

DOCKET NO:

RETURN DATE: October 13, 2020

STATE OF CONNECTICUT

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SUPERIOR COURT

V.

J.D. OF HARTFORD
AT HARTFORD

EXXON MOBIL CORPORATION

SEPTEMBER 14, 2020

COMPLAINT

I. INTRODUCTION

1. Climate change poses an existential threat to humanity.
2. For several decades the Exxon Mobil Corporation (“ExxonMobil” or “Defendant”) has misled and deceived Connecticut consumers about the negative effects of its business practices on the climate.
 3. As far back as the 1950s, ExxonMobil’s corporate executives, scientists, and other representatives and agents knew that fossil fuel combustion contributed to global warming.
 4. In the 1970s and 1980s, ExxonMobil conducted research confirming that atmospheric carbon dioxide released in fossil fuel exploration, refinement, and combustion contributed to climate change.
 5. In the late 1980s, when climate change gained increased public attention, ExxonMobil had the opportunity to responsibly contribute to public understanding of climate change and its potentially catastrophic consequences.
 6. ExxonMobil instead began a systematic campaign of deception to undermine public acceptance of the scientific facts and methods relied upon by climate scientists who knew that anthropogenic (human-caused) climate change was real and dangerous to humanity.

7. ExxonMobil executed this unfair and deceptive campaign in order to maximize profits by selling more oil and gasoline than consumers would have purchased had the reality of climate change been disclosed.

8. The campaign of deception ExxonMobil implemented was similar to the infamous disinformation campaign used by tobacco companies to conceal their products' deadly effects.

9. ExxonMobil's campaign of deception was wide-ranging, including targeting consumers to spread and reinforce doubt about established climate science.

10. Over the last several decades dozens of ExxonMobil advertorials (paid advertisements appearing similar to editorial content) published in newspapers, including but not limited to *The New York Times*, contained misleading and deceptive statements about the relationship between ExxonMobil's business practices and climate change.

11. ExxonMobil's strategy to create uncertainty about climate science successfully kept consumers purchasing ExxonMobil products by deceiving consumers about the serious harm caused by ExxonMobil's industry and business practices.

12. ExxonMobil continues its campaign of deception to this day in greenwashed advertising (advertising falsely claiming or implying that Exxon's corporate actions are beneficial to the environment).

13. ExxonMobil's greenwashed advertising deceives consumers by downplaying ExxonMobil's contributions to climate change and falsely portraying ExxonMobil as a corporation committed to seriously combatting climate change.

14. ExxonMobil, however, continues to be a major contributor to climate change.

15. ExxonMobil's decades-long campaign of deceiving Connecticut consumers includes numerous violations of the Connecticut Unfair Trade Practices Act.

16. ExxonMobil's campaign of deception has allowed it to continue to inflict decades of avoidable harm on Connecticut's natural environment, including but not limited to its lands, waters, coastlines, infrastructure, fish and wildlife, natural resources and critical ecosystems.

17. ExxonMobil's campaign of deception has contributed to myriad negative consequences in Connecticut, including but not limited to sea level rise, flooding, drought, increases in extreme temperatures and severe storms, decreases in air quality, contamination of drinking water, increases in the spread of diseases, and severe economic consequences.

18. Despite ExxonMobil finally admitting publicly that combustion of fossil fuels contributes to climate change, its decades-long campaign of deception has been so successful that many consumers still do not believe the scientific facts that climate change is real, is caused primarily by fossil fuel combustion, and is having and will have devastating consequences for Connecticut and all of humanity.

19. The success of ExxonMobil's campaign of deception has helped to ensure that the people of the State of Connecticut will continue to experience the catastrophic consequences of climate change for the foreseeable future.

20. ExxonMobil must be held accountable for its campaign of deception.

II. OVERVIEW

21. This lawsuit seeks appropriate redress for the unfair, deceptive, unethical, oppressive, immoral, and/or unscrupulous practices by ExxonMobil of systematically, knowingly, and routinely misrepresenting the extent of the harmful climatic effects of its fossil fuel products and its industry as a whole, research conducted about the relationship between climate change and fossil fuels, conclusions reached regarding the climatic effects of its fossil fuel products, and actions taken to address the negative climatic effects of its fossil fuel products.

22. Climate change is a change in global or regional climate patterns. As used herein, the term climate change refers to the shift in worldwide weather patterns associated with an increase in average global temperature. This phenomenon is also sometimes referred to as global warming.

23. The negative effects of climate change have already been felt by the residents of Connecticut, and climate change will continue to have increasingly serious, life-threatening, and financially burdensome impacts on the people of Connecticut and the lands, waters, coastline, species, natural resources, critical ecosystems, infrastructure and other assets owned by the State and its political subdivisions.

24. Human activity has contributed, and continues to contribute, to climate change.

25. The most significant way in which human activity has contributed to climate change is through the extraction, refinement, and combustion of fossil fuels.

26. ExxonMobil is a corporation whose primary trade and commercial interest is the extraction, refinement, and sale of fossil fuels, and it is one of the largest and most profitable corporations in the world as a result of its trade.

27. ExxonMobil has contributed to climate change by causing the sale of fossil fuel and petroleum products, in Connecticut and elsewhere, that emit large quantities of greenhouse gases responsible for trapping atmospheric heat that causes global warming.

28. ExxonMobil knew decades ago that the release of greenhouse gases, including carbon dioxide (“CO₂”), when fossil fuels are combusted, was a substantial factor in causing global warming.

29. ExxonMobil used and continues to use its knowledge about the reality and effects of climate change to make business decisions, including but not limited to exploration strategies.

30. ExxonMobil's stated position is that it will continue to explore for new fossil fuel reserves and that it does not anticipate a reduction in fossil fuel consumption for the next forty years.

31. In the 1950s and 1960s, ExxonMobil was aware of research—some of it by its own employees—correlating the combustion of fossil fuels and climate change. In the late 1970s, scientists in its employ drafted internal memoranda confirming the general scientific consensus that humans were impacting the climate by burning fossil fuels.

32. In the early 1980s, ExxonMobil scientists accurately predicted the concentration of carbon dioxide in the atmosphere and the corresponding temperature increase for the year 2020. The Defendant was able to accurately predict the severity of climate change because, beginning in the late 1970s, it had invested significant resources aimed at understanding the science of climate change.

33. Notwithstanding ExxonMobil's knowledge of the risks posed by continuing to find, extract, refine, and sell its fossil fuel products, the Defendant continuously advertised and sold those products at multiple locations in Connecticut to the consumers of Connecticut throughout the 1970s, 1980s, 1990s, 2000s, and up to and including the present day.

34. Rather than adjust its business practices to account for the knowledge it had about its industry contributing to climate change, ExxonMobil instead began to engage in a campaign of deception intended to mislead consumers.

35. Beginning in the late 1980s, ExxonMobil began a campaign to deceive the consumers of Connecticut about the harmful climatic effects of its fossil fuel products by misrepresenting and omitting material facts about how the use of its fossil fuel products

significantly increased CO₂ and other heat-trapping emissions that ExxonMobil knew contributed to climate change.

36. Each time Connecticut consumers purchased—and continue to purchase—ExxonMobil's fossil fuel products at service stations and elsewhere, ExxonMobil knowingly deceived and deceives the consumers of Connecticut by failing to disclose highly material information concerning the harmful climatic effects of its products. This deception has occurred in millions of transactions in Connecticut over the last four decades.

37. In advertisements, public speeches, articles, media statements and published writings during the last five decades, ExxonMobil has knowingly deceived consumers by systematically and routinely misrepresenting and/or omitting information about its products' effects on the climate, its knowledge about the effect of its products on the climate, and scientific consensus about the effects of ExxonMobil's products on the climate.

38. ExxonMobil also deceived consumers by funding and/or collaborating with third party groups, including but not limited to the American Petroleum Institute, the Global Climate Coalition, and others, to assist in spreading disinformation about the effects of its products on the climate.

39. ExxonMobil's strategy to profit from its business that it knew caused harmful climatic impacts was based on a comprehensive campaign of deception that used several tactics, including, as set forth in a 1988 memorandum authored by Exxon spokesperson Joseph M. Carlson, "emphasiz[ing] uncertainty in scientific conclusions regarding the potential enhanced greenhouse effect." The Defendant emphasized uncertainty through serial misrepresentations and omissions regarding facts that would have been important to reasonable purchasers making their purchasing decisions.

40. ExxonMobil has also engaged in a corporate promotion and branding campaign—referred to herein as “greenwashing”—that misrepresents its business’ environmental impacts and deceives consumers.

41. ExxonMobil's campaign of deception was and is unfair, deceptive, unethical, oppressive, immoral, and/or unscrupulous. The Defendant's affirmative misrepresentations, omissions of material fact, and half-truths had and have a tendency to mislead Connecticut consumers regarding their purchase of ExxonMobil’s fossil-fuel-based products.

42. ExxonMobil's campaign of deception has enabled it to substantially increase its profits by simultaneously deceiving Connecticut consumers about the causal link between climate change and every purchase of an ExxonMobil fossil-fuel-based product and by helping to slow—for decades—a transition to energy sources that do not cause an existential threat to humanity. Its campaign of deception has undermined and delayed the creation of alternative technologies, driven by informed consumer choice, which could have avoided the most devastating effects of climate change, and it has stifled an open marketplace for renewable energy, thereby leaving consumers unable to reasonably avoid the detrimental consequences of fossil fuel combustion.

43. ExxonMobil's campaign of deception has contributed and continues to contribute significantly to harmful climate change in Connecticut. The Defendant's unfair, deceptive, unethical, oppressive, immoral, and/or unscrupulous conduct has been a substantial factor in causing the avoidable release of billions of tons of greenhouse gases that now sit in the Earth's atmosphere and cause, *inter alia*, sea-level rise on Connecticut's shoreline, wildlife degradation on Connecticut's lands, and property devaluation and damage for Connecticut's residents.

44. By intentionally and knowingly misrepresenting and/or omitting material facts

about the extent of the harmful climatic effects of its fossil-fuel-based products, the research it conducted, the conclusions it reached regarding the climatic effects of its fossil fuel products, and the nature of its business's impacts on the environment and climate, ExxonMobil offered and continues to offer a materially deceptive representation of its business practices to consumers with the goal of maximizing profits.

45. ExxonMobil's conduct as described herein constitutes deceptive, unfair and illegal business practices in violation of the Connecticut Unfair Trade Practices Act ("CUTPA"). Pursuant to Conn. Gen. Stat. § 42-110m, the Connecticut Attorney General, in the name of the State of Connecticut, seeks restitution, disgorgement, and civil penalties, as well as other injunctive and equitable relief to remediate all past and future damage caused by these unfair, deceptive, and illegal business practices.

III. PARTIES

46. Plaintiff State of Connecticut, represented by William Tong, Attorney General of the State of Connecticut, brings this action in its sovereign enforcement capacity pursuant to Conn. Gen. Stat. § 42-110m and at the request of Michelle H. Seagull, Commissioner of the Department of Consumer Protection for the State of Connecticut.

47. Defendant Exxon Mobil Corporation is a multinational energy and chemicals company incorporated in the State of New Jersey and has its principal place of business at 5959 Las Colinas Boulevard, Irving, Texas. It is registered to do business in Connecticut as a foreign corporation and maintains a registered agent for service of process, Corporation Service Company, 100 Pearl Street, Hartford, Connecticut.

48. Exxon Mobil Corporation is the parent company of numerous wholly owned subsidiaries, including but not limited to ExxonMobil Oil Corporation, and is liable for the unlawful actions of those subsidiaries.

49. Exxon Mobil Corporation controls and has controlled companywide decisions related to all aspects of all allegations contained herein, including but not limited to decisions regarding advertising, public communications, and climate change research.

50. Exxon Mobil Corporation was formed on November 30, 1999, by the merger of Exxon Corporation ("Exxon") and Mobil Oil Corporation ("Mobil"). Exxon Mobil Corporation is liable for its own conduct as well as the conduct of any prior corporate entities that eventually became, or became owned by, Exxon Mobil Corporation (including but not limited to Exxon, Mobil, Exxon Research and Engineering Company, Standard Oil of New Jersey, Standard Oil of New York, Vacuum Oil, Socony-Vacuum Oil Company, and Humble Oil & Refining Company) as well as activities conducted while operating under any alternative trade names (including but not limited to Exxon, Mobil, ExxonMobil Research and Engineering Company, Enco and Esso).

51. As used in this Complaint, "ExxonMobil" refers collectively to Exxon Mobil Corporation and its predecessors, subsidiaries, affiliates, and divisions.

52. Whenever reference is made in this complaint to any act or practice of ExxonMobil, such allegation shall be deemed to mean that the principals, officers, directors, employees, agents, or representatives of ExxonMobil did, or authorized, such act or practice on behalf of ExxonMobil while actively engaged in the scope of their duties.

53. ExxonMobil is a vertically integrated oil and gas company that locates, extracts, refines, transports, markets and sells fossil-fuel-based products.

54. According to its public filings with the Securities and Exchange Commission, ExxonMobil's "principal business is energy, involving exploration for, and production of, crude oil and natural gas, manufacture of petroleum products and transportation and sale of crude oil, natural gas and petroleum products. ExxonMobil is a major manufacturer and marketer of commodity petrochemicals, including olefins, aromatics, polyethylene and polypropylene plastics and a wide variety of specialty products. Affiliates of ExxonMobil conduct extensive research programs in support of these businesses."

55. According to ExxonMobil's website, it is committed to being the world's premier petroleum and chemical manufacturing company.

56. ExxonMobil claims a commitment to enhancing the long-term value of the investment dollars entrusted to it by its shareholders. ExxonMobil is committed to running its business profitably and expects superior returns for its shareholders.

57. ExxonMobil is one of the largest and most profitable corporations in the world. The Forbes Global 200 list of the world's largest public companies ranked ExxonMobil 11th, with a market value of over \$340 billion, in 2019. That year, ExxonMobil reported \$14.3 billion in earnings. In 2018, ExxonMobil earned over \$20 billion in profits from \$290 billion in revenues. ExxonMobil has remained highly profitable for the last five decades concentrating its business on global oil and gas production, refining, distribution, and wholesale and retail sales.

58. A significant portion of ExxonMobil's profits over the past several decades was derived from its campaign of deception, which has deceived the public, kept consumers buying ExxonMobil fossil-fuel-based products, and prevented a transition to alternative sources of energy.

59. For decades, ExxonMobil has regularly transacted business in the State of Connecticut and derived substantial revenue from its business within the State of Connecticut. ExxonMobil's products have been sold within the State of Connecticut by company-owned gas stations and Branded Wholesalers, and ExxonMobil's deceptive advertisements at issue in this complaint have been repeatedly viewed and relied upon by Connecticut consumers.

60. ExxonMobil has extensive contacts with the State of Connecticut, including but not limited to the following. Upon information and belief, from 1973 until 2007, ExxonMobil maintained a chemical plant at 495 Lordship Boulevard, Stratford, Connecticut. ExxonMobil also maintains a branding agreement with Alliance Energy, LLC, to maintain the Mobil brand name for 88 petroleum-products retail stations located in Connecticut. Upon information and belief, ExxonMobil operated numerous additional petroleum-products retail stations located in Connecticut through 1999, when ExxonMobil divested of those stations as a result of a settlement with the Federal Trade Commission. Exxon continues to maintain branded franchises throughout the State of Connecticut.

61. ExxonMobil has engaged in national advertising campaigns that have deliberately targeted consumers throughout the United States, including Connecticut, in order to increase its sales and enhance its reputation. ExxonMobil has purposely availed itself of Connecticut's marketplace through nationwide advertising that it knew would reach the consumers of Connecticut.

IV. EXXONMOBIL KNEW ITS PRODUCTS CAUSED CLIMATE CHANGE

62. The scientific consensus that climate change is a real phenomenon, caused in part by human activity, has been growing for decades.

63. The following paragraphs are a partial compilation of events and/or documents that demonstrate the alignment of the Defendant's internal research and knowledge about climate change with the scientific consensus that climate change was and is a serious threat to humanity and our environment.

64. In 1957, H.R. Brannon of Humble Oil (now ExxonMobil) published research correlating increased fossil fuel combustion with increased atmospheric CO₂.

65. In 1959, renowned physicist Edward Teller delivered the earliest known warning of the dangers of global warming to the petroleum industry, speaking before the American Petroleum Institute ("API"). The following year he formally published his warnings about the dangers of global climate change.

66. In 1965, President Lyndon B. Johnson's Science Advisory Committee predicted that fossil fuel combustion could cause significant climatic changes by the end of the 20th Century.

67. In 1965, Frank Ikard, President of API, delivered a presentation at API's Annual Meeting, informing API's membership of the findings of the Presidential Science Advisory Committee. Representatives from ExxonMobil were in attendance at that meeting.

68. In the 1970s, ExxonMobil invested millions of dollars and hired scientists and other personnel to design projects specifically to further its understanding of climate science. ExxonMobil's 1970s-era research was later championed by then-CEO Lee Raymond, who stated in 2000 that "[f]or more than two decades, Exxon Mobil Corporation has carefully studied and worked to increase understanding of the issue of global climate change, often referred to as global warming."

69. In 1978, Exxon scientist Henry Shaw sent a letter to Exxon leadership describing two proposed scientific initiatives, including a project to monitor atmospheric and oceanic CO₂ levels (“the tanker project”), to address Exxon's "need to assess the possible impact of the greenhouse effect on Exxon's business" based on researchers attributing the increase in atmospheric CO₂ to fossil fuel burning. During this time ExxonMobil also invested significant resources in researching climate modeling.

70. In 1978, senior Exxon scientist James F. Black warned the Exxon Corporation Management Committee in writing of the "Greenhouse Effect" caused by CO₂ in the Earth's atmosphere. His memorandum stated that CO₂ concentration was increasing in the Earth's atmosphere, CO₂ emissions were attributable to fossil fuels, and CO₂ emissions would cause climate variations including a mean temperature increase. The memorandum stated: "Present thinking holds that man has a time window of five to ten years before the need for hard decisions regarding changes in energy strategies might become critical."

71. In 1979, scientists from Exxon gave a presentation to the National Oceanic and Atmospheric Association stating that Exxon's rationale for researching "the greenhouse effect" was "to assess the possible impact of the greenhouse effect on Exxon business" and assemble a "responsible team that can credibly carry bad news, if any, to the corporation."

72. In 1979, an internal Exxon memorandum stated that the most widely held theory about climate change was that the “increase [in CO₂ concentration] is due to fossil fuel combustion,” “[i]ncreasing CO₂ concentration will cause a warming of the earth’s surface,” and the “present trend of fossil fuel consumption will cause dramatic environmental effects before the year 2050.” With a doubling of CO₂ concentration (using 1860 as a baseline), the study

predicted that “ocean levels would rise four feet” and the “Arctic Ocean would be ice free for at least six months each year, causing major shifts in weather patterns in the northern hemisphere.”

73. In 1979, Exxon scientist Henry Shaw advocated for research on the greenhouse effect in order to combat potential environmental controls that could negatively impact Exxon's business. He opined that this "aggressive defensive program" be initiated before the government made "the public aware of pollution problems."

74. In 1979, an internal Exxon memorandum recommended that a study on atmospheric CO₂ not receive priority as an emerging issue because society will be able to cope with "whatever problems ensue such as some increase in ocean level, due to polar ice cap melting, [and] the main concern that crop-growing regions would shift northward to Siberia and Canada, leaving central regions too warm for food production."

75. In a 1980 draft statement to the National Commission on Air Quality CO₂ Workshop, Exxon opined that the consequences of climate change would be "adverse to the stability of human and natural communities" and that action delayed until the increase in atmospheric CO₂ is discernible would likely occur "too late to be effective."

76. In 1980, an Exxon report stated that the observable growth in atmospheric CO₂ had been coincident with the start of the Industrial Revolution and that a doubling of CO₂ in the atmosphere could occur sometime between 2035 and 2065. The report predicted that the rise in temperature associated with the increase in atmospheric CO₂ would cause a "dramatic impact on soil moisture, and in turn, on agriculture." It also predicted that one effect of climate change—the melting of the Antarctic ice sheet—could raise sea level by 5 meters.

77. In 1980, a subsidiary of Exxon prepared an internal memorandum, which stated: "There is no doubt that increases in fossil fuel usage and decreases in forest cover are aggravating the potential problem of increased CO₂ in the atmosphere."

78. In 1980, Dr. John Laurman, a consultant and recognized expert in the field of CO₂ and climate, presented to the API Task Force on Climate Change on "The CO₂ Problem." He identified the "scientific consensus on the potential for large future climatic response to increased CO₂ levels" as a reason for concern, stated that there was "strong empirical evidence" that climate change was caused by fossil fuel combustion, and warned that the "likely impacts" of climate change were "major economic consequences" by 2038 and "globally catastrophic effects" by 2067. Henry Shaw, a member of the Task Force, represented Exxon at the meeting.

79. In 1981, Exxon scientist Henry Shaw wrote that a doubling of CO₂ would result in a 3°C increase in average global temperature and a 10°C increase at the poles, causing major shifts in rainfall and agriculture and melting of polar ice.

80. In 1981, Roger Cohen, director of Exxon's Theoretical and Mathematical Sciences Laboratory, critiqued a draft memorandum from a colleague that stated that the effects of climate change in 2030 would be "well short of catastrophic." This characterization, Cohen wrote, "may be too reassuring."

81. In 1981, an internal Exxon memorandum revealed that the Defendant considered implementation of a comprehensive high-impact program studying atmospheric CO₂. However, Exxon decided not to pursue that program after concluding that "energy conservation or shifting to renewable energy sources" were "the only options that make sense" to combat increases in atmospheric CO₂.

82. In 1982, Exxon began to scale back its research on CO₂ and climate change. It canceled the tanker project, and several years later it stopped researching climate modeling. Meanwhile, however, Exxon continued to learn about the potentially devastating consequences of its products.

83. In 1982, Roger Cohen summarized the findings of Exxon's research in climate modeling, stating that "over the past several years a clear scientific consensus has emerged regarding the expected climatic effects of increased atmospheric CO₂." Cohen acknowledged that Exxon shared the views of the mainstream scientific community, stating that there is "unanimous agreement in the scientific community that a temperature increase of this magnitude would bring about significant changes in the earth's climate," and that Exxon's findings were "consistent with the published predictions of more complex climate models" and "in accord with the scientific consensus on the effect of increased atmospheric CO₂ on climate."

84. In 1982, an API report, which was largely critical of the accuracy of climate modeling, conceded that "all climate model studies indicate that a doubling of CO₂ will produce a significant increase in the global and annual mean temperature of the Earth." The report noted that the warming predicted by the scientific consensus "can have serious consequences for man's comfort and survival since patterns of aridity and rainfall can change, the height of the sea level can increase considerably and the world food supply can be affected."

85. In 1982, a corporate primer given "wide circulation to Exxon management" concluded that "there is time for further study and monitoring before specific action need be taken," but it noted that "once the effects [of climate change] are measurable, they might not be reversible." The report stated that the effects are "potentially catastrophic" and included famine, migration, "stress on renewable resource production," and sea level rise that would cause

"flooding on much of the U.S. East Coast." The report predicted a doubling of CO₂ concentrations (above pre-industrial levels) by 2060 and increased temperatures of 2-4°C (above 1982 levels) by the end of the 21st century. According to the report, "[m]itigation of the 'greenhouse effect' would require major reductions in fossil fuel consumption."

86. In 1982 remarks, the President of Exxon's Research and Engineering Company acknowledged that "fossil fuels, and liquid chemical fuels, are really the heart of the energy and CO₂ problem" and emphasized the need to adopt conservation technologies to address the "profound issues posed by the CO₂ buildup" in the atmosphere.

87. At all times mentioned herein before the two companies merged, Mobil and Exxon had similar knowledge about climate change as it related to their products. In addition to having access to publicly available information and information shared between corporations in the petroleum industry—including, but not limited to, information shared through API—Mobil conducted its own research on climate change that aligned with scientific consensus.

88. For example, in 1983, a Mobil Status Report on Environmental and Toxicology Issues summarized the scientific consensus on the greenhouse effect and the possibility that a temperature rise of 3°F to 6 °F may occur and cause drought and fifteen to twenty feet of sea level rise, "inundating many of the world's coastal cities."

89. In 1984, Exxon scientist Henry Shaw gave a presentation that highlighted the disparities in some climate modeling, but nonetheless concluded that humankind "can either adapt our civilization to a warmer planet or avoid the problem by sharply curtailing the use of fossil fuels." He listed some of the effects of global warming as: sea-level rise, redistribution of rainfall, changes in agricultural productivity, accelerated growth of pests and weeds, detrimental health effects, and population migration.

90. By the mid-1980s, the Defendant knew that anthropogenic climate change was real, scientific consensus was that continued expulsion of CO₂ into the atmosphere would cause catastrophic consequences for humanity, and that the only meaningful way to curtail climate change was to curtail combustion of fossil fuels.

91. In 1988, National Aeronautics and Space Administration (“NASA”) scientist Dr. James Hansen testified before Congress that global warming is ascribable to the greenhouse effect, and that global warming was—at that time—“begin[ning] to effect the probability of occurrence of extreme events such as summer heat waves.”

92. Less than six weeks after Dr. Hansen’s testimony, Exxon spokesperson Joseph M. Carlson circulated an internal draft memorandum acknowledging the scientific consensus that atmospheric CO₂ concentrations were increasing and could double in 100 years, that the combustion of fossil fuels was emitting five billion tons of CO₂ per year, and that the “principal greenhouse gases are by-products of fossil fuel combustion.” He advised that the “[g]reenhouse effect may be one of the most significant environmental issues for the 1990s.”

93. The 1988 Carlson memorandum stated that Exxon “has not modified its energy outlook or forecasts to account for possible changes in fossil fuel demand or utilization due to the Greenhouse effect.”

94. In 1990, the First Assessment Report of the Intergovernmental Panel on Climate Change (“IPCC”) was completed. It concluded that human activity caused the release of greenhouse gases—including CO₂ and methane—which enhanced the greenhouse effect and caused additional warming to the Earth’s surface.

95. In 1995, the IPCC issued its Second Assessment Report, which concluded that “the balance of evidence, from changes in global mean surface air temperature and from changes

in geographical, seasonal and vertical patterns of atmospheric temperature, suggests a discernible human influence on global climate." Consistent with previous reports, scientific consensus was that climate change was occurring, the combustion of fossil fuels was a significant contributor to climate change, and climate change could have devastating impacts on humanity and the environment. The IPCC has since published three more assessment reports, in 2001, 2007, and 2014. These reports detail continued scientific consensus on the causes and effects of global climate change, and predict worsening damage compared to the conclusions in the Second Assessment Report.

V. EXXONMOBIL DECEIVED CONSUMERS

96. Despite public scientific consensus and years of internal scientific research concluding that climate change resulted from burning fossil fuels and would have devastating consequences, the Defendant engaged in a campaign to deceive the public about these conclusions.

97. Exxon's 1988 Carlson memorandum, which was drafted weeks after Dr. Hansen's Congressional testimony, stated that the Defendant's public position would be to "[e]mphasize the uncertainty in scientific conclusions regarding the potential enhanced Greenhouse effect" and "resist overstatement and sensationalization of potential Greenhouse effect which could lead to noneconomic development of nonfossil fuel resources."

98. Emphasizing claimed uncertainty about climate change has been a common tactic in Defendant's campaign of deception.

99. The Defendant executed the strategy of deceiving the public with the intent of increasing its product sales.

100. ExxonMobil's campaign of deception spread disinformation in several ways, including but not limited to investment brochures, research papers, books, speeches, presentations, and interviews.

101. In addition to spreading disinformation directly, the Defendant also provided funding to—and continues to provide funding to—many individuals and organizations for the purpose of disseminating disinformation to foster doubt about climate change. Some of the funding of this disinformation campaign came from the ExxonMobil Foundation, which was provided significant funding by, and operated under the control of, Exxon Mobil Corporation.

102. Much like ExxonMobil's disinformation, ExxonMobil's deceptive advertisements have evolved over time.

103. As described in more detail below, ExxonMobil's deceptive advertising took the form of advertorials containing false, misleading, and/or deceptive information for decades. More recently—and currently—ExxonMobil's deception in advertising is often in the form of “greenwashing.”

104. Greenwashing is a practice in which a company uses imagery and language in advertising and promotional materials to suggest to consumers that the company is environmentally responsible and consumers should buy its products.

105. The Defendant's campaign of deception about the risks associated with burning fossil fuels and climate change has delayed the needed transition to clean energy in Connecticut, the United States, and around the world.

106. The Defendant's practices and a resultant delay in shifting to alternative sources of energy have had and will have a significant negative financial impact on the people of the State of Connecticut.

107. The Defendant engaged in a campaign of deception in order to facilitate its continuing sales of fossil fuels and to continue to profit from those sales.

108. Each manner in which the Defendant executed its campaign of deception was within its primary line of business and in furtherance of its objective to sell product in Connecticut's marketplace.

A. ExxonMobil Systematically and Routinely Used Disinformation as Part of its Campaign of Deception.

109. The Defendant disseminated disinformation both directly and through other organizations, including but not limited to the specific instances in the following paragraphs.

110. The Defendant was a longstanding and continuous Board Member of API, and API received funding and direction from the Defendant.

111. In 1996, API published a book titled "Reinventing Energy: Making the Right Choices," which falsely stated that "there is no persuasive basis for forcing Americans to dramatically change their lifestyles to use less oil." The book falsely denied the human connection to climate change, stating that "no conclusive—or even strongly suggestive—scientific evidence exists that human activities are significantly affecting sea levels, rainfall, surface temperatures or the intensity and frequency of storms."

112. In or around 1996, the Defendant joined with API and other parties to create the Global Climate Science Communications Team ("GCSCT"), a small group of prominent representatives of fossil fuel companies, public relations firms, and industry front groups with the mission of undermining the global scientific consensus that climate change was real and human caused.

113. An agent of the Defendant was a member of the GCSCT. Through its membership, the Defendant directed and participated in the activities of the GCSCT. The

Defendant had the authority to control the activities of the GCSCT and knowledge of material representations made by the GCSCT.

114. In 1998, the GCSCT developed a plan to launch a multi-million-dollar, multi-year “national media relations program to inform the media about uncertainties in climate science; to generate national, regional and local media on the scientific uncertainties, and thereby educate and inform the public, stimulating them to raise questions with policymakers.”

115. In 1998, the GCSCT prepared a memorandum outlining “strategies and tactics” to affect public opinion about climate change. The memorandum stated that “Victory will be achieved when average citizens ‘understand’ (recognize) uncertainties in climate science” and the “recognition of uncertainties becomes part of the ‘conventional wisdom.’”

116. The 1998 GCSCT memorandum advocated implementing: (1) a “National Media Relations Program” to “inform the media about uncertainties in climate science;” (2) a “Global Climate Science Information Source” with the goal of “undercutting the ‘prevailing scientific wisdom’”; and (3) a “National Direct Outreach and Education” effort “to inform and educate members of Congress, state officials, industry leadership, and school teachers/students about uncertainties in climate science.”

117. In addition to planning and executing a disinformation campaign with API and other API members, the Defendant was a member of other organizations that disseminated disinformation as part of its campaign of deception.

118. For example, Exxon and Mobil were members of the Global Climate Coalition (“GCC”), which defined itself as “an organization of business trade associations and private companies . . . to coordinate business participation in the scientific and policy debate on the global climate change issue.”

119. In 1995, Mobil drafted a paper for the GCC critiquing the IPCC's conclusion that human activity had impacted global climate. The paper acknowledged that "[t]he potential for a human impact on climate is based on well-established scientific fact and should not be denied" and that "contrarian theories raise interesting questions about our total understanding of climate process, but they do not offer convincing arguments against the conventional model of greenhouse gas emission-induced climate change." Nevertheless, the paper falsely concluded that "[c]laims that human activities have already impacted climate are currently unjustified." The paper also provided a list of talking-point counterarguments to the positions of scientific consensus.

120. Contrary to GCC's purported mission of "contribut[ing] to a balanced debate on global climate change," the organization took a hardline stance against scientific consensus, as evidenced by its 1996 statement that "the scientific community has not yet met the 'burden of proof' that greenhouse gas emissions are likely to cause serious climatic impacts."

121. In addition to working with and through other organizations, the Defendant disseminated disinformation directly to the public.

122. In 1996, Exxon's then-CEO, Lee Raymond, authored several articles stating that fossil fuels' effect on the Earth's climate was an "unproven theory" and that "scientific evidence remains inconclusive as to whether human activities affect global climate." An accompanying piece authored by Exxon went on to assert that "[t]here is still a tremendous amount of uncertainty about how the climate will change in the 21st century" and whether global warming was good or bad.

123. In 1996, Lee Raymond gave remarks to the Economic Club of Detroit and stated: "Currently, the scientific evidence is inconclusive as to whether human activities are having a

significant effect on the global climate." Similarly, he stated in remarks on a European trip later that year that "evidence remains inconclusive as to whether human activities, including the burning of fossil fuels, are affecting global climate." These remarks, as well as urging opposition to efforts to reduce fossil fuel use, were reiterated in a speech to API later in 1996.

124. The purpose of Lee Raymond's remarks at the Economic Club of Detroit was to improve the reputation of the petroleum industry and advertise industry products for the listeners. Comments included promotion of oil's non-energy related uses, a discussion about contemporaneous global supply levels, and a comparison between oil products and alternative sources of energy. Similarly, the European trip remarks were aimed at advertising and burnishing the Defendant's business and products. Comments included a discussion of the Defendant's finances, its global operations, and planned future activities, as well as its anticipated future revenue.

125. In 1997, Lee Raymond gave a speech at the World Petroleum Conference in which he criticized climate modelling as "notoriously inaccurate," questioned whether global warming was occurring, and stated that "[i]t is highly unlikely that the temperature in the middle of next century will be significantly affected whether policies are enacted now or 20 years from now." He also falsely stated that "the earth is cooler today than it was 20 years ago."

126. In 1997, Mobil published an "educational" booklet in which it falsely stated that "[s]cientists cannot tell us with certainty how much and where temperatures will increase—or if they will increase at all. Neither can they tell us what impact such increases would have or what positive impact the proposed remedies will have."

127. The booklet encouraged readers to discuss the statements contained within with their friends, family and lawmakers. The booklet was promulgated for the purpose of influencing

public opinion regarding Mobil and its impact on climate change, and it contained deceptive misrepresentations about the scientific consensus about climate change as well as statements and imagery designed to create the impression that Mobil was operating in an environmentally-friendly manner.

128. In 1998, the Defendant published a brochure for the public titled "Global Climate Change: everyone's debate" in which the Defendant falsely claimed that based on "our analysis . . . the current state of climate science is too uncertain to provide clear answers to many key questions about global climate change," including whether it is "a threat" and whether "the tiny portion of greenhouse gases caused by burning fossil fuels have a measurable effect on worldwide climate."

129. In 2000, ExxonMobil published a brochure titled "A Better Path Forward" stating: "We agree that the potential for climate change caused by increases in carbon dioxide and other greenhouse gases may pose a legitimate long-term risk. However, we do not now have a sufficient scientific understanding of climate change to make reasonable predictions and/or justify drastic measures."

130. These brochures, upon information and belief, promulgated for the purpose of influencing public opinion regarding ExxonMobil and its impact on climate change, contained deceptive misrepresentations about the scientific consensus about climate change as well as statements and imagery designed to create the impression that ExxonMobil was operating in an environmentally-friendly manner.

131. In a 2001 article in *Fortune* magazine, ExxonMobil's then-CEO, Lee Raymond, stated that "[ExxonMobil's] geologists show you how over the last 100,000 years, the temperatures had huge swings that didn't have anything to do with man-made burning of fossil

fuels, because no one was burning them So how do you distinguish that phenomenon, which we don't understand, from what's going on now?" He also dismissed the idea of renewable energy alternatives, stating that "[e]ven if there were significant changes in technology that none of us see now, by the time you get [alternative energy sources] developed on a commercial scale and get it implemented, it's ten, 15, 20 years." The *Fortune* article noted that other oil and gas companies, such as BP Amoco, "at least acknowledge that temperatures may in fact be rising in the long term."

132. ExxonMobil published a number of materials—both annually and on a one-time basis—as part of its campaign of deception, including but not limited to Corporate Citizen Reports, Sustainability Reports, and Outlooks for Energy. Many of these reports were misleading to the public given what the Defendant knew at the time.

133. In response to a 2005 Corporate Citizenship Brochure, the Royal Society—an independent scientific academy in the United Kingdom—wrote a letter to ExxonMobil to express "disappointment at the inaccurate and misleading view of the science of climate change" expressed in the widely distributed materials.

134. Each aforementioned example of disinformation was disseminated after the 1995 IPCC report concluded that climate change was real, human-caused and attributable to the combustion of fossil fuels and the Defendant's own aforementioned internal research revealed the same.

135. All of ExxonMobil's disinformation was tied to trade or commerce intimately associated with Connecticut, specifically ExxonMobil's business of selling oil and gas to Connecticut consumers. ExxonMobil's disinformation impacted and injured Connecticut consumers.

B. ExxonMobil Systematically and Routinely Used Deceptive Advertisements as Part of its Campaign of Deception.

136. The Defendant purchased advertising—in the form of "advertorials"—to influence consumers about climate change with the goal of selling more of its product.

137. The Defendant purchased advertorials in *The New York Times* starting in or about 1970 and continued to purchase advertorials until at least 2007. Between 1972 and 2001, the advertorials were published nearly every Thursday.

138. *The New York Times* is a national newspaper that has historically and continues to specifically target the tri-state (Connecticut, New York, New Jersey) area; notably, it has and continues to publish specific sections (e.g., Metro) tailored only to the tri-state area.

139. During the time when the advertorials were published in *The New York Times*, *The New York Times* had a circulation of tens of thousands of readers in Connecticut.

140. The Defendant published advertorials in other publications—including but not limited to *The Washington Post*, *National Journal*, *USA Today*, and *The Financial Times*—that were read by Connecticut consumers.

141. By placing advertisements in national publications, the Defendant knowingly availed itself of Connecticut's marketplace.

142. In speeches in the 1970s, Mobil's then-Chairperson Rawleigh Warner, Jr. called the advertorials "quarter-page advertisement[s]" and "advocacy advertising." A Mobil document detailing its public affairs programs during the 1970s and early 1980s referred to the advertorials as a "useful new ad format."

143. Paying money to newspapers to print advertorials was an act and practice in the conduct of the Defendant's primary line of business—selling oil, gas, and petroleum products.

144. Some of the advertorials, including but not limited to those described herein, deceptively discussed climate change as part of the Defendant's campaign of deception. The following advertorials are representative of a larger number of advertorials that were deceptive to consumers in many ways, including but not limited to unjustifiably emphasizing claimed uncertainty of climate science, omitting and/or misrepresenting known facts and/or scientific consensus on climate change, and reflecting only the doubt—as opposed to the confidence—of ExxonMobil's mixed internal dialogue on climate change:

- a. In 1984, a Mobil advertorial in the *New York Times* titled "Lies they tell our children" stated that "a greenhouse effect" that could "melt the polar ice caps and devastate U.S. coastal cities" was a "lie" and a "myth of the 1960s and 1970s."
- b. In 1993, a Mobil advertorial in the *New York Times* titled "Apocalypse no" asserted that the "dire predictions of global warming catastrophes" and "media hype proclaiming that the sky was falling did not properly portray the consensus of the scientific community." It cited the "lack of scientific data" as justification to delay action to address climate change.
- c. In 1996, a Mobil advertorial in the *New York Times* titled "With climate change, what we don't know can hurt us" warned that acting quickly to curb emissions would "create an unwarranted sense of crisis" and urged instead a "gradual approach."
- d. In 1996, a Mobil advertorial in the *New York Times* titled "Less heat, more light on climate change" stated that "a number of the scientists believe we have the time and resources to avert a crisis."
- e. In 1997, a Mobil advertorial in the *New York Times* titled "Reset the alarm" stated: "Let's face it: The science of climate change is too uncertain to mandate a plan of action that could plunge economies into turmoil. . . . Scientists cannot predict with certainty if temperatures will increase, by how much and where changes will occur. We still don't know what role man-made greenhouse gases might play in warming the planet."
- f. In 1997, a Mobil advertorial in the *New York Times* titled "Climate Change: a prudent approach" stated: "We don't know enough about the factors that affect global warming and the degree to which—if any—that man-made emissions (namely carbon dioxide) contribute to increases in the Earth's temperature." However, the advertorial then described the

"precautionary [and] voluntary" ways in which Mobil is "reducing emissions at the source and removing carbon dioxide from the atmosphere [by] supporting research and technology efforts, curtailing our own greenhouse gas emissions and helping customers scale back their emissions of carbon dioxide."

- g. In 1997, a Mobil advertorial in the *New York Times* titled "Climate change: where we come out" stated that "after two decades of progress, climatologists are still uncertain how—or even if—the buildup of man-made greenhouse gases is linked to global warming. It could be at least a decade before climate models will be able to link greenhouse warming unambiguously to human actions."
- h. In 1997, a Mobil advertorial in the *New York Times* titled "Stop, look and listen before we leap" cautioned consumers that the international efforts to combat climate change were borne out of "speculation," not in line with the "underlying science . . . [that] continue[s] to signal caution," and could "wreak havoc" on "U.S. prosperity."
- i. In 2000, an ExxonMobil advertorial in the *New York Times* titled "Unsettled Science" displayed a chart with the Sargasso Sea temperature lowering over time, and it stated that "climate and greenhouse gas levels experience significant natural variability for reasons having nothing to do with human activity" and "little if any warming" had occurred in the last 20 years, characterized the impacts of climate change as "positive or negative," and warned that the position that "the science debate is settled [was] empty rhetoric." The scientist whose research formed the basis of the chart in the advertorial subsequently wrote a letter to ExxonMobil stating that "ExxonMobil has been misleading in its use of the Sargasso Sea data."
- j. In 2002, an ExxonMobil advertorial in the *New York Times* titled "Do No Harm" warned of the damage to the United States' economy and way of life if policies were enacted to address climate change. The advertorial characterized the climate change "debate" as balanced, proposed that climate change may be "trivial" and the future impacts "beneficial," and juxtaposed climate science with unpredictable local weather.
- k. In 2002, an ExxonMobil advertorial in the *New York Times* titled "A responsible path forward on climate" announced that ExxonMobil was funding the Global Climate and Energy Project at Stanford University to conduct "research on ways to address climate and energy issues." The advertorial championing this initiative also stated that "many of today's suggested alternative energy approaches are not as . . . environmentally beneficial . . . as competing fossil fuels."

1. In 2004, an ExxonMobil advertorial in the *New York Times* titled "Weather and climate" explained that unordinary weather events were unrelated to climate change and that "scientific uncertainties continue to limit our ability to make objective, qualitative determinations regarding the human role in recent climate change or the degree and consequences of future change."

145. Professor Martin Hoffert, a former New York University physicist who researched climate change as an Exxon consultant in the 1980s, stated the following in sworn testimony before Congress: "I was greatly distressed by the climate science denial program campaign that Exxon's front office launched around the time I stopped working as a consultant—but not collaborator—for Exxon. The advertisements that Exxon ran in major newspapers raising doubt about climate change were contradicted by the scientific work we had done and continue to do. Exxon was publicly promoting views that its own scientists knew were wrong, and we knew that because we were the major group working on this. This was immoral and has greatly set back efforts to address climate change."

146. The deception contained in the aforementioned advertorials—along with many others—was explained in a letter from a Senior Scientist at the Office of U.S. Global Change Research Program to ExxonMobil's then-CEO Lee Raymond, detailing several ways in which an August 10, 2000 ExxonMobil advertorial in the *Washington Post* titled "Political cart before a scientific horse" was deceptive. That letter criticized characterizing a draft report of the *U.S. National Assessment of the Potential Consequences of Climate Variability and Change* as a "political document" when the "report was prepared by a panel of experts having no political connections and had been very carefully reviewed by technical experts to ensure objectivity."

147. A common tactic in ExxonMobil's campaign of deception has been to falsely characterize scientific evidence as political.

148. The aforementioned letter criticizing the characterization of scientific evidence as political described several other tactics ExxonMobil commonly used when communicating publicly about climate change in the conduct of selling oil and gas, including but not limited to: (1) advocating for doing more research to understand the problem of climate change while also arguing that it would be too expensive to deal with the problem; (2) using recommendations for more research as a substitute for taking affirmative steps on climate change when the scientific consensus recommended pursuing both simultaneously; (3) mischaracterizing scientific conclusions by changing the scientific basis of the conclusion (e.g., arguing that climate models cannot accurately make *predictions* when climate models are intended to make *projections* not predictions); (4) portraying two sides of a debate as evenly balanced when one side has the great weight of authority; and (5) claiming that the science failed to meet a benchmark that it did not intend or need to meet in order to be credible. The letter indicated that there were also other ways in which ExxonMobil's advertorials and other forms of disinformation were deceptive.

149. ExxonMobil's advertising has also deceptively promoted ExxonMobil products and practices as environmentally beneficial.

150. Despite the overwhelming evidence that fossil fuels contribute to climate change, ExxonMobil has engaged in "greenwashing" by claiming that certain of its products reduce carbon dioxide emissions and are environmentally sound.

151. ExxonMobil has used greenwashing as a deceptive means of corporate promotion and advertising since the 1970s, but ExxonMobil increased its use of greenwashing after it discontinued its purchase of *New York Times* advertorials.

152. ExxonMobil has engaged in greenwashing while failing to disclose that the development, production, refining and use of its fossil fuel products contributes to climate change.

153. Upon information and belief, misleading advertising by ExxonMobil that portrays ExxonMobil products as environmentally sound has intentionally reached Connecticut consumers through print, television, radio and online platforms including social media.

154. ExxonMobil's greenwashing advertisements include, but are not limited to, the following marketing campaigns: "Protect Tomorrow. Today;" "Energy Solutions;" "Energy Lives Here;" "That's Unexpected Energy;" and "The Future of Energy."

155. An example of such a greenwashing advertisement—titled "Growing Fuel"—is a 30 second commercial that aired frequently on television and social media and can be easily found online. In it, a narrator claims that ExxonMobil is "farming" to grow "algae for biofuels that could one day power planes, propel ships, and fuel trucks and cut their greenhouse gas emissions in half." The narration is accompanied by images of crops growing in a field, green pools, green spheres representing young algae, and the Earth.

156. ExxonMobil has made similar claims and used similar language regarding the use of algae as an example of its innovation in the development of alternative fuels in other advertising—including but not limited to an advertorial in the electronic edition of *The New York Times* titled, "The Future of Energy? It May Come From Where You Least Expect: How scientists are tapping algae and plant waste to fuel a sustainable energy future" and a marketing video on YouTube titled, "School of ExxonMobil: Algae Biofuel."

157. As part of these greenwashed advertisements, ExxonMobil claims that it is "working to decrease our overall carbon footprint."

158. At the same time that ExxonMobil is attempting to convince consumers to purchase its products with greenwashed advertising, ExxonMobil is simultaneously devoting resources to expanding exploration of potential new oil and gas reserves, which if used, will do irreparable harm to the climate. ExxonMobil has announced expansion in fossil fuel production at sites off Guyana and in Argentina, and it has publicly indicated plans for new oil and gas projects in the United States. ExxonMobil has further, upon information and belief, indicated interest in opportunities for drilling in the Arctic National Wildlife Refuge.

159. The publication of greenwashed advertisements deceives reasonable consumers into believing that purchasing ExxonMobil products is a responsible choice because ExxonMobil is addressing climate change by investing in alternative energy sources.

160. While ExxonMobil was airing "Growing Fuel" and similar greenwashed advertisements, the vast majority of ExxonMobil's research and development continued to be spent on finding, refining, and producing oil and gas that will eventually enter the market, be burned, and contribute to climate change. This practice continues today.

161. Online, ExxonMobil claims that its goal is to be able to produce 10,000 barrels of algae biofuel per day by 2025.

162. Even if ExxonMobil met its goal and produced 10,000 barrels a day of algae biofuel in 2025, that would be approximately 0.2 percent of its current refinery capacity.

163. ExxonMobil spends less than one percent of its annual revenue on alternative energy research. As a consequence, ExxonMobil provides no more than nominal resources to alternative energy research.

164. ExxonMobil's advertising that emphasizes its purported commitment to developing low carbon fuels does not mention that the low carbon fuels would—even in a best-

case scenario—only be a small fraction of ExxonMobil product, and many of the alternative fuels ExxonMobil is pursuing are many years away from being usable.

165. ExxonMobil also engages in greenwashing by advertising that certain of its fossil-fuel-based products can help consumers reduce greenhouse gas emissions and improve fuel economy.

166. Advertisements claiming that certain ExxonMobil products are environmentally sound have falsely given reasonable consumers the impression that purchasing ExxonMobil's products is an environmentally sound decision and that ExxonMobil is supportive of ambitious action to address climate change.

167. Through advertisements over the past four decades—and continuing today—ExxonMobil has deprived Connecticut consumers of accurate information about their purchasing decisions. Initially these tactics mostly focused on disinformation about climate science, whereas more recent advertising has sought to falsely induce purchases and brand affinity by portraying ExxonMobil as a company working on a solution to climate change through selling “green” products. These tactics have had a material effect on Connecticut consumers.

VI. THE REALITY OF CLIMATE CHANGE IN CONNECTICUT

168. The pre-industrial concentration of carbon dioxide in the atmosphere was approximately 280 parts per million ("ppm"). In 2020, the concentration exceeded 415 ppm.

169. Average global air temperature has risen approximately 1 degree Celsius above its pre-industrial level.

170. In 2018, the IPCC concluded that the Earth will experience 1.5 degrees Celsius warming between 2030 and 2052 if the current pace of greenhouse gas emissions continues.

171. The increase in temperature and CO₂ in the atmosphere is attributable to human activity, including the burning of fossil fuels.

172. Credible scientific evidence indicates—especially considering recent extreme weather events—that the catastrophic effects of climate change are occurring sooner than anticipated.

173. Climate change has negatively impacted, is negatively impacting, and will continue to negatively impact Connecticut's people, lands, waters, coastline, infrastructure, fish and wildlife, natural resources, critical ecosystems, and other assets owned by or held in the public trust by the state of Connecticut and/or its municipalities.

174. Climate change has caused, is causing, and will cause sea level rise, flooding, drought, an increase in extreme temperatures, a decrease in air quality, an increase in severe storms, contamination of drinking water, and an increase in certain disease-transmitting species.

175. As a result of the negative impacts on Connecticut's environment, climate change has caused, is causing, and will cause an increase in illness, infectious disease and death.

176. As a result of the negative impacts on Connecticut's environment, climate change has caused, is causing, and will cause serious damage to existing infrastructure, including but not limited to coastal and inland development, roadways, railways, dams, water and sewer systems, and other utilities.

177. As a result of the negative impacts on Connecticut's environment, climate change has caused, is causing, and will cause serious detrimental economic impacts on the State of Connecticut, its people, businesses and municipalities, including but not limited to heat-related productivity losses, increased energy cost and consumption, and agriculture, tourism, and recreation losses.

178. Even if the Earth continues at its current rate of warming, the State of Connecticut would have to expend at billions of dollars to adapt to the consequences of global warming.

179. ExxonMobil's stated plans to continue exploring for new fossil fuel reserves and not to plan for a reduction in fossil fuel consumption for the next forty years will result in more greenhouse gases being emitted into the atmosphere and will cause more severe health, economic and environmental consequences to the State of Connecticut.

180. ExxonMobil's business practices over at least the last thirty years have prevented or helped to slow the transition to cleaner alternative fuels through a campaign of deception and misleading consumers about the science of climate change, despite ExxonMobil's knowledge of the consequences associated with continuing to use its products.

181. The State of Connecticut, its people, and its municipalities will have to expend billions of dollars to adapt and implement resilience measures to partially combat the ongoing negative effects of climate change.

COUNT ONE

ExxonMobil's Campaign of Deception Violated Conn. Gen. Stat. § 42-110b.

1-181. Paragraphs 1 through 181 of the Complaint are hereby repeated and realleged as Paragraphs 1 through 181 of this First Count as if fully set forth herein.

182. At all times relevant to this Complaint, ExxonMobil was engaged in the conduct of trade or commerce by selling oil and gasoline through retailers and/or branded wholesalers located in Connecticut.

183. By engaging in the acts and practices alleged herein, ExxonMobil made or caused to be made to Connecticut consumers, directly or indirectly, explicitly or by implication,

representations which are material and false or likely to mislead consumers when reasonably interpreted, including, but not limited to, the following:

- a. that ExxonMobil was uncertain that climate change was real, occurring or would occur in the future;
- b. that ExxonMobil was uncertain that human activity, including the combustion of fossil fuels, contributed to climate change;
- c. that there was time to wait before taking action;
- d. that there was a balanced debate amongst scientists about whether climate change was occurring, its relationship to human activity, and whether its effects would be positive or negative;
- e. that ExxonMobil's research supported the assertions in (a) – (d).

184. By engaging in acts and practices alleged herein, ExxonMobil made deceptive omissions and/or asserted deceptive half-truths about scientific facts and the scientific consensus regarding climate change in order to mislead Connecticut consumers about its knowledge regarding climate change and the industry, including, but not limited to, the following:

- a. that scientists employed by ExxonMobil knew that human activity, including the combustion of fossil fuels, contributed to climate change;
- b. that climate change has potentially catastrophic effects;
- c. that use of ExxonMobil products contributes to climate change;
- d. that ExxonMobil decided to emphasize the uncertainty as part of its disinformation campaign as a way to continue to profit off the sale of oil and gasoline;
- e. that ExxonMobil knew that reduction of fossil fuel combustion was the primary realistic course of action to address climate change; and
- f. that there was scientific consensus, including from ExxonMobil's own scientists, that the combustion of fossil fuels was contributing to climate change and that the effects could be devastating.

185. The advertorials and disinformation in the Defendant's campaign of deception constituted a sophisticated public relations campaign for the purpose of increasing its sales and profits.

186. The acts and practices alleged herein, when interpreted reasonably, were and are likely to affect Connecticut consumers' decisions or conduct.

187. Through the conduct alleged herein, ExxonMobil achieved revenues, profits, and gains which it otherwise would not have.

188. ExxonMobil violated Conn. Gen. Stat. § 42-110b by making false and/or misleading statements about its business practices and their environmental impact that were and are likely to deceive Connecticut consumers.

COUNT TWO

ExxonMobil's Conduct in Count One was Willful.

1-188. Paragraphs 1 through 188 of the First Count are hereby repeated and realleged as Paragraphs 1 through 188 of this Second Count as if fully set forth herein.

189. ExxonMobil engaged in the acts and practices alleged herein when it knew or should have known that its conduct was deceptive, in violation of Conn. Gen. Stat. § 42-110b (a), and, therefore, is liable for civil penalties of up to \$5,000 per willful violation pursuant to Conn. Gen. Stat. § 42-110o (b).

COUNT THREE

ExxonMobil's Campaign of Deception Constitutes Unfair Trade Practices in Violation of Conn. Gen. Stat. § 42-110b.

1-188. Paragraphs 1 through 188 of the First Count are hereby repeated and realleged as Paragraphs 1 through 188 of this Third Count as if fully set forth herein.

189. ExxonMobil's unfair acts and practices were in contravention of Connecticut's public policy, including but not limited to the policy set forth in General Statutes § 22a-1, which states that "human activity must be guided by and in harmony with the system of relationships among the elements of nature. . . . [T]he policy of the state of Connecticut is to conserve, improve and protect its natural resources and environment and to control air, land, and water pollution in order to enhance the health, safety and welfare of the people of the state." The statute also provides that the state has a "responsibility as trustee of the environment for the present and future generations."

190. ExxonMobil's unfair acts and practices were in contravention of Connecticut's public policy promoting truth in advertising.

191. ExxonMobil's unfair acts and practices—including, but not limited to, the following—were immoral, unethical, oppressive and/or unscrupulous:

- a. deceiving Connecticut consumers about the catastrophic health, safety, economic, and environmental effects of burning fossil fuels; and
- b. undermining and delaying the creation of alternative technologies, driven by informed consumer choice, which could have avoided the most devastating effects of climate change.

192. ExxonMobil's unfair acts and practices have directly and proximately caused substantial injury to consumers within the State of Connecticut.

193. The substantial injury caused to consumers by ExxonMobil's unfair acts and practices is not outweighed by any countervailing benefits, but rather resulted in the stifling of an open marketplace for renewable energy, thereby leaving consumers unable to reasonably avoid the detrimental consequences of fossil fuel combustion.

194. ExxonMobil's false and/or misleading statements about its business practices and their environmental impact constitute an unfair trade practice in violation of Conn. Gen. Stat. § 42-110b.

COUNT FOUR

ExxonMobil's Conduct in Count Three was Willful.

1-194. Paragraphs 1 through 194 of the Third Count are hereby repeated and realleged as Paragraphs 1 through 194 of this Fourth Count as if fully set forth herein.

195. ExxonMobil engaged in the acts and practices alleged herein when it knew or should have known that its conduct was unfair, in violation of Conn. Gen. Stat. § 42-110b (a), and, therefore, is liable for civil penalties of up to \$5,000 per willful violation pursuant to Conn. Gen. Stat. § 42-110o (b).

COUNT FIVE

ExxonMobil's Deceptive Greenwashing Campaigns Violated Conn. Gen. Stat. § 42-110b.

1-181. Paragraphs 1 through 181 of the Complaint are hereby repeated and realleged as Paragraphs 1 through 181 of this Fifth Count as if fully set forth herein.

182. At all times relevant to this Complaint, ExxonMobil was engaged in the conduct of trade or commerce by selling oil and gasoline through retailers and/or branded wholesalers located in Connecticut.

183. ExxonMobil has engaged in deceptive greenwashing campaigns to portray the company as environmentally conscious as part of the company's marketing strategy to sell oil and gasoline to Connecticut consumers.

184. As part of these "greenwashing" campaigns, ExxonMobil has engaged in deceptive conduct, including but not limited to, the following:

- a. made false and/or misleading statements regarding ExxonMobil's activities and their effect on the climate and/or the environment;
- b. failed to disclose that the continued use of fossil fuels will have a negative impact on the climate;
- c. created an impression that the company is expending far more resources toward developing sustainable energy solutions than it actually is;
- d. failed to disclose that the amount of resources ExxonMobil is devoting to research and development of "green" technologies, including but not limited to algae production, is far exceeded by the amount of resources it is expending on exploration, extraction and refinement of oil;
- e. created a false impression that ExxonMobil is meaningfully addressing climate change through development of alternative energy resources;
- f. used words and imagery to give the appearance that ExxonMobil products are not environmentally harmful; and
- g. asserted half-truths about its products and practices and their environmental impact.

185. ExxonMobil's "greenwashing" advertisements were and are a sophisticated public relations campaign for the purpose of increasing its sales and profits.

186. The acts and practices alleged herein, when interpreted reasonably, were and are likely to affect Connecticut consumers' decisions or conduct.

187. Through the conduct alleged herein, ExxonMobil achieved revenues, profits, and gains which it otherwise would not have.

188. ExxonMobil violated Conn. Gen. Stat. § 42-110b by conducting false and misleading Greenwashing Campaigns likely to deceive Connecticut consumers.

COUNT SIX

ExxonMobil's Conduct in Count Five was Willful.

1-188. Paragraphs 1 through 188 of the Fifth Count are hereby repeated and realleged as Paragraphs 1 through 188 of this Sixth Count as if fully set forth herein.

189. ExxonMobil engaged in the acts and practices alleged herein when it knew or should have known that its conduct was deceptive, in violation of Conn. Gen. Stat. § 42-110b (a), and, therefore, is liable for civil penalties of up to \$5,000 per willful violation pursuant to Conn. Gen. Stat. § 42-110o (b).

COUNT SEVEN

ExxonMobil's Deceptive Greenwashing Campaigns Constitute Unfair Trade Practices in Violation of Conn. Gen. Stat. § 42-110b.

1-188. Paragraphs 1 through 188 of the Fifth Count are hereby repeated and realleged as Paragraphs 1 through 188 of this Seventh Count as if fully set forth herein.

189. ExxonMobil's unfair acts and practices were in contravention of Connecticut's public policy, including but not limited to the policy set forth in General Statutes § 22a-1, which states that "human activity must be guided by and in harmony with the system of relationships among the elements of nature. . . . [T]he policy of the state of Connecticut is to conserve, improve and protect its natural resources and environment and to control air, land, and water pollution in order to enhance the health, safety and welfare of the people of the state." The statute also provides that the state has a "responsibility as trustee of the environment for the present and future generations."

190. ExxonMobil's unfair greenwashing acts and practices were in contravention of Connecticut's public policy promoting truth in advertising.

191. ExxonMobil's unfair greenwashing acts and practices—including, but not limited to, the following—were immoral, unethical, oppressive and/or unscrupulous:

- a. deceiving Connecticut consumers about the catastrophic health, safety, economic, and environmental effects of burning fossil fuels; and

- b. undermining and delaying the creation of alternative technologies, driven by informed consumer choice, which could have avoided the most devastating effects of climate change.

192. ExxonMobil's unfair acts and practices have directly and proximately caused substantial injury to consumers within the State of Connecticut.

193. The substantial injury caused to consumers by ExxonMobil's unfair acts and practices is not outweighed by any countervailing benefits, but rather resulted in the stifling of an open marketplace for renewable energy thereby leaving consumers unable to reasonably avoid the detrimental consequences of fossil fuel combustion.

194. ExxonMobil's false and misleading Greenwashing Campaigns constitute unfair trade practices in violation of Conn. Gen. Stat. § 42-110b.

COUNT EIGHT

ExxonMobil's Conduct in Count Seven was Willful.

1-194. Paragraphs 1 through 194 of the Seventh Count are hereby repeated and realleged as Paragraphs 1 through 194 of this Eighth Count as if fully set forth herein.

195. ExxonMobil engaged in the acts and practices alleged herein when it knew or should have known that its conduct was unfair, in violation of Conn. Gen. Stat. § 42-110b (a), and, therefore, is liable for civil penalties of up to \$5,000 per willful violation pursuant to Conn. Gen. Stat. § 42-110o (b).

VII. PRAYER FOR RELIEF

WHEREFORE, the State of Connecticut requests the following relief:

1. A finding that by the acts alleged herein, ExxonMobil engaged in unfair and deceptive acts and practices in the course of engaging in trade or commerce within the State of Connecticut in violation of the Connecticut Unfair Trade Practices Act;

2. An injunction pursuant to Conn. Gen. Stat. § 42-110m enjoining ExxonMobil from engaging in any acts that violate the Connecticut Unfair Trade Practices Act, including, but not limited to, the deceptive acts and practices alleged herein;

3. Equitable relief pursuant to Conn. Gen. Stat. § 42-110m for past, present and future deceptive acts and practices that will require future climate change mitigation, adaptation, and resiliency;

4. An order pursuant to Conn. Gen. Stat. § 42-110m directing ExxonMobil to pay a civil penalty for \$5,000 for each and every willful violation of the Connecticut Unfair Trade Practices Act;

5. An order pursuant to Conn. Gen. Stat. § 42-110m directing ExxonMobil to pay restitution to the State for all expenditures attributable to ExxonMobil that the State has made and will have to make to combat the effects of climate change;

6. An order pursuant to Conn. Gen. Stat. § 42-100m directing ExxonMobil to disgorge all revenues, profits, and gains achieved in whole or in part through the unfair acts or practices complained of herein;

7. An order that ExxonMobil disclose all research and studies in its possession, including such research and studies previously conducted directly or indirectly by it, its

respective agents, affiliates, servants, officers, directors, employees, and all persons acting in concert with them, that relates to the issue of climate change;

8. An order that ExxonMobil fund a corrective education campaign to remedy the harm inflicted by decades of disinformation, to be administered and controlled by the State or such other independent third party as the Court may deem appropriate;


9. An order pursuant to Conn. Gen. Stat. § 42-100m directing ExxonMobil to pay reasonable attorney's fees to the State of Connecticut;

10. Costs of suit; and

11. Such other relief as this Court deems just and equitable.

PLAINTIFF
STATE OF CONNECTICUT

By:



WILLIAM M. TONG

Juris No. 440323

Attorney General

MATTHEW I. LEVINE

Juris No. 414845

DANIEL M. SALTON

Juris No. 437042

JONATHAN E. HARDING

Juris No. 434270

Assistant Attorneys General

BENJAMIN W. CHENEY

Juris No. 440801

Special Assistant Attorney General

Office of the Attorney General

165 Capitol Avenue

Hartford, CT 06106

Tel: (860) 808-5280

Fax: (860) 808-5386

matthew.levine@ct.gov

daniel.salton@ct.gov

jonathan.harding@ct.gov

benjamin.cheney@ct.gov

DOCKET NO:

RETURN DATE: October 13, 2020

STATE OF CONNECTICUT

SUPERIOR COURT

V.

J.D. OF HARTFORD
AT HARTFORD

EXXON MOBIL CORPORATION

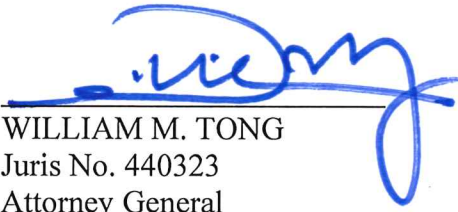
SEPTEMBER 14, 2020

STATEMENT OF AMOUNT IN DEMAND

The Plaintiff states that the amount in demand is greater than Fifteen Thousand Dollars (\$15,000), exclusive of interest and costs.

PLAINTIFF
STATE OF CONNECTICUT

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WILLIAM M. TONG
Juris No. 440323
Attorney General
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JONATHAN E. HARDING
Juris No. 434270
Assistant Attorneys General
BENJAMIN W. CHENEY
Juris No. 440801
Special Assistant Attorney General
Office of the Attorney General
165 Capitol Avenue
Hartford, CT 06106
Tel: (860) 808-5280
Fax: (860) 808-5386
matthew.levine@ct.gov
daniel.salton@ct.gov
jonathan.harding@ct.gov
benjamin.cheney@ct.gov