



ALLIANCE *for* CONSUMERS

**CONSUMER
PROTECTION REPORT**

Public Nuisance Revealed: The Leftwing Plan to Reshape our Society

A study into the public nuisance lawsuit and the progressive officials who are boosting public nuisance cases

INTRODUCTION

In recent years, there has been a growing attempt from trial lawyers and politicians to exploit a long-standing tenet of common law known as “public nuisance.”

Public nuisance is a longstanding aspect of our legal system intended to protect against the unreasonable violation of a public right. Historically, public nuisance claims were used to address land issues or remedy a harm committed against the general public, such as the blocking of a public road.

Over time, left-leaning officials at the state and local level have worked with trial lawyers and liberal advocacy groups to push the boundaries of public nuisance claims. State and local governments have turned to public nuisance claims to address an ever-expanding range of issues, including climate change, opioids, vaping, and more. Their goal has been to use public nuisance claims to implement public policy through the courts.

As the use of public nuisance litigation has expanded over time, so have the financial settlements and judgements associated with these cases. Targeting major companies with public nuisance lawsuits has generated massive settlements – reaching into the tens of billions of dollars in some instances.

Because trial lawyers often work off contingency fee arrangements, in which they receive a percentage of any financial award in the case, public nuisance suits have become a substantial financial windfall for the law firms pressing these cases, beyond the benefit they get from pushing their preferred public policy positions through the courts.

And trial lawyers have been generous with their winnings, pouring money back into left-wing political committees and campaigns at prodigious rates, boosting progressive politicians and helping line up future clients.

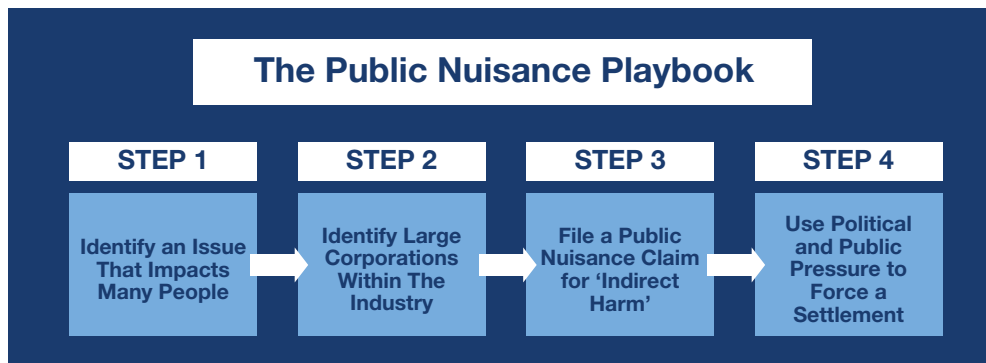
Public nuisance lawsuits have rightly attracted attention for being an avenue to shake down deep-pocketed companies. But that valid criticism falls short in terms of grappling with the bigger peril. Public nuisance claims are about liberal control, not just money, and the list of targets is sweeping. 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 throughout the country, as the partnership between left-wing trial lawyers and left-leaning state and local governments continues to expand and grow.

Given the stakes, there are few more pressing public policy topics than public nuisance litigation. Much more needs to be said about these cases and those who boost them.

To that end, **Alliance For Consumers has been focusing on public nuisance, and now adds this report on the progressive officials—from Senators like Sheldon Whitehouse and Bernie Sanders to Governors like Gavin Newsom—who are boosting public nuisance cases.**

PUBLIC NUISANCE: AN OVERVIEW

As [noted in our recent analysis](#), there is a clear public nuisance playbook for trial lawyers and their allies:



And as [detailed in our report](#), while there is almost no limit to the range of issues to which trial lawyers are seeking to aim public nuisance claims, there are key areas that are representative of the modern nuisance landscape: **Chemicals, Climate Change, Firearms, COVID-19, Vaping, Automakers, and Plastics**. And other [industries](#) are entering the crosshairs, like social media platforms, fast food restaurants, meat producers, sugar manufacturers, and more.

KEY PLAYERS IN PUBLIC NUISANCE LITIGATION

There are key groups that are helping fuel misuse of public nuisance claims: **Trial Lawyers, Left-Leaning Officials, and Liberal Advocacy Groups**.

Over the years, trial law firms have formed a mutually beneficial [partnership](#) with state and local government officials to launch public nuisance lawsuits and push their policy priorities through the courts.

And this alliance has been bolstered by liberal advocacy groups and shadowy left-wing funding networks, which have been instrumental in bringing forth public nuisance lawsuits. In some instances, these groups act as the main plaintiff or as legal counsel, while in the background shadowy progressive nonprofits—including the Arabella Advisors network—[put millions of dollars of support into play, using the cases to advance progressive policy objectives and political goals](#).

While these players are the ones most often directly deploying public nuisance lawsuits, there is a vocal group of national political leaders who are standing one step removed, urging on these lawsuits, lending their voices to the cases, and building these lawsuits into their overall policy agendas.

This includes Senators and Governors. It involves some of the highest profile names in Washington and beyond. And it involves not just issuing press statements or showing up at press conferences—some of these figures used public nuisance lawsuits when they served in state offices, riding these lawsuits to where they are today, while others are actively involved in the current cases, filing briefs and helping guide appeals.

The role of these national political leaders, how they use their bully pulpit, and how they fit public nuisance lawsuits into their overall progressive policy framework is the focus of this report. The national politicians discussed here are fully invested in the success of the modern public nuisance movement. And that says a lot about public nuisance litigation and what it is meant to accomplish.



NATIONAL POLITICIANS BOOSTING & ENCOURAGING PUBLIC NUSANCE

U.S. Senators

A long line of progressive United States Senators have used their offices to urge additional use of public nuisance lawsuits or to provide formal legal support to existing public nuisance lawsuits. The most prominent amongst these is Senator Sheldon Whitehouse of Rhode Island. But the allies of public nuisance lawsuits in the United States Senate stretch from coast to coast. Understanding more about these United States Senators who are boosting public nuisance litigation—from their core policy priorities to the role they are playing in these public nuisance lawsuits—goes a long way to helping illustrate the goals of the modern public nuisance movement.

Senator Sheldon Whitehouse (D – RI)

Senator Sheldon Whitehouse of Rhode Island has been a consistent proponent and vocal supporter of public nuisance litigation as a strategy for advancing progressive policy priorities. Senator Whitehouse, as Rhode Island Attorney General, [filed his own public nuisance lawsuit](#) in 1999, at the outset of the modern expansion of public nuisance litigation. He has since filed legal briefs as a United States Senator in support of state and local public nuisance lawsuits against energy companies. [One example is from 2019](#), in a case in which the County of San Mateo, California, sued for punitive damages, disgorgement, and climate remediation in connection with claims of [around a billion dollars of infrastructure needs](#). Another example [is from a lawsuit filed by Oakland](#), in a case in which similar [billion-dollar infrastructure claims were made](#). And Whitehouse, as a United States Senator, [publicly supported his home state's Attorney General](#), Peter Kilmartin, when Attorney General Kilmartin filed [his 2018 lawsuits](#) on behalf of Rhode Island against almost two-dozen energy companies, which alleged that the energy companies in question “[c]reated, contributed to, and assisted in creating conditions in the state of Rhode Island that constitute a public nuisance.” Whitehouse later [filed a separate amicus brief in the same case](#).

Most recently, Senator Whitehouse was one of the leaders of [a July 2023 letter to the Department of Justice](#), urging “the Department of Justice to bring suits against the fossil fuel industry for its longstanding and carefully coordinated campaign to mislead consumers and discredit climate science in pursuit of massive profits,” [citing with approval public nuisance lawsuits](#) like the ones that Senator Whitehouse has supported for years as a public official.

Despite being [a vocal advocate](#) against “dark money,” and sharp critic of the federal court system in general, Senator Whitehouse [has put his name behind lawsuits filed by Sher Edling, the dark-money-fueled law firm of choice for public nuisance lawsuits involving climate change](#), which has received millions of dollars in support from a web of shadowy, left-wing, “dark money” funding networks

Despite being a vocal advocate against “dark money,” and sharp critic of the federal court system in general, Senator Whitehouse has put his name behind lawsuits filed by Sher Edling, the dark-money-fueled law firm of choice for public nuisance lawsuits involving climate change, which has received millions in support from a web of shadowy, left-wing, “dark money” non-profit funding networks

Senator Whitehouse’s public nuisance litigation support has primarily been focused on cases that cite climate change as a nuisance requiring the transfer of billions of dollars toward left wing priorities and allies or the shuttering of disfavored industries and removal of disfavored products from store shelves. In addition to the centrality of public nuisance lawsuits [and climate change](#) to his policy portfolio, he also has pushed a strident campaign [to delegitimize the Supreme Court](#) of the United States and the [Justices on the Court](#), lower their standing in the public eye, and seeking to impose limits on their ability to operate and decide cases in ways that differ from his preferred outcome. And all of this has been happening against the backdrop of [questions about Senators Whitehouse’s own ethics issues](#).

Senator Edward Markey (D – MA)

Senator Edward Markey of Massachusetts has, in the last half-decade in particular, become a vocal proponent of public nuisance litigation as a strategy for advancing progressive policy priorities. In addition to helping lead [a July 2023 letter to the Department of Justice, citing with approval public nuisance lawsuits](#), Senator Markey has also filed legal briefs in recent years in his role as a United States Senator in support of public nuisance lawsuits [by the State of Rhode Island](#) as well [as the City of Oakland](#), both of which demand vast sums of money to pay for efforts to counteract the effects of climate change.

Senator Markey’s public nuisance litigation support has primarily been focused on cases that cite climate change as a nuisance requiring the transfer of billions of dollars toward left wing priorities and allies. And that is unsurprising, as he is perhaps most associated with the further edges of the modern progressive movement when it comes to climate policy, and has for several years been a sponsor, [alongside Congresswoman Alexandra Ocasio-Cortez \(D – NY\) and Senator Bernie Sanders \(I – VT\)](#), of the infamous Green New Deal. He also regularly advocates for [limits on firearms, ending the Senate filibuster, expanding the United Supreme Court](#), and passing a [nationwide expansion of abortion](#) through Congress.

Senator Richard Blumenthal (D – CT)

Senator Richard Blumenthal of Connecticut has been a trailblazer in the use of public nuisance lawsuits to advance progressive policy priorities. Senator Blumenthal, during his tenure as Connecticut Attorney General, [filed one of earliest high profile public nuisance lawsuits](#) in 2004, which sought to impose emissions restrictions on electric utilities through court decree. While Senator Blumenthal’s [case was dismissed from court](#), that ignominious ending failed to curtail what has become a two-decade-long interest in using public nuisance lawsuits to advance progressive policies through the courts. Like a group of his colleagues, Senator Blumenthal [weighed in with a legal brief](#) in support of Sher Edling—the

dark-money-fueled law firm of choice for public nuisance cases on climate change—in their case on behalf of Oakland against the nation’s largest energy companies. And he has [called on the Biden Department of Justice to investigate energy companies over climate change](#) while pointing to the various legal actions by states, most premised on public nuisance, as a positive model to follow.

Senator Blumenthal has frequently weighed in with support for public nuisance lawsuits over climate change. This matches his overall policy platform, which has included [co-sponsorship](#) of the [infamous Green New Deal](#) (alongside Congresswoman Alexandra Ocasio-Cortez (D – NY) and Senator Bernie Sanders (I – VT)).

Senator Sheldon Whitehouse (D – RI)
Senator Edward Markey (D – MA)
Senator Richard Blumenthal (D – CT)
Senator Bernie Sanders (I – VT)
Senator Elizabeth Warren (D – MA)
Senator Jeff Merkley (D – OR)
Governor Gavin Newsom (D – CA)
Governor Phil Murphy (D – NJ)

But perhaps Senator Blumenthal's most strident public policy statements are reserved for firearms. He has proposed legislation to [ban common firearm components](#), pressed for more pathways [to impose legal liability for firearm advertisements](#), and advocated to [nationalize the approach taken by his home state of Connecticut](#) in handling firearm regulations, which has included setting up a special office within the Department of Justice to help implement additional restrictions on gun ownership and operation.

While Senator Blumenthal has made firearms and [taking on the NRA](#) his clearest policy calling card, he has also embraced a full spectrum of other progressive policy positions, like [ending the Senate filibuster](#), coming out in support of [nationwide use of abortion pills](#), supporting the use of [ESG criteria in retirement account management](#), and enshrining the ability of [biological males to compete in women's school sports](#).

Senator Bernie Sanders (I – VT)

Senator Bernie Sanders of Vermont has been a proponent of public nuisance litigation as a strategy for advancing progressive policy priorities, helping lead a July 2023 letter to the Department of Justice that [demanded that the Biden Administration deploy the United States Department of Justice alongside state and local legal efforts against energy companies as part of the progressive response to climate change, citing with approval the existing campaign of public nuisance lawsuits](#) that demand vast sums of money to pay for liberal policy priorities in this area.

It is no surprise to see this type of advocacy from Senator Sanders, who is one of the most visible champions of progressive policy priorities in Washington and has long claimed the moniker of “[Democratic Socialist](#).” Senator Sanders has served as [lead sponsor of the infamous Green New Deal in Congress](#). He has called for a [\\$16 trillion climate plan](#) that would completely eliminate America's use of fossil fuels and [pressed for criminal prosecution of energy companies](#). He has also made it a habit of [proposing multi-trillion dollar tax increases](#), including [a 95% tax on corporate profits](#), to fund massive projects like the [elimination of student loan debt and free college for all](#).

Senator Elizabeth Warren (D – MA)

Senator Elizabeth Warren of Massachusetts has urged greater use of public nuisance litigation in connection with climate change, helping lead [a July 2023 letter to the Department of Justice](#) that [cited with approval the existing campaign of public nuisance lawsuits](#) brought by states, cities, and others, and demanded that the United States Department of Justice join the fight alongside state and local governments in the fight to make energy companies finance progressive climate policy and other progressive policy efforts.

It is no surprise to see this type of advocacy from Senator Warren, who has a track record of advocating use government power through the Executive Branch as a way to impose progressive policy priorities that have no path forward through the traditional legislative processes in Washington. For example, Senator Warren has been a [vocal supporter](#) of the Securities and Exchange Commission issuing “climate rules.”

Senator Jeff Merkley (D – OR)

Senator Jeff Merkley of Oregon has urged greater use of public nuisance litigation in connection with climate change, helping lead a July 2023 letter to the Department of Justice that [cited with approval the existing campaign of public nuisance lawsuits](#) brought by states, cities, and others, and [demanded that the United States Department of Justice join the fight](#) alongside state and local governments in the fight to make energy companies finance progressive climate policy and other progressive policy efforts as compensation for their existing operations.

This pushing of climate-change-related litigation, including public nuisance litigation, is consistent with a longstanding focus by Senator Merkley on climate change and progressive policy responses.

Senator Merkley has proudly served as a leader of the legislators that continues [to re-introduce the infamous Green New Deal in the United States Senate](#).

Senator Merkley has also spent almost a decade pushing a litany of aggressive stand-alone climate measures, including a [bill to completely phase out new gas-burning cars by 2040](#), a bill that seeks to “[prohibit financial institutions from making new loans for or investments in fossil fuel companies or financing new fossil fuel projects](#),” and legislation to [switch all electricity generation in America to renewable sources by 2050](#).

These and other measures have helped Senator Merkley [obtain high ratings](#) from the League of Conservation Voters, a highly engaged progressive operation that “[builds political power](#)” for climate measures and related progressive goals and has [awarded Senator Merkley with a 99% lifetime rating](#), and a 100% rating for 2022.

The national politicians discussed here are fully invested in the success of the modern public nuisance movement.

And that says a lot about public nuisance litigation and what it is meant to accomplish.

Governors

Governors are on the front lines of the nation’s public nuisance cases, appearing on court papers, signing signature legislation, and making sustained pushes in the media and other avenues to support the cases. Understanding what these governors are pressing in their states and how they see public nuisance lawsuits fitting into their overall set of policy priorities goes a long way to understanding the goals of the modern public nuisance movement.

Governor Gavin Newsom (D – CA)

Governor Gavin Newsom of California has played a central role in the expansion of public nuisance litigation in America. For starters, Governor Newsom recently [signed into law](#) a provision that establishes “[a private cause of action for public nuisance](#) against gun industry members that fail to take reasonable precautions to ensure their products are not used unlawfully if that failure leads to injury or death.” The provision in question was originally proposed [in conjunction with the Brady Campaign](#), a progressive advocacy group.

Governor Newsom first set the firearm-focused nuisance law into motion, when he issued a [call to action for new legislation and directed his staff to work with the legislature and Attorney General](#) to craft a law that would trigger a wave of public nuisance litigation by “allowing private citizens to seek injunctive relief, and statutory damages of at least \$10,000 per violation plus costs and attorney’s fees, against anyone who manufactures, distributes, or sells an assault weapon or ghost gun kit or parts in the State of California.” Governor Newsom proudly promoted his signing of the eventual public nuisance measure with the tagline: “[The Gun Industry Can No Longer Hide](#).”

Governor Newsom likewise put his support behind a new climate-change-based public nuisance lawsuit brought by California’s Attorney General, Rob Bonta. The lawsuit, [filed this fall](#), levels allegations at “five of the largest oil and gas companies in the world ... for allegedly engaging in a decades-long campaign of deception and creating statewide climate change-related harms in California.” Governor Newsom [helped promote the lawsuit’s launch](#) with press statements explaining how the case was part of an effort to make sure that “California taxpayers” wouldn’t have to “foot the bill for billions of dollars in damages” from climate change and emphasizing that it was part of ensuring that California’s progressive elected officials could “deliver the justice our people deserve.”

As with so many other public nuisance lawsuits of this kind, the California lawsuit seeks not only injunctive relief to change how the targeted energy companies operate, but billions in financing for progressive priorities “[through the creation of a fund to finance climate mitigation and adaptation efforts.](#)” Governor Newsom has promoted the lawsuit [as part of a national legal strategy keyed off U.S. Supreme Court decisions in other public nuisance cases](#) and has said “[the time for accountability is now.](#)”

Governor Newsom standing at the forefront of public nuisance litigation should be no surprise, as it is consistent with his embrace of aggressive measures to ensure implementation of progressive policies and lifestyle choices across his state and beyond. Under Governor Newsom’s leadership, California state government is on track to [ban natural gas heaters, water heaters, and furnaces.](#) This comes as [California has become the front line](#) in fights over the future of gas stoves, with the issue becoming a [topic of national ridicule](#) for Governor Newsom. And it isn’t just home appliances that are on the chopping block as part of Governor Newsom’s efforts to push lifestyles in California ever further to the left: [at the direction of Governor Newsom,](#) California regulators have approved a looming ban on gas car sales, [instead requiring all new cars, trucks and SUVs to run on electricity or hydrogen.](#)

Governor Phil Murphy (D – NJ)

Alongside Governor Newsom in California, Governor Phil Murphy of New Jersey has been helping to accelerate the number of public nuisance lawsuits in our courts. In 2022, Governor Murphy signed [a new public nuisance measure targeting the firearm industry.](#) And that public nuisance law [is already being put into effect](#) by the New Jersey Attorney General in suing firearm companies and [branding the gun industry as a public nuisance.](#)

Much as with Governor Newsom in California, this turn to public nuisance activism by Governor Murphy is consistent with his embrace of aggressive measures by the New Jersey state government in support of progressive policy goals. Governor Murphy [has proposed](#) banning fossil fuels from the utility sector in New Jersey, as well as [banning future sales of gas-powered cars.](#) And, under his leadership, state boards are [pushing for greater adoption of electric heating and cooking appliance](#) as the expense of disfavored natural gas options.

POLITICAL AND IDEOLOGICAL GOALS PERMEATE PUBLIC NUISANCE CASES

The ultimate goal of most public nuisance suits seems to be the removal of products and services from the market that do not align with the progressive agenda, as well as unlocking vast sums of money to finance preferred progressive policy outcomes on a range of issues.

Any meaningful analysis of the targets of public nuisance litigation, the relief the cases seek, the trial lawyers involved, and the ideological groups who stand behind the cases illustrates that ideology trumps almost anything else when it comes to public nuisance litigation. Indeed, these aspects of public nuisance litigation [have been well covered in other public nuisance reports.](#)

Looking at the national politicians involved in pushing public nuisance litigation only confirms that this is first and foremost a new frontier for the most aggressive partisans on the progressive left. When a strategy has allies like Senator Whitehouse, Governor Newsom, and Bernie Sanders, it says a lot, especially

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when the strategy is being regularly deployed against the very targets that these same political figures have been pursuing through various other avenues for decades.

And it bears repeating that above all the other ideological aspects of public nuisance litigation, consumers are only rarely beneficiaries from these cases. The goal of public nuisance lawsuits is to “abate the nuisance,” which includes changing future behavior by the defendants and establishing remediation funds to pay for preferred programs. Look no further than how California and Governor Newsom built their recent climate-related public nuisance lawsuit, with a request for billions to be put into “[a fund to finance climate mitigation and adaptation efforts](#).” Or consider how the money flowing from the various public nuisance settlements over opioids [goes to various government programs](#), but not those who have lost loved ones to the opioid crisis.

Put simply, these aren’t lawsuits that are designed to put a check into the pocket of the average consumer. They are meant to change behavior and alter the economy and national policy, which only further hardens the inexorable conclusion that the modern campaign of public nuisance litigation is about left-wing political and ideological goals above all else.

CONCLUSION

With victories through the legislative processes becoming harder to achieve, the progressive left is increasingly looking to an alliance of activists, public officials, and trial lawyers to impose key policy priorities by way of public nuisance lawsuits. Under the guise of compensation for injuries to the overall public interest, public nuisance suits open the door to courts imposing sweeping policy solutions or reshaping the economy with massive money transfers. This is the new progressive playbook; a way to use courts to force compliance with a progressive agenda.

Public nuisance lawsuits have rightly attracted attention for being an avenue to improperly shake down deep-pocketed companies. But it is crucial to look beyond the simple cash grab and see that public nuisance claims are about liberal control, not just money.

One of the clearest illustrations of this is looking at the national politicians—Senators and Governors—who are bringing, promoting, pushing, and facilitating these lawsuits. Seeing the politicians who incorporate public nuisance as part of their policy playbook, and who are committed to the public nuisance movement, says a lot about what public nuisance litigation really stands for, where it is naturally headed, and the importance of addressing public nuisance litigation now, before it fundamentally changes our society in irreversible ways.



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APPENDIX

Senators

In July 2023, Democratic Senators Bernie Sanders, Jeff Merkley, Elizabeth Warren, And Ed Markey Sent A Joint Letter To The Department Of Justice Calling On It To Bring Climate Related Lawsuits Against The Fossil Fuel Industry. “Dear Attorney General Garland, We write to strongly urge the Department of Justice to bring suits against the fossil fuel industry for its longstanding and carefully coordinated campaign to mislead consumers and discredit climate science in pursuit of massive profits.” (“Letter To DOJ Fossil Fuel Industry,” [United States Senate](#), 7/31/23)

- **The Letter States The Actions Of Fossil Fuel Companies Represent Clear Violations Of Federal Racketeering, Advertising, Consumer Protection, And “Potentially Other Laws.”** “The actions of ExxonMobil, Shell, and potentially other fossil fuel companies represent a clear violation of federal racketeering laws, truth in advertising laws, consumer protection laws, and potentially other laws, and the Department must act swiftly to hold them accountable for their unlawful actions.” (“Letter To DOJ Fossil Fuel Industry,” [United States Senate](#), 7/31/23)
- **The Letter Draws Parallels To The 2006 Tobacco Ruling – Lawsuits Which Were Brought In Part Under Public Nuisance Theory – Saying The “The Fossil Fuel Industry’s Illegal Misinformation Campaign Bears Striking Resemblance” To The Tobacco Industry’s.** “This type of misinformation campaign is not completely unprecedented. In 2006, a federal judge found the tobacco industry guilty of a decades-long campaign of lying about the dangers of smoking and pushing cigarettes to young people. The fossil fuel industry’s illegal misinformation campaign bears striking resemblance to that of the tobacco industry for a reason—both industries have used the same public relations firms and researchers since the 1950s.” (“Letter To DOJ Fossil Fuel Industry,” [United States Senate](#), 7/31/23)
- **The Letter References The More Than 40 States And Municipalities That Have Filed Lawsuits Against The Fossil Fuel Industry And Calls For The Department Of Justice To Partner With Other Agencies To Join The Fight.** “More than 40 states and municipalities have filed lawsuits that seek to hold the fossil fuel industry accountable for their illegal campaign of misinformation around the global crisis of climate change. The Department of Justice must join the fight and work with partners at the Federal Trade Commission and other law enforcement agencies to file suits against all those who participated in the fossil fuel industry’s illegal conspiracy of lies and deception under federal racketeering laws, truth in advertising laws, consumer protection laws, and any other applicable federal law. The future of our planet depends on it.” (“Letter To DOJ Fossil Fuel Industry,” [United States Senate](#), 7/31/23)
- **The Letter’s Citation Links To A Page From The Center For Climate Integrity That Includes Numerous Public Nuisance Suits Listed Under “Climate Damages (Cost Recovery).”** (“About The Cases,” [Center For Climate Integrity](#), Accessed 11/15/23)

Climate Damages (Cost Recovery)

Multnomah County, Oregon	▼
Maui County, Hawai‘i	▼
Honolulu (City and County), Hawai‘i	▼
Pacific Coast Federation of Fishermen’s Associations	▼
State of Rhode Island	▼
Richmond, California	▼
Oakland and San Francisco (City and County), California	▼
San Mateo (County), Marin (County), and Imperial Beach (City), California	▼
Santa Cruz (City and County), California	▼

- o **For Instance, The Multnomah County Lawsuit Listed Accuses Energy Companies Of Creating A Public Nuisance.** “The lawsuit alleges that the Defendants committed negligence and fraud, and created a public nuisance, all of which are well-established causes of action under Oregon state tort law.” (Press Release, “Multnomah County Sues Oil Companies Over 2021 Heat Dome Disaster,” [Multnomah County](#), 6/22/23)

In March 2019, Democratic Senators Whitehouse, Blumenthal, Hirono, Markey, And Harris Filed A Brief In The Ninth Circuit Calling Out Major Oil Companies For Blocking Action In Congress On Climate Change. “Washington, DC – Senators Sheldon Whitehouse (D-RI), Dianne Feinstein (D-CA), Richard Blumenthal (D-CT), Mazie Hirono (D-HI), Edward J. Markey (D-MA), and Kamala Harris (D-CA) have filed a brief with the United States Court of Appeals for the Ninth Circuit calling out major oil companies for blocking action in Congress on climate change. The senators filed their brief in a case pitting the cities of Oakland and San Francisco against major oil companies in a dispute over costs stemming from climate change.” (Press Release, “Senators Fiel Brief In Ninth Circuit Case To Hold Big Oil Responsible For Climate Change,” [U.S. Senator Ed Markey](#), 3/21/19)

- **The Oil Companies Argued Courts Should Not Get Involved, Leaving It To Congress And The EPA To Handle, While The Senators’ Brief Points To The Industry’s Misinformation Campaign As A Reason For The Courts To Act.** “Whitehouse, Feinstein, Blumenthal, Hirono, Markey, Harris point to massive influence campaign to block action in Congress as reason courts must act. Oil majors spend tens of millions to defeat comprehensive climate legislation made necessary by their pollution. ... The oil companies have argued that the courts should not get involved and, instead, should leave it to Congress and the U.S. Environmental Protection Agency (EPA) to hold them accountable for the massive quantities of pollution dumped into the atmosphere. The senators point to the decades-long influence campaign carried out by the oil industry to sow doubt in the eyes of the public and block any action by Congress or the executive branch to combat carbon pollution.” (Press Release, “Senators Fiel Brief In Ninth Circuit Case To Hold Big Oil Responsible For Climate Change,” [U.S. Senator Ed Markey](#), 3/21/19)
- **Then-Presidential Candidate Kamala Harris Said In A CNN Town Hall That Oil Companies “Are Going To Pay Fines And They Are Going To Pay Fees,” Adding They Will Change Behavior When You Sue Them.** “Oil and gas firms ‘are going to pay fines and they are going to pay fees,’ Harris said during a CNN town hall for presidential candidates last September. ‘When you take away that money because you take them to court and sue them, as I have done, it’s extraordinary how they will change behaviors. They have to be held accountable.’” (Tim McDonnell & Michael Coren, “Kamala Harris’s Persistent Decade Of Duking It Out With Oil Companies,” [Quartz](#), 8/14/20)
- **Both Cases (Oakland v. BP PLC, et al. And San Francisco v. BP PLC, et al.) Accuse Energy Companies Of Creating A Public Nuisance.** (“Complaint,” *Oakland v. BP PLC, et al.*, 9/19/17; “Complaint,” *San Francisco v. BP PLC, et al.*, Filed 9/19/17)

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF ALAMEDA	
THE PEOPLE OF THE STATE OF CALIFORNIA, acting by and through the Oakland City Attorney, Plaintiff and Real Party in Interest, v. BP P.L.C., a public limited company of England and Wales, CHEVRON CORPORATION, a Delaware corporation, CONOCOPHILLIPS COMPANY, a Delaware corporation, EXXON MOBIL CORPORATION, a New Jersey corporation, ROYAL DUTCH SHELL PLC, a public limited company of England and Wales, and DOES 1 through 10, Defendants.	No. COMPLAINT FOR PUBLIC NUISANCE

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN FRANCISCO UNLIMITED JURISDICTION	
THE PEOPLE OF THE STATE OF CALIFORNIA, acting by and through the San Francisco City Attorney DENNIS J. HERRERA, Plaintiff and Real Party in Interest, vs. BP P.L.C., a public limited company of England and Wales, CHEVRON CORPORATION, a Delaware corporation, CONOCOPHILLIPS COMPANY, a Delaware corporation, EXXON MOBIL CORPORATION, a New Jersey corporation, ROYAL DUTCH SHELL PLC, a public limited company of England and Wales, and DOES 1 through 10, Defendants.	Case No. CGC-17-561370 COMPLAINT FOR PUBLIC NUISANCE

California

Rep. Adam Schiff (D-CA) Has Criticized Congress For Giving Gun Manufacturers Immunity From Public Nuisance Lawsuits. “In the wake of the Granada Hills shooting, some of the victims’ families challenged the practice of certain gunmakers and sellers who sold high volumes of weapons used in crime by alleging that they had created a public nuisance. The families argued that gun manufacturers were acting negligently by knowingly selling huge quantities of firearms to a small minority of gun dealers — just 1 percent of dealers — who sold 57 percent of the guns that end up being used to commit criminal acts. The Ninth Circuit ruled that there could be a valid nuisance claim against one of the gun manufacturers. In response to this case and others pending across the country, Congress passed legislation that provided all licensed manufacturers, distributors and dealers of firearms, as well as their trade associations like the National Rifle Association, a special immunity from most lawsuits. In so doing, the victims of the Granada Hills shooting – and victims all around the country – were denied their day in court.” (Adam Schiff, Opinion, “Victims Of Gun Violence Deserve Day In Court,” [Los Angeles Daily News](#), 8/28/17)

- **Schiff Has Introduced Legislation That Would Remove Immunity From Liability For Gun Manufacturers.** “This is why I have introduced the Equal Access to Justice for Victims of Gun Violence Act, which would remove the immunity from liability for negligence enjoyed by one industry and one industry alone – weapons makers. Letting the courts hear these cases will provide justice to victims while creating incentives for responsible business practices that will hopefully lead to a reduction in gun violence.” (Adam Schiff, Opinion, “Victims Of Gun Violence Deserve Day In Court,” [Los Angeles Daily News](#), 8/28/17)

California Attorney General Rob Bonta Sponsored Legislation To Create A Private Cause Of Action For Public Nuisance Lawsuits Against The Gun Industry. “California AG Rob Bonta is sponsoring legislation to allow individual California residents, as well as the AG, to file civil suits for damages against gun manufacturers and distributors who do business in California. Assembly Bill 1594 creates a private cause of action for public nuisance against gun industry members that fail to take reasonable precautions to ensure their products are not used unlawfully if that failure leads to injury or death. It could also help people sue over ‘ghost guns’— untraceable firearm kits that people can buy without a background check and assemble at home.” (Lori Kalani, Bernard Nash, & Cozen O’Connor, “California Attorney General Backs Legislation Creating Private Cause Of Action Against Gun Manufacturers,” [JD Supra](#), 2/25/22)

- **California Governor Gavin Newsom Signed The Legislation Into Law.** “Taking new steps to further hold the gun industry accountable, Governor Gavin Newsom signed legislation Monday allowing the state, local governments and Californians to sue gun makers. Watch video of the Governor signing the bill here. ... AB 1594 authored by Assemblymembers Phil Ting (D-San Francisco), Mike A. Gipson (D-Carson) and Chris Ward (D-San Diego) allows individuals, local governments and the California Attorney General to sue irresponsible manufacturers and sellers of firearms for the harm caused by their products.” (Press Release, “New California Law Holds Gun Makers Liable: ‘The Gun Industry Can No Longer Hide,’” [Office Of Governor Gavin Newsom](#), 7/12/22)

In September 2023, California’s Attorney General Rob Bonta Brought A Public Nuisance Lawsuit Against Big Oil Saying Oil Executives Suppressed Information From The Public For Decades And Delayed A Societal Response To Global Warming. “The lawsuit, brought on behalf of the people of California by the state’s attorney general, Rob Bonta, was filed late on Friday. ... The lawsuit claims that the oil companies created a public nuisance, that they destroyed natural resources, and that they violated false-advertising and product-liability laws. ‘Oil and gas company executives have known for decades that reliance on fossil fuels would cause these catastrophic results, but they suppressed that information from the public and policymakers by actively pushing out disinformation on the topic,’ the complaint reads. ‘Their deception caused a delayed societal response to global warming. And their misconduct has resulted in tremendous costs to people, property, and natural resources, which continue to unfold each day.’” (David Gelles, “California Sues Giant Oil Companies, Citing Decades Of Deception,” [The New York Times](#), 9/15/23)

- **Governor Newsom’s Spokesperson Said The Timing Was Motivated In Part By The Supreme Court Decision To Allow Existing Lawsuits From Local Governments To Proceed In State Court, Rather Than Federal.** “A spokesperson for Newsom said the timing was motivated in part by the Supreme Court’s decision in April to allow existing suits from local governments to proceed in state court, rather than be moved to federal courts as oil companies wanted. State courts are seen as friendlier venues for plaintiffs seeking climate damages because they’re generally more receptive to considering state laws that deal with climate change. ‘All these cases got tied up in years of procedural wrangling; oil companies doing everything they could to drag their feet,’ said spokesperson Alex Stack. The ‘Supreme Court finally let these cases go forward this spring — the state as a whole is joining cities and counties.’” (Blanca Begert & Debra Kahn, “California Goes On Offense Against Big Oil,” [Politico](#), 9/16/23)
- **Governor Newsom Reacted To The Lawsuit Saying They “Lied To Us, And We Could Have Staved Off Some Of The Most Significant Consequences,” Adding “It’s Shameful. It Sickness You To Your Core.”** “‘These folks had this information and lied to us, and we could have staved off some of the most significant consequences,’ said Gov. Gavin Newsom of California. ‘It’s shameful. It’s sickness you to your core.’” (David Gelles, “California Sues Giant Oil Companies, Citing Decades Of Deception,” [The New York Times](#), 9/15/23)

New Jersey

New Jersey Attorney General Matthew Platkin (D) Has Vowed To Use New Jersey’s Recently Liberalized Public Nuisance Laws To Target Gun Manufactures. “Dubbed the Statewide Affirmative Firearms Enforcement Office, it will fall under the purview of acting Attorney General Matthew Platkin and rely heavily on a new law that lets the state go after the gun industry in court for the suffering its products may cause. ‘We’re going to use it aggressively and we’re going to hold the [gun] industry accountable for the harms they’re causing in New Jersey,’ Platkin said. ... Included in that package was the public nuisance law, which lets the state sue manufacturers and retail dealers for endangering the health and safety of New Jersey residents through the sale, manufacture, distribution or marketing of firearms, according to a statement from the Attorney General’s Office.” (Steve Janoski, “NJ Creates Office To Sue Gun Manufacturers, Vowing To ‘Hold The Industry Accountable,’” [North Jersey Media Group](#), 7/26/22)

- **“The State’s Definition Of A Public Nuisance Is Extraordinarily Broad.”** “The state’s definition of a public nuisance is extraordinarily broad — the statute defines it as any condition that injures, endangers or threatens the health, safety, peace, comfort or convenience of others. This means state authorities will have wide latitude to pursue damages against, for instance, a company that peddles ghost guns, unmarked weapons that can be purchased online, Platkin said in a Monday interview.” (Steve Janoski, “NJ Creates Office To Sue Gun Manufacturers, Vowing To ‘Hold The Industry Accountable,’” [North Jersey Media Group](#), 7/26/22)

Governor Murphy Signed The Bill Allowing Public Nuisance Law To Hold The Firearms Industry Accountable And Was Thrilled With The Third Circuit Unanimously Reinstated It In August 2023. “‘I am thrilled that the Third Circuit has unanimously ruled to fully reinstate the public nuisance bill that I proudly signed in July 2022 that authorizes the Attorney General to hold bad actors in the firearms industry accountable for dangerous sales and marketing practices. My Administration will always fight for the safety of New Jersey residents, even when it means taking on gun sellers that put profits above innocent lives. I want to congratulate the Attorney General’s Office for winning this important victory in court. I am also deeply grateful to the prime sponsors of this law, Senate Majority Leader Teresa Ruiz and Assemblyman John McKeon, and I thank Senate President Scutari and Speaker Coughlin for their steadfast support.’” (Statement, “Statement From Governor Murphy On Third Circuit’s Reinstatement Of Public Nuisance Law For The Firearms Industry,” [State Of New Jersey Governor Phil Murphy](#), 8/17/23)

NJ State Senator Nellie Pou Said “If Gun Manufacturers Or Retailers Act In Ways That Constitute A ‘Public Nuisance’ In The Eyes Of The Attorney General They Should Be Held Liable.” “‘This senseless gun violence has gone on long enough, and I am glad to see Governor Murphy moving quickly by signing these bills to make our streets, schools and neighborhoods safer. We cannot continue down the path we are now on,’ said Senator Nellie Pou. ‘If gun manufacturers or retailers act in ways that constitute a ‘public nuisance’ in the eyes of the Attorney General they should be held liable for appropriate penalties.’” (“Governor Murphy Signs Sweeping Gun Safety Package 3.0 To Continue The Fight Against Gun Violence,” [Insider NJ](#), 7/1/22)

New York

New York State Senator Zellnor Y. Myrie (D) Called New York’s Public Nuisance Law “A Powerful Tool” To Hold Corporations Accountable For Irresponsible And Reckless Behavior. “New York’s public nuisance law is a powerful tool for prosecutors and our communities to hold corporations accountable for irresponsible and reckless behavior, and today’s filing shows our attorney general will use these powers against businesses that knowingly flood our streets with deadly, untraceable weapons,’ said State Senator Zellnor Y. Myrie.” (Press Release, “Attorney General James Sues National Gun Distributors For Fueling Gun Violence Crisis And Endangering New Yorkers,” [New York Office Of The Attorney General](#), 6/29/22)

N.Y.A.G. Letitia James Issued A Statement In Support Of A Federal Court Dismissing A Lawsuit Against New York’s Public Nuisance Law To Hold Firearms Manufacturers Accountable. “New York Attorney General Letitia James today released the following statement in response to a federal court dismissing a lawsuit from a group of gun manufacturers and sellers challenging a New York law that gives the attorney general the ability to hold gun manufacturers and sellers responsible for gun violence.” (Press Release, “Attorney General James Successfully Defends New York’s Right To Hold Gun Manufacturers Responsible For Gun Violence,” [New York State Attorney General](#), 5/25/22)

- **AG James Said “New York Is Proud To Defend The Right To Impose Reasonable Gun Restrictions That Protect All Of Us” And That New York Will Always Lead, And Urges “Others With A Backbone To Follow.”** “As we mourn the deaths of 19 innocent children lost to gun violence in Uvalde and the countless more in Buffalo and across America every day, this is a moment of light and hope. New York is proud to defend the right to impose reasonable gun restrictions that protect all of us. As public officials, we were elected to solve problems and address the needs of the people. Prayers alone will no longer do, and cowardliness is not part of the job description. New York will always lead, and I urge others with a backbone to follow.” (Press Release, “Attorney General James Successfully Defends New York’s Right To Hold Gun Manufacturers Responsible For Gun Violence,” [New York State Attorney General](#), 5/25/22)
- **The Manufacturers Lawsuit Targeting A New York “Public Nuisance Bill” That Passed In 2021 (S.7196/A.6762).** “In July 2021, New York state passed the public nuisance bill (S.7196/A.6762), which restores the ability of the state and localities to bring civil liability actions against firearm manufacturers and sellers for their own bad conduct. In 2005, Congress took unprecedented action to usurp states’ rights and give gun manufacturers and distributors blanket immunity for gun violence perpetrated as a direct result of their marketing and distribution of firearms. This law combats that federal overreach and provides New York the ability to protect its own citizens.” (Press Release, “Attorney General James Successfully Defends New York’s Right To Hold Gun Manufacturers Responsible For Gun Violence,” [New York State Attorney General](#), 5/25/22)

Rhode Island

Rhode Island Was Among The First States To File Public Nuisance Lawsuits Against Lead Paint Manufacturers, Led By Then-Attorney General Sheldon Whitehouse. “Nearly three decades after lead paint was banned, Rhode Island is trying to become the first state to hold manufacturers accountable for the decades-long poisoning of children from lead paint. Attorney General Sheldon Whitehouse has sued eight companies, claiming they created a public nuisance by selling lead paint. Opening statements before a six-person jury are to be held today in Providence Superior Court. Ultimately, the state seeks to hold the manufacturers responsible for poisoning thousands of children in a state with one of the highest rates of child poisoning in the nation. ‘We are looking at both present and threatened harm,’ said Whitehouse, also a Democratic candidate for governor. ‘Even lead paint that’s not yet exposed is still potentially subject to such litigation.’ ... The attorney general estimates that about 330,000 properties – from the gilded, early 20th century mansions in Newport to deteriorating triple-deckers in poor neighborhoods – have lead paint. They say the tainted paint in the dwellings constitutes a public nuisance.” (“Landmark R.I. Lead-Paint Trial Set To Start,” [The Associated Press](#), 9/4/02)

- **Whitehouse Served As Rhode Island Attorney General From 1999 To 2003 And Is Now A Democratic Senator From The State.** (“Sheldon Whitehouse,” [Ballotpedia](#), Accessed 8/3/22)

- **Whitehouse Currently Represents Rhode Island In The Senate, Whitehouse Has Received \$2,631,815 In Campaign Donations From Lawyers And Law Firms Since 2005.** (“About,” [Office Of Senator Sheldon Whitehouse](#), Accessed 8/3/22; “Sheldon Whitehouse Profile,” [OpenSecrets](#), Accessed 8/4/22)

Former Rhode Island Attorney General Peter Kilmartin Filed A Public Nuisance Lawsuit Against Big Oil Saying They Have “Contributed Greatly” To The Costs “Associated With Climate Change” And “Should Be Held Legally Responsible.” “Faced with growing effects of climate change and the costs related to protecting the State, Rhode Island Attorney General Peter F. Kilmartin filed a complaint today in Providence County Superior Court suing the world’s largest fossil fuel companies for knowingly contributing to climate change and the catastrophic consequences to the State and its residents, economy, eco-system, and infrastructure. ... ‘The defendants have contributed greatly to the increased costs associated with climate change, and as such, should be held legally responsible for those damages.’ Naming 21 defendants, including ExxonMobil, BP, and Shell, the lawsuit seeks to hold the defendants accountable for damages associated with both sea rise level and changes to the water cycle above and below the ocean’s surface, known as the hydrologic cycle, caused by greenhouse gas pollution from these companies’ products. Rhode Island is the first state to file such a lawsuit against the defendants. (Press Release, “Rhode Island Attorney General Kilmartin Files Lawsuit Against Fossil Fuel Companies For Costs And Consequences Of Climate Change,” [Office Of Attorney General Of Rhode Island](#), 7/2/18)

- **U.S. Sen. Whitehouse Commended Kilmartin’s Lawsuit As “Holding Some Of The World’s Most Powerful Corporations Responsible For The Damage They’re Inflicting.”** “‘The Ocean State has so much at stake in the fight against climate change,’ said U.S. Senator Sheldon Whitehouse. ‘I commend Attorney General Kilmartin for his leadership in holding some of the world’s most powerful corporations responsible for the damage they’re inflicting on our coastal economy, infrastructure, and way of life.’” (Press Release, “Rhode Island Attorney General Kilmartin Files Lawsuit Against Fossil Fuel Companies For Costs And Consequences Of Climate Change,” [Office Of Attorney General Of Rhode Island](#), 7/2/18)
- **In The Complaint, The State Alleges, Among Other Things, That Energy Companies “Created, Contributed To, And Assisted In Creating Conditions In The State Of Rhode Island That Constitute A Public Nuisance.”** (Press Release, “Rhode Island Attorney General Kilmartin Files Lawsuit Against Fossil Fuel Companies For Costs And Consequences Of Climate Change,” [Office Of Attorney General Of Rhode Island](#), 7/2/18)

In A California Public Nuisance Case Against Oil Companies, Sen. Whitehouse Filed A Friend-Of-The-Court Brief Challenging The Claims Made By The U.S. Chamber Of Commerce In Their Support Of The Oil Industry. “Senator Sheldon Whitehouse (D-RI), a senior member of the Senate Environment and Public Works Committee, has filed a friend-of-the-court brief in the U.S. Court of Appeals for the Ninth Circuit in *County of San Mateo v. Chevron*, in which Whitehouse challenges claims made by the U.S. Chamber of Commerce in its brief filed in support of the oil industry.” (Press Release, “Whitehouse Files Brief In Landmark California Public Nuisance Case Against Oil Companies,” [U.S. Senator Sheldon Whitehouse](#), 1/30/19)

- **Sen. Whitehouse Says The Causes And Effects Of Climate Change Are Factual Claims And Questions Of Harm And Liability That Courts Are Experts At Resolving.** “The Chamber’s legal strategy here is an extension of its political one. While its primary focus is convincing this Court that the issues raised by the plaintiffs-appellees should be addressed in federal court, the Chamber’s brief hints at the inevitable argument to come: ‘claims related to the causes and effects of climate change’ ‘present political questions that cannot be resolved by the courts.’ Actually, they don’t present political questions. They present factual claims that courts are expert at resolving. They present questions of harm and liability that courts are expert at resolving.” (“Brief Of Amicus Curiae Senator Whitehouse In Support Of Appellees And Affirmance,” [United States Court Of Appeals For The Ninth Circuit](#), Filed 1/29/19)
- **In The Case, San Mateo Accused Chevron And Other Of Creating A Public Nuisance.** (“Complaint,” [San Mateo v. Chevron, et al.](#), Filed 7/17/17)

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SAN MATEO	
THE COUNTY OF SAN MATEO, individually and on behalf of THE PEOPLE OF THE STATE OF CALIFORNIA,	Case No. 17CIV03222
Plaintiff,	COMPLAINT FOR:
vs.	1. PUBLIC NUISANCE ON BEHALF OF THE PEOPLE OF THE STATE OF CALIFORNIA;
CHEVRON CORP.; CHEVRON U.S.A. INC.;	2. PUBLIC NUISANCE;
EXXONMOBIL CORP.; BP P.L.C.; BP	3. STRICT LIABILITY – FAILURE TO WARN;
AMERICA, INC.; ROYAL DUTCH SHELL	4. STRICT LIABILITY – DESIGN DEFECT;
PLC; SHELL OIL PRODUCTS COMPANY	5. PRIVATE NUISANCE;
LLC; CITGO PETROLEUM CORP.;	6. NEGLIGENCE;
CONOCOPHILLIPS; CONOCOPHILLIPS	7. NEGLIGENCE – FAILURE TO WARN; and
COMPANY; PHILLIPS 66; PEABODY	8. TRESPASS.
ENERGY CORP.; TOTAL E&P USA INC.;	JURY TRIAL DEMANDED
TOTAL SPECIALTIES USA INC.; ARCH	
COAL, INC.; ENI S.p.A.; ENI OIL & GAS	
COMPLAINT	

In 2019, Sen Whitehouse Tweeted That “Carbon Emissions Have Become A Grave Public Nuisance; And A Recent State Appellate Court Nuisance Decision In California Shows The Way.” “Public nuisance law is state law; carbon emissions have become a grave public nuisance; and a recent state appellate court nuisance decision in California shows the way.” ([Twitter](#), Accessed 11/9/23)

In 2016, Sen. Whitehouse Was The Keynote Speaker For An Event On Combatting Climate Change In The Courts, Hosted By The American Constitution Society, And Among The Topics Included The Viability Of Public Nuisance Claims. “Global climate change is among the most pressing issues of our time, and the battle to forestall it is being waged in the courts frequently under legal theories old and new. On Wednesday, February 10, the American Constitution Society for Law and Policy (ACS) will host a discussion of leading experts on combatting climate change in the courts. For example some legal experts argue that Racketeer Influenced and Corrupt Organizations (RICO) Act can be applied to the fossil-fuel industry, as it was to Big Tobacco. Experts will also discuss pending court challenges to the President Obama’s Clean Power Plan and his rejection of the Keystone XL pipeline, as well as the viability of public nuisance claims. WHO: Introduction: Caroline Fredrickson, president, American Constitution Society Featured Remarks by Senator Sheldon Whitehouse (D-R.I.)” (“Sen. Sheldon Whitehouse To Keynote Event On Combatting Climate Change In The Courts,” [American Constitution Society](#), 2/2/16)

- **Whitehouse Was Pleased To Hear Sharon Eubanks Perspective Because She Led The Department Of Justice’s Landmark Litigation Against Tobacco Companies To Which He Says “Gives Us The Roadmap For A Case On Fossil Fuel.”** “This has been a terrific panel and I was particularly pleased to hear Sharon Eubanks perspective on this issue because as you all know she led the Department of Justice’s landmark litigation against tobacco companies that gives us the roadmap for a case on fossil fuel.” (“Combatting Climate Change In The Courts,” [American Constitution Society](#), 2/2/16)
- **Whitehouse Read The Exact Words Of The 2006 Tobacco Case Decision By Judge Kessler And Replaced Parts Of It With “Climate Denial” In Order To Demonstrate The “Striking” “Parallels.”** “The parallels are striking. In 2006 United States District Judge Glades Kessler found that tobacco companies’ fraudulent campaign amounted to a racketeering enterprise. ... In her decision she wrote ... ‘to attack and distort the scientific evidence is demonstrating the relationship between smoking and disease claiming that the link between the two was still an open question.’ Let me now repeat her exact words plugging in climate denial. ... ‘to attack and distort the scientific evidence demonstrating the relationship between carbon emissions and climate claiming that the link between the two was still an open question.’” (“Combatting Climate Change In The Courts,” [American Constitution Society](#), 2/2/16)

- **Whitehouse Stated “If Climate Denial Has At Its Heart A Fraudulent Scheme, Exactly Parallel To The Tobacco Fraud, And If Climate Change Is Indeed The Challenge Of Our Generation, What Will Be Said Of Public Agencies That Turned A Blind Eye?”** “If climate denial has at its heart a fraudulent scheme, exactly parallel to the tobacco fraud, and if climate change is indeed the challenge of our generation, what will be said of public agencies that turned a blind eye?” (“Combating Climate Change In The Courts,” [American Constitution Society](#), 2/2/16)

Connecticut

Then-Connecticut AG Richard Blumenthal, Referred To As “A Leader In The Legal Fight Against Tobacco” By *The Baltimore Sun*, Considered Filing Public Nuisance Lawsuits Against Gun Manufacturers. “The attorneys general in New York and Connecticut have senior aides working on strategies and draft complaints that would seek to recover many of the medical costs of treating gunshot victims, according to interviews with one attorney general, gun industry sources, and lawyers in both states. ‘Clearly, Connecticut has been disastrously affected by gun violence,’ said Connecticut Attorney General Richard Blumenthal, who has been a leader in the legal fight against tobacco, in a telephone interview this week. ‘And so we have a number of attorneys actively considering legal action.’ ... Lawyers said that two main legal theories -- a ‘product liability’ claim that guns lack safety features, and a ‘public nuisance’ claim that guns are negligently marketed and distributed to criminals -- are under consideration in both states.” (Joe Mathews, “New York, Connecticut Consider Suits Against Gun Manufacturers; ‘We Are On The Verge,’ Says Spokesman For One Attorney General,” [The Baltimore Sun](#), 2/24/99)

- **Blumenthal Served As Connecticut Attorney General From 1991 To 2011 And Is Now A Democratic Senator From The State.** (“Richard Blumenthal,” [Ballotpedia](#), Accessed 8/4/22)
- **Blumenthal Currently Represents Connecticut In The United States Senate, Blumenthal Has Received \$2,939,889 From Lawyers And Law Firms Since 2009.** (“Richard Blumenthal,” [Ballotpedia](#), Accessed 8/4/22; “Richard Blumenthal Profile,” [OpenSecrets](#), Accessed 8/4/22)

In A Congressional Hearing, Sen. Blumenthal Said Facebook Has Attempted To Deceive The Public And Congress About What It Knows About Its App’s Effects On Children’s Mental Health. “Senators accused the company of knowing for years that Instagram, its photo-sharing app, has caused mental and emotional harm. ‘It has hidden its own research on addiction and the toxic effects of its products,’ said Senator Richard Blumenthal, the chairman of the subcommittee and a Democrat from Connecticut. ‘It has attempted to deceive the public and us in Congress about what it knows, and it has weaponized childhood vulnerabilities against children themselves. It’s chosen growth over children’s mental health and well-being, greed over preventing the suffering of children.’” (Cecilia Kang, “Facebook Grilled By Senators Over Its Effect On Children,” [The New York Times](#), 9/30/21)

- **Legal Experts Have Predicted That Big Tech And Social Media’s Harm To Kids Could Be The Next Potentially Enormous Public Nuisance Lawsuit Settlement Movement Rivaling Tobacco And Opioids.** “Social media’s harm to kids: The next blockbuster lawsuit? With the potential for enormous settlements and social change, nascent litigation against the tech giants could soon rival the massive claims over tobacco and opioids. Hundreds of families have already filed individual suits over alleged harm to children from social media, but a new case in Seattle is doing something different. It is the first to be brought by government officials, specifically a public school district, using a ‘public nuisance’ theory. In other industries, the same potent combination has led to billion-dollar settlements. ‘There is a chance that this will become very large-scale,’ said Alexandra Lahav, a professor at Cornell Law School who has written more than 30 articles on mass-tort litigation and is frequently cited in court decisions.” (Thomas F. Harrison, “Social Media’s Harm To Kids: The Next Blockbuster Lawsuit?” [Courthouse News Service](#), 2/1/23)
- **Sen. Blumenthal Is A Co-Sponsor Of The Kids’ Online Safety Legislation In Congress And Says “Big Tech Has Brazenly Failed Children And Betrayed Its Trust, Putting Profits Above Safety.”** “‘This measure makes kids’ safety an internet priority,’ said Blumenthal. ‘Big Tech has brazenly failed children and betrayed its trust, putting profits above safety.’” (Press Release, “Blackburn & Blumenthal Introduce Comprehensive Kids’ Online Safety Legislation,” [U.S. Senator Marsha Blackburn](#), 2/16/22)

Michigan

Then-Michigan Attorney General Jennifer Granholm – And Current Energy Secretary – Once Expressed A Favorable View Of Using Public Nuisance Law To Pursue Litigation Against Gun Manufacturers.

“Some lawyers and gun-control advocates suggested that Michigan is also considering a lawsuit. But in a letter faxed to The Sun yesterday, that state’s newly elected attorney general, Jennifer M. Granholm, wrote, ‘I have made no plans to sue gun manufacturers.’ ... Lawyers said that two main legal theories – a ‘product liability’ claim that guns lack safety features, and a ‘public nuisance’ claim that guns are negligently marketed and distributed to criminals – are under consideration in both states. Granholm, the Michigan attorney general, indicated that if her state were to file, she prefers the public nuisance theory because ‘guns function as they were designed.’” (Joe Mathews, “New York, Connecticut Consider Suits Against Gun Manufacturers; ‘We Are On The Verge,’ Says Spokesman For One Attorney General,” [The Baltimore Sun](#), 2/24/99)

Delaware

Delaware And Its Attorney General Kathy Jennings Recently Defended Their Public Nuisance Law Enabling Them To Target The Firearms Industry In A Lawsuit Brought Against It By The Gun Industry.

“A Delaware federal judge has dismissed a gun industry challenge to a state law that expands the liability of gun makers and sellers after shootings, saying it was too soon for the court to rule on a law that hadn’t been used in litigation yet. U.S. District Judge Richard Andrews in a Friday ruling threw out the lawsuit, filed by gun industry group the National Shooting Sports Foundation (NSSF), over a Delaware law that allows the state’s attorney general or a private citizen to sue a gun business for creating a ‘public nuisance’ by failing to follow laws governing gun sales, engaging in dangerous marketing or other illegal actions. ‘The gun lobby will continue to fight for their profits. We will continue to fight for our neighbors,’ Delaware Attorney General Kathy Jennings said in a statement after the ruling.” (Diana Novak Jones, “Gun Industry Challenge To Delaware ‘Public Nuisance’ Law Dismissed,” [Reuters](#), 9/11/23)

In 2020, U.S. Sen. Tom Carper Commended Delaware AG Kathy Jennings’ Public Nuisance Lawsuit Against Big Oil Saying “For Too Long, There Has Been A Concerted Effort ... To Mislead The Public About The Science Behind Climate Change.” “Today, U.S. Senator Tom Carper (D-Del.), top Democrat on the Senate Environment and Public Works Committee, commended Delaware Attorney General Kathy Jennings after today’s announcement that the state of Delaware is suing 31 fossil fuel companies on behalf of the state’s residents and businesses to hold those companies accountable for decades of deception about the role their products play in causing climate change, the harm that climate change is causing in Delaware and the mounting costs for residents and businesses in the state. ‘For too long, there has been a concerted effort by some in the fossil fuel industry to mislead the public about the science behind climate change and its devastating effects,’ said Senator Tom Carper.” (Press Release, “Carper: Delaware AG Jennings’ New Lawsuit Will Hold Bad Actors Accountable For Climate Change Deception, Damage And Costs,” [U.S. Senate Committee On Environmental & Public Works](#), 9/10/20)

- **AG Jennings Said That Oil Companies “Deceived The Public For Decades.”** “‘Delawareans are already paying for the malfeasance of the world’s biggest fossil fuel companies,’ said Attorney General Jennings. ‘Exxon, Chevron, and other mega-corporations knew exactly what kind of sacrifices the world would make to support their profits, and they deceived the public for decades.’ ... The complaint, filed Thursday in Delaware Superior Court, asserts four state law causes of action against the defendants: negligent failure to warn, trespass, public nuisance, and numerous violations of Delaware’s Consumer Fraud Act. It also describes the defendants’ decades-long campaign of deception, the causes and effects of climate disruption, how specific contributions to climate change are attributable to the defendants, and the injuries that Delaware is suffering as a result of their conduct.” (Press Release, “Carper: Delaware AG Jennings’ New Lawsuit Will Hold Bad Actors Accountable For Climate Change Deception, Damage And Costs,” [U.S. Senate Committee On Environmental & Public Works](#), 9/10/20)
- **The Lawsuit Specifically Alleges That Fossil Fuel Defendants Created A Public Nuisance**
(“Complaint,” [Delaware v. BP America Inc., et al](#), Filed 9/10/20)

<p style="text-align: center;">IN THE SUPERIOR COURT OF THE STATE OF DELAWARE</p> <p>STATE OF DELAWARE, <i>ex rel.</i> KATHLEEN JENNINGS, Attorney General of the State of Delaware,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p>BP AMERICA INC., BP P.L.C., CHEVRON CORPORATION, CHEVRON U.S.A. INC., CONOCOPHILLIPS, CONOCOPHILLIPS COMPANY, PHILLIPS 66, PHILLIPS 66 COMPANY, EXXON MOBIL CORPORATION, EXXONMOBIL OIL CORPORATION, XTO ENERGY INC., HESS CORPORATION, MARATHON OIL CORPORATION, MARATHON OIL</p>	<p style="text-align: center;">THIRD CAUSE OF ACTION (Nuisance) (Against All Fossil Fuel Defendants)</p> <p>253. The State realleges each and every allegation contained above, as though set forth herein in full.</p> <p>254. The Attorney General is authorized to bring suit on behalf of the State and its citizens to address a public nuisance.</p>
<p>C.A. No. _____ CCLD</p> <p style="text-align: center;">TRIAL BY JURY OF 12 DEMANDED</p> <p style="text-align: center;"><u>COMPLAINT</u></p>	

Oregon

In A Multnomah County Public Nuisance Lawsuit Against Big Oil Companies, The District 2 Commissioner Susheela Jayapal Said Taxpayers Are Footing The Bill For A Crisis That The Fossil Fuel Industry Has Known Was Coming.

“Today Multnomah County filed suit against several of the largest fossil fuel and coal-producing corporations, seeking to hold them accountable for the damages arising from the 2021 Pacific Northwest Heat Dome, one of the most deadly and destructive human-made weather disasters in American history. ... The lawsuit alleges that the Defendants committed negligence and fraud, and created a public nuisance, all of which are well-established causes of action under Oregon state tort law. ... District 2 Commissioner Susheela Jayapal said, ‘There was nothing ‘natural’ about the heat dome, or about the wildfires. There was also nothing inevitable about them. They were caused by climate change, and they were preventable. The loss of life was preventable, the loss of homes was preventable. The County and its taxpayers are footing the bill for a crisis that the fossil fuel industry has known was coming, and not only has done nothing to stop, but has made worse. All in the name of profit. They need to be held accountable.’” (Press Release, “Multnomah County Sues Oil Companies Over 2021 Heat Dome Disaster,” [Multnomah County](#), 6/23/23)

- **Susheela Jayapal, U.S. Rep. Pramila Jayapal’s Sister, Stepped Down From Multnomah County Board Of Commissioners To Run For Oregon’s 3rd Congressional District.** “Multnomah County Commissioner Susheela Jayapal is stepping down from office to pursue a run for Congress. Jayapal, 60, is the first candidate to announce her run for Oregon’s 3rd Congressional District since its longtime leader Rep. Earl Blumenauer announced his retirement Monday. A Democrat who represents North and Northeast Portland on the county board, Jayapal said she believes the moment calls for her to enter the race.” (Alex Zielinski, “Susheela Jayapal Steps Down From Multnomah County Board To Run For Congress,” [OPB](#), 11/1/23)
- **Multnomah County’s Lawsuit Accuses Energy Companies Of Creating A Public Nuisance.** “The lawsuit alleges that the Defendants committed negligence and fraud, and created a public nuisance, all of which are well-established causes of action under Oregon state tort law.” (Press Release, “Multnomah County Sues Oil Companies Over 2021 Heat Dome Disaster,” [Multnomah County](#), 6/22/23)



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