



March 10, 2023

Dear Governor:

Today, Alliance for Consumers, an organization dedicated to consumer protection reform, issued a *Consumer Protection Report* highlighting the weaponization of public nuisance lawsuits by progressive activists. With victories through the legislative process becoming harder to achieve, the progressive left is increasingly looking to an alliance of activists, officials, and trial lawyers to weaponize the judicial system against conservatives and impose key policy priorities by way of public nuisance lawsuits. Under the guise of compensation for injuries to the overall public interest, these lawsuits open the door to courts imposing sweeping policy solutions outside the traditional governmental processes or otherwise reshaping the economy through massive money transfers.

Because public nuisance claims are often freestanding state law causes of action available to local governments that otherwise often lack authority to bring public enforcement actions, **progressives have found these cases to be particularly valuable in places where they have lost meaningful electoral influence, as trial lawyers can work alongside local governments to try an end-run around state governments and push fundamental societal and economic changes in even the most conservative states, like yours.**

The true goal of most nuisance suits over things like plastics, fossil fuels, or firearms is seemingly to remove products and services from the market that do not align with the progressive agenda. Activists have found a way to use the court system as a weapon to force companies and consumers to comply with a progressive worldview without legislative oversight or public scrutiny.

The progressive left has been using these claims and tactics against mega-corporations on less ideological topics in recent years. Consider the litany of public nuisance suits surrounding opioids, or the efforts in Ohio, Texas, and Georgia—states with Republican Governors—to bring class actions on behalf of all the states' cities and counties against telecom and media companies.

But the left-wing trial lawyers driving these cases were always going to turn their sights to other, more ideological nuisance targets as their earlier corporate campaigns wound down. And we are seeing that happen in earnest.

Indeed, at the end of 2022, one of the leading law firms in the public nuisance campaign over opioids—Napoli Shkolnik—[announced public nuisance suits](#) on behalf of Buffalo and Rochester, claiming that major American firearms manufacturers’ “conduct in the design, manufacturing, importing, selling, marketing and distribution of their firearms has created, contributed to, and maintained the public nuisance of unlawful possession, transportation and disposition of firearms, and the utilization of guns in the commission of an offense.”

The playbook is the same. The lawyers are the same. But now the attack is ideological.

Public nuisance lawsuits have rightly attracted attention for being an avenue to shake down deep-pocketed companies. But that criticism, while valid, falls short in terms of grappling with the bigger peril, which is the progressive plan to reshape society through these public nuisance cases.

Consider a recent [trade-press interview](#) with leadership at Weil Gotshal, a law firm that advises some of America’s largest companies, where the lawyers explained how they “are seeing state and local governments, and even private plaintiffs turning to public nuisance litigation as a means of imposing their own views and their own preferences for how ESG (Environment, Social, and Governance) issues should be addressed.” In the same interview, the lawyers cite “climate change, plastic pollution, opioids, and guns,” as “a few of the issues where companies are undertaking their own ESG efforts and where they may be running into public nuisance litigation.”

Activists have largely been able to hide the ideological aspects of public nuisance litigation. **But make no mistake: public nuisance claims are about liberal control, not just about money, and certainly not about helping consumers.**

At Alliance for Consumers, we believe it is important for conservatives like yourself to understand this progressive plan to attack your state’s values before it is too late.

That is why I am enclosing this *Consumer Protection Report* which outlines the new public nuisance playbook, the key players, and the array of potential targets.

I am also calling on you to not only ensure any settlement money given to your state from public nuisance lawsuits is given directly to victims and consumers, but also **take immediate action to halt the spread of public nuisance lawsuits in your state and reign in your local governments and their trial lawyer allies from using this ideological tool; deploy every lever at your disposal to undermine this left-wing weapon and stop it from changing your state and our society.**

Sincerely,

O.H. Skinner

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Executive Director, Alliance for Consumers

Attachment:

Alliance for Consumers Consumer Protection Report on Public Nuisance