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<https://www.wsj.com/articles/oil-companies-seek-to-dismiss-new-york-citys-climate-change-lawsuit-1528924739>

NEW YORK

# Oil Companies Seek to Dismiss New York City's Climate-Change Lawsuit

Oil firms argue that questions raised are for Congress and regulators, not court in New York



Oil companies are seeking dismissal of a climate-change lawsuit by New York City. PHOTO: MARK LENNIHAN/ASSOCIATED PRESS

By *Gerald Porter Jr.*

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Lawyers for five major oil companies asked a federal judge Wednesday to dismiss a lawsuit filed by New York City, arguing they shouldn't be held responsible for damages the city says are caused by climate change.

In January, the administration of Mayor Bill de Blasio, a Democrat, sued five companies—Chevron Corp., BP PLC, ConocoPhillips, Royal Dutch Shell PLC, and Exxon Mobil Corp.—arguing they knowingly produced fossil fuels that hurt the environment and misled the public about potential risks.

In the lawsuit, the city isn't asking the companies to change their behavior. Instead, it is seeking billions of dollars in damages it says it needs to protect New York City residents from rising sea levels, erosion and other conditions it says are caused by climate change.

In Manhattan federal court on Wednesday, Chevron attorney Theodore Bourtous Jr. said the companies did nothing illegal. He said questions raised by the lawsuit are ones for Congress and regulators, not a judge in New York.

"These cases don't belong in court," Mr. Bourtous said.

ConocoPhillips lawyer John Savarese said it is impossible to prove oil companies are the only cause of climate change. While the companies produce fossil fuels, he said, they don't control how millions of people and businesses use their products.

Matthew Pawa, a lawyer for New York City, said the lawsuit isn't about fossil-fuel emissions dating back to the dawn of the Industrial Era. Rather, he said, the companies produced and sold a product they knew would hurt the environment, including coastal cities like New York.

"They knowingly caused harm," he added.

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Judge John Keenan asked Mr. Pawa whether pinning responsibility for fossil fuels' negative environmental consequences would require "complex policy and foreign-policy judgments." Judge Keenan also asked if New York City uses fossil fuels. He then asked, "Doesn't the city invest in some of these companies?"

Mr. Pawa opted out of responding to the questions. In January, Mayor de Blasio and city Comptroller Scott Stringer, also a Democrat, said they would seek to divest city pension funds from fossil-fuel companies within five years.

Judge Keenan didn't say when he would rule on the matter.

**Write to** Gerald Porter Jr. at [gerald.porter@wsj.com](mailto:gerald.porter@wsj.com)

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