

California Attorney General Defeats Defendant Oil Companies' Motion to Dismiss Case in Statewide Climate Change Litigation

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The AG's case against the "Big 5" oil companies is expected to now move forward in California Superior Court

Lieff Cabraser serves as co-counsel with the California Attorney General's office in litigation against five of the largest oil and gas companies over allegations the companies misled the California public about climate change. On October 8, 2024, San Francisco Superior Court Judge Ethan Schulman denied the oil companies' motion to dismiss the case for lack of personal jurisdiction.

The Attorney General's lawsuit, filed in San Francisco County Superior Court in September 2023, claims that Exxon Mobil, Shell, Chevron, ConocoPhillips, BP, and the American Petroleum Institute (API) have known for decades that reliance on fossil fuels would warm the planet and thereby cause catastrophic harms to the country, including California, the nation's

most populous state, but suppressed that information while also actively pushing disinformation. The suit argues that this vast deception caused a delayed societal response to threat of climate change, and California is suffering terrible and ongoing climate harms as a result. The lawsuit, filed on behalf of the People of the State of California, seeks to hold the companies accountable for the lies they have told and the damage they have caused through the creation of an abatement fund to help protect the state against the climate harms these defendants have caused.

Defendants' argued that they could not be subject to suit in California because our suit is premised on fossil fuel use and consumption for the last 100+ years from all over the globe and that all of that harm to the planet does not arise from or sufficiently relate to the companies' contacts in California. The defendants argued that they could only be sued in their home state, despite the fact that they have extensive contacts in California, including thousands of gas stations and oil refining and distribution networks throughout the state.

In ruling against the defendants, Judge Schulman held that the defendants' California contacts relate to their claims in the lawsuit, sufficient to establish specific personal jurisdiction under the due process clause. This means that the case will continue to be prosecuted in San Francisco Superior Court.

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