

Milberg Representing Puerto Rico Municipalities Against Big Oil and Coal for \$100B+ in Climate Change Losses

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The groundbreaking claim accuses Exxon Mobil and other companies of purposefully concealing their products' climate change dangers, leaving Puerto Rico at the mercy of a catastrophic 2017 hurricane season

SAN JUAN, Nov. 28, 2022 - More than a dozen municipalities of Puerto Rico have filed a class action lawsuit against fossil fuel companies for their alleged role in the deadly 2017 hurricane season that devastated the Commonwealth, causing billions in damages and leaving thousands dead.

The first-of-its-kind lawsuit seeks financial compensation from oil and coal companies for marketing and selling carbon-based products that they intentionally misrepresented to the public. It describes how companies that include Exxon Mobil, Royal Dutch Shell, Chevron, BP, ConocoPhillips, and Arch Coal worked together to publicly conceal the climate risk changes of their products while internally acting on climate science to safeguard their own assets. The municipalities are represented by Milberg Coleman Bryson Phillips Grossman LLC.

"Puerto Rico was hit by the perfect storm and is the ultimate victim of global warming," said Milberg Partner Marc Grossman. "This is an opportunity to finally get justice for all that Puerto Rico sacrificed in 2017."

Climate scientists overwhelmingly agree that anthropogenic greenhouse gas (GHG) emissions, primarily in the form of CO₂, are the main driver of global warming and sea level rise. From 1965 - 2017, the defendant oil and coal companies were responsible for 40.01% of all global industrial GHG emissions.

The defendants knew since the 1970s that these emissions were likely to produce stronger storms that threatened their infrastructure, internal documents show. But instead of transparency, the defendants engaged in a pseudo-scientific campaign to sow doubt about climate change and protect their monopoly over fossil fuel production. Their failure to disclose the truth about their products had disastrous effects for Puerto Rico, which was defenseless against the historically strong hurricanes that hit the island in 2017.

The Global Climate Risk Index 2020 report found Puerto Rico has been affected by climate change more than anywhere else in the world. As the canary in the coalmine for GHG-driven global warming, Puerto Rico has the opportunity to serve as a bellwether for successful oil and coal climate change litigation

"While Puerto Rico is the ultimate victim and the first victim, it is not the last," said Grossman. "We are investigating claims by municipalities all over the world coming to the realization that they, along with the rest of the planet, were duped by the fossil fuel industry and now live in grave danger of being the next Puerto Rico."

To date, climate change litigation against fossil fuel companies has stalled in courts, in part because cases have been based on causes of action preempted by federal law, including the Clean Air Act. This lawsuit-based on consumer fraud, racketeering, antitrust, products liability, nuisance, and failure to warn claims-alleges that the defendants conspired to sell their products in violation of federal and Puerto Rico statutes. The case is supported by research from leading universities, professors, and organizations in the field of climate science and sets a new standard for these claims.

"This complaint rightly seeks redress for the citizens and municipalities harmed by the 2017 hurricanes from parties that knew their business model would accelerate the early onset of storms of higher intensity, yet did

nothing to warn the communities of the risk of continued use of their products," said Richard Heeds of the Climate Accountability Institute. "On the strength of this litigation, it is time to pay the piper."

The Municipality of Bayamón, the Municipality of Caguas, the Municipality of Loíza, the Municipality of Lares, the Municipality of Barranquitas, the Municipality of Comerío, the Municipality of Cayey, the Municipality of Las Marías, the Municipality of Trujillo Alto, the Municipality of Vega Baja, the Municipality of Añasco, the Municipality of Cidra, the Municipality of Aguadilla, the Municipality of Aibonito, the Municipality of Morovis, and the Municipality of Moca seek to recover damages from the defendant oil and coal companies for 2017 storm losses, including social, educational, and economic losses.

About Milberg Coleman Bryson Phillips Grossman, PLLC:

For over 50 years, Milberg and its affiliates have been fighting to protect victims' rights and have recovered over \$50 billion for clients. A pioneer in class action litigation, Milberg is widely recognized as a leader in defending the rights of victims of corporate wrongdoing.

Media Contact:

Angel Persaud

apersaud@milberg.com

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