

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

RICHARD KENNEDY and MARGARET
HAZARD, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

EXXON MOBIL CORPORATION;
EXXONMOBIL OIL CORPORATION;
SHELL PLC; SHELL USA, INC.; EQUILON
ENTERPRISES LLC D/B/A SHELL OIL
PRODUCTS US; SHELL TRADING (US)
COMPANY; CHEVRON CORPORATION;
CHEVRON U.S.A. INC.; BP PLC; BP
AMERICA, INC.; BP PRODUCTS OF
NORTH AMERICA; CONOCOPHILLIPS;
CONOCOPHILLIPS COMPANY; and
AMERICAN PETROLEUM INSTITUTE,

Defendants.

Case No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

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I. NATURE OF THIS ACTION

1. From 2018 through 2022, the annual number of major disaster declarations for climate-related events was almost double the annual average over the 50-year period from 1960 to 2010. In 2023, a significant number of natural catastrophes again impacted the United States, at an estimated cost of \$114 billion, of which approximately \$80 billion was insured. And in just the first three quarters of 2024, natural catastrophes caused the United States to suffer an estimated \$145 billion in economic losses, of which nearly \$80 billion was insured.¹

2. These immense and never-before-seen covered losses have sparked a multi-billion dollar increase in the premiums ordinary homeowners are being forced to pay. As the New York Times has observed, the Climate Crisis has become an Insurance Crisis.² As natural disasters become more costly, homeowners foot the bill.³

3. In the state of Washington alone, homeowners rates have increased by a total of 51% over the past six years. But climate change has driven insurance premium increases throughout the country because insurance generally operates by pooling risks.⁴ Thus, when climate change increases the frequency and intensity of disasters, insurance companies will spread the costs across the customer pool in the form of higher rates.⁵ “So even if you haven’t been directly harmed by extreme weather, you’re paying for some of the costs of those climate-worsened disasters.”⁶

4. This case is about holding the fossil fuel Defendants accountable for the increased homeowners’ insurance premiums that their coordinated and deliberate scheme to hide the truth about climate change and the effects of burning fossil fuels has brought about and for their conduct contributing to climate change; a cost the highly profitable trillion dollar industry can easily afford,

¹ U.S. Department of the Treasury Report: *Homeowners Insurance Costs Rising, Availability Declining as Climate-Related Events Take Their Toll*, January 16, 2025.

² See <https://www.nytimes.com/2024/12/19/climate/how-the-climate-crisis-became-an-insurance-crisis.html>.

³ See <https://www.nytimes.com/2025/08/14/realestate/home-rebuild-rising-cost-natural-disaster.html>.

⁴ <https://yaleclimateconnections.org/2025/01/nobodys-insurance-rates-are-safe-from-climate-change/>.

⁵ *Id.*

⁶ *Id.*

1 and one that it should not be permitted to simply pass along to the everyday people who are
2 presently bearing the burden of these increased premiums.

3 5. Defendants have known since at least the 1960s, based on their own internal
4 scientific research, that carbon dioxide and other greenhouse gas pollution caused by the
5 unchecked sales of its highly profitable petroleum products would inevitably lead to “catastrophic”
6 weather-related consequences with “considerable significance to civilization” and that only a
7 narrow window of time existed in which to act before severe consequences would result.

8 6. Defendants took this internal calculus seriously. They were well aware of that
9 climate change associated with the sale of fossil fuel products would result in extreme weather
10 events and rising sea levels, and they invested heavily to protect their own assets, infrastructure,
11 and operations from them and invested to continue and expand their conduct that was contributing
12 to climate change.

13 7. Defendants were also well aware of the threat that the public’s accurate
14 understanding of the risks associated with their fossil fuel products posed to their highly profitable
15 business model. As the Defendants themselves knew as early as 1980, clean non-fossil fuel energy
16 sources, if pursued, could penetrate fully half of the energy market by 2030.

17 8. So rather than inform the public, or to undertake meaningful remedial steps,
18 Defendants chose instead to protect their profits by engaging in a massive, deliberate, decades-
19 long misinformation campaign intended to sow doubt in the minds of the media, business leaders,
20 and deceive the public and consumers about the conclusions they themselves had reached about
21 the substantial consequences that the sale of their products would have.

22 9. Taking their lead from the big-tobacco playbook, Defendants embarked on a
23 coordinated, comprehensive, and disinformation campaign beginning at least as early as the 1970s
24 and continuing to this day. This campaign has included knowingly false public denials; funding
25 bogus “scientific research”; financing and working hand in hand with industry trade associations,
26 front groups, and other organizations to lie about the risks associated with their products; targeting
27 universities, the press, and critics; and obstructing a congressional investigation.

10. To falsely reassure consumers that purchasing fossil products is actually good for the planet, Defendants advertise them as “cleaner,” “emissions-reducing,” and the like, while failing to disclose their harmful effects on the climate. This, too, is a strategy taken from the tobacco industry’s playbook, which deceptively promoted “low tar” and “light” cigarettes as healthier smoking options, when the companies knew that any use of cigarettes was harmful. Defendants here likewise falsely present themselves as corporate leaders in the fight against climate change, claiming to invest substantially in low-emission technologies and zero-emission energy sources, while their businesses continue to focus overwhelmingly on fossil fuel production and sales.

11. As United States Senator Sheldon Whitehouse has aptly observed,

“The tobacco fraud operation became the fossil fuel fraud operation: same entities, same people, same tactics. For years, the fossil fuel industry used that operation, and expanded and multiplied that operation, to sow false doubt about climate science and to fraudulently suggest we’d all be worse off if we solved the fossil fuel emissions problem.”⁷ “[A] lot of people and a lot of front groups, who had been ‘expert’ in how tobacco smoke wasn’t bad for you, suddenly became ‘expert’ in how fossil fuel emissions wouldn’t wreck the Earth’s climate.”⁸ “The parallels between what the tobacco industry did and what the fossil fuel industry is doing now are striking. In fact, we can go back and re-read those judicial findings about tobacco, substitute the word ‘fossil fuel,’ and exactly describe what the fossil fuel industry is up to.”⁹

12. Defendants’ deceptive conduct and sophisticated and aggressive promotion of fossil fuel products without warning of their dangers worked as Defendants intended it to. It sustained and unduly inflated demand for fossil fuels, forestalled the move to low- and no-carbon alternatives, and generated trillions of dollars in profits for Defendants.

13. But the Defendants’ profits have come at tremendous costs for others.

14. One of the many consequences of the Defendants’ conduct has been a substantial increase in the cost that ordinary people must pay for home insurance in Washington and many parts of the United States.

⁷ <https://www.whitehouse.senate.gov/news/speeches/time-to-wake-up-301-a-dangerous-precipice/>.

⁸ *Id.*

⁹ <https://www.whitehouse.senate.gov/news/release/whitehouse-compares-climate-denial-to-civil-racketeering-perpetrated-by-tobacco-industry/>.

15. The failures to disclose and deceptive promotion increased, inflated and maximized the market for and sales of Defendants' fossil fuels by forestalling the transition to clean energy sources, and has—in turn— resulted in atmospheric CO₂ levels sufficient to cause the very “catastrophic” climate consequences the Defendants themselves foresaw they would since at least the 1960s.

16. And there is no debate that these escalating extreme weather-related events have caused insurance companies to increase homeowner's insurance premiums, a multi-billion-dollar cost that is directly attributable to the Defendants' unlawful and deceptive conduct.

17. Plaintiffs and the putative class do not seek to limit, cap, or enjoin the production and sale of fossil fuels by Defendants, or anyone else. Instead, they seek only to recover damages that are attributable to the Defendants' unlawful and deceptive conduct and to enjoin the Defendants from continuing those unlawful and deceptive practices. Defendants' deceptive conduct is the gravamen and sole basis for the claims here. This lawsuit seeks to hold Defendants accountable for the lies they have told and the damage they have caused.

18. Plaintiffs bring this case as a proposed class action on behalf of all persons who purchased homeowner insurance at any time after 2017. Plaintiffs assert claims under the Racketeering Influenced and Corrupt Organizations Act (“RICO”), and various state law claims.

II. PARTIES

A. Plaintiffs

19. Plaintiff Richard Kennedy is a citizen of the United States and the State of Washington, residing in Normandy Park, Washington. Plaintiff Kennedy has paid homeowner's insurance premiums since 2017 and since 2017 his insurance premiums have gone from \$1,012.10 to \$2,149.18, an increase of approximately 113%. Plaintiff Kennedy also regularly purchased gas for his vehicles at Shell stations in Burien, Washington. Plaintiff was unaware of Defendants' misleading and deceptive acts concerning the true impact their practices had on climate change and the related increase in his insurance premiums based on this wrongdoing. At no time during the class period did Defendants disclose the true impact of their practices and direct correlation to increased insurance premiums.

20. Plaintiff Margaret Hazard is a citizen of the United States and the State of Washington, residing in Carson, Washington. Plaintiff Hazard has paid homeowner's insurance premiums since 2017 and since 2017 her insurance premiums have doubled. Because of the increased insurance premiums, Plaintiff Hazard recently had to change her homeowners insurance to a different policy with less coverage which is concerning because she lives in area that is very dry and prone to forest fires. Plaintiff Hazard has purchased gas from Shell and Chevron stations near her home in Washington. Plaintiff was unaware of Defendants' misleading and deceptive acts concerning the true impact their practices had on climate change and the related increase in her insurance premiums based on this wrongdoing. At no time during the class period did Defendants disclose the true impact of their practices and direct correlation to increased insurance premiums.

B. Defendants

21. The Defendants in this case can be fairly described as among the most successful companies in the world. This handful of highly profitable companies is jointly responsible for just under one-third of all of the total worldwide greenhouse gases emitted from 1965 to 2022, a period during which approximately 70-75% of fossil fuel emissions in the entire history of human activity have occurred. The Defendants' conduct is a direct cause of the climate change-related premium hikes that the plaintiffs and putative class are now being forced to pay.

22. As explained more fully below, the Defendants have purposefully distributed, marketed, advertised, promoted, and supplied their fossil fuel products in the state of Washington and elsewhere, with knowledge that the intended use of those products for combustion has caused and will continue to cause severe climate change-related harms. Defendants engaged in a conscious and deliberate scheme designed to conceal the harms it knew their products would cause, mislead consumers and the public, and leave them in the dark about the serious adverse consequences that would result, leaving the costs of those harms to be borne by others and reaping enormous profits in the process.

1 **1. The Exxon/Mobil Defendants (Exxon Mobil Corporation and ExxonMobil**
2 **Oil Corporation).**

3 23. Defendant Exxon Mobil Corporation is a New Jersey corporation headquartered in
4 Spring, Texas.

5 24. Exxon Mobil Corporation is vertically integrated and is active in every area of the
6 oil and gas industry.

7 25. Exxon Mobil Corporation was formerly known as, did or does business as, and/or
8 is the successor in liability to Exxon Corporation; ExxonMobil Refining and Supply Company;
9 Exxon Chemical U.S.A.; ExxonMobil Chemical Corporation; ExxonMobil Chemical U.S.A.;
10 ExxonMobil Refining & Supply Corporation; Exxon Company, U.S.A.; Standard Oil Company of
11 New Jersey; and Mobil Corporation.

12 26. Exxon Mobil Corporation, ExxonMobil Oil Corporation, and their predecessors,
13 successors, parents, subsidiaries, affiliates, and divisions are collectively referred to herein as
14 “ExxonMobil.”

15 27. ExxonMobil’s operations include, but are not limited to, exploration, development,
16 production, storage, transportation, and marketing of crude oil and natural gas; refining crude oil
17 into petroleum products and marketing those products; and manufacturing and marketing
18 commodity petrochemicals, plastics for industrial uses, and fuel and lubricant additives.

19 28. Exxon Mobile Corporation controls and has controlled decisions about the quantity
20 and rate of fossil fuel production and sales of ExxonMobil products, including whether and to what
21 extent ExxonMobil markets, produces, and/or distributes fossil fuel products.

22 29. Exxon Mobile Corporation controls and has controlled decisions related to
23 marketing, advertising, GHG emissions, and climate change from its fossil fuel products, including
24 communications strategies concerning climate change and the link between fossil fuel use and
25 climate change-related impacts on the environment and humans for ExxonMobil.

26 30. Exxon Mobil Corporation’s Board of Directors holds the highest level of direct
27 responsibility for climate change policy for ExxonMobil. Exxon Mobil Corporation’s Chairman
28 of the Board and Chief Executive Officer, its President, and the other members of its Management

Committee have been actively engaged in discussions relating to GHG emissions and the risks of climate change on an ongoing basis. Exxon Mobil Corporation requires its subsidiaries, when seeking funding for capital investments, to provide estimates of project costs related to GHG emissions.

31. ExxonMobil Oil Corporation is a New York corporation headquartered in Spring, Texas.

32. ExxonMobil Oil Corporation is a wholly owned subsidiary of Exxon Mobil Corporation, acts on Exxon Mobil Corporation's behalf, and is subject to Exxon Mobil Corporation's control.

33. ExxonMobil Oil Corporation was formerly known as, did or does business as, and/or is the successor in liability to Standard Oil Company of New York and Mobil Oil Corporation.

34. ExxonMobil, along with Defendants, BP, Shell, Chevron, and their predecessor corporations, constituted a group in the 1970s known as the "Seven Sisters"¹⁰ which controlled around 85% of the world's petroleum reserves.¹¹

35. ExxonMobil is one of the largest "Big Oil" companies in the world.¹²

36. ExxonMobil is the largest non-government-owned company in the energy industry.¹³

¹⁰ "Seven Sisters" was a common term for the seven transnational oil companies of the "Consortium for Iran" oligopoly or Enterprise, which dominated the global petroleum industry from the mid-1940s to the mid-1970s. Alluding to the seven mythological Pleiades sisters fathered by the titan Atlas, the business usage was popularized in the 1950s by businessman Enrico Mattei, then-head of the Italian state oil company Eni. The industry group consisted of Anglo-Iranian (started as Anglo-Persian) Oil Company (now BP), Gulf Oil (later part of Chevron), Royal Dutch Shell, Standard Oil Company of California (SoCal, now Chevron), Standard Oil Company of New Jersey (Esso, later Exxon, now part of ExxonMobil), Standard Oil Company of New York (Socony, later Mobil, also now part of ExxonMobil), and Texaco (later merged into Chevron).

¹¹ Ian Mann, Shaky industry that runs the world, THE TIMES (Jan. 24, 2010), <https://www.timeslive.co.za/ideas/2010-01-24-shaky-industry-that-runs-the-world/>.

¹² *Id.*

¹³ ExxonMobil, 2018 Financial & Operating Review, EXXONMOBIL (2019), <https://corporate.exxonmobil.com/-/media/global/files/annual-report/2018-financial-and-operating-review.pdf>; Taylor, Matthew & Jonathan Watts, Revealed: the 20 firms behind a third of all carbon emissions, THE GUARDIAN (Oct. 9, 2019) <https://www.theguardian.com/environment/2019/oct/09/revealed-20-firms-third-carbon-emissions> (citing Richard Heede, Carbon Majors: Update of Top Twenty companies 1965-2017, CLIMATE ACCOUNTABILITY INSTITUTE (Oct. 9, 2019)).

37. ExxonMobil has consistently ranked as the world's second-largest oil company by revenue.¹⁴

38. ExxonMobil's total assets at the end of 2022 were valued at \$369.1 billion.¹⁵

39. ExxonMobil, including its joint ventures, is responsible for 3.59% of all Global GHG emissions from 1965 to 2022.¹⁶

40. ExxonMobil manages, directs, and controls its and its subsidiaries' policies and practices related to climate change and fossil fuel production.

41. ExxonMobil's operation includes the marketing, advertising, and sales of its petroleum-based products throughout the United States.

2. The Shell Defendants (Shell PLC, Shell USA, Inc., Equilon Enterprises LLC d/b/a Shell Oil Products US, and Shell Trading (US) Company).

42. Shell PLC f/n/a Royal Dutch Shell PLC is a public limited company registered in England and Wales, with its international headquarters in The Hague, Netherlands. Shell's headquarters for its U.S. operations is in Houston, Texas.

43. Shell PLC is vertically integrated and is active in every area of the oil and gas industry.

44. Shell PLC, Shell USA, Inc., Equilon Enterprises LLC d/b/a Shell Oil Products US, and Shell Trading (US) Company, and their predecessors, successors, parents, subsidiaries, affiliates, and divisions, are collectively referred to herein as "Shell."

45. Shell's operations include, but are not limited to, exploration, development, production, storage, transportation, and marketing of crude oil and natural gas; refining crude oil into petroleum products and marketing those products; and manufacturing and marketing commodity petrochemicals, plastics for industrial uses, and fuel and lubricant additives.

¹⁴ Fortune, Global 500, FORTUNE 500, <https://fortune.com/fortune500/2022/>.

¹⁵ 42 ExxonMobil, 2022 Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 (Form 10K), EXXONMOBIL (Feb. 27, 2019) <https://www.sec.gov/Archives/edgar/data/34088/000003408823000020/xom20221231.htm>.

¹⁶ Richard Heede, Carbon Majors: Update of Top Twenty companies 1965-2017, CLIMATE ACCOUNTABILITY INSTITUTE (Updated Aug. 2023).

1 46. Shell PLC controls and has controlled decisions about the quantity and rate of fossil
2 fuel production and sales of Shell, including whether and to what extent Shell markets, produces,
3 and/or distributes fossil fuel products.

4 47. Shell PLC controls and has controlled decisions related to marketing, advertising,
5 GHG emissions, and climate change from its fossil fuel products, including communications
6 strategies concerning climate change and the link between fossil fuel use and climate change-
7 related impacts on the environment and humans for Shell.

8 48. Shell PLC's Board of Directors holds the highest level of direct responsibility for
9 climate change policy for Shell Oil. At least as early as 1988, Shell PLC, through its predecessors
10 and subsidiaries, was researching company-wide CO₂ emissions and concluded that climatic
11 changes could compel Shell Oil, as controlled by Shell PLC, to examine the possibilities of
12 expanding and contracting its business accordingly.

13 49. Shell USA, Inc. (formerly Shell Oil Company) is a wholly owned subsidiary of
14 Shell PLC that acts on Shell PLC's behalf and is subject to Shell PLC's control. Shell USA, Inc.
15 is incorporated in Delaware, with its principal office in Houston, Texas. Shell USA, Inc. was
16 formerly known as, did or does business as, and/or is the successor in liability to Shell Oil
17 Company; Shell Oil; Deer Park Refining LP; Shell Oil Products US; Shell Chemical LP; Shell
18 Trading (US) Company; Shell Energy Resources Company; Shell Energy Services Company,
19 L.L.C.; The Pennzoil Company; and Pennzoil-Quaker State Company.

20 50. Equilon Enterprises LLC d/b/a Shell Oil Products US is a wholly owned subsidiary
21 of Shell PLC, that acts on Shell PLC's behalf and is subject to Shell PLC's control. It is a Delaware
22 limited liability corporation with its principal office in Houston, Texas.

23 51. Shell Trading (US) Company is a wholly owned subsidiary of Shell PLC that acts
24 on Shell PLC's behalf and is subject to Shell PLC's control. It is a Delaware corporation with its
25 principal office in Houston, Texas.

26 52. Shell is also one of the largest of the "Big Oil" companies in the world.
27
28

53. Shell has operations in over 70 countries.¹⁷

54. Shell owns “Pennzoil,” “Quaker State,” and “Jiffy Lube.” Shell claims to be the number one global lubricant supplier, delivering market-leading lubricants to consumers in over 100 countries.¹⁸

55. At the end of 2018, Shell reported \$339.2 billion in assets.¹⁹

56. Shell, including its joint ventures, is responsible for 12.96% of all global industrial GHG emissions from 1965 to 2022.²⁰

57. Shell manages, directs, and controls its policies and practices related to climate change and fossil fuel production.

58. Shell’s operation includes the marketing, advertising, and sales of its petroleum-based products throughout the United States.

3. The Chevron Defendants (Chevron Corporation and Chevron U.S.A. Inc.).

59. Chevron Corporation is incorporated in Delaware, with its principal place of business in San Ramon, California.

60. Chevron Corporation is vertically integrated and is active in every area of the oil and gas industry.

61. Chevron Corporation and Chevron USA, Inc., and their predecessors, successors, parents, subsidiaries, affiliates, and divisions, are collectively referred to herein as “Chevron.”

62. Chevron’s operations include, but are not limited to, exploration, development, production, storage, transportation, and marketing of crude oil and natural gas; refining crude oil into petroleum products and marketing those products; and manufacturing and marketing commodity petrochemicals, plastics for industrial uses, and fuel and lubricant additives.

¹⁷ Shell Global, Who We Are, SHELL PLC, <https://www.shell.com/about-us/who-we-are.html>.

¹⁸ Shell United States, Shell Engine Oils and Lubricants, SHELL UNITED STATES, <https://www.shell.com/motorist/oils-lubricants>.

¹⁹ Royal Dutch Shell PLC, Form 20-F Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934, SHELL PLC (Mar. 13, 2019), https://www.shell.com/about-us/annual-publications/annual-reportsdownloadcentre/_jcr_content/par/tabbedcontent_f645/tab_603d/textimage_18e7.stream/1594128317894/3358e41179b57db16dae76d29cf27e0e1b45eaff/annual-report-rds-20f-2018.pdf.

²⁰ Heede, *supra*.

63. Chevron Corporation controls and has controlled decisions about the quantity and rate of fossil fuel production and sales of Chevron, including whether and to what extent Chevron markets, produces, and/or distributes fossil fuel products.

64. Chevron Corporation controls and has controlled decisions related to marketing, advertising, GHG emissions, and climate change from its fossil fuel products, including communications strategies concerning climate change and the link between fossil fuel use and climate change-related impacts on the environment and humans for Chevron.

65. Chevron Corporation's Board of Directors holds the highest level of direct responsibility for climate change policy for Chevron.

66. Defendant Chevron U.S.A. Inc. is a wholly owned subsidiary of Chevron Corporation that acts on Chevron Corporation's behalf and is subject to Chevron Corporation's control. Chevron U.S.A. Inc. is a Pennsylvania corporation with its principal office in San Ramon, California. Chevron U.S.A. Inc. was formerly known as, did or does business as, and/or is the successor in liability to Chevron Energy Solutions Company, Chevron Products Company, Chevron U.S.A. Production Company, Chevron U.S.A. Products Company, ChevronTexaco Exploration & Production Company, ChevronTexaco Products Company, Gulf Oil Corp., and Warren Petroleum Company.

67. Defendants Chevron Corporation and Chevron U.S.A. Inc., together with their predecessors, successors, parents, subsidiaries, affiliates, and divisions, are collectively referred to herein as "Chevron."

68. Chevron is one of the largest "Big Oil" companies in the world.

69. Chevron is active in more than 180 countries. As of 2017, it ranked nineteenth in the Fortune 500 list of the top U.S. closely held and public corporations and sixteenth on the Fortune Global 500 list of the top 500 corporations worldwide.²¹

²¹ Fortune, Chevron | 2022 Fortune 500, FORTUNE, <https://fortune.com/company/chevron/fortune500/>.

70. Chevron sells the “Delo,” “Ursa,” “Havoline,” “IsoClean,” and “Techron” heavy-duty diesel engine oils, coolants/antifreeze, transmission fluids, gear oils, greases, and hydraulic oils.

71. According to its 2017 corporate disclosures, Chevron had \$253.8 billion in total assets.²²

72. Chevron, including its joint ventures, is responsible for 6.53% of all global industrial GHG emissions from 1965 to 2022.²³

73. Chevron manages, directs, and controls its and its subsidiaries’ policies and practices related to climate change and fossil fuel production.

74. Chevron’s operation includes the marketing, advertising, and sales of its petroleum-based consumer products throughout the United States.

4. The BP Defendants (BP PLC, BP America, Inc., and BP Products of North America).

75. BP PLC is a public limited company registered in England and Wales, with its international headquarters in London, England. The headquarters for BPC’s U.S. operations is in Houston, Texas.

76. BP PLC is vertically integrated and is active in every area of the oil and gas industry.

77. BP PLC was formerly known as, did or does business as, and/or is the successor in liability to British Petroleum Company, British Petroleum Company PLC, BP Amoco PLC, Amoco Corporation, and Atlantic Richfield Company.

78. BP PLC, BP America, Inc., and BP Products of North America and their predecessors, successors, parents, subsidiaries, affiliates, and divisions are collectively referred to herein as “BP.”

79. BP’s operations include, but are not limited to, exploration, development, production, storage, transportation, and marketing of crude oil and natural gas; refining crude oil

²² Chevron, 2017 Annual Report, CHEVRON (2018), <https://www.chevron.com/-/media/chevron/annualreport/2017/2017-Annual-Report.pdf>.

²³ Heede, *supra*.

1 into petroleum products and marketing those products; and manufacturing and marketing
2 commodity petrochemicals, plastics for industrial uses, and fuel and lubricant additives.

3 80. BP PLC controls and has controlled decisions about the quantity and rate of fossil
4 fuel production and sales of BP, including whether and to what extent BP markets, produces,
5 and/or distributes fossil fuel products.

6 81. BP PLC controls and has controlled decisions related to marketing, advertising,
7 GHG emissions, and climate change from its fossil fuel products, including communications
8 strategies concerning climate change and the link between fossil fuel use and climate change-
9 related impacts on the environment and humans for BP.

10 82. BP PLC makes and has made decisions on the production and use of fossil fuel
11 reserves for the entire BP Group based on factors including climate change.

12 83. BP PLC's senior leadership directly oversees and has overseen a "carbon steering
13 group," which manages climate change-related matters and consists of two committees—both
14 overseen directly by the board—focused on climate change-related investments.

15 84. BP's Board of Directors holds the highest level of direct responsibility for climate
16 change policy for BP.

17 85. BP is one of the largest "Big Oil" companies in the world.

18 86. BP's assets total in excess of 249 billion.²⁴

19 87. BP, including its joint ventures, is responsible for 4.96% of all global industrial
20 GHG emissions from 1965 to 2022.²⁵

21 88. BP manages, directs, and controls its and its subsidiaries' policies and practices
22 related to climate change and fossil fuel production.

23 89. BP's operation includes the marketing, advertising, and sales of its petroleum-based
24 consumer products throughout the United States.

27 ²⁴ <https://www.wsj.com/market-data/quotes/BP/financials/annual/balance-sheet>.

28 ²⁵ Heede, *supra*.

5. The Conoco/Phillips Defendants (ConocoPhillips and ConocoPhillips Company).

90. ConocoPhillips is incorporated in Delaware, with its principal place of business in Houston, Texas.

91. ConocoPhillips is vertically integrated and is active in every area of the oil and gas industry.

92. ConocoPhillips and ConocoPhillips Company and their predecessors, successors, parents, subsidiaries, affiliates, and divisions are collectively referred to herein as “ConocoPhillips.”

93. ConocoPhillips’ operations include, but are not limited to, exploration, development, production, storage, transportation, and marketing of crude oil and natural gas; refining crude oil into petroleum products and marketing those products; and manufacturing and marketing commodity petrochemicals, plastics for industrial uses, and fuel and lubricant additives.

94. ConocoPhillips controls and has controlled decisions about the quantity and rate of fossil fuel production and sales of ConocoPhillips, including whether and to what extent ConocoPhillips markets, produces, and/or distributes fossil fuel products.

95. ConocoPhillips controls and has controlled decisions related to marketing, advertising, GHG emissions, and climate change from its fossil fuel products, including communications strategies concerning climate change and the link between fossil fuel use and climate change-related impacts on the environment and humans for ConocoPhillips.

96. ConocoPhillips has developed and implemented a corporate Climate Change Action Plan to govern climate change decision-making across all entities in ConocoPhillips.

97. ConocoPhillips Board of Directors holds the highest level of direct responsibility for climate change policy for ConocoPhillips.

98. ConocoPhillips Company is a wholly owned subsidiary of ConocoPhillips that acts on ConocoPhillips’ behalf and is subject to ConocoPhillips’ control. ConocoPhillips Company is incorporated in Delaware and has its principal office in Bartlesville, Oklahoma.

99. ConocoPhillips is one of the largest “Big Oil” companies in the world.

100. ConocoPhillips' assets total in excess of 122 billion.²⁶

101. ConocoPhillips, including its joint ventures, is responsible for 1.06% of all global industrial GHG emissions from 1965 to 2022.²⁷

102. ConocoPhillips manages, directs, and controls its and its subsidiaries' policies and practices related to climate change and fossil fuel production.

103. ConocoPhillips' operation includes the marketing, advertising, and sales of its petroleum-based consumer products throughout the United States.

6. The American Petroleum Institute.

104. The American Petroleum Institute (API) is a national trade association that was formed in 1919 to advocate for the petroleum industry's interests. API has over 600 members and is the largest oil and trade association in the United States.

105. API seeks to "influence public policy in support of a strong, viable U.S. oil and natural gas industry." API's mission has always been to foster "a strong, viable U.S. oil and natural gas industry," by encouraging production and consumption of fossil fuels for the financial benefit of its members.²⁸

106. As API's past president Frank Ikard put it: "API also works hard to promote the use of petroleum products [W]e cannot, of course, engage directly in selling gasoline to customers. But if we can't sell the steak, we can sell the sizzle." Ikard continued, "[w]e can contribute to gasoline sales, for example, by telling as many motorists as possible about the wonderful places to go in this country and about some of the historic trails that connect them. This we are doing by means of a national campaign of localized newspaper ads."²⁹

107. API has targeted advertising campaigns at United States consumers, including advertising on local television networks, on national television programs, and on social media.

²⁶ https://www.macrotrends.net/stocks/charts/COP/conocophillips/total-assets#google_vignette.

²⁷ Heede, *supra*.

²⁸ American Petroleum Institute, *About*, <https://www.api.org./about>.

²⁹ Address by Frank N. Ikard, President, American Petroleum Institute, at the Annual Meeting of the Interstate Oil Compact Commission, Broadwater Beach Hotel, Biloxi, Mississippi, Dec. 11, 1964 (Bernard Majewski Papers, Box 59, American Heritage Center, University of Wyoming).

1 108. API continues to act as an advertising and marketing arm for its member
2 companies' fossil fuel products.

3 109. API coordinates members of the petroleum industry, gathers information of interest
4 to the industry, and disseminates that information to its members.

5 110. All of the Big Oil companies that are Defendants in this case and/or their
6 predecessors-in-interest or parent companies are or have been key API members and have held
7 key API leadership roles. For example:

8 111. Exxon's CEO served on API's Executive Committee, including as President and
9 Chairman, for 21 of the 29 years between 1991 and 2020. Multiple high-level executives from
10 Exxon, such as Presidents, Vice Presidents, CEOs, COOs, and Chairmen, served on API's Board
11 in each year between 1994 and 2002.

12 112. Shell's President served as API Treasurer in 1997 and sat on the Board's Executive
13 Committee from at least 2005 to 2006. Multiple high-level Shell executives served on API's Board
14 of Directors between 1994 and 2002. Sunoco's President served as API Board Chairman between
15 1965 and 1967.

16 113. Chevron's CEO served as API Chairman in 1994, 1995, 1997, 1998, 2003, and
17 2012. In 2002, Chevron's CEO served as API Treasurer. Chairman and CEO of Chevron's
18 predecessor, Texaco, served as API Board Chairman in 2001, and as Treasurer in 1999. Multiple
19 high-level executives from Chevron served on API's Board of Directors in each year between 1994
20 and 2002.

21 114. BP's CEO served as API's Chairman in 1988, 1989, and 1998. Multiple high-level
22 executives from BP served on API's Board of Directors between 1994 and 2002. The Chairman
23 and CEO of BP's predecessor, ARCO, served as API Treasurer in 1998 and Chairman in 1999.

24 115. ConocoPhillips' Chairman and CEO was API Chairman from 2016 to 2018.
25 Phillips 66's Chairman and CEO served as API Board President from 2020 to 2022. Multiple high-
26 level ConocoPhillips executives served on API's Board of Directors between 1994 and 2002.

27 116. Through membership, participation in key executive positions, and/or economic
28 support for API, the Big Oil Defendants have collectively participated in the operation and control

1 of the association's policies and business practices, created, and carried out a fraudulent climate
2 change denial advertising and communications misinformation campaign in an effort to preserve
3 their fossil fuel-related profits. The Big Oil Defendants directly oversaw, took part in, and
4 controlled API's deceptive climate change misinformation campaign.

5 117. Since the 1960s, API and its membership have known of the causes and harms of
6 climate change. But rather than inform the public, API and its membership instead chose to
7 participate in and lead a number of coalitions, front groups, and organizations that disseminated
8 false information about the climate impacts of fossil fuel products to consumers. These front
9 groups, funded and governed by the Fossil Fuel Industry, including the Defendants in this case,
10 included the Global Climate Coalition, Partnership for a Better Energy Future, Coalition for
11 American Jobs, Alliance for Energy and Economic Growth, and Alliance for Energy and
12 Environmental Protection, were established to spread misinformation and advocate for climate
13 change from a supposedly neutral source.

14 118. API and the Big Oil Defendants' climate misinformation campaign continues to
15 date.

16 119. As discussed more fully below, each of the Defendants was the agent, servant,
17 partner, aider and abettor, co-conspirator, and/or joint venturer of each of the remaining
18 Defendants herein and was at all times material hereto operating and acting within the purpose and
19 scope of said agency, service, employment, partnership, conspiracy, and joint venture and rendered
20 substantial assistance and encouragement to the other Defendants, knowing that their conduct was
21 wrongful.

22 III. JURISDICTION AND VENUE

23 120. This Court has subject matter jurisdiction over this action pursuant to the Class
24 Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1332(d)(2), because at least one Class
25 Member is of diverse state citizenship from Defendants, there are more than 100 Class Members,
26 and the aggregate amount in controversy exceeds \$5 million, exclusive of interest and costs. This
27 Court also has jurisdiction pursuant to 28 U.S.C. § 1331 as this case arises from violations of 18
28 U.S.C. 1961, *et seq.*

121. The Western District of Washington has personal jurisdiction over Defendants.

122. Each Defendant purposefully availed itself of the Washington market, and thus of the benefits of the laws of the State, during all times relevant to this Complaint, so as to render Washington courts' exercise of jurisdiction over each Defendant consistent with traditional notions of fair play and substantial justice.

123. Each Defendant has had sufficient minimum contacts with the State and has purposefully directed activities toward this State and/or purposefully availed itself of the privileges and obligations of conducting business in this State, and/or has consented either explicitly or implicitly to the jurisdiction of this Court.

124. Defendants engage in persistent courses of conduct in Washington; derive substantial revenue from manufactured goods, products, or services used or consumed there; and/or have interests in, use, or possess real property there, perform work there; contract to supply goods, manufactured products, or services there; and caused and continue to cause injury there.

125. All of the Defendants are either registered to do business in Washington or have wholly-owned subsidiaries registered to do business in Washington.

126. Each Defendant is transacting or has transacted substantial business in Washington; is contracting or has contracted to supply services or things in Washington; has or does derive substantial revenue in Washington or engages in a persistent course of conduct in Washington; had or has interests in, used or uses, or possessed or possesses real property in Washington; and/or caused tortious injury in Washington and has intentionally engaged in conduct aimed at Washington, which has caused harm they knew was likely to be incurred in Washington.

127. Hundreds of Defendant-branded gas stations serve Washington consumers in the state. The Exxon/Mobil Defendants have at least 93 such locations in 56 Washington cities; the Shell Defendants have at least 456 such locations in 148 Washington cities; the Chevron Defendants have at least 425 such locations in 179 Washington cities; the BP Defendants have at

1 least 154 ARCO-branded such locations in 69 Washington cities; and the Conoco Defendants have
2 at least 67 such locations in 35 Washington cities.³⁰

3 128. Through their various agreements with dealers, franchises, or otherwise,
4 Defendants direct and control the branding, marketing, sales, promotions, image development,
5 signage, and advertising of their branded fossil fuels at their respectively branded gas stations in
6 Washington, including point-of-sale advertising and marketing. Defendants dictate which grades
7 and formulations of their gasoline may be sold at their respective branded stations. Defendants
8 also maintain websites to direct Washington residents to their nearby retail service stations.

9 129. With respect to their subsidiaries, each non-resident Fossil Fuel Defendant parent
10 controls and has controlled decisions about the quantity and extent of its fossil fuel production and
11 sales; determines whether and to what extent to market, produce, and/or distribute its fossil fuel
12 products; and controls and has controlled decisions related to its marketing and advertising,
13 specifically communications strategies concerning climate change and the link between fossil fuel
14 use and impacts on the environment. Each non-resident Fossil Fuel Defendant parent has the power
15 to direct and control its non-resident subsidiaries named here. Thus, each subsidiary is the agent
16 of its parent. As agents, the subsidiaries of each non-resident Fossil Fuel Defendant conducted
17 activities in Washington at the direction and for the benefit of its parent company. Specifically,
18 the subsidiaries furthered each parent company's campaign of deception and denial through
19 misrepresentations, omissions, and affirmative promotion of the company's fossil fuel products as
20 safe with knowledge of the climate change-related harms that would result from the intended use
21 of those products, all of which resulted in climate change-related injuries in the State and increased
22 sales to the parent company. Therefore, the subsidiaries' jurisdictional activities are properly
23 attributed to each parent company and serve as a basis to assert jurisdiction over each of the non-
24 resident Fossil Fuel Defendant parent companies.

25 130. Defendants have purposefully directed and continue to purposefully direct their
26 tortious conduct toward Washington by distributing, marketing, advertising, promoting, and
27

28 ³⁰ <https://www.scrapehero.com/location-reports/top-gas-stations-in-washington-usa/>.

1 supplying fossil fuels in Washington, with knowledge that fossil fuels have caused and will
2 continue to cause climate crisis-related injuries in Washington.

3 131. Defendants committed substantial acts to further the conspiracy in Washington by
4 making affirmative misrepresentations to Washington consumers, as well as misleading them by
5 omission, about the existence, causes, and effects of global warming, the role their fossil fuel sales
6 plays in climate change, and the risks associated with the sale of their fossil fuel products. Indeed,
7 Defendants affirmatively promoted the Fossil Fuel Defendants' fossil fuel products as safe, with
8 knowledge of the disastrous impacts that would result from the intended use of those products.

9 132. Over the past several decades, Defendants, directly and through their surrogates,
10 have spent millions of dollars on radio, television, outdoor advertisements, and social media sites
11 in the Washington market related to their fossil fuels. As just one example, a December 12, 2003
12 Op-Ed in the Seattle Post-Intelligencer, authored by former API and Global Climate Coalition
13 executive William O'Keefe, claimed the "science of climate change" was "far from settled,"
14 relying on a "review" by Willie Soon, who was later exposed as receiving millions of dollars in
15 funding from the oil and gas industry, including at least some of the Defendants here. In the OpEd,
16 O'Keefe asserts, falsely, that "Neither I nor anyone else knows whether climate over the course of
17 this century will be a scientific curiosity or a serious ecological threat," when it was well known
18 for years, throughout the fossil fuel industry, that climate change posed a "serious ecological
19 threat." Since the 1970s and continuing today, Defendants have also advertised in print
20 publications circulated widely to Washington consumers, including, but not limited to: The
21 Atlantic, The Economist, Fortune Magazine, The New York Times, People, Sports Illustrated,
22 Time Magazine, The Washington Post, Newsweek, and The Wall Street Journal.

23 133. The Western States Petroleum Association (WSPA) is one of the oldest oil and gas
24 trade associations in the United States. Exxon, Shell, Chevron, and BP are members, among others.
25 InfluenceMap describes the organization as "actively engaged on climate policy with strongly
26 negative positions, particularly on state-level policy in California, Washington, and Oregon."
27
28

1 WSPA has lobbied against bills designed to reduce emissions, including by working to establish a
 2 network of “citizen activist” groups in western states.³¹

3 134. Two key documents obtained by the House Oversight Committee reveal BP’s
 4 comprehensive campaign in Washington, in collaboration with WSPA, to oppose state and local
 5 policies that would have cut climate-warming emissions. After a Washington County proposed an
 6 ordinance that would require one of BP’s refineries to reduce its carbon emissions and make it
 7 more difficult to obtain permits to expand or upgrade refineries, BP launched a statewide campaign
 8 to oppose it. In an internal memorandum, BP outlined a planned “\$300,000 advocacy campaign to
 9 build opposition to the proposal in its current form and persuade local officials to amend, postpone,
 10 or give up on the plan.” The document noted that WSPA would “also run a coordinated \$200,000
 11 grassroots voter activation campaign on behalf of its membership.” In the memorandum, BP
 12 explained that, “given the opposition to our industry in this area of the United States[,] ... we are
 13 also developing a comprehensive Washington State strategy” for “managing business and
 14 reputational risk from our West Coast operations” in the long-term.³²

15 135. A document from a few months after the memorandum shows how BP’s statewide
 16 strategy evolved. In the document, BP identified a handful of key actions and investments to exert
 17 its influence in the region. BP planned to enhance “external education, community engagement,
 18 political influence and advocacy [that] can change the narrative, stem the flow of bad policy and
 19 create opportunities for business growth.” The team asked for a “significant increase in C&EA
 20 funding” as well as \$2.5 million to construct a salmon hatchery that, officials believed, “would
 21 change the dynamic of how the public and elected officials view the refinery.” The team requested
 22 between \$2.5 and \$4.5 million for “hard persuasion” tactics, such as television advertising, and
 23 \$300,000 for “soft persuasion” to be invested in the community and grow support that “will be
 24 helpful with elected officials.” BP believed that its Washington strategy was necessary because it
 25
 26

27 ³¹ 2014, Congressional Joint Staff Report: *Denial, Disinformation, and Doublespeak: Big Oil’s Evolving Efforts*
 28 *to Avoid Accountability for Climate Change.*

³² *Id.*

1 feared that its reputation would “only get worse unless we change the public’s perception of us
2 and the elected official’s lack of respect for our business.”³³

3 136. The causes of action arise from and/or relate to Defendants’ transaction of business
4 within Washington, commission of tortious acts within this State, and/or ownership, use, or
5 possession of any real estate situated in this State. Defendants, in coordination with trade
6 organizations, including Defendant API, conspired to conceal and misrepresent the known dangers
7 of burning fossil fuels, to knowingly withhold material information regarding the consequences of
8 using fossil fuel products, to spread knowingly false and misleading information to the public
9 regarding the weight of climate science research, and to promote consumer demand for fossil fuel
10 products, which they knew were harmful.

11 137. Through their own actions and through their membership and/or participation in
12 climate denialist front groups, each Defendant was and is a member of that conspiracy. Defendants
13 committed substantial acts to further the conspiracy in Washington by making misrepresentations
14 and misleading omissions to Washington consumers about the existence, causes, and effects of
15 global warming; by affirmatively promoting the Defendants’ fossil fuel products as safe, with
16 knowledge of the disastrous impacts that would result from the intended use of those products; and
17 by failing to warn Washington consumers about the disastrous impacts of fossil fuel use.

18 138. Defendants conduct and its effects, including extreme and unprecedented weather
19 events, directly impacts the people of Washington³⁴ and a substantial effect of this conspiracy has
20 manifested itself in Washington in the form of increased insurance premiums resulting directly
21 from the extreme heat, severe droughts, water shortages, catastrophic wildfires, massive storms,
22 and flooding that Defendants knew and actually foresaw would result from their unlawful and
23 deceptive conduct.

24 139. Venue is appropriate in this District pursuant to 28 U.S.C. §1391(b).

26 ³³ *Id.*

27 ³⁴ Snover, A.K., C.L. Raymond, H.A. Roop, H. Morgan, 2019. No Time to Waste. The Intergovernmental Panel
28 on Climate Change’s Special Report on Global Warming of 1.5°C and Implications for Washington State. Briefing
paper prepared by the Climate Impacts Group, University of Washington, Seattle.

IV. FACTUAL ALLEGATIONS

A. Unabated And Ever-Increasing Fossil Fuel Sales Driven By The Defendants' Deceptive And Unlawful Conduct And Their Insatiable Appetite For Profits Are Driving Climate Change

140. Defendants' promotion and sale of fossil fuels has exploded since World War II, driving a concurrent and dramatic rise in greenhouse gas emissions (GHG), including CO₂. In fact, the vast bulk of all anthropogenic³⁵ GHG emissions in history have occurred from the 1950s to the present, a period known as the "Great Acceleration."³⁶ Approximately three-quarters of all industrial CO₂ emissions in history have occurred since the 1960s.³⁷ And more than half have occurred since the early 1990s.³⁸

141. Fossil fuel emissions—especially CO₂—are far and away the dominant driver of climate change.³⁹

142. As GHG pollution accumulates in the atmosphere, some of which does not dissipate for potentially thousands of years (namely CO₂), climate changes and consequent adverse environmental changes compound, and their frequencies and magnitudes increase—a phenomenon about which Defendants were keenly aware for decades. As those adverse environmental changes compound and their frequencies and magnitudes increase, so too do the physical, environmental, economic, and social injuries that result from them.

143. Defendants' accumulating, increasing, and ongoing fossil fuel sales – sales facilitated and maximized by the climate deception campaign described herein – have resulted in catastrophic consequences, including, but not limited to, extreme weather-related events, including deadly wildfires, floods, and storms, which, in turn, have caused a significant increase in the

³⁵ The term "anthropogenic" is defined by the Merriam Webster Dictionary as "of, or relating to, or resulting from the influence of human beings on nature." Merriam Webster Dictionary, Anthropogenic, <https://perma.cc/LV59-6Y62>.

³⁶ Will Steffen et al., The Trajectory of the Anthropocene: The Great Acceleration, 2 The Anthropocene Rev. 81, 81 (2015).

³⁷ R. J. Andres et al., A Synthesis of Carbon Dioxide Emissions from Fossil-Fuel Combustion, 9 Biogeosciences 1845, 1851 (2012); Glob. Carbon Budget, The Latest GCB Data, <https://globalcarbonbudgetdata.org/latest-data.html>.

³⁸ *Id.*

³⁹ See Intergovernmental Panel on Climate Change ("IPCC"), Summary for Policymakers, in Climate Change 2021: The Physical Science Basis. Contribution of Working Group I in the Sixth Assessment; Peter C. Frumhoff et al., The climate responsibilities of industrial carbon producers, Climatic Change 132:157-171 (2015) (hereinafter Frumhoff 2015) Report 4–9 (2021), <https://perma.cc/WQS2-2VRK>.

insurance premiums homeowners are being forced to pay. Defendants GHG emissions total just under one-third of all of the collective GHG emissions in history. Their unlawfully boosted fossil fuel sales are much more than a substantial contributing factor to the damages the Plaintiffs seek here.

B. Big Tobacco Redux

144. As set forth below, the tactics Defendants’ employed to maximize and protect massive fossil fuel sales and profits in the face of growing public awareness of the dangerous consequences those sales posed – including outright denial, claiming uncertainty when there was in fact a scientific consensus, and secretly funding, then publicly promoting fringe scientific theories as evidence of a true scientific debate – mirrored the tactics that cigarette companies used to persuade consumers that smoking did not cause cancer:

The tobacco fraud operation became the fossil fuel fraud operation: same entities, same people, same tactics. For years, the fossil fuel industry used that operation, and expanded and multiplied that operation, to sow false doubt about climate science and to fraudulently suggest we’d all be worse off if we solved the fossil fuel emissions problem.^[40]

C. They Knew All Along

145. Defendants began studying the climate-related impacts of their fossil fuel sales for decades, developing a sophisticated and early understanding of the causal relationship between the two that was not available to the public.

146. Since at least the 1950s, Defendants knew that their products caused climate change, and that the unabated sale of their fossil fuels would have severe environmental and social consequences.

147. Defendants also knew, by at least the early 1980s, that urgent action was necessary and that there was “no leeway” for delay.

148. Defendants were also very much aware of the risk the public’s accurate knowledge of climate change science posed to their business model.

⁴⁰ <https://www.whitehouse.senate.gov/news/speeches/time-to-wake-up-301-a-dangerous-precipice/>.

149. In 1954, the American Petroleum Institute (API), the industry's main trade association, learned from geochemist Harrison Brown and his colleagues at the California Institute of Technology that fossil fuels had caused atmospheric carbon dioxide levels to increase by about 5% since 1840.⁴¹

150. API continued to fund measurements of carbon dioxide levels thereafter, but did not share the results publicly.⁴²

151. In 1959, physicist Edward Teller warned API members, including Defendants, that "a temperature rise corresponding to a 10[%] increase in carbon dioxide will be sufficient to melt the icecap and submerge ... [a]ll the coastal cities ... this chemical contamination is more serious than most people tend to believe."⁴³

152. In 1965, President Lyndon Johnson's Science Advisory Committee (SAC) reported that burning fossil fuels was adding carbon dioxide to the Earth's atmosphere and could lead to uncontrollable and significant changes in the Earth's climate, and rapid sea-level rise.⁴⁴

153. The contents of the SAC report were not widely distributed to the public, but API promptly discussed this report with its members, including Defendants, stating: "[t]he substance of the report is that there is still time to save the world's peoples from the catastrophic consequence of pollution, but time is running out."⁴⁵ API's President emphasized the report's finding that "the pollution from internal combustion engines is so serious, and is growing so fast, that an alternative nonpolluting means of powering automobiles, buses, and trucks is likely to become a national necessity."⁴⁶

⁴¹ Benjamin Franta, Early Oil Industry Knowledge of CO₂ and Global Warming, 8 Nature Climate Change 1024, 1024–25 (2018).

⁴² *Id.*

⁴³ Edward Teller, Energy Patterns of the Future, in Energy and Man: A Symposium 53–72 (1960).

⁴⁴ President's Science Advisory Committee, Restoring the Quality of Our Environment: Report of the Environmental Pollution Panel 9, 119–24 (Nov. 1965), <https://hdl.handle.net/2027/uc1.b4315678>.

⁴⁵ See Franta, Early Oil Industry Knowledge of CO₂ and Global Warming at 1024–25.

⁴⁶ *Id.*

1 154. API subsequently commissioned research on carbon dioxide pollution from the
2 Stanford Research Institute.⁴⁷

3 155. In 1968, the SRI scientists informed API that “[p]ast and present studies of CO₂ are
4 detailed and seem to explain adequately the present state of CO₂ in the atmosphere.” They warned
5 there was “no doubt” that the “potential damage to our environment could be severe.”⁴⁸

6 156. In a supplemental report the next year (1969), the Stanford Research Institute
7 projected that, if present fossil fuel consumption trends continued, the concentration of carbon
8 dioxide in the atmosphere would reach 370 parts per million (“ppm”) by 2000. The report explicitly
9 connected the rise in CO₂ levels to the combustion of fossil fuels, finding it “unlikely that the
10 observed rise in atmospheric CO₂ has been due to changes in the biosphere.” The scientists’
11 projection was accurate. In 2000, the concentration of carbon dioxide in the atmosphere was
12 369.64 ppm.⁴⁹

13 157. API shared this research with Defendants. In 1972, API members received a status
14 report on all environmental research projects funded by API. The report summarized the 1968 SRI
15 report describing the impact of fossil fuel products, including Defendants’, on the environment,
16 including global warming and attendant consequences.⁵⁰

17 158. Exxon also researched climate science. In the 1970s and 1980s, Exxon scientists
18 confirmed that burning fossil fuels was the dominant source of carbon dioxide pollution and
19 accurately predicted future concentrations of carbon dioxide and the associated rise in temperature.
20 They briefed management at the highest levels of their findings.

21 159. In 1977, James Black, an Exxon scientist, briefed Exxon management that “current
22 scientific opinion overwhelmingly favors attributing atmospheric carbon dioxide increase to fossil
23

24 ⁴⁷ Elmer Robinson & R.C. Robbins, Sources, Abundance, and Fate of Gaseous Atmospheric Pollutants, Stanford
25 Rsch. Inst. (Feb. 1968), <https://www.smokeandfumes.org/documents/document16>.

26 ⁴⁸ Elmer Robinson & R.C. Robbins, Sources, Abundance, and Fate of Gaseous Atmospheric Pollutants
Supplement, Stanford Rsch. Inst. (June 1969).

27 ⁴⁹ NASA Goddard Institute for Space Studies, Global Mean CO₂ Mixing Ratios (ppm): Observations,
<https://data.giss.nasa.gov/modelforce/ghgases/Fig1A.ext.txt>.

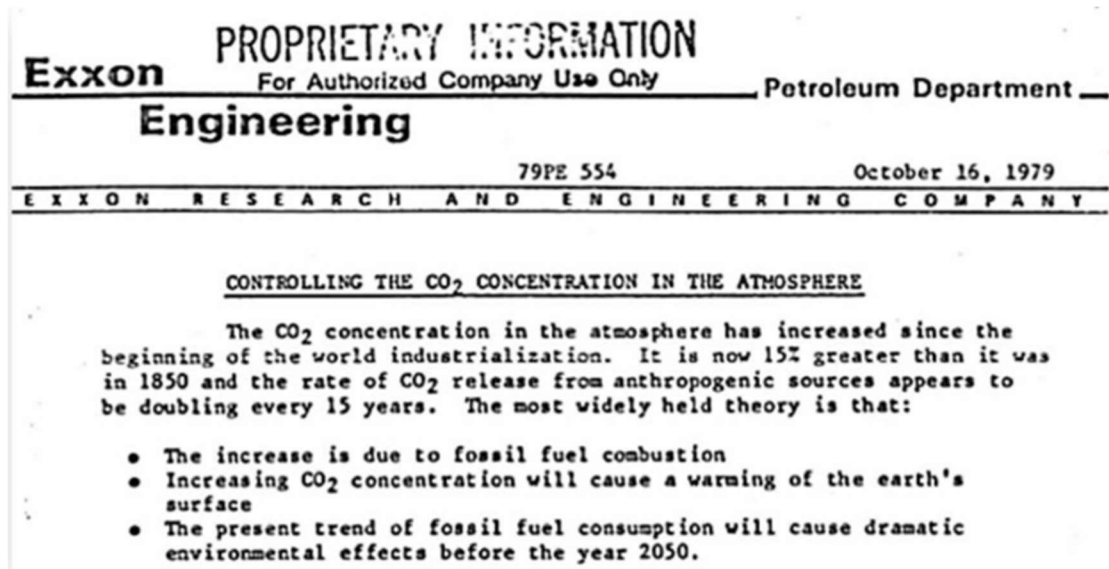
28 ⁵⁰ American Petroleum Institute, Environmental Research, A Status Report, Committee for Air and Water
Conservation (Jan. 1972).

fuel consumption,” and doubling atmospheric carbon dioxide would, according to the best climate model available, “produce a mean temperature increase of about 2°C to 3°C” by 2050.⁵¹

160. Black’s predictions were correct. In 2023, independent researchers confirmed that the observed change in temperature closely tracked his 1977 prediction.⁵²

161. Black highlighted the need to make “hard decisions regarding changes in energy strategies” in the next 5-10 years (i.e., before 1987) to avoid these harms.⁵³

162. A confidential Exxon internal document from 1979 (The Proprietary October 19, 1979 Memo) stated plainly that the “most widely held theory of climate change was that it was “due to fossil fuel combustion” and that the present trend of fossil-fuel consumption “will cause dramatic environmental effects before the year 2050”⁵⁴:



163. Throughout the 1970s, it was also becoming increasingly clear that widespread acceptance of climate change as being driven by fossil fuels could have serious implications for the Defendants’ business model.

⁵¹ Letter from J.F. Black, Exxon Research and Engineering Co., to F.G. Turpin, Exxon Research and Engineering Co., The Greenhouse Effect, ClimateFiles (June 6, 1978), <http://www.climatefiles.com/exxonmobil/1978-exxon-memo-on-greenhouse-effect-for-exxoncorporation-management-committee>.

⁵² G. Supran et al., Assessing ExxonMobil’s global warming projections. *Science* 379, eabk0063(2023). DOI: 10.1126/science.abk0063. <https://www.science.org/doi/10.1126/science.abk0063>.

⁵³ *Id.*

⁵⁴ R.L. Mastracchio & L.E. Hill, Proprietary Memorandum to R. L. Hirsch: Controlling Atmospheric CO₂ (Oct. 16, 1979), <http://www.climatefiles.com/exxonmobil/1979-exxon-memo-on-potential-impact-of-fossil-fuel-combustion>.

164. In 1977, Exxon scientist Henry Shaw circulated a memo to colleagues pointing out that the climatic effects of rising CO₂ “may be the primary limiting factor on energy production from fossil fuels over the next few centuries.”⁵⁵

165. In a 1979 memorandum, Shaw wrote: “It behooves us to start a very aggressive defensive program in the indicated areas of atmospheric science and climate because there is a good probability that legislation affecting our business will be passed.”⁵⁶

166. A 1979 letter from Exxon’s director of research, Edward David, to senior vice president George T. Piercy states that Exxon’s ongoing research “could well influence Exxon’s view about the long-term attractiveness of coal and synthetics relative to nuclear and solar energy.”⁵⁷

167. The Proprietary October 19, 1979 Memo highlighted that “dramatic changes in patterns of energy use would be required” to avoid environmental damage. Significantly, the memo said that in order to limit CO₂ emissions to avoid these harms, fossil fuel emissions would have to peak in the 1990s and alternative energies would need to be rapidly deployed. Eighty percent of fossil fuel resources would remain undeveloped; thus “coal and possibly other fossil fuel resources could not be utilized to an appreciable extent.” Certain fossil fuels, such as shale oil, could not be substantially exploited at all.⁵⁸

168. In 1979, API and its members, including Defendants, convened a Task Force to monitor and share cutting-edge climate research among the oil industry. The group was initially called the CO₂ and Climate Task Force, but in 1980 changed its name to the Climate and Energy Task Force (hereinafter referred to as “API CO₂ Task Force”). Membership included senior scientists and engineers from nearly every major U.S. and multinational oil-and-gas company,

⁵⁵ Henry Shaw, Interoffice Correspondence to John W. Harrison: Environmental Effects of Carbon Dioxide (Oct. 31, 1977), <http://www.climatefiles.com/exxonmobil/1977-exxon-memo-about-doe-environmental-advisory-committee-subgroup-studying-CO2-effects>.

⁵⁶ Henry Shaw, Interoffice Correspondence to H.N. Weinberg: Research in Atmospheric Science (Nov. 19, 1979), <http://www.climatefiles.com/exxonmobil/1979-exxon-memo-on-atmospheric-science-research-to-influence-legislation>.

⁵⁷ Edward David, Proprietary Memorandum to George Piercy (Nov. 9, 1979), <https://insideclimate.news.org/documents/letters-senior-vps-1980>.

⁵⁸ Letter from W.L. Ferrall, Exxon Research and Engineering Co., to Dr. R.L. Hirsch, Controlling Atmospheric CO₂, Climate Investigations Ctr. (Oct. 16, 1979), <https://www.industrydocuments.ucsf.edu/docs/mqwl0228>.

1 including Exxon and Mobil (ExxonMobil), among others. The Task Force was charged with
2 monitoring government and academic research, evaluating the implications of emerging science
3 for the petroleum and gas industries.⁵⁹

4 169. In 1979, API prepared a background paper on CO₂ and climate for the API CO₂
5 Task Force, stating that CO₂ concentrations were rising steadily in the atmosphere, and predicting
6 when the first clear effects of global warming might be detected. The API reported to its members
7 that although global warming would occur, it would likely go undetected until approximately the
8 year 2000, because the API believed its effects were being temporarily masked by a natural cooling
9 trend.⁶⁰

10 170. In 1980, the API CO₂ Task Force met with Dr. John Laurmann, “a recognized
11 expert in the field of CO₂ and climate.” The meeting included a “complete technical discussion”
12 of global warming caused by fossil fuels, including “the scientific basis and technical evidence of
13 CO₂ buildup, impact on society, methods of modeling and their consequences, uncertainties, policy
14 implications, and conclusions that can be drawn from present knowledge.” Representatives from
15 Exxon and API were present, and the minutes of the meeting were distributed to the entire API
16 CO₂ Task Force. Laurmann informed the Task Force of the “scientific consensus on the potential
17 for large future climatic response to increased CO₂ levels” and that there was “strong empirical
18 evidence that [the carbon dioxide] rise [was] caused by anthropogenic release of CO₂, mainly from
19 fossil fuel burning.” Unless fossil fuel production and use were controlled, Laurmann explained,
20 atmospheric CO₂ would be twice preindustrial levels by 2038, with “likely impacts” including
21 “catastrophic effects” along the following trajectory:

22
23
24
25
26 ⁵⁹ Neela Banerjee, Exxon’s Oil Industry Peers Knew About Climate Dangers in the 1970s, Too, Inside Climate
27 News (Dec. 22, 2015), <https://insideclimatenews.org/news/22122015/exxonmobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco>.

28 ⁶⁰ Memorandum from R.J. Campion to J.T. Burgess, The API’s Background Paper on CO₂ Effects, Climate
Investigations Ctr. (Sep. 6, 1979), <https://www.industrydocuments.ucsf.edu/docs/lqw10228>.

1 * **LIKELY IMPACTS:**

2 **1°C RISE (2005): BARELY NOTICEABLE**

3 **2.5°C RISE (2038): MAJOR ECONOMIC CONSEQUENCES, STRONG
REGIONAL DEPENDENCE**

4 **5°C RISE (2067): GLOBALLY CATASTROPHIC EFFECTS**

5 171. Laurmann also explained that, while some uncertainty remains, if achieving high
6 market penetration for new energy sources would require a long time, there was “no leeway” for
7 delay. The Task Force planned to research the “market penetration requirements of introducing a
8 new energy source into worldwide use.”⁶¹

9 172. During the 1980s, the API, including the API CO₂ Task Force, provided a forum
10 for fossil-fuel companies to share their research efforts and corroborate their findings related to
11 anthropogenic greenhouse-gas emissions.⁶² “The group’s members included senior scientists and
12 engineers from nearly every major U.S. and multinational oil and gas company[.]”⁶³ By virtue of
13 their membership and participation in API and/or as a result of their own analysis, all of the
14 Defendants and/or their predecessors in interest either received the SRI reports or were on notice
15 of their conclusions by no later than the early 1980s.

16 173. A 1980 memorandum from the Exxon Research and Engineering Company states
17 that “[t]here is little doubt that these observations indicate a growth in atmospheric CO₂. It is also
18 believed that the growth of atmospheric CO₂ has been occurring since the middle of the past
19 century, i.e., coincident with the start of the Industrial Revolution.”⁶⁴

20 174. Also in 1980, Imperial Oil Limited (an ExxonMobil subsidiary) reported to
21 managers and environmental staff at multiple affiliated Esso and Exxon companies that there was
22

23 ⁶¹ Letter from Jimmie J. Nelson, American Petroleum Institute, to AQ-9 Task Force, The CO₂ Problem;
24 Addressing Research Agenda Development, Climate Investigations Ctr. (Mar. 18, 1980), <https://www.industrydocuments.ucsf.edu/docs/gffl0228>.

25 ⁶² Neela Banerjee, Exxon’s Oil Industry Peers Knew About Climate Dangers in the 1970s, Too, Inside Climate
26 News (Dec. 22, 2015), <https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco> [https://perma.cc/QB22-KP6G].

27 ⁶³ *Id.*

28 ⁶⁴ Henry Shaw, General 7A Memorandum to T.K. Kett: CO₂ Greenhouse Effect (Dec. 18, 1980) (emphasis added), <http://www.climatefiles.com/exxonmobil/1980-exxon-memo-on-the-CO2-greenhouse-effect-and-current-programs-studying-the-issue>.

1 “no doubt” that fossil fuels were aggravating the build-up of CO₂ in the atmosphere.⁶⁵ Imperial
2 noted that “Technology exists to remove CO₂ from stack gases but removal of only 50% of the
3 CO₂ would double the cost of power generation.”

4 175. Also in 1980, Exxon manager Henry Shaw briefed management on the “CO₂
5 Greenhouse Effect.” Shaw’s briefing stated that burning fossil fuels was increasing carbon dioxide
6 levels and this would “most likely” result in global warming of approximately 3°C around the year
7 2060; that calculations predicting a lower temperature increase were “not held in high regard by
8 the scientific community”; that oceans could absorb some heat that could delay (but not prevent)
9 the temperature increase “by a few decades,” and that natural climate fluctuations would hide
10 global warming from carbon emissions until around the year 2000; and that the future impacts
11 would be “dramatic.”⁶⁶

12 176. Shaw also reported on Exxon’s research into “the market penetration of non-fossil
13 fuel technologies,” and reported that, all other things being equal, alternative energy “would need
14 about 50 years to penetrate and achieve roughly half of the total [energy] market.”⁶⁷

15 177. In 1981, Exxon staff sent an internal “Scoping Study on CO₂” to management
16 stating that “[e]nergy conservation or shifting to renewable energy sources[] represent the only
17 options that might make sense” in the future.⁶⁸

18 178. In 1981, Roger Cohen, an Exxon researcher, circulated a memorandum in which he
19 disagreed that climate change would be “well short of catastrophic”.⁶⁹

22 ⁶⁵ Imperial Oil Ltd, Review of Environmental Protection Activities for 1978-1979 (Aug. 6, 1980),
23 [http://www.documentcloud.org/documents/2827784-1980-Imperial-Oil-Review-of-Environmental.html#document/](http://www.documentcloud.org/documents/2827784-1980-Imperial-Oil-Review-of-Environmental.html#document/p2)
p2.

24 ⁶⁶ Memorandum from Henry Shaw to T.K. Kett, Exxon Research and Engineering Company’s Technological
25 Forecast: CO₂ Greenhouse Effect (Dec. 18, 1980), [https://www.documentcloud.org/documents/2805573-1980-](https://www.documentcloud.org/documents/2805573-1980-Exxon-Memo-SummarizingCurrent-Models-And.html)
Exxon-Memo-SummarizingCurrent-Models-And.html.

26 ⁶⁷ G. Supran et al., Assessing ExxonMobil’s global warming projections. *Science* 379, eabk0063(2023).
DOI:10.1126/science.abk0063. <https://www.science.org/doi/10.1126/science.abk0063>.

27 ⁶⁸ Letter from G.H. Long, Exxon Research and Engineering Co., to P.J. Lucchesi et al., Atmospheric CO₂ Scoping
Study, Climate Investigations Ctr. (Feb. 5, 1981), <https://www.industrydocuments.ucsf.edu/docs/yxf10228>.

28 ⁶⁹ Roger Cohen, Interoffice Correspondence to W. Glass (Aug. 18, 1981) [http://www.climatefiles.com/](http://www.climatefiles.com/exxonmobil/1981-exxon-memo-on-possible-emission-consequences-of-fossil-fuel-consumption)
exxonmobil/1981-exxon-memo-on-possible-emission-consequences-of-fossil-fuel-consumption.

INTER-OFFICE CORRESPONDENCE

DATE August 18, 1981

TO	REFERENCE
W. Glass	
FROM	SUBJECT
R. W. Cohen	

I have looked over the draft of the EED reply to the request from O'Loughlin. The only real problem I have is with the second clause of the last sentence in the first paragraph: "but changes of a magnitude well short of catastrophic..." I think that this statement may be too reassuring. Whereas I can agree with the statement that our best guess is that observable effects in the year 2030 are likely to be "well short of catastrophic", it is distinctly possible that the CPD scenario will later produce effects which will indeed be catastrophic (at least for a substantial fraction of the earth's population). This is because the global ecosystem in 2030 might still be in a transient, headed for much more significant effects after time lags perhaps of the order of decades. If this indeed turns out to be case, it is very likely that we will unambiguously recognize the threat by the year 2000 because of advances in climate modeling and the beginning of real experimental confirmation of the CO₂ effect. The effects of such a recognition on subsequent fossil fuel combustion are unpredictable, but one can say that predictions based only on our knowledge of availability and economics become hazardous.

I would feel more comfortable if the first paragraph concluded with a statement to the effect that future developments in global data gathering and analysis, along with advances in climate modeling, may provide strong evidence for a delayed CO₂ effect of a truly substantial magnitude, a possibility which increases the uncertainty surrounding the post-2000 CPD scenario.

179. A 1982 internal Exxon document (the "Cohen/Levine Memo") explicitly declared that the science was "unanimous" and that climate change would "bring about significant changes in the earth's climate":

[O]ver the past several years a clear scientific consensus has emerged regarding the expected climatic effects of increased atmospheric CO₂. The consensus is that a doubling of atmospheric CO₂ from its pre-industrial revolution value would result in an average global temperature rise of (3.0 + 1.5) °C... There is unanimous agreement in the scientific community that a temperature increase of this magnitude would bring about significant changes in the earth's climate, including rainfall distribution and alterations in the biosphere.⁷⁰

180. In 1982, Exxon's Environmental Affairs Manager distributed a confidential primer on climate change to a "wide circulation [of] Exxon management ... intended to familiarize Exxon personnel with the subject."⁷¹

⁷⁰ Roger Cohen & Duane Levine, Memorandum to A.M. Natkin (Aug. 25, 1982) (emphasis added), <http://www.climatefiles.com/exxonmobil/1982-exxon-memo-summarizing-climate-modeling-and-CO2-greenhouse-effect-research>.

⁷¹ M.B. Glaser, Memorandum to Distribution List: CO₂ "Greenhouse" Effect (Nov. 12, 1982), <http://www.climatefiles.com/exxonmobil/1982-memo-to-exxon-management-about-CO2-greenhouse-effect/> (hereinafter Glaser Memo 1982).

181. The primer warned of many climate impacts Exxon had acknowledged in other memos, including “potentially catastrophic effects.”⁷² It also warned of feedback loops—events triggered by warming that could release massive amounts of greenhouse gasses, leading to even further warming.

182. The primer discussed an analysis from the Massachusetts Institute of Technology and Oak Ridge National Laboratory, which studied energy alternatives and requirements for introducing them into widespread use, and which recommended that “vigorous development of non-fossil energy sources be initiated as soon as possible.”⁷³ The primer advised that “Mitigation of the ‘greenhouse effect’ would require major reductions in fossil fuel combustion.”

183. In 1982, the Director of Exxon’s Theoretical and Mathematical Sciences Laboratory, Roger Cohen, wrote Alvin Natkin of Exxon’s Office of Science and Technology stating that “a clear scientific consensus has emerged ... that a doubling of atmospheric CO₂ would result in an average global temperature rise of $(3.0 \pm 1.5)^\circ\text{C}$ There is unanimous agreement in the scientific community that a temperature increase of this magnitude would bring about significant changes in the earth’s climate... The time required for doubling of atmospheric CO₂ depends on future world consumption of fossil fuels.” Cohen noted that “the results of our [Exxon’s] research are in accord with the scientific consensus on the effect of increased atmospheric CO₂ on climate.”⁷⁴

184. Exxon Management was also advised that “once the effects [of global warming] are measurable, they might not be reversible.”⁷⁵

185. In 1988, Shell issued a confidential internal report acknowledging that burning fossil fuels is a primary driver of global warming and would “create significant changes in sea level, ocean currents, precipitation patterns, regional temperature and weather.” “[B]y the time the

⁷² Memorandum from M.B. Glaser, CO₂ “Greenhouse” Effect, Exxon Research and Engineering Company (Nov. 12, 1982), [https://insideclimatenews.org/wp-content/uploads/2015/09/1982-Exxon-Primer-on-CO₂-Greenhouse-Effect.pdf](https://insideclimatenews.org/wp-content/uploads/2015/09/1982-Exxon-Primer-on-CO2-Greenhouse-Effect.pdf).

⁷³ *Id.*

⁷⁴ Memorandum from Roger W. Cohen, Exxon Research and Engineering Co., to A.M. Natkin, Exxon Corp. Office of Science and Technology, ClimateFiles (Sept. 2, 1982), [http://www.climatefiles.com/exxonmobil/1982-exxon-memo-summarizing-climate-modelingand-CO₂-greenhouse-effect-research](http://www.climatefiles.com/exxonmobil/1982-exxon-memo-summarizing-climate-modelingand-CO2-greenhouse-effect-research).

⁷⁵ Glaser Memo 1982.

1 global warming becomes detectable it could be too late to take effective countermeasures to reduce
 2 the effects or even to stabilize the situation.” The report emphasized that “the potential implications
 3 for the world are ... so large that policy options [to reduce emissions] need to be considered much
 4 earlier.” Thus, rather than research “what the world may be facing exactly,” research should be
 5 directed to ways to reduce emissions and alternate energy options.⁷⁶

6 186. Shell also acknowledged that: “it is possible that perception of a serious
 7 environmental threat [such as climate change] could swing opinion away from fossil fuel
 8 combustion and lead to a revival of interest in conservation, renewable sources and particularly
 9 nuclear energy.”⁷⁷ In assessing the “[i]mplications for Shell Companies ... Group Planning felt
 10 there was a possibility that an increasing awareness of the greenhouse effect might change people’s
 11 attitudes towards non-fossil energy sources, especially nuclear.”⁷⁸

12 187. Ken Croasdale, a senior ice researcher for Exxon’s subsidiary Imperial Oil, stated
 13 to an audience of engineers in 1991 that greenhouse gases are rising “due to the burning of fossil
 14 fuels. Nobody disputes this fact.”⁷⁹

15 188. In a confidential 1989 scenario planning report, Shell noted that evidence “that
 16 mankind and his actions could affect the climate ... is strong and accumulating fast.” In that report,
 17 Shell evaluated a scenario it called “Sustainable World,” which would address climate change by
 18 reducing CO₂ emissions to 1989 levels by 2010. Contrasting the “Sustainable World” scenario
 19 with another scenario titled “Global Mercantilism,” Shell reported that under a “Sustainable
 20 World” scenario, global temperatures would likely increase between 0.5 and 1.5 degrees Celsius
 21 from CO₂ concentration increases that had already occurred by 1989, but the scenario “could
 22 mitigate the problem.” In contrast, under the “Global Mercantilism” scenario, which forecasted a
 23
 24

25 ⁷⁶ Shell Internationale Petroleum, Greenhouse Effect Working Group, The Greenhouse Effect (May 1988),
 26 <https://www.documentcloud.org/documents/4411090-Document3.html#document/p9/a411239>; <https://s3.documentcloud.org/documents/4411090/Document3.pdf>.

27 ⁷⁷ *Id.*

28 ⁷⁸ *Id.*

⁷⁹ Ronald C. Kramer, Carbon Criminals, Climate Crimes (1st ed. 2020).

1 continual increase in CO₂ emissions, CO₂ concentrations and temperatures would rise considerably
 2 higher.⁸⁰

3 189. In another scenario, published in a 1998 internal report, Shell paints a disturbingly
 4 prescient scene:

5 In 2010, a series of violent storms causes extensive damage to the
 6 eastern coast of the US. Although it is not clear whether the storms
 7 are caused by climate change, people are not willing to take further
 8 chances. The insurance industry refuses to accept liability, setting
 9 off a fierce debate over who is liable: the insurance industry, or the
 10 government. After all, two successive IPCC reports since 1995 have
 11 reinforced the human connection to climate change ... Following
 12 the storms, a coalition of environmental NGOs brings a class action
 13 suit against the US government and fossil-fuel companies on the
 grounds of neglecting what scientists (including their own) have
 been saying for years: that something must be done. A social
 reaction to the use of fossil fuels grows, and individuals become
 ‘vigilante environmentalists’ in the same way, a generation earlier,
 they had become fiercely anti-tobacco. Direct-action campaigns
 against companies escalate. Young consumers, especially, demand
 action.^[81]

14 **D. They Made A Conscious And Deliberate Choice To Lie In Order To Protect Their Profits**

15 190. As discussed above, Defendants realized long ago that accurate consumer and
 16 public understanding of the dangers of fossil fuels would pose a paramount threat to Fossil Fuel
 17 Defendants’ business model, their assets, and their enormous profits.

18 191. The late 1980s marked a turning point: climate change began to be more widely
 19 recognized and publicly discussed, and Defendants efforts to silence the facts began to crack.

20 192. In 1988, NASA scientist James Hansen testified at a congressional hearing “with
 21 99% confidence” that global warming was already occurring.⁸² The testimony was widely
 22 publicized, including coverage on the front page of The New York Times.

23 193. The same year, the United Nations formed the Intergovernmental Panel on Climate
 24 Change (IPCC) and members of U.S. Congress introduced “The National Energy Policy Act of

25 ⁸⁰ Shell Internationale Petroleum, Greenhouse Effect Working Group, The Greenhouse Effect (May 1988) pp. 1,
 26 27, available at <https://www.documentcloud.org/documents/4411090-Documents3/>.

27 ⁸¹ Royal Dutch Shell Group, Group Scenarios 1998–2020 (1998) pp. 115, 118, available at <http://www.documentcloud.org/documents/4430277-27-1-Compiled.html>.

28 ⁸² Amy Lieberman & Susanne Rust, Big Oil braced for global warming while it fought regulations, Los Angeles Times (Dec. 31, 2015) (hereinafter Lieberman & Rust 2015).

1 1988,” which intended to “establish a national energy policy that will quickly reduce the generation
 2 of carbon dioxide and [other] trace gases as quickly as is feasible in order to slow the pace and
 3 degree of atmospheric warming ... to protect the global environment.”⁸³

4 194. In 1992, the United Nations held its Earth Summit in Rio de Janeiro and adopted
 5 the United Nations Framework Convention on Climate Change (UNFCCC), which is an
 6 international treaty with the aim of stabilizing the concentration of greenhouse gases to avoid the
 7 most catastrophic impacts of climate change. By 1997, the UNFCCC had adopted the Kyoto
 8 Protocol, which put the obligation to reduce greenhouse-gas emissions on developed countries on
 9 the basis that they are historically responsible for the rising levels of greenhouse gases in the
 10 atmosphere.

11 195. The IPCC issued its first report in 1990 and a supplement in 1992. The IPCC
 12 concluded that “emissions from human activities are substantially increasing the atmospheric
 13 concentrations of greenhouse gases.” Burning fossil fuels was responsible for 70-90% of those
 14 emissions. The increase in greenhouse gasses will warm the Earth’s surface, leading to serious
 15 environmental damage. The IPCC found sufficient evidence of these risks to justify immediate
 16 “use of cleaner, more efficient energy sources with lower or no emissions of greenhouse gases.”⁸⁴

17 196. Defendants were well aware of the risk the public’s clear knowledge of the effect
 18 of climate change posed to their business.⁸⁵ For example, a slide presentation prepared by a
 19 Princeton researcher funded through BP’s CMI titled “The Challenge of Climate Change” reveals
 20 BP’s understanding of the threats to BP’s core business posed by a shift from fossil fuel
 21 consumption to lower carbon alternatives: “the climate problem has the potential to disrupt BP’s
 22 core business” because “effective climate policies can emerge that discourage fossil fuel
 23 consumption ... and that subsidize or otherwise promote efficiency and low carbon energy.”
 24
 25

26 ⁸³ Frumhoff 2015, *supra*.

27 ⁸⁴ IPCC, Climate Change: The IPCC Scientific Assessment xi (1990), <https://www.ipcc.ch/report/climate-change-the-ipcc-1990-and-1992-assessments>.

28 ⁸⁵ 2014, Congressional Joint Staff Report: *Denial, Disinformation, and Doublespeak: Big Oil’s Evolving Efforts to Avoid Accountability for Climate Change*.

197. In response to the public's growing knowledge, and the associated risk to their business model, Defendants made a conscious and deliberate choice to protect their profits by engaging in a deliberate decades-long misinformation campaign intended to sow doubt about the conclusions they themselves had reached about the substantial consequences that the sale of their products would have.

198. In a secretly recorded video from 2021, an Exxon executive stated:

Did we aggressively fight against some of the science? Yes.

Did we join some of these shadow groups to work against some of the early efforts? Yes, that's true. There's nothing illegal about that.

We were looking out for our investments. We were looking out for our shareholders.⁸⁶

199. In 1988, Joseph Carlson, an Exxon public affairs manager, stated in an internal memo that Exxon "is providing leadership through API in developing the petroleum industry position" on climate change.⁸⁷ The "Exxon Position" would, in pertinent part, be to:

EMPHASIZE THE UNCERTAINTY IN SCIENTIFIC CONCLUSIONS REGARDING THE POTENTIAL ENHANCED GREENHOUSE EFFECT.

RESIST THE OVERSTATEMENT AND SENSATIONALIZATION OF POTENTIAL GREENHOUSE EFFECT WHICH COULD LEAD TO NONECONOMIC DEVELOPMENT OF NONFOSSIL FUEL RESOURCES.

200. In 2019, Professor Martin Hoffert, a physicist and Exxon consultant in the 1980s, testified to Congress about Exxon's "climate science denial program campaign," stating:

[O]ur research [at Exxon] was consistent with findings of the United Nations Intergovernmental Panel on Climate Change on human impacts of fossil fuel burning, which is that they are increasingly having a perceptible influence on Earth's climate... . If anything, adverse climate change from elevated CO₂ is proceeding faster than the average of the prior IPCC mild projections and fully consistent with what we knew back in the early 1980's at Exxon... . I was greatly distressed by the climate science denial program campaign that Exxon's front office launched around the time I stopped

⁸⁶ Jeff Brady, Exxon Lobbyist Caught on Video Talking About Undermining Biden's Climate Push, NPR (July 1, 2021, 11:37 AM ET), <https://perma.cc/MAZ7-TLG4>.

⁸⁷ Memorandum from Joseph M. Carlson, The Greenhouse Effect (Aug. 3, 1988), <https://assets.documentcloud.org/documents/3024180/1998-Exxon-Memo-on-the-GreenhouseEffect.pdf>.

working as a consultant—but not collaborator—for Exxon. The advertisements that Exxon ran in major newspapers raising doubt about climate change were contradicted by the scientific work we had done and continue to do. Exxon was publicly promoting views that its own scientists knew were wrong, and we knew that because we were the major group working on this.⁸⁸

201. Defendants formed the International Petroleum Industry Environmental Conservation Association to coordinate the industry’s response to the public’s growing awareness of climate change. Within the Association, Defendants participated in a “Working Group on Global Climate Change.” In 1990, the Working Group sent a strategy memo to Defendants and hundreds of other oil companies. The memo explained that, to forestall a global shift away from burning fossil fuels for energy, the industry should emphasize uncertainties in climate science, call for further research, and promote industry-friendly policies that would leave the fossil-fuel business intact.⁸⁹

202. In 1991, the Information Council for the Environment, whose members included Defendants, launched a national climate change science denial campaign with full-page newspaper ads, radio commercials, a public relations tour schedule, “mailers,” and research tools to measure campaign success. The campaign’s top strategy was to:

1. Reposition global warming as theory (not fact).

203. Its target audiences included younger, lower-income women who “are likely to be ‘green’ consumers, to believe the earth is warming, and to think the problem is serious These women are good targets for magazine advertisements.”⁹⁰

⁸⁸ Examining the Oil Industry’s Efforts to Suppress the Truth About Climate Change, Hearing Before the Subcomm. on Civil Rights and Civil Liberties of the Comm. on Oversight and Reform, 116th Cong. 7–8 (Oct. 23, 2019) (statement of Martin Hoffert, Former Exxon Consultant, Professor Emeritus, Physics, New York University), <https://oversight.house.gov/hearing/subcommittee-on-civil-rights-climate-change/>.

⁸⁹ Benjamin A. Franta, Big Carbon’s Strategic Response to Global Warming, 1950-2020 140 (2022), <https://purl.stanford.edu/hq437ph9153>.

⁹⁰ Union of Concerned Scientists, Deception Dossier #5: Coal’s “Information Council on the Environment” Sham (1991), <https://www.ucsusa.org/sites/default/files/attach/2015/07/TheClimate-Deception-Dossiers.pdf>.

1 204. The campaign planned to “use a spokesman from the scientific community” based
 2 on consumer research that found “technical and expert sources have the highest credibility among
 3 a broad range of members of the public.”⁹¹

4 205. In 1994, an internal Shell report similarly described its public relations plan to
 5 emphasize:⁹²

6 **Scientific uncertainty and the evolution of energy systems indicate that policies to curb**
 7 **greenhouse gas emissions beyond 'no regrets' measures could be premature, divert**
 8 **resources from more pressing needs and further distort markets.**

9 206. In 1998, API formed the Global Climate Science Communications Team, including
 10 representatives from Exxon, API, and Chevron. There were no scientists on the Science
 11 Communications Team. The Science Communications Team enlisted several Defendant-funded
 12 front groups to participate, as well as a front group created by cigarette-maker Phillip Morris, “The
 13 Advancement of Sound Science Coalition,” and its executive director, Steve Milloy, to assist.
 14 Philip Morris had created and funded “The Advancement of Sound Science Coalition” to act as a
 15 seemingly more credible and independent voice to claim that second-hand smoke did not cause
 16 cancer or heart disease. API and Defendants paid The Advancement of Sound Science Coalition
 17 and Steve Milloy to spread doubt about climate science in the same way that it spread doubt about
 18 smoking and cancer.⁹³

19 207. The Global Climate Science Communications Team “developed an action plan to
 20 inform the American public that science does not support the precipitous actions Kyoto would
 21 dictate [i.e., reducing use of fossil fuels].” According to the plan:

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23
24
25 ⁹¹ *Id.*

26 ⁹² Shell Internationale Petroleum, Greenhouse Effect Working Group, The Greenhouse Effect (May 1988),
 27 <https://www.documentcloud.org/documents/4411090-Documents3.html#document/p9/a411239>.

28 ⁹³ Union of Concerned Scientists, Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big Tobacco’s Tactics to
 Manufacture Uncertainty on Climate Science (July 16, 2007), <https://www.ucsusa.org/resources/smoke-mirrors-hot-air>.

Victory Will Be Achieved When

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

208. The Global Climate Science Communications Team would: “1. Develop and implement a national media relations program to inform the media about uncertainties in climate science to generate national, regional, and local media coverage on the scientific uncertainties,” to be accomplished by the following (among other actions): “offer scientists to appear on radio talk shows across the country ... Identify, recruit, and train a team of five independent scientists to participate in media outreach ... Produce [and] distribute a steady stream” of climate science information and editorials “authored by scientists” to media outlets nationwide. The Science Communications Team would also “Organize, promote and conduct through grassroots organizations a series of campus/community workshops/debates on climate science.”⁹⁴

209. The Communications Team also planned to create a “one-stop resource on climate science” for industry partners, as well as policymakers, the media, and “all others concerned.” In particular, the resource center would provide the “logistical and moral support” to enable industry partners to advocate for protecting fossil fuel markets based on alleged uncertainties in climate science.⁹⁵

⁹⁴ Email from Joe Walker to Global Climate Science Team, Draft Global Climate Science Communications Plan (Apr. 3, 1998), <https://assets.documentcloud.org/documents/784572/apiglobal-climate-science-communications-plan.pdf>.

⁹⁵ Email from Joe Walker to Global Climate Science Team, Draft Global Climate Science Communications Plan (Apr. 3, 1998), <https://assets.documentcloud.org/documents/784572/apiglobal-climate-science-communications-plan.pdf>.

1 210. Soon after, API distributed a memo to its members stating: “Climate is at the center
2 of industry’s business interests. Policies limiting carbon emissions reduce petroleum product use.
3 That is why it is API’s highest priority issue and defined as strategic.”⁹⁶

4 211. In furtherance of the campaign, for over a decade, Mobil (ExxonMobil) regularly
5 published advertisements in the New York Times and other national newspapers. These
6 advertisements were meant to look like editorials, not paid advertisements. In line with
7 Defendants’ strategy, many such “advertorials” claimed the science of climate change was
8 uncertain or lacking evidence.

9 212. For example, a 1993 Mobil advertorial published in the New York Times
10 “Apocalypse No” (set forth in full on the following page of this complaint) asserted that “what’s
11 wrong with so much of the global warming rhetoric” is “[t]he lack of solid scientific data,” and
12 quoted a purportedly neutral scientific expert who insisted that “there is a large amount of
13 empirical evidence suggesting that the apocalyptic vision is in error and that the highly touted
14 greenhouse disaster is most improbable.”⁹⁷ It also quoted another purportedly neutral scientist who
15 asserted that “the net impact [of a modest warming] may yet be beneficial.”⁹⁸

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26 ⁹⁶ Union of Concerned Scientists, Deception Dossier #5: Coal’s “Information Council on the Environment” Sham
27 at 47-49 (1991), http://www.ucsusa.org/sites/default/files/attach/2015/07/Climate-Deception-Dossier5_ICE.pdf.

28 ⁹⁷ Mobil, Apocalypse No, N.Y. Times, A19 (Feb. 25, 1993), <https://perma.cc/MGA5-W43N>.

⁹⁸ *Id.*

Apocalypse no

For the first half of 1992, America was inundated by the media with dire predictions of global warming catastrophes, all of which seemed to be aimed at heating up the rhetoric from the Earth Summit in Rio de Janeiro last June.

Unfortunately, the media hype proclaiming that the sky was falling did not properly portray the consensus of the scientific community. After the Earth Summit, there was a noticeable lack of evidence of the sky actually falling and subsequent colder than normal temperatures across the country cooled the warming hysteria as well.

Everybody, of course, remembers the Earth Summit and the tons of paper used up in reporting on it—paper now buried in landfills around the world. But few people ever heard of a major document issued at the same time and called the "Heidelberg Appeal." The reason? It just didn't make "news."

Perhaps that is because the Appeal urged Summit attendees to avoid making important environmental decisions based on "pseudo-scientific arguments or false and non-relevant data."

The Heidelberg Appeal was issued initially by some 264 scientists from around the world, including 52 Nobel Prize winners. Today, the Appeal carries the signatures of more than 2,300 scientists—65 of them Nobel Prize winners—from 79 countries. If nothing else, its message is illustrative of what's wrong with so much of the global warming rhetoric. The lack of solid scientific data.

Scientists can agree on certain facts pertaining to global warming. First, the greenhouse effect is a natural phenomenon; it accounts for the moderate temperature that makes our planet habitable. Second, the concentration of greenhouse gases (mainly carbon dioxide) has increased and there has been a slight increase in global temperatures over the past century. Finally, if present trends continue, carbon dioxide levels will double over the next 50 to 100 years.

Controversy arises when trying to link past changes in temperatures to increased concen-

trations of greenhouse gases. And it arises again when climate prediction models are used to conclude Earth's temperature will climb drastically in the next century and—based on such models—to propose policy decisions that could drastically affect the economy.

According to Arizona State University climatologist Dr. Robert C. Balling in his book, *The Heated Debate* (San Francisco: Pacific Research Institute for Public Policy, 1992), until knowledge of the interplay between oceans and the atmosphere improves, "model predictions must be treated with considerable caution." Moreover, models don't simulate the complexity of clouds, nor do they deal adequately with sea ice, snow or changes in intensity of the sun's energy.

And they don't stand up to reality testing. Comparing actual temperatures over the last 100 years against model calculations, the models predicted temperature increases higher than those that actually occurred. Moreover, most of the earth's temperature increase over the last century occurred before 1940. Yet, the real build-up in man-made CO₂ didn't occur until after 1940. Temperatures actually fell between 1940 and 1970.

Sifting through such data, Dr. Balling has concluded, "there is a large amount of empirical evidence suggesting that the apocalyptic vision is in error and that the highly touted greenhouse disaster is most improbable."

Other scientists have an even more interesting viewpoint. Notes atmospheric physicist S. Fred Singer, president of the Washington, D.C.-based Science & Environmental Policy Project, "the net impact [of a modest warming] may well be beneficial."

All of which would seem to suggest that the jury's still out on whether drastic steps to curb CO₂ emissions are needed. It would seem that the phenomenon—and its impact on the economy—are important enough to warrant considerably more research before proposing actions we may later regret.

Perhaps the sky isn't falling, after all.

Mobil

213. The first of the purportedly neutral scientific experts mentioned in the Apocalypse no advertorial, Robert C. Balling, acknowledged five years after the advertorial ran that he had

received \$408,000 in research funding from the fossil fuel industry over the past decade, including from Exxon.⁹⁹

214. The second, S. Fred Singer, was not a climatologist and had previously been funded by tobacco companies to spread doubt about the scientific claim that exposure to second-hand smoke causes cancer.¹⁰⁰

215. The advertorial misleadingly portrays the “Heidelberg Appeal” as evidence that there was insufficient scientific data for action on climate change. In fact, the Heidelberg Appeal did not discuss climate change or the validity of scientific reasoning or evidence showing that climate change is happening, is human-caused, and will cause severe environmental damage.¹⁰¹

216. Many other Exxon/Mobil advertorials falsely or misleadingly characterized the state of climate science research to the readership of The New York Times’ op-ed page. A sample of these untruthful statements includes:

- “We don’t know enough about the factors that affect global warming and the degree to which—if any—that man-made emissions (namely, carbon dioxide) contribute to increases in Earth’s temperature.”¹⁰²
- “[G]reenhouse-gas emissions, which have a warming effect, are offset by another combustion product—particulates—which leads to cooling.”¹⁰³
- “Even after two decades of progress, climatologists are still uncertain how—or even if—the buildup of man-made greenhouse gases is linked to global warming. It could be at least a decade before climate models will be able to link greenhouse warming unambiguously to human actions. Important answers on the science lie ahead.”¹⁰⁴
- “[I]t is impossible for scientists to attribute the recent small surface temperature increases to human causes.”¹⁰⁵
- “Within a decade, science is likely to provide more answers on what factors affect global warming, thereby improving our decision-making. We just don’t have this information today. Answers to questions about climate change will require more

⁹⁹ DeSmog, Robert C. Balling, Jr., <https://perma.cc/T6YY-SFFY>.

¹⁰⁰ Naomi Oreskes & Erik M. Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming*, 150–54 (Bloomsbury Press, 1st ed. 2011).

¹⁰¹ Heidelberg Appeal. DeSmog. <https://www.desmog.com/heidelberg-appeal/>.

¹⁰² Mobil, *Climate Change: A Prudent Approach*, N.Y. Times (Nov. 13, 1997), <https://perma.cc/8D9V-H88D>.

¹⁰³ Mobil, *Less Heat, More Light on Climate Change*, N.Y. Times (July 18, 1996), <https://perma.cc/BQJ3-4G2S>.

¹⁰⁴ Mobil, *Climate Change: Where We Come Out*, N.Y. Times (Nov. 20, 1997), <https://perma.cc/YX2Q-EZ87>.

¹⁰⁵ ExxonMobil, *Unsettled Science* (Mar. 23, 2000), reproduced in <https://perma.cc/YNM7-QT9J>.

1 reliable measurements of temperature at many places on Earth, better understanding of
2 clouds and ocean currents along with greater computer power.”¹⁰⁶

3 217. In 1996, Exxon released a publication called “Global Warming: Who’s Right?
4 Facts about a debate that’s turned up more questions than answers.” In the publication’s preface,
5 Exxon CEO Lee Raymond inaccurately stated that “taking drastic action immediately is
6 unnecessary since many scientists agree there’s ample time to better understand the climate
7 system.” The publication described the greenhouse effect as “definitely a good thing,” while
8 ignoring the severe consequences that would result from the influence of the increased CO₂
9 concentration on the Earth’s climate. Instead, it falsely characterized the greenhouse effect as
10 simply “what makes the earth’s atmosphere livable.”

11 218. Directly contradicting Exxon’s own internal knowledge and peer-reviewed science,
12 the publication misleadingly ascribed the rise in temperature since the late nineteenth century to
13 “natural fluctuations that occur over long periods of time” rather than to the anthropogenic
14 emissions that Exxon itself and other scientists had confirmed were responsible.

15 219. The publication also falsely challenged the computer models that projected the
16 future impacts of fossil fuel product consumption, including those developed by Exxon’s own
17 employees, as having been “proved to be inaccurate.”

18 220. The publication contradicted the numerous reports prepared by and circulated
19 among Exxon’s staff, and by API, stating that “the indications are that a warmer world would be
20 far more benign than many imagine ... moderate warming would reduce mortality rates in the US,
21 so a slightly warmer climate would be more healthful.”

22 221. The publication falsely claimed that advocates for reducing fossil fuel use were
23 simply “drawing on bad science, faulty logic, or unrealistic assumptions”—omitting the fact that
24 Exxon’s own scientists agreed with the claims of those advocates.¹⁰⁷

25 222. Also in 1996, API published the book Reinventing Energy: Making the Right
26 Choices which claimed “there is no persuasive basis for forcing Americans to dramatically change

27 ¹⁰⁶ Mobil, Science: What We Know and Don’t Know (1997), reproduced in <https://perma.cc/YNM7-QT9J>.

28 ¹⁰⁷ Exxon Corp., Global Warming: Who’s Right? (1996), <https://perma.cc/77FT-9AKV>.

1 their lifestyles to use less oil.” “[N]o scientific evidence exists that human activities are
 2 significantly affecting sea levels, rainfall, surface temperatures or the intensity and frequency of
 3 storms.” “Facts don’t support the arguments for restraining oil use.”^{108/109} API claimed that
 4 scientists do not understand how carbon flows in and out of the atmosphere or whether fossil fuels
 5 are responsible for increasing concentrations of atmospheric CO₂. It then explained that even if
 6 some warming does occur, such warming “would present few if any problems.” For example,
 7 farmers could be “smart enough to change their crop plans” and low-lying areas would “likely
 8 adapt” to sea-level rise.¹¹⁰

9 223. Defendants shared these talking points with other members of the fossil fuel
 10 industry. In a 1997 speech to the World Petroleum Congress, Exxon’s CEO claimed:

11 We also have to keep in mind that most of the greenhouse effect
 12 comes from natural sources ... Leaping to radically cut this tiny
 13 sliver of the greenhouse pie on the premise that it will affect climate
 14 defies common sense and lacks foundation in our current
 15 understanding of the climate system.

16 Let’s agree there’s a lot we really don’t know about how climate
 17 will change in the 21st century and beyond ... It is highly unlikely
 18 that the temperature in the middle of the next century will be
 19 significantly affected whether policies are enacted now or 20 years
 20 from now.^[111]

21 224. In a 1998 publication from Imperial Oil (ExxonMobil), “A Cleaner Canada,”
 22 Imperial’s CEO publicly claimed:

23 There is absolutely no agreement among climatologists on whether
 24 or not the planet is getting warmer, or, if it is, on whether the
 25 warming is the result of man-made factors or natural variations in
 26 the climate... I feel very safe in saying that the view that burning
 27 fossil fuels will result in global climate change remains an unproved
 28 hypothesis.^[112]

¹⁰⁸ Sally Brain Gentile et al., *Reinventing Energy: Making the Right Choices*, American Petroleum Institute (1996), <http://www.climatefiles.com/trade-group/american-petroleum-institute/1996-reinventing-energy>.

¹⁰⁹ American Petroleum Institute, *Reinventing Energy: Making the Right Choices* 79 (1996), <http://www.climatefiles.com/trade-group/american-petroleum-institute/1996-reinventingenergy>.

¹¹⁰ *Id.* at 86–87.

¹¹¹ Lee R. Raymond, Chairman and Chief Executive Officer, Exxon Corp., Address at the World Petroleum Congress (Oct. 13, 1997), <https://www.climatefiles.com/exxonmobil/1997-exxonlee-raymond-speech-at-world-petroleum-congress/>.

¹¹² Robert Peterson, *A Cleaner Canada* in Imperial Oil Review (1998), <https://www.climatefiles.com/exxonmobil/imperial-oil/1998-imperial-oil-article-a-cleanercanada-by-robert-peterson/>.

225. In 2000, an ExxonMobil advertisement in the Washington Post misleadingly implied that climate models (such as those it relied on internally) were unreliable: “Today’s global models simply don’t work at a regional level.” It went on to claim that the National Assessment Synthesis Report (on climate change) “is written as a political document, not an objective summary of the underlying science.”¹¹³

226. Also in 2000, an ExxonMobil advertorial in the New York Times misleadingly declared that the consequences of climate change could be beneficial: “Just as changeable as your local weather forecast, views on the climate change debate range from seeing the issue as serious or trivial, and from seeing the possible future impacts as harmful or beneficial.”¹¹⁴

227. In 2004, an ExxonMobil newspaper advertisement continued to blatantly and falsely exaggerate the uncertainty of climate science: “Scientific uncertainties continue to limit our ability to make objective, quantitative determinations regarding the human role in recent climate change or the degree and consequence of future change.”¹¹⁵

228. A 2017 peer-reviewed quantitative analysis of Exxon’s climate communications between 1989 and 2004 found that, while 83% of the company’s peer-reviewed papers and 80% of its internal documents acknowledged the reality and human origins of climate change, 81% of its advertorials communicated doubt about those conclusions.¹¹⁶ Exxon, the analysis concluded, “misled the public.”¹¹⁷

229. Shell likewise “shaped a series of influential industry-backed publications that downplayed or omitted key risks; emphasized scientific uncertainties; and pushed for more fossil fuels”¹¹⁸ In 1992, for instance, Shell had released a publication for wide external distribution purporting to describe the “Basic Scientific Facts” of the “Potential Augmented Greenhouse

¹¹³ ExxonMobil, Political cart before a scientific horse, Washington Post (2000).

¹¹⁴ ExxonMobil, Do No Harm, Washington Post (Mar. 16, 2000).

¹¹⁵ ExxonMobil, Weather and climate, New York Times (Jan. 22, 2004).

¹¹⁶ Geoffrey Supran & Naomi Oreskes, Assessing ExxonMobil’s Climate Change Communications (1977–2014), 12 *Envtl. Rsch. Letter* 12 (2017), <https://perma.cc/3W29-Z9NY>.

¹¹⁷ *Id.*

¹¹⁸ Matthew Green, Lost Decade: How Shell Downplayed Early Warnings Over Climate Change, *Desmog* (Mar. 31, 2023), <https://perma.cc/VBU3-YYPT>.

Effect.”¹¹⁹ This document downplayed the scientific consensus (that Shell internally acknowledged) by referring to the “relatively few established scientific fundamentals” regarding the causes of climate change.¹²⁰ It also misleadingly suggested that a “particular cause” of climate change was “difficult” to identify, even though Shell had identified the use of its products as a significant contributor to the greenhouse effect in the previous decade.¹²¹

230. A 1994 Shell report entitled “The Enhanced Greenhouse Effect: A Review of the Scientific Aspects” similarly emphasized scientific uncertainty, falsely stating, for example, that “the postulated link between any observed temperature rise and human activities has to be seen in relation to natural variability, which is still largely unpredictable.”¹²²

231. In 1996, more than 30 years after API’s president told petroleum industry leaders that carbon emissions from fossil fuels could “cause marked changes in climate” by the year 2000 if not abated,¹²³ API published the book *Reinventing Energy: Making the Right Choices* to refute this very conclusion. Contradicting the scientific consensus of which its members had been aware for decades, the book claims: “Currently, **no** conclusive—or even strongly suggestive—scientific evidence exists that human activities are significantly affecting sea levels, rainfall, surface temperatures, or the intensity and frequency of storms.”¹²⁴

232. The book also falsely suggested that even if some warming does occur, such warming “would present few if any problems” because, for example, farmers could be “smart enough to change their crop plans” and low-lying areas would “likely adapt” to sea level rise.¹²⁵

¹¹⁹ Jan Kuyper, Potential Augmented Greenhouse Effect, & Depletion of the Ozone Layer, Shell Grp. 3 (Sept. 1992), <https://perma.cc/SM9A-FDAD>.

¹²⁰ *Id.* at 5.

¹²¹ *Id.*

¹²² P. Langcake, Shell Internationale Petroleum, *The Enhanced Greenhouse Effect: A Review of the Scientific Aspects*, 9 (Dec. 1994), <https://perma.cc/FM7F-U8ZP>.

¹²³ Flannery, *Greenhouse Science, Connections: Corporate Research*, Exxon Research and Engineering Company (Fall 1989), available at <https://www.climatefiles.com/exxonmobil/1989-exxon-mobil-article-technologys-place-marketing-mix/>.

¹²⁴ American Petroleum Institute, *Reinventing Energy: Making the Right Choices* (1996) p. 79 (emphasis in original), available at <https://www.climatefiles.com/trade-group/american-petroleum-institute/1996-reinventing-energy/>.

¹²⁵ *Id.* at 85-87.

233. The book falsely stated further that “[t]he state of the environment does not justify the call for the radical lifestyle changes Americans would have to make to substantially reduce the use of oil and other fossil fuels” and that the “benefits of alternatives aren’t worth the cost of forcing their use.” “Some jobs definitely will be created in making, distributing and selling alternatives. But they will come at the expense of lost jobs in the traditional automobile and petroleum industries,” the authors continued. “[A]lternatives will likely be more expensive than conventional fuel/vehicle technology. Consumers, obviously, will bear these increased expenses, which means they will have less to spend on other products. This in turn will ... cost jobs.”¹²⁶

234. As confirmed by the book’s final section, its purpose was to ensure its members could continue to produce and sell fossil fuels in massive quantities that it knew would devastate the planet: “[S]evere reductions in greenhouse gas emissions by the United States, or even all developed countries, would impose large costs on those countries but yield little in the way of benefits—even under drastic climate change scenarios.”¹²⁷

E. They Funded Fraudulent Scientific Research

235. As mentioned *supra*, one of strategies Defendants employed by Defendants in furtherance of their scheme to discredit scientific consensus on climate change was to bankroll unqualified or unscrupulous scientists to advance fringe conclusions about climate change. These scientists obtained part or all of their research budget from Fossil Fuel Defendants directly or through Fossil Fuel Defendant-funded organizations like Defendant API.¹²⁸

236. For example, during the early- to mid-1990s, Exxon directed some of this funding to Dr. Fred Seitz, Dr. Fred Singer, and/or Seitz and Singer’s Science and Environmental Policy Project (“SEPP”) in order to launch repeated attacks on mainstream climate science and IPCC conclusions, even as Exxon scientists participated in the IPCC.¹²⁹ Seitz and Singer were not climate scientists. Rather, they and SEPP had previously been paid by the tobacco industry to

¹²⁶ *Id.* at 59, 68, 69.

¹²⁷ *Id.* at p. 89.

¹²⁸ E.g., Willie Soon & Sallie Baliunas, Proxy Climatic and Environmental Changes of the Past 1000 Years, 23 *Climate Rsch.* 89, 105 (Jan. 31, 2003), <https://perma.cc/9V32-EY8H>.

¹²⁹ Union of Concerned Scientists (2007), *supra*.

1 create doubt in the public mind about the hazards of smoking.¹³⁰ Singer also acted as a paid
 2 consultant for Sun (Sunoco) and Shell.¹³¹

3 237. These Industry-funded scientists frequently failed to disclose their fossil fuel
 4 industry underwriters.¹³² At least one, Dr. Wei-Hock Soon, contractually agreed to allow donors
 5 to review his research before publication, and his housing institution agreed not to disclose the
 6 funding arrangement without prior permission from his fossil fuel donors.¹³³ Between 2001 and
 7 2012, various fossil fuel interests, including Exxon and API, paid Soon over \$1.2 million.¹³⁴ “Dr.
 8 Soon, in correspondence with his corporate funders, described many of his scientific papers as
 9 ‘deliverables’ that he completed in exchange for their money.”¹³⁵ His Defendant-funded research
 10 includes articles in scientific journals accusing the IPCC of overstating the negative environmental
 11 effects of carbon dioxide emissions and arguing that the sun is responsible for recent climate
 12 trends. Dr. Soon was the lead author of a 2003 article that argued that the climate had not changed
 13 significantly. The article was widely promoted by other denial groups funded by Exxon, including
 14 via “Tech Central Station,” a website supported by Exxon.¹³⁶

15 238. Following Soon’s 2003 publication, three editors of the scientific journal wherein
 16 it was published resigned, criticizing the journal’s review process as insufficiently rigorous and
 17 claiming Soon and Baliunas’ cited evidence did not support their conclusions. Thirteen of the
 18 scientists cited in Soon and Baliunas’ paper published a rebuttal explaining that Soon and Baliunas
 19 had seriously misinterpreted their research.¹³⁷

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 21
 22 ¹³⁰ The Center for Media and Democracy, S. Fred Singer, Source Watch, <https://perma.cc/X35L-DYUY>; The Center for Media and Democracy, Frederick Seitz, <https://perma.cc/TV67-ABUH>

23 ¹³¹ *Id.*

24 ¹³² E.g., Smithsonian Statement: Dr. Wei-Hock (Willie) Soon, Smithsonian (Feb. 26, 2015), <https://perma.cc/A4KY-W3NM>.

25 ¹³³ Union of Concerned Scientists, The Climate Deception Dossier #1: Dr. Wei-Hock Soon’s Smithsonian Contracts, 6 (2015), <https://perma.cc/JL2V-XYGL>.

26 ¹³⁴ Justin Gillis & John Schwartz, Deeper Ties to Corporate Cash for Doubtful Climate Researcher, N.Y. Times (Feb. 21, 2015), <https://perma.cc/897V-7B22>.

27 ¹³⁵ *Id.*

28 ¹³⁶ Union of Concerned Scientists (2007), *supra*.

¹³⁷ *Id.* at 15.

239. Yet Defendant-funded front groups promoted Soon's work as neutral expert opinion on the uncertainty of climate science. One such promotion was published in the Seattle Post-Intelligencer by William O'Keefe. Significantly, William O'Keefe's employment rotated between API, the Global Climate Coalition, the Marshall Institute, and the Competitive Enterprise Institute – all groups that Defendants helped to form and/or fund. O'Keefe has also been a registered lobbyist for Exxon and API.¹³⁸

240. Dr. Soon published other bogus "research" in 2009, attributing global warming to solar activity, for which Exxon paid him \$76,106.¹³⁹ This 2009 grant was made several years after Exxon had publicly committed not to fund climate change deniers.¹⁴⁰

241. William Happer is also on the payroll of Defendants.¹⁴¹ Happer served for a year on the Trump administration's national security council and has been asked to serve as an expert witness on climate change, despite never having published a peer-reviewed article on the topic. In contrast to his lack of peer-reviewed climate-change articles, Happer has published numerous articles in non-peer-reviewed publications arguing that climate change is due to natural forces and that additional CO₂ will be beneficial for humankind. In 2013, as one example, Happer stated in an opinion piece in the *Wall Street Journal*, a national newspaper with substantial circulation in Washington,

[T]he conventional wisdom about carbon dioxide is that it is a dangerous pollutant. That's simply not the case. Contrary to what some would have us believe, increased carbon dioxide in the atmosphere will benefit the increasing population on the planet by increasing agricultural productivity.^[142]

¹³⁸ Union of Concerned Scientists, Climate Deception Dossier #1: Dr. Wei-Hock Soon's Smithsonian Contracts, (July 2015), <https://www.ucsusa.org/sites/default/files/attach/2015/07/The-Climate-Deception-Dossiers.pdf> [<https://perma.cc/JL2V-XYGL>] & https://s3.amazonaws.com/ucs-documents/globalwarming/Climate-Deception-Dossier-1_Willie-Soon.pdf; O'Keefe, W., 2003, Global warming an uncertainty, Seattle Post-Intelligencer, December 12; William O'Keefe. DeSmog. <https://www.desmog.com/william-o-keefe/>.

¹³⁹ Willie Soon FOIA Grants Chart (Jan. 28, 2011), <https://perma.cc/LJA5-BEQM>.

¹⁴⁰ ExxonMobil, 2007 Corporate Citizenship Report, 39 (2007), <https://perma.cc/G4DK-TZGS>.

¹⁴¹ Happer and Frank Clemente were exposed by an undercover operation as agreeing to produce research in exchange for payments to his organization, the CO₂ Coalition. See Suzanne Goldenberg, *Greenpeace exposes sceptics hired to cast doubt on climate science*, The Guardian (Dec. 8, 2015), <https://www.theguardian.com/environment/2015/dec/08/greenpeace-exposes-sceptics-cast-doubt-climate-science> [<https://perma.cc/N4SQ-WXFD>].

¹⁴² William Happer & Harrison Schmitt, *In Defense of Carbon Dioxide*, Wall Street Journal Opinion (May 8, 2013) ("[I]t's a wonder that humanitarians aren't clamoring for more atmospheric carbon dioxide. Instead, some are denouncing it.").

242. In November 2019, as another example, Happer told the *Washington Examiner*, in an article published on its website with national reach, including to Washington, that climate change was invented by paranoid scientists.¹⁴³ Defendants and their proxies intended Happer to produce exactly the sort of articles that he did—the arrangement and its outcome are not a coincidence.

243. Philip Cooney, an attorney at API from 1996 to 2001, testified at a 2007 Congressional hearing that it was “typical” for API to fund think tanks and advocacy groups that minimized fossil fuels’ role in causing climate change.¹⁴⁴

244. These examples are part of a pattern of using manufactured or questionable science to further business goals.¹⁴⁵

F. They Conspired With, Financed, And Worked Hand-In-Hand With Industry Trade Associations, Front Groups, And Other Organizations To Lie About It

245. In April of 2014, Congress issued its Joint Staff Report: *Denial, Disinformation, and Doublespeak: Big Oil’s Evolving Efforts to Avoid Accountability for Climate Change* (the Congressional Joint Staff Report), concluding as follows:

The investigation and this report have set out new evidence about the extent of the fossil fuel industry’s evolving efforts to avoid accountability for climate change. As previously understood, fossil fuel companies first approached climate change by branding it a “hoax” and denying outright that the burning of fossil fuels contributed to a warming planet. But as the science about climate change became too overwhelming to continue to deny its existence, Big Oil needed to pivot. Accordingly, as new documents set out in this report demonstrate, the fossil fuel industry engaged in an elaborate campaign of deception and doublespeak—supported by its armada of trade associations—marked by public claims to support climate action and significant private steps to avoid it as well as disinformation about the climate safety of natural gas and its role as a bridge fuel to a fossil-free future. For more than half a century, Big Oil has misled the American public about its role in the climate crisis, doing everything in its power to keep the United States and the world dependent on its polluting products. It is long past time to

¹⁴³ Josh Siegel, *Former Trump official says climate change is “imaginary threat” invented by “insular and paranoid” scientists*, *Washington Examiner* (Nov. 5, 2019).

¹⁴⁴ Transcript of Deposition of Philip Cooney, U.S. House of Reps., Exec. Session Comm. On Oversight and Gov’t, 32:3-5 (Mar. 12, 2007), <https://perma.cc/M8YK-CWD4>.

¹⁴⁵ See, e.g., Union of Concerned Scientists, *The Disinformation Playbook, How Business Interests Deceive, Misinform, and Buy Influence at the Expense of Public Health & Safety* (May 18, 2018), <https://ucsusa.org/resources/disinformation-playbook> [<https://perma.cc/HGW7-2Z5B>].

1 hold Big Oil accountable for its deception campaign and to take
2 action to undo the harms it has perpetrated.^[146]

3 246. Among other things, the Congressional Joint Staff Report found that Fossil fuel
4 companies used trade associations, think tanks, and other nonprofits to spread misleading
5 narratives to the public, without having to put their names directly on advertisements, lobbying, or
6 PR campaigns.¹⁴⁷

7 247. As the Congressional Joint Staff Report put it, an “armada of trade associations,
8 organizations, and coalitions works with and for fossil fuel companies to perpetuate deceptive and
9 misleading industry narratives ... to obstruct climate progress”¹⁴⁸ A sample of these seemingly
10 “independent” groups and their misleading or false statements is highlighted herein.

11 248. API, as indicated *supra*, is the nation’s leading oil and gas trade organization. Its
12 membership includes 600 oil and gas companies, including major corporations in upstream,
13 midstream, and downstream operations such as Exxon, Shell, Chevron, and BP. API serves as a
14 “hub for industry coordination against climate progress.”¹⁴⁹

15 249. Through initiatives like API Energy Excellence and the Climate Committee, API
16 portrays itself as engaging in environmental and safety progress by encouraging the development
17 of new technologies and transparent reporting. However, API’s Climate Action Framework,
18 purportedly aimed at accelerating low-carbon technologies and innovation, mitigating emissions,
19 and advocating for government carbon pricing policies, has been criticized for a “lack of specifics.”
20 And its focus on carbon pricing was belied by an Exxon lobbyist “caught on camera ... saying that
21 a carbon tax will never happen and that support for the measure was a public relations ploy
22 intended to stall more serious measures.”¹⁵⁰

23 250. In 2018, Exxon CEO Darren Woods assumed the role of chairman of API’s board
24 of directors. He emailed other board members, including representatives from Shell, Chevron, BP,

25 ¹⁴⁶ 2014, Congressional Joint Staff Report: *Denial, Disinformation, and Doublespeak: Big Oil’s Evolving Efforts*
26 *to Avoid Accountability for Climate Change*.

27 ¹⁴⁷ *Id.* at 36-44 (internal citations omitted).

28 ¹⁴⁸ *Id.* at 36-37.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

Marathon, Conoco, and Phillips66, stating that API’s upcoming Executive Committee meeting would include a “strategic alignment” segment to focus on “WHAT gaps we have vs. WHY we have them (i.e., no finger pointing/blame games).” He described that the meeting’s objective was to “put together an assessment of API’s strengths, opportunities and ideas for potential improvements,” including “above and beyond advocacy priorities,” based on “an ExxonMobil view.” This email illustrates that fossil fuel companies directly determine API’s strategy to undermine and oppose climate legislation and regulations.¹⁵¹

251. The United States Chamber of Commerce (the Chamber) “has long played an organizing and convening role for the fossil fuel industry, opposing climate action and preserving business as usual.” In 2007, for example, the Chamber ran television advertisements against climate legislation, claiming that it would prevent people from heating their homes and driving to work.¹⁵²

252. The Chamber has repeatedly been labeled one of the most powerful political opponents to climate progress in the United States. Last year, independent researchers at InfluenceMap released renewed evidence of the Chamber’s persistent lobbying against climate policies. According to InfluenceMap, the Chamber has “continued opposition to meaningful legislation and regulation introduced by the federal government” while simultaneously issuing “positive PR [...] to create the impression of reform for climate-conscious investors and corporate members.” As Politico explained, the InfluenceMap analysis demonstrated that the Chamber’s “positions on climate policies mostly reflect the views of its fossil fuel members.” Notably, the Chamber has refused to disclose, even to its members, the extent of its funding from fossil fuel interests.¹⁵³

253. The Chamber opposes EPA’s recent proposed rules for vehicle greenhouse gas emissions standards for light-, medium-, and heavy-duty vehicles. The Chamber opposed the Securities and Exchange Commission’s (SEC) proposed climate disclosure rules. In courtrooms,

¹⁵¹ *Id.*

¹⁵² *Id.* at 38-39.

¹⁵³ *Id.*

1 as a litigant and as an amicus curiae, the Chamber has a long history of opposing climate rules and
 2 laws, and supporting deregulatory theories propounded by polluting industries, which fetter
 3 people's ability to protect themselves from pollution and climate harms.¹⁵⁴

4 254. The Oil and Gas Climate Initiative (OGCI) is a CEO-led effort that claims to assist
 5 the oil and gas industry in curtailing its greenhouse gas emissions. Comprised of 12 of the world's
 6 largest energy companies, OGCI members include Exxon, Shell, Chevron, and BP, and
 7 collectively account for approximately one-third of the global oil and gas supply.¹⁵⁵

8 255. While OGCI attempts to "promote a climate-friendly image," its stated goal to
 9 reach net zero emissions omits Scope 3 emissions, i.e., the emissions produced by the burning of
 10 fossil fuels for energy, which "make up the vast majority of an oil company's total carbon
 11 footprint."¹⁵⁶

12 256. Exxon and Chevron were initially hesitant about joining OGCI at its outset but
 13 ultimately became members in 2018. Documents demonstrate that Exxon hesitated because of
 14 concerns that the group was "very disorganized, its overarching propose [sic] / objective was
 15 generally unclear and that the governance was basically undefined." Exxon revisited the matter in
 16 2015 after Shell and BP had joined but still believed that the initiative was "more about 'window
 17 dressing' in preparation for COP21 [the 2015 UN Climate Change Conference] than trying to
 18 achieve lasting results."¹⁵⁷

19 257. Once Exxon did join the group, it provided "critical edits" for OGCI
 20 announcements, statements, and its annual report, with which Chevron was "generally aligned."
 21 Some of these edits included removing references to the Paris Agreement and language that
 22 "potentially commits members to enhanced climate-related governance, strategy, risk
 23 management, and performance metrics and targets." These memoranda demonstrate the
 24
 25

26 ¹⁵⁴ *Id.*

27 ¹⁵⁵ *Id.* at 39-41.

28 ¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

1 collaboration among fossil fuel companies to control the messaging of organizations of which they
2 are members to avoid additional commitments regarding climate.¹⁵⁸

3 258. The Natural Gas Supply Association (NGSA) is the sole domestic trade association
4 focusing on producer-marketer issues within the natural gas industry. NGSA's membership
5 includes nine of the largest natural gas suppliers in the country, including Exxon, Shell, Chevron,
6 and BP.¹⁵⁹

7 259. Publicly, NGSA expresses support for achieving economy-wide net-zero
8 greenhouse gas emissions by 2050, in alignment with the Paris Agreement goals. But NGSA
9 opposes certain "inappropriate" regulations that hinder its members' ability to provide "affordable
10 and reliable" natural gas—an objective that often conflicts with reducing greenhouse gas
11 emissions. In June 2021, NGSA emailed its "Business Leadership Committee" asking for feedback
12 from its members in crafting a response to Department of Energy Secretary Jennifer Granholm,
13 who was quoted as saying that natural gas should only be considered clean in a Clean Energy
14 Standard if combined with CCS (CCS is the process of capturing CO₂ emissions at the source and
15 injecting them into deep underground geologic formations for safe, secure, and permanent
16 storage). BP internally expressed concern that the "Administration [was] moving towards
17 squeezing out gas" and asked, "what we need to be doing with Administration (besides pushing
18 for strong Methane regulation) to preserve the role for gas in power generation."¹⁶⁰

19 260. The Western States Petroleum Association (WSPA) is one of the oldest oil and gas
20 trade associations in the United States. Exxon, Shell, Chevron, and BP are members, among others.
21 InfluenceMap describes the organization as "actively engaged on climate policy with strongly
22 negative positions, particularly on state-level policy in California, Washington, and Oregon."
23 WSPA has lobbied against bills designed to reduce emissions, including by working to establish a
24 network of "citizen activist" groups in western states.¹⁶¹

25
26 ¹⁵⁸ *Id.*

27 ¹⁵⁹ *Id.* at 41.

28 ¹⁶⁰ *Id.*

¹⁶¹ *Id.* at 42-43.

261. Two key documents obtained by the House Oversight Committee reveal BP's comprehensive campaign in Washington, in collaboration with WSPA, to oppose state and local policies that would have cut climate-warming emissions. After a Washington County proposed an ordinance that would require one of BP's refineries to reduce its carbon emissions and make it more difficult to obtain permits to expand or upgrade refineries, BP launched a statewide campaign to oppose it. In an internal memorandum, BP outlined a planned "\$300,000 advocacy campaign to build opposition to the proposal in its current form and persuade local officials to amend, postpone, or give up on the plan." The document noted that WSPA would "also run a coordinated \$200,000 grassroots voter activation campaign on behalf of its membership." In the memorandum, BP explained that, "given the opposition to our industry in this area of the United States[,] ... we are also developing a comprehensive Washington State strategy" for "managing business and reputational risk from our West Coast operations" in the long-term.¹⁶²

262. A document from a few months after the memorandum shows how BP's statewide strategy evolved. In the document, BP identified a handful of key actions and investments to exert its influence in the region. BP planned to enhance "external education, community engagement, political influence and advocacy [that] can change the narrative, stem the flow of bad policy and create opportunities for business growth." The team asked for a "significant increase in C&EA funding" as well as \$2.5 million to construct a salmon hatchery that, officials believed, "would change the dynamic of how the public and elected officials view the refinery." The team requested between \$2.5 and \$4.5 million for "hard persuasion" tactics, such as television advertising, and \$300,000 for "soft persuasion" to be invested in the community and grow support that "will be helpful with elected officials." BP believed that its Washington strategy was necessary because it feared that its reputation would "only get worse unless we change the public's perception of us and the elected official's lack of respect for our business."¹⁶³

263. The National Petroleum Council (NPC) serves as a domestic advisory committee representing oil and gas industry views to the Secretary of Energy. Housed within the Department

¹⁶² *Id.*

¹⁶³ *Id.*

1 of Energy’s Office of Fossil Energy and Carbon Management, NPC consists of approximately 200
 2 individuals appointed by the Secretary. According to the agency, these members serve without
 3 compensation as representatives of industry or associated interests collectively, not as delegates of
 4 specific companies or affiliations.¹⁶⁴

5 264. NPC members currently or have in the past included David Lawler, Chairman and
 6 President of BP America Inc.; Michael Wirth, Chairman of the Board and CEO of Chevron
 7 Corporation; Darren Woods, Chairman, President, and CEO of ExxonMobil Corporation; and
 8 Gretchen Watkins, President of Shell USA Inc.¹⁶⁵

9 265. Despite the agency’s assertion that members act independently, it is clear that the
 10 direct involvement of top fossil fuel executives has allowed them to influence NPC’s work in a
 11 way that benefits their companies’ interests.¹⁶⁶

12 266. For example, Exxon produced NPC’s Topic Paper #1, Role of Natural Gas in a Low
 13 Carbon Economy. In one of the later versions of this document, edits sent around by Southwestern
 14 Energy, a fossil fuel company, removed all references to natural gas’s “potential greater use to
 15 displace higher carbon intensive fossil fuels,” such as coal and oil, despite industry claims that
 16 natural gas is a bridge fuel between these more carbon intensive fossil fuels and a clean energy
 17 future.¹⁶⁷

18 267. NPC’s most recent report, released in 2019, focused on the expansion of carbon
 19 capture deployment domestically. Meeting minutes show that the report was led by BP America
 20 and included ExxonMobil, Total, and Occidental Oil and Gas Corporation, among others, as part
 21 of the Coordinating Subcommittee (CSC) for the study. The meeting minutes show that McKinsey
 22 & Company would provide support to the study, including interviews with companies on the NPC
 23 study. CSC “agreed to work language to reduce reputation risk” for the fossil fuel companies
 24 involved.¹⁶⁸

25 ¹⁶⁴ *Id.* at 43-44.

26 ¹⁶⁵ *Id.*

27 ¹⁶⁶ *Id.*

28 ¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

268. NPC’s report sought to describe a “roadmap” to scaling up carbon capture deployment in the energy and industrial sectors as a fossil fuel-friendly climate “solution.” The report did not mention that industry investment was inadequate to employ carbon capture technology at a scale necessary to meet ambitious climate targets. However, the cost should not have been any surprise to the companies. As far back as 2007, then-CEO of ExxonMobil and Chairman of NPC Lee Raymond acknowledged that carbon capture is “a huge, huge undertaking ... and the cost is going to be very, very significant.” Companies did not invest sufficiently in the technology, leading the IEA to characterize the fossil fuel industry’s reliance on carbon capture to reduce emissions as “an illusion.” These companies, including the Defendants, not only failed to invest in carbon capture technologies at scale but, at the same time, used the mere existence of the technologies to justify new oil and gas projects.¹⁶⁹

269. The International Petroleum Industry Environmental Conservation Association (“IPIECA”) is another organization used by Defendants to coordinate the fossil fuel industry’s response to the world’s growing awareness of climate change. In 1987, the IPIECA formed a “Working Group on Global Climate Change” chaired by Duane LeVine, Exxon’s manager for science and strategy development. The Working Group also included Brian Flannery from Exxon, Leonard Bernstein from Mobil, Terry Yosie from API, and representatives from BP, Shell, and Texaco (Chevron). In 1990, the Working Group sent a strategy memo created by LeVine to hundreds of oil companies around the world, including Defendants. This memo explained that, to forestall a global shift away from burning fossil fuels for energy, the industry should emphasize uncertainties in climate science and the need for further research.¹⁷⁰

270. In 1991, the Information Council for the Environment, also known as ICE, whose members included affiliates, predecessors, and/or subsidiaries of Defendants, launched a national climate change science denial campaign with full-page newspaper ads, radio commercials, a public relations tour schedule, “mailers,” and research tools to measure campaign success. Included

¹⁶⁹ *Id.*

¹⁷⁰ Benjamin A. Franta, *Big Carbon’s Strategic Response to Global Warming, 1950-2020*, 140 (2022) (Ph. D. Dissertation, Stanford Univ.), <https://perma.cc/GCN6-CBN2>.

among the campaign strategies was a plan to “reposition global warming as theory (not fact).” The target audience for its “consumer-based media awareness program” included demographics who were “not typically active information-seekers” and thought to be “predisposed to favor the ICE agenda, and likely to be even more supportive of that agenda following exposure to new information.”¹⁷¹

271. A goal of ICE’s advertising campaign was to change public opinion and consumer perceptions of climate risk. A memo from Richard Lawson, president of the National Coal Association, a predecessor to the National Mining Association, warned, “[p]ublic opinion polls reveal that 60% of the American people already believe global warming is a serious environmental problem. Our industry cannot sit on the sidelines in this debate.”¹⁷²

272. The following images are examples of ICE-funded print advertisements challenging the validity of climate science and intended to obscure the scientific consensus on anthropogenic climate change in order to inflate consumer demand for fossil fuels:¹⁷³



273. In the 1990s, Defendants formed and/or funded the Global Climate Coalition (GCC). GCC’s founding members included Defendants Exxon, Shell, and API. Defendants

¹⁷¹ Union of Concerned Scientists, Deception Dossier #5: Coal’s “Information Council on the Environment” Sham, 9, 16, 26 (1991), <https://perma.cc/BN2P-FKYS>.

¹⁷² Naomi Oreskes, My Facts Are Better Than Your Facts: Spreading Good News About Global Warming (2010), in Peter Howlett et al., How Well Do Facts Travel?: The Dissemination of Reliable Knowledge, 149–50 (Cambridge Univ. Press 2011).

¹⁷³ Union of Concerned Scientists, Deception Dossier #5, *supra*, at 47–49.

1 Chevron and BP also participated as members of the GCC. William O’Keefe, former president of
 2 the GCC, was also a former executive of API.¹⁷⁴

3 274. GCC’s position on climate change contradicted decades of its members’ internal
 4 scientific reports by asserting that natural trends, not human combustion of fossil fuels, was
 5 responsible for rising global temperatures:

6 The GCC believes that the preponderance of the evidence indicates
 7 that most, if not all, of the observed warming is part of a natural
 8 warming trend which began approximately 400 years ago. If there
 9 is an anthropogenic component to this observed warming, the GCC
 believes that it must be very small and must be superimposed on a
 much larger natural warming trend.^[175]

10 275. Defendants funded and orchestrated the GCC’s operations both directly through
 11 their own membership and through proxy GCC members, including API. Defendant ExxonMobil,
 12 among others, was a core member of and substantial financial contributor to the GCC, including
 13 holding leadership positions on its board, and received ongoing information about its activities.
 14 The GCC spent millions on lobbying and public relations efforts, including distributing a video to
 15 hundreds of journalists, the White House, and several Middle Eastern oil-producing countries that
 16 misleadingly suggested that higher levels of CO₂ would be beneficial for crop production and
 17 could be the solution to world hunger.¹⁷⁶

18 276. In a 1994 report, the GCC stated that “observations have not yet confirmed
 19 evidence of global warming that can be attributed to human activities,” that “[t]he claim that
 20 serious impacts from climate change have occurred or will occur in the future simply has not been
 21 proven,” and “[c]onsequently, there is no basis for the design of effective policy action that would
 22 eliminate the potential for climate change.”¹⁷⁷

23 277. The GCC’s promotion of overt climate change denialism also contravened its
 24 internal assessment, confirming that climate change was real and supported by overwhelming

25 ¹⁷⁴ Jeff Nesmith, Industry Promotes Skeptical View of Global Warming, Cox News Service (May 29, 2003).

26 ¹⁷⁵ Glob. Climate Coal., Global Climate Coalition: An Overview, 2 (Nov. 1996), <https://perma.cc/2R82-SXZN>.

27 ¹⁷⁶ Lieberman & Rust 2015.

28 ¹⁷⁷ GCC, Issues and Options: Potential Global Climate Change (1994), <http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1994-potential-global-climate-change-issues>.

1 scientific evidence. In 1995, the GCC created an internal climate-change primer that included the
 2 statements that “the scientific basis for the greenhouse effect and the potential impact of human
 3 emissions of greenhouse gases such as CO₂ on the climate is well-established and cannot be
 4 denied” and that “contrarian theories” about climate change do not “offer convincing arguments
 5 against the conventional model of greenhouse gas emission-induced climate change.” But the GCC
 6 removed this second statement from a more widely circulated version of its primer in an effort to
 7 mislead readers. The excised section also dismissed the claims of contrarian research on the role
 8 of solar radiation as an explanation for global warming.¹⁷⁸ The GCC also misleadingly implied
 9 that scientists disputed the likelihood of sea-level rise as a result of climate change: “There has
 10 been a great deal of speculation about a potential sea level rise, [but] most scientists question the
 11 predictions of dangerous melting of Greenland or Antarctic ice caps.”¹⁷⁹

12 278. Also in 1995, the GCC published a booklet called “Climate Change: Your Passport
 13 to the Facts,” which stated, “While many warnings have reached the popular press about the
 14 consequences of a potential man-made warming of the Earth’s atmosphere during the next 100
 15 years, there remains no scientific evidence that such a dangerous warming will actually occur.”¹⁸⁰
 16 Defendants knew and approved of the dissemination of this document.

17 279. These GCC advertisements were intentionally misleading. GCC’s members,
 18 including Defendants, knew that climate change was real and ongoing, and that its impacts were
 19 increasingly posing serious risks to the public and the world. Defendants supported, approved, and
 20 furthered these misleading advertisements because they were consistent with Defendants’ goal of
 21 influencing consumer demand for their fossil-fuel products and assisted them in maintaining
 22 profits.

23
 24
 25 ¹⁷⁸ Union of Concerned Scientists, *Climate Deception Dossier #7: The Global Climate Coalition’s 1995 Primer*
 26 *on Climate Change Science*, at 25-28 (July 2015), <https://www.ucsusa.org/sites/default/files/attach/2015/07/The-Climate-Deception-Dossiers.pdf> [<https://perma.cc/JL2V-XYGL>] & https://www.ucsusa.org/sites/default/files/attach/2015/07/Climate-Deception-Dossier-7_GCC-Climate-Primer.pdf (hereinafter *Dossier #7—GCC Primer*).

27 ¹⁷⁹ Lieberman & Rust 2015.

28 ¹⁸⁰ GCC, *Climate Change: Your Passport to the Facts* (1995), <http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/1995-climate-change-facts-passport>.

1 280. In 1997, William O’Keefe, GCC Chairman and API Executive Vice President,
2 falsely stated in an op-ed published in the *Washington Post*, “Climate scientists don’t say that
3 burning oil, gas and coal is steadily warming the earth.” This false statement contradicted long-
4 established science, as well as Defendants’ own knowledge. Yet Defendants nevertheless
5 supported and approved the publication of this op-ed.

6 281. At a workshop on or about March 27, 1998, the following persons met to discuss
7 an action plan to defeat the Kyoto agreement and greenhouse gas regulation, namely: A. John
8 Adams, John Adams Associates; Candace Crandall, Science and Environmental Policy Project
9 (Fred Singer); David Rothbard, Committee for A Constructive Tomorrow; Jeffrey Salmon, The
10 Marshall Institute; Lee Garrigan, Environmental Issues Council; Lynn Bouchey and Myron Ebell,
11 Frontiers of Freedom; Peter Cleary, Americans for Tax Reform; Randy Randol, ExxonMobil
12 Corp.; Robert Gehri, The Southern Company; Sharon Kneiss, Chevron Corp; Steve Milloy, The
13 Advancement of Sound Science Coalition; and Joseph Walker, American Petroleum Institute.

14 282. Following this in person meeting, a written memorandum of the meeting was
15 distributed via the United States wire by e-mail on April 3, 1998 entitled: the “Global Science
16 Communication Team Action Plan.”

17 283. The Global Science Communication Team Action Plan was a plan to undermine
18 the science behind climate change which the members knew to be untrue in a coordinated and
19 concerted effort to deceive and profit from the deception and sell their consumer products and
20 maintain their energy monopoly.

21 284. The Global Science Communication Team Action Plan developed an organized
22 structure to have false information flooding the United States mail and wire (internet and
23 newspapers), that their products did not contribute to climate change, that the phenomena of
24 climate change or global warming was not true, was a hoax, that there was no scientific consensus,
25 and there was no threat of global warming, though the Defendants knew all this to be false.

26 285. The Global Science Communication Team Action Plan developed an organized
27 structure and hierarchy, funders and allocators to undermine scientific consensus and change
28 public opinion on the subject of climate change, in an effort to prolong and maximize the market

1 for their fossil fuel products, prevent non-carbon energy alternatives from entering the
2 marketplace, and maximize Defendants' profits.

3 286. A GCC 1998 internal strategy document written by a team convened by API
4 describes the plan to defeat the UNFCCC's Kyoto protocol by emphasizing that "it is not known
5 for sure whether (a) climate change actually is occurring, or (b) if it is, whether humans really have
6 any influence on it."¹⁸¹ The memo states that "victory" would be achieved when average citizens
7 and the media were convinced that uncertainties existed in climate science and were then
8 "stimulat[ed] ... to raise questions with policy makers."¹⁸² Ultimately, Defendants sought to "raise
9 such serious questions about the Kyoto treaty's scientific underpinnings that American policy-
10 makers not only will refuse to endorse it, they will seek to prevent progress toward implementation
11 at the Buenos Aires meeting in November or through other ways. Informing teachers/students
12 about uncertainties in climate science will begin to erect a barrier against further efforts to impose
13 Kyoto-like measures in the future."¹⁸³ The GCC disbanded in 2002, after then-President Bush
14 rejected the Kyoto Protocol, stating that it had "achieved what [it] wanted to accomplish with the
15 Kyoto Protocol."¹⁸⁴

16 287. A similar pattern of activities was undertaken in the 1990s by a group known as the
17 "Greening Earth Society" (GES). GES was headed by Fred Palmer, who now has a position with
18 the Heartland Institute.¹⁸⁵ In 1998, GES produced a video, *The Greening of Planet Earth*
19 *Continues*, which is a sequel to *The Greening of Planet Earth* released by the Western Fuels
20 Association, and that is still being promoted today by the Center for the Study of CO₂ and Global
21 Change. The description of the video misleadingly states that CO₂ emissions are beneficial: "expert
22 scientists assert that CO₂ is not a pollutant, but a nutrient to life on earth." The video is claimed to
23

24
25 ¹⁸¹ Joe Walker, Global Climate Science Communications Plan (Apr. 3, 1998), <http://www.climatefiles.com/trade-group/american-petroleum-institute/1998-global-climate-science-communications-team-action-plan/>.

26 ¹⁸² *Id.*

27 ¹⁸³ *Id.*

28 ¹⁸⁴ Dossier #7—GCC Primer.

¹⁸⁵ esmog: Clearing the PR Pollution that clouds climate science, *Greening Earth Society*, <https://www.desmogblog.com/greening-earth-society> [<https://perma.cc/J3ES-ADF4>].

1 have been distributed to more than 30,000 people worldwide.¹⁸⁶ In 1999, GES published the “State
 2 of the Climate Report” with essays from notable climate change deniers, such as Patrick Michaels,
 3 who has ties to Koch.¹⁸⁷

4 288. Defendants and their foundations have given and continue to give the American
 5 Enterprise Institute (AEI) millions of dollars to further their campaign of deception. AEI has made
 6 and continues to make misleading statements about climate change. For example, on January 21,
 7 2020, AEI published an online article entitled “Six facts about the non-problem of global
 8 warming.” The six “facts” listed are:

9 (1) The earth’s temperature has been rising at a microscopically
 10 slow pace ...

11 (2) A warmer earth saves lives ...

12 (3) While the earth’s temperature has risen, the number of natural
 disaster deaths has been sharply declining ...

13 (4) The global air pollution death rate has fallen by almost 50% since
 14 1990.

15 (5) Any impact on the economy is likely to be minimal ...

16 (6) Restricting carbon emissions to attempt to stop global warming
 17 is the wrong path—even the most severe restrictions will have
 almost zero impact on the earth’s temperature.^[188]

18 289. ExxonMobil has served or currently serves as corporate leadership of the American
 19 Legislative Exchange Council (ALEC) and/or ALEC’s Energy, Environmental, and Agriculture
 20 Task Force. ALEC’s current website misleadingly characterizes climate change as “a historical
 21 phenomenon” for which “the debate will continue on the significance of natural and anthropogenic
 22 contributions.”¹⁸⁹ ALEC continues to question the scientific consensus on climate change, contrary
 23 to evidence, and has regularly given climate deniers a speaking platform at its annual meeting.
 24 Defendants and their foundations have given and continue to give ALEC millions of dollars to

25 ¹⁸⁶ *Id.*

26 ¹⁸⁷ New Hope Environmental Services, *State of the Climate Report: Essays on Global Climate Change* (1999),
<http://www.climatefiles.com/deniers/patrick-michaels-collection/1999-greening-earth-society-climate-report-2>.

27 ¹⁸⁸ Mark Perry, *Six facts about the non-problem of global warming*, American Enterprise Institute (Jan. 21, 2020),
<https://www.aei.org/carpe-diem/six-facts-about-the-non-problem-of-global-warming/>.

28 ¹⁸⁹ ALEC, *Energy Principles*, <https://www.alec.org/model-policy/alec-energy-principles/> [https://perma.cc/X7WK-W9W9].

further these misleading statements. ExxonMobil gave ALEC \$60,000 in 2017 and almost \$2 million between 1998 and 2017. The Charles G. Koch Charitable Foundation gave ALEC more than \$2.4 million between 1997 and 2017. The Charles Koch Institute gave ALEC \$137,089 between 2014 and 2017, and the Claude R. Lambe Charitable Foundation gave ALEC \$720,000 between 1993 and 2012. API gave ALEC \$88,000 between 2008 and 2010.

290. The Center for the Study of CO₂ and Global Change produces a weekly newsletter that has a veneer of scientific credibility but misleadingly states that additional CO₂ in the atmosphere will be beneficial.¹⁹⁰ In addition, the Center's website offers a book for sale entitled "The Many Benefits of Atmospheric CO₂ Enrichment: How humanity and the rest of the biosphere will prosper from this amazing trace gas that so many have wrongfully characterized as a dangerous pollutant!"¹⁹¹ The book misleadingly "describes a host of real-world benefits that the controversial atmospheric trace gas [CO₂] provides, first to earth's plants and then to the people and animals that depend upon them for their sustenance."¹⁹² Defendants have funded the activities of the Center in order to advance misleading and false ideas. The Center received \$85,000 from ExxonMobil between 1998 and 2003. The Center also received \$85,000 from the Claude R. Lambe Charitable Foundation between 2004 and 2007.

291. The George C. Marshall Institute (GMI) has been funded by Defendants and affiliated foundations to perpetuate, *inter alia*, the false claim that there is no scientific consensus about the science of climate change. In 1997, for example, GMI orchestrated a sham petition that claimed to have 17,000 signatories arguing against man-made climate change. The "petition" included a cover letter from Fred Seitz, a tobacco scientist and climate denier, and a fake "research paper" entitled: *Environmental Effects of Increased Atmospheric Carbon Dioxide*. The National Academy of Science issued a statement that "[t]he Petition project was a deliberate attempt to mislead scientists and rally them in an attempt to undermine support for the Kyoto Protocol. The

¹⁹⁰ See, e.g., Center for the Study of Carbon Dioxide and Global Change, *Volume 23: February 2020*, <http://www.CO2science.org/index.php> [https://perma.cc/QJL4-GNTD].

¹⁹¹ Craig D. Idso & Sherwood B. Idso, *The Many Benefits of Atmospheric CO₂ Enrichment: How humanity and the rest of the biosphere will prosper from this amazing trace gas that so many have wrongfully characterized as a dangerous pollutant!* (2011).

¹⁹² *Id.*

petition was not based on a review of the science of global climate change, nor were its signers experts in the field of climate science.”¹⁹³ Although it was exposed as a sham,¹⁹⁴ for many years thereafter, the petition continued to be relied upon to make false and misleading statements about climate change. For example, the petition was cited in a U.S. Senate press release to counter criticism that was raised at a hearing, claiming that GMI represented the views of only a few scientists.¹⁹⁵ GMI received \$570,000 from ExxonMobil Foundation between 1999 and 2005, and \$260,000 from ExxonMobil Corporation between 2002 and 2007. GMI received \$200,000 from the Charles G. Koch Charitable Foundation between 2013 and 2015 and \$420,000 from the Claude R. Lambe Charitable Foundation between 2004 and 2012.

292. GMI’s Climate Change program became the “CO₂ Coalition” in 2015.¹⁹⁶ The CO₂ Coalition continues to promote the false assertion that increased atmospheric concentrations of CO₂ will be beneficial to our lives and the economy. Its mission:

is to demonstrate with science-based facts that: CO₂ is a nutrient that is essential to life. CO₂ at current levels and higher enables plants, trees and crops to grow faster and more efficiently. It is essential for life. Just as we require oxygen for life, our economy requires energy, often described as the oxygen or lifeblood of the economy. Energy must be abundant, reliable, and reasonably priced for an economy to achieve robust and sustained growth.^[197]

293. On December 3, 2019, at a presentation at UNFCCC’s 25th Conference of the Parties climate summit in Madrid, at an event titled “Rebutting the United Nation’s Climate Delusion,” and in collaboration with the Heartland Institute, the Committee for a Constructive

¹⁹³ Desmog: Clearing the PR Pollution that clouds climate science, *George C. Marshall Institute*, <https://www.desmogblog.com/george-c-marshall-institute> [<https://perma.cc/XX3Q-R6FS>] (hereinafter Desmog Marshall Institute).

¹⁹⁴ Josef Hebert, *Jokers Add Fake Names to Warming Petition*, *Seattle Times* (May 1, 1998) (noting that the petition was signed by fictitious characters and pop stars); Kevin Grandia, *The 30,000 Global Warming Petition Is Easily-Debunked Propaganda*, *HuffPost* (Aug. 22, 2009), https://www.huffpost.com/entry/the-30000-global-warming_b_243092 [<https://perma.cc/4EJT-XF86>].

¹⁹⁵ *Inhofe Questions Science Behind Arctic Report*, U.S. Senate Committee on Environment & Public Works (Nov. 16, 2004), <https://www.epw.senate.gov/public/index.cfm/2004/11/post-b505f565-f2db-4dab-8c76-c6209e5b3d7c> [<https://perma.cc/KHZ7-TJRW>].

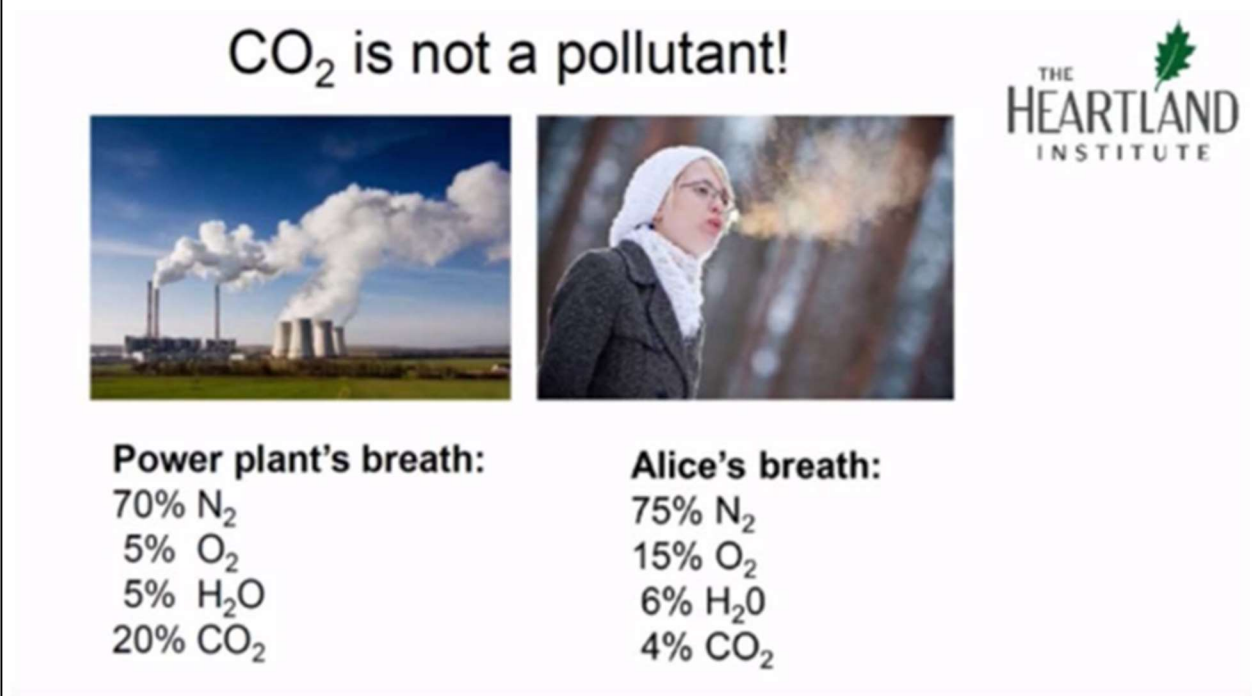
¹⁹⁶ Desmog Marshall Institute.

¹⁹⁷ CO₂ Coalition, *CO₂ Fundamentals*, <https://CO2coalition.org/CO2-fundamentals/> [<https://perma.cc/4VHB-U739>].

Tomorrow, and the European Institute for Climate and Energy, the director of the CO₂ Coalition (William Happer) referred to climate change as a phony and bizarre “environmental cult”:

We are here, though, on false pretenses, wasting our time talking about a non-existent climate emergency. And it’s hard to understand how much further the shrillness can go, as this started out as global warming, then it was climate change or global weirding, climate crisis, climate emergency ... what next? But stick around, it will happen. I hope sooner or later enough people will recognize the phoniness of this bizarre environmental cult and bring it to an end.^[198]

Happer’s talk also included the following deceptive image:¹⁹⁹



294. The CO₂ Coalition received \$364,985 from GMI in 2015.

295. The Heartland Institute promotes itself as “[t]he world’s most prominent think-tank promoting skepticism about man-made climate change.”²⁰⁰ Heartland has received funding from Defendants in the past, although ExxonMobil has attempted to distance itself from the organization

¹⁹⁸ *Trump Adviser William Happer Talks Climate Alarmism During COP25 in Madrid*, The Heartland Institute (Dec. 3, 2019), <https://www.youtube.com/watch?v=j8KxVQFoyT0>.

¹⁹⁹ *Id.*

²⁰⁰ *Arthur B. Robinson Center on Climate and Environmental Policy*, The Heartland Institute, <https://www.heartland.org/Center-Climate-Environment/index.html> [<https://perma.cc/R5QY-MNQF>].

1 in recent years.²⁰¹ The Heartland Institute advances the false claims that there is no consensus
 2 about the causes, effects, or future rate of global warming; that global warming is primarily a
 3 natural phenomenon; and that the benefits of warming are likely to outweigh the costs. Heartland
 4 also claims responsibility for defeating cap and trade, a regulatory mechanism designed to curb
 5 harmful emissions: “You may also know us from our work exposing the shoddy science and
 6 missing economics behind the global warming delusion. Our videos, books, studies, and
 7 international conferences changed the debate and led to the defeat of ‘cap and trade.’”²⁰²

8 296. Heartland disseminates this false and misleading information to educators in
 9 Washington. For example, Heartland sent Minnesota educators, for free, a book offered for sale
 10 on Heartland’s website entitled “Why Scientists Disagree About Global Warming: The NIPCC
 11 Report on Scientific Consensus.”²⁰³ The book was authored by well-known climate deniers,
 12 including Craig Idso. The first “Key Finding” of the book is: “The most important fact about
 13 climate science, often overlooked, is that scientists disagree about the environmental impacts of
 14 the combustion of fossil fuels on the global climate.” Most of the “findings” of the book are
 15 repeated from other Heartland Institute publications by the so-called “Nongovernmental
 16 International Panel on Climate Change,” which consists of the same well-worn climate change
 17 deniers such as Idso.²⁰⁴

18 297. Other groups that have received funding from Defendants as part of the conspiracy
 19 to deceive the public about climate change include, but are not limited to: Americans for
 20 Prosperity, Cato Institute, Competitive Enterprise Institute, Center of the American Experiment,
 21 Hoover Institute, Institute for Energy Research, Heritage Foundation, Manhattan Institute, Reason
 22 Foundation, and U.S. Chamber of Commerce.

23
 24 ²⁰¹ See, e.g., David Adam, *Exxon to cut funding to climate change denial groups*, The Guardian (May 28, 2008),
<https://www.theguardian.com/environment/2008/may/28/climatechange.fossilfuels> [https://perma.cc/CXH2-
 25 WXD6].

26 ²⁰² Joseph L. Bast, *Message from the President*, <https://www.webcitation.org/6dHrecCKT> [https://perma.cc/
 L3NZ-HA2V].

27 ²⁰³ Craig Idso et al., *Why Scientists Disagree About Global Warming: The NIPCC Report on Scientific Consensus*,
 The Heartland Institute (2d ed. 2016).

28 ²⁰⁴ *Lead Authors*, Nongovernmental International Panel on Climate Change, <http://climatechangereconsidered.org/lead-authors/> [https://perma.cc/XD8Y-9NT6].

298. Defendants paid for, expected, and then used the misleading materials produced by these outside organizations in furtherance of their strategy to exaggerate scientific uncertainty and avoid a clear understanding of the need to address greenhouse-gas emissions and climate change.

299. The websites of outside organizations funded by Defendants in order to deceive the public about climate science, the role of their products in contributing to climate change, the consequences of climate change, and/or the need to take swift action to mitigate climate change and the harms that it would bring are and were accessible to residents of Washington at times relevant to this Complaint. These websites contain and have contained misleading and deceptive information.

300. Defendants have also funneled hundreds of millions of dollars to organizations with the intent that these organizations would make misleading statements about climate change, including in Washington, and with the intent that these statements would promote and allow for the continued unfettered sales of their products. For example, between 1998 and 2017, ExxonMobil spent more than \$36 million funding organizations that misrepresented the scientific consensus that Defendants' fossil fuel products were causing climate change.²⁰⁵ These organizations were intended to, and did, target and influence the public and consumers, including in Washington. Although ExxonMobil publicly declared that it would stop funding climate-denial organizations in 2008, more than \$13 million of this funding was transmitted to "denial organizations" between 2008 and 2017.²⁰⁶ In fact, in 2017 alone, ExxonMobil still contributed more than \$1.5 million to climate-change denial organizations.²⁰⁷ Similarly, between 1997 and 2017, Koch-controlled foundations gave more than \$127 million to groups that obfuscated climate science.²⁰⁸

²⁰⁵ Union of Concerned Scientists, ExxonMobil Foundation & Corporate Giving to Climate Denier & Obstructionist Organizations, https://www.ucsusa.org/sites/default/files/attach/2019/ExxonMobil-Worldwide-Giving-1998-2017.pdf?_ga=2.84739161.1384563456.1548170682-1610477837.1510330963 [https://perma.cc/TG98-G3CJ].

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ Greenpeace, Koch Industries: Secretly Funding the Climate Denial Machine, <https://www.greenpeace.org/usa/global-warming/climate-deniers/koch-industries/> [https://perma.cc/J8FJ-88PX].

301. One or more Defendants directed funds to outside organizations engaged in a campaign of deception and conspiracy by funneling money through one or more intermediate organizations such as DonorsTrust and Donors Capital Fund. Between 1998 and 2017, DonorsTrust gave more than \$150 million to climate denial groups, and Donors Capital Fund gave nearly \$200 million to these groups during the same time frame.

302. The payments from Defendants to these outside organizations were part of a conspiracy to defraud consumers and the public about climate change and the role of Defendants' products in climate change. Defendants intended for these outside organizations to use the funding provided to them to disseminate misleading statements about climate change, which is what the outside organizations did.

303. Defendants intended for the misleading statements made by outside organizations to be directed at consumers of their products. Defendants intended that consumers, including those in Washington, would rely on misleading statements by outside organizations to justify decisions not to change their fossil-fuel-consumption habits.

304. Defendants also intended that the misleading statements made by outside organizations would be relied on by the public in justifying decisions not to, *inter alia*, demand regulation, taxation, or otherwise require abatement of the harmful greenhouse-gas emissions that are the byproducts of burning fossil fuels.

G. Defendants Targeted Universities, The Press, And Critics

305. The oil and gas industry cultivates partnerships with academic institutions as a way to influence climate research toward an energy transition that favors maintaining fossil fuels for as long as possible; bolster its ability to claim expertise on climate science; and gain access to thought leaders.²⁰⁹ In the words of one BP official, the academics' research was to be "informed by the business challenges we need solved."²¹⁰ Although the existence of relationships between industry and academia has long been known, documents released by the House Oversight Committee

²⁰⁹ 2014, Congressional Joint Staff Report: *Denial, Disinformation, and Doublespeak: Big Oil's Evolving Efforts to Avoid Accountability for Climate Change*.

²¹⁰ *Id.* at 44.

(1) reveal for the first time previously unknown funding amounts and (2) shed light on how companies condition grants on cooperation from academics and their perception of the relationship's business value.

H. Funding and Shaping Academic Research Programs

306. Six fossil fuel companies, including BP, Chevron, Exxon, and Shell, spent an estimated \$700 million on academic research programs between 2010 and 2020, though exact figures are unknown because disclosure requirements for university funding are limited. The funding the companies have provided has filled a research-shaping role that the companies' funding facilitated. As one study found, research centers funded by fossil fuel interests are more "favourable in their reports towards natural gas than towards renewable energy," especially in communications that specifically mention fossil fuel companies. Programs less dependent on fossil fuel industry funding show the reverse, with a more neutral sentiment towards gas, and more favorability towards renewable energy.²¹¹

307. BP's sponsorship of Princeton University's Carbon Mitigation Initiative (CMI) spans over 20 years and is the longest among the industry-university relationships. CMI seeks "to design safe, effective and affordable carbon mitigation strategies." One spreadsheet reveals that, between 2012 and 2017, BP funded CMI at levels between \$2.1 and \$2.6 million annually. BP also provides funding to climate policy academic programs at Harvard and Tufts, including the Harvard Kennedy School and the Climate Policy Lab at the Fletcher School at Tufts University. BP gave "\$416k to Harvard and \$250k to Tufts, per year" between 2019 and 2021, for programs focusing on "policy themes including but not limited to: carbon pricing, land use and carbon offsets, transportation, and technology innovation."²¹²

308. One BP email memorialized a conversation with a Princeton University climate systems modeler about research BP requested on the use of carbon capture technologies from Princeton's Net Zero America academic project. That project claims to "quantif[y] five distinct technological pathways, all using technologies known today, by which the United States could

²¹¹ *Id.* at 45.

²¹² *Id.*

decarbonize its entire economy.” The BP email notes that the researcher “will recommend [an] infrastructure program to advance net zero policies with emphasis on CCUS – building ‘backbone’ of pipelines to transport carbon from emitters to the Permian and Gulf Coast.” The email demonstrates how BP’s relationship with Princeton allowed it to advocate directly for energy and emissions policies like carbon capture without accountability for refusing to invest at scale.²¹³

309. One spreadsheet rates how strongly Princeton, Harvard University, and Tufts University research plans fit BP’s strategic priorities of “advantaged” oil, or oil that has incrementally fewer emissions per barrel than other barrels on the market, supporting a “shift to gas” from coal, and “market-led downstream growth,” referring to increasing BP’s petroleum refining business—all of which emphasize a continued reliance on fossil fuel.²¹⁴

310. Shell’s Global Methane Communications Plan describes an academic-industry partnership at Imperial College London as providing “thought leadership and research into technology that could underpin the role for gas.” A 2017 email notes that the program is “focused on supporting fundamental research and develop [sic] innovative technology solutions to support the ongoing energy transition,” including on renewables, energy storage, and “new end-uses for natural gas.” In the same email, an official described Shell’s plan to “‘embed’ Shell scientists” at the University of California (UC), Berkeley. Shell funds the Energy Biosciences Institute at UC Berkley and spent \$25 million over five years on the program.²¹⁵

311. In recent years, Exxon partnered with at least 80 universities, including the Massachusetts Institute of Technology (MIT), the University of Texas, Stanford University, National University of Singapore, and National Technical University of Singapore. From 2016 to 2017, Exxon planned to fund dozens of projects at academic institutions, including \$600,000 to MIT; \$325,000 to George Washington University’s Regulatory Studies Center; \$175,000 to

²¹³ *Id.* at 45-46.

²¹⁴ *Id.* at 46.

²¹⁵ *Id.*

Indiana University's School of Public and Environmental Affairs; \$140,000 to Stanford University; and \$50,000 to the University of Massachusetts Amherst.²¹⁶

312. Similarly, Chevron has partnered with major universities for workforce development and facility upgrades, including the Colorado School of Mines; Louisiana State University; MIT; Stanford University; Texas A&M University; UC Berkeley; UC Davis; the University of Texas, Austin; Tuskegee University; North Carolina A&T State University; Prairie View A&M University; and Florida International University. It does not appear that Chevron produced relevant documents on this subject, even though the scope of the House Oversight Committee's subpoena covered these documents.²¹⁷

I. Conditioning Grants on Cooperation from Researchers

313. Fossil fuel companies conditioned their funding to academic institutions on the extent of their cooperation and sensitivity to industry business needs. A 2016 internal document marked "confidential" reveals that BP officials recommended cutting the budget for Harvard and Tufts research partnerships because it was finding it difficult to "obtain more value" as compared to the perceived success of BP's partnership with Princeton, explaining that the "CMI discussions are directly relevant to BP, whereas the Harvard/Tufts discussions" were not. Accordingly, the official recommended cutting funding to Harvard in favor of "a tighter focus limited to climate policy and geopolitics," which "should enable a more integrated approach between the policy work at Harvard/Tufts and the scientific work at CMI." The official recommended marginalizing researchers with whom BP worked less well and propping up those who were more favorable to BP. His final recommendation was to renew the Harvard grant at a "[m]aximum of \$400k," preferring "zero for geopolitics but understand[ing] it may need to be \$50–\$100k if necessary to manage the relationship."²¹⁸

²¹⁶ *Id.* at 46-47.

²¹⁷ *Id.* at 47-48.

²¹⁸ *Id.* at 48.

314. BP reduced funding for the Harvard and Tufts programs by around 40%. Harvard's grant decreased from \$700,000 annually to \$400,000, and Tufts' grant decreased from \$215,000 to \$200,000.²¹⁹

J. Using Academic Programs to Bolster Access to Policymakers

315. Fossil fuel companies sought to gain access to policymakers and influential thought leaders by funding academic research programs. One internal BP email describes the Tufts program as "the policy complement to our longstanding Carbon Mitigation Initiative (CMI) climate science program with Princeton," noting that it benefits BP because "many of their faculty are former senior government officials with deep insight, credibility, and influence with US and global policymakers." Similarly, a "confidential" document from around 2018 describes the benefit of the BP partnership with Harvard and Tufts as "access to unparalleled expertise at the forefront of research in the areas of climate change science, technology and policy," which helps BP "provide a business perspective to help shape international policy."²²⁰

316. In a 2020 email, BP coordinated with Princeton officials on the Net Zero America study, which maps different pathways by which the United States could decarbonize its economy. BP provided "just under \$2 m[illion]" to fund the Net Zero America study, which the company viewed as important because the study had some alignment with the Biden-Harris Administration's climate policy agenda. Specifically, the BP official noted that the study "clearly plays to Biden's green agenda" and that principal researchers were "already advising Biden's transition team." As a result, BP could "leverage the study with the USG [United States government]."²²¹

317. As the 2020 presidential elections approached and it appeared that President Biden would win, BP's Vice President of U.S. Policy and Regulatory Affairs pointed out that BP's relationship with Princeton was "becoming increasingly synergistic." BP admitted that, "[i]f the

²¹⁹ *Id.*

²²⁰ *Id.*

²²¹ *Id.* at 48-49.

1 Presidential elections go the way it looks now, I would not be surprised to see some of our friends
 2 in senior government policymaking roles, as well!”²²²

3 **K. Tracking Critics And Pressuring News Outlets**

4 318. Documents obtained by the House Oversight Committee reveal that the fossil fuel
 5 industry actively tracks individuals, organizations, and news outlets critical of the industry. One
 6 particularly disturbing email demonstrates that Exxon’s chief security officer was tasked with
 7 tracking a specific activist, noting that he “has been very active in his communications of late. We
 8 are monitoring his location (now living in Vermont) and his social media.” The activist in question,
 9 a retired petroleum and industrial engineer who used to work for Exxon, provided testimony to the
 10 Vermont state legislature on fossil fuel infrastructure and had written op-eds concerning
 11 presidential climate plans, among other advocacy activities. A Shell email similarly demonstrated
 12 that climate activist activity is shared internally. The email, from May 2020, acknowledges that
 13 the coronavirus pandemic limited the ability of activist groups to protest, but that there was, in
 14 turn, a “sharp spike—43% more than average in social media ad spending.” This caused concern
 15 that the activists “are not sitting on their hands—they are adapting and we expect that they will
 16 raise more than \$1 billion this year to build their army of boots-on-the-ground supporters with the
 17 goal of killing off the fossil fuel industry.”²²³

18 319. Other documents show that fossil fuel companies tracked outside advocacy efforts
 19 related to emissions reductions and environmental accountability. A BP official expressed concern
 20 about an “uptick in citizen suits” due to the “wide availability of high-tech monitoring devices”
 21 that citizens can use to measure pollution from hazardous chemicals in their local environments.
 22 He worried that “NGOs will have more info” than what the industry is required to report to the
 23 EPA.²²⁴

24 320. Documents produced by BP include numerous “Weekly Activist Report[s]” that
 25 track global critics and protest activity focused on the fossil fuel industry’s role in climate change.

26 ²²² *Id.* at 49.

27 ²²³ *Id.* at 49.

28 ²²⁴ *Id.* at 49-50.

One Weekly Activist Report identified specific activism, such as “Protests in Washington as part of ‘Green New Deal’” and “Sunrise Movement occupies office of US Representative in Washington, DC.” API also tracked activities of climate activist groups via an email from an outside consulting group, which promised to contact API “if there is any concerning or threatening content related to API.”²²⁵

321. The fossil fuel industry tracks critical social media content. One email from API to its internal Communications email list, titled “API Media Monitoring,” appears to be part of a regular mass email blast that tracks critics of the industry. A 2017 email describes social media conversations on climate change following damaging snowstorms and wildfires throughout the country. Another shows Exxon tracking social media content, including public posts on Facebook and Twitter discussing ExxonMobil and climate change, including “a review of tweets that use the hashtags #ExxonKnew and #EnergyLiesHere.”²²⁶

322. Internal documents show companies pressuring news outlets pursuing stories that the companies believed were instigated by activists. In a 2016 email, an Exxon Media Relations Manager reacted angrily to questions from a Reuters journalist on Exxon’s relationship with the American Legislative Exchange Council (ALEC), a nonprofit organization that has frequently undertaken political advocacy activities that appear to violate Internal Revenue Service (IRS) rules governing its tax-exempt status.²²⁷ Providing a statement that could be used “if Reuters is taking this crap seriously,” the official responded, “how tone deaf are these guys for asking the IRS to investigate ALEC – an organization made up of more than 2000 conservative state lawmakers – after the IRS scandal last year? Of course, anything passes for news when you slap the ‘climate denier’ label on it.” When the journalist responded, “I hear you,” the Exxon media relations manager replied, “Don’t hear me. Kill the story.”²²⁸

²²⁵ *Id.* at 50.

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ *Id.* at 50-51.

L. They Obstructed And Attempted To Undermine A Congressional Investigation

323. Exxon, Chevron, Shell, BP, and API “obstructed and attempted to undermine a congressional investigation” into their efforts to avoid accountability for climate change.²²⁹ This conduct included failing to respect well-established judicial interpretations and resulting practices, baseless First Amendment and privilege arguments, disregard for longstanding congressional practice and norms, and significantly redacting or withholding documents.²³⁰

M. Meanwhile, They Schemed About How To Protect Themselves And Profit From Climate Change

324. Oil and gas reserves in the Arctic that were not previously reachable due to sea ice are becoming increasingly reachable as sea ice thins and melts due to climate change.²³¹ In 1973, Exxon obtained a patent for a cargo ship capable of breaking through sea ice²³² and for an oil tanker²³³ designed specifically for use in previously unreachable areas of the Arctic.

325. In 1974, Chevron obtained a patent for a mobile arctic drilling platform designed to withstand significant interference from lateral ice masses²³⁴ allowing for drilling in areas with increased ice floe movement due to elevated temperature.

326. That same year, Texaco (Chevron) worked toward obtaining a patent for a method and apparatus for reducing ice forces on a marine structure prone to being frozen in ice through natural weather conditions, allowing for drilling in previously unreachable Arctic areas that would become seasonally accessible.²³⁵

²²⁹ *Id.* at 51.

²³⁰ *Id.* at 51-59.

²³¹ James Henderson & Julia Loe, The Prospects and Challenges for Arctic Oil Development, Oxford Inst. for Energy Stud., 1 (Nov. 2014), <https://perma.cc/VDJ3-U5FZ>.

²³² Icebreaking Cargo Vessel, ExxonMobil Techn. & Rsch. Eng’g Co., U.S. Patent No. 3727571A (filed July 7, 1971) (issued Apr. 17, 1973), <https://perma.cc/YF73-R6AG>.

²³³ Tanker Vessel, ExxonMobil Rsch. Eng’g Co., U.S. Patent No. 3745960A (filed May 6, 1971) (issued July 17, 1973), <https://perma.cc/WL9C-DQ99>.

²³⁴ Arctic Offshore Platform, Chevron Rsch. & Techn. Co., U.S. Patent No. 3831385A (filed June 26, 1972) (issued Aug. 27, 1974), <https://perma.cc/MF5D-DSM9>.

²³⁵ Mobile, Arctic Drilling and Production Platform, Texaco Inc., U.S. Patent No. 3793840A (filed Oct. 18, 1971) (issued Jan. 24, 1974), <https://perma.cc/2TB6-WBY9>.

1 327. In 1984, Shell obtained a patent for an Arctic offshore platform adapted for
2 conducting operations in the Beaufort Sea, an area that previously was largely unreachable because
3 of ice but has become increasingly accessible as polar ice has melted.²³⁶

4 328. In 1989, Norske Shell, Royal Dutch Shell's Norwegian subsidiary, altered designs
5 for a natural gas platform planned for construction in the North Sea to account for anticipated sea
6 level rise. Those design changes were ultimately carried out by Shell's contractors, adding
7 substantial costs to the project.²³⁷

8 329. In 1989, Esso Resources Canada (Exxon) commissioned a report on the impacts of
9 climate change on existing and proposed natural gas facilities in the Mackenzie River Valley and
10 Delta, including extraction facilities on the Beaufort Sea and a pipeline crossing Canada's
11 Northwest Territory.²³⁸ It reported that "large zones of the Mackenzie Valley could be affected
12 dramatically by climatic change" and that "the greatest concern in Norman Wells [oil town in
13 North West Territories, Canada] should be the changes in permafrost that are likely to occur under
14 conditions of climate warming."²³⁹ The report concluded that, in light of climate models showing
15 a "general tendency towards warmer and wetter climate," operation of those facilities would be
16 compromised by increased precipitation, an increase in air temperature, changes in permafrost
17 conditions, and, significantly, sea level rise and erosion damage.²⁴⁰ The authors recommended
18 factoring those eventualities into future development planning and also warned that "a rise in sea
19 level could cause increased flooding and erosion damage on Richards Island."

20 330. In the mid-1990s, Exxon, Shell, and Imperial Oil (Exxon) jointly undertook the
21 Sable Offshore Energy Project in Nova Scotia. The project's Environmental Impact Statement
22 declared, "[t]he impact of a global warming sea level rise may be particularly significant in Nova
23

24 ²³⁶ Arctic Offshore Platform, Shell Oil Co., U.S. Patent No. 4427320A (filed Feb. 19, 1982) (issued Jan. 24,
1984), <https://perma.cc/YXH9-CS2B>.

25 ²³⁷ Greenhouse Effect: Shell Anticipates a Sea Change, N.Y. Times (Dec. 20, 1989), <https://perma.cc/PJV7-6H25>.

26 ²³⁸ See Stephen Lonergan & Kathy Young, An Assessment of the Effects of Climate Warming on Energy
Developments in the Mackenzie River Valley and Delta, Canadian Arctic, 7 Energy Exploration & Exploitation 359–
81 (1989).

27 ²³⁹ *Id.* at 369, 376.

28 ²⁴⁰ *Id.* at 360, 377–78.

Scotia. The long-term tide gauge records at a number of locations along the N.S. coast have shown sea level has been rising over the past century ... For the design of coastal and offshore structures, an estimated rise in water level, due to global warming, of 0.5 m [1.64 feet] may be assumed for the proposed project life (25 years).²⁴¹

N. The Lying Continues—The Greenwashing

331. Even today, Defendants continue to mislead about relevant facts in order to foster continued demand for fossil fuels and dampen demand for clean energy alternatives:

- Defendants still cannot bring themselves to disclose the undeniable impact of the sales of their fossil fuels on climate change, and instead continue to work to obscure this undisputable connection.
- They falsely promote fossil fuel products as “green,” “sustainable,” “carbon-neutral,” and “lowering emissions.”
- They falsely promote unrealistic or unproven technologies that would permit continued reliance on fossil fuels and fossil-fuel-based cars, heating, and electricity.
- And they promote themselves as clean energy companies who are actively working to achieve net-zero emissions.

332. Defendants’ ongoing campaign of deception is pervasive and in violation of the Federal and state law.

333. Defendants reach the public through television, news, podcasts, online ads, Google searches, social media posts, YouTube videos, and through messaging from seemingly independent third parties that are, in reality, closely connected to Defendants. And Defendants employ messaging strategies that amplify and maximize their influence on consumers and the public.

334. All of this in order to achieve a common end: giving consumers the impression that climate change is not a serious concern and, in any event, that Defendants are clean energy companies who will solve climate change with “advanced” fossil fuels, new technologies, and reducing emissions—thereby perpetuating and maximizing the sales of Defendants, fossil fuel products and the massive profits those sales generate.

²⁴¹ ExxonMobil, Sable Project: Development Plan, Vol. 3: Environmental Impact Statement, 4–77 (Feb. 1996), <https://web.archive.org/web/20151106083051/http://soep.com/about-the-project/development-plan-application>.

1 335. As set forth herein, Defendants’ actions, investments and business plans tell a
2 different story. Defendants continue to explore for and produce increasing quantities of fossil fuels,
3 to ensure dependence and to dampen demand for alternative energy sources and technologies. The
4 plan is to maximize, perpetuate, and continue to profit from fossil fuel sales, not to reduce them.

5 336. Defendants’ investments in clean energy are miniscule parts of their budgets and
6 short-lived, and Defendants’ “commitment” to this research demonstrates that Defendant have no
7 intent to facilitate a transition away from fossil fuel dependence as their ads would have the public
8 believe.

9 337. In short, Defendants have spent fortunes deceiving the public about climate change
10 and the harms and costs it imposes on the consumers who buy their fossil fuel products all in the
11 name of protecting their “core business” operations: selling more and more fossil fuels. This
12 deception continues.

13 338. Defendants have falsely claimed through advertising campaigns in Washington
14 and/or campaigns intended to reach Washington that their businesses are substantially invested in
15 lower-carbon technologies and renewable energy sources. In truth, however, each Defendant has
16 invested minimally in renewable energy while continuing to expand its fossil fuel production.
17 Reasonable consumers exposed to Defendants’ advertisements would understand Fossil Fuel
18 Defendants to be far more substantially invested in alternative energy sources than in fact is the
19 case—this is deception. Defendants have also claimed that some of their fossil fuel products are
20 “green” or “clean,” and that using these products will sufficiently reduce or mitigate the dangers
21 of climate change. None of the Defendants’ fossil fuel products are “green” or “clean” because
22 they all continue to cause climate change and related impacts, and this marketing misleadingly
23 minimizes these products’ adverse environmental impacts and induces consumers to purchase
24 these products under false impressions. Collectively, these more recent deceptive promotional
25 statements and practices are referred to as “greenwashing.”

26 339. Defendants intentionally greenwash their own brands and their fossil fuel products
27 to maximize profit from fossil fuel consumption. Greenwashing is designed to increase
28 consumption by portraying positive but false representations of Defendants and their products.

While greenwashing occurs in many different forms—e.g., false advertising about “green” or “clean” fossil fuel products, or social media campaigns about Defendants’ commitments to the environment or to renewable energy—the common purpose of all greenwashing is to create a positive, but false, narrative about Defendants and their products. That false narrative drives brand loyalty and trust among consumers, alters consumer behavior, and thus increases consumption of fossil fuel products. Greenwashing is especially misleading today because consumers increasingly prioritize environmental sustainability, even when that means paying more, and because consumers report positive associations with brands that portray themselves as “green” or as committed to renewable energy.²⁴² Because consumers may conflate greenhouse gas emissions and other air pollutants,²⁴³ even advertising that does not explicitly mention greenhouse gases may create a misleading impression that a brand is climate-friendly.

340. Defendants’ misleading greenwashing campaigns are intended to reach, and do reach and influence the public and consumers, including in Washington. These campaigns are intended to capitalize on consumers’ concerns about climate change and lead consumers to believe that Defendants are substantially diversified energy companies making meaningful investments in low-carbon energy compatible with minimizing catastrophic climate change. At bottom, these deceptive campaigns are intended “to induce false positive perceptions”²⁴⁴ of the Defendants’ commitment to the environment while downplaying or otherwise concealing the role their fossil fuel products play in bringing about catastrophic climate harms.

341. Defendants’ greenwashing extends to their professed support for the Paris Agreement. Publicly, Defendants pledged to help meet the goals of the agreement. Privately, they viewed participation and support for the agreement as politically convenient, risk-free, and

²⁴² Ronald S. Friedman & Dylan S. Campbell, *An Experimental Study of the Impact of Greenwashing on Attitudes toward Fossil Fuel Corporations’ Sustainability Initiatives*, 17 Env’t Comm’n 486 (2023), <https://perma.cc/4JNF-UTKZ>; see also Ravi Dutta-Powell et al., *Two Interventions for Mitigating the Harms of Greenwashing on Consumer Perceptions*, BIT Working Paper No. 001 (2023), <https://perma.cc/S59N-ECV2>.

²⁴³ E.g., Charlotte Noel et al., *The Public’s Perceptions of Air Pollution. What’s in a Name?* *Environ Health Insights* (wp. 21, 2022), doi: 10.1177/11786302221123563; Ann Bostrom et al., *Causal Thinking and Support for Climate Change Policies: International Survey Findings*, 22 *Global Environmental Change* 210 (Feb. 2012), <https://doi.org/10.1016/j.gloenvch.2011.09.012>.

²⁴⁴ Noemi Nemes et al., *An Integrated Framework to Assess Greenwashing*, 14 *Sustainability* 4431 (2022), <https://perma.cc/H4Af-9VA3>.

unburdened by the necessity of any meaningful corresponding action on their part.²⁴⁵ The Paris Agreement proved to be an opportunity for Defendants to tout their environmental bona fides by overemphasizing their minimal investments in clean or renewable forms of energy while they knowingly pursued business strategies undermining the agreement's goal of limiting global warming to 2 degrees Celsius.²⁴⁶ For example, Exxon publicly announced its support for the Paris Agreement in 2015 and reiterated its support in 2021. However, in a 2019 memo circulated to high-level executives at the Oil and Gas Climate Initiative ("OGCI"), an Exxon official recommended that the group remove all references to its support for the agreement in any public-facing document so as to avoid "commit[ting] [OGCI] members to enhanced climate-related governance, strategy, risk management, and performance metrics and targets."²⁴⁷ Meanwhile, in 2024, Exxon announced that it would increase oil and gas production by about 10% over the next four years.²⁴⁸

342. Defendants also engaged in doublespeak regarding their commitments to emission reduction measures, professing their support for such things as federal methane emissions regulations on one hand while lobbying against them on the other.²⁴⁹ In a bid to "stave off future regulation," Defendants, through a program convened by API, voluntarily pledged to limit their methane emissions.²⁵⁰ Beyond methane emissions, Defendants have pledged to meet certain emission reduction targets.²⁵¹ These pledges, however, elide continued long-term commitments to oil and gas production and internal doubts about the ability of the Fossil Fuel Defendants to actually meet their emissions targets.²⁵²

²⁴⁵ *Denial, Disinformation, and Doublespeak*, *supra*, at 17-21.

²⁴⁶ *Id.* at 18.

²⁴⁷ *Id.* at 18 (quoting Doc. No. EM-HCOR3-00064980).

²⁴⁸ *Id.*

²⁴⁹ *Id.* at 25.

²⁵⁰ *Id.* at 24, 26 (quoting Doc. No. BPA_HCOR_00039279 ("You begin by doing things voluntarily and then that (and not much more) becomes the regulation:)).

²⁵¹ *Id.* at 11.

²⁵² *See e.g., id.* at 14 (citing Doc No. SOC-HCOR-045422 (email thread in which Shell employee writes that "any credible route to net-zero emission requires significant electrification of end use as well as biofuels, hydrogen and some degree of carbon capture and storage)), (citing Doc. No. SOC-HCOR-391063 (New York Magazine article quoting Shell's Chief Economist as saying "We're going to get as much out of [oil and gas] for as long as we can"))).

343. Likewise, Defendants widely promoted their token investments in carbon capture and other emissions-reducing technologies like algae-based biofuels despite concerns about their scalability and cost. For example, in an advertisement, Exxon described its investment and utilization of carbon capture technology as “one way ExxonMobil is helping industrial plants ... be more like plants.”²⁵³ The goal of such advertising was to convince people that “ExxonMobil is actively working on effective ways to reduce the world’s CO₂ levels.”²⁵⁴ However, Exxon itself admitted that to reach net zero by 2050, carbon capture technology would need to be deployed at 185 times its current rate of deployment.²⁵⁵ Indeed, Defendants viewed one of the key benefits of carbon capture technology as “sustain[ing] gas demand growth for longer[.]”²⁵⁶ Similarly, beginning in 2008, Defendants heavily promoted their funding and development of algae-based biofuels as viable clean energy alternatives, only for all such efforts to be terminated by 2023 amid internal doubts about the technology’s practicability.²⁵⁷

344. Contrary to their messaging about commitments to low-carbon energy and energy diversification, however, Defendants’ spending on low-carbon energy is substantially and materially less than Fossil Fuel Defendants indicate to consumers. For example, according to a recent analysis, between 2010 and 2018, BP spent 2.3% of total capital spending on low-carbon energy sources, Shell spent 1.33%, Chevron spent 0.23%, Exxon spent 0.22%, and ConocoPhillips spent 0.03%, despite an array of greenwashing advertisements and promotion conveying these companies as committed to green, clean, or sustainable energy.²⁵⁸

345. Ultimately, although Fossil Fuel Defendants currently claim to support reducing GHG emissions, their conduct belies these statements. Fossil Fuel Defendants have continued to ramp up fossil fuel production globally; to invest in new fossil fuel development, including in shale

²⁵³ *Id.* at 31 (citing Doc. Nos. EM-HCOR3-00524824, EM-HCOR3-00519383, EM-HCOR3-00519355).

²⁵⁴ *Id.* (quoting Doc. No. EM-HCOR3-00298426).

²⁵⁵ *Id.* at 32 citing ExxonMobil, Emissions (online at <https://corporate.exxonmobil.com/what-we-do/energy-supply/globaloutlook/emissions>) (accessed Apr. 29, 2024)).

²⁵⁶ *Id.* at 34 (quoting Doc. No. BPS_HCOR_0037840; BPS_HCOR_00049634).

²⁵⁷ *Id.* at 34-35 (“Exxon spent nearly half as much on *advertising* algae as a climate solution as it did on actually researching it.”).

²⁵⁸ Fletcher *et al.*, *Beyond the Cycle*, at 38, Figure 69 (“Disclosed low-carbon investment as a proportion of total CAPEX (2010-Q3 2018)”) (Nov. 2018), <https://perma.cc/3SY2-PNSX>.

oil production and shale gas fracking—some of the most carbon-intensive extraction projects; and to plan for unabated oil and gas exploitation indefinitely into the future.

346. For example, Exxon’s 2023 Corporate Plan update states that the company expects its oil and gas production to rise from 3.8 million oil-equivalent barrels per day in 2024 to about 4.2 million oil-equivalent barrels per day by 2027.²⁵⁹ Exxon anticipates capital expenditures of between \$23 billion and \$27 billion annually through 2027, and says that it will “pursu[e]” \$20 billion of vaguely-defined “lower-emissions opportunities” through 2027.²⁶⁰ In 2023 alone, Exxon spent almost three times as much money acquiring fossil fuel producer Pioneer Natural Resources (\$59.5 billion) than it has stated it will invest in “lower carbon initiatives” (largely carbon capture technology) through 2027.²⁶¹

347. Similarly, Chevron announced in late 2023 that it would spend between \$18.5 billion and \$19.5 billion on new oil and gas projects in 2024, representing an 11% increase from the year before.²⁶² By contrast, Chevron expected to spend only \$2 billion in 2024 to “lower the carbon intensity of traditional operations and grow new energy business lines.”²⁶³ In late 2024, Chevron announced that it would spend only \$1.5 billion in 2025 on emissions-reduction efforts and alternative energy initiatives, a 25% drop from 2024.²⁶⁴ In 2023 alone, Chevron spent more than five times as much money acquiring fossil fuel producer Hess as it has stated it will spend on lower-carbon energy projects through 2028.²⁶⁵

²⁵⁹ Press Release, ExxonMobil, *Corporate Plan Update* (Dec. 6, 2023), <https://perma.cc/XAM4-F3WR>.

²⁶⁰ *Id.*

²⁶¹ Aryn Baker, *How Chevron and Exxon’s Latest Fossil Fuel Deals Compare to Their Green Spending*, Time Magazine (Oct. 25, 2023, 2:31 PM EDT), <https://perma.cc/8ZF6-JL5D>.

²⁶² Sabrina Valle, *Chevron Increases Project Spending Budget by 11% for 2024*, Reuters (Dec. 6, 2023, 8:56 PM EST), <https://perma.cc/JB7J-6UXN>.

²⁶³ Sam Ramon, *Chevron Announces \$16 Billion 2024 Capex Budget*, Chevron (Dec. 6, 2023), <https://perma.cc/H4X5-FH2M>.

²⁶⁴ Kevin Crowly, *Chevron Is Cutting Low-Carbon Spending by 25% Amid Belt Tightening*, Bloomberg (Dec. 6, 2024), <https://perma.cc/N9QX-V6MT>.

²⁶⁵ Baker, *How Chevron and Exxon’s Latest Fossil Fuel Deals Compare to Their Green Spending*, supra note EDT), <https://perma.cc/3MYK-T6TV>.

348. Likewise, Shell spent almost six times more money on oil and gas development than on renewable technology in 2022.²⁶⁶ In June 2023, Shell withdrew its 2021 pledge to cut oil production each year for the rest of the decade, announcing instead that it would maintain its current level of oil production until 2030 and would invest \$40 billion in oil and gas production between 2023 and 2035.²⁶⁷ And while Shell states that approximately 12% of its 2021 capital spending went to its “Renewables and Energy Solutions” division, its own financial reporting indicates it dedicated only approximately 1.5% of its capital expenditures to developing renewable energy sources such as wind and solar power production, with the large majority of other spending directed to projects related to natural gas.²⁶⁸ Shell also announced that, notwithstanding its record profits in 2022, it would not increase spending on Renewables and Energy Solutions and would instead focus new spending on fossil fuel production.²⁶⁹

349. BP has also scaled back its recently stated decarbonization goals. In 2020, BP stated its intention to reduce the company’s total upstream emissions by 20% by the year 2025, and 35–40% by the year 2030. In February 2023, however, BP reduced those projections to a 10–15% reduction by 2025, and a 20–30% reduction by 2030.^{270 271} BP had also pledged in 2020 to reduce its total oil and gas production 40% from 2019 levels by 2030.²⁷² Again in 2023, however, BP lowered its goal to a 25% reduction.²⁷³ In 2025, BP essentially rolled back its entire 2020 pledge

²⁶⁶ Ron Bousso, *Exclusive: Shell Pivots Back to Oil to Win Over Investors*, Reuters (June 9, 2023, 1:06 PM EDT), <https://perma.cc/3MYK-T6TV>.

²⁶⁷ Lottie Limb, *Shell Joins BP and Total In U-Turning on Climate Pledges ‘to Reward Shareholders’*, euronews (June 15, 2023, 16:10 GMT), <https://perma.cc/9QR8-JQIB>.

²⁶⁸ Oliver Milman, *Shell’s Actual Spending on Renewables is Fraction of What It Claims, Group Alleges*, The Guardian (Feb. 1, 2023, 8:00 EST), <https://perma.cc/3QRS-FZYL>.

²⁶⁹ Will Mathis, *Shell Hits the Brakes on Growing Renewables Unit After Record 2022 Profit*, Bloomberg (Feb. 2, 2023 7:49 AM EST), <https://perma.cc/VEX5-KCJD>.

²⁷⁰ Evan Halper and Aaron Gregg, *BP Dials Back Climate Pledge Amed Soaring Oil Profits*, The Wash. Post (Feb. 7, 2023, 11:41 AM EST), <https://perma.cc/HL7J-YZCV>.

²⁷¹ BP, *Getting to Net Zero*, <https://perma.cc/3SGK-8JGU>; BP, BP Integrated Energy Company Strategy Update (Feb. 7, 2023), <https://perma.cc/PA3U-2EZa>.

²⁷² Shadia Nasralla and Ron Bousso, *BP to Cut Fossil Fuels Output by 40% By 2030*, Reuters, (Aug. 4, 2020, 3:34 AM EDT), <https://perma.cc/5PNG-ENJT>.

²⁷³ Stanley Reed, *BP, in a Reversal, Says It Will Produce More Oil and Gas*, N.Y. Times (Feb. 7, 2023), <https://perma.cc/TV4V-QK2X>.

1 when it announced that it is aiming to boost its oil and gas production back up to 2.5 million barrels
2 per day by 2030, roughly 1% below its 2019 production average of 2.6 million barrels per day.²⁷⁴

3 350. The following pages depict a few examples of the many images employed by
4 Defendants in their deceptive greenwashing campaign:



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18 **(BP Advert (Revised) Beyond Petroleum Ad. Youtube. (May 10, 2007))**

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²⁷⁴ Joe Wallace, *BP to Slash Green Spending, Pivot Back to Oil*, The Wall Street Journal (Feb. 26, 2025), <https://perma.cc/K3EX-RCCL>.



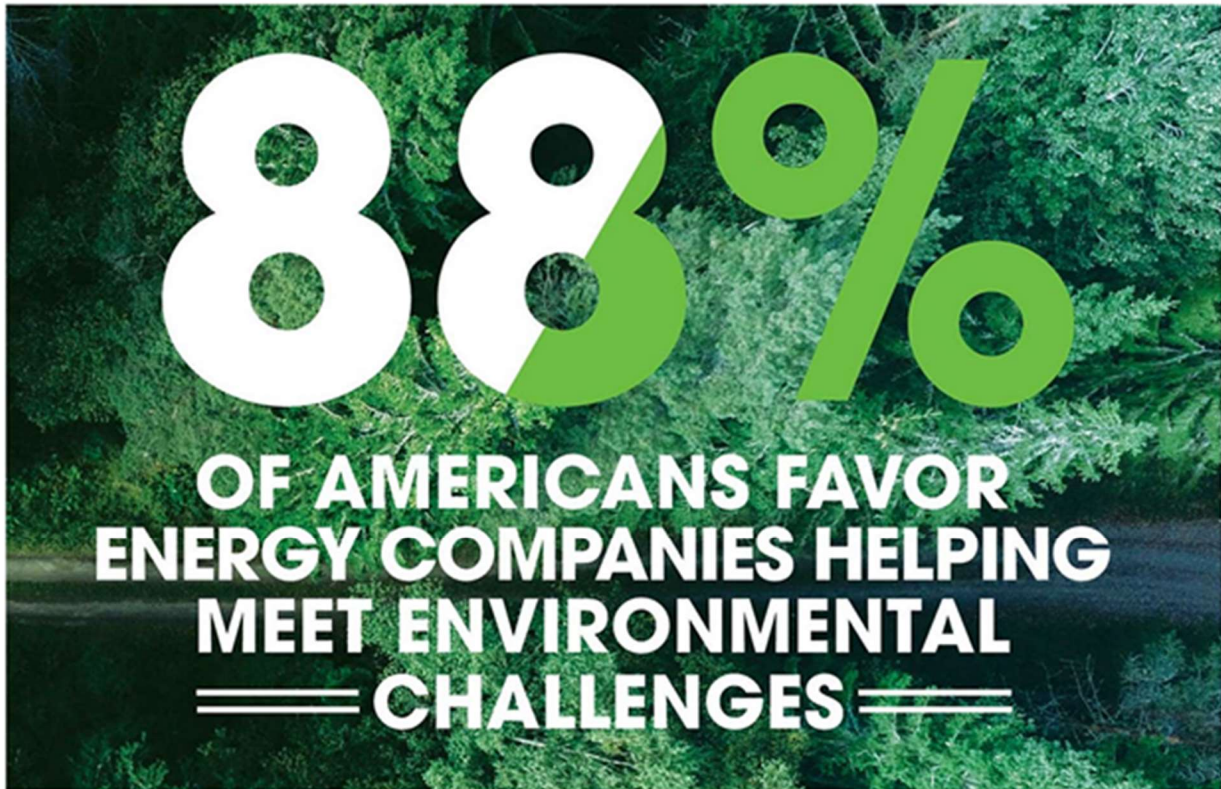
(Sponsored Advertisement by Shell. By working together, we can achieve a net-zero emissions world. Click to learn more. #MakeTheFuture. Facebook. (May 10, 2021 to June 27, 2021))

We are committed to helping
the world address climate change.



(Phillips 66 October 1, 2021 Social Media Advertisement (Facebook))

Energy For A Cleaner Environment



Energy is fundamental to the lives we want to live – free, safe and healthy, with broad opportunity. Delivering the natural gas and oil that powers and supports modern living means doing so with lower emissions and improved products and operations. In all of these, industry is helping lead the way.

(API “Lower emissions ... industry is helping lead the way” image and text posted on its website, social media post, and in other advertisements)

351. Defendants' greenwashing campaigns deceptively minimize their own role in causing climate change, including by suggesting that small changes in consumer choice and behavior can adequately address climate change. These campaigns misleadingly portray Fossil Fuel Defendants as part of the solution to climate change and deceptively distract from the fact that their fossil fuel products are the primary driver of global warming and climate change.

352. Finally, all of these greenwashing claims are clear violations of the FTC Green Guides. Developed by the Federal Trade Commission (FTC), the Green Guides are designed to help marketers avoid making environmental marketing claims that are unfair or deceptive under Section 5 of the FTC Act, 15 U.S.C. § 45. The Green Guides also play a large role in state consumer protection law. At least twelve states²⁷⁵ have laws that directly incorporate the standards set forth in the Green Guides as the legal standard for lawfully making certain marketing claims²⁷⁶ and twenty-seven states and territories²⁷⁷ have laws designating the FTC's interpretation in the Green Guides as persuasive authority for courts.

O. Causation And Damages

1. Atmospheric CO2 levels sufficient to cause the severe weather events driving the Plaintiffs' increased home-owners premiums were not inevitable.

353. Defendants have long been aware of alternative clean energy sources and technologies that were available to facilitate a transition away from fossil fuels.

354. As early as 1980, Exxon knew that non-fossil fuel energy sources, if pursued, could penetrate half of a competitive energy market in approximately 50 years.²⁷⁸ This internal estimate was based on extensive modeling within the academic community, including research conducted by the Massachusetts Institute of Technology's David Rose, which concluded that a transition to

²⁷⁵ These states are Alabama, California, Florida, Indiana, Maine, Maryland, Michigan, Minnesota, New Mexico, New York, Pennsylvania, Rhode Island, and Washington.

²⁷⁶ April 24, 2023 Comments to FTC re Green Guides from the states of California, Connecticut, Delaware, Illinois, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, and Wisconsin, available at <https://oag.ca.gov/system/files/attachments/press-docs/Comments%20to%20FTC%20re%20Green%20Guides%204.24.23.pdf>.

²⁷⁷ These are Alabama, Alaska, Arizona, Connecticut, District of Columbia, District of Guam, Florida, Idaho, Georgia, Illinois, Maine, Maryland, Massachusetts, Michigan, Montana, New Hampshire, New Mexico, Ohio, South Carolina, Rhode Island, Tennessee, Texas, Utah, Vermont, Washington, and West Virginia.

²⁷⁸ Memorandum from Henry Shaw to T.K. Kett, Exxon Research and Engineering Company's Technological Forecast: CO₂ Greenhouse Effect, 3 (Dec. 18, 1980), <https://perma.cc/22P8-W4V3>.

1 non-fossil energy could be achieved in around 50 years. Exxon circulated an internal memo
2 approving of Rose's conclusions, stating they were "based on reasonable assumptions."²⁷⁹

3 355. In 1980, Imperial Oil (Exxon) wrote in its "Review of Environmental Protection
4 Activities for 1978–79": "There is no doubt that increases in fossil fuel usage and decreases in
5 forest cover are aggravating the potential problem of increased CO₂ in the atmosphere. Technology
6 exists to remove CO₂ from stack gases but removal of only 50% of the CO₂ would double the cost
7 of power generation."

8 356. A 1987 company briefing Shell produced on "Synthetic Fuels and Renewable
9 Energy" noted that "Initially, [clean energy sources] will supplement and eventually replace
10 valuable oil products ... New energy sources take decades to make a major global contribution.
11 Sustained commitment is therefore needed during the remainder of this century to ensure that new
12 technologies and those currently at a relatively early stage of development are available to meet
13 energy needs in the next century."

14 357. A 1989 article in a publication from Exxon Corporate Research, for company use
15 only, stated: "Since energy generation from fossil fuels dominates modern CO₂ emissions,
16 strategies to limit CO₂ growth focus near term on energy efficiency and long term on developing
17 alternative energy sources. Practiced at a level to significantly reduce the growth of greenhouse
18 gases, these actions would have substantial impact on society and our industry—near-term from
19 reduced demand for current products, long term from transition to entirely new energy systems."²⁸⁰

20 358. In a 1997 speech by John Browne, Group Chief Executive for BP America, at
21 Stanford University, Browne described Defendants' and the entire fossil fuel industry's
22 responsibility and opportunity to reduce the use of fossil fuel products, reduce global CO₂
23 emissions, and mitigate the harms associated with the use and consumption of such products:

24 [W]e need to go beyond analysis and to take action. It is a moment
25 for change and for a rethinking of corporate responsibility...

26 ²⁷⁹ Exxon Research and Engineering Company, Coordination and Planning Division, CO₂ Greenhouse Effect: A
Technical Review, at 17–18 (Apr. 1, 1982), <https://perma.cc/83JJ-27CW>.

27 ²⁸⁰ Flannery, Brian. Greenhouse Science, Connections: Corporate Research, Exxon Research and Engineering
Company (Fall 1989), [http://www.climatefiles.com/exxonmobil/1989-exxonmobil-article-technologys-place-](http://www.climatefiles.com/exxonmobil/1989-exxonmobil-article-technologys-place-marketing-mix)
28 [marketing-mix](http://www.climatefiles.com/exxonmobil/1989-exxonmobil-article-technologys-place-marketing-mix).

[T]here is now an effective consensus among the world's leading scientists and serious and well informed people outside the scientific community that there is a discernible human influence on the climate, and a link between the concentration of carbon dioxide and the increase in temperature... . We [the fossil fuel industry] have a responsibility to act, and I hope that through our actions we can contribute to the much wider process which is desirable and necessary. BP accepts that responsibility and we're therefore taking some specific steps. To control our own emissions. To fund continuing scientific research. To take initiatives for joint implementation. To develop alternative fuels for the long term. And to contribute to the public policy debate in search of the wider global answers to the problem.²⁸¹

359. Indeed, Defendants themselves had developed, patented, and controlled some of these clean energy technologies.

360. For example, in 1963, Esso (Exxon) obtained multiple patents on technologies for fuel cells,²⁸² including the design of a fuel cell and the necessary electrodes,²⁸³ and on a process for increasing the oxidation of a fuel, specifically methanol, to produce electricity in a fuel cell.²⁸⁴

361. Phillips Petroleum Company (ConocoPhillips) obtained a patent in 1966 for a "Method for recovering a purified component from a gas" outlining a process to remove carbon from natural gas and gasoline streams.²⁸⁵

362. In 1970, Esso (Exxon) obtained a patent for a "low-polluting engine and drive system" that used an interburner and air compressor to reduce pollutant emissions, including CO₂ emissions, from gasoline combustion engines. The system also increased the efficiency of the fossil fuel products used in such engines, thereby lowering the amount of fossil fuel product necessary to operate engines equipped with this technology.²⁸⁶

²⁸¹ John Browne, Group Executive for BP America, BP Climate Change Speech to Stanford (May 19, 1997), available at <https://www.climatefiles.com/wp-content/uploads/1997/05/bp-john-browne-stanford-1997-climate-change-speech-1.pdf>.

²⁸² Fuel cells use to chemical energy of hydrogen or other fuels to produce electricity. See U.S. Dep't of Energy, *Fuel Cells*, <https://perma.cc/6W5L-EZGV>.

²⁸³ Fuel Cell and Fuel Cell Electrodes, ExxonMobil Rsch. Eng'g Co., U.S. Patent No. 3116169A (filed Mar. 14, 191960) (issues Dec. 31, 1963), <https://perma.cc/8NKJ-DEUL>.

²⁸⁴ Direct Production of Electrical Energy from Liquid Fuels, ExxonMobil Rsch. Eng'g Co., U.S. Patent No. 3113049A (filed Jan. 3, 1961) (issued Dec. 3, 1963), <https://perma.cc/CWW4-W4MF>.

²⁸⁵ Phillips Petroleum Co., Patent US3228874A: Method for recovering a purified component from a gas (granted Jan. 11, 1966), <https://patents.google.com/patent/US3228874>.

²⁸⁶ Low-polluting Engine and Drive System, ExxonMobil Rsch. Eng'g Co., U.S. Patent No. 3513929A (filed Aug. 25, 1967) (issued May 26, 1970), <https://perma.cc/N4AF-2M67>.

1 **2. Defendants obstructed and delayed the transition to clean energy sources**
2 **they knew could be achieved by deceiving consumers.**

3 363. Despite Defendants' knowledge of the foreseeable, measurable, and significant
4 harms associated with the unrestrained consumption and use of fossil fuel products, in Washington,
5 as elsewhere, and despite Defendants' knowledge of technologies and practices that could have
6 helped to reduce the foreseeable dangers associated with their fossil fuel products, Defendants
7 continued to promote heavy fossil fuel use, and mounted a campaign to obscure the connection
8 between fossil fuel products and the climate crisis.

9 364. As discussed *supra*, Defendants knew since 1980 that a transition to clean energy
10 sources reducing fossil fuel energy sources by 50% could be achieved by 2030.

11 365. Defendants could have chosen to make that transition happen. Instead they
12 embarked on a campaign to do everything they could to make sure it did not.

13 366. They could have acknowledged what they knew to be the validity of scientific
14 evidence on anthropogenic climate change and the catastrophic impacts it posed for the consumers
15 it was selling its products to.

16 367. They could have disseminated evidence supporting a public policy agenda focused
17 not on determining whether to combat climate change but on the critical need to do so.

18 368. They could have chosen not to participate in efforts, whether directly, through
19 coalitions, or through front groups, to distort public debate, manipulate public perception and the
20 public policy agenda, and cause many consumers, business, and political leaders to think the
21 relevant science is far less certain than it actually is and entirely eliminated the public confusion
22 that has ensued since at least 1988.

23 369. Forthrightly communicating with consumers, the public, regulators, and warning
24 stake-holders about the global warming hazards of fossil fuel products that were known to
25 Defendants would have enabled informed decisions about whether to curb the use of these
26 products—including whether and to what extent to invest in alternative clean energy sources
27 instead of in fossil fuels.
28

1 370. Defendants chose a different path. As described above, rather than inform and warn
2 the public of the risks associated with their fossil fuel sales, Defendants chose instead to perpetrate
3 a massive, deliberate, decades-long and ongoing misinformation campaign intended to perpetuate,
4 inflate, and maximize their fossil fuel sales and massive profits by deceiving the public and
5 consumers as to the conclusions they themselves had reached regarding the substantial
6 consequences that the sale of their products would have.

7 371. Defendants' successful big-tobacco inspired playbook was founded on the
8 common-sense principle that when people are made aware of the harmful effects or qualities of
9 products they purchase, they will choose not to purchase them or to reduce their purchases.

10 372. History shows that this holds especially true when products have been shown to
11 harm public health or the environment. For example, increased consumer awareness of the role of
12 pesticides in harming human health, worker health, and the environment has spurred a growing
13 market for food grown organically and without the use of harmful pesticides. With access to
14 information about how their food is grown, consumers have demanded healthier choices, and the
15 market has responded.

16 373. Consumers responded swiftly to findings that the use of products like hairsprays
17 and deodorants with chlorofluorocarbon ("CFC") containing aerosols were depleting the earth's
18 protective ozone layer by purchasing substitutes for CFC-containing products.

19 374. Increased consumer awareness of the role of pesticides in harming human health,
20 worker health, and the environment spurred a burgeoning market for food grown organically—
21 with access to information about how their food was grown, consumers demanded healthier
22 choices, and the market responded.

23 375. This phenomenon can be described as the Gateway Belief Model. "The Gateway
24 Belief Model describes a process of attitudinal change where a shift in people's perception of the
25 scientific consensus on an issue leads to subsequent changes in their attitudes which in turn predict
26 changes in support for public action."²⁸⁷

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28 ²⁸⁷ <https://environment.yale.edu/bibcite/reference/1949>.

376. Recent studies and surveys have demonstrated that consumers with substantial awareness of climate change are largely willing “to change their consumption habits ... to help reduce the impacts of climate change.”²⁸⁸

377. It has also been shown that informed consumers attempt to contribute toward solving environmental problems by supporting companies that they perceive to be developing “green” or more environmentally friendly products.²⁸⁹

378. Defendants were and are well aware that consumer purchasing habits regarding fossil fuels, like tobacco sales, would be driven by the consumer’s understanding of the associated risks. They knew that knowledge of the full extent of the risks associated with the routine use of fossil fuel products is material to consumers’ decisions to purchase and use those products. As a BP executive put it in an internal memo from 2016:²⁹⁰

1.1.1 Risks to BP from climate change

The climate problem has the potential to disrupt BP’s business in at least three ways:

- i. Effective climate policies can emerge that discourage fossil fuel consumption, that impose environmental performance standards on production processes, and that subsidize or promote efficiency and low carbon energy.
- ii. Climate-motivated research can create disruptive new energy technology.
- iii. Climate impacts can directly disrupt BP’s investments in energy production infrastructure and supply chains.

379. Creating a false perception of disagreement in the scientific community (despite the consensus that its own scientists, experts, and managers had previously acknowledged) has been a successful strategy for the Defendants. It disrupted vital channels of communication between

²⁸⁸ Changes in Consumers’ Habits Related to Climate Change May Require New Marketing and Business Models, The Conf. Bd. (Oct. 26, 2022), <https://perma.cc/2FFC-WYAY>.

²⁸⁹ See, e.g., Anthony Leiserwitz et al., Consumer Activism on Global Warming, Yale Program on Climate Change Commc’n & George Mason Univ. Ctr. for Climate Change Commc’n, George Mason University, eds (Sept. 2021), <https://perma.cc/5VXC-BN2H>.

²⁹⁰ BP. Issues Management Working Group Meeting Notes; Caspian 4.53. (Sept. 25, 2017) https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022/BP_Redacted-Final-1.pdf p.104.

1 scientists and the public and deprived consumers of the knowledge to make informed choices about
2 their consumption of Defendants' fossil fuel products.

3 380. In 2007, a Yale University-Gallup poll found that only 48% of Americans believed
4 that there was a consensus among the scientific community that global warming was happening,
5 and 40% believed there was a lot of disagreement among scientists over whether global warming
6 was occurring.²⁹¹ Eight years later, a 2015 YaleGeorge Mason University poll found that "[o]nly
7 about one in ten Americans understands that nearly all climate scientists (over 90%) are convinced
8 that human-caused global warming is happening, and just half ... believe a majority do."²⁹²
9 Further, it found that 33% of Americans believe that climate change is mostly due to natural causes,
10 compared to 97% of peer-reviewed papers that acknowledge that global warming is real and at
11 least partly human-caused.²⁹³

12 381. Following an advertising campaign linking Shell to a polar expedition using
13 renewable fuels, on of Shell's public relations firms articulated the "Business Outcome" of the
14 campaign:

- 15 • Audience members are 31% more likely to believe Shell is
- 16 committed to cleaner fuels.
- 17 • Positive attitudes towards the brand increased by 12%

18 382. Deliberately undermining the science of climate change, purposefully downplaying
19 the role that the purchase and consumption of their products played in causing climate change,
20 concealing failing to inform consumers and the public of their understanding that without swift
21 action, climate change would result in "catastrophic" consequences has been a tremendous success
22 for the Defendants' collective bottom-line.

23 383. Defendants' campaign has ensured that the transition away from fossil fuels to
24 clean energy and low-carbon technologies that the Defendants' determined would penetrate half
25

26 ²⁹¹ *American Opinions on Global Warming: A Yale/Gallup/Clearvision Poll*, Yale Program on Climate Change
Commc'n (July 31, 2007), <https://perma.cc/JU76-XV82>.

27 ²⁹² Anthony Leiserowitz et al., *Climate Change in the American Mind*, Yale Program on Climate Change
Commc'n & George Mason Univ., Ctr. For Climate Change Commc'n 9 (Oct. 2015), <https://perma.cc/4M77-25RM>.

28 ²⁹³ *Id.* at 7.

of the competitive energy market by 2030 if pursued has been entirely derailed. And it has successfully prolonged and maximized Defendants' massive profits. During the period when Defendants and their proxies were deliberately misleading consumers about the consequences of using their products, Defendants realized massive profits through the unduly inflated and expanded extraction, production, promotion, marketing, and sale of their fossil fuel products. ExxonMobil alone earned approximately \$775 billion in profits during this period,²⁹⁴ and the six largest oil and gas companies have generated \$2.4 trillion in profits since 1990.²⁹⁵

3. The massive fossil fuel sales driven by the Defendants' deceptive and unlawful conduct have now resulted in the very same extreme weather events defendants foresaw they would and, in turn, have precipitated a home-owners insurance crisis.

384. The scientific community has unequivocally concluded—just like the research conducted by the fossil fuel industry itself did decades ago—that the unabated and growing sale of Defendants' fossil fuel products during their campaign of deception has more than substantially contributed to atmospheric CO₂ reaching levels that are causing escalating extreme weather occurrences.

385. Had it not been for Defendants' deception, non-fossil fuel energy sources would have penetrated half of a competitive energy market by 2030, just as Defendant Exxon forecasted in 1980. This would have prevented the unabated accumulation of GHG, an accumulation the Defendants have more than substantially contributed to, from causing the catastrophic results Defendants predicted, including the extreme weather events that are driving the Plaintiffs' increased insurance premiums. Atmospheric CO₂ levels would not be anywhere near the levels necessary to cause the extreme weather events now being experienced if Defendants had not derailed the path to a 50% reduction in fossil fuel sales by the year 2030 that they knew would occur if they did not do something to prevent it.

²⁹⁴ Matthew Tyler & Jillian Ambrose, Revealed: big oil's profits since 1990 total nearly \$2tn: BP, Shell, Chevron and Exxon accused of making huge profits while "passing the buck" on climate change, The Guardian (Feb. 12, 2020), <https://www.theguardian.com/business/2020/feb/12/revealed-big-oil-profits-since-1990-total-nearly-2tn-bp-shell-chevron-exxon> [https://perma.cc/GML4-AME4].

²⁹⁵ Padding Big Oil's Profits: Companies bank trillions, taxpayers get the bill, Taxpayers for Common Sense (Feb. 2019), <https://www.taxpayer.net/energy-natural-resources/padding-bigoils-profits/> [https://perma.cc/2UTW-JH4B].

386. Defendants’ failure to warn consumers and deception about the dangers of their products in causing climate change has resulted in the very same “dramatic environmental effects” that the Defendants knew would come to pass from the continued expansion of the use of their products.

387. There is also no debate that these escalating extreme weather occurrences brought about by Defendants’ misconduct have, in turn, caused insurance companies to increase homeowner’s insurance premiums.

388. On May 25, 2021, then President Biden issued Executive Order (EO) 14030, calling for “a comprehensive, [g]overnment-wide strategy” on climate-related financial risk. Among other things, EO 14030 directed the Federal Insurance Office (FIO) of the Department of the Treasury to “assess, in consultation with States, the potential for major disruptions of private insurance coverage in regions of the country particularly vulnerable to climate change impacts.”²⁹⁶

389. On November 2, 2023, in accordance with EO 14030, the Department of Treasury published notice of FIO’s intent to “obtain consistent, granular, and comparable homeowners insurance data that is not otherwise publicly available on a national level,” describing this data as “critical to understanding how climate-related financial risks impact families and individuals across state markets and the United States.”²⁹⁷

390. In June of 2024, Benjamin J. Keys of the Wharton School at the University of Pennsylvania and Philip Mulder of the University of Wisconsin School of Business published a National Bureau of Economic Research working paper: Property Insurance and Disaster Risk: New Evidence from Mortgage Escrow Data.²⁹⁸ The authors began by noting that “[w]ith widespread rate increases since 2020 and forecasts of heightened climate risk, the impact of rising insurance premiums has become a pivotal issue for households, financial institutions, researchers, and policymakers,” but “[u]nfortunately, existing data on premiums is coarse and inadequate,

²⁹⁶ <https://www.federalregister.gov/documents/2021/05/25/2021-11168/climate-related-financial-risk>.

²⁹⁷ <https://www.federalregister.gov/documents/2023/11/02/2023-24248/agency-information-collection-activities-submission-for-omb-review-comment-request-federal-insurance#:~:text=The%20primary%20goal%20of%20this%20data%20collection,since%202017%20at%20a%20ZIP%20Code%20leve>.

²⁹⁸ <https://www.nber.org/papers/w32579>.

preventing a clear understanding of the extent and underlying causes of these increases.”²⁹⁹ Using “information on mortgage escrow payments to develop a new approach to measuring homeowners insurance premiums,”³⁰⁰ they determined that “those in the top 5% of expected disaster risk increase” face “annual premium increases of over \$700 by 2053 due to higher disaster risk. Extrapolating our full-sample estimates to the approximately 80 million single-family homes in the U.S. implies additional annual premiums of \$5.1 billion by 2053.” Keys and Mudler noted that “We anticipate that this data effort is only an initial foray into measuring homeowners insurance markets, and that additional data availability on policy coverage, deductibles, and claims will be valuable for researchers, policymakers, and households that must navigate an increasingly challenging property insurance landscape.”³⁰¹

391. On January 16, 2025, in response to CO (EO) 14030, the Department of the Treasury issued its U.S. Department of the Treasury Report: *Homeowners Insurance Costs Rising, Availability Declining as Climate-Related Events Take Their Toll*.³⁰² The Report was based on a dataset “created through a first-of-its-kind collaboration among the National Association of Insurance Commissioners (NAIC), state insurance regulators, and FIO.”³⁰³ “Data and analysis, like those in this report, are critical for helping policymakers understand how substantial climate-related property losses are being spread across homeowners, insurers, and governments,” said Under Secretary for Domestic Finance Nellie Liang.³⁰⁴ Among the report’s key findings:

- Climate change is making it more costly for insurers to operate.³⁰⁵
- Homeowners in communities affected by substantial weather events are paying far more than those elsewhere; and
- Homeowners insurance costs are rising fast across the nation.

²⁹⁹ *Id.* at 2.

³⁰⁰ *Id.*

³⁰¹ *Id.* at 31.

³⁰² See FIO, “Analyses of U.S. Homeowners Insurance Markets, 2018-2022: Climate-Related Risks and Other Factors” (Jan. 16, 2025), available at https://home.treasury.gov/system/files/311/Analyses_of_US_Homeowners_Insurance_Markets_2018-2022_ClimateRelated_Risks_and_Other_Factors_0.pdf.

³⁰³ *Id.* at 1.

³⁰⁴ <https://home.treasury.gov/news/press-releases/jy2791>.

³⁰⁵ *Id.*

1 392. Insurance generally operates by pooling risks.³⁰⁶ Thus, when climate change
 2 increases the frequency and intensity of disasters, insurance companies will spread the costs across
 3 the customer pool in the form of higher rates.³⁰⁷ “So even if you haven’t been directly harmed by
 4 extreme weather, you’re paying for some of the costs of those climate-worsened disasters.”³⁰⁸

5 393. Plaintiffs did not, and could not have, understood that the intentional and deceptive
 6 nature of Defendants’ statements about climate change had resulted in increased home-owners
 7 insurance premiums until June of 2024, at the very earliest.

8 394. Plaintiffs and the putative class do not seek to impose liability on Defendants for
 9 their direct emissions of GHGs and do not seek to restrain Defendants from engaging in their
 10 lawful business operations. The complaint does not ask the Court to limit, cap, or enjoin the
 11 production and sale of fossil fuels by Defendants, or anyone else. This case does not incentivize—
 12 much less compel—Defendants to curb their fossil fuel production or greenhouse gas emissions;
 13 it merely presents the proposition that those activities will be slightly less profitable. Nothing in
 14 this lawsuit stands as an obstacle to any Congressional purposes or objectives. Defendants’
 15 successful effort to deceive the public was undertaken for the express purpose of preserving and
 16 maximizing their profits. This case seeks only to ensure that the parties who have profited from
 17 this deception cannot offload costs resulting from that deception onto the backs of ordinary
 18 homeowners.

19 395. A report by Climate Analytics (2023) calculated the amount of damages caused by
 20 the 25 largest emitting oil and gas companies compared to their fiscal gains and concluded the
 21 “dirty dozen”, which includes the defendants, accounted for 15 trillion in environmental damages
 22 with 21 trillion in gains. Defendant here could have and can pay for the damages they have caused
 23 and remain profitable.

24
 25
 26
 27 ³⁰⁶ <https://yaleclimateconnections.org/2025/01/nobodys-insurance-rates-are-safe-from-climate-change/>.

28 ³⁰⁷ *Id.*

³⁰⁸ *Id.*

V. CLASS ACTION ALLEGATIONS

396. Plaintiffs bring this action on behalf of themselves and all others similarly situated, as a class action under Rule 23 of the Federal Rules of Civil Procedure.

397. Plaintiffs seek to represent the following class and subclasses (collectively, the “Classes”) defined as follows:

The Nationwide Class: All persons who have or will purchase homeowner’s insurance for property in the United States at any time after the year 2017 asserted for the RICO claims; and

The Washington Subclass: All persons who have or will purchase homeowner’s insurance for property in the State of Washington at any time after the year 2017 asserted for all claims.

398. Plaintiffs reserve the right to amend the Class definitions if discovery and further investigation reveal that the Classes should be expanded or otherwise modified.

399. Plaintiffs reserve the right to establish subclasses as appropriate.

400. This action is brought and properly may be maintained as a class action under the provisions of Federal Rules of Civil Procedure 23(a)(1-4) and 23(b)(1), (b)(2), or (b)(3), and satisfies the requirements thereof. As used herein, the term “Class Members” shall mean and refer to the members of the Classes.

401. Numerosity: While the exact number of members of the Classes is unknown to Plaintiffs at this time and can only be determined by appropriate discovery, membership in the Classes is ascertainable based upon the records maintained by Defendants. At this time, Plaintiffs are informed and believe that the Classes include hundreds of thousands of members. Therefore, the Classes are sufficiently numerous that joinder of all members of the Class in a single action is impracticable under Federal Rule of Civil Procedure Rule 23(a)(1), and the resolution of their claims through the procedure of a class action will be of benefit to the parties and the Court.

402. Ascertainability: Some names and addresses of members of the Classes are available from Defendants’ records, and others can be ascertained through appropriate notice. Notice can be provided to the members of the Classes through direct mailing, publication, or otherwise using techniques and a form of notice similar to those customarily used in consumer class actions arising under Washington state law and federal law.

1 403. Typicality: Plaintiffs' claims are typical of the claims of the other members of the
 2 Class, which they seek to represent under Federal Rule of Civil Procedure 23(a)(3) because
 3 Plaintiffs and each member of the Classes have been subjected to the same deceptive and improper
 4 practices and have been damaged in the same manner thereby.

5 404. Adequacy: Plaintiffs will fairly and adequately represent and protect the interests
 6 of the Classes as required by Federal Rule of Civil Procedure Rule 23(a)(4). Plaintiffs are adequate
 7 representatives of the Classes, because they have no interests that are adverse to the interests of
 8 the members of the Classes. Plaintiffs are committed to the vigorous prosecution of this action
 9 and, to that end, Plaintiffs have retained counsel who are competent and experienced in handling
 10 class action litigation on behalf of consumers.

11 405. Superiority: A class action is superior to all other available methods of the fair and
 12 efficient adjudication of the claims asserted in this action under Federal Rule of Civil Procedure
 13 23(b)(3) because:

- 14 a. The expense and burden of individual litigation make it economically unfeasible
 15 for members of the Classes to seek to redress their claims other than through the
 procedure of a class action.
- 16 b. If separate actions were brought by individual members of the Classes, the resulting
 17 duplicity of lawsuits would cause members to seek to redress their claims other than
 through the procedure of a class action; and
- 18 c. Absent a class action, Defendants likely would retain the benefits of their
 19 wrongdoing, and there would be a failure of justice.

20 406. Common questions of law and fact exist as to the members of the Classes, as
 21 required by Federal Rule of Civil Procedure 23(a)(2), and predominate over any questions which
 22 affect individual members of the Classes within the meaning of Federal Rule of Civil Procedure
 23 23(b)(3).

24 407. The common questions of fact include, but are not limited to, the following:

- 25 a. Whether Defendants engaged in a pattern or practice of racketeering, as alleged
 herein;
- 26 b. Whether Defendants were members of, or participants in the conspiracy alleged
 27 herein;
- 28 c. Whether Defendants engaged in unlawful, unfair, misleading, or deceptive business
 acts or practices in violation of the laws of the state of Washington.

d. Whether Plaintiffs and members of the Classes sustained damages, and if so, the appropriate measure of damages; and

e. Whether Plaintiffs and members of the Classes are entitled to an award of reasonable attorneys' fees, prejudgment interest, and costs of this suit.

408. In the alternative, this action is certifiable under the provisions of Federal Rule of Civil Procedure 23(b)(1) and/or 23(b)(2) because:

a. The prosecution of separate actions by individual members of the Classes would create a risk of inconsistent or varying adjudications with respect to individual members of the Classes, which would establish incompatible standards of conduct for Defendants;

b. The prosecution of separate actions by individual members of the Classes would create a risk of adjudications as to them which would, as a practical matter, be dispositive of the interests of the other members of the Classes not parties to the adjudications, or substantially impair or impede their ability to protect their interests; and

c. Defendants have acted or refused to act on grounds generally applicable to the Classes, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Classes as a whole and necessitating that any such relief be extended to members of the Classes on a mandatory, class-wide basis.

409. Plaintiffs are not aware of any difficulty that will be encountered in the management of this litigation that should preclude its maintenance as a class action.

FIRST CAUSE OF ACTION

VIOLATION OF THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (18 U.S.C. §1962(c))

410. Plaintiffs incorporate by reference all preceding allegations as though fully set forth herein for this and all of their causes of action.

411. The Racketeer Influenced and Corrupt Organizations Act (RICO) forbids "any person ... associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity." 18 U.S.C. §1962(c).

A. The RICO Enterprise

412. Defendants collectively are an "enterprise," as that term is defined in 18 U.S.C. §1961(4), i.e., a group of business entities and individuals associated in fact, which was engaged

1 in, and the activities of which affected, interstate commerce and foreign commerce (the RICO
2 Enterprise).

3 413. The Fossil Fuel RICO Enterprise functioned as a continuing unit for decades to
4 achieve, through unlawful means, the shared goal and common purpose of enhancing and
5 prolonging the market for fossil fuel products and thereby increasing and maximizing the
6 Defendants' profits, regardless of the truth, the law, or the consequences to the American people.

7 414. Each individual Defendant itself had, at all times material hereto, an extensive
8 nexus to interstate or foreign commerce, and the affairs of the RICO Enterprise affected interstate
9 commerce through a pattern of racketeering activity.

10 415. Each Defendant knowingly joined the Fossil Fuel RICO Enterprise. Each
11 Defendant knew the general nature and purpose of the RICO Enterprise, and that it extended
12 beyond any one Defendant's individual role, but each Defendant also knew that all the other
13 Defendants were participating in the RICO Enterprise to achieve their shared objective.

14 416. From at least as early as 1959, and continuing until the time of filing of this
15 complaint, in Washington and in the United States, Defendants perpetrated a scheme to defraud
16 and obtain money and property from members of the public by means of material false and
17 fraudulent pretenses, misrepresentations, false promises, omissions of material facts, and other
18 means, knowing that the pretenses, representations, and promises, were false when made.

19 417. The scheme involved the Defendants selling products for purchase by consumers
20 under the pretext that such products were not proven to be dangerous when in fact, Defendant
21 knew that continued sales of fossil fuels were directly causing and would exacerbate climate
22 change and associated extreme weather events. Defendants were well aware that if they told the
23 truth about the link between consumers purchase of fossil fuels and catastrophic climate change
24 events such disclosure would threaten and/or substantially impact the profitability of Defendants'
25 fossil fuel business model.

26 418. Each Defendant participated, directly or indirectly, in the conduct of the RICO
27 Enterprise's affairs, and had some part in directing its affairs via intentional and deliberate
28 performance of acts, functions, or duties which are related to the operation or management of the

1 RICO Enterprise by coordinating and/or causing the public dissemination of false, misleading or
2 deceptive statements denying the link between fossil fuels and climate change, all in furtherance
3 of the primary, shared objective of the RICO Enterprise.

4 **B. The Pattern Of Racketeering Activity**

5 419. Through their relationships with each other and as members of API, GCC, and
6 others, the RICO Enterprise coordinated and conspired to achieve their shared objective by
7 concealing and misrepresenting the known dangers of burning fossil fuels, knowingly withholding
8 material information regarding the consequences of using fossil fuel products, spreading
9 knowingly false and misleading information to the public regarding the weight of climate science
10 research, and deceptively promoting consumer demand for fossil fuel products which they knew
11 were harmful and were associated with catastrophic consequences.

12 420. For example, API and its members, including Defendants, knew, since at least
13 1965, that unabated GHG emissions would result in “catastrophic” consequences.

14 421. Despite their knowledge, Defendants chose to perpetrate a massive misinformation
15 campaign intended to protect their profits by engaging in a deliberate decades-long misinformation
16 campaign intended to sow doubt about the conclusions they themselves had reached about the
17 substantial consequences that the sale of their products would have. This was all done while failing
18 to inform consumers and the general public of their superior knowledge to the contrary, and with
19 the goal of protecting their massive profits by perpetuating and maximizing dependence on fossil
20 fuel products by stymying consumer and public understanding of climate change and the role of
21 fossil fuel consumption in causing it.

22 422. Another strategy in Defendants’ efforts to discredit scientific consensus on climate
23 change and the IPCC was to bankroll unqualified or unscrupulous scientists to advance fringe
24 conclusions about climate change. These scientists obtained part or all of their research budget
25 from Fossil Fuel Defendants directly or through Fossil Fuel Defendant-funded organizations like
26 Defendant API.

27 423. Defendants also conspired with, financed, and worked hand-in-hand with industry
28 trade associations, front groups, and other organizations to lie about it. This included using a web

1 of trade associations, think tanks, and other nonprofits, including, but not necessarily limited to,
2 API, GCC, the Chamber, OGCI, NGSa, WSPA, NPC, IPIECA, ICE, GES, AEI, ALEC, GMI, the
3 CO₂ Coalition, and the Heartland Institute, to spread misleading narratives to the public, without
4 having to put their names directly on advertisements, lobbying, or PR campaigns.

5 424. Defendants also cultivated partnerships with academic institutions as a way to
6 influence climate research toward an energy transition that favors maintaining fossil fuels for as
7 long as possible, bolster their ability to claim expertise on climate science, and gain access to
8 thought leaders. They funded and shaped academic research programs, conditioned grants on
9 cooperation from researchers, used academic programs to bolster access to policymakers, and they
10 tracked critics and pressured news outlets.

11 425. For purposes of executing and attempting to execute and in furtherance of their
12 scheme, Defendants and their co-conspirators would and did knowingly transmit and cause to be
13 transmitted in interstate and foreign commerce by means of mail, telephone, wire, radio, television,
14 and internet communication writings, signs, signals, pictures, and sounds.

15 426. As a direct and proximate result of the Defendants' racketeering activities and
16 violations of 18 U.S.C. §1962(a), and by reason thereof, Plaintiffs have been damaged. As set forth
17 herein, Defendants have long understood the central role their fossil fuel products play in causing
18 climate change and the associated potential for catastrophic consequences. Defendants'
19 misconduct and campaign of deception were intended to, and did, perpetuate, inflate, and
20 maximize the market for fossil fuels. Defendants' deception campaign successfully swayed
21 opinion. It staved off and delayed the transition to alternative energy sources, derailing
22 Defendants' forecast that clean energy could penetrate half of a competitive energy market by
23 2030. It prolonged and maximized Defendants' massive profit, but it also resulted in atmospheric
24 GHG levels that are now altering the climate and supercharging deadly wildfires, floods, and
25 storms. This, in turn, has resulted in increased costs to insurance companies and increased
26 homeowners' insurance premiums.

SECOND CAUSE OF ACTION

**VIOLATION OF THE RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS ACT (18 U.S.C. §1962(a))**

427. Defendants used and invested income that was derived from a pattern of racketeering activity to operate through enterprises which affected interstate commerce. Specifically, the Defendants, all interdependent on each other for the operation of their industry monopoly, all used and invested income derived from the pattern of racketeering activity to fund and support the API, GCC and the RICO Enterprise to deceive the public, investors, regulators, and the Plaintiffs and their citizens, persons of ordinary prudence and comprehension, that their products and business model did not cause climate change, and/or that climate change was not a real or a threat to the public, including to the Plaintiffs. As a direct and proximate result of the Defendants' racketeering activities and violations of 18 U.S.C. §1962(a), and by reason thereof, Plaintiffs have been damaged as described herein.

THIRD CAUSE OF ACTION

**VIOLATION OF THE RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS ACT (18 U.S.C. §1962(b))**

428. Each Defendant participated at some point and/or maintained control of the operation and control of API and the RICO Enterprise. Defendants also participated in or directed the activities of the API and RICO Enterprise's activities, which furthered the scheme to deceive the public about fossil fuels accelerating climate change in order to maintain their profits from the fossil fuel industry and prevent or, at least, delay the transition from fossil fuels to more sustainable energy sources. For example, and as described *supra*:

- a. Senior Executives from several of the Oil and Gas Defendants have been members of API and have served on the API Board of Directors throughout the last several decades.
- b. The API Board of Directors has been Chaired by Executives of Defendants every year for the past five years: Chevron (2022-present), ConocoPhillips (2020-2022), ExxonMobil (2018-2020), and Phillips 66, a subsidiary of Defendant ConocoPhillips (2016-2018).
- c. The Oil and Gas Defendants have exercised further control through their financial contributions to API, making up a large portion of API's yearly income. Oil and Gas Defendants have together contributed tens of millions of dollars annually as members.

- d. The Oil and Gas Defendants have organized, controlled, and participated in API initiatives, Committees, Task Forces, Communications Teams, marketing efforts, and lobbying for the past 50 years to deceive the public about the recognized risks of climate change.

429. Each Defendant participated at some point and/or maintained control of the operation and control of API and the RICO Enterprise. Defendants also participated in or directed the activities of the API and RICO Enterprise's activities, which furthered the scheme to deceive the public about fossil fuels accelerating climate change in order to maintain their profits from the fossil fuel industry and prevent or, at least, delay the transition from fossil fuels to more sustainable energy sources. For example, and as described *supra*:

- a. Defendants ExxonMobil, Shell, ConocoPhillips, and API were all founding members of the GCC. All Defendants were members of the GCC throughout its existence.
- b. GCC's first Chairman was a previous ConocoPhillips Director of Government Relations, Thomas Lambrix.
- c. Executives from Defendants ExxonMobil, Chevron, and ConocoPhillips served on the GCC's Board of Directors.
- d. The GCC's Science and Technology Committee, which created false studies disputing the possibility of manmade climate change, was co-chaired by an ExxonMobil Executive. Further, Chevron executives also served as members of the Science and Technology Committee.

430. As a direct and proximate result of the Defendants' racketeering activities and violations of 18 U.S.C. §1962(b), and by reason thereof, Plaintiffs have been damaged as described herein.

FOURTH CAUSE OF ACTION

VIOLATION OF THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (18 U.S.C. §1962(d))

431. Defendants agreed and conspired to violate 18 U.S.C. § 1962(a), (b), and (c). Defendants formulated, funded and supported the API, GCC, and the RICO Enterprise to deceive the public, investors, regulators, Plaintiffs and their citizens, persons of ordinary prudence and comprehension, that their products and business model did not substantially contribute to climate change, and/or that climate change was not real or a threat to the public; all in an effort to (1) use or invest income that is derived from a pattern of racketeering activity in an interstate enterprise

(§ 1962(a)); (2) acquire or maintain interests in the enterprise through a pattern of racketeering activity (§ 1962(b)); and (3) conduct and participate in the conduct of the affairs of the enterprise through a pattern of racketeering activity (§ 1962(c)).

432. As a direct and proximate result of the Defendants' racketeering activities and violations of 18 U.S.C. § 1962(d), and by reason thereof, Plaintiffs have been damaged as described herein.

FIFTH CAUSE OF ACTION

FRAUDULENT MISREPRESENTATION (The Washington Sub-class Only)

433. Plaintiffs incorporate by reference all preceding allegations as though fully set forth herein.

434. Defendants' material misrepresentations and omissions about the certainty and consensus about the science of climate change, the role their products played in causing climate change, the consequences of climate change, the need to act quickly to mitigate climate change, and the harms that it would bring.

435. These material misrepresentations and omissions caused economic harm to Plaintiffs and the Class. Plaintiffs and the Classes thereby have suffered an injury in fact.

436. Defendants knew or should have known that the science of climate change was certain and that there was a scientific consensus about the science and the role of fossil fuels as early as 1982, that the consequences of climate change could be catastrophic, and that we needed to act quickly to mitigate the worst injuries from climate change.

437. Accordingly, Defendants' acts were intentional, oppressive, deliberate, and/or reckless with the intent to defraud Plaintiffs and the Classes.

438. Consumers, regulators, policy makers, and the public relied on these misrepresentations, allowing for the purchase of more fossil fuel products than otherwise would have occurred.

439. Consumers', regulators', policy makers', and the public's reliance on Defendants' misrepresentations in continuing to purchase and use Defendants' fossil fuel products was

reasonable because Defendants held themselves out as experts and failed to disclose financial relationships with seemingly independent experts.

440. Plaintiffs did not, and could not have, understood the intentional and deceptive nature of Defendants' statements about climate change would result in increased homeowners insurance premiums.

441. Defendants' conduct warrants an assessment of punitive damages in an amount sufficient to deter such conduct in the future, which amount is to be determined according to proof.

SIXTH CAUSE OF ACTION

CIVIL CONSPIRACY (The Washington Sub-class Only)

442. Defendants engaged in a civil conspiracy with each other, with organizations not directly engaged in the sale of fossil fuel products, and with individuals to mislead the public and decision makers about the consequences of using their products. Defendants are jointly and severally liable, along with other co-conspirators, for this conspiratorial conduct and the resulting harm suffered by the State as a result of their conspiracy.

SEVENTH CAUSE OF ACTION

UNJUST ENRICHMENT (The Washington Sub-class Only)

443. Plaintiffs have conferred a benefit upon Defendants by paying for the costs of the harms caused by Defendants' improper and unlawful practices. Because of the conduct, practices, actions, and material omissions described in this Complaint, Defendants obtained enrichment they would not otherwise have obtained, and without justification.

EIGHTH CAUSE OF ACTION

VIOLATION OF THE WASHINGTON CONSUMER PROTECTION ACT (WASH. REV. CODE ANN. § 19.86.010, *ET SEQ.*) (The Washington Sub-class Only)

444. Plaintiffs incorporate by reference all preceding allegations as though fully set forth herein.

1 445. The Washington Consumer Protection Act (“Washington CPA”) broadly prohibits
 2 “[u]nfair methods of competition and unfair or deceptive acts or practices in the conduct of any
 3 trade or commerce.” WASH. REV. CODE ANN. §19.96.010.

4 446. Defendants’ acts complained of herein are deceptive and unfair within the meaning
 5 of the Washington CPA. WASH. REV. CODE ANN. §19.96.010.

6 447. Defendants committed the acts complained of herein in the course of “trade” or
 7 “commerce” within the meaning of the Washington CPA. WASH. REV. CODE ANN. §19.96.010.

8 448. Defendants’ deceptive and unfair practices, as alleged herein, are injurious to the
 9 public interest as they have the capacity to injure other persons.

10 449. Defendants’ deceptive and unfair practices, as alleged herein, injured Plaintiffs and
 11 the Class in their business or property.

12 450. If not for Defendants’ deceptive and unfair conduct, Plaintiffs and the Class would
 13 not be forced to pay the increased home-owners insurance premiums they are now paying as
 14 described herein.

15 451. Defendants are liable to Plaintiffs for damages in amounts to be proven at trial,
 16 including attorneys’ fees, costs, and treble damages, as well as any other remedies the Court may
 17 deem appropriate under WASH. REV. CODE ANN. §19.86.090.

18 **NINTH CAUSE OF ACTION**

19 **NUISANCE** 20 **(The Washington Sub-class Only)**

21 452. Under RCW 7.48.120, “[n]uisance consists in unlawfully doing an act, or omitting
 22 to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose,
 23 health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to
 24 obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin,
 25 or any public park, square, street or highway; or in any way renders other persons insecure in life,
 26 or in the use of property.”

27 453. An actionable nuisance subject to damages and other relief includes “whatever is
 28 injurious to health or indecent or offensive to the senses ... so as to essentially interfere with the

1 comfortable enjoyment of the life and property.” *Id.* 7.48.010. “A public nuisance is one which
2 affects equally the rights of an entire community or neighborhood, although the extent of the
3 damage may be unequal.” *Id.* 7.48.130.

4 454. Defendants, individually and in concert with each other, have engaged, and
5 continue to engage in, unlawful, negligent, reckless, knowing, and/or intentional tortious conduct.
6 Such conduct, described *supra*, includes: promoting doubt in the public’s mind about the existence,
7 causes, and effects of climate change; promoting the sale and use of fossil fuels without warning
8 consumers that using fossil fuels would cause dangerous climate change; promoting the sale and
9 use of fossil fuels that Defendants knew to be hazardous and knew would cause catastrophic
10 consequences, including, but not limited to, extreme weather occurrences, deadly wildfires, floods,
11 and storms; concealing the hazards that Defendants knew would result from the normal use of their
12 fossil fuels by misrepresenting, and casting doubt on, the integrity of scientific information related
13 to climate change; disseminating and funding the dissemination of information that misleads
14 consumers and the public regarding the known and foreseeable risk of climate change and its
15 consequences, which follow from the normal, intended use of fossil fuels; misleadingly promoting
16 fossil fuel products as sustainable, clean energy products; misleadingly presenting themselves as
17 clean energy companies who are committed to reducing emissions; and misleadingly promoting
18 their investments in alternative technologies as capable of reducing emissions on a large-scale in
19 the near-term.

20 455. Defendants’ campaign of deception has been pervasive and long-lasting. Their
21 willful campaign has influenced the public’s purchasing and investment decisions for decades,
22 unduly driving ever increasing demand for fossil fuels. It has also reduced demand for, and
23 investment in, clean energy, thereby delaying the clean energy transition. This increased demand
24 directly led to increased greenhouse gas emissions and is a substantial factor causing injury to
25 Plaintiffs.

26 456. Defendants’ conduct is the proximate cause of the injuries to Plaintiffs. Defendants
27 knew that continued fossil fuel sales would lead to a climate crisis. They nonetheless chose to
28 engage in a sophisticated deception campaign that had the purpose and effect of sustaining, and

1 inflating, fossil fuel consumption. Plaintiffs' injuries if increased insurance premiums are the direct
2 and foreseeable result of Defendants' tortious conduct.

3 457. Defendants' ongoing interference with public rights is substantial and
4 unreasonable. The harm to the Plaintiffs is severe and should be born without compensation.
5 Defendants' deceptive acts and omissions also lack any social utility because there is no utility in
6 deceiving and misleading the public.

7 **REQUEST FOR RELIEF**

8 458. Plaintiffs, on behalf of themselves and all others similarly situated, request the
9 Court to enter judgment against Defendants, as follows:

10 A. Certifying the Classes, as requested herein, certifying Plaintiffs as the
11 representative of the Classes, and appointing Plaintiffs' counsel as counsel for the Classes;

12 B. Ordering that Defendants are financially responsible for notifying all members of
13 the Class of the alleged conduct discussed herein;

14 C. Awarding Plaintiffs and the members of the Classes compensatory damages in

15 D. an amount according to proof at trial;

16 E. Awarding restitution and disgorgement of Defendants' revenues and/or profits to
17 Plaintiffs and members of the Classes;

18 F. Awarding Plaintiffs and the members of the Classes treble damages in an amount
19 according to proof at trial;

20 G. Awarding declaratory and injunctive relief as permitted by law or equity, including:
21 enjoining Defendants from continuing the unlawful practices as set forth herein, and directing
22 Defendants to identify, with Court supervision, victims of its conduct and pay them restitution and
23 disgorgement of all monies acquired by Defendants by means of any act or practice declared by
24 this Court to be wrongful;

25 H. Awarding interest on the monies wrongfully obtained from the date of collection
26 through the date of entry of judgment in this action; and
27
28

I. Adjudicating Defendants jointly and severally liable for any damages sustained by the Plaintiffs and members of the class and awarding such other relief as the court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial for all claims so triable.

DATED: November 25, 2025

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Steve W. Berman

Steve W. Berman, WSBA #61063

By: /s/ Sydney K. Thomas

Sydney K. Thomas, WSBA #64571

1301 Second Avenue, Suite 2000

Seattle, WA 98101

Telephone: (206) 623-7292

steve@hbsslaw.com

sydney.thomas@hbsslaw.com

Jason Gustafson (*pro hac vice* forthcoming)

Pat Michenfelder (*pro hac vice* forthcoming)

Chad Thronset (*pro hac vice* forthcoming)

THRONSET MICHENFELDER, LLC

80 S. 8th Street, Suite 900

Minneapolis, MN 55402

Telephone: (763) 515-6110

jason@thronsetlaw.com

pat@thronsetlaw.com

chad@thronsetlaw.com

Daniel E. Gustafson (*pro hac vice* forthcoming)

Tony Stauber (*pro hac vice* forthcoming)

Josh Rissman (*pro hac vice* forthcoming)

Michael Warkel (*pro hac vice* forthcoming)

GUSTAFSON GLUEK PLLC

Canadian Pacific Plaza

120 South Sixth Street, Suite 2600

Minneapolis, MN 55402

Telephone: (612) 333-8844

dgustafson@gustafsongluek.com

tstauber@gustafsongluek.com

jrisman@gustafsongluek.com

mwarkel@gustafsongluek.com

1 Rebecca A. Peterson (*pro hac vice* forthcoming)
2 **GEORGE FELDMAN McDONALD PLLC**
3 1650 W. 82nd Street, Suite 880
4 Bloomington, MN 55431
5 Telephone: (612)0778-9595
6 rpeterson@4-Justice.com

7 *Attorneys for Plaintiffs*
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