Manufacturers' Accountability Project

Manufacturers' Center for Legal Action

Beyond the Courtroom: Climate Liability Litigation in the United States

Climate liability litigation stems from a campaign that is nearly 20 years old, with a new wave of lawsuits against energy manufacturers hitting America's courtrooms since 2017. As of this writing, there are fourteen municipalities, one state and one crab fishermen's association that have filed cases, with more entities likely to file additional lawsuits. This report, titled "Beyond the Courtroom: Climate Liability Litigation in the United States," examines how climate liability litigation began in the United States and the multifaceted operation that continues to generate and support these lawsuits.

The United States Supreme Court effectively ended the first wave of climate liability lawsuits against the energy industry in the 2011 case *American Electric Power (AEP) v. Connecticut*. Several states had sued utilities, seeking to blame them for global climate change and asking the court to impose restrictions on their greenhouse gas emissions. In a unanimous ruling authored by Justice Ginsburg, the Supreme Court rejected this litigation, stating that Congress and federal agencies are "better equipped" than judges to address climate change. Soon thereafter, the two climate change lawsuits that were still pending were dismissed.

In 2012, environmentalists and lawyers convened in La Jolla, California to come up with new ideas for suing the energy industry over climate change. The fundamentals of the litigation remain the same, but they have tried in several ways to distinguish these lawsuits from *AEP*. For example, the plaintiffs sued energy manufacturers instead of utilities, filed their lawsuits under state (not federal) tort law, and told judges that they were not trying to stop manufacturers from promoting, producing or selling their energy products. Instead, they claim these lawsuits are only about making energy companies pay for impacts of climate change.

To date, courts have found that these are differences without legal distinctions, and that selling, just like using, energy does not make one liable for global climate change. In fact, none of the lawsuits has been successful, as three recent cases already have been dismissed by district courts. As one federal judgeobserved, "would it really be fair to now ignore our own responsibility in the use of fossil fuels and place the blame for global warming on those who supplied what we demanded?"[1]

Courts have also appreciated that litigation will not solve climate change, echoing the U.S. Supreme Court's view in *AEP* that national energy policy is best made in the other branches of government.[2] Innovation and collaboration, not litigation, are the proven ways America has brought about the society-wide technological advancements needed to significantly mitigate the causes and impacts of global climate change.

So, given these realities, why are environmentalists, local governments, and private law firms still investing their time and resources into these lawsuits?

"Beyond the Courtroom" offers some explanations by looking into the politics and financial motivations behind climate change litigation. It explores how the litigation campaign has grown into a well-funded and well-organized group of non-profits and law firms, many of which stand to benefit from protracted fundraising campaigns even if they ultimately lose the lawsuits. All the while, they try to leverage their ability to recruit plaintiffs to file these lawsuits in their effort to drive national energy policy and a potential settlement, even if their claims have no legal merit.

Chapter One:

Climate Liability Litigation's Long Campaign Marked by Few Successes

For two decades, plaintiffs' lawyers and environmental groups have sought to join forces with public officials to sue America's energy manufacturers over global climate change. Climate liability litigation has attracted an array of plaintiffs from small and big municipalities to crab fishermen to the State of Rhode Island. The lawsuits all ask courts to make energy manufacturers pay for impacts of global climate change by blaming them for selling products that contribute to climate change.

> "Climate liability litigation has attracted an array of plaintiffs from small and big municipalities to crab fishermen to the State of Rhode Island."

The environmentalists have said that these lawsuits represent their frustration that policymakers in Washington D.C. are not doing enough on climate change. They see litigation as a political tactic that could penalize energy production and use, leading to huge increases in energy costs around the country—what they call the "true cost" of fuels.[3] The towns and lawyers have said that this litigation is solely about money. The towns want funding for local projects, and their lawyers are working on a contingency fee basis, which means they aren't paid if they don't win.

The dream of a payday they believe can be in the tens or even hundreds of millions of dollars and the ability to currently tap into millions of dollars of environmental activist funding makes even the slimmest chance at that payday worth their while.

Chapter One of this report looks at the origins of these lawsuits, as well as the involvement of the key lawyers, non-profits and activists behind this twenty-year long campaign.

Climate Litigation's Origins

The first group to articulate the legal strategy for suing companies in the energy industry for contributing to climate change was the now-disbanded Global Warming Legal Action Project (GWLAP). Founded in 2001 by environmental attorney Matt Pawa as a special project for the Civil Society Institute (CSI), GWLAP had four goals: [4]

1. "Develop and apply a tort law approach to global warming that will require major greenhouse gas emitters and fossil fuel companies to internalize the costs of their contributions to global warming;"
2. "Serve as a forum for sharing strategy and ideas with attorneys nationwide and worldwide who are seeking to use legal action to promote progress on reducing global warming;"
3. "Educate members of the bar and the public regarding industry's potential liability for global warming injuries by participating in legal symposia, publication of articles and similar activities; and"
4. "Undertake such additional legal work that will further CSI's mission of combating global warming and promoting clean energy solutions."

Matt Pawa worked through his law firm at the time, Pawa Law Group P.C., to mount the project's cases against companies in the energy industry.[5] In 2004, GWLAP joined the attorneys general of California, Connecticut, Iowa, New Jersey, New York, Rhode Island, Vermont, Wisconsin and New York City to file an initial tort case against the American Electric Power Company (AEP) and five other electric utility companies.[6] It was the first climate change case resting on the theory of public nuisance—a claim that argues that the public (as opposed to any number of individuals) suffered a harm as a result of an unreasonable activity that interferes with a public right.[7] The lawsuit asserted that this public nuisance was caused in part by the greenhouse gas (GHG) emissions of the utilities named in the lawsuit and that a court should remedy the situation by imposing judicially-created limits on the utilities' emissions.

The case, generally known as *AEP v. Connecticut*, eventually went to the U.S. Supreme Court, which issued a unanimous decision in favor of the utilities. In 2011, the Court, in an opinion authored by Justice Ginsburg, explained that responsibility for addressing climate change should rest with Congress and federal agencies, and that there was no room for a "parallel track" of public nuisance litigation under the federal common law theory at issue. Despite this repudiation from the Supreme Court, GWLAP and Pawa did not end their pursuit to make the energy industry liable for climate change.

AEP v. Connecticut was one of four climate change public nuisance cases filed at that time. GWLAP's website claims involvement in one of these other cases—*Native Village of Kivalina v. ExxonMobil Corp.*[8] —a case filed in 2008 that targeted a few dozen oil, gas and

other energy manufacturers. GWLAP does not appear on any of the court documents. Matt Pawa and Pawa Law Group P.C. are listed as counsel for the plaintiffs.[9]

In this case, the Native Village of Kivalinaand the City of Kivalina, both located in the state of Alaska, relied on a variation of the public nuisance theory put forth in *AEP v. Connecticut*. According to the plaintiffs, energy manufacturers and their products' GHG emissions had contributed to global warming and, therefore, should be responsible for the impacts of climate change on their communities, namely the melting of the ice barrier that had protected the city and village from storms and erosion. The plaintiffs argued that Kivalina's inhabitants had to move their communities to a different part of the state to avoid erosion into the Arctic Ocean and that these companies should pay the hundreds of millions of dollars necessary for this relocation.[10]

Pawa's attempt to use a public nuisance argument against energy manufacturers in *Kivalina* was rejected. First, Senior District Judge Saundra Brown Armstrong of the Northern District of California granted the energy manufacturers' motion to dismiss the case. According to Judge Armstrong, responsibility for climate change involved a political, not a judicial, question, making it improper to adjudicate in a court of law. She also found that the plaintiffs lacked standing to "pursue their global warming claims under a nuisance theory on the ground that their injury is not 'fairly traceable' to the conduct of the Defendants."[11]

Pawa's appeal to the Ninth Circuit similarly failed when a three-judge panel unanimously upheld Judge Armstrong's opinion.[12] The court concluded, "If a federal common law cause of action has been extinguished by Congressional displacement, it would be incongruous to allow it to be revived in another form." The U.S. Supreme Court declined to hear the case when appealed in 2013.[13]

GWLAP eventually disbanded. Financial records indicate that it stopped receiving contributions in 2016. The following year, Hagens Berman Sobol Shapiro acquired Matt Pawa's law firm in order to "double down" on its environmental law practice.[14]

Operating through a non-profit provided Pawa with the financial latitude to work on these highly speculative cases on a contingency fee basis, while preserving the potential for his law firm to profit from successful litigation. All told, GWLAP received at least half a million dollars from major philanthropies such as the Rockefeller Brothers Fund, Wallace Global Fund, Tides Foundation and Energy Foundation—organizations that would later be instrumental financial backers for other groups involved in climate liability litigation.[15]

Although GWLAP no longer exists, Pawa is still a prominent figure in the litigation. A key difference, though, is that more than a decade after his first climate-related lawsuit against the energy industry failed, Pawa faces more competition from other attorneys pursuing climate liability litigation.

Litigation from Multiple Angles: Well-Supported Non-Profits

GWLAP's dissolution created opportunities for other non-profit organizations to pursue climate liability litigation. Groups like the Niskanen Center, EarthRights International and the Conservation Law Foundation, all of which share similar funders and objectives, began working with other non-profits and private law firms to pursue climate change tort litigation— this time focusing solely on energy manufacturers.

NISKANEN CENTER

The Washington, DC-based Niskanen Center launched in 2015 as a libertarian think tank, but stopped identifying with libertarianism three years later.[16,17] Niskanen has received funding from philanthropies engaged in environmental advocacy such as the Hewlett Foundation and the Open Society Foundation.[18] Niskanen also received a $200,000 grant "for its climate program" in February 2018 from the Rockefeller Brothers Fund.[19]

"Operating through a non-profit provided Pawa with the financial latitude to work on these highly speculative cases on a contingency fee basis, while preserving the potential for his law firm to profit from successful litigation."

The grant from the Rockefeller Brothers Fund was well-timed. In April 2018, the Niskanen Center joined with EarthRights International and the Denver-based Hannon Law Firm as counsel for the City and County of Boulder and San Miguel County in Colorado in filing a public nuisance lawsuit against ExxonMobil and Suncor Energy, a Canadian oil producer. The lawsuit sought to blame these two companies for local climate change injuries and demanded that the two energy manufacturers pay for local infrastructure projects related to climate change. In an effort to validate the rationale for their claims, the Colorado communities alleged that these companies knew about the risks of burning fossil fuels and continued to produce and sell fossil fuels anyway.[20] This and the other climate change lawsuits also acknowledge that risks associated with climate change were widely studied and known, including by U.S. Government agencies such as NASA and international bodies.

The Niskanen Center's Chief Counsel, David Bookbinder, is one of the attorneys who will be representing the plaintiffs in the Colorado litigation.[21] Like Pawa, Bookbinder has a long history with climate liability lawsuits. The Sierra Club had been a plaintiff in *AEP v. Connecticut* when Bookbinder was the non-profit's Chief Climate Counsel. Also, in 2017, prior to his work on the Colorado case, Bookbinder wrote several articles discussing other climate liability lawsuits, including the lawsuits San Francisco and Oakland had brought against five oil and gas companies to pay for building sea walls and other infrastructure projects they said were needed to protect the cities from sea level rise. In September 2017, he wrote a blog post for the Niskanen Center that fleshed out details of the Oakland lawsuit, and in a December 2017 editorial for *Vox*, he said that he had "been consulting with lawyers working on the nuisance cases."[22,23]

EARTHRIGHTS INTERNATIONAL

EarthRights International (ERI) was founded in the 1990s by two lawyers and a human rights activist with the mission of prosecuting human rights abuses. The non-profit describes itself as specializing in "legal actions against perpetrators of earth rights abuses, training grassroots and community leaders, and advocacy campaigns."[24]

ERI is connected with wealthy philanthropies. Its board members include Kavita Ramdas, a trustee of the Rockefeller Brothers Fund, and Carroll Muffett, an activist who is president of the Center for International Environmental Law and a board member of the Climate Accountability Institute.[25,26]

ERI has received nearly $1 million from the William and Flora Hewlett Foundation since March 2016 and receives support from the Oak Foundation, a Swiss philanthropy that has committed $100 million to its climate justice initiative.[27,28]

To date, ERI's main involvement in climate liability litigation has been through the lawsuit brought by Boulder County, San Miguel County and the City of Boulder. It also attempted to convince Fort Lauderdale, Florida, to pursue a climate liability lawsuits against energy manufacturers.[29] ERI's General Counsel Marco Simons met with the Fort Lauderdale City Commission to pitch the municipality on bringing lawsuits against energy manufacturers to pay for climate change damages.[30] Simons also reportedly participated in closed-door meetings with city attorney Alain Boileau, scheduled by Seth Platt, a registered lobbyist for the Institute for Governance & Sustainable Development.[31,32] ERI was ultimately unsuccessful in its attempt to influence Fort Lauderdale to pursue litigation.

CONSERVATION LAW FOUNDATION

The Conservation Law Foundation (CLF) is an environmental advocacy non-profit based in Boston. CLF has focused on trying to generate climate change litigation in New England.

CLF pursued litigation over damages for climate change starting in 2016, which is earlier than some of the other non-profit organizations. That year, the organization brought a lawsuit against ExxonMobil for allegedly engaging in a campaign to discredit climate change, thereby endangering people and their communities.[33] However, at the core of the case was a complaint that the company hadn't sufficiently prepared an export terminal in Everett, Massachusetts for the effects of climate change.[34] Likewise, in 2017, CLF filed a similar lawsuit against Shell Oil Company, alleging that it had not complied with the Clean Water Act when building a fuel terminal in Providence, Rhode Island.[35]

In its litigation against ExxonMobil, CLF cited stories from InsideClimate News and the *Los Angeles Times* as evidence that ExxonMobil knew about climate change in the 1970s, yet did nothing to try and mitigate its effects. Focusing on this point, rather than the Everett facility proved to be a mistake. As indicated, climate change was a topic of wide discussion at that time, including by high-ranking U.S. government officials. U.S. District Court Judge Mark Wolf dismissed CLF's suit in part and ordered the group to file an amended complaint focusing on any "imminent" risks to the facility. Judge Wolf made clear that "plaintiff does not have standing for injuries that allegedly will result from rises in sea level, or increasing in the severity and frequency of storms and flooding, that will occur in the far future, such as in 2050 or 2100."[36] Once again, climate liability arguments fell short.

Private Law Firms Chase Profit in Climate Litigation

By 2016, GWLAP had all but disappeared, replaced by these three well-funded non-profits. None of these organizations, however, had gained a foothold in their lawsuits against energy manufacturers. At the same time, Matt Pawa continued pursuing litigation against these companies as a partner for the Seattle-based law firm Hagens Berman Sobol Shapiro.

Becoming a partner at Hagens Berman and co-chair of the firm's environmental practice was a natural fit for Pawa. Steve Berman, co-founder of Hagens Berman, had also been counsel in *Kivalina,* alongside Pawa.

Steve Berman built his law practice around class action and government contingency fee litigation. He represented Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont and Rhode Island on a contingency fee basis in suing the tobacco industry in the 1990s, which collectively resulted in a $206 billion settlement.[37] As Berman remarked in an interview with *Vice*, "Imagine if I could get ten or 15 cities to all sue and put the same pressure on the oil companies that we did with tobacco companies and create some kind of massive settlement."[38]

Berman's experience bringing government contingency fee litigation against tobacco companies may have made his practice even more appealing to Pawa, who had already started trying to create a connection between climate liability litigation and tobacco litigation. In 2012, Pawa presented at a meeting in La Jolla, California, where scholars and lawyers discussed how the federal Racketeer Influenced and Corrupt Organizations Act (RICO) had been used against the tobacco industry and might be used against energy manufacturers.[39] Pawa's presentation outlined how the litigation tactics that eventually brought tobacco companies to the settlement table could be used against energy manufacturers, regardless of the legal merits of the claims.

Four years after the La Jolla conference, Pawa presented about environmental litigation to attorneys general from New York, Vermont and Illinois alongside Sharon Eubanks, the leader of the U.S. Department of Justice's investigation of the tobacco industry under RICO.[40] This wasn't Pawa's only meeting seeking to recruit state attorney general allies. In February 2016, philanthropist Wendy Abrams contacted Illinois Attorney General Lisa Madigan's scheduler to set up a meeting for Pawa, Sharon Eubanks and Steve Berman.[41] Pawa and Berman made their collaboration public the next year with an evolved strategy to sue energy manufacturers, and it would soon be on display on the West Coast.

On September 20, 2017, the cities of San Francisco and Oakland filed separate climate liability lawsuits against BP, Chevron, ConocoPhillips, ExxonMobil and Shell. The lawsuits alleged that these five companies' products caused the public nuisance of global climate change and sought to make them pay for seawalls and other infrastructure projects to guard against rising sea levels.[42] The

two cities hired Hagens Berman, specifically Pawa and Berman, to represent them on a contingency fee basis.[43] The arrangement stipulated that if Hagens Berman successfully obtained monetary damages from the energy manufacturers, the firm would be entitled to 23.5 percent of the cities' recovery.[44]

This wasn't the only contingency fee case in which Hagens Berman became engaged. In January 2018, Hagens Berman was hired by the City of New York in its case against the same five energy manufacturers on a contingency fee basis, though the amount of the contingency fee remains undisclosed.[45] Likewise, the firm also secured a 17 percent contingency fee with King County, Washington, to represent the municipality in its climate liability suit against energy producers filed in May 2018.[46] Reports have been written on their efforts to contact and recruit local public officials for this litigation.[47]

The Same Arguments Attract New and Varied Plaintiffs

The Oakland and San Francisco lawsuits were filed separately in state court but have now been consolidated in federal court. Federal District Judge William Alsup determined that the cases belonged in the federal judiciary, following requests from the defendants to move the cases to federal court. By order of Judge Alsup, on March 21, 2018, both sides presented in a first-of-its-kind science "tutorial" on the causes and impacts of climate change before the court.[48] During another hearing, on May 24, 2018, Judge Alsup strongly pushed back against the cities' argument that fossil fuels are a public nuisance saying, "If we didn't have fossil fuels, we would have lost [World War II] and every other war. Planes wouldn't fly. Trains wouldn't run. And we'd be back in the Stone Age."[49]

Fifteen attorneys general, including those from Colorado, Texas, Kansas and Oklahoma, supported the motion to dismiss the case through an amicus brief, which argued that "Plaintiffs are attempting to export their preferred environmental policies and their corresponding economic effects to other states. Allowing them to do so would be detrimental to state innovation and regional approaches that have prevailed through the political branches of government to date."[50]

> "The arrangement stipulated that if Hagens Berman successfully obtained monetary damages from the energy manufacturers, the firm would be entitled to 23.5 percent of the cities' recovery."

The U.S. Department of Justice also supported dismissal of the case, using similar arguments that had maintained that GHG regulation was within the purview of the executive and legislative branches, not the judiciary. As it wrote in its amicus brief,

> *"The Cities' theory of liability would grant virtually every individual, organization, company, or government who can allege injury from climate change a claim that could be leveled against a multiplicity of defendants…Each successive court would be required to make still more difficult predictive judgments in determining whether and to what extent each defendant should be deemed liable under general principles of nuisance law for some share of the injuries associated with global climate change…To decide this case would also intrude impermissibly on the function of the political branches to determine what level of greenhouse gas regulation is reasonable…Such a sensitive and central determination is appropriately vested in branches of the government which are periodically subject to electoral accountability."*[51]

On June 25, 2018, Judge Alsup ruled that regulating GHGs is beyond the scope of the judicial system.[52] In the dismissal, Judge Alsup accepted the science behind global warming but determined that the issue of climate change is one that can only be solved by executive and legislative action. One month later, on July 27, Judge Alsup dismissed the lawsuits for lack of personal jurisdiction, ruling that the cities failed to prove their alleged injuries would not have occurred if it were not for the energy companies' California-based operations.[53]

> "Plaintiffs are attempting to export their preferred environmental policies and their corresponding economic effects to other states. Allowing them to do so would be detrimental to state innovation and regional approaches that have prevailed through the political branches of government to date."

Pawa and Berman, though, were not the only lawyers to see opportunity in California. Hagens Berman's competitor, Sher Edling LLP, had pitched San Francisco on climate litigation in July 2017, and San Francisco and Oakland cut ties with Hagens Bergman and hired Sher Edling in November 2018 to file their appeal of Judge Alsup's ruling. The appeal was filed in the U.S. Ninth Circuit Court of Appeals on March 13, 2019.[54,55]

Sher Edling is led by Vic Sher, a well-known environmental lawyer. Between 1986 and 1997, Sher worked for the Sierra Club Legal Defense Fund (now known as Earthjustice), serving as president from 1994 to 1997.[56]

During this time, Sher also began strengthening his political and communications strategy to support litigation. In 1992, he was awarded a Pew Foundation Fellowship of $150,000 to help the Sierra Club Legal Defense Fund create new departments of political strategies and communications.[57] In 2003, Sher entered private practice, co-founding his own firms, Sher Leff LLP and, later, Vic Sher Law.[58]

In 2016, Sher founded a new private practice with Matt Edling, a lawyer who was previously a partner at Cotchett, Pitre & McCarthy, a San Francisco law firm with significant experience filing high-dollar class actions against accounting firms and banks.[59,60] This newly-minted law firm, Sher Edling, quickly began pitching counties and municipalities across California to take action against energy manufacturers.

In July 2017, the firm filed separate lawsuits for Marin and San Mateo Counties and the City of Imperial Beach against 37 of the major oil and gas producers, seeking to blame them for the impacts of climate change, alleging public nuisance, negligence, trespass and seeking undisclosed damages.[61] In the cases, the municipalities charge that the companies have created a public nuisance by producing and marketing a product that emits greenhouse gases when combusted.

In December 2017, Sher Edling filed a similar lawsuit on behalf of the County and City of Santa Cruz against 29 selected oil, gas and coal companies, seeking to make them pay for the impacts of climate change and reparations for natural disasters.[62] A few weeks later, Sher Edling also filed a lawsuit on behalf of the City of Richmond, California against the same 29 oil and gas companies with the complaint that extracting fossil fuels and promoting their use led to rising sea levels.[63] In July 2018, Sher Edling filed a similar lawsuit on behalf of Baltimore, alleging that 26 energy manufacturers "had violated Maryland laws, including its consumer protection laws."[64] Four months later, the Pacific Coast Federation of Fishermen's Associations (PCFFA), filed a lawsuit against some 20 energy manufacturers, seeking to make them pay for the harm global warming had caused California's fisheries. Sher Edling is representing the plaintiff in that case.[65]

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To date, Sher Edling has filed every climate suit in state court.

In addition to San Francisco and Oakland, Hagens Berman's case on behalf of New York City was also dismissed last year. Judge John Keenan, presiding over the New York City case, used a familiar argument in his dismissal: Climate change is an issue that should be handled by the executive and legislative branches. As he stated, "the serious problems caused [by climate change] are not for the judiciary to ameliorate. Global warming and solutions thereto must be addressed by the two other branches of government."[66]

Meanwhile, Hagens Berman's case on behalf of King County, Washington received an order to stay proceedings until San Francisco and Oakland's appeal is decided, given the similarities between the cases.[67] This makes the outcome of Hagens Berman case in King County dependent on Sher Edling's success in the San Francisco and Oakland appeal.

If They Aren't Winning, What Are Their Goals?

Climate liability litigation and the effort to recruit additional governments to file the lawsuits are still ongoing in many states and municipalities across the United States. However, every court that has considered the legal merits of the claims in these cases has dismissed them. Indeed, federal judges from California to New York have ruled that selling and promoting energy products is not a liability-inducing event.

Also, as Judge Alsup pointed out, litigation is not an effective or fair way to address climate change. These are products that people across the globe – including the very cities filing these lawsuits – rely on to power their homes, businesses and communities. In the end, these lawsuits will do nothing to address climate change or its root causes. Collaborating with manufacturers to innovate new energy technologies is the only way to ward off global climate change and mitigate its impacts.

This is the first in a series of chapters that will explore other components of the climate litigation campaign and how it has grown into a well-funded and well-organized group of non-profits and law firms. Many of these groups will stand to benefit from protracted trials and campaigns that allow donations to continue flowing in, even if they ultimately lose.

Plaintiff	Plaintiffs' Representation	Status
San Francisco and Oakland	Sher Edling	Dismissed; Appeal Pending in the 9th Circuit
New York City	Hagens Berman	Dismissed; Appeal Pending in the 2nd Circuit
King County	Hagens Berman	Stay of proceedings until San Francisco and Oakland appeal is determined
Marin County, San Mateo County, City of Imperial Beach, Santa Cruz County, City of Santa Cruz, and the City of Richmond	Sher Edling	Removal to Federal Court Denied; Appeal Pending in the 9th Circuit
City and County of Boulder and San Miguel County	EarthRights International, Niskanen Center	Removal to Federal Court; Awaiting ruling on Motion to Remand
Rhode Island	Sher Edling	Removal to Federal Court; Awaiting ruling on Motion to Remand
Baltimore	Sher Edling	Motion to Remand granted; Appeal pending in the 4th Circuit
Pacific Coast Federation of Fishermen's Association	Sher Edling	Stayed

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