

SUPREME COURT

Trump admin aligns with Big Oil in climate fight

Jennifer Hijazi, E&E News reporter

Published: Wednesday, November 25, 2020

The federal government this week threw its weight behind oil companies fighting to end a major legal battle over climate liability.

Energy trade groups, legal organizations and the Trump administration filed a flurry of Supreme Court briefs in support of fossil fuel firms embroiled in a highly technical dispute that could pack a punch for a slew of climate damages cases across the country.

Government attorneys asked the high court to rule in favor of BP PLC, Exxon Mobil Corp. and other companies that say a climate lawsuit filed by Baltimore officials should be fully reexamined by a federal appeals court and moved to a federal venue, where it may face a greater chance of dismissal.

"In cases like this one, where defendants have advanced multiple plausible grounds for removal and the court of appeals plainly has jurisdiction over a remand order, there is no reason to blinker the court's field of view," the Justice Department [wrote](#) in its friend of the court brief.

The question before the Supreme Court is narrow: The justices have been asked to determine whether federal appeals court judges can review an entire district court order remanding Baltimore's climate case to the state bench where it was originally filed, instead of focusing their analysis solely on claims involving federal officers.

Remand orders are generally not eligible for appeal, except in cases of federal officer involvement.

Federal appeals courts have largely kept climate cases like Baltimore's in state courts after finding that federal officer jurisdiction did not arise in the disputes, which seek industry compensation for flooding, wildfires and other climate impacts.

Local and state governments argue that the lawsuits are grounded in state law barring misinformation and corporate fraud.

Attorneys for the oil firms last week asked the Supreme Court to affirm federal jurisdiction over cases related to greenhouse gas emissions — a decision that could upend a host of climate lawsuits in California, Rhode Island and other places ([Climatewire](#), Nov. 17).

"The Court should ... take the opportunity to avoid years of potentially protracted, expensive state litigation designed to achieve federal extrajudicial purposes," lawyers for the National Association of Manufacturers wrote in a friend of the court [brief](#) this week.

"It would be a waste of judicial resources for Plaintiffs to start discovery or have a state trial when a full evaluation of their legal claims would dictate that their lawsuits belong in federal courts."

Twitter: [@JenHijaz](#) | Email: jhijazi@eenews.net

Advertisement

The essential news for energy & environment professionals

© 1996-2020 Environment & Energy Publishing, LLC [Privacy and Data Practices Policy](#) [Site Map](#) [Contact Us](#)
