

No. 20-

IN THE
Supreme Court of the United States

CHEVRON CORPORATION, *et al.*,
Petitioners,

v.

CITY OF OAKLAND, *et al.*,
Respondents.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit**

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Two coastal California cities brought this case in state court, seeking to hold five energy companies liable for an alleged state law “public nuisance”—global climate change—based on their production and sale of fossil fuels. The cities say this case is “about shifting the costs of abating sea level rise . . . back on to the companies.” To date, over twenty state and local governments have brought similar cases in state courts across the country, each seeking to apply its own State’s law to conduct in the other States and abroad. The energy companies removed this case to federal court, asserting that federal common law governs tort claims based on interstate or international pollution. The district court upheld removal, holding that such claims arise exclusively under federal law. After the cities amended their complaints to add federal claims, the court dismissed the case for failure to state a claim. But the Ninth Circuit held that removal was improper under the well-pleaded complaint rule because the claims were labeled as state-law claims, and the cities’ amended complaints adding federal claims did not cure that defect.

The questions presented are:

I. Whether putative state-law tort claims alleging harm from global climate change are removable because they arise under federal law.

II. Whether a plaintiff is barred from challenging removal on appeal after curing any jurisdictional defect and litigating the case to final judgment in the district court.

(i)

**PARTIES TO THE PROCEEDING
AND RULE 29.6 STATEMENT**

Petitioners are Chevron Corporation, BP p.l.c., ConocoPhillips, Exxon Mobil Corporation, and Royal Dutch Shell plc. No petitioner has a parent corporation, and no publicly held corporation owns 10% or more of any petitioner's stock.

Respondents are the City of Oakland, a Municipal Corporation, and the People of the State of California, acting by and through the Oakland City Attorney; and the City and County of San Francisco, a Municipal Corporation, and the People of the State of California, acting by and through the San Francisco City Attorney Dennis J. Herrera.

RULE 14.1(b)(iii) STATEMENT

This case directly relates to these proceedings:

People of the State of California v. BP, P.L.C., No. CGC17561370, San Francisco County Superior Court (removed October 20, 2017);

People of the State of California v. BP, P.L.C., No. RG17875889, Alameda County Superior Court (removed October 20, 2017);

City of Oakland v. BP P.L.C., No. C 17-06011 WHA, U.S. District Court for the Northern District of California (judgment entered July 27, 2018);

City and County of San Francisco v. BP P.L.C., No. C 17-06012 WHA, U.S. District Court for the Northern District of California (judgment entered July 27, 2018); and

City of Oakland v. BP P.L.C., No. 18-16663, U.S. Court of Appeals for the Ninth Circuit (judgment entered May 26, 2020; opinion amended and rehearing denied August 12, 2020).

No other proceedings in state or federal trial or appellate courts, or in this Court, directly relate to this case.

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