

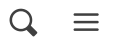
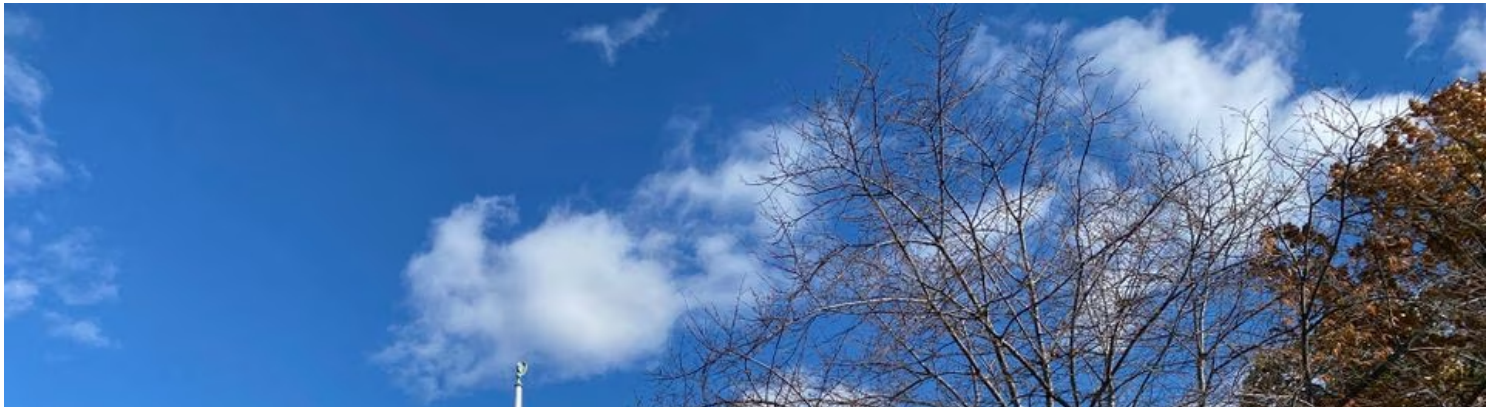
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Environment

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Biden administration tells Supreme Court Big Oil climate cases belong in state court

By Clark Mindock



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A general view of the U.S. Supreme Court building in Washington, U.S., November 26, 2021. Picture taken November 26, 2021. REUTERS/Will Dunham

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March 16 (Reuters) - A lawsuit filed by several Colorado municipalities accusing ExxonMobil Corp and Suncor Energy Inc. of exacerbating climate change belongs in state court where it was filed, the Biden administration told the U.S. Supreme Court on Thursday.

The administration urged the justices to reject the oil companies' petition for review of a February 2022 appeals court's ruling that sent the case back to state court, a venue generally considered more favorable to the municipal plaintiffs.

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The Denver-based 10th U.S. Circuit Court of Appeals remanded the case after concluding that none of the grounds cited by the companies to change the venue supported giving federal courts jurisdiction.



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The venue question is a key point of contention in roughly two dozen lawsuits filed by states and municipalities against major oil companies alleging they concealed and misrepresented the dangers associated with burning fossil fuels.

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The oil companies have denied the local and state governments' allegations and argued that despite the municipalities only raising state law claims, the cases clearly raise federal questions.

Marco Simons, an attorney representing the Colorado municipalities with EarthRights International, said they are encouraged by the government's recommendation.

"Lawsuits like this one do nothing but waste time and resources and, more importantly, don't advance efforts to address climate change," an ExxonMobil spokesperson said in a statement.

The case, if the Supreme Court elects to take it, would give the high court a second chance to clarify whether state or federal courts should hear the lawsuits filed by states and local governments, including Honolulu, Baltimore, and the states of Rhode Island and Delaware.

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The Supreme Court **first considered** the jurisdiction question in 2021 in case brought by the city of Baltimore. It issued a narrow ruling telling the 4th U.S. Circuit Court of Appeals to reconsider arguments for removal raised by the oil companies in that case, but didn't weigh in directly on which courts were proper.

The case is Suncor Energy Inc. et al. v. Board of County Commissioners of Boulder County et al., U.S. Supreme Court of the United States, case No. 21-1550.

For the energy companies: Kannon Shanmugam, Theodore Wells, Daniel Toal and William Marks of Paul Weiss Rifkind Wharton & Garrison, Hugh Gottschalk and Eric Robertson of Wheeler Trigg O'Donnell.

For the municipalities: Marco Simons, Richard Herz, Michelle Harrison and Sean Powers of EarthRights International, David Bookbinder of the Niskanen Center and Kevin Hannon of the Hannon Law Firm.

For the U.S. government: Solicitor General Elizabeth Prelogar, Assistant Attorney General Todd Kim and Deputy Solicitor General Malcolm Stewart.



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Reporting by Clark Mindock



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