

KROVATIN NAU LLC

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Attorneys for Plaintiff

COUNTY OF MIDDLESEX,

Plaintiff,

v.

EXXON MOBIL CORPORATION; EXXONMOBIL OIL
CORPORATION; BP P.L.C.; BP AMERICA INC.;
CHEVRON CORPORATION; CHEVRON U.S.A. INC.;
CONOCOPHILLIPS; CONOCOPHILLIPS COMPANY;
PHILLIPS 66; PHILLIPS 66 COMPANY; SHELL PLC;
SHELL OIL COMPANY; and AMERICAN PETROLEUM
INSTITUTE,

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: MIDDLESEX

COUNTY

DOCKET NO.:

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff the County of Middlesex (“Middlesex County”), with its principal place of business at 75 Bayard Street, New Brunswick, New Jersey, by its attorneys Krovatin Nau LLC, for its Complaint alleges as follows:

PARTIES

Plaintiff

1. Plaintiff, Middlesex County, is a body politic and corporate organized under the laws of the State of New Jersey at N.J.S.A 40:18-1, et seq., and formed 1683 as one of the original counties of colonial East Jersey. It brings this action as an exercise of its police power as a public entity, which includes, but is not limited to its power to prevent and abate nuisances, protect its property and the property and residents of the County, to ensure compliance with the laws of New Jersey, and to prevent and abate hazards to public health, safety, welfare, and the environment. The County brings this action further in its capacity to sue under the Consumer Fraud Act, and New Jersey Common Law for recovery of damages and abatement of nuisances.

Defendants

2. Exxon Mobil Entities

a) Exxon Mobil Corporation is a multi-national, vertically integrated, energy and chemicals company incorporated in New Jersey at 830 Bear Tavern Road, West Trenton, New Jersey, with its headquarters and principal place of business in Irving, Texas. Exxon Mobil Corporation is among the largest publicly traded international oil and gas companies in the world. It was formerly known as, did or does business as, and/or is the successor in liability to ExxonMobil Refining and Supply Company; Exxon Chemical

U.S.A.; ExxonMobil Chemical Corporation; ExxonMobil Chemical U.S.A.; ExxonMobil Refining & Supply Corporation; Exxon Company, U.S.A.; Exxon Corporation; and Mobil Corporation.

3. Shell Entities

a) Royal Dutch Shell PLC is a vertically integrated, multinational energy and petrochemical company. Royal Dutch Shell PLC is incorporated in England and Wales, with its headquarters and principal place of business in The Hague, Netherlands. Royal Dutch Shell PLC consists of over a thousand divisions, subsidiaries, and affiliates engaged in all aspects of the fossil fuel industry, including exploration, development, extraction, manufacturing, and energy production, transport, trading, marketing, and sales.

b) Defendants Royal Dutch Shell PLC, Shell Oil Company, and their predecessors, successors, parents, subsidiaries, affiliates, and divisions are collectively referred to as “Shell.”

4. BP Entities

a) BP P.L.C. is a multinational, vertically integrated energy and petrochemical public limited company, registered in England and Wales with its principal place of business in London, England. BP P.L.C. is the ultimate parent company of numerous subsidiaries, which explore for and extract oil and gas worldwide; refine oil into fossil fuel products such as gasoline; and market and sell oil, fuel, other refined petroleum products, and natural gas worldwide. BP P.L.C.’s subsidiaries explore for oil and natural gas under a wide range of licensing, joint arrangement, and other contractual agreements.

5. Chevron Entities

a) Chevron Corporation is a multi-national, vertically integrated energy and chemicals company incorporated in the State of Delaware, with its global headquarters and principal place of business in San Ramon, California. Chevron Corporation is registered to do business in New Jersey.

b) Chevron U.S.A. Inc. is a Pennsylvania corporation with its principal place of business in San Ramon, California. Chevron U.S.A. Inc. is a wholly owned subsidiary of Chevron Corporation that acts on Chevron Corporation's behalf and subject to Chevron Corporation's control. Chevron U.S.A. Inc. was formerly known as, and did or does business as, and/or is the successor in liability to: Gulf Oil Corporation; Gulf Oil Corporation of Pennsylvania; Chevron Products Company; and Chevron Chemical Company. Chevron U.S.A. Inc. is registered to do business in New Jersey.

c) "Chevron" as used hereafter, means collectively, Defendants Chevron Corporation and Chevron U.S.A. Inc., and their predecessors, successors, parents, subsidiaries, affiliates, and divisions.

d) Chevron transacts and has transacted substantial fossil fuel-related business in New Jersey. It acquired the Perth Amboy Refinery in New Jersey in 1945 and operated it until 2012, producing gasoline, heating oil, and asphalt throughout that period.

e) Chevron markets and/or has marketed gasoline and other fossil fuel products to New Jersey consumers, including through Chevron-branded petroleum services stations in the State. Currently at least five service stations in and around Hoboken operate under the Chevron name, and sell Chevron-branded gasoline and related products pursuant to franchise agreements with Chevron.

6. ConocoPhillips Entities

a) ConocoPhillips is a multinational energy company incorporated in Delaware and with its principal place of business in Houston, Texas. ConocoPhillips consists of numerous divisions, subsidiaries, and affiliates that carry out ConocoPhillips's fundamental decisions related to all aspects of the fossil fuel industry, including exploration, extraction, production, manufacture, transport, and marketing.

b) ConocoPhillips Company is a wholly owned subsidiary of ConocoPhillips that acts on ConocoPhillips' behalf and subject to ConocoPhillips' control. ConocoPhillips Company is incorporated in Delaware and has its principal office in Bartlesville, Oklahoma. ConocoPhillips Company is registered to do business in New Jersey.

c) ConocoPhillips transacts and has transacted substantial fossil fuel-related business in New Jersey.

d) ConocoPhillips markets and/or has marketed gasoline and other fossil fuel products to New Jersey consumers.

7. Exxon, Shell, BP, Chevron, and ConocoPhillips are collectively referred to herein as the "Fossil Fuel Company Defendants."

8. The American Petroleum Institute ("API")

a) API is a nonprofit corporation based in Washington, D.C., and is registered to do business in New Jersey. It was founded in 1919 to advocate for the interests of the petroleum industry.

b) API has participated in and led several coalitions and front groups, often in collaboration with the Fossil Fuel Company Defendants, that have organized deceptive advertising and communications campaigns that promote climate disinformation and

denialism. These campaigns have targeted their messages both to national audiences and specifically to consumers in New Jersey. API continues to participate and/or direct misleading campaigns about the dangers of fossil fuels intended to reach consumers throughout the country.

JURISDICTION AND VENUE

9. Pursuant to R. 4:3-1, venue is proper in Middlesex County, which is the county of Plaintiff's principal place of business.

10. This Court has personal jurisdiction over each Defendant pursuant to N.J.S.A. 2A:4-30.68, N.J.S.A. 14A:1-1 et seq., R. 4:4-4(a)(6), and because each Defendant is incorporated in New Jersey, transacts substantial business in or is otherwise "at home" in New Jersey, has consented to the jurisdiction of New Jersey courts, and/or has purposefully directed its acts towards New Jersey and has caused substantial harm in New Jersey. Each Defendant could reasonably anticipate being haled into court in New Jersey on the basis of its acts and omissions.

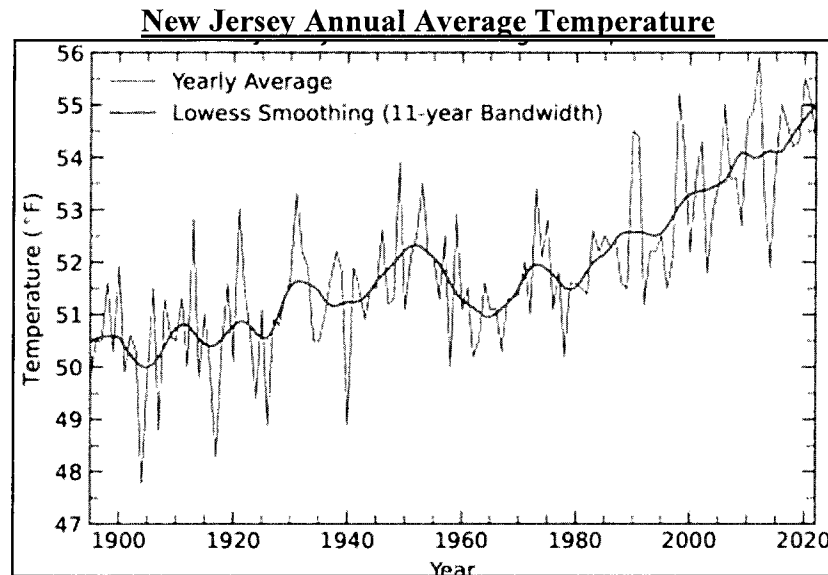
GENERAL ALLEGATIONS APPLICABLE TO ALL COUNTS

Defendants' Decades of Climate Deception Has Resulted in Severe and Devastating Damage to Middlesex County and Threatens More Severe Damage in the Future.

11. The increased atmospheric concentration of greenhouse gases has led to a rise in global temperatures and caused significant changes in the global climate system. In New Jersey, the annual temperatures have increased by 4 °F since 1900, twice the global average, according to a recent report by Rutgers University's New Jersey Climate Change Resource Center.¹ The

¹ New Jersey Climate Change Resource Center at Rutgers University, "State of the Climate", at 3 (2022), <https://njclimateresourcecenter.rutgers.edu/wp-content/uploads/2023/04/State-of-the-Climite-2022-042423.pdf>

Intergovernmental Panel on Climate Change cites the burning of fossil fuels as the primary cause for the increase in greenhouse gas concentrations—and the rise in global temperatures.²

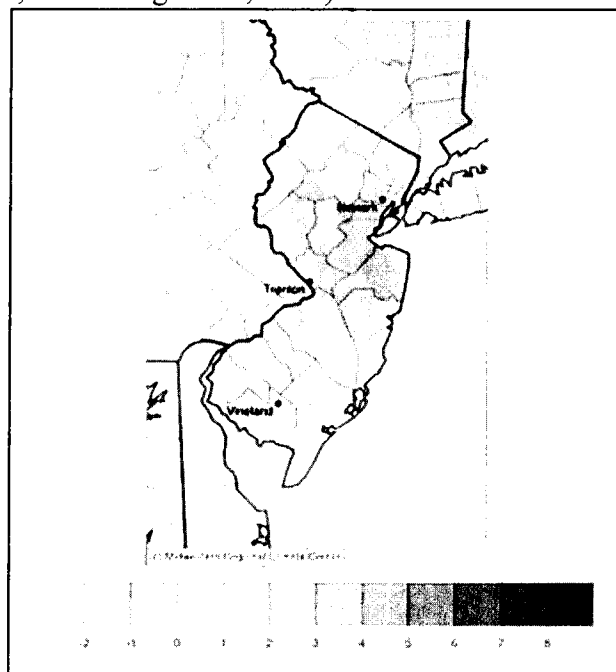


12. New Jersey has experienced some of its warmest years on record in the last two decades, with 15 of the 20 warmest years having occurred since the year 2000. In 2022, the State saw its third warmest—and fourth driest—summer on record.³

² *Id.* at 4.

³ *Id.* at 8.

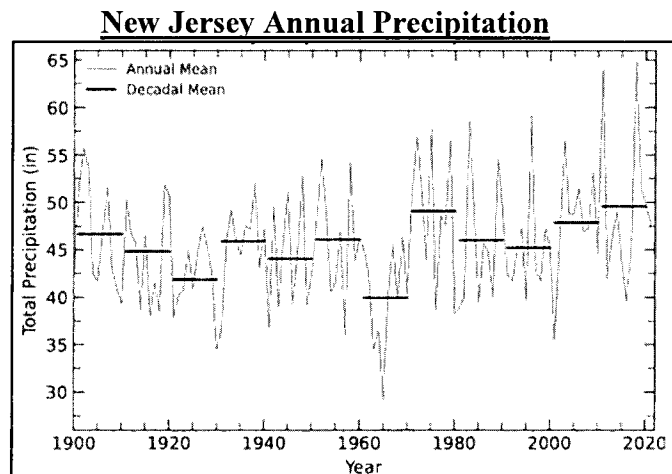
Average Maximum Temperature: (°F) Departure from 1991-2020 Normals
 (June 1, 2022–August 31, 2022)



13. Precipitation levels have also increased in Middlesex County. Temperature increases fueled by rising greenhouse gas concentrations cause the atmosphere to hold more water vapor and produce more precipitation.⁴ The decadal average precipitation in New Jersey has gone up by approximately seven percent since 1900.⁵

⁴ *Id.* at 13.

⁵ *Id.*



14. Extreme precipitation events have hammered New Jersey more frequently in recent decades, unleashing floods on the State with greater intensity and magnitude. And the pace has accelerated in recent years as these extreme events have occurred twice as often as they did during the past century.⁶ Between 1900 and 2014, the five years with the most extreme precipitation events, defined as two or more inches of rain in a 24-hour period, took place between 2010 and 2014.⁷ In 2018, the State experienced its wettest year since 1895, when statewide records began.⁸

15. The magnitude of larger rainfall events is expected to continue to increase in the future. By the end of the century, warming driven by fossil fuel emissions is projected to increase extreme precipitation events in central New Jersey by another 10%.⁹

⁶ Middlesex Hazard Mitigation Plan, at 3-6.

⁷ New Jersey Climate Change Resource Center at Rutgers University, “State of the Climate”, at 18 (2022), <https://njclimateresourcecenter.rutgers.edu/wp-content/uploads/2023/04/State-of-the-Climate-2022-042423.pdf>

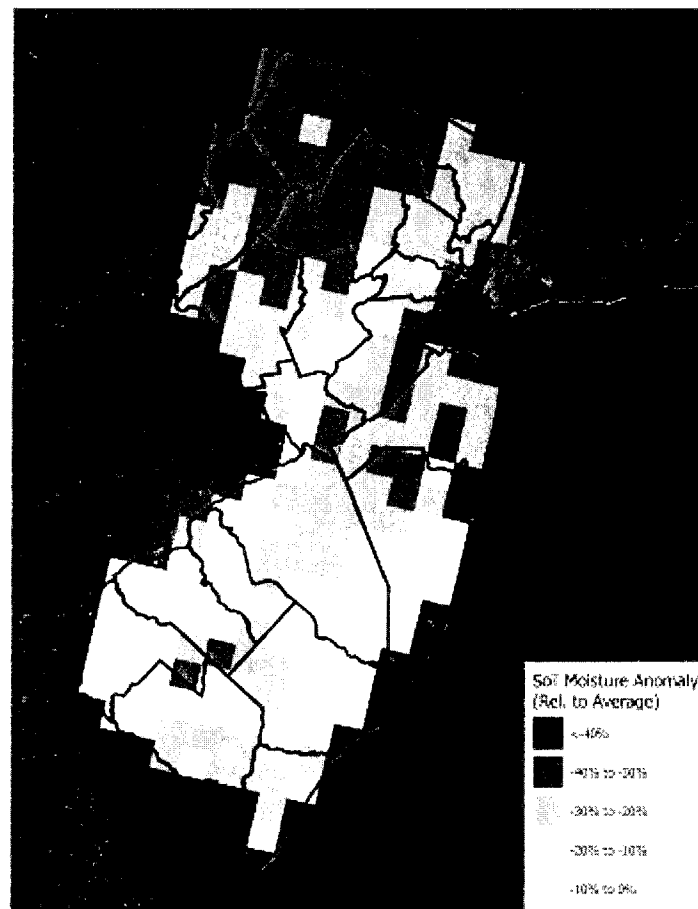
⁸ Middlesex Hazard Mitigation Plan, at 4-6.

⁹ New Jersey Climate Change Resource Center at Rutgers University, “State of the Climate”, at 19 (2022), <https://njclimateresourcecenter.rutgers.edu/wp-content/uploads/2023/04/State-of-the-Climate-2022-042423.pdf>

16. Droughts are also increasing in frequency. Higher temperatures increase evaporation, accelerating the transfer of water back into the atmosphere and making rainfall less available for water storage and agriculture.

17. For instance, 2022 was the driest summer on record in New Jersey since 1966. Statewide precipitation averaged 7.83 inches across the summer months, or 5.75 inches below average.¹⁰ Such conditions result in drier soils, which are less suitable for agriculture and more prone to wildfires.

New Jersey Soil Moisture Anomaly, Summer 2022



¹⁰ *Id.* at 24.

18. Increasing summer heat and drought across the eastern half of North America caused by global warming have also had direct impacts on New Jersey. Just this summer, wildfire smoke from fires in eastern Canada fueled by climate change's heat and drought blanketed New Jersey's skies in an ominous orange and gray haze, sending air quality spiking to the worst levels seen in New Jersey's history. The New Jersey Department of Environmental Protection declared a Code Red Air Quality Action Day, warning that the air quality was exceeding "unhealthy standards."¹¹ On June 7th, the air quality index number reached into the maroon zone, the worst code, indicating "hazardous" air quality.¹² The hazardous conditions disrupted school activities and forced government offices to close.¹³

19. The widespread and unrelenting effects of climate change are projected to increase weather-related illnesses, property damage, and mortality, and disrupt Middlesex County's economy due to increasingly frequent flooding from extreme precipitation events and episodes of extreme heat and drought.

20. The alarming rise in the frequency, intensity, and severity of these climate disasters is not remote or speculative. It is already here. Middlesex County has been reeling from the devastating impact of one climate disaster after another. And there is no end in sight. Middlesex County will continue to feel the disastrous effects of the raging climate crisis that Defendants have spent decades trying to conceal.

¹¹New Jersey Department of Environmental Protection, "Particulate Matter (PM2.5) Action Day Declared for June 7th and 8th, 2023" (June 7, 2023), <https://twitter.com/NewJerseyDEP>

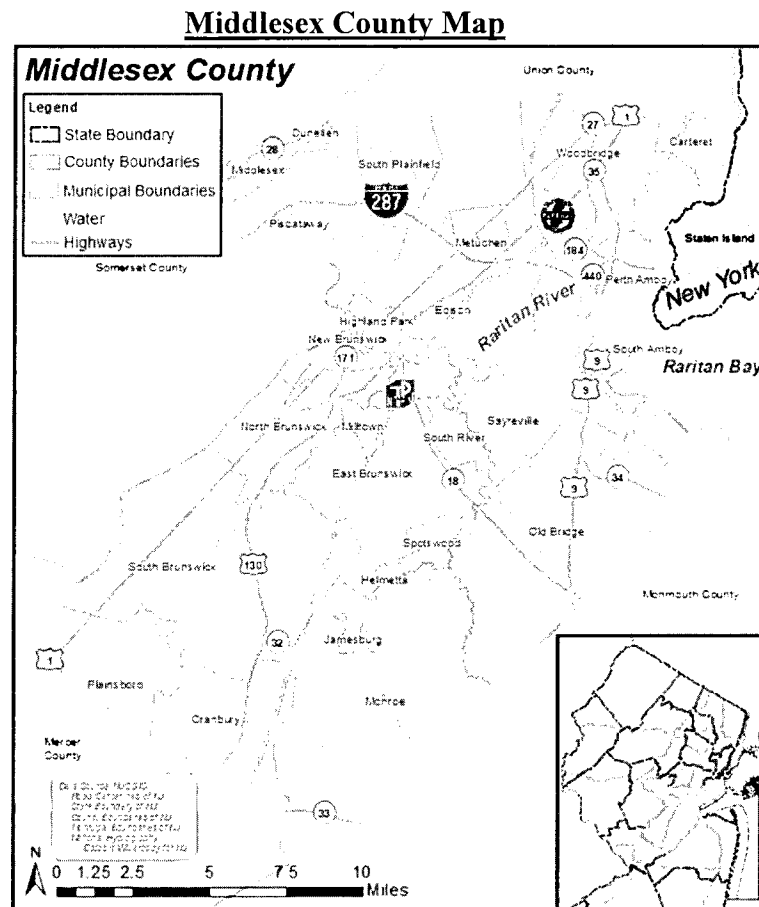
¹² Sweilem, Amira, "N.J. smoke misery meter spikes to 'hazardous' air quality levels today," (Jun. 7, 2023), <https://www.nj.com/weather/2023/06/nj-smoke-misery-meter-hits-red-unhealthy-stage-with-air-quality-plummeting.html>

¹³ "Apocalyptic Skies Over New Jersey Caused By Canadian Wildfire Smoke," MidJersey (June 2023), <https://midjersey.news/2023/06/07/apocalyptic-skies-over-new-jersey-caused-by-canadian-wildfire-smoke/> ; Governor Phill Murphy (Jun. 7, 2023), <https://twitter.com/GovMurphy/status/1666527729276145671>

Middlesex communities have suffered some of the worst climate disasters because of human-caused climate change—and they will continue to do so in the future.

21. Middlesex is the second most populous county in New Jersey, boasting a population of 831,000 people.¹⁴

22. The County sits in heart of New Jersey, enjoying easy access to the surrounding metro areas. The County's strong transportation network of rail, roadways, and a regional port have made it a desirable place to live and work.¹⁵



¹⁴Middlesex County at a Glance, <https://www.middlesexcountynj.gov/discover-our-community/county-at-a-glance>

¹⁵ Middlesex County at a Glance, <https://www.middlesexcountynj.gov/discover-our-community/county-at-a-glance>

23. Geographically, the County consists of approximately 58 percent of urban area, five percent agricultural land, 19 percent of wetlands, and 12 percent of forested land.¹⁶ The Raritan, a major river in central New Jersey, runs through the middle of the County and spans a watershed area of roughly 1,100 square miles.¹⁷

24. Middlesex County sits on land that, prior to its development, consisted largely of marshes and wetlands. Twelve of its 25 municipalities, including its six most populous cities, sit on the shores of the Raritan Bay, Raritan River, or other tidally influenced bodies of water that rise and fall in accordance with sea levels,¹⁸ making these communities more vulnerable to flooding during coastal storms and extreme rainfall events fueled by climate change.

25. With rising temperatures, intense precipitation events, destructive floods and coastal storms, and frequent episodes of drought conditions, Middlesex County has seen some of the worst consequences of climate change in recent years.¹⁹

26. Extreme heat events have already caused five heat-related deaths in Middlesex County since the turn of the century.²⁰ Between 1981 and 2010, Middlesex County experienced an average two to four extreme heat days—where temperatures exceed 95°F—per year. That number is expected to more than double in the next twenty years, with five to ten extreme heat

¹⁶ Middlesex Hazard Mitigation Plan, 3-23.

¹⁷ *Id.* at 223.

¹⁸ <https://www.state.nj.us/dep/cmp/docs/new-detailed-cafra-map.pdf>

¹⁹ Middlesex Hazard Mitigation Plan, at 4-6.

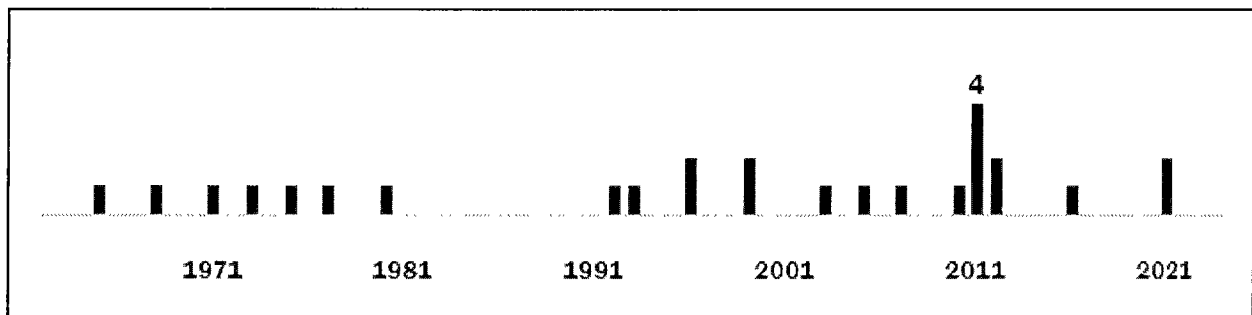
²⁰ *Id.* at 4-64.

days per year projected from 2020 to 2040, and as many as 41 to 50 extreme heat days per year by the end of the century.²¹

27. Between 1996 and 2020, Middlesex County also experienced 60 recorded flood from coastal storms and extreme rainfall, causing over \$500 million in property damage and over \$100 million in flood insurance claims.²² The County's municipalities have also recorded 60 flash floods in the last eight years alone.²³

28. Collectively, extreme weather events in recent years have resulted in deaths, property damage, and economic disruption in Middlesex County, where FEMA has issued 24 weather-related disaster declarations since 1953.²⁴ The frequency of these declarations has dramatically increased around the turn of the century, coinciding with rising temperatures caused by increasing atmospheric concentrations of carbon dioxide.

FEMA Weather-Related Disaster Declarations for Middlesex County 1953-2021²⁵



²¹ Middlesex Hazard Mitigation Plan, at 4-67, <https://www.middlesexcountynj.gov/government/departments/departments-of-public-safety-and-health/office-of-emergency-management-and-preparedness/hazard-mitigation-plan/-folder-226>

²² *Id.* at 4-81-89.

²³ *Id.*

²⁴ *Id.* at 4-20.

²⁵ FEMA, "Disaster Declarations for States and Counties", https://data.fema.gov/views/DisasterDeclarations_OpenFEMA/DisasterDeclarations?%3Aembed=y&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link

29. Hurricanes Floyd, Irene, Sandy, and Ida were the most destructive, each prompting a FEMA disaster declaration for the County.²⁶ These four storms alone cost the County and its residents more than \$600 million.

Hurricane Floyd – September 1999

30. Hurricane Floyd reached northern New Jersey in September 1999 as a tropical storm, pounding the area for four days with torrential rain and floods that knocked down trees and power lines. The hurricane caused the Raritan River's largest flood on record,²⁷ more than four feet higher than the previous record flood crest.²⁸ As the river was rising, incoming high tide prevented it from discharging into the bay.²⁹ Middlesex flooded and was declared a federal disaster area.³⁰ Thousands of people evacuated. In New Brunswick, a police station had to be evacuated.³¹ More than 30 roads were closed.³² Parks near the river were damaged.³³ The damage to public property was estimated around \$3 million.³⁴

²⁶ State of New Jersey Mitigation Plan, at 5.8-25 (2014), https://nj.gov/njoem/programs/pdf/mitigation2014b/mit2014_section5-8.pdf

²⁷ *Id.* at 5.6-37.

²⁸ *Id.* at 5.8-20.

²⁹ Middlesex Hazard Mitigation Plan, at 4-81.

³⁰ Strunsky, Steve, "After the Flood; With a Billion of Dollars in Damage, New Jersey Will Be Wringing Out a Long Time", (Oct. 1999), <https://www.nytimes.com/1999/10/17/nyregion/after-flood-with-billion-dollars-damage-new-jersey-will-be-wringing-long-time.html>

³¹ Chen, David, "31 Dead and Thousands Forced From Homes by Heavy Floods" (Sept. 1999) <https://archive.nytimes.com/www.nytimes.com/library/national/science/091899sci-hurr-floyd-rdp.html>

³² Middlesex Hazard Mitigation Plan, at 4-82.

³³ *Id.*

³⁴ State of New Jersey, Hurricane Floyd Emergency Information, <https://www.state.nj.us/emergency/recovery.html>

31. Five hundred homes were flooded in Middlesex Borough, resulting in \$6 million in damages.³⁵ Apartment buildings in Piscataway were severely flooded, resulting in \$5 million in losses.³⁶ Over 100 homes were damaged in Dunellen.³⁷

32. A water treatment plant in Edison broke down, depriving township residents of water for four days after the hurricane.³⁸ The National Guard provided water to the township.³⁹

Tropical Storm Irene – August 2011

33. The largest rainstorm in the state's history, Hurricane Irene caused record evacuations and major river floodings.⁴⁰ August of that year became the wettest month in New Jersey since rainfall recording began in 1895.⁴¹

34. Irene devastated Middlesex County. Again, the County was declared a federal disaster area.⁴² Every municipality in the County flooded.⁴³ 100,000 people lost power.⁴⁴

³⁵ Middlesex Hazard Mitigation Plan, at 4-81,82.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ State of New Jersey 2014 Hazard Mitigation Plan,
https://nj.gov/njoem/programs/pdf/mitigation2014b/mit2014_appendixd.pdf

⁴¹ USGS, Summary of Flooding in New Jersey Caused by Hurricane Irene, (Oct. 2011),
<https://www.usgs.gov/news/summary-flooding-new-jersey-caused-hurricane-irene-august-27-30-2011#publications>

⁴² State of New Jersey Mitigation Plan, at 5.8-25 (2014),
https://nj.gov/njoem/programs/pdf/mitigation2014b/mit2014_section5-8.pdf

⁴³ "Hurricane Irene: County by county reports of evacuations, flooding, damage," NJ.com (Aug 2011),
https://www.nj.com/news/2011/08/hurricane_irene_county_by_coun.html

⁴⁴ *Id.*

35. Many roads flooded and had to be closed. Hundreds of homes were flooded.⁴⁵ And thousands were forced to evacuate, including three thousand residents who lived along the Raritan Bay.⁴⁶

Superstorm Sandy – October 2012

36. Just one year after Irene, one of the most destructive and costly storms in U.S. history slammed the County.⁴⁷ Superstorm Sandy reached the state of New Jersey in late October 2012, destroying thousands of homes and debilitating the County's economy. Middlesex was one of the counties most affected by storm, sustaining "an extraordinary amount of damage" according to a Disaster Strategic Plan that emerged after the storm.⁴⁸

37. Middlesex County saw nine feet of inundation because of the storm surge, which was exacerbated by already-existing sea level rise as a result of climate change.⁴⁹ The storm knocked down trees and took down power lines.⁵⁰ Several towns experienced water shortages and over 350,000 County residents lost power.⁵¹ The Sayreville Pump Station, a regional wastewater facility, broke down. Repairs took nine years to complete at a cost of \$90 million.⁵²

⁴⁵ https://www.nj.com/middlesex/2012/08/for_monroe_woman_irene_took_aw.html

⁴⁶ *Id.* at 4-27.

⁴⁷ New Jersey Department of Community Affairs, "Hurricane Ida Action Plan," at 10, https://www.nj.gov/dca/ddrm/pdf_docs/Ida%20Action%20Plan%20FINAL_English_508.pdf

⁴⁸ "Disaster Housing Strategic Plan," at 3, https://www.nj.gov/dca/announcements/pdf/4086-DR-NJ_Hurricane_Sandy_Disaster_Housing_Strategic_Plan_11.26.12_sign....pdf

⁴⁹ State of New Jersey Mitigation Plan, at 5.6-33 (2019) https://nj.gov/njoem/mitigation/pdf/2019/mit2019_section5-6_Flood.pdf

⁵⁰ Saccenti, John, "Middlesex County Working Through Major Impacts of Hurricane Sandy," Patch (Oct. 2012), <https://patch.com/new-jersey/eastbrunswick/middlesex-county-working-through-major-impacts-of-hur69dc558cce>

⁵¹ *Id.*

⁵² NJ's largest wastewater pump station completes \$90 million repairs after Sandy," My Central Jersey (June 2021), <https://www.mycentraljersey.com/story/news/local/middlesex-county/2021/06/24/middlesex-nj-water-station-completes-90-m-rebuild-after-sandy-damage/5318433001/>

38. Superstorm Sandy caused over \$500 million worth of property damage in Middlesex County.⁵³ In addition to the property damage, Middlesex County communities experienced significant residential and commercial losses, an estimated \$67 million in lost wages.⁵⁴

Hurricane Ida – September 2021

39. Hurricane Ida slammed Middlesex County in September 2021.⁵⁵ Hours of heavy rainfall triggered a flash flooding in central and northern New Jersey, flooding several rivers in the region. It took several days for the floodwaters to recede in some areas. Homes, businesses, and public property were destroyed.

40. Three Middlesex County residents died in the storm.⁵⁶

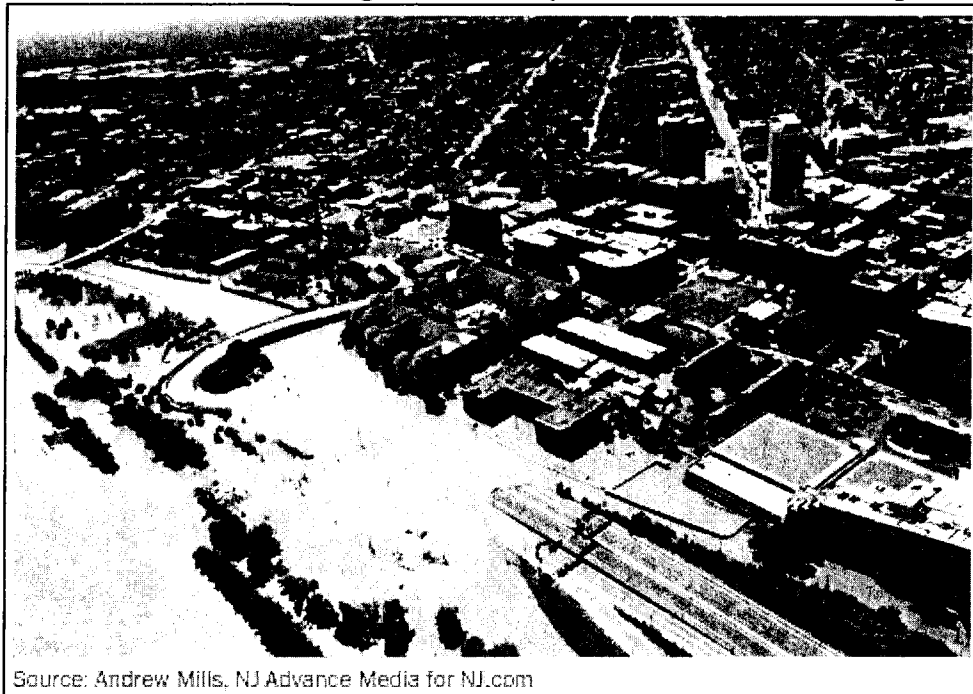
⁵³ Middlesex Hazard Mitigation Plan, at 4-27.

⁵⁴ School of Public Affairs and Administration at Rutgers University, at 13, 29 (2013), <https://rucore.libraries.rutgers.edu/rutgers-lib/44886/PDF/1/play/>

⁵⁵ New Jersey Department of Community Affairs, “Hurricane Ida Action Plan,” at 3, https://www.nj.gov/dca/ddrm/pdf_docs/Ida%20Action%20Plan%20FINAL_English_508.pdf

⁵⁶ Jeff Goldman, *Ida Death Total in N.J. Climbs to 30, Murphy Says*, NJ.COM (Sept. 13, 2021), <https://www.nj.com/weather/2021/09/ida-death-total-in-nj-climbs-to-30-murphy-says.html#:~:text=Three%20people%20died%20in%20Middlesex,31%20and%20Sept.>

Route 18 in New Brunswick at Rutgers University Under Water After Tropical Storm Ida



41. In Ida's aftermath, the federal government designated Middlesex County as one of New Jersey's "most impacted and distressed" counties by the storm.⁵⁷ The County suffered \$50 million in property damage, according to the New Jersey Department of Community Affairs.⁵⁸ Residential and commercial insurance claims for property damage exceeded \$155,000,000.⁵⁹ Local businesses saw a dip in revenues and sales after the hurricane. More than 180 County businesses applied for disaster assistance from the Small Business Administration, with an average loss of \$129,000.⁶⁰

⁵⁷ New Jersey Department of Community Affairs, "Hurricane Ida Action Plan," at 17, https://www.nj.gov/dca/ddrm/pdf_docs/Ida%20Action%20Plan%20FINAL_English_508.pdf

⁵⁸ New Jersey Department of Community Affairs, "Hurricane Ida Action Plan," at 94, https://www.nj.gov/dca/ddrm/pdf_docs/Ida%20Action%20Plan%20FINAL_English_508.pdf

⁵⁹ *Id.* at 23.

⁶⁰ *Id.* at 69.

42. Defendants' past and ongoing deceptions about their role in causing climate change have created the continuing and accelerating climate crisis that has caused these enormous damages to Middlesex County, and that will continue to damage the County in the absence of resiliency systems to mitigate the harms of climate disasters like those described above.

43. Defendants' acts and omissions, carried out in large part to boost their own profits, are the actual, substantial, and proximate cause of these significant and mounting costs to the County, and these externalities are properly placed on Defendants, rather than on Middlesex County and its residents.

44. Defendants' actions were committed with actual malice, or were accompanied by a wanton and willful disregard of persons, including the County and its residents, who were foreseeably harmed by their acts and omissions.

COUNT ONE
(Public Nuisance)
(Against the Fossil Fuel Company Defendants)

45. Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

46. New Jersey law prohibits Defendants from causing "an unreasonable interference with a right common to the general public."

47. Each Fossil Fuel Company Defendant, acting individually and in concert, has, by its conduct in manufacturing, marketing, distributing, and profiting from the sale of fossil fuels, caused adverse effects on a common right in the State of New Jersey, and in the Middlesex County. This conduct includes, but is not limited to, the following:

- a) Defendants control every step of the supply, production, and distribution chain for their fossil fuel products, including crude oil, coal, and natural gas

- reserves, extracting these fossil fuels from the Earth; refining and marketing the products for sale, and distributing them for sale across the globe;
- b) Defendants have extracted, marketed, and sold fossil fuels for more than fifty years with knowledge that the use of these fossil fuels causes global warming and its attendant climate impacts, including but not limited to sea level rise and extreme heat and precipitation, each of which has harmed Middlesex County and required it to spend hundreds of millions of dollars on abatement and remediation;
 - c) Defendants, individually, through trade associations like API, and through front groups like ICE and the GCC, coordinated campaigns to deceive the public about the known and foreseeable threats their fossil fuels posed to the climate in order to mislead consumers and turn public opinion against actions to restrict their extraction, production, and sale of fossil fuels;
 - d) Defendants spent millions of dollars funding think tanks and other groups working to sow doubt about the veracity of the science linking fossil fuels to global warming that their own scientists had helped to develop;
 - e) Between 1965 and 2017, the Fossil Fuel Company Defendants produced more than 12% of the world's fossil fuels; they continue to extract, produce, and sell fossil fuels at record rates today;
 - f) Defendant Exxon produced 3.95 million oil-equivalent barrels per day for sale in 2019 and plans to increase this production by 35% in the coming decade, while dedicating just 0.2% of its capital spending to low carbon energy sources from 2010-2018;
 - g) Defendant Exxon further gave more than \$13 million to organizations that cast doubt on climate science between 2008 and 2017;
 - h) Defendant BP is working toward adding production capacity of 900,000 oil-equivalent barrels per day for sale between 2016 and 2021; it plans a further

20.1% increase in oil production in the next decade and dedicated under 3% of its capital expenditures to low carbon energy sources from 2010 to 2018;

- i) Defendant Shell produced 3.67 million barrels of oil and gas per day for sale in 2019, a more than 10% increase from its production in 2010; it plans a further 37% increase in oil production in the next decade and dedicated just 1% of capital spending low carbon energy sources from 2010 through 2018;
- j) Defendant Chevron extracted more than 3 million barrels of net oil equivalents per day for sale in 2019 and spent less than 1% of its capital expenditures on low carbon energy sources from 2010 through 2018; and
- k) Defendant ConocoPhillips extracted more than 1.3 million barrels of net oil equivalents per day for sale in 2018, and has predicted continued growth in production.

48. At all times, Defendants' conduct was performed in locations within Defendants' control:

- a) On information and belief, all key decisions were taken at the Defendants' corporate headquarters and other offices, including in New Jersey;
- b) On information and belief, further actions were taken at locations within the control of Defendants, including at oil fields, coal mines, refineries, etc.; and
- c) On information and belief, further actions were taken at locations within the control of Defendants, including by advertising agencies, consulting firms, and similar agents and employees of Defendants.

49. The public nuisance is substantial and unreasonable and affects rights common to the public. These effects include, inter alia:

- a) the destruction of hundreds of millions of dollars of County - and privately-owned property due to flooding precipitated by or exacerbated by sea level rise due to anthropogenic climate change;
- b) material deprivation of and/or interference with the use and enjoyment of public and private property in the County due to more frequent and extreme drought, more frequent and extreme precipitation events, increased frequency and severity of heat waves and extreme temperatures, and the associated consequences of those physical and environmental changes as described above;
- c) loss suffered by the County and its residents due to loss of access to cultural, historic, and economic resources; damage to public health, safety, and general welfare; and the diversion of tax dollars away from other public services to the mitigation of and/or adaptation to climate change effects;
- d) higher prices and lost opportunity costs due to investments needed by third-party service providers to remediate infrastructure to address anthropogenic climate change risks; and
- e) loss of tax revenue due to depressed property values and the slowdown of economic activity due to anthropogenic climate change.

50. Plaintiff has suffered special injuries, different from that suffered by other members of the public. These include, inter alia:

- a) the County's loss, as the owner and manager of unique public property and resources, of vast amounts of land and property in Middlesex County;
- b) increased costs of providing public services such as ensuring access to safe water, reliable electricity services, sanitary sewage systems, and effective transit to residents due to the effects of anthropogenic climate change, as described above;

- c) significant anticipated reductions in revenue from taxes due to depressed property values and increased expenses due to rising insurance rates; and
- d) large outlays to mitigate, remediate, and abate future effects of anthropogenic climate change through, inter alia, implementing the “Resist, Delay, Store, Discharge” plan.

51. Plaintiff became aware of this nuisance, in particular its scope and severity, after the destruction caused by Hurricane Irene and Superstorm Sandy in 2011 and 2012. Plaintiff has been made aware, further, of Defendants’ actions within the last three years in maintaining a policy of disinformation and obfuscation around the risks of anthropogenic climate change, as well as their plans to continue and expand their program of manufacturing and selling massive amounts of fossil fuels, despite their knowledge of the risks of anthropogenic climate change.

52. The public nuisance is continuing and is causing harm that requires costly abatement measures. Further recurrence of such harm and inconvenience can be abated, albeit at great cost. For instance:

- a) As described in this Complaint, Defendants have continued their campaign of disinformation into the present and have continued to accelerate their production and sale of fossil fuels. They have thus contributed to an ongoing public nuisance.
- b) Defendants have stated publicly their intention to continue to produce, and in fact increase, their production, sale, and marketing of fossil fuels.

53. Defendants have a duty to abate this nuisance and continue to fail to act to prevent or abate it.

54. As described in this Complaint, Defendants knew and should have known that their conduct would cause the public nuisance that in fact took place.

55. As early as 1972, Defendants' own scientists had come to the conclusion that anthropogenic climate change would take place due to the increased production, marketing, and sale of fossil fuels, that the consequences of climate change could be catastrophic, and that Defendants and the general public had to act quickly to mitigate the worst injuries from climate change, including injuries to Middlesex County. In fact, through their joint participation in the American Petroleum Institute, Defendants knew of these dangers as early as 1959, well before any such knowledge was widely available to the public. Defendants took affirmative steps to both benefit from the nuisance by investing in technology that would only be usable after anthropogenic climate change accelerated, and by taking steps to insulate their own installations from the nuisance they were creating.

56. Instead of acknowledging the overwhelming weight of the evidence that their own scientists had compiled in the 1960s, 1970s, and 1980s, and sharing those findings with the general public, Defendants hid their data, muzzled their scientists, abruptly stopped further research, and then waged an active campaign of disinformation to discredit this science.

57. Defendants actions were, at the very least, a substantial factor in the creation of the nuisance. Together, Defendants have produced more than 12% of the world's fossil fuels since 1965, the combustion of which has been the driving force behind sea level rise, increasingly frequent and severe extreme precipitation events, and increasingly frequent extreme heat.

58. Without Defendants' actions, climate change effects from fossil fuel manufacturing, sale, and marketing would not exist in the form they exist today or would be much less severe.

59. All Defendants' actions were a direct and foreseeable cause of the public nuisance and concurrent and subsequent causes and actors do not break the causal chain.

60. Defendants' actions, including but not limited to creating disinformation regarding the natural and foreseeable effects of fossil fuels, were not condoned by or validated by public authorities.

61. Plaintiff is a public entity and seeks an order compelling the abatement of the public nuisance that Defendants created or assisted in the creation of, as well as costs sufficient to allow Plaintiff to take actions to abate the harm and inconvenience caused by the actions of Defendants.

62. Plaintiff, suing in its capacity as a private plaintiff, seeks an award of damages for the special injury already suffered by Plaintiff, including, inter alia:

- a) costs and losses relating to damage caused by Superstorm Sandy and similar events attributable to anthropogenic climate change;
- b) costs relating to commissioning studies into abatement measures for addressing this public nuisance; and
- c) costs expended in taking abatement and remediation measures so far, including as described above.

COUNT TWO
(Private Nuisance)
(Against the Fossil Fuel Company Defendants)

63. Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

64. 53. New Jersey law prohibits Defendants from causing an "invasion of another's interest in the private use and enjoyment of land" where "the invasion is either (a) intentional and unreasonable, or (b) unintentional and otherwise actionable under the rules controlling liability for negligent or reckless conduct."

65. Each Fossil Fuel Company Defendant, acting individually and in concert, has, by its intentional unreasonable conduct, and certainly by its reckless and wanton and willful conduct,

in manufacturing, marketing, distributing, and profiting from the sale of fossil fuels, caused an invasion of the Middlesex County's land, preventing Plaintiff from its use and enjoyment of such land. This conduct includes, but is not limited to, the following:

- a) Defendants control every step of the supply, production, and distribution chain for their fossil fuel products, including crude oil, coal, and natural gas reserves, extracting these fossil fuels from the Earth; refining and marketing the products for sale, and distributing them for sale across the globe;
- b) Defendants have extracted, marketed, and sold fossil fuels for more than fifty years with knowledge that the use of these fossil fuels causes global warming and its attendant climate impacts, including but not limited to sea level rise and extreme heat and precipitation, each of which has harmed Middlesex County and required it to spend hundreds of millions of dollars on abatement and remediation;
- c) Defendants, individually, through trade associations like API, and through front groups like ICE and the GCC, coordinated campaigns to deceive the public about the known and foreseeable threats their fossil fuels posed to the climate in order to mislead consumers and turn public opinion against actions to restrict their extraction, production, and sale of fossil fuels;
- d) Defendants spent millions of dollars funding think tanks and other groups working to sow doubt about the veracity of the science linking fossil fuels to global warming that their own scientists had helped to develop;
- e) Between 1965 and 2017, the Fossil Fuel Company Defendants produced more than 12% of the world's fossil fuels; they continue to extract, produce, and sell fossil fuels at record rates today;
- f) Defendant Exxon produced 3.95 million oil-equivalent barrels per day for sale in 2019 and plans to increase this production by 35% in the coming decade,

while dedicating just 0.2% of its capital spending to low carbon energy sources from 2010 to 2018;

- g) Defendant Exxon further gave more than \$13 million to organizations that cast doubt on climate science between 2008 and 2017;
- h) Defendant BP is working toward adding production capacity of 900,000 oil-equivalent barrels per day for sale between 2016 and 2021; it plans a further 20.1% increase in oil production in the next decade and dedicated under 3% of its capital expenditures to low carbon energy sources from 2010 to 2018;
- i) Defendant Shell produced 3.67 million barrels of oil and gas per day for sale in 2019, a more than 10% increase from its production in 2010; it plans a further 37% increase in oil production in the next decade and dedicated just 1% of capital spending low carbon energy sources from 2010 through 2018;
- j) Defendant Chevron extracted more than 3 million barrels of net oil equivalents per day for sale in 2019 and spent less than 1% of its capital expenditures on low carbon energy sources from 2010 through 2018; and
- k) Defendant ConocoPhillips extracted more than 1.3 million barrels of net oil equivalents per day for sale in 2018, and has predicted continued growth in production.

66. At all times, Defendants' conduct was performed in locations within Defendants' control:

- a) On information and belief, all key decisions were taken at the Defendants' corporate headquarters and other offices, including in New Jersey;
- b) On information and belief, further actions were taken at locations within the control of Defendants, including at oil fields, coal mines, refineries, etc; and

- c) On information and belief, further actions were taken at locations within the control of Defendants, including by advertising agencies, consulting firms, and similar agents and employees of Defendants.

67. The private nuisance is substantial and unreasonable. It includes, but is not limited to, the destruction of hundreds of millions of dollars of County-owned property due to the invasion of flood waters onto such land precipitated by or exacerbated by sea level rise or extreme precipitation events due to anthropogenic climate change.

68. Plaintiff did not give permission to any Defendant to cause this invasion onto County-owned land.

69. Plaintiff became aware of this nuisance, in particular its scope and severity, after the destruction caused by Hurricane Irene and Superstorm Sandy in 2011 and 2012. Plaintiff has been made aware, further, of Defendants' actions within the last three years in maintaining a policy of disinformation and obfuscation around the risks of anthropogenic climate change, as well as their plans to continue and expand their program of manufacturing and selling massive amounts of fossil fuels, despite their knowledge of the risks of anthropogenic climate change.

70. The private nuisance is continuing and is causing harm that requires costly abatement measures. This nuisance can be abated and further recurrence of such harm and inconvenience can be abated, albeit at great cost. For instance:

- a) As described in this Complaint, Defendants have continued their campaign of disinformation into the present and have continued to accelerate their production and sale of fossil fuels. They have thus contributed to an ongoing private nuisance.

71. Defendants have a duty to abate this nuisance and continue to fail to act to prevent or abate it.

72. As described in this Complaint, Defendants knew and should have known that their conduct would cause the private nuisance that in fact took place.

73. As early as 1972, Defendants' own scientists had come to the conclusion that anthropogenic climate change would take place due to the increased production and sale of fossil fuels, that the consequences of climate change could be catastrophic, and that Defendants and the general public had to act quickly to mitigate the worst injuries from climate change, including injuries to Middlesex County. In fact, through their joint participation in the American Petroleum Institute, Defendants knew of these dangers as early as 1959, well before any such knowledge was widely available to the public. Defendants took affirmative steps to both benefit from the nuisance by investing in technology that would only be usable after anthropogenic climate change accelerated, and by taking steps to insulate their own institutions from the nuisance they were creating.

74. Instead of acknowledging the overwhelming weight of the evidence that their own scientists had compiled in the 1960s, 1970s, and 1980s, and sharing those findings with the general public, Defendants hid their data, muzzled their scientists, abruptly stopped further research, and then waged an active campaign of disinformation to discredit this science.

75. Defendants actions were, at the very least, a substantial factor in the creation of the nuisance. Together, Defendants are responsible for extracting, producing, and selling more than 12% of the world's fossil fuels since 1965, the combustion of which has been the driving force behind sea level rise, increasingly frequent and severe extreme precipitation events, and increasingly frequent extreme heat.

76. All Defendants' actions were a direct and foreseeable cause of the private nuisance and concurrent and subsequent causes and actors do not break the causal chain.

77. Without Defendants' actions, climate change effects from fossil fuel manufacturing and marketing would not exist in the form they exist today or would be much less severe.

78. Plaintiff seeks the entry of an order providing for abatement of the private nuisance that Defendants created or assisted in the creation of, as well as an award of damages sufficient to allow Plaintiff to take actions to abate the harm and inconvenience caused by the actions of Defendants and damages to compensate Plaintiff for the harm already caused by this private nuisance.

COUNT THREE
(Trespass)
(Against the Fossil Fuel Company Defendants)

79. Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

80. "A defendant is liable in trespass for an 'intentional[]' entry onto another's land, regardless of harm."

81. "A defendant is also liable if he 'recklessly or negligently, or as a result of an abnormally dangerous activity enters' onto another's land, and the entry causes harm."71. Each Fossil Fuel Company Defendant, acting individually and in concert, has, by its intentional unreasonable conduct, and certainly by its reckless and wanton and willful conduct, in manufacturing, marketing, distributing, and profiting from the sale of fossil fuels, caused an entry on to the Middlesex County's land, preventing Plaintiff from its use and enjoyment of such land. This conduct includes, but is not limited to, the following:

- a) Defendants control every step of the supply, production, and distribution chain for their fossil fuel products—including crude oil, coal, and natural gas reserves—extracting these fossil fuels from the Earth, refining and marketing the products for sale, and distributing them for sale across the globe;
- b) Defendants have extracted, marketed, and sold fossil fuels for more than fifty years with knowledge that the use of these fossil fuels causes global warming and its attendant climate impacts, including but not limited to sea level rise and extreme heat and precipitation, each of which has harmed Middlesex County and required it to spend hundreds of millions of dollars on abatement and remediation;
- c) Defendants, individually, through trade associations like API, and through front groups like ICE and the GCC, coordinated campaigns to deceive the public about the known and foreseeable threats their fossil fuels posed to the climate in order to mislead consumers and turn public opinion against actions to restrict their extraction, production, and sale of fossil fuels;
- d) Defendants spent millions of dollars funding think tanks and other groups working to sow doubt about the veracity of the science linking fossil fuels to global warming that their own scientists had helped to develop;
- e) Between 1965 and 2017, the Fossil Fuel Company Defendants produced more than 12% of the world's fossil fuels; they continue to extract, produce, and sell fossil fuels at record rates today;
- f) Defendant Exxon produced 3.95 million oil-equivalent barrels per day for sale in 2019 and plans to increase this production by 35% in the coming decade, while dedicating just 0.2% of its capital spending to low carbon energy sources from 2010-2018;
- g) Defendant Exxon further gave more than \$13 million to organizations that cast doubt on climate science between 2008 and 2017;

- h) Defendant BP is working toward adding production capacity of 900,000 oil-equivalent barrels per day for sale between 2016 and 2021; it plans a further 20.1% increase in oil production in the next decade and dedicated under 3% of its capital expenditures to low carbon energy sources from 2010 to 2018;
- i) Defendant Shell produced 3.67 million barrels of oil and gas per day for sale in 2019, a more than 10% increase from its production in 2010; it plans a further 37% increase in oil production in the next decade and dedicated just 1% of capital spending low carbon energy sources from 2010 through 2018;
- j) Defendant Chevron extracted more than 3 million barrels of net oil equivalents per day for sale in 2019 and spent less than 1% of its capital expenditures on low carbon energy sources from 2010 through 2018; and
- k) Defendant ConocoPhillips extracted more than 1.3 million barrels of net oil equivalents per day for sale in 2018, and has predicted continued growth in production.

82. This entry onto land includes but is not limited to the encroachment of water onto County-owned property precipitated by or exacerbated by sea level rise or extreme precipitation events due to anthropogenic climate change.

83. Plaintiff did not give permission to any Defendant to cause any such entry onto such land.

84. Plaintiff became aware of this trespass, in particular its scope and severity, after the destruction caused by Hurricane Irene and Superstorm Sandy in 2011 and 2012. Plaintiff has been made aware, further, of Defendants' actions within the last three years in maintaining a policy of disinformation and obfuscation around the risks of anthropogenic climate change, as well as their plans to continue and expand their program of manufacturing and selling massive amounts of fossil fuels, despite their knowledge of the risks of anthropogenic climate change.

85. This trespass is continuing and can be enjoined to prevent further recurrence of such harm and inconvenience. For instance:

- a) As described in this Complaint, Defendants have continued their campaign of disinformation into the present and have continued to accelerate their production and sale of fossil fuels. They have thus contributed to an ongoing trespass against Plaintiff's property.

86. Defendants have a duty to cease this trespass and prevent its recurrence, but have continued to engage in acts that cause trespass.

87. As described in this Complaint, Defendants knew and should have known that their conduct would cause the trespass that in fact took place.

88. As early as 1972, Defendants' own scientists had come to the conclusion that anthropogenic climate change would take place due to the increased production and sale of fossil fuels, that the consequences of climate change could be catastrophic, and that Defendants and the general public had to act quickly to mitigate the worst injuries from climate change, including injuries to Middlesex County. In fact, through their joint participation in API, Defendants knew of these dangers as early as 1959, well before any such knowledge was widely available to the public.

89. Instead of acknowledging the overwhelming weight of the evidence that their own scientists had compiled in the 1960s, 1970s, and 1980s, and sharing those findings with the general public, Defendants hid their data, muzzled their scientists, abruptly stopped further research, and then waged an active campaign of disinformation to discredit this science.

90. Defendants' actions were, at the very least, a substantial factor in causing this trespass. Together, Defendants are responsible for extracting, producing, and selling more than 12% of the world's fossil fuels since 1965, the combustion of which has been the driving force behind

sea level rise, increasingly frequent and severe extreme precipitation events, and increasingly frequent extreme heat.

91. Without Defendants' actions, climate change effects from fossil fuel manufacturing and marketing would not exist in the form they exist today or would be much less severe.

92. All Defendants' actions were a direct and foreseeable cause of the trespass and concurrent and subsequent causes and actors do not break the causal chain.

93. Plaintiff seeks the entry of an order preliminarily and permanently enjoining Defendants from future acts of trespass as alleged, as well as an award of damages sufficient to compensate Plaintiff and allow Plaintiff to take actions to abate the harm and inconvenience caused by the Defendants' acts of trespass as alleged.

COUNT FOUR
(Negligence)
(Against All Defendants)

94. Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

95. Each Fossil Fuel Company Defendant has a duty to exercise reasonable care in manufacturing, marketing, and distributing fossil fuel products that inevitably cause harm to Plaintiff. All Defendants have a duty to exercise reasonable care in the production and dissemination of their public pronouncement on climate effects of fossil fuels.

96. The Fossil Fuel Company Defendants knew or should have known that their actions in accelerating their production and sale of fossil fuels, in stymying climate change research, and (with Defendant API) in creating an active system of disinformation around the climate effects of their industry would cause foreseeable harm to Plaintiff and others in its position.

97. The Fossil Fuel Company Defendants, while actively representing to the public—individually, in a conspiracy among themselves and others, and through various industry associations—that anthropogenic climate change was either not taking place or would not impose costs on the public, themselves invested in technology and infrastructure to prevent their own property from being encroached upon by rising sea levels.

98. It was entirely foreseeable that Defendants’ ongoing disinformation campaign would slow and prevent action to address climate change and thereby injure Plaintiff.

99. The Fossil Fuel Company Defendants knew or should have known that increasing the rate of production and sale of fossil fuels, despite having specific knowledge of the dangers of causing anthropogenic climate change, would injure Plaintiff.

100. The public interest supports Defendants’ duty to Plaintiff as Defendants profited significantly from their misinformation campaign and business model and thereby caused catastrophic losses to Plaintiff.

101. Defendants breached their duty to Plaintiff through their campaign of promoting false and misleading information regarding fossil fuels and their impact on climate change, as well as by continuing to increase production, marketing, and sale of fossil fuel products.

102. Defendants’ actions were, at the very least, a substantial factor in the current uncontrolled process of anthropogenic climate change.

103. As described above, Defendants’ breach proximately caused damages to Plaintiff.

104. Plaintiff became aware of the effects of Defendants’ actions, in particular their scope and severity, after the destruction caused by Hurricane Irene and Superstorm Sandy in 2011 and 2012. Plaintiff has been made aware, further, of Defendants’ actions within the last three years in maintaining a policy of disinformation and obfuscation around the risks of anthropogenic

climate change, as well as their plans to continue and expand their program of manufacturing and selling massive amounts of fossil fuels, despite their knowledge of the risks of anthropogenic climate change.

COUNT FIVE

**(Violations of New Jersey’s Consumer Fraud Act, N.J. Stat. §§ 56:8-1, et seq.)
(Against All Defendants)**

105. Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

106. The New Jersey Consumer Fraud Act (“CFA”) prohibits the “act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise.”

107. The CFA is a remedial statute that is to be construed broadly.

108. Plaintiff has purchased products marketed and produced by some or all of Defendants.

109. All Defendants are “Persons” within the meaning of the CFA and are required to comply with the provisions of the CFA.

110. Fossil-fuel products are “merchandise” within the meaning of the CFA.

111. Defendants have sold, offered for sale, promoted the use of, and/or advertised such merchandise in New Jersey and in Middlesex County.

112. Defendants’ business practices in marketing and promoting fossil fuels, as described in this Complaint, are deceptive, unconscionable, and violate New Jersey law because the practices deceived consumers in New Jersey, led to the sale and consumption of fossil fuels

that would otherwise not be consumed, led to the promotion of junk science to the detriment of long-running scientific consensus on climate change, and thereby caused Plaintiff to suffer catastrophic losses from, inter alia, rising sea levels, increased flooding, and extreme heat.

113. Defendants' wrongful actions include, but are not limited to, affirmative misrepresentations and knowing omission or concealment of material facts, knowing that others will be deceived by such omissions, such as the following:

- a) Defendants deceptively worked to influence consumer demand for fossil fuel products through a long-term advertising and communications campaign centered on climate change denialism.
- b) Defendants knew or should have known that the science of climate change was certain and that there was a scientific consensus about the role of fossil fuels as early as 1972, that Defendants' own scientists had come to that conclusion, that the consequences of climate change could be catastrophic, and that Defendants and the general public had to act quickly to mitigate the worst injuries from climate change, including injuries to Middlesex County. In fact, through their joint participation in Defendant API, the Fossil Fuel Company Defendants knew of these dangers as early as 1959, well before any such knowledge was widely available to the public.
- c) Instead of acknowledging the overwhelming weight of the evidence that their own scientists had compiled in the 1960s, 1970s, and 1980s, and sharing those findings with the general public, Defendants hid their data, muzzled their scientists, and abruptly stopped further research.
- d) The Fossil Fuel Company Defendants, while actively representing to the public—individually, in a conspiracy among themselves and others, and through various industry associations—that anthropogenic climate change was either not taking place or would not impose costs on the public,

themselves invested in technology and infrastructure to insulate their operations from the deleterious effects of that same anthropogenic climate change. These included instances in which the Fossil Fuel Company Defendants took out patents for technologies that would only be usable after anthropogenic climate change had already accelerated and through preemptive abatement measures to make their infrastructure resilient against sea level rise.

e) Defendants then—individually, in a conspiracy among themselves and others, and through various industry associations—manufactured a public relations campaign starting in the late 1980s to sow doubt in the fact of anthropogenic climate change and funded junk science to undermine the findings that their own scientists had previously validated. This campaign included running “advertorials” and other forms of advertising in newspaper outlets and on broadcast media that were meant to be, and were, received by consumers and others in Middlesex County and in New Jersey, including in such regionally important outlets as The New York Times and the Wall Street Journal. For instance, Defendant API targeted New Jersey customers directly, specifically, and expressly with misleading and false information. This campaign was waged with the intent to allow the continuation (and acceleration) of Fossil Fuel Company Defendants’ production and sale of fossil fuels in order to increase their profits.

f) Defendants—individually, in a conspiracy among themselves and others, and through various industry associations—infiltrated international bodies like the IPCC that were coordinating a worldwide response to anthropogenic climate change with the express purpose of sabotaging such efforts and sowing doubt about the scientific fact of anthropogenic climate change, all

with the intent to continue (and accelerate) their production and sale of fossil fuels in order to increase their profits.

- g) By concealing and misrepresenting the scientific understanding of the consequences of burning fossil fuels and increasing atmospheric concentrations of greenhouse gases, Defendants failed to state and/or misrepresented material facts, which had a tendency to mislead consumers.
- h) As public concern over global warming mounted, each Fossil Fuel Company Defendant deceitfully represented itself as a leader in renewable energy and made misleading or incomplete claims about the steps it has taken to reduce its overall carbon footprint as well as misrepresented or made incomplete claims about its investment practices and expansion in fossil fuel production. In so doing, the Fossil Fuel Company Defendants failed to state and/or misrepresented material facts that tended to mislead consumers regarding the Fossil Fuel Company Defendants' commitment to environmental sustainability.
- i) The Fossil Fuel Company Defendants further worked to conceal their involvement in ongoing disinformation campaigns by working through and funding front organizations, deceptively named industry groups, and organizations peddling junk science, including Defendant API. By concealing their role in these organizations, the Fossil Fuel Company Defendants failed to state and/or misrepresented material facts that tended to mislead consumers regarding this merchandise.
- j) Defendants' multifaceted and decades-long campaign to deceive consumers about the known consequences of the combustion of fossil fuels unduly inflated the market for fossil fuels and led more greenhouse gasses to be emitted into the environment than would have in the absence of their efforts,

k) The accelerated rate of climate change has caused severe and immediate harms to Middlesex County. For example, the County has been forced to expend hundreds of millions of dollars to mitigate—including without limitation, sea level rise, extreme heat, and extreme precipitation events—the same harms that Defendants have orchestrated a campaign to deceive consumers about for decades and up through the present day.

114. Defendants knew or should have known at the time of making or disseminating these statements, or causing these statements to be made or disseminated, that such statements were false, misleading, deceptive and unconscionable. Their omissions, which are deceptive and misleading in their own right, render even seemingly truthful statements about fossil fuel use false and misleading.

115. Consumers and the public are frequently deceived by the type of information disseminated by Defendants (either directly or through other organizations) when making decisions about purchasing of potentially harmful products.

116. All of this conduct, separately and collectively, was likely to deceive New Jersey consumers, including Plaintiff.

117. The product of this deception was that the Fossil Fuel Company Defendants were able to and did sell fossil fuels in quantities and at prices that they would otherwise have not been able to, had the true externalities of those goods been fully taken into account.

118. Defendants' fraudulent, unlawful, and/or deceptive activity alleged herein caused the uncontrolled use of fossil fuels that, in turn, caused significant increases in average mean global temperatures.

119. Plaintiff became aware of the effects of this campaign, in particular its scope and severity, after the destruction caused by Hurricane Irene and Superstorm Sandy in 2011 and 2012.

Plaintiff has been made aware, further, of Defendants' actions within the last three years in maintaining a policy of disinformation and obfuscation around the risks of anthropogenic climate change, as well as their plans to continue and expand their program of marketing massive amounts of fossil fuels, despite their knowledge of the risks of anthropogenic climate change.

120. As a direct and proximate result of the foregoing acts and practices, Defendants have received, or will receive, income, profits, and other benefits, which they would not have received if they had not engaged in the violations described in this Complaint.

121. Plaintiff has suffered ascertainable losses which include, but are not limited to:

- a) the destruction of millions of dollars of County-owned property due to flooding precipitated by or exacerbated by sea level rise due to anthropogenic climate change;
- b) loss suffered by the County and its residents due to loss of access to cultural, historic, and economic resources; damage to public health, safety, and general welfare; and the diversion of tax dollars away from other public services to the mitigation of and/or adaptation to climate change effects; and
- c) loss of tax revenue due to depressed property values and the slowdown of economic activity due to anthropogenic climate change.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendants jointly and severally as follows:

- a. For compensatory, consequential and punitive damages;
- b. For an award of treble damages pursuant to the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-19;

c. For entry of an Order compelling Defendants to abate the nuisance alleged herein and to pay the costs of abatement;

d. For entry of an Order preliminarily and permanently enjoining Defendants from engaging in future acts of trespass as alleged herein;

e. For an award of prejudgment interest, attorneys' fees and costs;

f. For such other and further relief as the Court may deem just.

Dated: September30, 2026

KROVATIN NAU LLC
60 Park Place, Suite 1100
Newark, NJ 07102
(973) 424-9777

By: /s/Gerald Krovatin
Gerald Krovatin

Attorneys for Plaintiff

JURY DEMAND

Plaintiff demands trial by jury on all issues in this action.

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that the matter in controversy is not the subject of any other action pending in any court or of any pending arbitration proceedings. No other action or arbitration proceeding is contemplated at this time. I know of no other parties who should be joined in this action at this time.

Dated: September 30, 2026

KROVATIN NAU LLC
60 Park Place, Suite 1100
Newark, NJ 07102
(973) 424-9777

By /s/Gerald Krovatin
Gerald Krovatin

Attorneys for Plaintiff