

Summary of Plaintiff Multnomah County's Opposition to Defendants' Joint Anti-SLAPP Motion to Strike

July 8, 2025

Introduction--*Big Oil Files Anti-SLAPP Motion to Strike, Asserts Right to Lie, Delay and Distract*

In *County of Multnomah v. Exxon Mobil Corp.*, et al., the defendants—a coalition of major fossil fuel producers, trade associations, and consulting firms—[have jointly moved to strike](#) the County's [Second Amended Complaint](#) under Oregon's anti-SLAPP statute, ORS 31.150 et seq. The statute protects individuals and organizations from lawsuits by wealthy corporations that aim to punish and intimidate them for engaging in constitutionally protected speech or petitioning activities related to issues of public concern.

In its [Opposition](#), the County of Multnomah alleges that it has suffered social, environmental, public health and economic harms as a result of global warming which it attributes to a decades-long sophisticated campaign of deception designed to encourage consumers to buy more fossil fuels, the combustion of which in Oregon has super-heated our normally temperate state, which in turn has exacerbated heat waves, wildfires and drought, all of which threaten our lives, economy, infrastructure, environment, and property.

The defendants argue that the County's claims arise from protected speech and advocacy, but the County counters that its lawsuit seeks to hold defendants accountable for a decades-long campaign of deliberate deception. According to the County, these companies knowingly misled the public about the environmental harms caused by their fossil fuel products, contributing to catastrophic climate events such as the 2021 heat dome.

The County asserts that the anti-SLAPP law was not intended to protect fraud, misrepresentation, or unlawful business practices. Rather than silencing legitimate political discourse, the County contends that its claims are grounded in defendants' unlawful conduct and actionable omissions in a commercial context. The opposition brief sets out a comprehensive legal and evidentiary rebuttal to the defendants' attempt to invoke the statute as a shield from liability and as tactic to delay accountability.

The Anti-SLAPP Statute: Scope and Limitations

ORS 31.150 provides for early dismissal of lawsuits that target protected speech or petitioning activity. However, the statute is limited in scope and does not protect speech that is illegal, misleading, or part of fraudulent commercial conduct. The County argues that defendants have mischaracterized the nature of its claims to fit them into the anti-SLAPP framework, ignoring the commercial and deceptive dimensions of their conduct.

The County emphasizes that the statute's intent is to prevent frivolous lawsuits that chill free speech, not to grant immunity to powerful corporations that intentionally deceived the public for financial gain. Defendants' invocation of the statute, the County argues, is a misuse of the law intended to delay proceedings and evade accountability.

Commercial Fraud, Deception, and the Speech Exception

Multnomah County distinguishes between core political speech, which enjoys broad constitutional protection, and commercial speech, which is subject to regulation, particularly when it is false or misleading. The County asserts that the defendants' conduct—including advertisements, public statements, and lobbying campaigns—was primarily commercial in nature and formed part of a broader effort to promote and sell products known to be harmful.

The brief points to extensive documentation of industry knowledge about climate risks as early as the 1960s, alongside efforts to obscure or contradict that knowledge in public-facing materials. These activities, the County maintains, do not merit anti-SLAPP protection. Instead, they constitute a coordinated strategy to mislead the public and suppress regulatory action. Because these misrepresentations occurred in a commercial context and were likely to deceive consumers, they fall outside the statute's protective scope.

Factual Basis and Evidentiary Support

To defeat an anti-SLAPP motion, a plaintiff must present evidence supporting a probability of prevailing. The County argues it has met this standard by offering voluminous documentary evidence, including internal communications, government investigations, academic studies, and expert reports. These materials demonstrate that the defendants not only understood the climate risks posed by fossil fuels but actively chose to mislead the public to protect market Share.

The County notes that its claims are supported by detailed allegations and expert analysis showing a direct connection between the defendants' campaign of misinformation and public confusion about climate risks. These misrepresentations, the County argues, were not isolated instances of opinion or political advocacy, but systemic efforts to distort public understanding and obstruct regulatory responses. In short, even without discovery, the County has made a factual showing that defendants failed to disclose publicly what their own experts advised internally and, instead of telling the truth which would have allowed the County to prepare for extreme, life-threatening climactic events, chose to engage in a decades-long sophisticated campaign of deception designed to sow doubt in consumers' minds about whether global warming was happening and whether it was caused by the burning of fossil fuels.

Specific Harms and Causation Allegations

Multnomah County carefully articulates that its injuries are not general grievances about climate change but particularized harms within its jurisdiction. The 2021 heat dome is cited as a prime example—an event that caused widespread death, health impacts, infrastructure damage, and economic loss. The County alleges that this and similar harms were foreseeable and exacerbated by the defendants' misconduct.

In response to defendants' argument that causation is too remote or speculative, the County contends that proximate cause is a question for a jury at trial and that it need only present credible evidence at this stage. Moreover, the County claims that defendants' disinformation delayed public awareness and response, directly worsening the effects of climate change on the County's residents and Environment.

Public Enforcement and the Role of the County Attorney

Defendants argue that all discovery must be stayed under the anti-SLAPP statute, but the County invokes the public enforcement exception under ORS 31.150(4). This provision exempts actions brought by public attorneys acting in an official capacity. Since the Multnomah County Attorney has appeared in the case, the County asserts that this exception applies.

The County also argues that applying the anti-SLAPP statute to obstruct public enforcement undermines the legislature's intent and weakens the government's ability to respond to threats to public welfare. As a result, discovery should not be stayed, and the case should proceed without further delay.

Conclusion

Plaintiff Multnomah County concludes that the defendants' motions are meritless and misapply the anti-SLAPP statute. The County has demonstrated that its claims are supported by substantial evidence and are based on fraudulent and commercial conduct, not protected speech. The County urges the court to deny the motions, lift the discovery stay, and allow the case to proceed to trial on the merits. It further requests that attorney's fees and costs be assessed against defendants for deploying a baseless anti-SLAPP motion on untenable theories for the purpose of halting discovery, delaying proceedings, driving up the costs of litigation, forcing the County to disclose its experts (contrary to Oregon practice), and intimidating the County and other government entities who seek accountability.