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NORTH CAROLINA ORANGE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION _____ CVS _____
THE TOWN OF CARRBORO, NORTH CAROLINA, Plaintiff, v. DUKE ENERGY CORPORATION, Defendant.	**COMPLAINT** **(Jury Trial Demanded)**

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Plaintiff the Town of Carrboro, North Carolina, through undersigned counsel, complaining of Defendant Duke Energy Corporation, alleges and says as follows:

INTRODUCTION

1. In this civil action, Plaintiff the Town of Carrboro ("Carrboro" or "the Town") seeks compensation for the damages that it has incurred, and will incur in the future, as the proximate result of Defendant Duke Energy Corporation's ("Duke") knowing deception campaign concerning the causes and dangers posed by the climate crisis.

2. North Carolina has just suffered its hottest year on record, and temperatures for the region may increase as much as 6°-10°F by the end of the century. In the next decade alone, temperatures in Carrboro are likely to be over 90°F for more than 10 weeks a year. Climate change is also bringing more frequent and extreme rain and storms, including major weather events such as Hurricane Helene, which recently devastated communities in Western North Carolina. These impacts harm Carrboro and its citizens in numerous ways.

3. Climate change is principally caused by the greenhouse gas emissions associated with burning fossil fuels, including both coal and natural gas. Although Duke has understood the dangers of climate change for decades, the company actively participated in a far-reaching, decades-long campaign to deceive the public and decision-makers about these dangers. Further, Duke and its subsidiaries rank among the largest emitters of greenhouse gasses in the United States, yet Duke has engaged in widespread "greenwashing" to suggest to the public that it is committed to clean energy and addressing the climate crisis. In reliance upon these misrepresentations, the public has continued to conduct business with Duke under the mistaken belief that the company is committed to renewable energy. Duke's deception campaign has delayed the critical transition away from fossil fuels and thereby materially worsened the climate crisis.

4. Duke, including its predecessor companies and subsidiaries, has known about the risks of climate change for more than fifty years. In 1968, high-ranking Duke officials learned about the risk that burning fossil fuels poses to the Earth's climate at a convention of the Edison Electric Institute ("EEI"), the utility industry's leading trade association—of which Duke has long been a member and active participant. At that convention, a leading scientist explained how "at the anticipated levels of fuel consumption by the year 2000, the carbon dioxide level in the entire earth's atmosphere will be increased 25%," and that as "the chief heat-absorbing component of the atmosphere" this increase "might, therefore, produce major consequences on the climate—possibly even triggering catastrophic effects . . . ."

5. Rather than support urgent action to address climate change, for decades Duke participated in a conspiracy of deception about the causes and consequences of climate change that has materially delayed the transition away from fossil energy sources and thereby significantly worsened the climate emergency. Frequently, Duke conducted this deception campaign directly. For example, Duke's predecessor entity, Cinergy Corp. ("Cinergy"), issued an annual report in 2004 that falsely claimed that there was "an unresolved but robust debate on the 'science' of global warming." Notably, the word science was placed in quotation marks within the annual report. At the time, the electric generation and energy industry, including Cinergy and Duke, were well aware of the cause and consequences of climate change.

6. Duke's campaign of deception was also frequently conducted through a web of trade organizations, public relations firms, and other aligned persons and entities—many of which functioned as front groups intentionally used to spread misinformation on behalf of companies such as Duke. For instance, Duke and its officers are prominent funders and leaders of the trade organization EEI. That organization, with Duke's material assistance, dedicated substantial

resources to deceiving the public about the climate crisis. Among many other such activities, in 1991, EEI carried out a marketing campaign with advertisements disputing climate change, including messages like "How much are you willing to pay to solve a problem that may not exist?" and "If the earth is getting warmer, why is Kentucky getting colder?" Duke and its front groups, including EEI, were aware that such advertisements were misleading.

7. At the same time, Duke has been misleading the public about its own commitment to clean energy, falsely portraying the company as a leader in the transition away from fossil fuels. For example, as recently as December 2024, Duke's webpage titled "The Businesses We're In" contained an image suggesting—inaccurately—that Duke is in the clean energy business, not heavily invested in fossil fuels.

8. As a direct and proximate result of Duke's conduct, greenhouse gas emissions have continued largely unabated because the public was deceived into believing that climate science was in dispute, that climate change was not real, that humans were not causing the climate crisis, that climate change did not present an urgent risk to the Earth and public, that fossil fuels were not causing the climate crisis, that fossil fuels were necessary, and other such mistaken beliefs. As a direct and proximate result of these deceptions, Duke and the public have failed to transition to renewable energy as promptly as was reasonable and necessary under the circumstances.

9. Although Carrboro is working to mitigate the impacts of climate change, as a result of the ever-worsening impacts of the climate crisis, the Town is incurring, and will continue to incur, millions of dollars in damages. For example, more extreme precipitation and temperature impacts due to climate change will require Carrboro to spend millions of dollars repairing and replacing Town-owned roads more frequently. More regular and devastating storms caused by climate change will require Carrboro to invest millions of dollars in new infrastructure to

adequately protect the Town's citizens from erosion and flooding. And the more extreme heat climate change will bring in the coming years will require Carrboro to spend millions of dollars to cool its buildings—additional money the Town will be forced to pay to Duke, its electricity provider.

10. Accordingly, Carrboro seeks compensation for the damages (both past and future) that it is incurring as a direct and proximate result of Duke's campaign of deception and resulting exacerbation of the climate crisis.

11. This civil action does not seek any limitations on Duke's emissions or operations, but only seeks to hold the company responsible for the damages proximately caused by its tortious conduct. Further, this civil action does not assert any claims based on federal law, and the claims asserted in this civil action do not rely upon any federal law. All claims asserted in this civil action rely exclusively upon state law.

PARTIES

I. Town of Carrboro

12. Plaintiff the Town of Carrboro, North Carolina is a municipal corporation in Orange County, North Carolina, and is organized under Chapter 160A of the North Carolina General Statutes.

13. Carrboro owns and operates substantial real property in Orange County, North Carolina, and Carrboro is responsible for maintaining this real property for its own operations and for the citizens of the Town.

14. For example, Carrboro owns or maintains approximately 47 miles of roads, 41 miles of sidewalks, and 872 curb ramps.

15. Moreover, Carrboro owns and maintains numerous buildings located within the municipality, including the Town Hall, the Carrboro Century Center, two fire stations, and others.

16. Carrboro further owns or operates at least eight (8) separate parks and other public recreational amenities, including a baseball field, basketball courts, walking trails, picnic areas, playgrounds, a soccer field, and others.

17. Carrboro also owns and operates substantial stormwater infrastructure that is necessary to manage both riverine and urban flooding.

18. These properties and amenities are expensive to service and maintain and, as with similar properties and amenities, can be damaged by weather events such as hurricanes, substantial rain events, extreme temperature changes, and others.

II. Duke Energy Corporation

19. Defendant Duke Energy Corporation is organized under the laws of the State of Delaware. Duke's headquarters and principal place of business is in Mecklenburg County, North Carolina. Duke is a citizen of the State of North Carolina.

20. As used herein, the term "Duke" shall mean and refer to both Duke Energy Corporation and its predecessor and subsidiary entities.

21. Duke is one of the largest electric, natural gas and energy companies on Earth. Duke Energy Corporation owns, operates and controls numerous electric utilities, all of which have been heavily reliant upon coal and natural gas, including Duke Energy Carolinas, LLC, Duke Energy Progress, LLC, Duke Energy Florida, LLC, Duke Energy Ohio, Inc., and Duke Energy Indiana, LLC. Further, Duke Energy Corporation owns, operates and controls numerous natural gas companies, including the natural gas utility Piedmont Natural Gas Company, Inc. Upon information and belief, Duke's subsidiaries have produced fossil fuels at relevant times.

22. Duke Energy Corporation, as the parent corporation of this web of subsidiaries, was principally responsible for and directly conducted and coordinated the deception campaign described herein. Duke's acts and omissions, described herein, were typically committed directly by the entity Duke Energy Corporation. Where Duke's acts and omissions were committed by its subsidiaries, including those mentioned above, the said acts and omissions were directed, supervised, coordinated, and controlled by Duke Energy Corporation and were furthermore committed on behalf of Duke Energy Corporation. Defendant Duke Energy Corporation is responsible and liable for the deceptive acts and omissions of its subsidiaries as described herein.

23. Moreover, Duke is the successor or surviving entity to several large energy companies, including but not limited to Cinergy Corp. and Progress Energy Inc. Duke is responsible and liable for the tortious acts and omissions of these predecessor entities.

24. Duke owns fossil fuel-fired electric generating facilities throughout the eastern and midwestern portions of the United States, including North Carolina, South Carolina, Florida, Indiana, Illinois, Pennsylvania, Ohio, and Tennessee.

25. Duke manages, directs, conducts and/or controls operations relating to the emission of CO_2 and methane at fossil fuel-fired electric generating facilities and/or natural gas distribution entities that are owned and/or operated by Duke Energy Corporation's subsidiaries. Such management, direction, conduct and/or control is demonstrated by, for example, various agreements and pledges Duke has made to exercise control over the carbon dioxide emissions from facilities owned and/or operated by its subsidiaries and Duke's admission of the need to mitigate some of the risk to Duke associated with climate change.

26. As a result of Duke's management, direction, conduct and/or control of operations relating to climate change emissions from facilities and operations owned by it, Duke is

responsible for the past emissions of its predecessors and subsidiaries. These emissions were a material cause of the worsening climate crisis and constitute billions of tons of greenhouse gas emissions.

27. All allegations set forth herein as to the acts or omissions of Duke refer to the acts and omissions of employees and/or agents of Duke acting within the course and scope of their employment and for whose acts and omissions Duke is liable.

JURISDICTION, VENUE, AND CONDITIONS PRECEDENT

28. Plaintiff realleges and reincorporates by reference the allegations in each of the preceding paragraphs as though fully set forth herein.

29. Subject matter over this cause of action is conferred upon and vested in this Court under and by virtue of N.C. Gen. Stat. § 7A-240 and § 7A-243.

30. Venue is proper under N.C. Gen. Stat. § 1-82 in that the Carrboro is a body politic and corporate in Orange County, North Carolina.

31. Carrboro has the capacity to file the present civil action pursuant to N.C. Gen. Stat. § 160A-11 and as an exercise of its general police power, which includes, but is not limited to, its power to prevent injuries to and pollution of the Town's property, to prevent and abate nuisances, and to prevent and abate hazards to public health, safety, welfare, and the environment.

32. On December 3, 2024, the Carrboro Town Council voted unanimously to authorize the present civil action, including the approval of a resolution approving the present civil action, and Carrboro has all other authority necessary to file the present civil action.

33. All conditions precedent to the filing of this action have been performed or have occurred.

FACTUAL ALLEGATIONS

34. Plaintiff realleges and reincorporates by reference the allegations in each of the preceding paragraphs as though fully set forth herein.

I. Duke Has Understood the Dangers of Fossil Fuel Emissions for Many Decades.

A. Fossil Fuel Emissions Are Causing and Accelerating Climate Change Harms.

35. The atmosphere is heating up, and there is overwhelming evidence that greenhouse gas emissions from human activities, principally fossil fuel emissions, are the major cause.

36. The acceleration of these emissions in the past decades corresponds with a steep rise in the levels of atmospheric greenhouse gasses causing climate change. As a result of these emissions, the concentrations of greenhouse gasses in the atmosphere have reached dangerous levels that have not existed for millions of years.

37. Because these gasses trap heat that would otherwise leave the atmosphere, they are creating an energy imbalance that harms numerous earth systems. The following paragraphs describe some, but not all, of the catastrophic effects of the climate crisis upon Carrboro and the surrounding geographic region.

38. For example, average surface temperatures are increasing, causing unprecedented heatwaves. Global average temperature has increased by about 2.45°F since the late 19th century (1850-1900).

39. It is virtually certain that global warming will continue as long as greenhouse gas concentrations continue to increase. By the end of this century (2080–2099), global average temperature is projected to increase by about 4°–8°F compared to the recent climate (1996–2015) under a high emissions scenario, where fossil fuel emissions are not significantly and quickly abated.

40. The hottest year on record in North Carolina and globally was 2023. This is consistent with the overall warming trend in North Carolina and across the country. That trend is expected to continue, and by the end of this century, annual average temperature increases relative to the recent climate (1996–2015) for the Piedmont region of North Carolina, which includes Carrboro, are projected to be on the order of 6°–10°F under a higher emissions scenario and 2°–6°F under a lower scenario, where fossil fuel emissions are rapidly reduced. The annual hottest temperature in the Piedmont Region is projected to increase by 2°–9°F under the lower scenario and 4°–15°F under the higher scenario, compared to the 1996–2015 average.

41. As a result, in the next decade on average Carrboro will experience more than 10 weeks a year of temperatures over 90°F and more than four weeks over 95°F. These averages represent material temperature increase trends.

42. The Piedmont region has also experienced an increase in the number of warm nights (nighttime minimum temperature of 70°F or higher) and very warm nights (nighttime minimum temperature of 75°F or higher), and that trend is also expected to continue and increase. In the next decade on average Carrboro will experience more than six weeks of 70°F nighttime temperatures. It is also very likely that summer heat index values will increase because of increases in absolute humidity, and that the number of hot and very hot days will increase.

43. There is also an upward trend in the number of heavy rainfall events (three inches or more in a day) in North Carolina. By the end of the century, the annual number of days with extreme precipitation (three inches or more) is projected to increase by up to 115% under the lower emissions scenario, and 200% under the higher emissions scenario in the Piedmont Region.

44. It is also likely that annual total precipitation for North Carolina will increase, including in the Piedmont Region, and very likely that extreme precipitation frequency and

intensity in North Carolina will increase due to increases in atmospheric water vapor content. On average, the total amount of annual rainfall is expected to increase by somewhere between eight and fourteen inches. There is also likely to be an increase in the number of extreme precipitation days in the Piedmont Region.

45. It is likely that the frequency of severe thunderstorms in the Piedmont region will increase. Further, it is likely that increases in extreme precipitation will lead to increases in inland flooding in North Carolina. Certain areas within Carrboro are vulnerable to both riverine and urban flooding.

46. The intensity of hurricanes is likely to increase, and heavy precipitation accompanying hurricanes near or over North Carolina, including in the Piedmont Region, is very likely to increase, thereby increasing the chances for flooding. A stark example of just such a climate-change fueled hurricane, namely Hurricane Helene, hit western North Carolina recently, devastating Asheville and nearby communities.

B. Duke Has Internally Understood the Dangers of Climate Change for Decades, and Is Self-Interestedly Working to Address Climate Change Impacts to Its Own Operations.

1. Duke's Internal Understanding of the Risks Posed by Climate Change.

47. Duke has known for many decades about the potential dangers of greenhouse gas emissions in causing climate change, knowledge that went far beyond what was known by the public generally. The following allegations represent several examples of this knowledge, but there are many other examples not listed below.

48. Much of this knowledge came through Duke's role in trade associations, such as EEI and other entities it helped to create. As early as 1969, and continuing until 1976, Shearon Harris ("Mr. Harris") was CEO of the Carolina Power & Light ("CP&L"), which was ultimately

acquired and merged with Duke under the name Progress Energy. Mr. Harris joined the Board of Directors of EEI in 1968 and became the EEI Board Chairman in 1971. High-level officers within Duke and its predecessors have been continuous members and leaders of EEI. By virtue of their membership in and material leadership of EEI, Duke received or reasonably should have received the information known to EEI and other similar organizations.

49. As early as 1968, Duke—through EEI—was informed of the dangers of fossil fuel emissions at a national EEI meeting, which was attended by Duke's then-CEO, W.B. McGuire. At a similar 1969 national EEI meeting, the then-chair of the Atomic Energy Commission spoke about the benefits of nuclear power over carbon-dioxide emitting fossil fuels, because "nuclear power does not add" carbon dioxide to the atmosphere, while "many scientists see its increase in the atmosphere as a long-term problem of major consequence."

50. The internal knowledge of the energy and utility industry—including Duke—about the harms posed by fossil fuel emissions continued to grow in the 1970s. In 1971, Duke directly contributed to a Report by the Electric Research Council that called for research into the impacts of greenhouse gas emissions on the climate. The research was conducted by a new utility-sector entity, the Electric Power Research Institute ("EPRI"), launched in 1972. Mr. Harris played a key role in the launch of EPRI, serving as Chairman of the Board of Directors until 1977.

51. The founding President of EPRI was Dr. Chauncey Starr, who wrote about the dangers of fossil fuels in 1971, explaining:

> The combustion of fossil fuels, no matter how efficiently done, must always produce carbon dioxide. Its concentration in the atmosphere has increased from some 290 parts to 320 within the past century and may increase to 375 or 400 parts per million by the year 2000. Thus the carbon dioxide ultimately but slowly returns to the biosphere in some nonpolluting form. Its effects while it resides in the atmosphere are not now predictable, although theoretically the increased carbon dioxide should cause a "greenhouse effect" by reducing the infrared heat loss from

> the earth and perhaps raising the global temperature one degree Celsius by the year 2000.

52. EPRI published a journal for its members. The September 1977 issue included an interview with Merril Eisenbud, a New York University Professor and member of EPRI's Advisory Council, explaining his view that "the greatest potential risk to the environment from greater coal use is that the CO_2 concentrations in the atmosphere may increase to the point of causing global climatic changes." He further explained that, "[t]he concentration has been rising for a century," and that although "scientists are not sure what the consequences of the continued accumulation may be," "the consequences of the 'greenhouse' effect are so serious you don't dare take a chance." His remarks went on to say:

> If we're going to go fossil fuel rather than nuclear, the increase of CO_2 is going to continue, and one can project that if it continues into the next century, it may increase the global temperature sufficiently to cause profound climatic changes. Polar ice could melt to such an extent that coastal cities could eventually be under more than 100 feet of water.

53. The Summer 1978 issue of the EPRI Journal contained similar information for Duke and other members of the energy and utility industry. In an article titled "CO_2 and Spaceship Earth," EPRI explained that "atmospheric CO_2 is causing a warming trend that could radically alter climate and lead to global physical and economic dislocation." As the article explained, because CO_2 absorbs "longwave radiation outgoing from the earth's surface," "an increase in atmospheric CO_2 concentration results in greater absorption of the longwave radiation and reradiation back to earth, leading to a rise in the earth's temperature." This, in turn, "may lead to a global warming trend [and] a change in climate and rainfall patterns . . . ." The article summarized the existing science as follow:

> The most widely accepted theory holds that man-induced influences on the atmosphere—mainly the generation of CO_2 from fossil fuel combustion—will cause a significant rise in global temperatures over the next 25-200 years.

54. While Duke was undoubtedly familiar with these concerns as published in the EPRI Journal, around the same time the company was receiving similar information from numerous other sources.

55. In fact, Duke's knowledge concerning the dangers of greenhouse gas emissions continued to grow in the 1980s. In 1981, Duke's President, William S. Lee ("Mr. Lee"), served on a Department of Energy "Energy Research Advisory Board" ("ERAB"). The ERAB issued a report explaining how the "environmental research on accumulation of CO_2 in the atmosphere . . . has the potential for substantially limiting expanded use of fossil fuels," and "may prove to be a 'showstopper' in terms of" fossil fuel use. Accordingly, the said report reflected that the ERAB members—including Mr. Lee from Duke—were "in strong agreement" that while "the predicted effects of increased CO_2 in the atmosphere occur well in the future," near-term research would have "long-term significance for public policy toward the use of fossil fuels."

56. In 1984, EEI commissioned a report entitled "Carbon Dioxide: A Potential Global Hazard." The said report included two hypothetical news stories from the future, one in which fossil fuel emissions continued unabated, causing devastating impacts, and another alternative future where the problem was controlled because, as a hypothetical future scientist explains, earlier predictions "had not allowed for the fact that by the end of the century almost everyone will be using rooftop power cells or for the world agreement on limiting use of certain gases."

57. In 1986, the EPRI Journal explained:

> Theories of global warming are gaining broad acceptance in the scientific community, with many experts predicting significant change within 50 years. The sweeping consequences of accumulating greenhouse gases in the atmosphere may turn out to be the greatest environmental problem of modern times.

58. The 1987 EEI Bulletin explained, with remarkable predictive accuracy, that it is "highly likely that CO_2 concentrations will exceed 400 parts per million before the year 2014—a

level last seen more than a million years ago." Demonstrating the precise internal knowledge of the industry by that time, in fact atmospheric concentrations of CO_2 exceeded 399 parts per million in December 2014 and reached 400 parts per mission in January 2015.

59. Similarly, a 1988 EPRI Journal article explained that the Earth will experience "even more rapid global warming caused by the effects of increased concentrations of" gasses other than CO_2, including methane.

2. Duke Has Taken Self-Interested Actions to Address the Threats that Climate Change Poses to the Company's Own Assets and Operations.

60. As described above, Duke has been aware of the realities of anthropogenic climate change, including the disastrous consequences of climate change, for decades.

61. In contradiction to its own knowledge, Duke misled the public concerning the causes and consequences of climate change and thereby materially slowed the transition away from fossil fuels and toward renewable energy. Duke's deception campaign served to protect its fossil fuel-based business model. Further, Duke failed to timely retire its coal plants, increased its reliance upon natural gas, and refused to invest meaningfully in clean energy.

62. However, at the same time, Duke conducted aggressive and self-interested actions to protect itself where the consequences of climate change were reasonably likely to directly impact Duke's own assets. Duke's self-interested actions, which are inconsistent with its long-term deception campaign, demonstrate Duke's knowledge of the cause and serious consequences of climate change.

63. For example, in a report entitled DEC/DEP Climate Resilience and Adaptation Report issued in September 2023, Duke indicated that "Climate change is increasing the severity and frequency of some climate hazards across Duke Energy's territory, which may create the need

for additional T&D [*i.e.*, transmission and distribution] system investments to maintain consistent, affordable and reliable service."

64. Duke further explained that its T&D system was in danger due to "hazards such as flooding, extreme heat, high winds, and wildfire." All of these conditions are both more likely and more severe as a result of climate change.

65. Due to the dangers posed to Duke's T&D system by climate change, Duke has heavily invested in the resiliency of its own T&D system through storm hardening, smart grid technologies, and capacity and reliability projects. These investments have been ongoing for the past decade. Notably, Duke is reimbursed, with a rate of return, for these investments to its T&D system by ratepayers.

66. Duke's self-interested efforts to protect its own T&D assets, among other assets, over the last decade from the consequences of climate change establish Duke's awareness of the real and serious consequences of the climate crisis.

II. Rather Than Disclose the Dangers of Climate Change Emissions, Duke Participated in a Campaign of Deception to Conceal These Dangers from the Public.

67. Despite its knowledge of the dangers of fossil fuel emissions, Duke engaged in an intentional campaign of deception designed to conceal the dangers of fossil fuel emissions from the public. As a direct and proximate result of Duke's deceptions, the public continued to rely on fossil fuels, companies such as Duke were enabled to continue their lucrative reliance upon fossil fuels, the public continued to conduct business with fossil fuel companies such as Duke, and the transition away from fossil fuels—and accordingly, the reduction of fossil fuel emissions—has been delayed for decades.

68. The campaign of deception perpetuated by Duke included but was not limited to the following general categories of activities:

a. Downplaying the seriousness of fossil fuel emissions while knowing that the dangers of such emissions were far more serious than represented;

b. Launching coordinated public relations campaigns designed to convince the public that fossil fuel emissions did not pose a serious risk, that anthropogenic climate change was not an established fact, or otherwise convince the public of matters that Duke knew to be untrue;

c. Advocating for inaction on the climate crisis while knowing that inaction would materially exacerbate the seriousness of the climate crisis;

d. Proposing technologies that are in fact false solutions to addressing fossil fuel emissions, while knowing that such proposed technologies were not practical or sufficiently effective to resolve the root cause of fossil fuel emissions;

e. Opposing all meaningful solutions to curbing fossil fuel emissions while knowing that such solutions were essential;

f. Arguing in public that decarbonization efforts were unnecessary, uneconomic, or otherwise impractical while knowing that such actions were in fact feasible and essential;

g. Promoting coal-based electricity generation as "clean" while knowing the same to be untrue;

h. Using industry-funded, fringe "scientists" to create a veneer of credibility to the knowingly false claims about fossil fuel emissions touted by these scientists;

i. Organizing industry-funded "Science Advisory Panels" for purposes of falsely bolstering the credibility of Duke's opposition to the scientific consensus concerning the dangers of fossil-fuel emissions;

j. Questioning, undermining, downplaying, and disputing the reality of anthropogenic climate change and the dangers of fossil fuel emissions while knowing the true facts to be otherwise;

k. Promoting Duke's purported transition away from coal-fired generation while simultaneously replacing coal with another climate-wrecking fuel, namely natural gas; and

l. Promoting natural gas-fired generation as favorable for reducing emissions while knowing that natural gas actually further exacerbates the climate crisis.

69. Examples of Duke's deceptions are detailed below. Many of these examples fit into more than one of the categories detailed above. In all events, these deceptions directly and proximately exacerbated the climate crisis and damaged the Town by delaying the transition away from fossil fuel emissions and toward renewable energy.

A. Duke Directed and Controlled Front Groups to Assist with its Campaign of Deception.

70. As detailed herein, Duke frequently engaged in this deception directly through its own high-level officers, public statements, and otherwise.

71. However, Duke's knowing campaign of deception was frequently conducted through a web of trade organizations, public relations firms, and other front groups. These trade organizations were created and/or operated for purposes of undermining the scientific consensus on the dangers of fossil fuel emissions and thereby protecting—to the detriment of the environment and the public—the fossil fuel-based business model of their membership, including Duke and other energy companies.

72. Duke and other members of the energy and utility industry directed these trade organizations to conduct the climate deceptions described herein. Numerous energy and utility

companies, including Duke, coordinated with these trade organizations with the intention of furthering their deceptions concerning fossil fuel emissions. Duke paid substantial amounts in dues to these trade organizations, and frequently Duke's high-level officers were board members or otherwise leaders of these trade organizations. In all events, Duke spent decades directing and supporting these trade organizations, and upon information and belief, Duke's support was motivated by its desire to assist these trade organizations with their deceptive attempts to conceal from the public the true facts concerning the dangers of fossil fuel emissions. Duke was aware that these trade organizations were engaged in a campaign of deception, assisted these organizations perpetuate the deception, and richly benefited from the deception.

73. In short, these trade organizations were controlled by Duke and similarly situated companies and often served as mere front groups for purposes of perpetuating the climate deceptions of Duke and other members of the energy and utility industry. Duke is responsible and liable for the deception campaign perpetuated by these organizations.

74. These trade organizations include, but are not limited to, the Edison Electric Institute ("EEI"), Global Climate Coalition ("GCC"), Information Council for the Environment ("ICE"), Committee for a Constructive Tomorrow ("CFACT"), American Coalition for Clean Coal Electricity ("ACCCE"), and other trade organizations discussed herein.

B. Duke's Deceptions Materially Accelerated in 1989.

75. As detailed above, the utility and energy industry, including Duke, was well-aware by 1989 of the serious dangers posed by fossil fuel emissions and anthropogenic climate change. Nonetheless, Duke's direct and indirect campaign of deception concerning the true facts of fossil fuel emissions and climate change accelerated precipitously in 1989 as a means of protecting its fossil fuel-based business.

76. As with all the trade organizations discussed in this Complaint, Duke was closely affiliated with EEI, coordinated with EEI, provided financial and other material support to EEI, and otherwise used EEI to perpetrate Duke's climate deception. In fact, on several occasions, high-level officers of Duke served in leadership positions with EEI. By way of example but not limitation, James E. Rogers Jr. simultaneously served as Duke's Chief Executive Officer and the Chairman of EEI.

77. In May-June 1989, EEI issued an industry-wide publication entitled, *Electric Perspectives*. The publication included an article by the then-President of EEI, William McCollam, Jr. ("Mr. McCollam"). The article superficially appeared to support some type of action on carbon emissions. However, the article criticized proposed legislation designed to actually reduce carbon emissions (namely, the National Energy Policy Act of 1989), and the article cast doubt upon the seriousness of fossil fuel emissions and climate change. Hence, the article combined a purported (and deceptive) concern for carbon emissions while simultaneously advocating for inaction. The approach taken in this article, including many of the specific arguments for inaction contained in the article, would be employed repeatedly in the future by the utility and energy industry.

78. For instance, Mr. McCollam's article acknowledged that "the greenhouse effect" is "real," but he also claimed that "our knowledge is currently so limited that we cannot judge with any accuracy what might be the results of continued increases in greenhouse gases." Mr. McCollam further stated that "[w]e are not certain what climatic changes would take place," and that "any plan calling for urgent and extreme action to reduce CO_2 emissions is premature at best."

79. To the contrary, at the time of this article, both EEI and Duke were well aware of the seriousness of climate change, were further aware that prompt action was necessary on the

emission of fossil fuels in order to prevent a climate crisis, and were likewise aware of the dangerousness of inaction.

C. Global Climate Coalition

80. The Global Climate Coalition ("GCC") is a coalition of businesses, especially fossil fuel companies, and was one of the first organizations created for purposes of opposing action on the climate crisis. When GCC began these activities, it was well known within the utility and energy industry that fossil fuel emissions were dangerous to the climate, that humans were responsible for these emissions, and that immediate decarbonization actions were necessary to avoid disastrous consequences. As detailed below, GCC's activities were completely contrary to these known facts.

81. At all relevant times, Duke was a leading participant in GCC's activities. For example, Duke was a member of GCC and provided material financial support to GCC. Further, high-level officers with Duke also served in leadership positions with GCC. This included, for example, Roy Hamme of Duke and Thomas Haney of Cincinnati Gas & Electric, who were GCC board members when the GCC applied for tax-exempt status with the Internal Revenue Service in 1994. Duke's predecessor companies, including Carolina Power & Light and Cincinnati Gas & Electric Company were also members of the GCC.

82. Duke caused GCC to mount public relations and other campaigns intended to undermine established climate science and create opposition in the public and elsewhere to any decarbonization efforts. GCC and Duke were aware that their positions on climate change science were fringe and incorrect, and furthermore, GCC and Duke were aware that their advocacy placed the Earth's climate at grave risk.

83. An illustrative example of GCC's activities involves its efforts in 1995-1996 to withhold from the public certain evidence that debunked the fringe climate skeptic opinions espoused by "scientists" promoted by GCC, such as Richard Lindzen and Patrick Michaels. These efforts involve GCC's Science and Technology Assessment Committee ("STAC"). At all relevant times, high-level Duke personnel were members of the STAC.

84. In December 1995, L. S. "Lenny" Bernstein, a fossil fuel climate scientist employed by Exxon, sent a cover letter to the STAC and attached a "draft of the primer on global climate change science we have been working on for the past few months." The said draft primer included a section entitled, "Can human activities affect climate?" In response to this question, the primer stated as follows: "The scientific basis for the Greenhouse Effect and the potential impact of human emissions of greenhouse gases such as CO2 on climate is well established and cannot be denied." Further, the draft primer included a section on "contrarian" theories adverse to established climate science, and the primer characterized those "contrarian" theories as failing to "offer convincing arguments against the conventional model of greenhouse gas emission-induced climate change." Hence, this draft primer establishes the complete awareness of Duke, GCC and others about the realities of climate science and the baseless nature of the theories touted by contrarian climate skeptics.

85. At a meeting of January 18, 1996, the STAC discussed the above-referenced draft primer. Representatives of Duke attended the meeting. During the meeting, the STAC conducted a paragraph-by-paragraph review of the draft primer. As a result, the STAC approved a revised primer with several material changes relative to the draft previously distributed in December 1995. For instance, the final primer approved by the STAC proposed an equivocal, watered-down answer to the question, "Can human activities affect climate?" Further, the final primer did not contain the

counterarguments that debunked the "contrarian" theories about climate science. Also, the final primer emphasized an argument that "other factors," beyond human-made emissions, were affecting climate change. Moreover, the final primer approved by the STAC emphasized the following in its conclusion: "claims that human activities have already created a significant impact on climate seem unsubstantiated given the many limitations and uncertainties in the studies used to support those claims." In short, despite its awareness of the true facts concerning climate change, the GCC's final primer created doubt about climate science and the causes of climate change.

86. Notwithstanding GCC's awareness of the dangers posed by fossil fuel emissions, GCC proceeded to state the exact opposite in public. For instance, in late 1996, GCC published "An Overview" outlining its position on climate change. The overview included the following false statement: "The GCC believes that there is no convincing evidence that future increases in greenhouse gas concentrations will produce significant climate effects." In 1998, GCC's website falsely stated, "Existing scientific evidence does not support actions aimed solely at reducing or stabilizing greenhouse gas emissions." Further, as late as 1999, GCC continued to deceptively promote the "contrarian" theories that were debunked in the STAC's draft primer of December 1995.

87. GCC also organized knowingly false public relations campaigns. For example, in a 1994 edition of *Climate Watch Bulletin*, GCC emphasized "new scientific evidence" that fossil fuels may help maintain "an essential atmospheric balance" and that "cutbacks in fossil fuel use may actually enhance the greenhouse effect."

88. GCC's disinformation campaigns typically emphasized the false uncertainty behind climate science and the purportedly adverse economic impacts of decarbonization actions. These

misleading tactics were designed to convince the public and others that decarbonization was uneconomic and otherwise impractical.

89. GCC's conduct, which was supported and controlled by Duke, knowingly promoted doubt about climate science and advocated inaction on decarbonization despite the industry's awareness of the likely disastrous results of such inaction.

D. Public Relations Campaigns to Undermine the Consensus Concerning Global Climate Change.

90. Duke, directly and indirectly, organized and supported broad public relations campaigns designed to undermine the consensus view that global climate change is real and the result of human-made emissions of fossil fuels.

91. For instance, in May 1991, EEI supported a test marketing campaign designed to "Reposition global warming as theory (not fact)." With the backing of EEI, the marketing campaign targeted Kentucky and was directly run by an organization named Information Council for the Environment ("ICE"), which was an industry front group.

92. The marketing campaign began in Bowling Green, Kentucky, where an advertisement, reprinted below, featured a cartoon horse in earmuffs and scarf and stated, "If the Earth is getting warmer, why is Kentucky getting colder?" Eventually, a nearly identical cartoon—but featuring a man bundled up and holding a snow shovel—appeared in Minnesota and substituted "Minneapolis" for "Kentucky."

If the Earth is getting warmer, why is Kentucky getting colder?

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

Yet, average temperature records show Kentucky has actually gotten colder over the past 70 years. And there's also a cooling trend in Albany, New York—the U.S. city with the longest history (over 160 years) of continuous daily temperature records.

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 about this environmental phenomenon before we take any action.

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, 1-800-346-6269 extension 510. 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.

NAME _____

ADDRESS _____

CITY _____

STATE _____ ZIP _____ ATM

Mail to:
Information Council for the Environment
P.O. Box 414908 / Kansas City, MO 64141-4908

Information Council for the Environment

1-800-346-6269 / Extension 510

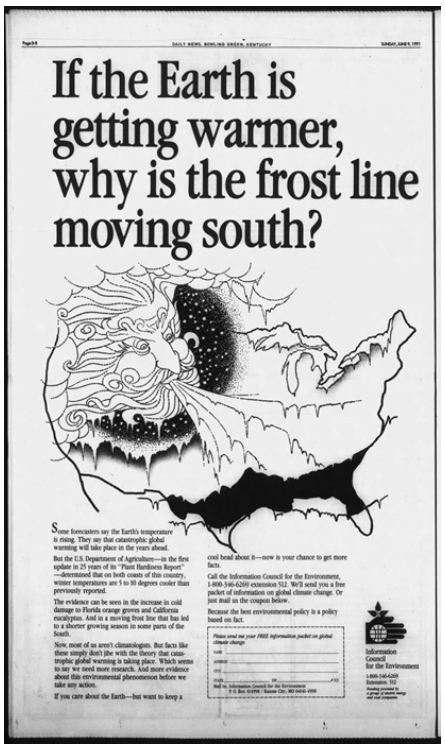
Funding provided by a group of electric energy and coal companies

93. Similar advertisements, reprinted below, were run in local newspapers throughout Kentucky by ICE. Examples include the following:

a. "If the Earth is getting warmer, why is the frost line moving south?" (May, 1991);

b. "The most serious problem with catastrophic global warming is—it may not be true." (May, 1991); and

c. “How much are you willing to pay to solve a problem that may not exist?” (June 1991).



If the Earth is getting warmer, why is the frost line moving south?

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 in a moving frost line that 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 about this environmental phenomenon before we take any action.

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, 1-800-346-6269 extension 512. 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.

Name

Address

City

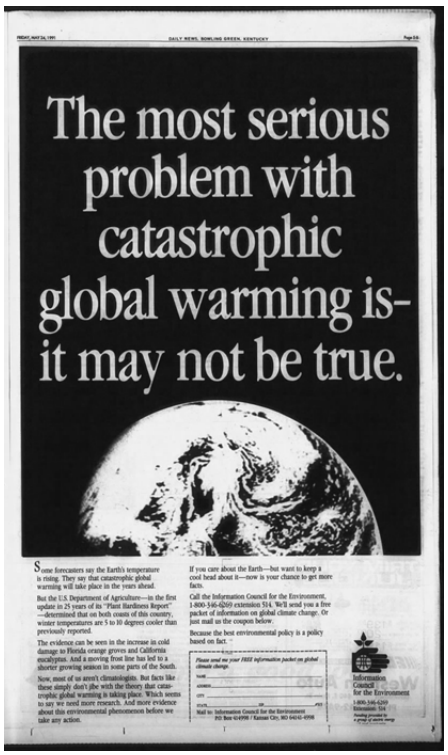
State ZIP

Mail to: Information Council for the Environment P. O. Box 61098 / Kansas City, MO 64141-4998

Information Council for the Environment

1-800-346-6269 Extension 512

Printing provided by a group of interested citizens and coal companies.



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 about this environmental phenomenon before we take any action.

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, 1-800-346-6269 extension 514. 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.

Name

Address

City

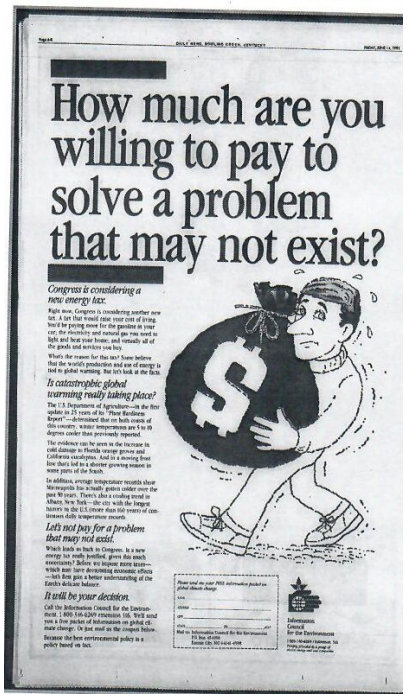
State ZIP

Mail to: Information Council for the Environment PO Box 61098 / Kansas City, MO 64141-4998

Information Council for the Environment

1-800-346-6269 Extension 514

Printing provided by a group of interested citizens



How much are you willing to pay to solve a problem that may not exist?

Congress is considering a new energy tax.

Right now, Congress is considering another new tax. A tax that would raise your cost of living. You'd be paying more for the gasoline in your car, the electricity and natural gas you need to light and heat your home, and virtually all of the goods and services you buy.

What's the reason for the tax? Some believe that the world's production and use of energy is tied to global warming. But let's look at the facts.

Is catastrophic global warming really taking place?

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 in a moving frost line that's led to a shorter growing season in some parts of the South.

In addition, average temperature records show Minneapolis has actually gotten colder over the past 80 years. There's also a cooling trend in Albany, New York—the city with the longest history in the U.S. (more than 160 years) of continuous daily temperature records.

Let's not pay for a problem that may not exist.

Which leads us back to Congress. Is a new energy tax really justified, given this much uncertainty? Before we impose more taxes—which may have devastating economic effects—let's first gain a better understanding of the Earth's delicate balance.

It still be your decision.

Call the Information Council for the Environment. 1-800-346-6269 extension 516. 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.

Name

Address

City

State ZIP

Mail to: Information Council for the Environment PO Box 61098 Kansas City, MO 64141-4998

Information Council for the Environment

94. Many of these ICE advertisements included a 1-800 phone number and a form through which readers could request a "free packet of information on global climate changes." The free packets of information included letters from fringe industry-funded climate skeptics, such as Patrick Michaels, and made statements such as the following: "We believe it is wrong to predict that higher levels of carbon dioxide will bring a catastrophic global warming."

95. In order to implement the above-described public relations campaign, ICE created a document entitled, "Test Market Proposal." The said "Test Market Proposal" stated that there were three "Objectives" behind the campaign: (1) "Demonstrate that a consumer-based media awareness program can positively change the opinions of a selected population regarding the validity of global warming;" (2) "Begin to develop a message and strategy for shaping public opinion on a national scale;" and (3) "Lay the solid groundwork for a unified national electric industry voice on global warming."

96. At the time of these advertisements, the energy and utility industry, including Duke, were aware that global warming was a fact and posed serious risks to the public. Notwithstanding this knowledge, the above-described advertisement campaign was intended to convince the public of the exact opposite of the true facts and thereby sustain the coal-based business model of many energy companies, including Duke.

E. The Use of Industry-Funded Scientists and Advisory Panels with the Intent of Creating a False Sense of Credibility

97. In order to create a veneer of false credibility, the utility and energy industry retained fringe climate skeptic "scientists" with the intent of casting doubt on the known dangers of fossil fuel emissions and global warming.

98. There were five (5) well-known climate skeptics who were particularly prominent in this deception campaign, namely Patrick Michaels ("Mr. Michaels"), Sherwood Idso, Robert

Balling, S. Fred Singer, and Richard Lindzen. These climate skeptics were recruited, promoted and/or funded by organizations such as EEI and GCC, espoused fringe arguments against the dangers of carbon emissions and global warming, and were used by the industry to manufacture doubt about the risks and causes of climate change.

99. For example, from 1992 to 1995, Mr. Michaels received $25,000 from EEI for producing a "Literature Review of Climatic Change and Updates." Predictably, Mr. Michaels' literature review criticized and attacked the very climate science that the utility and energy industry, including Duke, was already aware to be factual.

100. As another example, EEI featured an article by Mr. Michaels in the January-February 1993 edition of *Electric Perspectives*. The article was entitled, *Global Warming: Popular Vision vs Scientific Fact*. In the article, Mr. Michaels claimed that warming could not be meaningfully ascribed "to a change in the greenhouse effect"; that "how much the world warms is irrelevant"; and that the greenhouse effect is "a natural and beneficial phenomenon." Mr. Michaels argued, erroneously, that additional atmospheric CO_2 would "lengthen the growing season" for plants and touted the "benefits of CO_2," including "enhanced growth" for plants.

101. A similar tactic was employed by ICE, which created a "Science Advisory Panel" for purposes of undermining the public's understanding of the causes and risks of climate change. The Science Advisory Panel consisted of industry-funded scientists, including Mr. Michaels. Copying the structure of legitimate organizations, such as the Environmental Protection Agency, for purposes of disrupting consensus views is a classic disinformation tactic. For instance, precisely this tactic was utilized by cigarette companies who paid scientists to conduct research intended to disprove or undermine the known and established association between tobacco consumption and cancer. ICE, supported by EEI, used the perception of credibility created by a

"Science Advisory Panel" to support the above-described advertisement campaign in Kentucky in 1991.

F. Casting Doubt Upon Climate Science

102. Duke used certain directly issued reports to further its efforts to sow doubts about established climate science.

103. For example, Duke's predecessor, Cinergy Corp. ("Cinergy"), issued an annual report in 2004. At the time of the annual report, the Chief Operating Officer of Cinergy was James E. Rogers Jr., who would later become the CEO of Duke and a prominent character in the utility and energy industry's climate deceptions.

104. Cinergy's said annual report of 2004 was entirely dedicated to a discussion of global warming. In the annual report, Cinergy claimed to be a "thought leader in environmental debates," yet the report included many knowingly false statements concerning anthropogenic climate change, including the following: there is "an unresolved but robust debate on the 'science' of global warming." Notably, the word science was placed in quotation marks within the annual report. The annual report acknowledged that human activity is contributing to the warming of the planet, but the report downplayed the overwhelming scientific consensus with comments such as the following: "the debate is over the extent of that contribution and the magnitude of the consequences."

105. In fact, the utility and energy industry, including Cinergy and Duke, were well aware in 2004 of the seriousness of human-made fossil fuel emissions and their contribution to global warming.

106. Duke engaged in similar conduct through certain organizations to which Duke provided material support. For example, Duke provided funding and other material support to

another industry front group named Committee for a Constructive Tomorrow ("CFACT"). Officials from Duke and its predecessors also served on CFACT's corporate advisory board. CFACT describes its mission as "relentlessly infusing the environmental debate with a balanced perspective on environmental stewardship."

107. To the contrary, CFACT relentlessly made knowingly false statements concerning climate science in an effort to undermine the established scientific consensus about anthropogenic climate change. For instance, at the 1990 annual meeting of the Illinois Mining Institute, Edward Krug, the Director of Environmental Projects for CFACT, described global warming as beneficial: ". . . CO_2 is the ultimate plant food. . . . Science indicates that increases in temperature, moisture, and CO_2 inherent to the global warming scenario will transform the Earth into a Garden of Eden and not a den of death as we are led to believe." At the time that these statements were made, it was well known by the utility and energy industry, including Duke and CFACT, that CO_2 emissions were in fact extremely dangerous to the Earth's climate.

108. Similarly, CFACT issued numerous communications that were critical of climate science. For instance, in June 1993, CFACT issued a communication with the following headline: "Hard Science, Real-World Data Melt Greenhouse Theory." The said communication falsely stated as follows: "As it turns out, after taking a look at concrete scientific data and some real-world observations brought to light by CFACT's Director of Environmental Projects, Dr. Edward Krug, it would be easier to believe in the flat earth theory than in the threat of a greenhouse catastrophe."

109. In 2000, CFACT's website published a sample letter to the editor that visitors could download and send to local newspapers. The letter stated as follows: "For some time now, we've been hearing environmentalists tell us that our burning of fossil fuels like coal and oil are

responsible for so-called 'global warming,' . . . . But it's their facts, not the atmosphere, that's full of hot air!"

G. Falsely Representing that Coal-Fired Generation Can Coexist with Responsible Reductions in Emissions.

110. Historically, Duke has been significantly invested in coal-fired generation, and until very recently, Duke's business model was largely dependent upon coal. For instance, Duke sought and obtained permission from the North Carolina Utilities Commission to construct a coal-fired unit at Cliffside Station power plant in 2007, and Duke added the coal-fired Unit 6 at Cliffside Station as recently as 2012.

111. These examples illustrate that Duke's steadfast commitment to coal proceeded into the modern day. The dangers of emissions from coal-fired generation have been apparent and well-known to Duke for decades, and despite full awareness of the same, Duke continued its extensive reliance upon a coal-based business model. In fact, Duke has lagged behind its peers in the utility and energy industry in its transition away from coal-fired generation. Duke's extensive reliance and protection of its coal business was intended to increase profits.

112. In an effort to grow its coal-based business model and thereby increase profits, Duke engaged in a deception campaign with respect to coal. This campaign contained several components. For instance, Duke espoused knowingly impractical and unrealistic solutions to the use of coal-fired generation, such as "carbon capture and storage" or "carbon capture and sequestration" ("CCS"), and Duke attempted to convince the public of the fake concept of "clean coal," and furthermore, Duke falsely claimed that coal and lowered carbon emissions could coexist.

113. James E. Rogers, Jr. ("Mr. Rogers") became Chief Executive Officer of Duke following its merger with Cinergy in 2006. Shortly thereafter, Mr. Rogers participated in a press

conference on January 22, 2007 during which he made the following comments: "We believe the construction of new [coal] plants should occur in a manner that will allow them to capture and store CO_2 when the conditions exist to support its implementation" (*i.e.*, CCS). Mr. Rogers continued that, "This is not about, as some people have suggested, shutting down coal or a moratorium on coal plants."

114. These comments by Mr. Rogers, made publicly while CEO of Duke, constituted an attempted to bolster the continued viability of coal-fired generation by promoting a supposed solution to coal-based carbon emissions: namely, CCS.

115. Similarly, Duke issued a 2007-2008 "Sustainability Report" that touted CCS as a "breakthrough technology for a low-carbon future" and a solution to the problem of CO_2 emissions.

116. Over the next decade or more following these statements, Duke and its proxies would repeatedly and publicly support continued reliance upon fossil fuels by misrepresenting that CCS could prevent the problems associated with the emission of carbon due to the use of coal.

117. When Duke, including Mr. Rogers, made these representations, Duke was aware that CCS was a nascent technology, was poorly funded, and was speculative at best.

118. In fact, the utility and energy industry, including Duke, understood that it was exceedingly unlikely that CCS or other similar technologies could, at least for the foreseeable future, address the climate-harming effects of relying on fossil fuels such as coal. For example, a 1985 paper for EEI by futurists Jennifer Jarrett ("Ms. Jarrett") and Joseph F. Coates ("Mr. Coates") noted that studies of CCS commissioned by the U.S. Department of Energy, the Electric Power Research Institute, and others indicated that CCS could not be a solution to the problems of carbon emissions for the foreseeable future. In this paper, Ms. Jarrett and Mr. Coates stated as follows:

"Control of emissions by the collection of gas from the stack is not a solution to the global build-up of carbon dioxide in the atmosphere."

119. Similarly, in June 2008, Mr. Rogers, while Chief Executive Officer of Duke, admitted as follows: "CCS [*i.e.*, carbon capture and storage] as a magical technology that solves the carbon problem for coal plants is oversold . . . . I think there is a lot to learn, and it is going to take us a lot longer for us to figure it out than a lot of us think." Notwithstanding these admissions, Duke would continue to promote CCS as a solution to the problems of coal-fired emissions.

120. Eventually, it became obvious that Duke's coal-fired plants were poor candidates for CCS technology, and CCS has never been successfully adopted by Duke. Indeed, as recently as August 10, 2023, Duke filed public comments with the U.S. Environmental Protection Agency arguing against any governmental requirement to implement CCS technologies on fossil power plants until 2035 or later. Yet, Duke used the concept of CCS to convince the public that coal-fired generation was compatible with reductions in carbon emissions and that Duke could therefore responsibly continue its disproportionate reliance on coal.

H. Duke's Material Support for Pro-Coal Organizations

121. At times, Duke made public statements supporting certain aspects of decarbonization legislation. However, behind the scenes, Duke was simultaneously funding and materially supporting organizations dedicated to fighting against any restrictions to coal production and coal-fired emissions. Therefore, with full knowledge of the dangers of carbon emissions, Duke was pursuing two mutually opposing courses of action at once. This form of hedging by Duke was intended to ensure that, notwithstanding dangers posed to the environment, Duke's lucrative coal-based business model would continue unabated.

122. An example of this conduct involved the American Coalition for Clean Coal Electricity ("ACCCE"). The ACCCE was a lobbying and advertising group formed in or about 2007 by several coal-based companies and was formed for purposes of stopping any efforts to slow the use of coal. Duke joined the ACCCE in or about 2007 and provided funding to the ACCCE. Moreover, several high-level personnel within Duke's organization were installed as leaders of the ACCCE.

123. The ACCCE launched a widespread public campaign in favor of coal-fired generation and against efforts to reduce reliance upon coal. For instance, in May 2008, the ACCCE aired a television commercial which stated: "We've made a commitment. A commitment to clean . . . . Our most abundant fuel, coal, generates our electricity with even lower emissions, including the capture and storage of CO_2. It's a big challenge, but we made a commitment, a commitment to clean."

124. By airing this advertisement, the ACCCE's strategy was to sell to the public false promises that coal was "clean" and that carbon-capture technology was a panacea to the problems of fossil fuel emissions. As described above, CCS was speculative at best, Duke and other members of the industry, including ACCCE, knew that it was not a practical solution beginning as early as 1985, and as of the time of this filing, CCS has never been successfully adopted by Duke.

125. The ACCCE issued numerous similar advertisements. In one advertisement, the ACCCE stated: "I believe in the future. I believe in protecting the environment. . . . We can continue to use our most abundant fuel cleanly and responsibly. We can. We will. Clean Coal. America's power." In yet another advertisement, the ACCCE stated: "I believe in the future. I believe in protecting the environment. . . . I believe we can limit greenhouse gases. . . . We will do

this. . . . We can be energy independent. We can continue to use our most abundant fuel cleanly and responsibly. We can. We will. Clean coal. America's power."

126. These advertisements, supported by Duke, falsely represented that coal was "clean." Further, these advertisements also contained false assurances that carbon-capture technology would solve the problems of fossil fuel emissions.

127. From 2007 to 2009, Duke used the ACCCE to launch disinformation campaigns with the intent of misleadingly convincing the public and others that curbing fossil fuel emissions was unnecessary, uneconomic, and/or impractical.

128. ACCCE's actions, supported by Duke, would have a profoundly damaging effect on any efforts to transition away from fossil fuel emissions. Indeed, polling commissioned by the ACCCE in October 2008 revealed that 69% of those polled agreed that coal was "a fuel for America's future," which was an increase from 45% just two years before.

I. Duke's Deceptions Concerning the Transition to Natural Gas

129. Over the last few years, Duke has started promoting its retirement of coal-fired power plants as a means of falsely promoting itself for reducing carbon emissions. These public statements are deceptive in several respects, including because Duke's retirement of coal plants was generally required by state legislation or regulators; Duke lags behind its peers in retiring coal power plants; and Duke is replacing a material amount of its coal-fired generation with a fuel that is equally if not more dangerous to our climate: namely, natural gas.

130. The production and use of natural gas results in the emission of methane. Methane is an extremely potent greenhouse gas when it is emitted directly; over the first two decades after its release, methane is more than 80 times more potent than CO_2 in terms of warming the climate. Further, methane produces CO_2 when it is burned. Since the Industrial Revolution, methane is

responsible for nearly one-third of the rise in global temperatures. At all relevant times, Duke has been aware that, due to methane, natural gas is not a safe alternative to coal with respect to the climate crisis.

131. Duke has been forced by state legislation and regulators to retire numerous coal-fired power plants. By way of example but not limitation, House Bill 951 was enacted in North Carolina in 2001. That legislation requires Duke's operating companies in North Carolina, namely Duke Energy Progress LLC and Duke Energy Carolinas LLC, reduce their CO_2 emissions by certain target dates. As a result, Duke was essentially required by House Bill 951 to transition away from coal-fired generation as a means of meeting the mandatory CO_2 emissions reduction goals.

132. Despite being legally required to retire coal power plants, Duke has regularly, including to the present day, touted its retirement of coal plants as an example of its commitment to fighting climate change. For example, Duke issued a press release on August 17, 2023 that promoted its commitment to "Retire[] coal by 2035" and "achieve[] carbon neutrality by 2050" in North Carolina. In fact, these measures were required by House Bill 951 and thus constitute a deceptive attempt to misrepresent Duke's motives with respect to emissions reductions.

133. Given the capacity reductions caused by the retirement of coal plants, Duke has replaced, and plans to continue replacing, many of these coal plants with natural gas-fired plants. In fact, Duke has deceptively promoted natural gas as a more climate-friendly alternative to coal-fired generation. For example, in the above-referenced press release of August 17, 2023, which touted Duke's emissions reductions required by House Bill 951, Duke stated that "hydrogen-capable natural gas plants" were being constructed in North Carolian for purposes of "tak[ing] the place of retiring coal plants."

134. These statements are deceptive for several reasons. First, the production and use of natural gas results in the emission of methane, which as discussed above, is an extremely potent greenhouse gas. Despite being a material cause of the climate crisis, methane is not subject to the requirements of House Bill 951. Hence, Duke's natural gas plants will further and materially exacerbate the climate crisis while also allowing Duke to promote, as in its press release of August 17, 2023, its purported emissions reductions. Second, Duke's said press release characterized these new natural gas power plants as "hydrogen-capable"—*i.e.*, capable of eventually generating power by relying on hydrogen—and thereby implied that the reliance upon natural gas was temporary and climate friendly. But in fact, "hydrogen-capable" natural gas plants are not in service anywhere in the country and constitute a speculative and unlikely energy source, similar to the "false solution" of CCS. Duke's frequent references to hydrogen-capable natural gas plants in this press release and others constitute another example of Duke falsely promising that its use of fossil fuels can be compatible with emissions reductions.

135. Unfortunately, Duke is currently engaged in one of the largest natural gas buildouts among any utility or energy company in the United States.

136. Duke's deceptions concerning natural gas have materially delayed the transition away from fossil fuels and toward renewable energy, including because these deceptions have caused the public to falsely believe that Duke is an environmentally conscientious corporation and thereby incentivized the public to continue to transact business with Duke.

III. Duke's Actions Are Substantially Responsible for Causing and Accelerating Climate Change.

A. Duke's Climate Change Emissions

137. Duke Energy Corporation consistently ranks among the leading CO_2 emitters in the United States among businesses in any field. Historically, Duke has been one of the planet's most significant emitters of fossil fuel emissions.

138. A portion of Duke's emissions occur at electricity generation facilities that it owns and operates, including the real property upon which the facilities are situated. However, Duke also contributes to fossil fuel emissions in many additional and material respects, including but not limited to supplying natural gas to customers; drilling for natural gas; operating motor vehicles; operating its buildings and facilities; and encouraging, through its above-described deceptions, the use of fossil fuels by the public and governmental entities such as the Town.

139. Duke's subsidiaries collectively constitute one of the country's largest investor-owned utilities in the United States. Upon information and belief, Duke is presently the world's fourth-largest electric utility. As of 2022, Duke owned 10 of the 100 most-polluting power plants in the United States in terms of CO_2 emissions.

140. As recently as 2023, and at all relevant times in the past, the majority or plurality of Duke's generation mix has been fossil fuel-based, including natural gas, fuel oil and coal. At all relevant times, Duke has heavily relied upon fossil fuels in its capacity mix to the unnecessary detriment of renewable energy sources. Further, Duke's public filings forecast a long-lasting and substantial reliance upon fossil fuels to the unnecessary detriment of renewable energy sources.

141. Duke's annual greenhouse gas emissions were approximately 115 million CO_2 equivalent tons in 2019, and Duke's annual greenhouse gas emissions were approximately 104.9

million CO_2 equivalent tons in 2020. These emissions numbers are substantial in both absolute terms and relative to other large businesses within the United States.

142. In 2021, Duke's emissions were 79,435,840 CO_2 equivalent metric tons. For that year, Duke had the third most CO_2 equivalent metric tons of emissions of any business in the United States.

143. Duke's investor-owned utilities had total emissions of CO_2 of approximately 88.9 million tons in 2020. The electric generation industry accounts for approximately twenty-five percent (25%) of greenhouse gas emissions in the United States, and Duke's investor-owned utilities' total emissions in 2020 ranked as the second most among other investor-owned utilities in the country.

144. Duke has previously admitted its status as one of the most significant sources of greenhouse gas emissions on the planet. For instance, on March 15, 2008, Mr. Rogers, while Chief Executive Officer of Duke, stated as follows: "Of all the companies in the United States, we are the 3rd largest emitter of CO_2. Of all the companies in the world, we are the 12th largest emitter of CO_2, and if we were a country, of the 192 in the United Nations, we would rank 41st."

145. Duke has been a world leader in greenhouse gas emissions at all times relevant to this civil action. Duke's emissions have directly, proximately and materially contributed to the climate crisis. These emissions are both unreasonable and unnecessary given that Duke was well aware of the causes and consequences of climate change many decades ago.

B. Duke's Actions and Omissions that Have Slowed the Transition Away from Fossil Fuels

146. As greenhouse gas emissions continue to accumulate in the atmosphere, some of which will not dissipate for potentially thousands of years (including CO_2), climate change and its adverse impacts continue to worsen. This means that delays in the necessary work to transition

away from and otherwise mitigate the adverse effects of the fossil-fuel emissions driving climate change have directly exacerbated and continue to exacerbate Earth's, including Carrboro's, climate change damages.

147. As the foregoing discussion details, Duke—along with the many groups with which the company has worked for decades to obscure the science of climate change—has been the proximate cause of this delay and is therefore legally responsible for these harms. Had substantial efforts to reduce greenhouse gas emissions began decades ago—when Duke already understood the dangers of climate change—then these harms would have been avoided or at least materially mitigated.

148. As discussed, Duke and its associated entities like EEI have been aware for decades that fossil fuel emissions are causing climate change. More than a half-century ago, the founding President of the Electric Power Research Institute predicted that fossil fuel emissions would cause global temperature to rise by one degree Celsius as soon as the year 2000. Duke has also long understood that renewable and energy efficiency energy alternatives are available to replace fossil fuels as the source of electricity and other forms of energy generation.

149. Rather than share this internal knowledge, for decades Duke participated in a campaign to deceive the public and policymakers about these dangers, and to delay the transition away from fossil fuels, including in its own operations. By way of example but not limitation, Duke's acts of deception include the following:

a. Downplaying the seriousness of fossil fuel emissions while knowing that the dangers of such emissions were far more serious than represented;

b. Launching coordinated public relations campaigns designed to convince the public that fossil fuel emissions did not pose a serious risk, that anthropogenic climate

change was not an established fact, or otherwise convince the public of matters that Duke knew to be untrue;

c. Advocating for inaction on the climate crisis while knowing that inaction would materially exacerbate the seriousness of the climate crisis;

d. Proposing false solutions to fossil fuel emissions while knowing that such solutions were not practical or sufficiently effective to curb fossil fuel emissions;

e. Opposing all meaningful solutions to curbing fossil fuel emissions while knowing that such solutions were essential;

f. Arguing in the public that decarbonization efforts were unnecessary, uneconomic, or otherwise impractical while knowing that such actions were in fact feasible and essential;

g. Promoting coal-based electricity generation as "clean" while knowing the same to be untrue;

h. Using industry-funded, fringe "scientists" to create a veneer of credibility to the knowingly false claims about fossil fuel emissions touted by these scientists;

i. Organizing industry-funded "Science Advisory Panels" for purposes of falsely bolstering the credibility of Duke's opposition to the scientific consensus concerning the dangers of fossil-fuel emissions;

j. Questioning, undermining, downplaying, and disputing the reality of anthropogenic climate change and the dangers of fossil fuel emissions while knowing the true facts to be otherwise;

k. Promoting Duke's purported transition away from coal-fired generation while simultaneously replacing coal with another climate-wrecking fuel, namely natural gas; and

l. Promoting natural gas-fired generation as favorable for reducing emissions while knowing that natural gas actually further exacerbates the climate crisis.

150. As a proximate result of Duke's deceiving the public about these matters, there have been decades of delay in the implementation of those measures necessary to transition away from fossil fuels, including but not limited to delays in the development and adoption of alternative energy sources and other efforts to curb anthropogenic greenhouse gas emissions by both Duke and the public.

151. Duke had an alternative path. It could have elected not to participate in affirmative efforts, directly and through front groups, to mischaracterize the harms that would come from climate change as a result of increasing reliance on fossil fuels and, accordingly, ongoing greenhouse gas emissions. Instead, Duke could have affirmatively shared what it actually understood about these harms and the opportunity to mitigate them.

152. As a direct and proximate result of Duke's campaign of deception, the transition to renewable energy has been slowed by decades, reliance upon fossil fuels have been unreasonably and unnecessarily widespread, the climate crisis has been materially exacerbated, and therefore, Carrboro has incurred substantial damages.

C. Emissions in the United States

153. As a result of Duke's above-described deception campaign, the public has continued its reliance upon fossil fuels and the transition toward renewable energy has been

unreasonably and unnecessarily delayed by decades, thereby materially exacerbating the climate crisis.

154. As a result of Duke extensive, unreasonable and unnecessary reliance upon fossil fuels in the conduct of its businesses, the climate crisis has been materially exacerbated.

155. For example, the greenhouse gas emissions in the United States are both extreme and unnecessary, and these emissions are the direct and proximate result of Duke's campaign of deception and direct emissions.

156. Emissions in the United States from 1989 through 2023 have totaled over 241,000 million metric tons ("MMT") of carbon dioxide equivalent ("CO_2 eq."), and the average annual emissions in the United States during the same period (1989-2023) have been approximately 6,900 MMT CO_2 eq. These emissions numbers are substantial, and as described herein, were substantially avoidable.

157. The electric power sector, of which Duke is a prominent member, has been a major contributor to these emissions figures. The electric power sector's emissions in the United States from 1989 through 2023 have totaled nearly 72,000 MMT CO_2 eq., and the electric power sector's average annual emissions in the United States during the same period (1989-2023) have been over 2,000 MMT CO_2 eq.

158. As a direct and proximate result of these emissions, which are the result of Duke's above-described acts and omissions, the climate crisis has been materially exacerbated and Carrboro has been damaged.

IV. Duke Continues to Mislead the Public and the Effects of Its Deceptions Are Ongoing.

159. In addition to Duke's active participation in a campaign to deceive the public about the climate crisis and its cause, Duke has engaged in another key campaign that has also

contributed to delaying the clean energy transition necessary to mitigate Carrboro's climate harms: misleading the public regarding Duke's own support for, and actions towards, transitioning its fossil fuel portfolio to renewable energy. This conduct is commonly referred to as "greenwashing," and Duke has engaged in such greenwashing on social media, the Internet, television, print sources, and the radio.

160. Duke's greenwashing activities, which are ongoing at the time of the filing of this action, not only contributed to the delay in transitioning away from fossil fuels but also delayed the discovery by the public, including Carrboro, of (a) the damages that are likely to occur as a result of Duke's activities, (b) Duke's role in causing the climate crisis, and (c) Duke's role in deceiving the public, including Carrboro, concerning the causes and consequences of the climate crisis.

161. Duke's greenwashing activities have furthermore deceived the public into a mistaken belief that Duke was engaged in a significant transition away from fossil fuels and was thereby doing its part to prevent further exacerbation of the climate crisis.

162. Contrary to its actual conduct, Duke frequently claims that the company and its predecessors have long been committed to action to protect the climate. For example, Duke has claimed the Company has "long advocated for climate change policies that will result in significant but orderly reductions in greenhouse gas emissions over time." The Company also has publicized that the "Board of Directors understands the need for clean energy transformation," and that its "climate and clean energy transition strategy are fundamental to our corporate purpose and our business strategy."

163. These claims are highly misleading. As noted, although the utility and energy industry, including Duke, has known for many decades that greenhouse gas emissions are

dangerously warming the climate, Duke and similar entities spent many years obstructing climate action. The campaign of deception discussed herein is directly contrary to these statements Duke makes to the public**.**

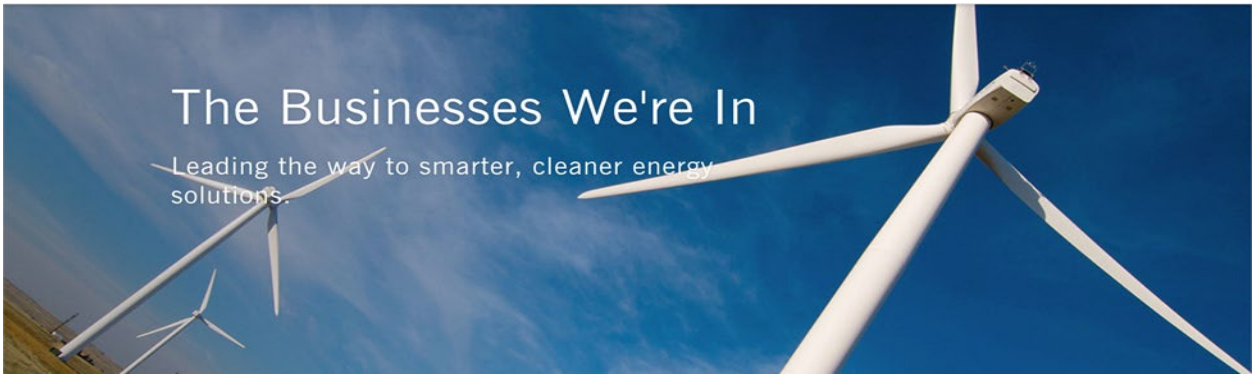
164. Duke's frequent statements concerning its current role in the clean energy transition are similarly misleading. Duke has claimed to be "leading the industry's most ambitious clean energy transition," and "at the forefront of the clean energy transition."

165. These claims ignore essential information about the extent to which fossil fuels will continue to dominate Duke's energy generation mix. For example, because the company is so large, Duke's claim to be a "top 10 U.S. renewable company by capacity," and thus leading "the nation's largest clean energy transition," is highly misleading. As of November 2, 2022, Duke projected that it will (a) build more than 5,400 MW of new fossil gas capacity by 2030, (b) only retire 18% of its coal plants by 2030, and (c) replace only approximately 20% of its fossil fuel generation with renewables. Duke is not in fact the clean energy leader it portrays itself to be to its customers, including Carrboro.

166. In light of Duke's existing and planned fossil-fuel portfolio, the visual images it publishes—which frequently highlight renewable energy rather than fossil fuels—further mislead the public about the Company's clean energy portfolio and commitments. As discussed above, Duke is actually among the leading greenhouse gas emitters in the United States.

167. Contrary to this reality, Duke provides the public with visual images that reinforce its misleading statements about the sources of the energy the company's operating utilities generate. These images appear on Duke's website pages, sustainability reports, advertisements, and social media. They frequently portray Duke as closely associated with renewable energy, rather than accurately portraying Duke's existing and planned energy portfolio.

168. For example, as recently as December 2024, the following image appeared on a Duke webpage titled "The Businesses We're In"—suggesting Duke's business is solar power and "[l]eading the way to smarter, cleaner energy solutions." An earlier version of this webpage shown below similarly suggested that Duke's business is wind power.

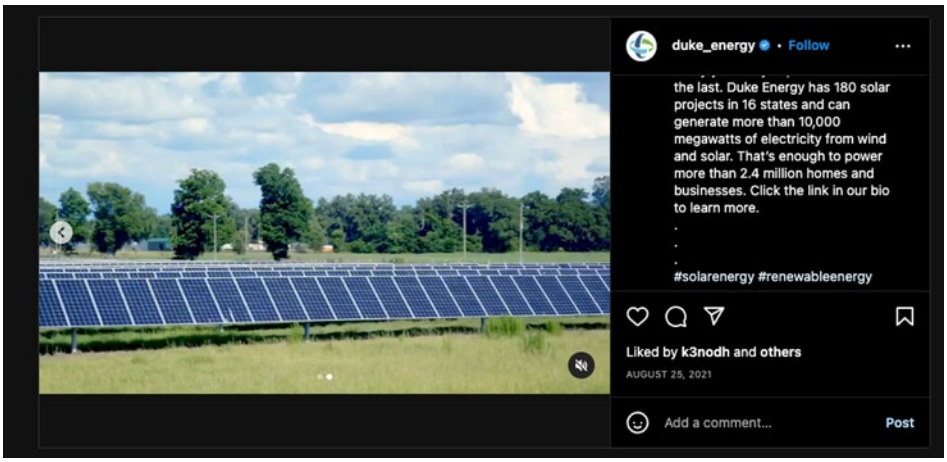


169. Online and in its reports, Duke publishes these kinds of images of fossil fuel-free energy far more frequently than images showing Duke's more substantial fossil fuel energy generation—which misleads the public by suggesting that Duke is much more invested in renewable energy than is actually the case.

170. Duke's social media pages are similarly misleading. In dozens of Instagram posts by Duke in the past few years, many videos focus on renewable energy-related imagery, while none show fossil fuel-related imagery. For example, one Instagram video features only solar panels with accompanying text stating that "every hour, the Sun blankets the Earth with enough light to power the world for a year."

171. Similarly, when Duke's Facebook posts show energy generation, they almost invariably show fossil-free renewable energy-related imagery, not Duke's more prominent fossil fuel generation.

172. Duke's advertising on X, formerly known as Twitter, is similarly misleading, with the vast majority of energy-related imagery showing fossil fuel-free renewable energy resources. The following are several illustrative examples:



173. These images mislead the public about Duke's energy mix, which is largely driven by fossil fuels, as well as the fact that, as of November 2, 2022, the company's planned clean

energy additions (25.7 million MWh) pale in comparison to its fossil fuel generation (125.4 million MWh).

174. Duke similarly has video advertisements lauding its pursuit of a "brighter" and "cleaner energy future" with "more renewables like solar and wind." Like Duke's other public messaging, these advertisements declare that Duke is "leading the clean energy transition," and include multiple video shots of solar farms and wind turbines alongside happy and active customers and employees. In just the last year or so, Duke has more than a dozen times posted on X a video about a North Carolina rancher who rents his land for a Duke solar farm.

175. Viewers of all these social media posts and other advertisements are left with a serious misimpression concerning Duke's energy portfolio, the company's commitment to the clean energy transition, and its history of climate denial. These misrepresentations mislead customers into transacting business with Duke and thereby unknowingly supporting its fossil fuel business model.

176. For these reasons and others, Duke's greenwashing campaign is a direct and proximate cause of the delayed transition to renewable energy and the exacerbation of the climate crisis.

V. Although Carrboro Is Doing What It Can to Address Climate Change Harms, It Is Suffering, and Will Continue to Suffer, Economic Damages as a Result of Duke's Misconduct Exacerbating These Harms.

A. Carrboro Has Taken Concrete Actions to Mitigate Climate Change Harms.

177. As a result of Duke's deceptions, Carrboro neither knew nor reasonably could have known until recently (in all events, within three years of the present action) the full extent of the climate crisis, the drastic measures necessary to address the climate crisis, the damages that Carrboro was likely to incur as a result of the climate crisis, Duke's role in causing the climate

crisis, and Duke's role in deceiving the public, including Carrboro, concerning the causes and consequences of the climate crisis.

178. Notwithstanding Duke's deceptions, which prevented Carrboro from possessing the true facts, the Town, out of an abundance of caution, has attempted to mitigate its contribution to climate change by reducing its greenhouse gas emissions and otherwise address climate change harms. After passing a resolution committing Carrboro to reduce its emissions, the Carrboro Board of Aldermen (now known as the Town Council) committed to a Community Climate Action Plan ("CCAP")—adopted in May 2014—and to an Energy and Climate Protection Plan ("ECPP")—adopted in January 2017. Both plans were updated in 2020 with goals to reduce municipal and per capita greenhouse gas emissions in Carrboro by 80% from 2010 levels by 2030.

179. Carrboro has also invested significant resources in developing strategies to meet this emissions reduction goal. Carrboro has developed a detailed Community Climate Action Plan—first printed in 2017 and then updated in 2020—that makes numerous specific recommendations about how Carrboro can achieve its emissions reduction target and otherwise address climate change, including: better engaging the local community with climate action; improving building energy efficiency; implementing measures that will reduce climate change emissions from the transportation sector, including by improving mass transit service and promoting walking and biking; pursuing community solar projects; managing storm water and protecting local streams from climate change-induced changes in rainfall; evaluating the extent to which climate change is interacting with local deer populations and affecting native plant populations; and researching carbon offsets.

180. In its Carrboro Connects Comprehensive Plan from 2022, the Town also developed a chapter containing specific strategies that will allow Carrboro to meet its climate-related goals,

including: how to increase access to renewable energy; how to ensure that low-income residents and small businesses can participate in and benefit from climate resilience programs; how to expand access to weatherization and energy efficiency measures, especially low-income residents; and how to expand nature-based stormwater solutions.

181. In 2001, both Carrboro and the Town of Chapel Hill became members of ICLEI-Local Governments for Sustainability ("ICLEI"), which is an international membership association of local governments committed to sustainability. Orange County joined ICLEI in 2003. More recently, as a member of ICLEI, Carrboro committed to take part in ICLEI's Cities for Climate Protection Campaign. Pursuant to this campaign, Carrboro, Chapel Hill and Orange County created milestones for reducing emissions in Orange County, and Carrboro has diligently worked to assist with meeting these milestones.

182. In addition to the resources needed to develop these detailed strategies for climate action, Carrboro has also implemented those strategies through numerous specific projects. For instance, Carrboro has partnered with Central Pines Regional Council f/k/a Triangle J Council of Governments and other local governments in the area to create the Triangle Sustainability Partnership ("TSP"). The TSP is intended to facilitate regional sustainability initiatives, and it has successfully launched the "Solarize the Triangle" campaign, which is a community-based group-purchasing program for solar energy, battery storage, and other clean-energy technologies. Solarize the Triangle includes a program to help reduce energy burden for low- and moderate-income residents. Town staff have dedicated time and resources to outreach, including attending local events and holding information sessions, to encourage area businesses and residents to enroll in the program.

183. Carrboro has also developed and implemented the Green Neighborhoods Grant Program, which provides Town funding to help residents pursue projects that will reduce greenhouse gas emissions and create natural areas that are more resilient to the impacts of climate change. To date, this program has funded over a dozen projects, including forest and stream bank restoration to improve stormwater management, construction of rain gardens, and various composting projects.

184. As an example, Green Neighborhood Grant Program funding from Carrboro helped implement a successful composting project from July 2023 to February 2024. As a result, Carrboro estimates that the composting project avoided the production of 2,972 pounds of methane, which is approximately equivalent to 74,302 pounds of CO_2.

185. Carrboro's efforts to preserve and create natural areas have meaningfully offset carbon emissions. For example, in June 2022, Carrboro completed an estimate of the carbon sequestration value of its tree cover using National Land Cover information. This analysis showed that forested lands cover approximately 27% of Carrboro's limits as of 2019. These forested lands, in conjunction with trees outside of forests in the Town, were estimated to sequester approximately 9,276 metric tons of CO_2 equivalent per year.

186. In 2021, Town staff submitted proposals to the Orange County Community Climate Action Program that resulted in over $40,000 of funding for solar panels and a green roof.

187. Carrboro has also established an Energy Efficiency Revolving Loan Fund for small commercial business owners with the goal of reducing electricity consumption and greenhouse gas emissions from eligible small businesses.

188. Additionally, Carrboro has devoted staff time and resources to deployment of electric vehicle charging stations, including: working with other local jurisdictions to design a

county-wide GIS analysis to prioritize locations for electric vehicle charging stations; meeting the requirements to use funds from the Volkswagen Settlement to install charging stations for electric vehicles; and ensuring that racial equity is appropriately considered when evaluating locations for the expansion of the Town's charging station network.

189. These efforts have resulted in meaningful reductions in greenhouse gas emissions. Carrboro has now participated in multiple greenhouse gas emissions inventories, most recently in 2019.

B. Carrboro Has Suffered, and Will Suffer in the Future, Significant Damages As a Result of Duke's Misconduct Exacerbating Climate Change.

190. Duke's conduct is a substantial, direct and proximate cause of the recurring past and future economic and other damages that Carrboro has suffered, and will continue to suffer, from climate change. This includes Duke's denial of the harms from climate change despite the company's internal knowledge; its deception campaigns to mislead the public and delay the clean energy transition; its own emissions; and its greenwashing to suggest that the company is a clean energy leader when it is instead a major fossil fuel contributor.

191. As a direct and proximate result of Duke's conduct alleged herein, among other conduct, the adverse impacts of climate change have been materially exacerbated and thereby caused Carrboro to spend money to address harms that it has suffered or will suffer in the future as a result of the climate crisis and Duke's role in causing and exacerbating the climate crisis. These damages include, but are not limited to, the following:

1. Road Impacts

192. Roads are one of the most vulnerable infrastructure systems to climate change impacts. They are constantly exposed to environmental elements, and thus cannot be sheltered

from impacts such as increasing temperature and precipitation rates. They are also designed based on historic climate trends.

193. In terms of heat, temperatures above historic and anticipated levels will result in softening of the asphalt surface, causing asphalt to crack from the weight of vehicles. As for precipitation, increased rain and snow causes cracking, potholes, and erosion. Freeze-thaw cycles exacerbate these effects as ice expands the cracks where water has infiltrated.

194. Carrboro is responsible for maintaining approximately 85 lane-miles of roads (a lane-mile is a single lane that is one mile long). The added heat and precipitation from climate change have required and will continue to require Carrboro to repair and replace these lane-miles more frequently. This will cost Carrboro millions of dollars in coming years.

2. Stormwater Impacts

195. Effective stormwater systems are designed to handle the level of precipitation anticipated from the worst storms. These systems are necessary to minimize erosion and local flooding.

196. Due to climate change, Carrboro has experienced and will continue to experience more frequent heavy rainfall events, well beyond the levels that the Town's existing stormwater systems can handle.

197. The most economically efficient approach to mitigate these impacts is through adding green infrastructure—natural and semi-natural areas that use plants, soil, and other natural materials to absorb the runoff that would normally flow into the stormwater system and therefore avoid flooding. Green infrastructure can include, among other approaches, parks, open spaces, playing fields, trees, gardens, green roofs, rain gardens, and permeable pavements. These approaches are generally less expensive than replacing stormwater systems.

198. The increases in the frequency and levels of rainfall both previously and in the coming years due to climate change has required and will continue to require Carrboro to invest heavily in stormwater infrastructure and/or this green infrastructure to protect itself from flooding. These investments will cost Carrboro millions of dollars in coming years.

3. Electricity Costs

199. Increasing temperatures require additional reliance on air conditioning to keep buildings cool. This increases energy demand and cost.

200. Carrboro is responsible for cooling multiple buildings, including offices, the public library, town hall, and the police and fire department buildings.

201. Carrboro relies on electricity for its air-conditioning systems. In fact, Duke is one of Carrboro's principal electricity providers, Carrboro pays for the said electricity directly to Duke or through an electricity cooperative, and Carrboro relies upon Duke to provide these services in a manner that is reasonable under the circumstances and without unreasonably increasing risks of harm to Carrboro. Duke's deception campaign was committed in the performance of the services that Duke provides to Carrboro. As a result, when Carrboro is forced to incur additional electricity expenses to cool its buildings as a result of the increased temperatures due to climate change impacts (caused by Duke), Carrboro pays those expenses to the very company that proximately caused Carrboro to incur those expenses: Duke.

202. Given the square footage of buildings Carrboro is responsible for cooling, and the anticipated increases in temperatures in coming years, Carrboro will be paying Duke millions of additional dollars.

4. Recurring Invasions/Interferences

203. Carrboro's damages are the result of recurring invasions and interferences proximately caused by Duke's acts and omissions, which invasions and interferences are recurring to the present day and will continue to recur in the future.

204. For example, the proximate result of Duke's contributions to the climate crisis have resulted in recurring extreme weather events, such as extreme temperatures, riverine and urban flooding, hurricanes, extreme precipitation with respect to both frequency and intensity, and other recurring events that constitute substantial and unreasonable invasions and interferences upon the Town and its property.

205. These recurring invasions and invasions directly and proximately caused Carrboro's damages alleged herein, including but not limited to past and future increased roadway, energy, and stormwater management costs.

FIRST CLAIM FOR RELIEF
(Public Nuisance)

206. Plaintiff realleges and reincorporates by reference the allegations in each of the preceding paragraphs as though fully set forth herein.

207. Defendant, by its acts and omissions, has caused or contributed to a nuisance that has substantially and unreasonably interfered with and is detrimental to the rights of the public at large, including the right to use and enjoy property, and the rights to public life, health, safety, emergency management, and safe, unobstructed transportation, among others.

208. As a direct and proximate result of Defendant's said acts and omissions, which substantially and unreasonably interfere with and are detrimental to the rights of the public at large, Plaintiff has suffered a special damage that cannot be considered merged in the general public right.

209. As detailed throughout this Complaint, Defendant intentionally, and with knowledge of the harms it would cause, created this interference with enjoyment of public rights. For decades, Defendant knew or should have known that:

a. Fossil fuel emissions were increasing atmospheric concentrations of CO_2;

b. This alteration of CO_2 concentrations was likely to cause climate change;

c. Climate change would cause harms, including the kind of harms that are being and will continue to be experienced by Carrboro; and

d. Urgent action was necessary and reasonably achievable.

210. Nonetheless, Defendant continued to invest heavily in fossil fuels, including fossil fuel power plants, long after such investments were reasonable under the circumstances.

211. In addition, Defendant undertook—and is still carrying out—a disinformation campaign to deny the causes of and risks associated with climate change. Despite having knowledge of the science and causes of climate change, Defendant made misleading statements about climate science. Defendant also paid outside organizations to make similar misleading statements about the science of climate change, its consequences, and the urgency of the problem. Defendant further funded bad-faith or knowingly false scientific and economic research with the intent to create and/or exacerbate uncertainty among the public as well as policy makers about the reality of climate change, its consequences, and the relative costs of various solutions to reduce CO_2 emissions.

212. Defendant has sought, and continues to seek, to influence public opinion by falsely promoting fossil fuels as "clean" sources of energy and to create a deceptive image of itself as environmentally responsible and climate-conscious that is belied by its actions.

213. Defendant has sought to obstruct effort to limit CO_2 emissions and accelerate the transition to clean energy sources like wind and solar.

214. By knowingly misrepresenting the dangers of burning fossil fuels to generate electricity, and by obstructing the transition to lower- or zero-carbon electricity, Defendant has caused, created, substantially contributed to, and/or exacerbated dangerous climate change.

215. The interference with and threat to public rights in the Town caused by Defendant's actions and omissions is substantial, and includes, among other things, increasing extreme precipitation events, rising temperatures, and an increasing number of extreme temperature events.

216. Plaintiff is specially injured by the public nuisance brought about by Defendant's acts and omissions because it has a duty to mitigate the harms caused by that nuisance within its jurisdiction, has a duty to repair substantial infrastructure damaged by Defendant's conduct, and has a duty to provide services to the public that are more expensive as a result of Defendant's conduct. Moreover, Plaintiff is specially injured by Defendant's acts and omissions because Plaintiff has a duty to provide services that Plaintiff must provide at an increased expense so as to reduce the substantial interferences caused by Defendant. Plaintiff is further specially injured because it possesses substantial property and assets that are especially vulnerable to the impacts of climate change, including, but not limited to, roads and stormwater infrastructure.

217. The harms caused by Defendant's actions are being and will continue to be borne by Plaintiff and the public in the form of, among other things: damage to public property; loss of use and enjoyment of public property; and damage to public infrastructure.

218. Defendant knew or should have known that climate change impacts, including those affecting Plaintiff, were substantially certain to result when they continued to invest in fossil fuel power plants despite knowing the harms it would cause; when they misrepresented the truth

about climate change to the public, to their customers, and to policy makers; and when they obstructed efforts to transition to carbon-free sources of electricity.

219. The resulting interference with public rights is unreasonable and outside the bounds of Defendant's reasonable operations.

220. Plaintiff has incurred and will continue to incur substantial direct, incidental, consequential and other damages as a direct and proximate result of the public nuisance created by Defendant. By way of example but not limitation, Plaintiff has spent and will spend in the future significant sums to as a result of the interference with public rights, including but not limited to:

a. Costs to repair, maintain, and replace roads whose useful life has been reduced by climate-induced extreme heat and precipitation events;

b. Costs to provide stormwater protection infrastructure to adequately protect the Town's citizens from erosion and flooding; and

c. Costs to cool public buildings.

221. These damages are severe and greater than Plaintiff or the public should bear without compensation, and outweigh any utility of Defendant's conduct.

222. As a direct and proximate result of this public nuisance, Plaintiff has incurred the damages described above, including others to be proved through discovery and at trial, all in excess of $25,000.00.

SECOND CLAIM FOR RELIEF
(Private Nuisance)

223. Plaintiff realleges and reincorporates by reference the allegations in each of the preceding paragraphs as though fully set forth herein.

224. Plaintiff owns, occupies, and/or is otherwise in lawful possession of extensive real and personal property in Orange County, North Carolina.

225. Defendant's conduct, as set forth throughout this Complaint, including its deception campaign and direct emissions, has and will continue to substantially interfere with Plaintiff's use and enjoyment of that property, as described in more detail above.

226. Defendant's substantial interference with Plaintiff's use and enjoyment of property is unreasonable. A person of ordinary prudence and discretion would consider the said interference excessive or inappropriate after giving due consideration to the interest of Plaintiff, the interest of Defendant, and the interest of the community.

227. By causing and/or substantially contributing to climate change through its actions and omissions described above, among others to be proved during discovery and at trial, Defendant has and will continue to substantially and unreasonably interfere with Plaintiff's use and enjoyment of its property. The climate-related harms that Defendant's actions or omissions have caused or exacerbated are substantially and unreasonably interfering with the Town's use and enjoyment of its property by causing, among other things, flood damage, damage from extreme heat, increased need to cool buildings during extreme heat events, and other interferences to be proved during discovery and at trial.

228. As a direct and proximate cause of Defendant's conduct, Plaintiff has incurred and will continue to incur in the future substantial direct, incidental, consequential and other damages. By way of example but not limitation, Plaintiff's damages and losses include the following:

a. Costs to repair, maintain, and replace roads whose useful life has been reduced by climate-induced extreme heat and precipitation events;

b. Costs to provide stormwater protection infrastructure to adequately protect the Town's citizens from erosion and flooding; and

c. Costs to cool public buildings.

229. Plaintiff has not consented to Defendant's conduct in creating these conditions that are substantially and unreasonably interfering with Plaintiff's use and enjoyment of its property.

230. These damages are severe and greater than the Plaintiff should bear without compensation, and outweigh any utility of Defendant's conduct.

231. As a direct and proximate result of this private nuisance, Plaintiff has incurred the damages described above, including others to be proved through discovery and at trial, all in excess of $25,000.00.

THIRD CLAIM FOR RELIEF
(Trespass)

232. Plaintiff realleges and reincorporates by reference the allegations in each of the preceding paragraphs as though fully set forth herein.

233. Plaintiff owns, occupies, and/or is otherwise in lawful possession of extensive real and personal property.

234. As detailed throughout this Complaint, Defendant has intentionally engaged in conduct that has, and will continue to, cause and contribute to climate change. Climate change has caused, and will continue to cause, flood waters, precipitation, wind, extreme temperatures, and other substantial forces to enter and damage Plaintiff's property.

235. Plaintiff has not granted Defendant authorization or permission to enter or intrude on its property or to damage it.

236. Defendant knew, with substantial certainty, that by continuing to invest in fossil fuels, and by knowingly misrepresenting and spreading misinformation about the causes of climate change and the harms and risks associated with climate change, it would cause or contribute to climate change and to the resulting intrusions on and damage to Plaintiff's property.

237. As a direct and proximate result of Defendant's actions and omissions, Plaintiff's property has been and will continue to be damaged by Defendant's trespasses, and Plaintiff has incurred and will continue to incur in the future substantial direct, incidental, consequential and other damages as a result of Defendant's trespasses. These damages and losses include, but are not limited to:

a. Costs to repair, maintain, and replace roads whose useful life has been reduced by climate-induced extreme heat and precipitation events;

b. Costs to provide stormwater protection infrastructure to adequately protect the Town's citizens from erosion and flooding; and

c. Costs to cool public buildings.

238. These damages are severe and greater than the Plaintiff should bear without compensation, and outweigh any utility of Defendant's conduct.

239. As a direct and proximate result of these trespasses, Plaintiff has incurred the damages described above, including others to be proved through discovery and at trial, all in excess of $25,000.00.

FOURTH CLAIM FOR RELIEF
(Negligence)

240. Plaintiff realleges and reincorporates by reference the allegations in each of the preceding paragraphs as though fully set forth herein.

241. For decades, Defendant knew that fossil fuels were causing climate change, and that, if unabated, climate change would cause increased extreme temperatures, increased precipitation, and increased flooding and stormwater. Defendant knew or should have known that these climate-related harms would pose risks to human health and safety, would damage property and infrastructure, and would result in damages to Plaintiff's resources and services.

242. Defendant also knew or should have known that the spreading of false and misleading information about the science and cause of climate change and the climate impacts of fossil fuels, as well as campaigns to obstruct the reduction of climate-warming greenhouse gasses, would substantially contribute to the acceleration of climate change and thereby cause or exacerbate the harms it has caused and will continue to cause to Plaintiff.

243. As alleged in this Complaint, ample scientific evidence from collective industry research in which Defendant participated, from trade associations, and from the international scientific community, among other sources—which were available to Defendant over the course of decades—made these injuries reasonably foreseeable. As compared to ordinary consumers and the public, such as Plaintiff, Defendant had superior knowledge of the risks associated with climate change at all times relevant to this Complaint.

244. Defendants knew or should have known that the climate change harms to Plaintiff were foreseeable and could have been reduced or avoided if Defendant had (a) shared with consumers and the public its knowledge about the climate impacts of burning fossil fuels to generate electricity; (b) invested in lower- or zero-carbon sources of electricity; and/or (c) not obstructed efforts to reduce fossil fuel emissions and address climate change.

245. Defendant owed a duty of care to Plaintiff to take reasonable steps to reduce Defendant's carbon emissions, especially because Defendant was aware that the failure to take such actions was likely to exacerbate the climate crisis and cause grave injury to the Earth's climate and thereby injure members of the public, including Carrboro.

246. Defendant owed a duty of care to Plaintiff to not spread knowingly deceptive or inaccurate information about fossil fuel emissions and climate science, which misinformation was

foreseeably and highly likely to exacerbate the climate crisis and cause grave injury to the Earth's climate and thereby injure members of the public, including Carrboro.

247. Defendant owed a duty of care to Plaintiff to not encourage the public to continue its reliance upon fossil fuels, especially given that Defendant was aware that such reliance upon fossil fuels was reasonably likely to exacerbate the climate crisis and cause grave injury to the Earth's climate and thereby injure members of the public, including Carrboro.

248. Defendant owed a duty of care to Plaintiff to act reasonably for the protection of Plaintiff, to avoid inflicting or worsening the injuries described herein, to honestly communicate its knowledge about the causes and risks of climate change, to avoid making false or misleading statements about the same, and to take reasonable steps to reduce its carbon emissions.

249. Defendant's misstatements about anthropogenic climate change and fossil fuel emissions, failure to provide adequate warnings about the climate crisis, and refusal to take reasonable steps to reduce carbon emissions, among other acts and omissions, materially and foreseeably increased the risk of harm posed by the climate crisis to Plaintiff.

250. Defendant's above-described conduct was committed in the course of its performance of certain services, including the provision of electricity and natural gas. In fact, Plaintiff transacts business with Defendant, sometimes through an electricity cooperative, to provide these services, Plaintiff has relied upon Defendant to provide these services in a reasonable manner that did not unreasonably increase risks posed to Plaintiff, and Plaintiff's transactions with Defendant were based upon the inaccurate belief that Defendant was not a major contributor to the climate crisis. In the performance of these services, Defendant recognized or should have recognized the likelihood that its conduct would foreseeably injure Plaintiff and the need to protect Plaintiff from the risk of harm posed by such services, and furthermore, Defendant owed Plaintiff

a duty of care to not cause foreseeable damages to Plaintiff during the performance of these services.

251. For the above stated reasons, Defendant had a special relationship with Plaintiff, including by virtue of Defendant's provision of services to Plaintiff. As such, Defendant owed Plaintiff a duty of reasonable care to take reasonable steps to reduce Defendant's carbon emissions and to not spread knowingly deceptive or inaccurate information about fossil fuel emissions and climate science.

252. Defendant breached these duties of care, among others to be proved through discovery and at trial, in the following respects:

a. Waging a decades-long campaign to spread misinformation about climate science and the causes and risks of climate change;

b. Downplaying the seriousness of fossil fuel emissions while knowing that the dangers of such emissions were far more serious than represented;

c. Launching coordinated public relations campaigns designed to convince the public that fossil fuel emissions did not pose a serious risk, that anthropogenic climate change was not an established fact, or otherwise convince the public of matters that Duke knew to be untrue;

d. Advocating for inaction on the climate crisis while knowing that inaction would materially exacerbate the seriousness of the climate crisis;

e. Proposing false solutions to fossil fuel emissions while knowing that such solutions were not practical or sufficiently effective;

f. Opposing all meaningful solutions to curbing fossil fuel emissions while knowing that such solutions were essential;

g. Arguing in the public that decarbonization efforts were unnecessary, uneconomic, or otherwise impractical while knowing that such actions were in fact feasible and essential;

h. Promoting coal-based electricity generation as "clean" while knowing the same to be untrue;

i. Using industry-funded, fringe "scientists" to create a veneer of credibility to the knowingly false claims about fossil fuel emissions touted by these scientists;

j. Organizing industry-funded "Science Advisory Panels" for purposes of falsely bolstering the credibility of Duke's opposition to the scientific consensus concerning the dangers of fossil-fuel emissions;

k. Questioning, undermining, downplaying, and disputing the reality of anthropogenic climate change and the dangers of fossil fuel emissions while knowing the true facts to be otherwise;

l. Promoting Duke's purported transition away from coal-fired generation while simultaneously replacing coal with another climate-wrecking fuel, namely natural gas;

m. Promoting natural gas-fired generation as favorable for reducing emissions while knowing that natural gas actually further exacerbates the climate crisis;

n. Continuing to extensively invest in and utilize fossil fuel power plants, natural gas, and other resources that contribute to the climate, while being aware of the dangers posed by the use of such resources to the Earth, public, and Town;

o. Obstructing efforts to decarbonize, reduce the general reliance upon fossil fuels, and address climate change; and

p. Other breaches of the standard of care to be proved during discovery or at trial.

253. Defendant's breaches of these duties of care were and are a substantial factor in increasing fossil fuel consumption and in delaying the transition to lower- or zero-carbon sources of energy, resulting in increased greenhouse gas emissions and substantially exacerbated climate-related harms for the Town and its residents.

254. As a direct and proximate result of Defendant's negligence, Plaintiff has spent and will be obligated to spend in the future substantial sums to mitigate climate-related harms. Plaintiff's damages and losses include, but are not limited to:

a. Costs to repair, maintain, and replace roads whose useful life has been reduced by climate-induced extreme heat and precipitation events;

b. Costs to provide stormwater protection infrastructure to adequately protect the Town's citizens from erosion and flooding; and

c. Costs to cool public buildings.

255. As a direct and proximate result of this negligence, Plaintiff has incurred the damages described above, including others to be proved through discovery and at trial, all in excess of $25,000.00.

FIFTH CLAIM FOR RELIEF
(Gross Negligence)

256. Plaintiff realleges and reincorporates by reference the allegations in each of the preceding paragraphs as though fully set forth herein.

257. Defendant's conduct was grossly negligent because Defendant intentionally breached its duties of care knowing that the result would cause serious harm to Plaintiff and its property. Defendant acted with conscious or reckless disregard for the rights and safety of Plaintiff.

258. Defendant knew that fossil fuel emissions posed an unreasonable danger to the Earth's climate, and Defendant knew that fossil fuel emissions would cause climate change and thereby injury the public, including Plaintiff.

259. Defendant knew that its deception campaign concerning fossil fuels and climate change was false and deceptive, and Defendant knew that its advocacy in favor of the continued use of fossil fuels was inconsistent with the energy and utility industry's own internal research concerning climate science and posed a serious danger to the Earth's climate and to Plaintiff and its property.

260. Defendant knew that its campaign of deception, described herein, would result in a material increase in fossil fuel emissions and would prevent any decarbonization efforts.

261. Defendant knew that, without decarbonization, fossil fuel emissions would cause the climate crisis.

262. Defendant knew that the climate crisis posed a significant and unreasonable danger to Plaintiff and its property.

263. Defendant knew that its above-described conduct, including Defendant's campaign of deception and continued investment in fossil fuels, posed a significant and unreasonable danger to Plaintiff and its property and departed from the applicable standards of care.

264. Defendant knew that it was extremely important to (a) reduce fossil fuel emissions, (b) provide honest information to the public about fossil fuel emissions, (c) provide honest information to the public about the causes and consequences of climate change, (d) not mislead the public concerning fossil fuel emissions, and (e) not mislead the public about the causes and consequences of climate change.

265. Despite Defendant's said knowledge, Defendant (a) refused to reduce fossil fuel emissions due to financial and profit-driven motives despite the reasonable availability of renewal energy alternatives, (b) engaged in a campaign of deception designed to mislead the public concerning fossil fuel emissions, and (c) engaged in a campaign of deception designed to mislead the public concerning the causes and consequences of climate change.

266. Defendant knew that its conduct was substantially likely to damage Plaintiff and its property, and nonetheless, Defendant engaged in this conduct as a means of continuing its fossil fuel-based business model and thereby increase its profits at the expense of the public, including Plaintiff.

267. Defendant's violations of these known duties of care were intentional and were performed with the purpose of continuing its fossil fuel-based business model and thereby increase its profits at the expense of the public, including Plaintiff.

268. The aforesaid conduct was done purposely and with knowledge that such conduct was a breach of Defendant's duties to others, *i.e.*, a conscious disregard of the rights and safety of Plaintiff.

269. The conduct described herein was willful and wanton and constitutes gross negligence.

270. As a direct and proximate result of Defendant's gross negligence, Plaintiff has spent and will be obligated to spend in the future substantial sums to mitigate climate-related harms. Plaintiff's damages and losses include, but are not limited to:

a. Costs to repair, maintain, and replace roads whose useful life has been reduced by climate-induced extreme heat and precipitation events;

b. Costs to provide stormwater protection infrastructure to adequately protect the Town's citizens from erosion and flooding; and

c. Costs to cool public buildings.

271. The injuries and damages incurred by Plaintiff as described herein, and to be proved during discovery and at trial, were reasonably foreseeable by Defendant.

272. As a direct and proximate result of this gross negligence, Plaintiff has incurred the damages described above, including others to be proved through discovery and at trial, all in excess of $25,000.00.

DEMAND FOR JURY TRIAL

273. Plaintiff hereby demands a trial by jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff the Town of Carrboro, respectfully requests that the Court:

1. Enter a judgment in favor of Plaintiff against Defendant for all available damages in an amount to be proven at trial and in excess of $25,000.00;

2. Award pre-judgment and post-judgment interest on Plaintiff's damages at the statutory rate;

3. The costs and expenses of this action, including reasonable attorney's fees, be taxed against Defendant as may be allowed by law; and

4. For such other and further relief as this Court may deem just and proper.

[Signature Follows on Next Page]

Respectfully submitted this 4th day of December, 2024.

LEWIS & ROBERTS, PLLC

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