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PART II OF DEFENDANTS CHEVRON CORPORATION AND CHEVRON U.S.A. INC.'S ANSWER TO THE FIRST AMENDED COMPLAINT; CERTIFICATE OF SERVICE (PAGES 72-165)

Five days later, the front page included coverage of President Bush's refusal to remain in the treaty despite these warnings (Figure 21).[298]

Figure 20: ***New York Times*** **Front Page June 7, 2001**



"All the News That's Fit to Print"

The New York Times

Late Edition

VOL. CL . No. 51,777 NEW YORK, THURSDAY, JUNE 7, 2001 75 CENTS

U.S. WILL RESTART WIDE NEGOTIATIONS WITH NORTH KOREA

NO TIMETABLE IS OFFERED

Bush Hopes Renewed Contact Will Help Rekindle Talk of Korean Reconciliation

By JANE PERLEZ

76ers Take Opener as Iverson Scores 48

Allen Iverson fought through Kobe Bryant, left, and Brian Shaw of the Lakers last night as Philadelphia's 107-101 overtime victory at Los Angeles in Game 1 of the N.B.A. finals. Page D1.

PANEL TELLS BUSH GLOBAL WARMING IS GETTING WORSE

President Sought Report on Issue After Rejecting World Pact

By KATHARINE Q. SEELYE with ANDREW C. REVKIN

STUDY FINDS HEART REGENERATES CELLS

Evidence Suggests New Ways to Treat Cardiac Disease

By LAWRENCE K. ALTMAN

With Attention Money Can Buy, Bloomberg Kicks Off Campaign

By ELISABETH BUMILLER

Judge Refuses McVeigh's Bid For a Reprieve

By DAVID JOHNSTON

Figure 21: ***New York Times*** **Front Page June 12, 2001**



"All the News That's Fit to Print"

The New York Times

Late Edition

VOL. CL . . . No. 51,782 NEW YORK, TUESDAY, JUNE 12, 2001 75 CENTS

Bush Will Continue to Oppose Kyoto Pact on Global Warming

Suggests Any Accord Must Bind China and India

By DAVID E. SANGER

BUSH'S COMMISSION ON SOCIAL SECURITY MAY PROPOSE CAPS

RESTORING FISCAL HEALTH

Changes in the Retirement Age and Smaller Increases Tied to Inflation Are Weighed

By RICHARD W. STEVENSON

McVeigh Dies for Oklahoma City Blast

No Final Words Before He Is Executed

By RICK BRAGG

Microsoft Is Ready to Supply A Phone in Every Computer

By JOHN MARKOFF

Justices Say Warrant Is Required In High-Tech Searches of Homes

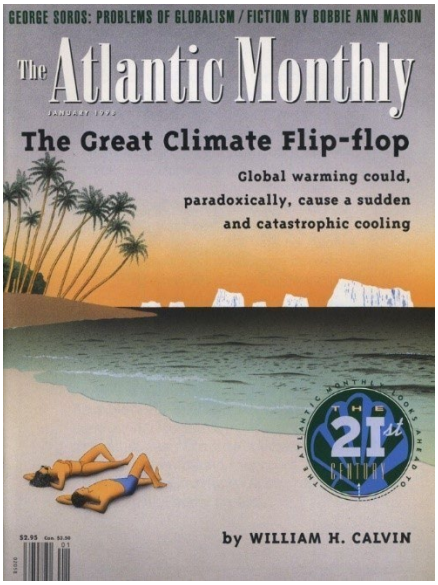
By LINDA GREENHOUSE

Talks in Jerusalem

[298] David E. Sanger, *Bush Will Continue to Oppose Kyoto Pact on Global Warming*, N.Y. Times, June 12, 2001, at A1, A12, https://www.nytimes.com/2001/06/12/world/bush-will-continue-to-oppose-kyoto-pact-on-global-warming.html.

148. In 1998, the cover of *The Atlantic* magazine depicted sunbathers on a tropical beach with icebergs looming in the distance. The caption read, "The Great Climate Flip-flop," with the subtitle "Global warming could, paradoxically, cause a sudden catastrophic cooling" (Figure 22).[299] According to the lead article, "[f]or a quarter century global-warming theorists have predicted that climate creep is going to occur and that we need to prevent greenhouse gases from warming things up . . . Now we know—and from an entirely different group of scientists exploring separate lines of reasoning and data—that the most catastrophic result of global warming could be an abrupt cooling."[300]

Figure 22: Cover of *The Atlantic*, January 1998



149. The national media also covered purported allegations of deception and climate denialism by certain members of the oil-and-gas industry. As noted below, on April 26, 1998, the *New York Times* published on its front page a story titled "Industrial Group Plans to Battle Climate Treaty," which reported on leaked preliminary discussions from an April 1998 meeting of the

[299] William H. Calvin, *The Great Climate Flip-Flop*, The Atlantic, January 1988, https://www.theatlantic.com/magazine/archive/1998/01/the-great-climate-flip-flop/308313/.

[300] *Id*.

American Petroleum Institute (Figure 23).[301] The article stated that "[i]ndustry opponents of a treaty to fight global warming have drafted an ambitious proposal to spend millions of dollars to convince the public that the environmental accord is based on shaky science."[302] The *New York Times* quoted Joe Walker, whom the article characterized as "a public relations representative of the petroleum institute who is leading the project," as saying that "the plan had been under consideration for about two months and was 'very, very tentative,' [and] [that] no industry executives had yet been approached to pay for it."[303]

Figure 23: Front Page of the New York Times, April 26, 1998



"All the News That's Fit to Print"

The New York Times

Late Edition

VOL. CXLVII . . . . No. 51,139 NEW YORK, SUNDAY, APRIL 26, 1998 $2.50

EXERCISE FINDS U.S. UNABLE TO HANDLE GERM WAR THREAT

WEAK EMERGENCY SYSTEM

Clinton Expected to Back Plan to Deter Attack and Limit Damage and Mayhem

By JUDITH MILLER and WILLIAM J. BROAD

TODAY'S SECTIONS

Kathy Crews of Woodlands, Tex., worries that a drug shortage will force her son, Clayton Phillips, 13, to give up sports.

Shortage of Plasma Drug Creates Health Care Crisis

By KURT EICHENWALD

STRANGLED LIFELINE

INDUSTRIAL GROUP PLANS TO BATTLE CLIMATE TREATY

AIMS TO RECRUIT SKEPTICS

Draft Proposal Seeks to Depict Global Warming Theory as a Case of Bad Science

By JOHN H. CUSHMAN Jr.

11 NATIONS TAKING NEXT PIVOTAL STEP TOWARD THE EURO

KEY MEETING IN BRUSSELS

European Governments Likely to Yield Individual Control Over Exchange Rates

By EDMUND L. ANDREWS

A Euro Primer

Israel Is Still Special In Americans' Eyes

Legislating at 50 Paces: New Jersey's Senators

By JAMES DAO

INDUSTRIAL GROUP PLANS TO BATTLE CLIMATE TREATY

AIMS TO RECRUIT SKEPTICS

Draft Proposal Seeks to Depict Global Warming Theory as a Case of Bad Science

By JOHN H. CUSHMAN Jr.

WASHINGTON, April 25 — Industry opponents of a treaty to fight global warming have drafted an ambitious proposal to spend millions of dollars to convince the public that the environmental accord is based on shaky science.

Among their ideas is a campaign to recruit a cadre of scientists who share the industry's views of climate science and to train them in public relations so they can help convince journalists, politicians and the public that the risk of global warming is too uncertain to justify controls on greenhouse gases like carbon dioxide that trap the sun's heat near Earth.

An informal group of people working for big oil companies, trade associations and conservative policy research organizations that oppose the treaty have been meeting recently at the Washington office of the American Petroleum Institute to put the plan together.

Joe Walker, a public relations representative of the petroleum institute who is leading the project, said in an interview that the plan had been under consideration for about two months and was "very, very tentative." Mr. Walker said no industry executives had yet been approached to pay for it.

But an eight-page memorandum that he wrote shows in detail how some industry lobbyists are going about opposing the climate treaty.

It is a daunting public relations task. Whenever the treaty's advocates, including the Clinton Administration, discuss global warming, they present the science as essentially settled and unchallengeable, and they compare dissenting scientists to discredited apologists for the tobacco companies. That view has become widely accepted among reporters and the public.

Although mainstream scientists do identify considerable uncertainties in their climate predictions, which are based on computer models, they are increasingly confident that global warming is a serious problem and often say that the uncertainties do not justify inaction.

Based on the latest science, most of the world's nations agreed in Rio de Janeiro in 1992 that industrial

Continued on Page 24

150. During the George W. Bush administration, *Time* magazine ran cover features on global warming and its potential consequences in 2001, 2002, 2005, 2006, 2007, and 2008

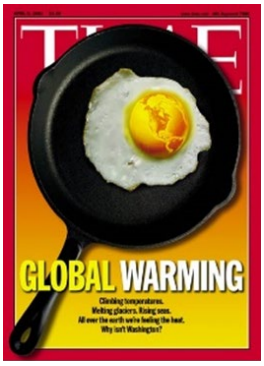
301 John Cushman Jr., *Industrial Group Plans to Battle Climate Treaty*, N.Y. Times, Apr. 26, 1998, https://www.nytimes.com/1998/04/26/us/industrial-group-plans-to-battle-climate-treaty.html.

302 *Id.*

303 *Id.*

(Figure 24).[304] Similarly, *National Geographic* had a cover in 2004 with the title "Global Warning" and the subtitle "Bulletins From A Warmer World" (Figure 25).[305] Each of these magazines contained multiple articles discussing climate change.

Figure 24: *Time* Magazine Covers



April 9, 2001



August 26, 2002



October 3, 2005



April 3, 2006



April 9, 2007



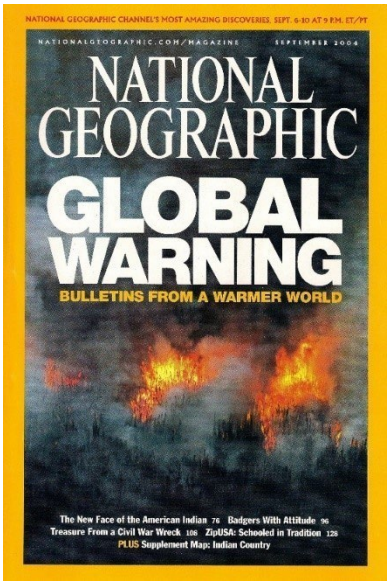
April 28, 2008

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[304] *Global Warming*, Time, April 9, 2001, http://content.time.com/time/covers/0,16641,20010409,00.html; *How to Save the Earth*, Time, Aug. 26, 2002, available at http://content.time.com/time/covers/0,16641,20020826,00.html; *Are We Making Hurricanes Worse?*, Time, October 3, 2005, http://content.time.com/time/covers/0,16641,20051003,00.html; Jeffrey Kluger, *Global Warming: The Culprit?* Time, September 26, 2005, http://content.time.com/time/subscriber/article/0,33009,1109337,00.html; *Global Warming: Be Worried. Be Very Worried*, Time, April 3, 2006, http://content.time.com/time/covers/0,16641,20060403,00.html; *The Global Warming Survival Guide*, Time, April 9, 2007, http://content.time.com/time/covers/0,16641,20070409,00.html; *How to Win The War On Global Warming*, Time, April 28, 2008, http://content.time.com/time/covers/0,16641,20080428,00.html.

[305] September 2004 issue cover, National Geographic, https://archive.nationalgeographic.com/national-geographic/2004-sep/flipbook/CV1.

Figure 25: *National Geographic* Cover September, 2004



151. In a 2001 *Time* article devoted to "Life In The Greenhouse," the magazine extensively covered the findings of the IPCC's Third Assessment Report, including discussion of the climate models presented in the report.[306] The article ended by saying "[i]n the short run, there's not much chance of halting global warming, not even if every nation in the world ratifies the Kyoto Protocol tomorrow. . . . If action today can keep the climate from eventually reaching an unstable tipping point or can finally begin to reverse the warming trend a century from now, the effort would hardly be futile."[307]

152. A 2002 *Time* article read, "[w]e know that global warming from heat-trapping carbon dioxide, a by-product of fossil-fuel burning, threatens to cause chaos with the world's climate."[308]

153. In addition, news reporting on policy discussions relating to the issue of climate change continued to appear in the popular press. This included the *New York Times* front-page

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[306] Michael D. Lemonick, *Global Warming: Life In The Greenhouse*, Time, April 9, 2001, available at http://content.time.com/time/subscriber/article/0,33009,999630,00.html.

[307] *Id.*

[308] Margot Roosevelt, *The Winds of Change*, Time, August 26, 2002, available at http://content.time.com/time/subscriber/article/0,33009,1003118,00.html.

coverage of the Supreme Court's 2007 decision in *Massachusetts v. Environmental Protection Agency*, which found that EPA has power to regulate greenhouse gases (Figure 26).[309] The article called the ruling "one of [the Court's] most important environmental decisions in years."[310]

Figure 26: *New York Times* Front Page April 3, 2007



"All the News That's Fit to Print"

The New York Times

Late Edition

NEW YORK, TUESDAY, APRIL 3, 2007

ONE DOLLAR

JUSTICES SAY E.P.A. HAS POWER TO ACT ON HARMFUL GASES

Agency Can't Avoid Its Authority — Rebuke to Administration

On and Off the Field, the Pitching Begins

Romney Leads G.O.P. in Money, Tapping Wall St. and Mormons

After 2000 Loss, Obama Built Donor Network From Roots Up

154. In October 2007, the *Los Angeles Times* gave front-page coverage to Al Gore and the IPCC for sharing the Nobel Peace Prize, noting Gore's work on "understanding and spreading awareness of climate change."[311]

155. More recently, in late 2015, upon the culmination of the Paris Agreement, the *New York Times* front-page headline read "Nations Approve Landmark Climate Deal" (Figure 27).[312]

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309 Linda Greenhouse, *Justices Say E.P.A. Has Power to Act on Harmful Gases*, N.Y. Times, April 3, 2007, available at https://www.nytimes.com/2007/04/03/washington/03scotus.html.

310 *Id.*

311 Peace Prize For Gore Stirs Hope And Speculation, L.A. Times, October 13, 2007, at 1.

312 *Front Page Reprint*, New York Times Store, December 13, 2015, https://store.nytimes.com/collections/new-york-times-page-reprints/products/new-york-times-front-page-reprint?variant=35826434120; Coral Davenport, *Nations Approve Landmark Climate Accord in Paris*, N.Y. Times, December 12, 2015, https://www.nytimes.com/2015/12/13/world/europe/climate-change-accord-paris.html.

Figure 27: *New York Times* Front Page December 13, 2015



"All the News That's Fit to Print"

The New York Times

VOL. CLXV . . . No. 57,079 SUNDAY, DECEMBER 13, 2015

NATIONS APPROVE LANDMARK CLIMATE DEAL

In France, Consensus on a Need to Lower Carbon Emissions

By CORAL DAVENPORT

LE BOURGET, France — With the sudden bang of a gavel Saturday night, representatives of 195 nations reached a landmark accord in Paris that for the first time would nearly every country in lowering planet-warming greenhouse gas emissions to help stave off the most drastic effects of climate change.

The deal, which was met with an eruption of cheers and applause from thousands of delegates gathered from around the world, represents a historic breakthrough on an issue that has foiled decades of international efforts to address climate change.

Continued on Page 19

NEWS ANALYSIS

Healing Step, If Not a Cure

An Accord Recognizes Its Own Shortcomings

By JUSTIN GILLIS

Negotiators of a climate pact achieved what had been unreachable for two decades: agreement from rich and poor countries alike.

Visa Screening Missed an Attacker's Zealotry on Social Media

'A Whole New Being'

How Kricket Nimmons Seized the Transgender Moment

156. And the potential for rising sea levels due to climate change was highlighted in 2013 in a *National Geographic* issue titled "Rising Seas" and in 2019 by a *Time* cover story on "Our Sinking Planet" (Figure 28).[313]

Figure 28: *National Geographic* and *Time* Magazine Covers



September, 2013

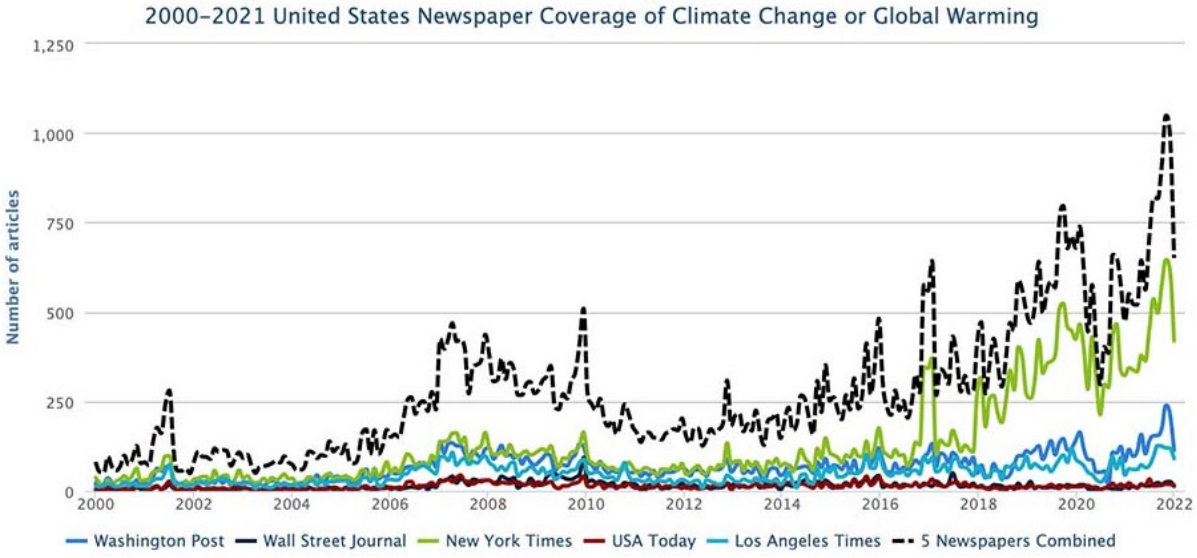


June 24, 2019

313 September 2013 issue cover, National Geographic Archive, https://archive.nationalgeographic.com/national-geographic/2013-sep/flipbook/CV1; The Leaders of These Sinking Countries Are Fighting to Stop Climate Change. Here's What the Rest of the World Can Learn, Time, June 24, 2019, https://time.com/magazine/us/5606236/june-24th-2019-vol-193-no-24-u-s/.

157. The volume of newspaper coverage of climate change issues has been extraordinary. Searches for "greenhouse effect," "global warming," or "climate change" in the archives for all U.S. newspapers covered by Newspapers.com between 1957 and 2000 yields more than 350,000 matches.[314] From 2000–2022, the coverage of climate change or global warming in major U.S. newspapers has continued to increase substantially. The *Washington Post*, *Wall Street Journal*, *New York Times*, *USA Today*, and *Los Angeles Times* alone have published more than 72,500 articles on climate change or global warming since 2000 (Figure 29).[315]

Figure 29: Media Coverage of Climate Change or Global Warming Month to Month [316]



B. Hawai'i and Honolulu Newspaper Coverage

158. Local media coverage of climate change in Hawai'i dates back to at least 1955, when the *Honolulu Advertiser* covered the speech by Dr. Hutton to the Cleveland Engineering Society, whose remarks as noted above in Paragraph 122 included the statements that "people are

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[314] Last accessed Sept. 12, 2022 .

[315] Boykoff, M., Daly, M., McNatt, and Nacu-Schmidt, A. (2021). United States Newspaper Coverage of Climate Change or Global Warming, 2000-2021. Media and Climate Change Observatory Data Sets. Cooperative Institute for Research in Environmental Sciences, University of Colorado. doi.org/10.25810/jck1-hf50. https://scholar.colorado.edu/concern/datasets/pr76f4587.

[316] Boykoff, M., P. Church, J. Katzung, A. Nacu-Schmidt, and O. Pearman (2021), A Review of Media Coverage of Climate Change and Global Warming in 2021, Media and Climate Change Observatory, Cooperative Institute for Research in Environmental Sciences, University of Colorado, Figure 3. https://sciencepolicy.colorado.edu/icecaps/research/media_coverage/summaries/special_issue_2021.html#top.

increasing the air contamination by running more automobiles, trucks, trains, planes and ships . . . pouring carbon dioxide and other contaminants into the atmosphere," and, as a result, this increase in carbon dioxide in the atmosphere "may well have a 'greenhouse' effect on the temperature of the air around us" (Figure 30).[317]

Figure 30: "Warming Up the World" in *Honolulu Advertiser*'s 1955 Coverage



Warming Up the World

Air Contamination Creating Greenhouse Climate, Says Engineer, Atom Blasts Blameless

A General Electric engineering consultant has suggested that the apparent "warming up" of the world's climate may be attributed to mankind "contaminating the earth's atmosphere faster than nature can clean it."

Dr. John G. Hutton of GE's general engineering laboratory in Schenectady, N. Y., said the man-made increase in the belt of carbon dioxide encircling the earth may be "having a greenhouse effect on our climate."

Trees and plant life take up carbon dioxide and discharge oxygen, thus tending to purify the atmosphere.

"However," he added, "when people chop down trees, bulldoze once-rural land for new suburbs, and build factories on former open fields, they lessen the amount of carbon dioxide nature is cleaning from our air, as well as the oxygen nature is putting into it.

"At the same time, people are increasing the air contamination by running more automobiles, trucks, trains, planes and ships, by building more factories and refineries and in other ways pouring carbon dioxide and other contaminants into the atmosphere." Thus, he explained, the carbon dioxide content in the atmosphere is increasing, and this in turn may well have a "greenhouse" effect on the temperature of the air around us.

Dr. Hutton made the observations in a recent dinner address before members of the Cleveland Engineering Society. Speaking on "Fact and Fantasy," he also discounted the theory that the atomic test explosions caused weather changes resulting in floods, drought or temperature swings. The GE Consultant cited the Los Angeles smog problem as an illustration of the scientific theory that the world's population may be contributing more to atmospheric changes than any meteorological evolution or the nuclear explosions.

159. Only a year later, in 1956, an article titled "Carbon Dioxide May Vary Climate," published in the *Honolulu Advertiser*, noted that "[i]t has been estimated that during the next 50 years industrial burning of coal, oil, and gas will produce 1,700 billion tons of new carbon dioxide.

[317] *Warming Up the World*, Honolulu Advertiser, September 29, 1955, at 4.

If all this carbon dioxide stays in the atmosphere, the slight general warming that has occurred in northern latitudes may be intensified."[318]

160. A 1956 article in the *Honolulu Star Bulletin* reported: "Accelerated burning of coal and oil by man may be increasing the carbon dioxide content in the atmosphere and thereby melting snow in the polar region . . . . Over a few generations, . . . a melting polar region could also raise sea level all over the world 200 to 250 feet and change the Earth's gravity."[319]

161. Charles Keeling's measurements of atmospheric concentrations of carbon dioxide at the Mauna Loa Observatory in Hawai'i received local press coverage that included a broader discussion of climate change. For example, a 1968 article in the *Honolulu Star-Bulletin* titled "The Threat We Face" documented the activities at the Mauna Loa Observatory, including measurements of carbon dioxide, and described the potential threats of a rising sea level due to warming temperatures.[320]

162. In 1971, the *Hawaii Tribune-Herald* included a front-page story entitled "Mauna Loa Gets Key Role in Weather Study" (Figure 31), which reported on the Mauna Loa Observatory's contribution to Charles Keeling's measurements of atmospheric concentrations of carbon dioxide and noted that, "[u]nder the program, scientists will try to learn, for example, whether pollution-produced carbon dioxide is increasing sufficiently to cause a 'greenhouse effect' on the planet or whether pollution may ultimately cool the atmosphere."[321]

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[318] *Carbon Dioxide May Vary Climate*, Honolulu Advertiser, July 16, 1956, at A2 (internal quotation marks omitted).

[319] *Scientist to See if Ice In Antarctic Is Melting*, Honolulu Star-Bulletin, Dec. 29, 1956, at 8.

[320] Ruth Youngblood, *The Threat We Face*, Honolulu Star-Bulletin, Oct. 6, 1968, at A4.

[321] *Mauna Loa Gets Key Role in Weather Study*, Hawaii Tribune-Herald, Apr. 6, 1972, at 1.

Figure 31: "Mauna Loa Gets Key Role in Weather Study" in *Hawaii Tribune-Herald*'s 1971 Coverage



Diabetes Survey
Today
Hanakoa Armory
3 to 9 p.m.
Wednesday
Kohala High School
4 to 9 p.m.

Hawaii TRIBUNE-HERALD

BIG ISLAND EDITION

49TH YEAR — NO. 80 HILO, HAWAII, TUESDAY, APRIL 6, 1971 10 CENTS

Mauna Loa Gets Key Role In Weather Study

WASHINGTON — The atmospheric monitoring station on Mauna Loa will play a vital part in a new program to study the effects humans are having on the world's weather, it was reported today.

Under the program, scientists will try to learn, for example, whether pollution-produced carbon dioxide is increasing sufficiently to cause a "greenhouse effect" on the planet or whether pollution may ultimately cool the atmosphere, according to an announcement by Dr. Robert M. White, administrator of the National Oceanic and Atmospheric Administration (NOAA).

While said the station on Mauna Loa has been the only one in existence measuring carbon dioxide in clean air.

In the future, a network of atmospheric measuring stations will be set up around the globe. At of now, a program for determining the long-term burden of atmospheric trace contaminants does not exist.

Evacuees Tell Of Mass Death In Pakistan

CALCUTTA, India (AP)—A British ship arrived here today from the East Pakistani port of Chittagong with 159 foreign evacuees, including 37 Americans, many of whom told of seeing mobs executions, burning, looting and indiscriminate killing.

They said civil war was still raging on the outskirts of Chittagong when they boarded the 3,000-ton Clan MacNair for the 306-mile overnight voyage to Calcutta.

But they said the Pakistani army was in full control of central Chittagong, the province's second largest city.

Americans in the group told newsmen of a wave of slaughter by both sides in the war between President Agha Mohammed Yahya Khan's army and the rebel forces of Sheik Mujibur Rahman's supporters.

They reported the army had cleared Chittagong of the East Pakistani irregulars and were steadily fanning into the surrounding countryside, burning villages in their path.

Chittagong port was in army hands, they added, and its control extended to at least five miles from the city.

Jesse Eaton, a Baptist missionary from Lockport, N.Y., said

163. Coverage on the link between fossil fuels and climate change became even more prevalent in local newspapers. On July 29, 1983, for example, the *Honolulu Star-Bulletin* ran a front-page story entitled "Use of Fossil Fuels Endangering Man" (Figure 32).[322] That article explained that "[t]he carbon cycle is one of great concern because carbon-dioxide gases play a large role in determining the Earth's heat balance and a gradual warming—known as the 'greenhouse effect'—has been occurring."[323] And it attributed the carbon cycle to the "burning of fossil fuels," which "emits carbon . . . some of [which] accumulates" "in the atmosphere."[324] Later that year, the same newspaper's front page carried an article entitled "EPA: We'll All Be in the Hothouse Soon," in which the EPA is quoted as stating that "the warming trend" was a "result of a buildup of carbon dioxide in the atmosphere" and was "both imminent and inevitable."[325] "Fossil

322 Helen Altonn, *Use of Fossil Fuels Endangering Man*, Honolulu Star-Bulletin, July 29, 1983, at 1.

323 *Id.*

324 *Id.*

325 *EPA: We'll All Be in the Hothouse Soon*, Honolulu Star-Bulletin, Oct. 18, 1983, at 1.

fuels," that article proclaimed, "are *the major source of the carbon dioxide*," and "even a total ban on the use of fossil fuels" could not "do more than delay the warming effect for a few years."[326]

Figure 32: "Use of Fossil Fuels Endangering Man" in 1983 *Honolulu Star-Bulletin* Coverage



164. A 1985 front-page article of the *Hawaii Tribune-Herald* identified the possibility that climate change would cause flooding in Honolulu (Figure 33).[327]

[326] *Id.* (emphasis added).

[327] *'Greenhouse Effect' May Flood Honolulu*, Hawaii Tribune-Herald, January 29, 1985, at 1.

Figure 33: "'Greenhouse Effect' May Flood Honolulu" in *Hawaii Tribune-Herald*'s 1985 Coverage



TUESDAY

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Vulcans begin NAIA with two 9-inning wins

Hawaii TRIBUNE-HERALD

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Onizukas: Landing 'beautiful'

Activity at Lo'ihi is uncertain

Abuse reports are rising

'Greenhouse Effect' may flood Honolulu

HONOLULU (UPI) — Rising sea levels caused by increasing global temperatures could destroy famous Waikiki Beach or submerge much of Honolulu under water by the year 2100, a report to the Hawai'i Legislature says.

"One of the greatest uncertainties society faces today is the location of the shoreline in 50 or 100 years," the report says. "While natural and human-induced erosion and accretion along the shoreline have long been a concern to coastal communities, changes in sea level present a new and significant variable to be contended with."

The report, presented to the Legislature last week, was prepared by the Hawai'i Coastal Zone Management Program of the state Department of Planning and Economic Development. It focused on the possible effects on Honolulu of rising sea levels caused by the socalled Greenhouse Effect.

The Greenhouse Effect is a theory that gases released in the air due to industrialization, such as carbon dioxide from cars, are turning the earth into a giant greenhouse — increasing global temperatures and causing the sea to rise.

Scientists say the oceans rise under the theory because of melting glaciers and an increased water volume, since warm water is less dense and occupies more space.

The Greenhouse Effect already has caused minor rises in global temperatures and sea level, the report said. Scientists predict the change will continue for decades or centuries but they differ on how high the sea will rise.

165. In 1988, the potential for local environmental impacts from climate change was raised in the *Honolulu Star-Bulletin*'s coverage of a visit to Hawai'i by New Zealand's minister for the environment. According to the local press, the minister warned that "Hawaii residents should be concerned about the long-term implications of such a warming trend and the predictions of a gradual but corresponding rise in sea levels,"[328] implored Hawai'ians to "'[t]hink of the tourism industry without a Waikiki Beach,'" and warned that "'Hawaii could be quite adversely affected.'"[329] The same article also included an interview from a University of Hawai'i oceanographer who offered an opposing view: "'[i]t sounds scary, but there is not enough scientific evidence to support that.'"[330] The article continued, "[e]ven if the greenhouse predictions

328 Rob Perez, *'Greenhouse effect' MayFlood Waikiki*, Honolulu Star-Bulletin, Nov. 7, 1988, at 3.

329 *Id.*

330 *Id.*

prove to be true, he added 'these are very, very long-term effects. We're talking thousands and tens of thousands of years.'"[331]

166. A December 1988 article in the *Honolulu Star-Bulletin* identified potential flooding zones and warned that it "isn't too early for greenhouse-effect phenomena to figure in the state plans."[332]

167. Articles in the 1990s frequently discussed the international negotiations over the response to climate change,[333] and articles in the 2000s warned that the impacts of climate change could be significant to the State.[334] For example, in 2006, the *Honolulu Advertiser* reported that "[m]uch of the world, including the drought-plagued American West, will face more deadly heat waves, intense rainstorms and prolonged dry spells before the end of the century, according to a new climate-change study" by the "National Center for Atmospheric Research" regarding "the most extreme effects of global warming" (Figure 34).[335]

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[331] *Id*.

[332] *In Hawaii, the Climate is Everything*, Honolulu Star-Bulletin, Dec. 19, 1988, at 1.

[333] *E.g.*, *Earth Summit: Hawaii Pre-Meeting Important*, Honolulu Advertiser, Apr. 20, 1992, at 6; *Negotiators Still Working on 'Greenhouse' Emissions*, Honolulu Advertiser, Sept. 14, 1997, at 3; *Global Warming Talks Begin*, Hawaii Tribune-Herald, Dec. 2, 1997, at 1; *Global Warming Has Islanders Worrying*, Hawaii Tribune-Herald, Dec. 4, 1997, at 1.

[334] E.g., Report Says Hawaii Faces Severe Drought in 21st Century, Hawaii Tribune-Herald, June 16, 2000, at 3; Global-Warming Forecasts: From Bad to Worse, Honolulu Advertiser, Oct. 21, 2006, at 1.

[335] *Global-Warming Forecasts: From Bad to Worse*, The Honolulu Advertiser, Oct. 21, 2006, at A1, A7.

Figure 34: "Global-Warming Forecasts: From Bad to Worse" in *Honolulu Advertiser*'s 2006 Coverage



168. In 1988, James Hansen's congressional testimony received local coverage in an article titled "Earth's Climate Hottest on Record" (Figure 35).[336]

Figure 35*: Honolulu Star-Bulletin*: Front Page June 24, 1988



336 Philip Shabecoff, *Earth's Climate Hottest on Record*, Honolulu Star-Bulletin, June 24, 1988, at A1, A8.

169. In December 1988, a front-page article in the *Honolulu-Star Bulletin* highlighted the importance of climate to Hawai‘i and presented a diagram explaining the theory of the greenhouse effect (Figure 36).[337]

Figure 36: *Honolulu-Star Bulletin* Front Page December 19, 1988



170. The 1988 article also included a map of potential flood zones in Honolulu at risk from sea level rise (Figure 37).[338] The article stated that "[n]ot all scientists agree these problems will show up in our lifetime," and also highlighted that the potential consequences were too costly to ignore: "the world can't afford to wait the decade or so it will take to be sure. . . . For Hawaii, where virtually all of the civilian economy depends on a pleasant climate, the answers are especially important."[339]

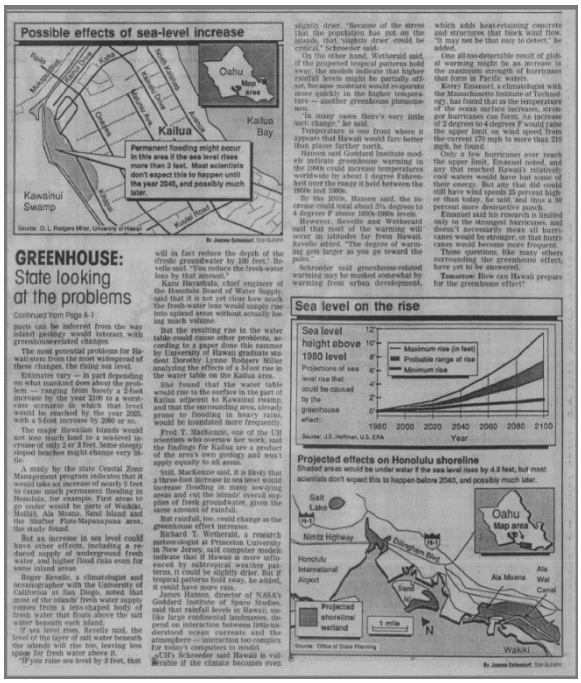
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337 Ken Andrade, *In Hawaii, the Climate is Everything*, Honolulu Star-Bulletin, Dec. 19, 1988, at A1, A8.

338 *Id*.

339 *Id*.

Figure 37: Map showing potential flooding zones in Honolulu, *Honolulu-Star Bulletin* December 19, 1988



171. In the 1990s, local Hawai'i media coverage often focused on climate change policy, including the international meetings in Rio de Janeiro in 1992 and Kyoto in 1997.[340] The environmental policies of the George H.W. Bush administration were discussed in a front-page article in the *Hawaii Tribune-Herald* with the Sierra Club, stating "there was more talk in the speech [by President Bush in Rio] about economics than the environment."[341]

172. A 1992 Honolulu Advertiser article titled "Earth Summit: Hawaii pre-meeting important" also reported on the Rio climate summit as follows: "Hawaii is in an ironic position. It shares island nations' concerns about ocean issues such as global warming and waste dumping. But, as a state and not a nation, Hawaii will be represented in Rio de Janeiro by a national administration that opposes concerted action to address these threats."[342]

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340 *Earth Summit: Hawaii Pre-Meeting Important*, Honolulu Advertiser, Apr. 20, 1992, at 6; Charles J. Hanley, *Negotiators Still Working on 'Greenhouse' Emissions*, Honolulu Advertiser, Sept. 14, 1997, at A3.

341 Josef Hebert, *Bush's Global Warming Stand Criticized*, Hawaii Tribune-Herald, Feb. 6, 1990, at 1, 6.

342 *Earth Summit: Hawaii Pre-Meeting Important*, Honolulu Advertiser, Apr. 20, 1992, at 6.

173. In addition to climate meetings, media in Hawai‘i covered the release of the IPCC assessment reports, including the First Assessment Report released in 1990 (Figure 38),[343] and the Second Assessment Report released in 1995 (Figure 39).[344] Coverage of the Second Assessment Report noted that "[a] UN scientific panel on climate change says it is now convinced that global temperatures have warmed over the last century because of human activity."[345]

Figure 38: The *Honolulu Advertiser*: Front Page May 26, 1990



Returned Marcos' cash, Ariyoshi says

Imelda again insists that she 'never delivered any money' to him

The Honolulu Advertiser

SATURDAY, May 26, 1990 Final Edition

Aloha

Pichay cornered, gives up

Surrenders after siege in Waipahu

U.N. forecast on global warming: rising seas and hotter than ever

Gorbachev ups stakes in German match

If reunification includes NATO, Soviet troops would stay, he says

U.N. forecast on global warming: rising seas and hotter than ever

By Michael Weisskopf and William Booth
Washington Post Service

A United Nations-sponsored panel of experts has concluded that worldwide temperatures will rise an unprecedented two degrees within 35 years and more than six degrees by the end of the next century if nothing is done to combat global warming.

The new forecast, released yesterday in Britain, predicts that temperatures will be far greater than any experienced in the last 10,000 years.

The conclusions are based on the work of more than 300 climate experts from around the world and is said to be the most exhaustive examination yet of the prospect for global warming.

The scientists predict that the planet will warm because gases such as carbon dioxide are increasing in the atmosphere, where they act as a blanket to trap heat from the sun and warm the Earth. Carbon dioxide is the ubiquitous by-product of the industrialized age, produced by nearly all forms of burning and by the destruction of forests.

A hotter world would also cause the water in the oceans to expand, raising global sea levels by about 8 inches by the year 2030.

The Bush administration has resisted calls for action, stressing instead the need for more research in order to answer the lingering scientific uncertainties that surround global warming scenarios. White House officials have repeatedly said they were deferring action until the science behind the warnings was assessed by the U.N.'s Intergovernmental Panel on Climate Change, the group that made yesterday's report.

Upon release of the report, Prime Minister Margaret Thatcher joined other European leaders and broke ranks with the Bush administration

See Global, Page A4

[343] Michael Weisskopf and William Booth, *U.N. Forecast on Global Warming: Rising Seas and Hotter Than Ever*, Honolulu Advertiser, May 26, 1990, at A1, A4.

[344] *Scientists: Global warming's For Real*, Hawaii Tribune-Herald, Sept. 10, 1995, at 1.

[345] *Id*.

Figure 39: *Hawaii Tribune Herald* Front Page September 10, 1995



Hawaii Tribune-Herald

Sunday

What's inside

Matsuura may run for Hawaii County mayor

Scientists: Global warming's for real

Kalapana quilters

Powell's options are open

Paying 'til the cows come home

Scientists: Global warming's for real

U.N. report says humans are raising world temperature

NEW YORK (AP) — A U.N. scientific panel on climate change says it is now convinced that global temperatures have warmed over the last century because of human activity, The New York Times reported today.

The statement, contained in a draft summary of a report by the Intergovernmental Panel on Climate Change, marks a shift in the views of top climatologists, who previously said that they could not tell whether global warming has been caused by the burning of fossil fuels or natural climatic variations.

The experts now say that a new generation of computer studies has given them confidence in data that suggests why the globe's surface temperature has risen by 1 degree Fahrenheit since 1900, the Times reported.

The panel's summary says global warming "is unlikely to be entirely due to natural causes and that a pattern of climatic response to human activities is identifiable in the climatological record."

Scientific data now proves that the burning of wood, oil and coal, which releases carbon monoxide into the air, is at least partly responsible for the so-called greenhouse effect, or warming of the earth's atmosphere, said Dr. Tom M.L. Wigley, a climatologist at the National Center for Atmospheric Research in Boulder, Colo., one of the report's authors.

Scientists say recent computer simulations of predicted patterns of climate change come much closer to the actual patterns than simulations of the past, and therefore are more trustworthy, the Times said.

The panel of international scientists advises world governments now negotiating reductions in the emissions of carbon dioxide and other greenhouse gases under a 1992 treaty on climate change.

The panel has predicted that global warming must be halted or sea levels will rise, ecosystems disappear, deserts expand and storms become more frequent and violent.

174. In 1997, as the climate negotiations in Kyoto began, a front-page story in the *Hawaii Tribune-Herald* quoted Japan's foreign minister saying that "these 10 days could change the history of humankind" as the delegations began to negotiate potentially legally binding requirements for reducing emissions of carbon dioxide and other greenhouse gases by developed nations.[346] Two days later, the *Hawaii Tribune-Herald* reported that Hawai'i and many Pacific island nations were highly concerned about the outcome of the Kyoto negotiations because they were poised to feel any impacts of climate change more directly, especially sea level rise.[347] The article further noted that many island nations had already reported "what they say are unusually high tides and sea surges" and were afraid their residents may have to abandon their homes due to rising seas.[348]

175. During the 2000s, press coverage included different reports predicting future consequences and impacts of climate change, some of which warned of "grim" forecasts,

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346 Charles J. Hanley, *Global Warming Talks Begin*, Hawaii Tribune-Herald, Dec. 2, 1997, at 1, 12.

347 Charles J. Hanley, *Global Warming Has Islanders Worrying*, Hawaii Tribune-Herald, Dec. 4, 1997, at 1, 8.

348 *Id*.

according to a 2000 article in the *Hawaii Tribune-Herald*.[349] The front-page story from the *Hawaii Tribune-Herald* in June 2000 warned that rising temperatures would have "significant impacts on American life" (Figure 40).[350] The article highlighted the potential impacts to the Hawai'ian Islands, including more limited access to fresh water as well as increased bleaching and destruction of Hawai'i's coral reefs.[351]

Figure 40: *Hawaii Tribune-Herald* Front Page June 9, 2000



Friday

Hawaii Tribune-Herald

77TH YEAR — NO. 136 HILO, HAWAII, FRIDAY, JUNE 9, 2000 4 SECTIONS — 24 PAGES 50 CENTS

U.S. climate forecast is grim

❑ Rising temperatures will have 'significant impacts' on American life, report finds

Associated Press

WASHINGTON — Alpine meadows will disappear, along with many coastal wetlands and barrier islands. Cities will be hotter and more humid. Ski runs will be scarcer, the demand for air conditioners will increase, and scientists will have to combat a likely resurgence in insect-borne diseases such as malaria.

This is the weather forecast for the late 21st century, when average U.S. temperatures will have risen by 5 degrees to 10 degrees.

Assailed by some critics as too pessimistic and little more than guess work, that assessment is of a country coping with global warming.

Four years in the making, the report reflects the most ambitious attempt to gauge the impact of climate change on America.

A dozen government agencies and hundreds of scientists, in and out of government, worked on "Climate Change in America." It will be released next week and later presented to Congress, which asked for the assessment a decade ago.

The Associated Press obtained a late draft of the report's overview summary.

"Based on the best available information, most Americans will experience significant impacts" from Earth's warming, the report concludes. Among the findings:

—Entire ecosystems may shift northward as temperatures increase.

—The Alpine meadows of the Rocky Mountains likely will disappear.

—Forests in the Southeast may break into "a

See REPORT, Page 6

Likely impact to Hawaiian Islands

The likely regional impact to Hawaii if climate increases 5 to 10 degrees over the next 100 years, according to a soon-to-be released draft government report on global warming impact: Sea levels will rise, increasing the possibility of storms that will impact island areas. This may reduce availability of fresh water and in some cases pose health risks. Higher water temperatures and increased carbon dioxide levels are likely to exacerbate coral bleaching and increase destruction of Hawaiian coral reefs and their inhabitants.

—Associated Press

176. Local media coverage also addressed climate change concerns vis-à-vis the threat of increased droughts in the Hawai'ian Islands, including those predicted by a report published by the U.S. Global Change Research Program.[352] In a 2000 article covering this report from the *Hawaii Tribune-Herald*, Thomas Karl, a scientist for the National Oceanic and Atmospheric Administration, was quoted as saying "in many cases, regional and local-level impacts [in Hawai'i] are much more pronounced than those at the national level."[353] A University of Hawai'i meteorologist, also quoted in the article, was skeptical that the changes from the warmer

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349 Associated Press, *U.S. Climate Forecast is Grim*, Hawaii Tribune-Herald, June 9, 2000, at 1, 6.

350 *Id*.

351 *Id*.

352 Associated Press, *Report Says Hawaii Faces Severe Drought in 21st Century*, Hawaii Tribune-Herald. June 16, 2000, at 3.

353 *Id*.

temperature would be as severe as was predicted in the report, but was concerned about the potential lack of rainfall and its effects to the islands.[354]

177. Later in 2000, coverage of the evidence presented in the IPCC's Third Assessment Report was featured on the front page of the *Hawaii Tribune-Herald* (Figure 41).[355]

Figure 41: *Hawaii Tribune-Herald* Front Page October 26, 2000



Thursday

Hawaii Tribune-Herald

77TH YEAR — NO. 255 HILO, HAWAII, THURSDAY, OCTOBER 26, 2000 4 SECTIONS — 20 PAGES 50 CENTS

Pollution linked to global warming

❑ U.N. study provides new evidence of threat to the environment

Associated Press

WASHINGTON — New evidence shows man-made pollution has "contributed substantially" to global warming and the earth is likely to get a lot hotter than previously predicted, a United Nations-sponsored panel of hundreds of scientists finds.

The conclusions by the Intergovernmental Panel on Climate Change, the most authoritative scientific voice on the issue, is expected to widely influence climate debate over the next decade.

The report's summary, a copy of which was obtained by The Associated Press, was being distributed to government officials worldwide this week.

It is the first full-scale review and update of the state of climate science since 1995, when the panel

be expected to increase from 2.7 to nearly 11 degrees Fahrenheit by the end of this century, substantially more than estimated in its report five years ago.

It attributes the increase — from a range 1.8 to 6.3 degrees Fahrenheit warmer in the 1995 assessment — mainly to a reduced influence now expected to be played by sulfate releases from industry and power plants. Such releases, which tend to have a cooling influence, will likely dramatically decline in industrial countries because of other environmental concerns, the scientists maintain.

"What this report is clearly saying is that global warming is a real problem and it is with us and we are going to have to take this into account in our future planning," said Kevin Trenberth, head of climate analysis section at the National Center for Atmospheric Research.

"It definitely reinforces what we were able to say in 1995," added Tom Wigley, a climate scientist at the

T-H photo by William Ing

Randi Botti, left, president of the Hawaii Island Paddle Sports Association, and Don Weir, coach of the Keaukaha Canoe Club, are pictured Tuesday at Hilo Bayfront near the canoe sheds. The area in background shown enclosed bygreen poles has been closed to vehicular traffic and is no longer available for parking.

Paddlers peeved over new walkway

178. In 2006, the *Honolulu Advertiser* cited a report from the National Center for Atmospheric Research claiming that forecasts were going "from bad to worse," potentially including "more deadly heat waves, intense rainstorms, and prolonged dry spells before the end of the century" (Figure 42).[356]

354 *Id*.

355 Associated Press, *Pollution Linked to Global Warming*, Hawaii Tribune-Herald, Oct. 26, 2000, at 1, 6.

356 *Global-Warming Forecasts: From Bad to Worse*, Honolulu Advertiser, Oct. 21, 2006, at A1, A7.

Figure 42: The *Honolulu Advertiser* Front Page October 21, 2006



The Honolulu Advertiser

HAWAI'I'S NEWSPAPER

Tip of a lifetime: trip to Rome

SPECIAL REPORT | HOMELESS ON THE WAI'ANAE COAST

Health neglect strains main medical facility

City sets up plan for future disasters

Dog's lawyers confident

Playoff: 'Aiea beats Castle

Choose your own pumpkin

Global-warming forecasts: from bad to worse

Your Wireless World is About to Expand!

Global-warming forecasts: from bad to worse

Much of the world, including the drought-plagued American West, will face more deadly heat waves, intense rainstorms and prolonged dry spells before the end of the century, according to a new climate-change study.

The study from the National Center for Atmospheric Research details what nine of the world's top computer models predict as the most extreme effects of global warming through 2099. The study predicts:

• There will likely be more rain in the tropical Pacific Ocean, and that will change air flow for certain areas, much like El Niño weather oscillations now do.

• The Pacific Northwest will get a longer dry spells punctuated by heavier rainfall.

• The Western U.S., Mediterranean nations and Brazil will get weather extremes at their worst — more extended droughts, heavy rainfalls and longer heat waves.

The study focuses not on averages but on extremes that are expected to happen if worldwide greenhouse gases keep increasing.

"It's the extremes, not the averages, that cause the most damage to society and to many ecosystems," said Claudia Tebaldi, lead author of the report by the National Center for Atmospheric Research in Boulder, Colo., Texas Tech University and Australia's Bureau of Meteorology Research Center.

"In the future, rising frequency, intensity and duration of temperature extremes ... are likely to have adverse effects on human mortality and morbidity," according to the report, "Going to Extremes," which will be published in the December issue of

SEE WEATHER, A7

179. As of 2010, Hawai'i was already experiencing higher temperatures, according to articles in both the *Honolulu Star-Advertiser* and *Hawaii Tribune-Herald*.[357] The director of the Pacific Islands Climate Change Cooperative was quoted as saying, "It's getting hotter here faster than anywhere else in the world up in the upper elevations."[358]

180. In 2013, the *Honolulu Star-Advertiser* ran a front-page special, "Carbon dioxide is at its worst," to mark the occasion when the daily average carbon dioxide level measured at the Mauna Loa Observatory crossed the 400 parts per million mark (Figure 43).[359] In the article, a NOAA scientist was cited as saying that the concentration is a marker that efforts to stop global warming are "doing little to stop the trend."[360]

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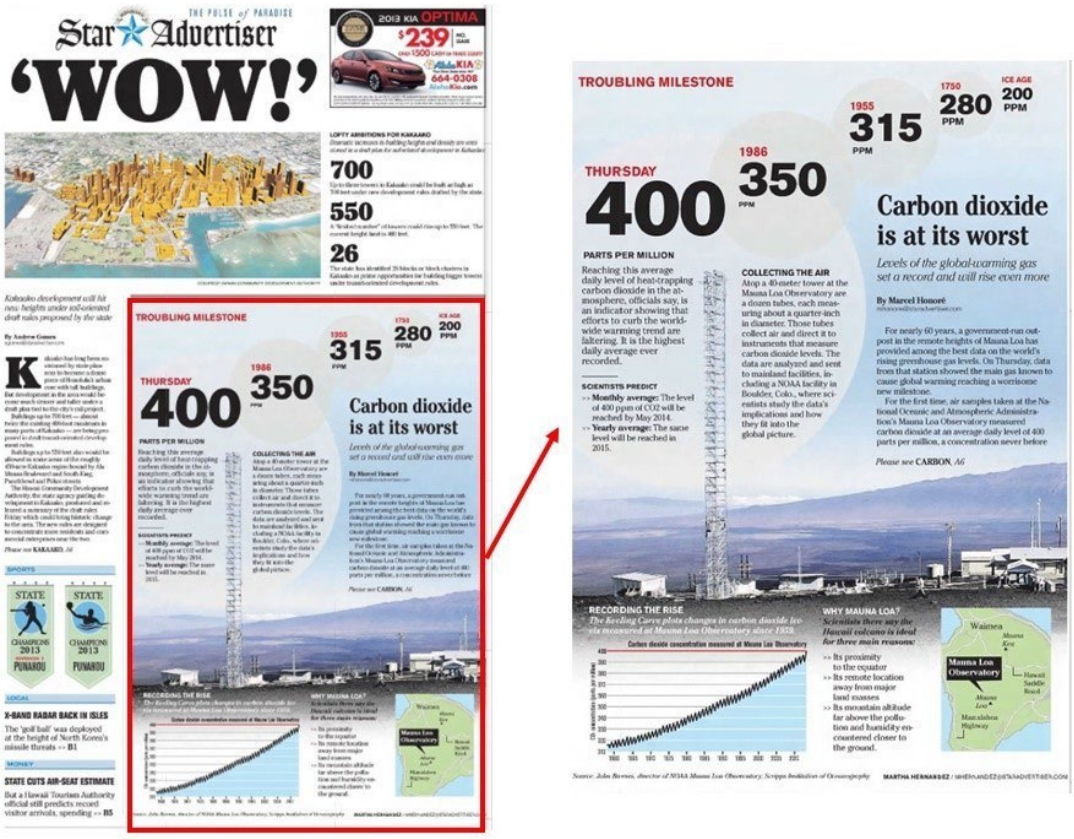
357 Audrey McAvoy, *Hawaii is Already Seeing Effects of Global Warming, Experts Say*, Honolulu Star-Advertiser, July 11, 2010, at A24; Audrey McAvoy, *Temperatures Rising in Isles*, Hawaii Tribune-Herald, July 10, 2010, at A1, A6.

358 Audrey McAvoy, *Hawaii is Already Seeing Effects of Global Warming, Experts say*, Honolulu Star-Advertiser, July 11, 2010, at A24.

359 Marcel Honoré, *Carbon Dioxide is at Its Worst*, Honolulu Star-Advertiser, May 11, 2013, at A1, A6.

360 *Id*.

Figure 43: *Honolulu Star-Advertiser* Front Page May 11, 2013



181. A 2014 article from the *Honolulu Star-Advertiser* reported that residents were already seeing decreasing levels of precipitation.[361] The chairman of Hawai'i's Board of Land and Natural Resources noted that certain streams were only running after particularly hard rainfalls.[362] He was quoted as saying "[c]limate change is here and we have to deal with it. . . . If we don't, our children and grandchildren are going to see less and less of what Hawaii is, less and less of what Hawaii stands for and less and less of what Hawaii needs to be."[363] The article pointed to a nearly

[361] Audrey McAvoy, *Global Warming Will Stress Hawaii's Fresh Water*, Honolulu Star-Advertiser, May 9, 2014, at A7.

[362] *Id.*

[363] *Id.*

century-long trend of decreasing rainfall and stream flow and reported that the demand for water would only continue to rise as the population of the state grows.[364]

182. Concern for the state's tourism industry was expressed in a front-page special of the *Honolulu Star-Advertiser* in 2014 (Figure 44).[365] Covering a report published by the Hawai'i Tourism Authority, the article detailed the potential environmental and resulting economic impacts to the State from climate change, reporting: "Hawaii will be a hotter place sometime in the future with fewer cooling trade winds and more drought, fewer waterfalls and forest streams. Marine life diversity will suffer in warmer water as acidity kills off coral reefs. Sea level rise will mean fewer beaches and more flooding as the coast erodes and tropical storms strike the islands with greater frequency and intensity. Is this the kind of place tourists will want to visit?"[366] The article continued by stating that it might cost more to ignore sand loss at Waikiki beach because the economic impact on local hotels could be "as much as $661.2 million annually, with hotel industry job losses of 6,352 and lost visitor expenditures reaching nearly $2 billion."[367]

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[364] *Id.*

[365] Timothy Hurley, *Isles Warned of Grim Future For Tourism*, Honolulu Star-Advertiser, Aug. 27, 2014, at A1, A8.

[366] *Id.*

[367] *Id*.

Figure 44: *Honolulu Star-Advertiser* Front Page August 27, 2014


PARTLY SUNNY
WEDNESDAY 8/27/14
STARADVERTISER.COM
LEASE ANY NEW KIA!
$0 Down Payment* $0 Security Deposit! $0 First Payment!
SERIOUSLY!
664-0308
GLOBAL WARMING
Isles warned of grim future for tourism
A report calls on the industry to prepare for changes including loss of beaches and an increase in storms
By Timothy Hurley
LOCAL
PUBLIC MEETING TO ADDRESS PADDLEBOARDING REGULATIONS
A surf group says there are safety problems at certain breaks on Oahu's South Shore >> B1
MONEY
SPAM POPPING UP ON TRENDY NEW YORK RESTAURANT MENUS
The canned Hawaii staple earns new fans in the Big Apple >> B6
"By the end of the century, I would be surprised if Waikiki Beach is still there."
Charles Fletcher
INSIDE

183. A 2015 *Honolulu Star-Advertiser* article discussed how increases in temperature have been associated with unprecedented bleaching of coral reefs (Figure 45), quoting Mark Eaking, the NOAA coral reef watch coordinator, as saying: "Hawaii is getting hit with the worst coral bleaching they have ever seen, right now. . . . It's severe. It's extensive. And it's on all the islands." In addition to bleaching, warmer waters make coral more susceptible to disease.[368]

[368] Brittany Lyte, *Coral Crisis Goes Global*, Honolulu Star-Advertiser, Oct. 8, 2015, at A1, A5.

Figure 45: *Honolulu Star-Advertiser* Front Page October 8, 2015



thegardenisland.com

THURSDAY
October 8, 2015

tgi

THE GARDEN ISLAND

75¢
Serving Kauai and Niihau since 1902

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KIF VOLLEYBALL • B1

MENEHUNE WIN IN THRILLER

CORAL CRISIS GOES GLOBAL

Dying marine habitat prevalent in Hawaii becoming worldwide concern

Brittany Lyte
THE GARDEN ISLAND

LIHUE — Kauai's colorful corals are going white, a crisis that is spreading and devastating reefs across the globe.

Triggered by global warming and the El Nino, record hot ocean water is causing fragile coral to go white and often die, threatening picturesque reefs that are hotspots of marine life, experts say.

The phenomenon is called bleaching because coral lose their color when they push out algae.

And scientists predict it's going to get worse.

The spread of sickly white started more than a year ago in Guam, then devastated Hawaii, infected the rest of the tropical Pacific and the Indian oceans and has now infested Florida and the Caribbean. On Thursday, the National Oceanic and Atmospheric Administration and international reef scientists pronounced it a global coral bleaching event, only the third in recorded history.

"We may be looking at losing somewhere in the range of 10 to 20 percent of the coral reefs this year," NOAA coral reef watch coordinator Mark Eakin said. "The bad news for the U.S. is we're getting hit disproportionately just because of the pattern of the warming."

SEE CORAL, A5

TERRY LILLY / CONTRIBUTED PHOTO

Bleached coral on the North Shore of Kauai.

184. This is just a mere sampling of the vast number of climate change-related news articles in Hawai'i. Searches for "greenhouse effect," "global warming," or "climate change" in the Newspapers.com archives for Hawai'i papers between 1957 and 2000 alone identify more than 4,000 results.[369]

IV. Popular Sources of Entertainment Have Focused on the Topic of Climate Change Since at Least the 1970s

185. In addition to news coverage, climate change references have been prevalent throughout popular movies and television for decades.[370] One of the first popular movie references to climate change appeared in 1973 in the film *Soylent Green*, when one character, wondering how

[369] Last accessed Sept. 12, 2022.

[370] For example, in 1958, as part of its widely distributed series of educational films, Bell Science Labs circulated a film called "The Unchained Goddess" that describes climate change and the impact of fossil fuel burning on the climate. The film explained that "[d]ue to our release through factories and automobiles every year of more than six billion tons of carbon dioxide, which helps air absorb heat from the sun, our atmosphere seems to be getting warmer." *The Unchained Goddess* (Richard Carlson, dir. 1958).

anything "can survive in a climate like this," exclaimed, "A heat wave all year long! A greenhouse effect. Everything is burning up!"[371]

186. In 1981, an hour-long documentary titled "Warming Warning" was broadcast in the United Kingdom, explaining the effects of carbon emissions on Earth's atmosphere and possible consequences.[372] The documentary was later broadcast in the United States on PBS in 1990.[373]

187. The coverage of climate change in TV shows and movies increased from 1988 through 1992—a period of time corresponding to significant events discussed above, such as, for example, James Hansen's testimony before Congress and the formation of the IPCC, both of which occurred in 1988, the 1992 UN Framework Convention on Climate Change, and the 1992 Earth Summit held in Rio de Janeiro.

188. In the early 1990s, widely popular TV shows, such as *The Fresh Prince of Bel Air*, *Cheers*, *Beverly Hills*, *90210*, *Frasier*, *Alf*, *Teenage Mutant Ninja Turtles*, *Captain Planet*, and *Power Rangers*, referenced global warming and climate change, including their potential causes.

189. Climate change references in popular television and movies—including those that received both high viewership and critical acclaim—only continued from this point on. For example, a 1991 episode of *Cheers*, the number one TV show for the 1990–1991 season with approximate viewership of 20 million and later ranked by *TV Guide* as one of the greatest television shows of all time, included a conversation about global warming and sea level rise among its main characters:[374]

> **HARRY:** Well, Rebecca, I need to work up the figures, but everything seems to be in good shape. Except for that strange floor deformity.

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[371] *Soylent Green* (Warner Entertainment 2003). *Soylent Green* starred Charlton Heston and won the 1973 Saturn Award for Best Science Fiction Film (*see Saturn Awards*, *1973 FILM AWARDS for Best Science Fiction Film Release, 2021*, http://www.saturnawards.org/The-Saturn-Awards-Past-Winners.php?category=1&year=1973#b).

[372] *Warming Warning* (Richard Broad 1981).

[373] See Leo Hickman, The 1981 TV Documentary that Warned About Global Warming, Carbon Brief, May 2, 2017.

[374] *TV Guide Names Top 50 Shows*, April 26, 2002, CBS News, https://www.cbsnews.com/news/tv-guide-names-top-50-shows; *Cheers: Crash of the Titans* (NBC television broadcast February 21, 1991) (emphasis added).

REBECCA: What floor deformity?
HARRY: There seems to be a depression here. It's almost as if this bar stool is sinking right into the Earth. I wonder what could cause that.
NORM: Uh, pardon me, pal. You're standing between me and my cheese doodles.
CLIFF: You know, uh, I don't think that a ground surface irregularity of this nature is so strange. I mean, after all, the entire east coast is sinking. We all know that. I mean, due to ***global warming***, the polar ice caps are melting and, hey, we're gonna be all underwater anyway.

190. In the early 1990s, global warming was a topic mentioned in widely successful movies, ranging from romantic dramas, such as 1991's *Prince of Tides* (worldwide receipts of $135 million and remaining in the U.S. box office top 10 for seven weeks), to blockbusters, such as 1992's *Batman Returns* (a worldwide box office of $266 million, with its opening weekend totals being the highest ever up to that period). One of the most significant cinematic discussions of this issue was in Aaron Sorkin's 1995 political romantic comedy *The American President*, which had a global box office of $107 million, featured Michael Douglas and Annette Bening, and was nominated for Golden Globes for Best Director, Best Screenplay, and Best Actor in a Comedy/Musical, among other nominations. The dialogue between the fictional U.S. president and his aides in the movie highlights the widespread knowledge about global warming and the political nature of efforts to cut emissions:

A.J.: Is that the letter from Solomon at the GDC [a fictional environmental organization]?
President Shepherd: It would appear to be a letter from the entire environmental community. These people are outta control.
A.J.: I think they're just frustrated, Mr. President.
Robin: Are they blaming the President for global warming?
A.J.: Well, they don't think he caused it, if that's what you mean. (continuing; to SHEPHERD) Sir, I'm on the phone with these people twice a week. I honestly don't know what they want at this point.
Lewis: What they want is a 20 percent reduction in fossil fuel emissions.
A.J.: It won't pass at 20 percent.
Lewis: We haven't really tried.
A.J.: Lewis, McSorley, McCluskey and Shane hold too many markers. If we try to push this through and lose, there will be a very loud thud when we hit the ground, and that's not what you want in an election year.
President Shepherd: Talk to the GDC again, A.J. Tell them the President resents the implication that he's turned his back on the environment. Tell them I'll send 455 to the floor. But we're gonna ask for a 10 percent reduction. If

> they want to pull their support, fine. At 63 percent job approval rating, I don't need their help getting a bill passed.[375]

191. *Frasier*, the third-most-watched television show in 1998–1999, included sarcastic references to the topic of global warming ("It's eighty degrees outside and it's the middle of February! Oh, it is beautiful, and in the middle of such a terrible winter. Oh, . . . Yes, it is glorious. It defies you not to take a moment to acknowledge the power that created it. Thank you, global warming!"),[376] suggesting a sufficiently widespread understanding of underlying issues for it to serve comedic purposes—a pattern that would become much more prevalent in comedies and other TV shows in the 2000s and beyond.

192. The signing of the Kyoto Protocol in late 1997 and the discussions regarding whether the United States should ratify the treaty, including its subsequent withdrawal from the treaty in 2001, galvanized an intense public and political debate about climate change, its causes, and possible solutions. That debate resulted in screenwriters picking up the broader societal and political discussion with even more significant references to climate change and global warming appearing in top-rated movies and shows. Shows and films in the late 1990s and early 2000s made even greater references to global warming, climate change, and attendant potential ecological and environmental disasters. These issues were saturated in all forms of popular media in the United States, from comedies (*Robin Williams Live on Broadway*; *Cheaper by the Dozen II*) to cartoons (*Ice Age*, with $383 million world box office) to James Bond movies (*Die Another Day*, which grossed $431 million), TV shows (*South Park*; *The Simpsons*), documentaries (*Bears*), and dramas (*Before Sunset*).

193. *The West Wing*, one of most popular shows in the early-2000s (ranking as the eleventh- and eighth-most-watched show in, respectively, 2001 and 2002) was intensely focused on the topic of global warming right from its inception, and featured a number of episodes in which

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[375] *The American President* (Columbia Pictures 1995), script available at http://www.dailyscript.com/scripts/american_president.html.

[376] *Frasier: Frasier Gotta Have It*, (NBC television broadcast 1996) (episode watched by approximately 16 million people).

the subject matter was discussed at some level of depth. For example, a 2001 episode in the show's second season featured the following back-and-forth dialogue:

> **Sam:** Is global warming a real environmental condition or merely a temporary anomaly? Is it a global threat or the exaggerated claim of alarmists? The time for such debate is over . . .
> **Sam:** Climate changes have accelerated. Glaciers are shrinking. Polar sea is... what?
> **Toby:** It's thinning.
> **Sam:** The polar sea ice is thinning, causing a rise in sea levels round the globe.[377]

194. The show continued to address the topic in several episodes over multiple seasons, with the following statement made by a fictitious newscaster on the show in its fourth season: "The White House is doing some quick backpedaling today claiming Deputy Communications Director Will Bailey was not speaking for the president when he said the flooding and deaths in Kachadee, Alaska were caused by, quote, reckless disregard for the issue of global warming."[378]

195. Popular media also assumed that viewers were familiar with climate change. In 2005, a *Boston Legal* scene relied heavily on a common understanding of the potential for climate change for satirical purposes. In the scene, James Spader plays Alan Shore, a role for which he received the Emmy for Outstanding Lead Actor in a Drama Series that same year.[379] In a courtroom, Alan addresses the presiding judge, providing a reason for why his client, the defendant, should be allowed to censor a clown, the plaintiff:

> **Alan Shore:** I could be wrong but a clown's main job is to be funny. ***Global warming*** is not. Your Honor, the Arctic polar ice cap is declining at the rate of 9% per decade. We're talking about a rising sea level that could wipe out huge pieces of the world's land mass. More importantly, us. Massachusetts, California, our coastlines. That simply isn't funny. Unless of course you live in Nevada. Don't get me wrong, millions of Americans go to sleep at night praying that the nation's number one clown will finally start caring about ***global warming***, but this is a children's entertainment show. And let me ask you, if our own government is

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377 *The West Wing: The Drop In* (NBC television broadcast 2001) (episode watched by approximately 18 million people), script available at https://westwingwiki.com/2014/04/season-2-episode-12-drop/.

378 *The West Wing: Privateers* (NBC television broadcast 2003) (close to 12 million in viewership), script available at https://westwingwiki.com/2014/04/season-4-episode-18-privateers/.

379 *57th Emmy Awards Nominees and Winners*, June 6, 2021, https://www.emmys.com/awards/nominees-winners/2005/outstanding-lead-actor-in-a-drama-series.

> allowed to edit and alter scientific findings, if it can control the information flow on this subject, why then shouldn't a private television station get to enjoy that same freedom? You're a clown. Be funny. ***Global warming*** is not.[380]

196. The discussion of climate change and related issues in movies and TV shows continued to grow between 2006 and 2010, with hundreds of movies and shows including such references. The proliferation of references to climate change and global warming in popular media during this timeframe is not coincidental. The IPCC Fourth Assessment was released in 2007 and, in the same year, the Nobel Peace Prize was awarded to the IPCC contributors and Al Gore "for their efforts to build up and disseminate greater knowledge about man-made climate change, and to lay the foundations for the measures that are needed to counteract such change." And Al Gore's *An Inconvenient Truth*, which was released in 2006 and won an Oscar for a documentary feature in 2007, received widespread attention and led to a significant interest in the topic by subsequent movies and TV shows.

197. The 2006 documentary *An Inconvenient Truth* followed former Vice President Al Gore in a series of public lectures aimed at raising public awareness of climate change. In the movie, Al Gore stated that "[t]here was a massive study of every scientific article in a peer-reviewed journal written on global warming for the last 10 years. And they took a big sample of 10%, 928 articles. And you know the number of those that disagreed with the scientific consensus that we're causing global warming and that it's a serious problem? Out of the 928, zero."[381] The film was the 102nd-highest-grossing film of the year at the U.S. box office and won the Academy Award for Best Documentary (Feature) in 2007.[382]

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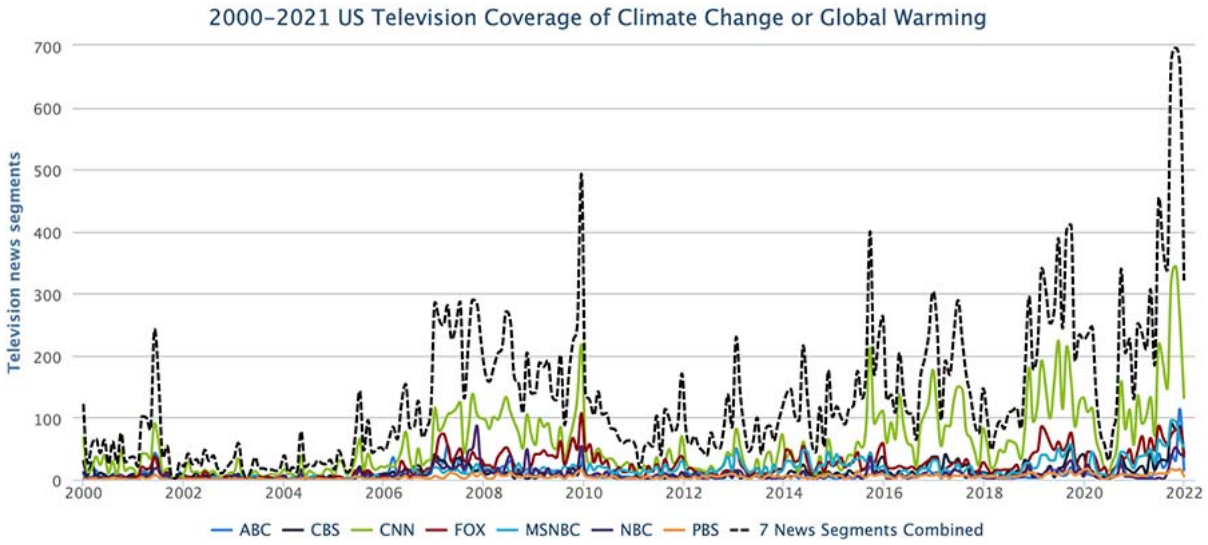
[380] *Boston Legal: Truly, Madly, Deeply* (ABC television broadcast in association with David E. Kelley Productions 2005) (emphases added).

[381] *An Inconvenient Truth* (Participant Prods. 2006).

[382] Released between 2006-01-01 and 2006-12-31 (Sorted by U.S. Box Office Descending), 2021, IMDB, https://www.imdb.com/search/title/?year=2006-01-01,2006-12-31&sort=boxoffice_gross_us,desc&start=101&ref_=adv_nxt; Oscars: Experience Over Nine Decades of the Oscars from 1927 to 2021: The 79th Academy Awards 2007, 2021, available at https://www.oscars.org/oscars/ceremonies/2007.

198. Television news programs have regularly reported on climate change for decades, at times with hundreds of news segments per month dedicated to climate change. As shown below, from 2000–2022, ABC, CBS, CNN, FOX, MSNBC, NBC, and PBS aired more than 34,000 news segments discussing climate change or global warming (Figure 46).[383]

Figure 46: Media Coverage of Climate Change or Global Warming Month to Month[384]



199. Radio news programs also have regularly reported on climate change for decades. In the United States, NPR alone has aired more than 8,400 radio segments discussing climate change or global warming since 2000.[385]

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[383] M. Boykoff, L. Gifford A. Nacu-Schmidt & J. Osborne-Gowey, *US Television Coverage of Climate Change or Global Warming, 2004-2021*, Media and Climate Change Observatory Data Sets, Cooperative Institute for Research in Environmental Sciences, University of Colorado (2021), doi.org/10.25810/C862-0E81, https://scholar.colorado.edu/concern/datasets/7p88ch72s.

[384] M. Boykoff, P. Church, J. Katzung, A. Nacu-Schmidt & O. Pearman, *A Review of Media Coverage of Climate Change and Global Warming in 2021*, Media and Climate Change Observatory, Cooperative Institute for Research in Environmental Sciences, University of Colorado (2021), Figure 4. https://sciencepolicy.colorado.edu/icecaps/research/media_coverage/summaries/special_issue_2021.html#top.

[385] M. Boykoff, P. Chandler, A. Nacu-Schmidt & D. Oonk, *World Radio Coverage of Climate Change or Global Warming, 2000-2021*, Media and Climate Change Observatory Data Sets, Cooperative Institute for Research in Environmental Sciences, University of Colorado (2021), doi.org/10.25810/k55w-7a04, https://scholar.colorado.edu/concern/datasets/dv13zv35r.

V. Federal and Hawai‘i Officials Have Recognized that Oil and Gas Are Essential to Modern Life and Continue to Promote and Encourage Their Use Despite Widespread Knowledge About Climate Change

200. Despite widespread knowledge of potential adverse climate impacts related to increased atmospheric carbon dioxide, the United States—like the rest of the world—has continued to rely on oil and gas as a primary component of its energy supply.

A. Recognition and Encouragement at the National Level

201. From 1960 to 2018, consumption of both oil and gas in the United States more than doubled.[386] From the 1990s, domestic consumption of oil and gas increased by 20% and 57%, respectively, through 2018.[387] In 2018, the United States consumed more energy than ever before, with fossil fuels accounting for approximately 80% of this record-breaking consumption.[388]

202. In fact, the federal government reports that world energy consumption is expected to grow by 50% from 2018 levels by 2050 and will be focused in regions where strong economic growth is driving demand.[389]

203. Further demonstrating that oil and gas are essential to modern life, the federal government has recently pushed for increased oil output from OPEC and American oil and gas companies amid high gas prices:

- In July 2021, Press Secretary Jen Psaki stated that the Biden administration was keeping an eye on rising oil prices, and that the administration had been in contact with Saudi Arabian officials and other major oil producers.[390]

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386 U.S. Energy Info. Admin., *State Energy Data System (SEDS), All Consumption Estimates – US* (2018), https://www.eia.gov/state/seds/sep_use/total/pdf/use_US.pdf.

387 *Id*.; *see also* U.S. Energy Info. Admin., *Today in Energy* (Apr. 16, 2019) https://www.eia.gov/todayinenergy/detail.php?id=39092.

388 Hannah Ritchie & Max Roser, *Fossil Fuels, Our World in Data*, https://ourworldindata.org/fossil-fuels (last visited Sept. 12, 2022).

389 *See* U.S. Energy Info. Admin., *International Energy Outlook 2019*, 24(2019), https://www.eia.gov/outlooks/ieo/pdf/ieo2019.pdf.

390 Ben Casselman & Clifford Krauss, *Rising Oil and Gas Prices Add to U.S. Economic Challenges*, N. Y. Times (July 6, 2021, updated Oct. 4, 2021), https://www.nytimes.com/2021/07/06/business/economy/gas-oil-biden-economy.html?smid=em-share&_sm_au_=iHVW7ZDKLZ48H5sJFcVTvKQkcK8MG.

- On August 11, 2021, the Biden administration called on OPEC+ to increase its output of oil due to the fact that retail gasoline prices were at their highest level since 2014.[391] President Biden stated, "I want to make sure that nothing stands in the way of oil price declines leading to lower prices for consumers."[392]

- On October 30, 2021, at the G20 Leaders' Summit, President Biden urged major energy producing countries to boost production "to ensure a stronger global economic recovery as part of a broad effort to pressure OPEC and its partners to increase oil supply."[393] A senior Biden administration official stated, after the session, that energy consumer nations had begun discussing how to proceed if OPEC does not begin to do more on this front.[394] Another administration official noted "[t]here are major energy producers that have spare capacity, and we're encouraging them to use it to ensure a stronger, more sustainable recovery across the world."[395] The same official stated that G20 leaders would not target OPEC specifically, however, or set specific targets for production.[396]

- On November 5, 2021, Energy Secretary Jennifer Granholm said, in response to a question regarding the Biden administration's plan to raise U.S. oil output, "If 80-plus dollars a barrel doesn't incentivize oil companies to get off the sidelines, I'm not sure what will."[397] In the same interview, she rejected the idea that Biden administration restrictions on drilling leases on public lands had caused oil and gas companies to slow output, adding that "they are not acting on more than 7,000 leases on public and private lands that they have."[398]

- On November 19, 2021, the White House again asked OPEC to increase its oil output, with White House press secretary Jen Psaki stating that the administration wants to "ensure that the OPEC member countries and OPEC as an organization meets the

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391 Matthew Choi, *Biden Asks OPEC What?*, Politico (Aug. 12, 2021), https://www.politico.com/newsletters/morning-energy/2021/08/12/biden-asks-opec-what-797110.

392 *Id.*

393 Andrea Shalal & Jeff Mason, *Biden Pushes G20 Energy Producing Countries to Boost Production*, Reuters (Oct. 30, 2021), https://www.reuters.com/business/energy/biden-push-g20-energy-producers-boost-capacity-ease-price-pressures-2021-10-30/.

394 *Id.*

395 *Id.*

396 *Id.*

397 Timothy Gardner, *Would That I Had The Magic Wand – U.S. Energy Chief on Oil Output*, Reuters (Nov. 5, 2021), https://www.reuters.com/business/energy/would-that-i-had-magic-wand-us-energy-chief-oil-output-2021-11-05/.

398 *Id.*

demand needs that are out there with adequate supply. That is something we've pressed them on in the past."[399]

- On November 23, 2021, President Biden announced that the United States would release 50 million barrels of crude oil from America's Strategic Petroleum Reserve.[400]

- In December 2021, an Energy Department spokesman stated that "[i]t's important for the American oil-and-gas industry to address near-term energy demands while also recognizing that they need to begin transitioning their companies,"[401] and Energy Secretary Jennifer Granholm encouraged oil and gas companies to drill on federal leases that are not being used and to "hire workers" and "[g]et your rig count up."[402]

- On January 18, 2022, the Biden administration also stated that it was working with oil-producing countries "to ensure supply rises to meet demand," and that it would continue to monitor prices, as well as maintain discussions with OPEC+ countries.[403]

- On January 19, 2022, President Biden told reporters at the White House that his administration was "going to work on trying to increase oil supplies that are available" in order to lower oil prices. He noted, however, that "it's going to be hard."[404]

- On January 20, 2022, White House National Economic Council Director Brian Deese stated that the Biden administration is cooperating with partners to increase fuel supplies to Europe, noting that this means "working with our allies and partners, particularly gas producing countries to understand what additional capacity exists and how we could move and extend that capacity" into Europe.[405]

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[399] Timothy Gardner & Alexandra Alper, *U.S. Again Presses OPEC+ As It Weighs Reserve Release*, Reuters (Nov. 19, 2021), https://www.reuters.com/business/energy/asia-looks-spr-shock-treatment-high-oil-prices-after-us-request-2021-11-18/.

[400] Zolan Kanno-Youngs, Stanley Reed &Jim Tankersley, *The United States and Other World Powers Will Tap Oil Reserves*, N.Y. Times (Nov. 23, 2021), https://www.nytimes.com/2021/11/23/business/biden-oil-reserves-gas-prices.html.

[401] Christopher M. Matthews, Timothy Puko & Collin Eaton, *Confronting Inflation, Biden Administration Turns to Oil Industry It Once Shunned,* Wall St. J. (Dec. 22, 2021, 8:00 AM), https://www.wsj.com/articles/confronting-inflation-biden-administration-turns-to-oil-industry-it-once-shunned-11640178001?_sm_au_=iHVB0FVZn8JN54Z2FcVTvKQkcK8MG.

[402] Matthew Choi & Josh Siegel, *More Methane Madness*, Politico (Dec. 15, 2021, 10:15 AM) https://www.politico.com/newsletters/morning-energy/2021/12/15/more-methane-madness-799473?_sm_au_=iHVB0FVZn8JN54Z2FcVTvKQkcK8MG.

[403] Justin Sink & Jennifer Jacobs*, Biden Working With Oil Producing Nations As Prices Surge to 2014 High*, Bloomberg, (Jan. 18, 2022), https://www.bloomberg.com/news/articles/2022-01-18/biden-working-with-oil-producers-as-prices-surge-to-2014-high.

[404] Ari Natter, *Biden Pledges to Keep Pressing for Lower Oil Prices Amid Rise*, Bloomberg (Jan. 19, 2022), https://www.bloomberg.com/news/articles/2022-01-19/biden-pledges-to-keep-pressing-for-lower-oil-prices-amid-rise#:~:text=President%20Joe%20Biden%20pledged%20to,the%20White%20House%20on%20Wednesday.

[405] Sink & Jacobs, *supra* note 404.

- On January 21, 2022, White House officials stated that the Biden administration has been in discussion with Qatar about supplying Europe with liquefied natural gas in the event of a Russian invasion of Ukraine. President Biden is planning to ask Qatar's emir to visit the White House soon to discuss the matter further.[406]

- On March 1, 2022, during the State of the Union address, President Biden stated that "the United States has worked with 30 other countries to release 60 Million barrels of oil from reserves around the world. America will lead that effort, releasing 30 Million barrels from our own Strategic Petroleum Reserve. And we stand ready to do more if necessary, unified with our allies."[407]

- On March 22, 2022, Energy Secretary Jennifer Granholm stated that "the U.S. is exporting every molecule of liquified natural gas that we can to alleviate supply issues in Europe," adding that the Biden administration is urging the U.S. oil and gas industry "to ramp up production" even more "to meet demand and to help lower prices."[408]

- On May 26, 2022, the Biden Administration and members of the National Economic Council reached out to the oil industry to inquire about restarting capacity at certain refineries in order to combat the "supply squeeze" the government is facing.[409]

204. As explained above, the U.S. government was well aware of the potential link between fossil fuel use and global climate change since at least the 1950s, but it has nonetheless continued to actively encourage and promote domestic (and international) oil and gas production. For decades, the federal government has promoted the production of oil and gas to meet the goal of energy independence, even as it, the public, and the world increasingly recognized and understood the potential link between greenhouse gas emissions and global climate change.[410] For example, in 1973, President Nixon established a goal of energy independence for the United States

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406 *Id.*

407 The White House, "Remarks of President Joe Biden – State of the Union Address as Prepared for Delivery," March 1, 2022, https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/03/01/remarks-of-president-joe-biden-state-of-the-union-address-as-delivered/.

408 Timothy Gardner, *Biden Admin Confident of U.S. Oil Production Boost By Year's End*, Reuters (March 22, 2022), https://www.reuters.com/legal/transactional/biden-admin-confident-us-oil-production-boost-by-years-end-2022-03-22/?_sm_au_=iHV7QN41bbjHnMWHFcVTvKQkcK8MG.

409 Ari Natter, *White House Eyes Restarting Idle Refineries to Tame Fuel Prices*, Bloomberg (May 26, 2022), https://www.bloomberg.com/news/articles/2022-05-26/white-house-eyes-idle-refineries-amid-effort-to-tame-fuel-prices?utm_source=newsletter&utm_%E2%80%A6&_sm_au_=iHV7QN41bbjHnMWHFcVTvKQkcK8MG.

410 *See*, *e.g.*, Energy Petroleum Allocation Act of 1973, Pub L. No. 93-159, 87 Stat. 627 (1973); Federal Energy Administration ("FEA") Act of 1974, Pub. L. No. 93-275, 88 Stat. 96 (1974); Energy Policy Act of 2005; Pub. L. No. 109-58, § 357(a)(2)(B), 119 Stat. 594 (2005).

by 1980, and, in 1974, announced that to further that goal, "[w]e must therefore seek to maximize the production of domestic oil."[411]

205. In 1977, in the midst of the Iran Hostage Crisis, the Carter administration released a fact sheet stating that "[w]e must reduce our vulnerability to potentially devastating embargoes. We can protect ourselves from uncertain supplies by reducing our demand for oil, making the most of our abundant resources such as coal, and developing a strategic petroleum reserve."[412] A year later, in 1978, Congress passed the 1978 National Energy Act, which called for increased domestic coal production to at least 400 million tons over 1976 levels by 1985.[413]

206. In 1981, President Reagan issued an executive order to eliminate price controls on domestic oil production and marketing, stating that they "made us more energy-dependent on the OPEC nations, a development that has jeopardized our economic security and undermined price stability at home."[414]

207. In 1987, President Reagan stated "I am urging the Congress to consider several steps that will lead to more exploration and development, reduce early well-abandonment, and stimulate additional drilling activity. . . . I believe all these measures are important steps toward ensuring that our Nation has a strong domestic oil and gas industry and substantial protection against oil supply interruptions. They would, taken together, increase production and make a significant contribution to our national security interests."[415]

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411 President Nixon, Address to the Nation about National Energy Policy, *in* 1 PUB. PAPERS 973, 976 (Nov. 1973), https://quod.lib.umich.edu/p/ppotpus/4731942.1973.001/1030?rgn=full+text;view=image; President Nixon, Special Message to the Congress on the Energy Crisis (January 23, 1974), https://www.presidency.ucsb.edu/documents/special-message-the-congress-the-energy-crisis.

412 President Jimmy Carter, National Energy Program Fact Sheet on the President's Program (Apr. 20, 1977), online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, available at https://www.presidency.ucsb.edu/documents/national-energy-program-fact-sheet-the-presidents-program.

413 H.R.844 - National Energy Act, available at https://www.congress.gov/bill/95th-congress/house-bill/8444?r=1&s=1.

414 President Ronald Reagan, *Statement on Signing Executive Order 12287, Providing for the Decontrol of Crude Oil and Refined Petroleum Products*, Ronald Reagan Presidential Library & Museum, January 28, 1981, available at https://www.reaganlibrary.gov/archives/speech/statement-signing-executive-order-12287-providing-decontrol-crude-oil-and-refined.

415 President Reagan, Message to the Congress on Energy Security (May 6, 1987), https://www.reaganlibrary.gov/archives/speech/message-congress-energy-security.

208. In 1991, as a response to the disruption in oil supply following the First Persian Gulf War, the Bush administration released its 1991 National Energy Strategy, whose goals were to "(1) reduce the economic consequences of disruptions in world oil markets, and (2) increase domestic oil and petroleum product supplies."[416] The strategy was implemented through the Energy Policy Act of 1992, which included tax cuts for independent domestic oil and natural gas producers, had provisions for clean coal research and development, promoted the development of coalbed methane gas, mandated increased coal exports, and reduced oil pipeline regulations.[417]

209. In a February 1995 speech, President Clinton said the U.S. had a "growing reliance on imports of crude oil and refined petroleum products," and the "U.S. [had] vulnerability to oil supply interruptions."[418] He concluded the speech by saying that his administration would continue to "enhance domestic energy production and to revitalize the U.S. petroleum industry."[419]

210. In 1996, President Clinton explained his decision to eliminate a ban on export of Alaska crude oil: "By removing the ban that has prevented ANS oil from moving freely in international markets for more than two decades, we will be stimulating increased domestic oil production in Alaska and California, creating new jobs in the oil industry, and preserving jobs for America's merchant seamen."[420]

211. In 2001, the federal government issued a report emphasizing the national interest in promoting domestic oil and gas development and explained that "we must continue meeting the nation's energy requirements by the means available to us."[421] The report's findings led to the

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[416] *National Energy Security Act of 1991: Hearing before the Committee on Energy and Natural Resources*, United States Senate, One Hundred First Congress, First Session, on S. 341. Washington: U.S. G.P.O., 1991, p. 524, available at https://books.google.com/books/about/National_Energy_Security_Act_of_1991.html?id=2swYbfVLjn0C.

[417] H.R.776 - Energy Policy Act of 1992, 102 Congress (1992), available at https://www.congress.gov/102/statute/STATUTE-106/STATUTE-106-Pg2776.pdf.

[418] William J. Clinton, S*tatement on Petroleum Imports and Energy Security Online by Gerhard Peters and John T. Woolley*, The American Presidency Project https://www.presidency.ucsb.edu/node/220793.

[419] Id.

[420] President Clinton, *Statement on Exports of Alaska North Slope Crude Oil* (April 26, 1996), https://www.presidency.ucsb.edu/documents/statement-exports-alaska-north-slope-crude-oil.

[421] U.S. Nat'l Energy Policy Dev. Grp., *Reliable, Affordable, and Environmentally Sound Energy for America's Future*, 1–13 (2001), https://www.nrc.gov/docs/ML0428/ML042800056.pdf.

Energy Policy Act of 2005, which encouraged further exploration of the Outer Continental Shelf ("OCS") and other onshore federal lands through contracts with Defendants and others.[422]

212. In 2005, President Bush set a goal of eliminating 75% of oil imports from the Middle East, and increasing domestic energy production.[423] According to Bush, the use of "domestic energy resources, including coal, and nuclear power, and oil and natural gas . . . to supply more of our energy" would allow the nation to "reduce our reliance on energy from foreign countries, and that will help this economy grow so people can work."[424]

213. In 2008, President Bush called on "Democratic Congressional leaders to move forward with four steps to expand American oil and gasoline production," stating that "[w]ith these four steps, we will take pressure off gas prices over time by expanding the amount of American-made oil and gasoline; strengthen our national security by reducing our reliance on foreign oil; and strengthen our ability to convince foreign producers to increase their oil and gas production."[425]

214. And, President Obama stated that "we should increase safe and responsible oil production here at home. Last year, America's oil production reached its highest level since 2003. But I believe that we should expand oil production in America – even as we increase safety and environmental standards. To do this, I am directing the Department of Interior to conduct annual lease sales in Alaska's National Petroleum Reserve, while respecting sensitive areas, and to speed up the evaluation of oil and gas resources in the mid and south Atlantic. We plan to lease new areas in the Gulf of Mexico as well, and work to create new incentives for industry to develop their unused leases both on and offshore."[426]

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422 Energy Policy Act of 2005, Pub. L. No. 109-58, § 357(a)(2)(B), 119 Stat. 594 (2005).

423 Elisabeth Bumiller & Adam Nagourney, *Bush: "America is addicted to oil*," N.Y. Times, Feb. 1, 2006, available at https://www.nytimes.com/2006/02/01/world/americas/01iht-state.html.

424 The White House, "President Signs Energy Policy Act," August 8, 2005. https://georgewbush whitehouse.archives.gov/news/releases/2005/08/20050808-6.html.

425 Fact Sheet: Reducing Gas Prices and Foreign Oil Dependence (June 18, 2008), https://www.presidency.ucsb.edu/documents/fact-sheet-reducing-gas-prices-and-foreign-oil-dependence.

426 Remarks of President Barack Obama, Weekly Address (Saturday, May 14, 2011), https://obamawhitehouse.archives.gov/the-press-office/2011/05/14/weekly-address-president-obama-announces-new-plans-increase-responsible-.

215. President Obama's expansion of onshore and offshore leasing, and the continued expansion of leasing under President Biden, is the continuation of a long-held federal government policy to encourage domestic production on the OCS because, in part, it has concluded that even if this domestic source of oil and gas were cut off, consumers would simply obtain "oil and gas from other sources," including foreign sources, which would put our national security and economy at risk and "leave a void in planning for national energy needs."[427] Indeed, the environmental analysis required to reauthorize the OCS leasing program recognized the existence of climate change, but nonetheless concluded that relying on renewable energy sources at the current time would be neither possible nor advantageous.[428]

216. In a 2011 speech to Georgetown students, President Obama said, "[e]ven for those of you who are interested in seeing a reduction in our dependence on fossil fuels -- and I know how passionate young people are about issues like climate change -- the fact of the matter is, is that for quite some time, America is going to be still dependent on oil in making its economy work."[429]

217. And in 2018, the Trump Administration announced plans to allow new offshore oil and gas drilling in U.S. coastal waters that would "reinvigorate American manufacturing and job growth."[430]

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[427] U.S. Dep't of Interior, Bureau of Ocean Energy Mgmt., OCS EIS/EA BOEM 2012-030, OCS Oil and Gas Leasing Program: 2012-2017 Final Programmatic Environmental Impact Statement, 4-606, 4-643 (2012), https://www.boem.gov/sites/default/files/uploadedFiles/BOEM/Oil_and_Gas_Energy_Program/Leasing/Five_Year_Program/2012-2017_Five_Year_Program/2012-2017_Final_PEIS.pdf (projecting changes to domestic oil and gas supplies if OCS leases were halted); U.S. Dep't of Interior, Bureau of Ocean Energy Mgmt., Record of Decision and Approval of the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program, 82 Fed. Reg. 6643 (Jan. 17, 2017).

[428] U.S. Dep't of Interior, Bureau of Ocean Energy Mgmt., OCS EIS/EA BOEM 2016-060, OCS Oil and Gas Leasing Program: 2017-2022 Final Programmatic Environmental Impact Statement, Vol. 1, at 1–11 (2016), https://www.boem.gov/sites/default/files/oil-and-gas-energy-program/Leasing/Five-Year-Program/2012-2017/BOEMOceanInfo/fpeis_volume1.pdf ("The development of renewable energy sources is strategically important, but the development of these resources in the foreseeable future does not fully or partially satisfy the purpose of and need for the Proposed Action [i.e., meeting the nation's current energy demand].").

[429] The White House, *Remarks by the President on America's Energy Security*, Mar. 30, 2011, https://obamawhitehouse.archives.gov/the-press-office/2011/03/30/remarks-president-americas-energy-security.

[430] US Department of the Interior. Bureau of Land Management. "2019–2024 National Outer Continental Shelf Oil And Gas Leasing, Draft Proposed Program," at 2 January 2018, https://www.boem.gov/sites/default/files/oil-and-gas-energy-program/Leasing/Five-Year-Program/2019-2024/DPP/NP-Draft-Proposed-Program-2019-2024.pdf.

B. Recognition and Encouragement at the Hawai‘i State Level

218. Like the federal government, Hawai‘i has also continued to encourage fossil fuel use. Indeed, Hawai‘i is the nation’s *most petroleum-dependent state*, with more than four-fifths of its energy consumption coming from petroleum.[431] In recognition of this fact, it is official Hawai‘i policy, enacted into law by the Hawai‘i Legislature, that oil and gas are “essential to the health, welfare, and safety of the people of Hawaii, and that *any severe disruption in petroleum product supplies* for use within the State *would cause grave hardship*, pose a threat to the economic well-being of the people of the State, and have significant adverse effects upon public confidence and order and effective conservation of petroleum products.”[432] The State has accordingly enacted policies to protect the steady supply of oil and gas products, including a requirement that “[t]he attorney general shall immediately investigate any shortage or condition affecting the supply of any petroleum products.”[433] The State also imposes liability on “[a]ny person who sells petroleum products and who, with intent to . . . *restrict the supply* of petroleum products[,] . . . [p]revents, limits, lessens, or restricts the manufacture, production, supply, or distribution of petroleum products,” with possible civil and even criminal sanctions.[434] Recently, Hawai‘i expressly recognized petroleum and fossil fuels as “critical products and industries” during the coronavirus pandemic.[435]

219. As the U.S. Energy Information Administration has explained, “Hawaii’s geographic isolation makes its energy infrastructure unique among the states. Hawaii consumes about 11 times more energy than it produces. More than four-fifths of Hawaii’s energy

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[431] U.S. Energy Info. Admin., *Hawaii State Energy Profile* (Jan. 21, 2021), https://www.eia.gov/state/analysis.php?sid=HI.

[432] Haw. Rev. Stat. Ann. § 125C-1 (1975) (emphases added).

[433] Haw. Rev. Stat. Ann. § 486H-17 (2004).

[434] *See* Haw. Rev. Stat. Ann. §§ 486B-3 & 486B-4 (2006) (emphasis added).

[435] *See* Governor David Ige, Eighth Supplementary Proclamation Related to the COVID-19 Emergency, 8 (May 18, 2020), https://governor.hawaii.gov/wp-content/uploads/2020/05/2005088-ATG_Eighth-Supplementary-Proclamation-for-COVID-19-distribution-signed.pdf.

consumption is petroleum, making it the most petroleum-dependent state in the nation."[436] "As the only state still primarily reliant on oil-fired electrical generation, and with a significant demand for jet fuel, Hawai'i depends more on petroleum for its energy needs than does any other state."[437]

220. Despite the above-described early knowledge by Hawaiian officials about the potential risks of climate change and global warming, Hawai'i state and utilities officials have historically focused more on energy supplies and reliability rather than reducing use of fossil fuels. For example, in the late 1980s, state officials recommended that the state diversify away from oil to a *more* carbon-intensive energy source, coal, and approved the construction of a coal power plant to lessen the State's dependence on oil.[438] In its 1989 approval of the AES coal power plant, the Public Utilities Commission of the State of Hawai'i ("Hawai'i Commission") stated that "HECO concluded the AES-BP proposal, as bid, to be economically superior to the Kahe 7 base case [an oil-fired unit] and to other purchased power alternatives. HECO considered AES-BP's use of coal as providing HECO with a valuable opportunity to diversify its fuel base on Oahu."[439] The Hawai'i Commission's order states that "[t]he parties agree that the construction of the proposed AES-BP's coal-burning, circulating fluidized bed cogenerating plant would promote the State's goal of a diversified fuel energy base and lessened dependence on imported oil."[440]

221. A report from the State Energy Resources Coordinator ("ERC") in 1992, the year Hawai'i's coal plant construction was completed, stated that the plant was "a major achievement in reducing Hawaii's almost total dependence upon petroleum to meet its energy needs," where that petroleum dependence makes Hawai'i "vulnerable" to "disruption of its economy and way of life in the event of . . . rapid oil price increases" and to "disruptions of its supply in the event of a

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[436] U.S. Energy Information Administration, *Hawaii: Profile Analysis*, https://www.eia.gov/state/analysis.php?sid=HI.

[437] Hawaii State Energy Office, *Hawaii's Energy Facts & Figures*, at 3, Figure 3. November 2020, https://energy.hawaii.gov/wp-content/uploads/2020/11/HSEO_FactsAndFigures-2020.pdf.

[438] See Ilene Aleshire, New HECO Power Source OK'd, But Conditions Set Off Sparks, Honolulu Advertiser, Aug. 1, 1989; Ground-Breaking for Power Plant That Will Burn Coal for Electricity, Honolulu Advertiser, Apr. 16, 1990.

[439] Public Utilities Commission of the State of Hawaii, Decision and Order, Docket No. 6177, July 28, 1989, at 10.

[440] Public Utilities Commission of the State of Hawaii, Decision and Order, Docket No. 6177, July 28, 1989, at 51.

crisis."[441] The approval for the coal power plant came with full knowledge of its adverse climate effects, as is evidenced by Hawai'i's Energy Coordinator 1993 report, which noted that carbon dioxide emissions from fossil fuel combustion are "a suspected agent in global climate change" when referencing the coal plant.[442]

222. In 2015, Governor Ige exempted coal from an import tax on fossil fuels, which the plant owner argued was necessary because, otherwise, it would not be able to "adequately invest in maintenance and new equipment, which could affect the reliability of Oahu's entire power grid."[443]

223. Oil and gas are essential to Hawai'i's tourism industry, which is so crucial to the state's economy that Hawai'i's 1998 Climate Action Plan recognized that "[s]ignificant reductions in air travel would be an economic disaster" for the state.[444] The State of Hawai'i has recognized since the 1990s that "[j]et fuel is essential to Hawaii's tourism-based economy and the wellbeing of its people."[445] Travel from the western continental United States to Hawai'i accounted for 2.3 million tons of carbon in 2017, with other worldwide flights to Hawai'i accounting for an additional four million tons.[446] And aviation fuel is a huge part of Hawai'i's petroleum consumption, including by the military, which has its own large economic impact on the Hawaiian economy—not to mention its security. According to the U.S. Energy Information Agency, "jet

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441 *Hawaii State Energy Resources Coordinator's Annual Report*, 1992, at 1, available at https://evols.library.manoa.hawaii.edu/bitstream/10524/32185/1992%20-%20State%20Energy%20Coordinator%27s%20Annual%20Report.pdf.

442 State of Hawai'i Department of Business, Economic Development & Tourism, *State Energy Resources Coordinator's Annual Report 1993*, at 10, available at https://evols.library.manoa.hawaii.edu/bitstream/10524/33577/1993%20-%20State%20Energy%20Resources%20Coordinator%27s%20Annual%20Report.pdf ("As a result, emissions are less than half those permitted by the Federal Clean Air Act standards. The Clean Air Act does not set emission limits for carbon dioxide, which is a combustion byproduct of all fossil fuels and a suspected agent in global climate change.").

443 *Governor OKs Tax Break for Coal*, Star Advertiser, July 4, 2015, https://www.staradvertiser.com/2015/07/04/hawaii-news/governor-oks-tax-break-for-coal/#story-section.

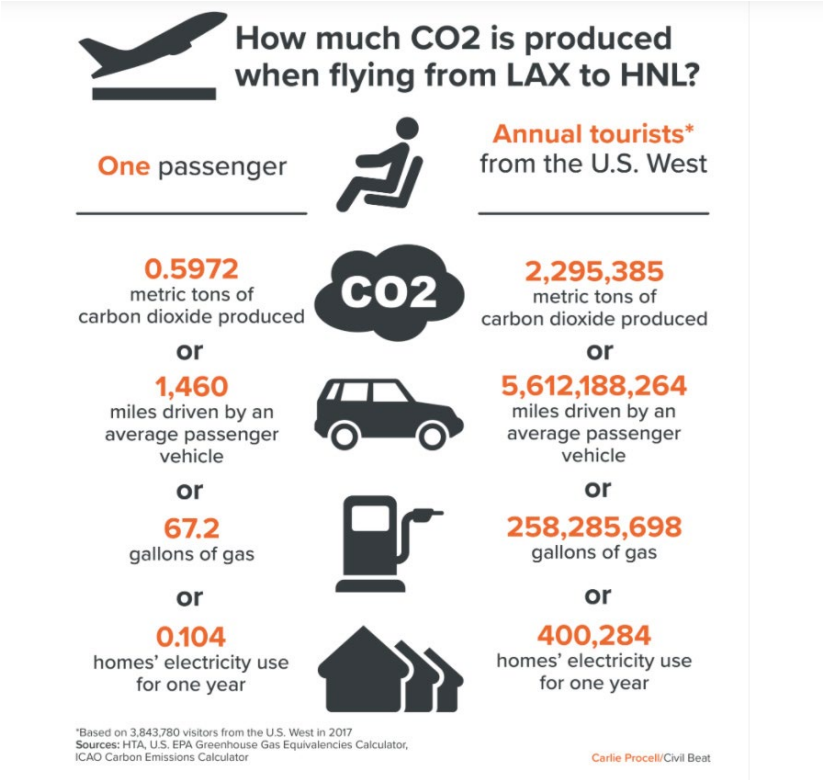
444 Hawaii Dep't of Bus., Econ. Dev. & Tourism, Energy, Resources & Tech. Div., *Hawaii Climate Change Action Plan*, 1–8, Nov. 1998, https://planning.hawaii.gov/wp-content/uploads/2016/06/HawaiiActionPlan1998.pdf.

445 *Id.* at 3–14.

446 *Air Travel's Carbon Footprint Takes A Big Environmental Toll in Hawaii*, The Honolulu Civil Beat, Aug. 27, 2019, https://www.civilbeat.org/2019/08/air-travels-carbon-footprint-takes-a-big-environmental-toll-in-hawaii/.

fuel accounts for slightly more than half of all petroleum products consumed in the state" of Hawai'i, partly "[b]ecause of significant demand from military installations."[447] Jet fuel makes up a greater share of overall petroleum demand in Hawai'i than in any other state except Alaska, a primary driver of which is demand from commercial airlines related to flights associated with Hawai'i's tourism economy.[448]

Figure 47: How Much CO_2 Is Produced When Flying From LAX to HNL?



224. And, in 2021, while promoting investment in the development of sustainable aviation fuels, Hawai'i Chief Energy Officer Scott Glenn testified before the Hawai'i House Committee on Finance that "Hawaii is dependent upon aviation for its economy and way of life," and that "[t]he impacts of COVID-19 on tourism and subsequently on the production of jet fuel

447 U.S. Energy Info. Admin., *Hawaii State Energy Profile* (last updated Jan. 21, 2021), https://www.eia.gov/state/analysis.php?sid=HI.

448 *Id.*

and other fossil fuels produced in Hawaii underscores the importance of aviation and aviation fuel to a thriving Hawaii."[449]

B. SEPARATE DEFENSES

Without assuming any burden of proof that they would not otherwise bear, the Chevron Defendants assert the following defenses. By listing a defense here, the Chevron Defendants in no way concede that they bear the burden of proving any fact, issue, or element of a cause of action (or any burden) where such burden properly belongs to Plaintiffs. The Chevron Defendants reserve the right to assert further defenses as the case proceeds. In light of the foregoing and for other reasons, and additional facts to be identified during discovery, the Chevron Defendants assert the following defenses:

FIRST SEPARATE DEFENSE

(Assumption of Risk)

1. Plaintiffs knowingly assumed the risks associated with the production, sale, distribution, and consumption of fossil fuels.

SECOND SEPARATE DEFENSE

(Authorization)

2. All of the Chevron Defendants' alleged conduct was authorized by applicable law. By pleading this affirmative defense, the Chevron Defendants do not assert any new matter on which the Chevron Defendants bear the burden with regard to such claims; this defense is alleged purely in an abundance of caution to ensure that no claim of waiver may be made by Plaintiffs.

[449] Hawaii State Energy Office, Testimony of Scott J. Glenn before the House Committee on Finance, Feb. 5, 2021, https://www.capitol.hawaii.gov/session2021/testimony/HB683_HD1_TESTIMONY_FIN_02-26-21_.PDF.

THIRD SEPARATE DEFENSE

(Causation—Intervening or Superseding Causes)

3. Plaintiffs' claims are barred by the doctrines of superseding and intervening causation. Plaintiffs' injuries, if any, were caused by independent, and/or unforeseeable, and/or extraordinary actions and forces over which the Chevron Defendants had no control.

FOURTH SEPARATE DEFENSE

(Causation—Lack of Proximate Cause and Substantial Factor Cause)

4. The Chevron Defendants' alleged actions are not the proximate cause, or the substantial factor cause, of any injury to Plaintiffs.

FIFTH SEPARATE DEFENSE

(Choice of Law)

5. Plaintiffs' claims are barred, in whole or in part, by choice-of-law principles because Plaintiffs' claims violate or fail to state a viable claim under the applicable state or federal law.

SIXTH SEPARATE DEFENSE

(Constitutional Defense—Rights to Free Speech and Petition)

6. Plaintiffs' claims are barred to the extent they relate to the Chevron Defendants' alleged advertising, public statements, lobbying, or other activities protected by the First Amendment to the Constitution of the United States (including the *Noerr-Pennington* doctrine), by Section 4 of Article I of the Constitution of the State of Hawai‘i, and/or by the laws or Constitution of any other State whose free-speech protections may apply.

SEVENTH SEPARATE DEFENSE

(Constitutional Defense—Due Process and Ex post Facto Clause (Anti-Retroactivity and "Fair Notice" Doctrines))

7. Plaintiffs' claims are barred, in whole or in part, because they violate the Due Process and Ex Post Facto Clauses of the United States Constitution, Section 5 of the Constitution of the State of Hawai‘i, or the laws and the Constitution of any other State that may apply, to the

extent (a) Plaintiffs seeks to impose liability retroactively for conduct that was not actionable at the time it occurred and (b) Plaintiffs seek to impose liability for conduct as to which the Chevron Defendants had no fair notice of the Chevron Defendants' potential liability.

EIGHTH SEPARATE DEFENSE

(Constitutional Defense—Commerce Clause)

8. Plaintiffs' claims are barred, in whole or in part, because they violate the Commerce Clause of the United States Constitution.

NINTH SEPARATE DEFENSE

(Constitutional Defense—Due Process and Eighth Amendment Prohibitions on Excessive Punitive Damages and Other Civil Penalties)

9. Plaintiffs' claims for punitive or exemplary damages or other civil penalties are barred or reduced by applicable law or statute or, in the alternative, are unconstitutional insofar as they violate the Due Process protections afforded by the United States Constitution, the Excessive Fines Clause of the Eighth Amendment of the United States Constitution, the Full Faith and Credit Clause of the United States Constitution, the Supremacy Clause, principles of federalism, similar provisions of the Constitution of the State of Hawai‘i (*e.g.*, Article I, § 12), or similar provisions of the U.S. Constitution, or the laws and the Constitution of any other State that may apply. Any law, statute, or other authority purporting to permit the recovery of punitive damages or civil penalties in this case is unconstitutional, facially and as applied, to the extent that, without limitation, it: (1) lacks constitutionally sufficient standards to guide and restrain the jury's discretion in determining whether to award punitive damages or civil penalties and/or the amount, if any; (2) is void for vagueness in that it fails to provide adequate advance notice as to what conduct will result in punitive damages or civil penalties; (3) unconstitutionally may permit recovery of punitive damages or civil penalties based on harms to third parties, out-of-state conduct, conduct that complied with applicable law, or conduct that was not directed, or did not proximately cause harm, to Plaintiffs; (4) unconstitutionally may permit recovery of punitive damages or civil penalties in an amount that is not both reasonable and proportionate to the amount

of harm, if any, to Plaintiffs and to the amount of compensatory damages, if any; (5) unconstitutionally may permit jury consideration of net worth or other financial information relating to Defendants; (6) lacks constitutionally sufficient standards to be applied by the trial court in post-verdict review of any award of punitive damages or civil penalties; (7) lacks constitutionally sufficient standards for appellate review of any award of punitive damages or civil penalties; (8) would unconstitutionally impose a penalty, criminal in nature, without according to Defendants the same procedural protections that are accorded to criminal defendants under the Constitutions of the United States, this State, and any other State whose laws may apply; and (9) otherwise fails to satisfy precedent of the Supreme Court of the United States, of the courts of this State, or of the Courts of any other State whose laws may apply. Plaintiffs bear the burden of proof on all issues regarding punitive damages and civil penalties; this defense does not assert any new matter on which Defendants bears the burden; this defense is alleged purely in an abundance of caution to ensure that no claim of waiver may be made by Plaintiffs.

TENTH SEPARATE DEFENSE

(Damages—Comparative Negligence)

10. Plaintiffs' alleged damages, if any, are barred, in whole or in part, because any such alleged damages were caused by Plaintiffs' own negligence.

ELEVENTH SEPARATE DEFENSE

(Damages—Failure to Mitigate)

11. Plaintiffs' alleged damages are barred, in whole or in part, because Plaintiffs failed to mitigate any such alleged damages.

TWELFTH SEPARATE DEFENSE

(Discharge in Bankruptcy)

12. Plaintiffs' claims are barred to the extent the claims were discharged in bankruptcy. Plaintiffs' claims arising from acts or omissions of Texaco, Inc., and that company's affiliates, are barred by order of the Bankruptcy Court of the Southern District of New York.

THIRTEENTH SEPARATE DEFENSE

(No Equitable Relief)

13. Plaintiffs' request for equitable relief is barred to the extent that Plaintiffs have an adequate remedy at law.

FOURTEENTH SEPARATE DEFENSE

(Estoppel)

14. Plaintiffs are estopped, by their own conduct and statements, from asserting any of the purported claims in the Complaint against the Chevron Defendants.

FIFTEENTH SEPARATE DEFENSE

(No Joint or Collective Liability)

15. Plaintiffs' claims are barred to the extent that they seek to hold the Chevron Defendants jointly and severally liable for the conduct of any other actor.

SIXTEENTH SEPARATE DEFENSE

(Failure to State a Claim)

16. The Complaint fails to state a claim for which relief can be granted.

SEVENTEENTH SEPARATE DEFENSE

(Federal Defense—Displacement by Clean Air Act)

17. Plaintiffs' claims are barred because they are governed by federal common law, which has been displaced by the Clean Air Act.

EIGHTEENTH SEPARATE DEFENSE

(Federal Defense—Government Contractor Defense)

18. Plaintiffs' claims are barred, in whole or in part, by the government contractor defense, because the Chevron Defendants' actions were directed, supervised, approved, or ratified by the federal government or its agents.

NINETEENTH SEPARATE DEFENSE

(Federal Defense—Political Question, Foreign Affairs, and Separation of Powers Doctrines)

19. Plaintiffs' claims and damages are barred or limited by the federal and state doctrines of political question, foreign affairs, and separation of powers.

TWENTIETH SEPARATE DEFENSE

(Federal Defense—Preemption by Federal Authorities)

20. Plaintiffs' claims are preempted by federal law, including (without limitation) federal common law, the Clean Air Act, and statutes authorizing and encouraging the production, distribution, and use of fossil fuels, under the doctrines of express preemption, implied preemption, conflict preemption, and field preemption.

TWENTY-FIRST SEPARATE DEFENSE

(Federal Defense—Preemption Because the EPA Has Exclusive Authority to Weigh the Costs and Benefits of Fossil Fuel Emissions)

21. Plaintiffs' claims are barred to the extent Plaintiffs' claims (or the Chevron Defendants' available defenses to the claims under state law) would require the court or the jury to reexamine the cost-benefit analysis delegated to federal agencies, including (without limitation) the EPA, under the Clean Air Act.

TWENTY-SECOND SEPARATE DEFENSE

(Impossibility of Ascertaining and Calculating Damages)

22. Plaintiffs are barred from recovery because of the impossibility of ascertaining and calculating alleged damages.

TWENTY-THIRD SEPARATE DEFENSE

(Improper Venue)

23. Plaintiffs' claims are barred because of improper venue and/or pursuant to the doctrine of *forum non conveniens*.

TWENTY-FOURTH SEPARATE DEFENSE

(*In Pari Delicto*)

24. Plaintiffs' claims are barred by the doctrine of *in pari delicto* because of Plaintiffs' own statements and conduct.

TWENTY-FIFTH SEPARATE DEFENSE

(Laches)

25. Plaintiffs' claims are barred, in whole or in part, by the doctrine of laches.

TWENTY-SIXTH SEPARATE DEFENSE

(Lack of Capacity to Sue)

26. Plaintiffs' claims are barred to the extent Plaintiffs bring these claims on behalf of, or seek damages allegedly suffered by, any person other than themselves because Plaintiffs lack *parens patriae* capacity to do so.

TWENTY-SEVENTH SEPARATE DEFENSE

(Lack of Personal Jurisdiction)

27. Plaintiffs' claims are barred by lack of personal jurisdiction.

TWENTY-EIGHTH SEPARATE DEFENSE

(Lack of Subject Matter Jurisdiction)

28. Plaintiffs' claims are barred by lack of subject matter jurisdiction.

TWENTY-NINTH SEPARATE DEFENSE

(License and Consent)

29. Plaintiffs' claims are barred, in whole or in part, by the doctrines of invitation, license, and consent.

THIRTIETH SEPARATE DEFENSE

(Municipal Cost Recovery Rule)

30. Plaintiffs' claims are barred, in whole or in part, by the municipal cost recovery rule or free public services doctrine.

THIRTY-FIRST SEPARATE DEFENSE

(Preemption by State and Local Authorities)

31. Plaintiffs' claims are barred, in whole or in part, because authorities and agencies of the State of Hawai‘i, and of municipalities within the State, have mandated, directed, approved, encouraged, and/or ratified the alleged actions of the Chevron Defendants.

THIRTY-SECOND SEPARATE DEFENSE

(Preemption by Authorities of Other States)

32. Plaintiffs' claims are barred, in whole or in part, because authorities and agencies of other States have mandated, directed, approved, and/or ratified the alleged actions of the Chevron Defendants.

THIRTY-THIRD SEPARATE DEFENSE

(Privilege and Justification)

33. Plaintiffs' claims are barred, in whole or in part, because the Chevron Defendants' conduct was privileged and justified. The Chevron Defendants' acts of producing, refining, and selling fossil fuels were important and necessary to securing the benefits of plentiful, reliable, and affordable energy that powers the modern economy of the United States and the world, including Hawai‘i and Honolulu.

THIRTY-FOURTH SEPARATE DEFENSE

(No Punitive Damages)

34. Plaintiffs are not entitled to recover punitive damages under any legal theory, and Plaintiffs' prayer for punitive damages is barred because no act or omission of the Chevron Defendants was malicious, willful, wanton, oppressive, or grossly negligent.

THIRTY-FIFTH SEPARATE DEFENSE

(Indispensable Parties – Failure to Join)

35. Plaintiffs' claims cannot proceed to trial, and Plaintiffs cannot be awarded any relief from the Chevron Defendants, because Plaintiffs have failed to join all indispensable parties

needed for just adjudication including all other producers of fossil fuels and all consumers of fossil fuels.

THIRTY-SIXTH SEPARATE DEFENSE

(Risks – The Risks Were Generally Known and Recognized)

36. Plaintiffs' claims are barred, in whole or in part, because the harms and risks Plaintiffs allege were generally known and recognized and were open and obvious.

THIRTY-SEVENTH SEPARATE DEFENSE

(Risks – Plaintiffs Came to the Nuisance)

37. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs developed, built, or otherwise improved the areas at issue with knowledge of the risk of harm that climate events posed to those areas.

THIRTY-EIGHTH SEPARATE DEFENSE

(Risks – No Duty to Warn)

38. Plaintiffs' claims are barred, in whole or in part, because the Chevron Defendants did not owe Plaintiffs a duty to warn of alleged dangers associated with their products or the products of other manufacturers.

THIRTY-NINTH SEPARATE DEFENSE

(Risks—the Benefits of Fossil Fuels Outweighed the Risks)

39. Plaintiffs' claims are barred, in whole or in part, because the benefits of fossil fuels outweighed the risks of all damages asserted by Plaintiffs.

FORTIETH SEPARATE DEFENSE

(Standing and Ripeness)

40. Plaintiffs lack standing to bring all or some of their claims, and some or all of Plaintiffs' claims are not yet ripe because many of Plaintiffs' alleged injuries have not yet occurred and may never occur.

FORTY-FIRST SEPARATE DEFENSE

(Statute of Limitations)

41. Plaintiffs' claims are barred, in whole or in part, by the applicable statutes of limitations and repose.

FORTY-SECOND SEPARATE DEFENSE

(*Ultra Vires*)

42. Plaintiffs' claims should be dismissed, in whole or in part, as *ultra vires*, because the claims and/or relief sought exceed the scope of power granted to Plaintiffs by law.

FORTY-THIRD SEPARATE DEFENSE

(Unclean Hands)

43. Plaintiffs' claims are barred, in whole or in part, by the doctrine of unclean hands.

FORTY-FOURTH SEPARATE DEFENSE

(Waiver)

44. Plaintiffs' claims are barred, in whole or in part, because by conduct, representations, and omissions, Plaintiffs have knowingly waived, relinquished, and/or abandoned, and/or are equitably estopped to assert, any claim for relief against the Chevron Defendants respecting the matters that are the subject of the complaint.

FORTY-FIFTH SEPARATE DEFENSE

(No Attorneys' Fees)

45. Plaintiffs are not entitled to recover attorneys' fees under any legal theory alleged in the Complaint.

FORTY-SIXTH SEPARATE DEFENSE

(Incorporation)

46. To the extent applicable, the Chevron Defendants hereby adopt and incorporate by reference any other applicable defenses asserted or to be asserted by any other defendant in this action and any other statutory defenses available to them. The Chevron Defendants reserve the

right to raise any additional defenses, counterclaims, cross-claims, and third-party claims not asserted herein of which they become aware at any subsequent stage of this action.

C. RESPONSES TO ALLEGATIONS ASSERTED IN THE COMPLAINT

With respect to the numbered Paragraphs stated in the Complaint, the Chevron Defendants state as follows:

1. The Chevron Defendants deny the allegations in Paragraph 1, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

2. The Chevron Defendants deny the allegations in Paragraph 2, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and admit that the global combustion of coal, oil, and natural gas to meet the global demand for energy and support national security, economic prosperity and public health, safety, and welfare results in greenhouse gas emissions, including CO_2 (as do other activities), that greenhouse gas emissions have increased over time, and that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change.

3. The Chevron Defendants deny the allegations in Paragraph 3, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

4. The Chevron Defendants deny the allegations in Paragraph 4, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and admit that the global combustion of coal, oil, and natural gas to meet the global demand for energy and support national security, economic prosperity and public health, safety, and welfare results in greenhouse gas emissions, including CO_2 (as do other activities), that

greenhouse gas emissions have increased over time, and that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change.

5. The Chevron Defendants deny the allegations in Paragraph 5, except admit that the global combustion of coal, oil, and natural gas to meet the global demand for energy and support national security, economic prosperity, and public health, safety, and welfare results in greenhouse gas emissions, including CO_2 (as do other activities), that greenhouse gas emissions have increased over time, and that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change, and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

6. The Chevron Defendants deny the allegations in Paragraph 6, except admit that the global combustion of coal, oil, and natural gas to meet the global demand for energy and support national security, economic prosperity, and public health, safety, and welfare results in greenhouse gas emissions, including CO_2 (as do other activities), that greenhouse gas emissions have increased over time, and that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change, and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

7. The Chevron Defendants deny the allegations in Paragraph 7, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and admit that the global combustion of coal, oil, and natural gas to meet the global demand for energy and support national security, economic prosperity, and public health, safety, and welfare results in greenhouse gas emissions, including CO_2 (as do other activities), that greenhouse gas emissions have increased over time, and that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change.

8. The Chevron Defendants deny the allegations in Paragraph 8, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

9. The Chevron Defendants deny the allegations in Paragraph 9, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

10. The Chevron Defendants deny the allegations in Paragraph 10, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

11. The Chevron Defendants deny the allegations in Paragraph 11, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

12. The Chevron Defendants deny the allegations in Paragraph 12, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

13. The allegations in Paragraph 13 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except that the Complaint purports to assert claims for Public Nuisance, Private Nuisance, Strict Liability for Failure to Warn, Negligent Failure to Warn, and Trespass.

14. The allegations in Paragraph 14 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

15. The Chevron Defendants deny the allegations in Paragraph 15 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

16. The allegations in Paragraph 16 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

17. The Chevron Defendants deny the allegations in Paragraph 17 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

18. The Chevron Defendants deny the allegations in Paragraph 18 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

19. The Chevron Defendants deny the allegations in Paragraph 19 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

20. The Chevron Defendants deny the allegations in Paragraph 20 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

21. The Chevron Defendants deny the allegations in Paragraph 21 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

22. The Chevron Defendants deny the allegations in Paragraph 22 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

23. The allegations in Paragraph 23 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except admit that Chevron Corporation is incorporated in the State of Delaware, with its headquarters and principal place of business in San Ramon, California; that Chevron U.S.A., Inc. is a Pennsylvania corporation with its principal place of business in San Ramon, California; that Chevron U.S.A., Inc. is a wholly-owned subsidiary of Chevron Corporation and that it is

registered to do business in and has a registered agent for service of process in Honolulu, Hawai‘i; that, at times Chevron U.S.A., Inc. or its predecessors, successors, parents, subsidiaries, affiliates, or divisions have been involved, to at least some extent, in exploring for, developing, and producing crude oil and natural gas, processing, liquefaction, transportation, and regasification associated with liquefied natural gas, transporting crude oil by major international oil export pipelines, transporting, storing, and marketing natural gas, refining crude oil into petroleum products, marketing of crude oil and refined products, transporting crude oil and refined products by pipeline, marine vessel, motor equipment, and rail car, basic and applied research in multiple scientific fields including chemistry, geology, and engineering, and manufacturing and marketing of commodity petrochemicals, plastics for industrial uses, and fuel and lubricant additives; that at certain times Chevron U.S.A., Inc. or its predecessors, successors, parents, subsidiaries, affiliates, or divisions have operated a refinery in Hawai‘i and owned or operated terminals in Hawai‘i; that Chevron U.S.A., Inc. or its predecessors, successors, parents, subsidiaries, affiliates, or divisions have, at times, offered credit cards that can be known as the “Chevron Techron Advantage Card,” and “Texaco Techron Advantage Card,” which consumers can use to purchase various products; and that Chevron U.S.A., Inc. or its predecessors, successors, parents, subsidiaries, affiliates, or divisions have, at times, offered smartphone applications that can be known as the “Chevron App” and “Texaco App” that Hawai‘i consumers may use.

24. The Chevron Defendants deny the allegations in Paragraph 24 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

25. The Chevron Defendants deny the allegations in Paragraph 25 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

26. The Chevron Defendants deny the allegations in Paragraph 26 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

27. The Chevron Defendants deny the allegations in Paragraph 27 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

28. The Chevron Defendants deny the allegations in Paragraph 28, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

29. The Chevron Defendants deny the allegations in Paragraph 29, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

30. The allegations in Paragraph 30 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

31. The allegations in Paragraph 31 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

32. The allegations in Paragraph 32 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

33. The allegations in Paragraph 33 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

34. The Chevron Defendants deny the allegations in Paragraph 34 for lack of knowledge and information sufficient to form a belief as to their truth or falsity, except admit that the global combustion of coal, oil, and natural gas to meet the global demand for energy and support national security, economic prosperity, and public health, safety, and welfare results in greenhouse gas emissions, including CO_2 (as do other activities), that greenhouse gas emissions have increased over time, and that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change.

35. The Chevron Defendants deny the allegations in Paragraph 35 for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations, except admit that the global combustion of coal, oil, and natural gas to meet the global demand for energy and support national security, economic prosperity, and public health, safety, and welfare results in greenhouse gas emissions, including CO_2 (as do other activities), that greenhouse gas emissions have increased over time, and that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change.

36. The Chevron Defendants deny the allegations in Paragraph 36 for lack of knowledge and information sufficient to form a belief as to their truth or falsity, except admit that the global combustion of coal, oil, and natural gas to meet the global demand for energy and support national security, economic prosperity, and public health, safety, and welfare results in greenhouse gas emissions, including CO_2 (as do other activities), that greenhouse gas emissions

have increased over time, and that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change.

37. The Chevron Defendants deny the allegations in Paragraph 37 for lack of knowledge and information sufficient to form a belief as to their truth or falsity, except admit that the global combustion of coal, oil, and natural gas to meet the global demand for energy and support national security, economic prosperity, and public health, safety, and welfare results in greenhouse gas emissions, including CO_2 (as do other activities), that greenhouse gas emissions have increased over time, and that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change.

38. The Chevron Defendants deny the allegations in Paragraph 38 for lack of knowledge and information sufficient to form a belief as to their truth or falsity, and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

39. The Chevron Defendants deny the allegations in Paragraph 39 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

40. The Chevron Defendants deny the allegations in Paragraph 40 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

41. The Chevron Defendants deny the allegations in Paragraph 41, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

42. The Chevron Defendants deny the allegations in Paragraph 42, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations

concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

43. The Chevron Defendants deny the allegations in Paragraph 43, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

44. The Chevron Defendants deny the allegations in Paragraph 44 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

45. The Chevron Defendants deny the allegations in Paragraph 45, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

46. The Chevron Defendants deny the allegations in Paragraph 46 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

47. The Chevron Defendants deny the allegations in Paragraph 47, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

48. The Chevron Defendants deny the allegations in Paragraph 48, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

49. The Chevron Defendants deny the allegations in Paragraph 49 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

50. The Chevron Defendants deny the allegations in Paragraph 50 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

51. The Chevron Defendants deny the allegations in Paragraph 51 for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

52. The Chevron Defendants deny the allegations in Paragraph 52 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

53. The Chevron Defendants deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 53 and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

54. The Chevron Defendants deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 54 and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

55. The Chevron Defendants deny the allegations in Paragraph 55, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

56. The Chevron Defendants deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 56 and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

57. The Chevron Defendants deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 57 and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

58. The Chevron Defendants deny the allegations in Paragraph 58, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

59. The Chevron Defendants deny the allegations in Paragraph 59, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

60. The Chevron Defendants deny the allegations in Paragraph 60 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

61. The Chevron Defendants deny the allegations in Paragraph 61 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

62. The Chevron Defendants deny the allegations in Paragraph 62 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

63. The Chevron Defendants deny the allegations in Paragraph 63 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

64. The Chevron Defendants deny the allegations in Paragraph 64 for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

65. The Chevron Defendants deny the allegations in Paragraph 65 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

66. The Chevron Defendants deny the allegations in Paragraph 66 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

67. The Chevron Defendants deny the allegations in Paragraph 67 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

68. The Chevron Defendants deny the allegations in Paragraph 68 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

69. The Chevron Defendants deny the allegations in Paragraph 69 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

70. The Chevron Defendants deny the allegations in Paragraph 70, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

71. The Chevron Defendants deny the allegations in Paragraph 71 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

72. The Chevron Defendants deny the allegations in Paragraph 72 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

73. The Chevron Defendants deny the allegations in Paragraph 73 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

74. The Chevron Defendants deny the allegations in Paragraph 74 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

75. The Chevron Defendants deny the allegations in Paragraph 75 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

76. The Chevron Defendants deny the allegations in Paragraph 76 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

77. The Chevron Defendants deny the allegations in Paragraph 77 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

78. The Chevron Defendants deny the allegations in Paragraph 78, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations

concerning other parties refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

79. The Chevron Defendants deny the allegations in Paragraph 79, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

80. The Chevron Defendants deny the allegations in Paragraph 80 for lack of knowledge and information sufficient to form a as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

81. The Chevron Defendants deny the allegations in Paragraph 81 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

82. The Chevron Defendants deny the allegations in Paragraph 82 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

83. The Chevron Defendants deny the allegations in Paragraph 83 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

84. The Chevron Defendants deny the allegations in Paragraph 84 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

85. The Chevron Defendants deny the allegations in Paragraph 85 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

86. The Chevron Defendants deny the allegations in Paragraph 86, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

87. The Chevron Defendants deny the allegations in Paragraph 87, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

88. The Chevron Defendants deny the allegations in Paragraph 88, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

89. The Chevron Defendants deny the allegations in Paragraph 89, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

90. The Chevron Defendants deny the allegations in Paragraph 90, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

91. The Chevron Defendants deny the allegations in Paragraph 91 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

92. The Chevron Defendants deny the allegations in Paragraph 92, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

93. The Chevron Defendants deny the allegations in Paragraph 93, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

94. The Chevron Defendants deny the allegations in Paragraph 94, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

95. The Chevron Defendants deny the allegations in Paragraph 95 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

96. The Chevron Defendants deny the allegations in Paragraph 96 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

97. The Chevron Defendants deny the allegations in Paragraph 97 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

98. The Chevron Defendants deny the allegations in Paragraph 98 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

99. The Chevron Defendants deny the allegations in Paragraph 99 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

100. The Chevron Defendants deny the allegations in Paragraph 100 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

101. The Chevron Defendants deny the allegations in Paragraph 101 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

102. The Chevron Defendants deny the allegations in Paragraph 102 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

103. The Chevron Defendants deny the allegations in Paragraph 103 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

104. The Chevron Defendants deny the allegations in Paragraph 104 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

105. The Chevron Defendants deny the allegations in Paragraph 105 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

106. The Chevron Defendants deny the allegations in Paragraph 106, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the

allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

107. The Chevron Defendants deny the allegations in Paragraph 107, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

108. The Chevron Defendants deny the allegations in Paragraph 108, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

109. The Chevron Defendants deny the allegations in Paragraph 109, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

110. The Chevron Defendants deny the allegations in Paragraph 110, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

111. The Chevron Defendants deny the allegations in Paragraph 111 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

112. The Chevron Defendants deny the allegations in Paragraph 112, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the

allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

113. The Chevron Defendants deny the allegations in Paragraph 113, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

114. The Chevron Defendants deny the allegations in Paragraph 114, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

115. The Chevron Defendants deny the allegations in Paragraph 115 for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

116. The Chevron Defendants deny the allegations in Paragraph 116, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

117. The Chevron Defendants deny the allegations in Paragraph 117, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

118. The Chevron Defendants deny the allegations in Paragraph 118, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

119. The Chevron Defendants deny the allegations in Paragraph 119 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

120. The Chevron Defendants deny the allegations in Paragraph 120, except admit that in 1974, Chevron Research & Technology Co. received a patent relating to arctic offshore platforms, and refer the Court to the patent for its full and complete contents.

121. The Chevron Defendants deny the allegations in Paragraph 121, except admit that in 1974, Texaco Inc. received a patent relating to arctic offshore platforms, and refer the Court to the patent for its full and complete contents.

122. The Chevron Defendants deny the allegations in Paragraph 122 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

123. The Chevron Defendants deny the allegations in Paragraph 123 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

124. The Chevron Defendants deny the allegations in Paragraph 124 for lack of knowledge and information sufficient to form a belief as to their truth or falsity, except admit that the global combustion of coal, oil, and natural gas to meet the global demand for energy and support national security, economic prosperity, and public health, safety, and welfare results in greenhouse gas emissions, including CO_2 (as do other activities), that greenhouse gas emissions have increased over time, and that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change.

125. The Chevron Defendants deny the allegations in Paragraph 125 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

126. The Chevron Defendants deny the allegations in Paragraph 126, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and admit that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change and that greenhouse gas emissions have increased over time.

127. The Chevron Defendants deny the allegations in Paragraph 127, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

128. The Chevron Defendants deny the allegations in Paragraph 128, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

129. The Chevron Defendants deny the allegations in Paragraph 129, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

130. The Chevron Defendants deny the allegations in Paragraph 130, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

131. The Chevron Defendants deny the allegations in Paragraph 131 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

132. The Chevron Defendants deny the allegations in Paragraph 132 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

133. The Chevron Defendants deny the allegations in Paragraph 133 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

134. The Chevron Defendants deny the allegations in Paragraph 134 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

135. The Chevron Defendants deny the allegations in Paragraph 135, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

136. The Chevron Defendants deny the allegations in Paragraph 136, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

137. The Chevron Defendants deny the allegations in Paragraph 137, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

138. The Chevron Defendants deny the allegations in Paragraph 138, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

139. The allegations in Paragraph 139 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

140. The allegations in Paragraph 140 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

141. The allegations in Paragraph 141 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

142. The Chevron Defendants deny the allegations in Paragraph 142, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

143. The Chevron Defendants deny the allegations in Paragraph 143, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

144. The Chevron Defendants deny the allegations in Paragraph 144 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

145. The Chevron Defendants deny the allegations in Paragraph 145 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

146. The Chevron Defendants deny the allegations in Paragraph 146 for lack of knowledge and information sufficient to form a belief as to their truth or falsity and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

147. The Chevron Defendants deny the allegations in Paragraph 147, except admit that Chevron Corporation issued an investor presentation in February 2019, and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

148. The allegations in Paragraph 148 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

149. The allegations in Paragraph 149 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

150. The allegations in Paragraph 150 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or

falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

151. The Chevron Defendants deny the allegations in Paragraph 151 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

152. The allegations in Paragraph 152 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties and refer the Court to the sources referenced by Plaintiffs for their full and complete contents.

153. The allegations in Paragraph 153 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny for lack of knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

154. The allegations in Paragraph 154 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

155. The Chevron Defendants repeat and incorporate by reference their responses to each of the preceding paragraphs in response to the allegations in Paragraph 155.

156. The allegations in Paragraph 156 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

157. The allegations in Paragraph 157 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

158. The allegations in Paragraph 158 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

159. The allegations in Paragraph 159 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

160. The allegations in Paragraph 160 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

161. The allegations in Paragraph 161 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

162. The allegations in Paragraph 162 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

163. The allegations in Paragraph 163 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations.

164. The allegations in Paragraph 164 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny that Plaintiffs are entitled to any relief.

165. Defendants repeat and incorporate by reference their responses to each of the preceding paragraphs in response to the allegations in Paragraph 165.

166. The Chevron Defendants deny the allegations in Paragraph 166 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

167. The allegations in Paragraph 167 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

168. The allegations in Paragraph 168 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

169. The allegations in Paragraph 169 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

170. The allegations in Paragraph 170 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

171. The allegations in Paragraph 171 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

172. The allegations in Paragraph 172 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

173. The allegations in Paragraph 173 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny that Plaintiffs are entitled to any relief.

174. Defendants repeat and incorporate by reference their responses to each of the preceding paragraphs in response to the allegations in Paragraph 174.

175. The allegations in Paragraph 175 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

176. The Chevron Defendants deny the allegations in Paragraph 176, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties, and admit they are engaged in the business of extracting and/or selling oil and gas.

177. The allegations in Paragraph 177 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the

allegations, except admit that the global combustion of coal, oil, and natural gas to meet the global demand for energy and support national security, economic prosperity, and public health, safety, and welfare results in greenhouse gas emissions, including CO_2 (as do other activities), that greenhouse gas emissions have increased over time, and that greenhouse gas emissions contribute to the geophysical changes collectively known as climate change.

178. The allegations in Paragraph 178 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

179. The allegations in Paragraph 179 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

180. The allegations in Paragraph 180 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

181. The allegations in Paragraph 181 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

182. The allegations in Paragraph 182 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the

allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

183. The allegations in Paragraph 183 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

184. The allegations in Paragraph 184 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

185. The allegations in Paragraph 185 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

186. The allegations in Paragraph 186 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny that Plaintiffs are entitled to any relief.

187. Defendants repeat and incorporate by reference their responses to each of the preceding paragraphs in response to the allegations in Paragraph 187.

188. The allegations in Paragraph 188 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

189. The allegations in Paragraph 189 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

190. The allegations in Paragraph 190 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

191. The allegations in Paragraph 191 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

192. The allegations in Paragraph 192 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

193. The allegations in Paragraph 193 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

194. The allegations in Paragraph 194 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the

allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

195. The allegations in Paragraph 195 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

196. The allegations in Paragraph 196 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny knowledge and information sufficient to form a belief as to their truth or falsity.

197. The allegations in Paragraph 197 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

198. The allegations in Paragraph 198 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny that Plaintiffs are entitled to any relief.

199. Defendants repeat and incorporate by reference their responses to each of the preceding paragraphs in response to the allegations in Paragraph 199.

200. The Chevron Defendants deny the allegations in Paragraph 200 for lack of knowledge and information sufficient to form a belief as to their truth or falsity.

201. The allegations in Paragraph 201 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the

allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

202. The allegations in Paragraph 202 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

203. The allegations in Paragraph 203 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

204. The allegations in Paragraph 204 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

205. The allegations in Paragraph 205 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny knowledge and information sufficient to form a belief as to their truth or falsity.

206. The allegations in Paragraph 206 contain legal arguments and conclusions to which no response is required; to the extent a response is required, the Chevron Defendants deny the allegations, except deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations concerning other parties.

207. In answer to the Prayer for Relief, the Chevron Defendants deny each and every allegation in the Prayer and further and specifically deny that Plaintiffs are entitled to any relief

described or to any remedy whatsoever against the Chevron Defendants. All allegations of the Complaint not heretofore admitted or denied are here and now denied as though specifically denied herein.

PRAYER FOR RELIEF

WHEREFORE, the Chevron Defendants respectfully request that judgment be entered in their favor and against Plaintiffs dismissing the Complaint with prejudice, with costs, disbursements, and attorneys' fees to the Chevron Defendants, and such other legal and equitable relief as the Court may deem just and proper.

DATED: Honolulu, Hawai'i, September 12, 2022.

/s/ Melvyn M. Miyagi
MELVYN M. MIYAGI
ROSS T. SHINYAMA
SUMMER M. KAIAWE
WATANABE ING LLP

THEODORE J. BOUTROUS, JR. (*pro hac vice*)
ANDREA E. NEUMAN (*pro hac vice*)
JOSHUA D. DICK (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP

ERICA W. HARRIS (*pro hac vice*)
SUSMAN GODFREY LLP

Attorneys for Defendants Chevron Corporation and Chevron U.S.A., Inc.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU, AND HONOLULU BOARD OF WATER SUPPLY, Plaintiffs, vs. SUNOCO LP; ALOHA PETROLEUM, LTD.; ALOHA PETROLEUM LLC; EXXON MOBIL CORP.; EXXONMOBIL OIL CORPORATION; ROYAL DUTCH SHELL PLC; SHELL OIL COMPANY; SHELL OIL PRODUCTS COMPANY LLC; CHEVRON CORP; CHEVRON USA INC.; BHP GROUP LIMITED; BHP GROUP PLC; BHP HAWAII INC.; BP PLC; BP AMERICA INC.; MARATHON PETROLEUM CORP.; CONOCOPHILLIPS; CONOCOPHILLIPS COMPANY; PHILLIPS 66; PHILLIPS 66 COMPANY; AND DOES 1 through 100, inclusive, Defendants.	CIVIL NO. 1CCV-20-0000380 (LWC) (Other Non-Vehicle Tort) **CERTIFICATE OF SERVICE**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date a copy of the foregoing document was duly served electronically through JIMS/JEFS and a copy sent via email to the following parties at their last known addresses:

DANA M.O. VIOLA, ESQ.
Corporation Counsel Designate
ROBERT M. KOHN robert.kohn@honolulu.gov
NICOLETTE WINTER nwinter@honolulu.gov
JEFF A. LAU jlau3@honolulu.gov
Deputies Corporation Counsel
Department of Corporation Counsel
Honolulu Hale, Room 110
530 South King Street
Honolulu, Hi 96813

VICTOR M. SHER (*pro hac vice*) vic@sheredling.com
MATTHEW K. EDLING *(pro hac vice)* matt@sheredling.com
TIMOTHY R. SLOANE *(pro hac vice)* tim@sheredling.com
STEPHANIE D. BIEHL *(pro hac vice)* stephanie@sheredling.com
CORRIE J. YACKULIC *(pro hac vice)* corrie@sheredling.com
ADAM M. SHAPIRO *(pro hac vice)* adam@sheredling.com
Sher Edling LLP
100 Montgomery St. Suite 1410
San Francisco, CA 94104

Attorneys for Plaintiffs
CITY AND COUNTY OF HONOLULU and
HONOLULU BOARD OF WATER SUPPLY

JOACHIM P. COX jcox@cfhawaii.com
RANDALL C. WHATTOFF rwhattoff@cfhawaii.com
Cox Fricke LLP
800 Bethel Street, Suite 600
Honolulu, HI 96813

DAVID C. FREDERICK *(pro hac vice)* frederick@kelloghansen.com
DANIEL S. SEVERSON *(pro hac vice)* dseverson@kelloghansen.com
JAMES M. WEBSTER, III *(pro hac vice)* jwebster@kelloghansen.com
Kellogg Hansen Todd Figel & Frederick PLLC
1615 M Street, N.W., Suite 400
Washington, D.C. 20036

Attorneys for Defendants
SHELL PLC (f/k/a ROYAL DUTCH SHELL PLC),
SHELL USA, inc. (f/k/a SHELL OIL COMPANY),
and SHELL OIL PRODUCTS COMPANY LLC

MARGERY S. BRONSTER mbronster@bfrhawaii.com
LANSON K. KUPAU lkupau@bfrhawaii.com
KELLY A. HIGA BROWN khiga@bfrhawaii.com
Bronster Fujichaku Robbins
1003 Bishop Street, Suite 2300
Honolulu, HI 96813

VICTOR L. HOU *(pro hac vice)* vhou@cgsh.com
BOAZ S. MORAG *(pro hac vice)* bmorag@cgsh.com
Cleary Gottlieb Steen & Hamilton LLP
One Liberty Plaza
New York, NY 10006

Attorneys for Defendants
WOODSIDE ENERGY HAWAII INC.
(f/k/a BHP HAWAII INC.)

CRYSTAL K. ROSE crose@legalhawaii.com
ADRIAN L. LAVARIAS alavarias@legalhawaii.com
SHARON PARIS sparis@legalhawaii.com
Lung Rose Voss & Wagnild
Topa Financial Center
700 Bishop St., Suite 900
Honolulu, HI 96813

JAMESON R. JONES *(pro hac vice)* jameson.jones@bartlitbeck.com
DANIEL R. BRODY *(pro hac vice)* dan.brody@bartlitbeck.com
Bartlit Beck LLP
1801 Wewatta St., Suite 1200
Denver, Colorado 80202

STEVEN M. BAUER *(pro hac vice)* steven.bauer@lw.com
MARGERT A. TOUGH *(pro hac vice)* margaret.tough@lw.com
KATHERINE A. ROUSE *(pro hac vice)* Katherine.Rouse@lw.com
Latham & Watkins LLP
505 Montgomery St., Suite 2000
San Francisco, CA 94111-6538

Attorneys for Defendants
CONOCOPHILLIPS and CONOCOPHILLIPS COMPANY

CRYSTAL K. ROSE crose@legalhawaii.com
ADRIAN L. LAVARIAS alavarias@legalhawaii.com
SHARON PARIS sparis@legalhawaii.com
Lung Rose Voss & Wagnild
Topa Financial Center
700 Bishop St., Suite 900
Honolulu, HI 96813

STEVEN M. BAUER *(pro hac vice)* steven.bauer@lw.com
MARGERT A. TOUGH *(pro hac vice)* margaret.tough@lw.com
KATHERINE A. ROUSE *(pro hac vice)* Katherine.Rouse@lw.com
Latham & Watkins LLP
505 Montgomery St., Suite 2000
San Francisco, CA 94111-6538

Attorneys for Defendants
PHILLIPS 66 and PHILLIPS 66 COMPANY

C. MICHAEL HEIHRE mheihre@cades.com
MICHI MOMOSE mmomose@cades.com
Cades Schutte LLP
Cades Schutte Building
1000 Bishop Street 12th Floor
Honolulu, HI 96813

J. SCOTT JANOE *(pro hac vice)* scott.janoe@bakerbotts.com
Baker Botts LLP
910 Louisiana Street
Houston, Texas 7702-4995

MEGAN BERGE *(pro hac vice)* megan.berge@bakerbotts.com
STERLING MARCHAND *(pro hac vice)* sterling.marchand@bakerbotts.com
Baker Botts LLP
700 K Street, N.W.
Washington, DC 20001-5692

Attorneys for Defendants
SUNOCO LP, ALOHA PETROLEUM, LTD.
and ALOHA PETROLEUM LLC

LISA A. BAIL lbail@goodsill.com
DAVID J. HOFTIEZER dhoftiezer@goodsill.com
Goodsill Anderson Quinn & Stifel LLP
First Hawaiian Center
999 Bishop St., Suite 1600
Honolulu, HI 96813

JONATHAN W. HUGHES *(pro hac vice)* jonathan.hughes@arnoldporter.com
Arnold & Porter
Three Embarcadero Center, Seventh Floor
San Francisco, CA 94111-4024

MATTHEW T. HEARTNEY *(pro hac vice)* matthew.heartney@arnoldporter.com
JOHN D. LOMBARDO *(pro hac vice)* john.lombardo@arnoldporter.com
Arnold & Porter
44TH Floor, 777 South Figueroa Street
Los Angeles, CA 90017

Attorneys for Defendants
BP P.L.C. and BP AMERICA INC.

PAUL ALSTON paul.alston@dentons.com
JOHN-ANDERSON L. MEYER john-anderson.meyer@dentons.com
CLAIRE WONG BLACK claire.black@dentons.com
GLENN T. MELCHINGER glenn.melchinger@dentons.com
Dentons US LLP
1001 Bishop Street, 18th Floor
Honolulu, HI 96813

THEODORE V. WELLS, JR. *(pro hac vice)* twells@paulweiss.com
DANIEL J. TOAL *(pro hac vice)* dtoal@paulweiss.com
YAHONNES CLEARY *(pro hac vice)* ycleary@paulweiss.com
Paul, Weiss, Rifkind Wharton & Garrison LLP
1285 Avenue of the Americas
New York NY 10019

Attorneys for Defendants
EXXON MOBIL CORPORATION and
EXXONMOBIL OIL CORPORATION

TED N. PETTIT tnp@caselombardi.com
ELAINE T. CHOW etc@caselombardi.com
Case Lombardi & Pettit
737 Bishop Street Suite 2600
Honolulu, HI 96813

SHANNON S. BROOME *(pro hac vice)* sbroome@HuntonAK.com
Hunton Andrews Kurth LLP
50 California Street, Suite 1700
San Francisco, CA 94111

SHAWN PATRICK REGAN *(pro hac vice)* sregan@HuntonAK.com
Hunton Andrews Kurth LLP
200 Park Avenue
New York, NY 10166

ANN MARIE MORTIMER *(pro hac vice)* amortimer@HuntonAK.com
Hunton Andrews Kurth LLP
550 South Hope Street, Suite 2000
Los Angeles, CA 90071

Attorneys for Defendant
MARATHON PETROLEUM CORP.

DATED: Honolulu, Hawaii, September 12, 2022.

/s/ Melvyn M. Miyagi
MELVYN M. MIYAGI
ROSS T. SHINYAMA
SUMMER M. KAIAWE
WATANABE ING LLP

THEODORE J. BOUTROUS, JR. (*pro hac vice*)
ANDREA E. NEUMAN (*pro hac vice*)
JOSHUA D. DICK (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP

ERICA W. HARRIS (*pro hac vice*)
SUSMAN GODFREY LLP

Attorneys for Defendants Chevron Corporation and Chevron U.S.A., Inc.