf (last visited June 20, 2023).

[313] Note-many of the articles authored by Lord Monckton cited by the Heartland Institute are co-authored with Willie Soon.

[314] Justin Gillis and John Schwartz, Deeper Ties to Corporate Cash for Doubtful Climate Researcher, N.Y. TIMES (Feb. 21, 2015), https://www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html (last visited June 20, 2023).

[315] Heartland holds climate conferences and publishes literature that has the "veneer of scientific credibility." John Abrahams, Fossil fuel funded report denies the expert global warming consensus, The Guardian (Feb. 22, 2016), https://www.theguardian.com/environment/climate-consensus-97-per-cent/2016/feb/22/fossil-fuel-funded-report-denies-the-expert-global-warming-consensus (last visited June 20, 2023); For its International Conference on Climate Change, the Heartland Institute offers to pay $1,000 to any scientist willing to help generate international media

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443.

From 2005 to 2015, Soon received $1.2 million from the fossil fuel industry (including Exxon Mobil, the API, and others)[316]

444.

Soon's peer reviewed article, published in *Climate Research* in 2003, concluded that "the 20th century is probably not the warmest nor a uniquely extreme climatic period of the last millennium." The paper was immediately debunked in a publication by 13 climate scientists, who pointed out that Soon's data measured changes in moisture, not changes in temperature, and confused regional changes in temperature with global changes.

445.

Following the 2003 publication, nearly half of *Climate Research*'s editorial board resigned in protest, citing the failure of the journal's peer review process to catch these glaring errors. Furthermore, the journal's parent company stated that *Climate Research* "should have been more careful and insisted on solid evidence and cautious formulations before publication."[317]

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attention for the proposition that rapid warming is not supported by sound science. James Hoggan & Richard Littlemore, Climate Cover-Up: The Crusade to Deny Global Warming, on 81 (2009).

[316] Gillis *et al.*, *supra*, Footnote 314.

[317] Richard Monastersky, Storm Brews Over Global Warming. THE CHRONICLE OF HIGHER EDUCATION (Sep. 2003), https://www.chronicle.com/article/storm-brews-over-global-warming/ (last visited Nov. 14, 2022).

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446.

It was also subsequently discovered that Soon's research budget for the article was funded by the API, which Soon did not disclose in his paper.[318]

447.

Soon has also advanced the claim that polar bears do better in a warmer climate. In 1998, Soon argued that "For polar bears…you do want to watch out for ice. Too much ice is really bad for polar bears…I would suggest that the current [ice] condition today is nowhere optimal for the polar bear, which means it can grow a little bit warmer." [319] In reality, global warming melts sea ice, which threatens the polar bears' survival by reducing their food supplies and forcing them to swim longer distances.

448.

The Heartland Institute promotes Willie Soon on its current website, claiming Soon's bio and account of his work "debunks lies of the generously funded environmental left's attacks on an honest climate scientist."[320]

449.

Soon, who is a part-time employee at the Smithsonian Institution, had failed to disclose his oil industry funding in 11 papers since 2008, which violated the disclosure rules of at least **8** of the

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[318] Suzanne Goldenberg, Work of prominent climate change denier was funded by energy industry, THE GUARDIAN, (Feb. 21, 2015) https://www.theguardian.com/environment/2015/feb/21/climate-change-denier-willie-soon-funded-energy-industry (last visited Nov. 14, 2022).
[319] Skeptical Science, How will global warming affect polar bears?, SKEPTICAL SCIENCE, http://bit.ly/1UhCSHn (last visited Nov. 14, 2022).
[320] As of May 21, 2019.

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journals. Correspondence between Soon and his corporate funders, obtained by the *NY Times*, shows that Soon described his scientific papers as 'deliverables,' a project management term denoting services delivered on a specific timeline in exchange for funding.[321]

450.

Articles by Soon, and others appear on Heartland Institute's "Policybot" promoting climate change denial.

451.

Heartland holds climate conferences and publishes literature that has the "veneer of scientific credibility."[322] For its International Conference on Climate Change, the Heartland Institute offers to pay $1,000 to any scientist willing to help generate international media attention for the proposition that rapid warming is not supported by sound science.[323]

452.

Heartland also sponsored a "petition-style attack" on the consensus viewpoint that fossil fuels cause global warming.[324] Heartland published a 'report' on its website titled, "500 Scientists Whose Research Contradicts Man-Made Global Warming Scares."[325] The "report" listed all five

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[321] Gillis *et al*., *supra*, Footnote 314.
[322] John Abrahams, Fossil fuel funded report denies the expert global warming consensus, The Guardian (Feb. 22, 2016), https://www.theguardian.com/environment/climate-consensus-97-per-cent/2016/feb/22/fossil-fuel-funded-report-denies-the-expert-global-warming-consensus (last visited Nov. 14, 2022).
[323] Hoggan & Littlemore, *supra*, Footnote 311 at 86.
[324] Id. at 94.
[325] Id.

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hundred scientists as "coauthors", implying that "each of the five hundred had a hand in [the] report or, at the very least, signed off on its conclusions."[326]

453.

Immediately after the report's release, the scientists listed on the report began protesting. "I am horrified to find my name on such a list. I have spent the last 20 years arguing the opposite," wrote David Sugden, a professor of geography at the University of Edinburgh.[327] "I don't believe any of my work can be used to support any of the statements listed in the article," said Robert Whittaker, a professor of biogeography at the University of Oxford.[328] And Gregory Cutter, a professor of ocean and atmospheric sciences at Old Dominion University wrote, "I have NO doubts … the recent changes in global climate ARE man-induced. I insist that you immediately remove my name from this list …."[329]

454.

To support its denialism methods, Heartland received nearly a million dollars from Exxon and $13.5 million in dark money contributions from Donors Trust, a known front group for oil money.

455.

In a December 2019 expose of Heartland's dark money funding from Donors Trust to undermine scientific consensus on climate change, Heartland's chief strategist, James Taylor, told

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[326] Id.
[327] Id.
[328] Id.
[329] Id.

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undercover reporters that Donors Trust is now directing between two thirds and three quarters of its budget to Heartland to support its climate-skeptical positions and claims that this is his personal doing.[330]

456.

On March 19, 2020, Heartland announced it was launching a new website, Climate at a Glance" to "prepare you for climate crisis claims" and hired a 19-year-old German woman named Naomi Seibt to serve as the face of a new campaign for what Heartland calls "climate alarmism."[331]

7. In Pursuit of Profits: The Enterprise Targets School Children

457.

The GCSCT recognized that the tide might turn against fossil fuels unless they could reach the next generation and it needed to deceive schoolteachers and students about climate science.

458.

So, under the guise of "present[ing] a credible, balanced picture of climate science," they opted to push out materials for teachers and their students that directly countered the scientific evidence. At this point, Children will be the most affected by climate change, having to endure more years of weather extremes and dire effects caused by the Defendants' deception through these

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[330] Katarina Huth, The Heartland Lobby, CORRECTIVE (Feb. 11, 2020), https://correctiv.org/en/top-stories-en/2020/02/11/the-heartland-lobby/ (last visited June 20, 2023).

[331] Nicholas Kusnetz, Heartland Launches Website of Contrarian Climate Science Amid Struggles with Funding and Controversy, INSIDE CLIMATE NEWS (Mar. 13, 2020), https://insideclimatenews.org/news/13032020/heartland-instutute-climate-change-skeptic/ (last visited June 20, 2023).

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front groups.

459.

Page 7 of the GCSCT Action Plan targeted children, tomorrow's consumers:

- Organize under the GCSDC a "Science Education Task Group" that will serve as the point of outreach, to the National Science Teachers Association (NSTA) and other influential science education organizations. Work with NSTA to develop school materials that present a credible, balanced picture of climate science for use in classrooms nationwide.

- Distribute educational materials directly to schools and through grassroots organizations of climate science partners (companies, organizations that participate in this effort).

460.

This insidious directive has been implemented in lockstep. On March 27, 2017, the Heartland Institute mailed a book titled "Why Scientists Disagree about Global Warming: The NIPCC Report on Scientific Consensus", in addition to a DVD and letter to over 200,000 teachers, attached as Exhibit 30.

461.

The material would be sent to an additional 25,000 teachers every two weeks, until every public-school science teacher in the nation has a copy, Heartland president and CEO Joseph Bast said in an interview to PBS in 2017.[332] Heartland claims on its website, that it reached over 300,000 K-12 science teachers.

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[332] Katie Worth, Climate Change Skeptic Group Seeks to Influence 200,000 Teachers, PBS (Mar. 28, 2017), https://www.pbs.org/wgbh/frontline/article/climate-change-skeptic-group-seeks-to-influence-200000-teachers/ (last visited June 20, 2023).

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462.

The campaign elicited immediate derision from the National Center for Science Education (NCSE), a nonprofit in Oakland, California that monitors climate change education in classrooms.[333] "It's not science, but it's dressed up to look like science," said NCSE executive director Ann Reid. "It's clearly intended to confuse teachers."[334]

8. Oregon and the Heartland Institute

463.

The Defendants' deception campaign was vigorously executed in Oregon and targeted to mislead the Plaintiff and its residents.

464.

Gordon Fulks is a prolific climate denier and is a policy advisor to the Heartland Institute, which as described above, provides a medium through which Defendants have propagated false and misleading denials and downplays of the causal relationship between carbon pollution and extreme climate change. At the behest of benefactors that included Fossil Fuel Defendants, Fulks has published editorials in the Oregonian that deny the existence of any scientific consensus that carbon pollution causes warming of the planet.[335] He writes, "The many objections from real scientists will be countered with fictitious claims of 'consensus.' (Should that, too, be questioned

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[333] Id.
[334] Id.
[335] Fulks, G. J., Kitzhaber is allowing climate malpractice: Guest opinion, The Oregonian, https://www.oregonlive.com/opinion/2015/01/kitzhaber_is_allowing_climate.html (last visited June 20, 2023).

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— based on studies that show widely divergent scientific opinions — the political formula calls for stonewalling.) Never mind that science proceeds from openly discussed logic and evidence. The scientifically illiterate will not understand and can be easily fooled with unsupportable claims that each succeeding year is the 'warmest ever.'"

465.

In another piece in the Oregonian, Fulks dismissed scientific support for anthropogenic climate change as a "storm of alarmism" based on faulty science. "The problems with classical greenhouse gas theory escape those who view science as politics (consensus) or as religion (belief)," he wrote.[336]

466.

Thus, in these and other ways, Defendants' deception was directly targeted at the Plaintiff and its inhabitants. These lies created enough doubt as to whether extreme weather events from anthropogenic climate change could harm those *in the County*, and thereby left the community and its leadership unprepared for extreme heat events that Defendants' products and deception then caused.

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[336] Fulks, G. J., "The Changing Climate of Climate Change," The Oregonian, January 19, 2013. Archive.ph *URL*: *https://archive.ph/wip/70ONn* (last visited June 20, 2023).

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467.

Had the Defendants exercised ordinary care rather than a plan to deceive the Plaintiff and the public while simultaneously causing extreme harm to the Plaintiff and to the planet, they would have taken several steps that they refused to take. These measures include, not exhaustively,

a) Public and full-throated endorsement of the scientific validity of the existence of anthropogenic climate change and the catastrophic harm it can cause. The Defendants unequivocal, forward-facing acceptance of that information would have altered the debate from *whether t*o combat global warming to *how* to combat it; and avoided much of the public confusion that has ensued over the last several decades.

b) Forthrightly communicating with Defendants' shareholders, consumers, banks, insurers, the public, regulators, and the Plaintiff that the problem to be mitigated is the accumulation of excessive amounts of GHGs in the atmosphere from the use of Defendants' products, rather than "alarmist" concerns about it.

c) Refraining from affirmative efforts, whether directly, through coalitions, or through front groups, to distort public debate, and to cause many consumers and business and political leaders to think the relevant science was far less certain that it was.

d) Sharing their internal scientific research with the public, and with other scientists and business leaders, to increase public understanding of the scientific underpinnings of climate change and its relation to Defendants' fossil fuel products.

e) Supporting and encouraging policies to avoid dangerous climate change and demonstrating responsible corporate leadership in addressing the challenges of transitioning to a low carbon economy.

f) Prioritizing alternative sources of energy through sustained investment and research on renewable energy sources to replace dependence on Defendants' hazardous fossil fuel products.

g) Adopting their shareholders' concerns about Defendants' need to protect their businesses from the inevitable consequences of profiting from their fossil fuel products. Over the period of 1990–2015, Defendants' shareholders proposed hundreds of resolutions to change Defendants' policies and business practices regarding climate change. These

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included increasing renewable energy investment, cutting emissions, and performing carbon risk assessments, among others.

468.

Instead, the Defendants knowingly created a public nuisance that caused negative public health impacts in the County, and in many regions across the globe, which each Defendant treated as public relations problem to be spun rather than an existential human threat to be solved. In so doing, they caused catastrophic harm to Plaintiff that will continue and grow worse. As the frequency and intensity of extreme heat events and wildfires in Multnomah County will increase, so too will the harms inflicted upon the County.

IV. DAMAGES

469.

As a sovereign entity, the County is charged with protecting the health, security, and welfare of its residents. It operates as a steward that safeguards the fabric of the community, its ecosystems and way of life, including those for future generations. In its exercise of its police powers, the County is empowered to take actions to prevent the pollution of the County's property and resources, to prevent and abate nuisances, and to prevent and abate hazards to public health, safety, welfare, and the environment.

470.

The Country provides services that are essential to the health, safety, and welfare of its residents, including, not exhaustively: emergency planning, early warning and disaster management; health care, police and fire protection; flood controls; maintenance of bridges, and protection of public outdoor space.

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471.

Populations, property, and transportation infrastructure within the County have been and will continue to be damaged by Defendants' misconduct. The County has taken steps to prepare, mitigate, repair, and adapt to the hazards facing its residents, public property, and infrastructure, and will and must continue to do so, as ACC continues to increase the frequency and severity of extreme heat events, wildfires, drought, storms, and other hazards threatening the public's physical and mental health.

472.

Because of Defendants' carbon pollution and misconduct, ACC has and will continue to impact the County's ability, without the infusion of substantial resources, to deliver services including health care, social services, climate resiliency and sustainability programs, and disaster relief, especially for its most vulnerable residents.

A. Damage: Substantial Cost Incurred to Respond to Extreme Heat Events

473.

The County incurred the following costs in responding to the 2021 heat dome and 2022 heatwave:

a) The County established numerous emergency shelters to provide relief to thousands of heat-stressed residents, including the supply of portable air conditioning units, fans and fresh water, as well as staffing to provide social services and medical care.

b) The County responded to hundreds of heat-related illness or urgent care visits, in addition to a drastic increase in heat related hospitalizations over previous years.

c) The County Coroner determined that the 2021 heat dome was responsible for 69 heat related deaths in the County, which the coroner

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ruled were caused by hyperthermia. In 2022, five residents perished from extreme heat.[337]

B. Damage: Added Costs to Protect Residents and Property from Wildfires And Smoke

474.

In September of 2020, the County experienced a spike in medical visits for respiratory issues caused by poor air quality because of ACC-related wildfire smoke. Asthma-related health related visits in Multnomah County increased by nearly one-third in the four weeks during and after wildfires in 2020.

475.

In 2022, the County responded to thousands of urgent care clinic visits as a result of poor air quality arising from waves of wildfire smoke.

476.

The number of wildfire smoke related healthcare visits and hospitalizations has continued

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[337] The United States EPA has quantified the value of a human *life* at $10.05 million for the social cost of a life taken prematurely because of GHG driven climate change. According to that metric, **the societal cost of the combined loss of the 69 lives in 2021 and 5 lives in 2022 because of extreme heat is $743,700,000.** See EPA Draft of Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances (September 2022). *https://www.epa.gov/system/files/documents/2022-11/epa_scghg_report_draft_0.pdf* (last visited June 20, 2023).

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to increase along with the frequency and severity of wildfires since 2020.

477.

The County expects increased costs from increased wildfire risk due to climate change. The County's response, prevention, mitigation and/or recovery costs are increasing and will continue to increase.

C. Damage: Substantial Costs Incurred For Public Health Emergency Response and Preparedness

478.

The County has invested substantial sums to prepare for severe public health emergencies from extreme heat and wildfires, including protocols for bolstering the County's Emergency Response Plan and for training and testing health care professionals.

479.

The County has invested substantial sums in developing and strengthening emergency plans that increase preparedness within the county and the region, ensure that critical operations will continue during an emergency, and provide for staff training, workshops and disaster plan management and coordination.

480.

The County has invested substantial sums to coordinate disaster preparedness activities within the county, including training, exercise and equipment procurement, and collaboration with cities, special districts, and non-governmental organizations. During ACC related disasters, the Emergency Management program activates an emergency command center to facilitate the appropriate response using the staff and resources available.

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481.

The County has incurred substantial costs in leasing, staffing, and operating an emergency supply depot designed specifically to store disaster relief materials and vehicles for use in climate related disasters such as heat domes, this was not needed before 2021.

482.

The County has invested substantial sums to fund programs to identify and eliminate environmental hazards that contribute to racial and ethnic disparities.

483.

The County has incurred substantial costs in recruiting and retaining a Climate Resilience Coordinator, whose job is to coordinate policy interventions with other city, county and state agencies relating to climate change risks. The job description includes updating wildfire mitigation zones, weatherization of low-income dwellings, development of best practices for public buildings to mitigate extreme heat and smoke conditions, develop strategies to reduce heat islands and develop partnerships with under-resourced East County cities.

484.

The County has incurred substantial costs in funding initiatives in the East County to support community climate resiliency efforts which investigate needed upgrades in services and physical infrastructure to safely and timely respond to ACC-related disasters. Significant funds have been spent to monitor and assess the services and infrastructure that underserved and marginalized communities need to enhance the community's tolerance for natural disasters.

485.

The County has incurred substantial costs in funding the purchase and installation of 1,000

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portable air conditioners and 10,000 emergency cooling kits, intended for at risk households. The County has created and funded a Cooling Support Program for the purpose of providing air conditioners and other life sustaining materials to low-income residents.

486.

The County has incurred substantial costs in providing emergency shelters, assistance and street outreach for vulnerable homeless youth, veterans, and families during extreme weather events.

487.

The County has incurred substantial costs to fund, recruit, hire and train an Emergency Analyst to support the County's shelter and disaster resource center functions. The Emergency Analyst works within the Department of County Human Services and works with County Health Department and focuses on the implementation of the County's post 2021 heat dome employee incentive program to develop a robust pool of staff and volunteers who will be available to staff and service emergency shelters during and after ACC-related disasters.

488.

The County has incurred substantial costs to fund outreach efforts to reduce the burden on limited emergency response capacity during an extreme emergency by collaborating with local businesses, non-governmental organizations, faith-based groups and volunteer groups, as well as community members, to encourage resilience and create a coordinated disaster response.

D. Damage: Substantial Costs Incurred in Monitoring, Educating and Mitigating ACC Impacts

489.

The County has incurred substantial costs in creating, staffing, supplying, and operating

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the Multnomah County Office of Sustainability, which was established in 2010 in response to the escalating climate emergency for the purpose of studying, planning, implementing and coordinating the County's growing need for modernized social, environmental, and economic policies and programs. The mission of the Office of Sustainability is to grow and nourish a county that is equitable, livable, healthy, resilient, and low carbon.

490.

The County has incurred substantial costs in staffing and equipping a program that provides low-income households with energy efficient heat pumps to replace wood burning stoves. Heat pumps provide cooling during heat events and reduce greenhouse gas emissions as well as particulate emissions from the burning of wood. The program continues the Wood Stove Replacement Program which, in the interest of improving air quality and public health, exchanges wood stoves for new energy efficient furnaces or heat pumps.

491.

The county has incurred substantial costs and will continue to do so to assess the need for expansion of County services in low-income East County neighborhoods and build satellite county facilities with culturally specific social services that meet the growing needs of East side communities as ACC-driven extreme weather events escalate.

492.

The County has incurred substantial costs and will continue to do so to design, staff, equip and operate Environmental Health Community Programs, the purpose of which is to identify and mitigate ACC-driven environmental health hazards that contribute to racial and ethnic inequities. The program allocates staffing and material resources to lower income communities who are

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disproportionately impacted by ACC. Expenditures include monitoring and assessing ACC health and environmental impacts.

493.

The County has incurred substantial costs in assessing damage to County-owned property and infrastructure for the purpose of "climatizing" air filtration, air conditioning and other systems and components with repairs, replacements, and upgrades to protect the health and safety employees and visitors. The County has incurred substantial costs in modernizing, weatherizing, repairing and upgrading Heating Ventilation Air Conditioning systems to maintain compliance with indoor air quality systems and Oregon Occupational Safety and Health Administration standards.

494.

The County has incurred substantial costs in creating, staffing, equipping, and operating a Climate Justice Program, the goal of which is to collaborate with frontline communities and resiliency experts to develop a new climate action community justice framework that continues and builds upon the results of the 2015 Climate Action Plan.

E. Damage: Substantial Costs Incurred In Preparing for and Responding to Extreme Heat and Wildfire Events

495.

In addition to the costs to repair and maintain climate change-damaged County owned property, bridges, public buildings, and in addition to the costs of providing healthcare, shelters, custodial care and autopsies for the climate casualties, the County has incurred additional substantial costs because of the extreme heat events, wildfires and drought described herein, which include:

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a) Costs of increased electrical power and potable water consumption;

b) Costs from the loss of productivity from county employees and contractors who were unable to work outside because of hazardous temperatures and /or air quality;

c) Costs of training first responders;

d) Costs associated with employing and dispatching public safety officers, 911 operators, and first responders;

e) Costs for providing mental-health services, treatment, counseling, and rehabilitation services;

f) Loss of tax revenue;

g) Loss of tourism revenue;

h) Losses from diminished property values;

i) Losses from damaged or destroyed natural resources, including trees, wildlife, and marine life, crops, and vegetation;

j) Losses from increased heat-related mental illness, increased violence, increased property crimes and increased utilization of county health services and the criminal justice system;

k) Costs of increased property, casualty and disaster risk insurance costs;

l) Costs of implementing nature-based climate solutions, e.g., reforestation and drought tolerant, native plant landscaping;

m) Loss of enjoyment and use of a habitable climate;

n) Costs of treating people with ACC-related ground level ozone impairment and harmful exposure to allergens, salmonella and other infectious pathogens;

o) The increased costs of maintaining the County's infrastructure, such as its bridges over the Willamette River the lifelines between the west and east sides of the city and County;

p) The costs of population displacement and migration of climate refugees from southern states or nations.

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496.

The actual damages incurred by the County, because of Defendant's misconduct which substantially contributed to and caused the extreme heat, wildfire and other disasters described herein exceed $50,000,000.

F. The County will Incur Substantial Costs to Prepare for, Prevent, Mitigate, and Abate the Climate Change Nuisance

497.

The costs of studying, consulting with experts, preparing for, mitigating, adapting to, and abating the ongoing nuisance caused by Defendants will be enormous. The programs and adaptation measures that County has undertaken, as described herein, are only the beginning of an adequate response to dealing with increased risks from ACC. These costs are occurring now and being borne by taxpayers to protect the safety, health, and lives of residents, and the County's property and infrastructure. The costs will continue to grow for decades to come as the climate calamity worsens without drastic reductions in GHG emissions.

498.

The costs will include, not exhaustively:

a) The costs to monitor and assess climate change impacts and devise remedial actions;

b) The costs to prepare for, adapt to and abate the health impacts on the County for the increased frequency and duration of extreme heat events, wildfires and wildfire-generated smoke, droughts, storms and other disasters caused by Defendants' misconduct;

c) The costs to protect, upgrade, weatherize and fortify transportation systems and structures, levees, roads, utility networks, sewage and potable water systems, school buildings, railways, and bridges;

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d) The costs of creating wildfire defensive spaces and home hardening to reduce the risk of wildfire destruction;

e) The costs to expand health emergency and clinical care services and shelters;

f) The costs to design, purchase, install and operate air conditioning and air filtration systems and weatherize at-risk buildings and residences;

g) The costs for the county to draw down atmospheric carbon by planting more trees and biomass, expanding open spaces, protecting slopes and riverbanks from erosion, preserving forests, expanding the tree canopy in dense urban areas to mitigate heat islands, and converting to carbon neutral energy systems.

499.

All Defendants acted individually and in concert with other Defendants and propagandists for the purpose of deceiving Plaintiff and its citizens as to how the manufacture, distribution, sale, and use of its fossil fuel products would affect the atmosphere and change the County's weather from mild and predictable to extreme, erratic, destructive, and deadly.

500.

As a result of each Defendant's misconduct alleged herein, Plaintiff has suffered extreme and destructive heat events, degraded air quality from wildfire, increased medical costs for fire and heat-related services, increased burden on the County infrastructure, drought, loss of agricultural production, loss of snowpack and water resources, causing economic damages exceeding $50,000,000.

501.

As a result of each Defendant's misconduct alleged herein, Plaintiff will incur future economic damages from reoccurring extreme and destructive heat events, degraded air quality from wildfire, increased medical costs for fire and heat-related services, increased burden on the

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County infrastructure, drought, loss of agricultural production, loss of snowpack and water resources, in the amount of no less than $1.5 Billion.

V. FIRST CLAIM FOR RELIEF: INTENTIONAL AND NEGLIGENT CREATION OF PUBLIC NUISANCE

502.

Plaintiff realleges and reaffirms the allegations set forth in paragraphs 1-501 as if fully restated in this count.

503.

Defendants' actions were intentional, reckless, deceitful, or negligent as detailed throughout this First Amended Complaint.

504.

Plaintiffs and its citizens have possessory interests in the lands of Multnomah County. Plaintiff and its citizens have a right to enjoy those lands and the air above same.

505.

Defendants' intentional and negligent acts in production, promotion, refining, marketing, consulting, and sales of fossil fuel-based consumer products in Multnomah County and elsewhere have caused the losses, death, and destruction of County property, lands, and resources resulting from the extreme weather event known as the 2021 heat dome resulting wildfires, and their aftermath. Defendants created a public nuisance that is unreasonable, harmful, and disruptive to health, safety, the County's fiscal health, and general welfare of Multnomah County.

506.

Defendants knew or should have known that their deliberate, reckless, and deceitful promotion of fossil fuels that emit GHGs would lead to extreme heat events that cause a public

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nuisance that is harmful to health, obstructs free use of the County lands and property and will require enormous financial resources to abate.

507.

Extreme weather events caused by Defendants GHG emissions activity are an unreasonable interference with a public right common to the public, including public health, the right to enjoyment of life and property, and excessive expenditure of taxpayer resources. Extreme heat in a moderate climate causes unreasonable interference with each of these rights common to the public.

508.

The harms and future risks imposed upon Plaintiff and its inhabitants from climate shift and extreme heat events in the County that Defendants caused far outweigh any social utility that Defendants create through their fossil fuel business activities *when coupled* with the Defendants' deception of the damage that is wrought therefrom.

509.

Multnomah County has suffered harm and will continue to suffer harm that is different from the type of harm suffered by the general public, including damage to County resources, and expenditures of treasury funds to protect the health and welfare of its citizens and ecosystem.

510.

Each Defendant's conduct was a cause of the harm to Multnomah County.

511.

Defendants' conduct was malicious, wanton, and willful.

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512.

Multnomah County seeks abatement of the extreme weather events through a provision of resources necessary to adequately prepare the County and its citizens for a new normal—heat domes, blocking events, periods of high heat and/or wildfire so severe that they kill and sicken inhabitants, destroy property, and weaken--sometimes cripple--critical infrastructure.

513.

Adequate abatement will require, not exhaustively, renovating buildings to withstand extreme heat, fitting cooling units into buildings, providing cooling units in the community, providing additional cooling shelters for heat emergencies, installing air filtration systems, planting of greenspaces to reduce temperature in heat islands, reroofing buildings with materials that better manage heat, repave roads and fortify bridges.

VI. SECOND CLAIM FOR RELIEF: NEGLIGENCE

514.

Plaintiff realleges and reaffirms each and every allegation set forth in all the preceding paragraphs as if fully restated in this count.

515.

Fossil Fuel and Coal Defendants knew or should have known of effects the GHG emissions from the intended use of their products would have on the atmosphere, including the likelihood of extreme weather events like the 2021 PNW heat dome.

516.

Defendants were negligent in the following respects:

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a) They continued to extract, process and sell fossil fuel products which they knew or should have known would cause injury to Plaintiff and others;

b) They failed to warn Plaintiff and others of the foreseeable consequences of using their fossil fuel products;

c) They concealed from the public and government regulators their knowledge and research concerning the effects of the extraction, refining and use of their products;

d) They suppressed and failed to develop or encourage development by others of alternative means of producing renewable energy systems and sources.

e) They developed, designed, tested, inspected, distributed, labeled and marketed their fossil fuel products and advertised their business practices to their shareholders in a manner designed to conceal, downplay and obfuscate the long-term effects of the widespread use of their products.

517.

Plaintiff's injuries were the foreseeable results of Defendants' negligence.

VII. THIRD CLAIM FOR RELIEF: FRAUD AND DECEIT

518.

Plaintiff realleges and reaffirms each and every allegation set forth in all the preceding paragraphs as if fully restated in this count.

519.

Fossil Fuel Defendants and Coal Defendants, jointly through the Trade Group Defendants and Other Defendants (McKinsey) engaged in fraud, deceit, or intentional misrepresentation.

520.

From 1969 to present, Defendants, individually and through both legitimate and illegitimate means, engaged in a nationwide—including in Oregon—marketing campaign and civil

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conspiracy with the purpose and intent to make material representations that were false. Defendants made these representations knowing they were false.

521.

Defendants intended that Multnomah County, its citizens and persons across the country relied on their misrepresentations and excessively purchase, use, and consume their products.

522.

Multnomah County, and its citizens did justifiably rely on Defendants decades-long assertions that burning their fossil fuel products would not cause climate change that would harm the County or its residents, and would not increase the probability and severity of extreme weather events in the County.

523.

Multnomah County and its residents' reliance on Defendants' misrepresentations, fraudulent statements, and deceptive statements led to Multnomah County being unprepared for the 2021 heat dome, suffering the loss of property, infrastructure, financial resources, lives, and health.

524.

Multnomah County is entitled to its past damages and future damages due to the fraud and deceits committed by Defendants. The Fossil Fuel Defendants and Coal Defendants knew that their acts, omissions, fraud and deceit would preclude Multnomah County and its citizens from adequately preparing for the regional climate shift that has occurred due to Fossil Fuel Defendants and Coal Defendants GHG emissions. The regional climate shift includes but is not limited to, extreme heat events with greater frequency and intensity, extended drought conditions that lead to

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greater intensity and longer wildfires resulting in smoke penetration pollution in Multnomah County. These extreme weather events have heat smothered the County and caused millions of dollars in damages. Fossil Fuel Defendants and Coal Defendants fraudulently concealed their knowledge that the continued and increased use of their products would cause climate shifts resulting in extreme heat waves and heat domes of greater than 40° F over the mean temperature.

VIII. FOURTH CLAIM FOR RELIEF: TRESPASS

525.

Plaintiff realleges and reaffirms each and every allegation set forth in all the preceding paragraphs as if fully restated in this count.

526.

Plaintiff is the owner, in lawful possession, of real property and has sovereign responsibilities for Multnomah County.

527.

Defendants have engaged in intentional conduct that has caused and contributed to climate change, thus causing airborne particulate from extreme wildfires to enter Plaintiffs' property.

528.

Defendants have engaged in intentional conduct that has caused and contributed to climate change, resulting in a radical shift in climate patterns that has caused waters, from extreme rain events and excessive snowpack melting, to enter Plaintiff's property.

529.

Multnomah County has not granted permission to Defendants to damage its property nor enter nor intrude upon it with fire, smoke, water, or intense heat created by Defendant's

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misconduct.

530.

Defendants knew that the use of their products would both cause climate change—extreme weather events, more intense fires causing smoke intrusion—and cause these invasions of Plaintiff's property and that they lacked permission for these invasions but intruded anyway.

531.

These invasions are now occurring and will continue to occur causing harm to the County. Defendants' trespasses are the cause of injury and losses to the County.

532.

The County's real property has been and continues to be damaged by these intrusions.

IX. RELIEF REQUESTED

WHEREFORE, Plaintiff prays for a judgment and an order against each Defendant as follows:

a) That the acts alleged herein be adjudged and decreed to be unlawful and that the Court enter a judgment declaring them to be so;

b) Finding Defendants, and each of them, liable for causing, creating, assisting in the creation of, contributing to, and/or maintaining a public nuisance;

c) Compensatory award for past damages in the amount of $50,000,000 according to proof, of the costs of actions Multnomah County has already taken, expenditures made, and losses incurred to protect the public health, safety, and property of the County and its residents from extreme heat weather events and wildfire smoke;

d) The entry of an order that will abate the nuisance by the establishment of an abatement fund remedy to be paid for by the Defendants in the amount of at least $50 Billion for the costs of studying and planning on a countywide scale for the renovations, replacements, retrofits and revised programs that are reasonably necessary to reduce the ongoing harms caused by the Defendants, the implementation of which will reasonably prepare the County and its residents for foreseeable

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negative impacts arising from the increased frequency and severity of extreme heat, wildfire, drought and other ACC-related consequences. The planning, approval and implementation will take considerable time, staffing and resources, during which time the nuisance is expected to continue to worsen, even if carbon emissions worldwide ceased altogether, as the current hazardous levels of GHG in the atmosphere will remain aloft for decades where said pollution will continue to cause extreme events, absent massive but untested and unproven technological carbon capture programs. The abatement funds will be necessary to essentially "weatherize" the County to prepare for and safeguard against the continued infliction of harms from ACC-driven extreme weather events, for which Defendants are liable;

e) Compensatory award for future damages in the amount of no less than $1.5 Billion, according to proof, for the damages Defendants will cause to Plaintiff before an abatement plan to reduce or prevent future harms can be implemented;

f) Awarding attorneys' fees as permitted by law;

g) Awarding costs and expenses as permitted by law;

h) Awarding pre-judgment and post-judgment interest as permitted by law; and

i) Awarding such additional relief as may be just and proper.

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Dated this 8th day of August 2023.

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