

COMMONWEALTH OF PUERTO RICO COURT OF FIRST INSTANCE UPPER ROOM OF SAN JUAN	
COMMONWEALTH OF PUERTO RICO, through its Secretary of Justice	CIVIL NO.:
<b>Demanding</b>	HALL:
v.	
EXXON MOBIL CORPORATION, BP PLC, CHEVRON CORPORATION, CHEVRON PHILLIPS CHEMICAL PUERTO RICO CORE, LLC, CONOCOPHILLIPS, SHELL PLC, STATIONS MANAGERS OF PUERTO RICO, INC., TOTALENERGIES, AND TOTALENERGIES MARKETING PR CORP.,	SUBJECT: DAMAGES Environmental Public Policy and Public Nuisance Law (Law No. 416-2004) and others
<b>Defendants</b>	

DEMAND

BEFORE THE HONORABLE COURT:

APPEARS, the **COMMONWEALTH OF PUERTO RICO**, through the  
  
attorneys who subscribe and, very respectfully, present a Complaint against the  
  
Defendants, Exxon Mobil Corporation, BP PLC, Chevron Corporation, Chevron  
  
Philips Chemical Puerto Rico Core, LLC, ConocoPhillips, Shell plc, Stations Managers of  
  
Puerto Rico, Inc., TotalEnergies, and TotalEnergies Marketing PR Corp., in accordance with the  
  
following:

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|  | yo. | <b>The parts</b> |
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- Demanding**
1. The Claimant is the **Commonwealth of Puerto Rico** (hereinafter  
the ELA or Government of Puerto Rico). The Government is responsible, among other functions, for  
protect the health and well-being of its citizens, conserve natural resources and  
of Puerto Rico and enforce and seek redress for violations of the  
laws of Puerto Rico.
2. The **Secretary of Justice** is authorized to bring this action in his  
parens patriae capacity , since the Commonwealth of Puerto Rico has a  
quasi-sovereign interest in the health and physical and economic well-being of its citizens

who have suffered and will continue to suffer due to the conduct of the Defendants. The state Free Associated of Puerto Rico, as a legal entity, has also suffered damages and losses as a direct and immediate result of the conduct of the Defendants. In accordance with the applicable laws and the Constitution of Puerto Rico, the Department of Justice presents the title claim, in accordance with the allegations made explained later. 1

**Defendants**

3. The Defendant, **Exxon Mobil Corporation**, is a publicly traded company exchange incorporated in New Jersey and headquartered at 22777 Springwoods Village Parkway, Spring, Texas, USA 77389. Exxon Mobil Corporation and its predecessors, successors, Parents, subsidiaries, affiliates and divisions are collectively referred to herein. document as "Exxon." Exxon Mobil Corporation controls and has controlled the company-wide decisions, including those of its subsidiaries, related to the quantity and extent of the production and sale of fossil fuels, as well as the *marketing*, climate change and greenhouse gas emissions from their fossil fuel products, and communication strategies related to change Climate change and the link between fossil fuel use and related impacts with the climate in the environment and human beings. At all times relevant to this procedure, Exxon did and does business in the Commonwealth of Puerto Rico Rich. A significant amount of Exxon's fossil fuel products are or have been transported, marketed, distributed, promoted, manufactured, sold and/or consumed in Puerto Rico, from which Exxon derives and has obtained income

1 The Legislative Assembly has granted the Commonwealth exclusive or supreme responsibility in the following areas, among others, within the borders of Puerto Rico: flood prevention and beach conservation (see, 12 LPRA § 255A); the conservation of territorial waters, submerged lands and maritime-terrestrial zone (see, Organic Law of the Department of Natural and Environmental Resources, 3 LPRA § 155(h)); the protection and conservation of coral reefs (see, 12 LPRA § 241); public waters and lands adjacent to public waters (see, 12 LPRA §§ 521, 603, and 613); the protection of wildlife and endangered species (see, 12 LPRA § 107 and the Organic Law of the Department of Natural and Environmental Resources, 3 LPRA § 155(i)); the national parks, reserves and wetlands of Puerto Rico (see Laws of Puerto Rico Title 12 chapter 40, 40A and Laws of Puerto Rico Title 12 chapter 250-260); the ports of Puerto Rico (see Laws of Puerto Rico Title 23, chapter 25); public infrastructure (see Laws of Puerto Rico Title 22 chapter 9, 11, 18, 21); roads and highways (see Laws of Puerto Rico Title 9, chapter 1); the protection of old or historic areas of Puerto Rico (see Law No. 374 of May 14, 1949 and 23 LPRA §§ 161-190uu); and lands in Puerto Rico that do not belong to any person (see 1 LPRA § 3).

The Secretary of Justice has exclusive authority to seek compensation for damages and losses in respect of these areas. The legal provisions that grant said exclusive authority are, among others, Articles 9, 16, 19, and 42 of Law No. 416-2004. 12 LPRA § 8002c, 12 LPRA § 8002j, 12 LPRA § 8002m, and 12 LPRA 8004l.

substantial. For example, in 2022, Exxon reached a deal to convert 177 gas stations in Puerto Rico to the Mobil brand. Despite Exxon's knowledge that its products have caused and will continue to cause crisis-related damage climate in Puerto Rico, including Plaintiff, Exxon failed to warn consumers Puerto Ricans about these existing risks. Exxon has distributed, marketed, maliciously advertised and promoted their products in Puerto Rico, even in social media platforms such as Meta and through circulation posts national such as *The New York Times*, *Time Magazine*, *The Washington Post* and *The Wall Street Journal*.

4. The Defendant, **BP PLC**, is a multinational energy and petrochemical, vertically integrated, registered in England and Wales, headquartered main business office at 1 St. James' Square, London, England, SW1Y 4PD. BP PLC It is the parent company of numerous subsidiaries, collectively called Group BP, which explore and extract oil and gas around the world; they refine oil converting it into fossil fuel products such as gasoline; and market and sell oil, fuel, other refined petroleum products and natural gas in everyone. BP P.LC. controls and has controlled the decisions of the entire company, including those of its subsidiaries, related to marketing, advertising, exchange climate and greenhouse gas emissions from its manufacturing products. fossil fuels, as well as communication strategies related to change Climate change and the link between fossil fuel use and related impacts with the climate on the environment and human beings. At all relevant times to this procedure, BP PLC has marketed and sold its products in the State Free Associated of Puerto Rico. In 2015, BP PLC sold its aviation business in the Luis Muñoz Marín International Airport, which served more than 4 million passengers per year, to Puma Energy.<sup>2</sup> In addition, lubricants are sold in Puerto Rico industrial and automotive from BP PLC

5. The Defendant, **Chevron Corporation**, is a multinational corporation vertically integrated energy and chemicals, incorporated in Delaware, with its

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<sup>2</sup> Cision PR Newswire, *Puma Energy Acquires BP's Aviation Business In Puerto Rico*, May 18, 2015, \*\*\*\*\*.prnewswire.com/news-releases/puma-energy-acquires-bps-aviation-business-in-puerto-rico-300085122.html, (last visited November 7, 2023).

world headquarters and principal business headquarters at 6001 Bollinger Canyon Road, San Ramon, California, USA 94583. During times relevant to this procedure, Chevron Phillips Chemical Puerto Rico Core, LLC has maintained a active commercial registration in Puerto Rico. 3 Chevron Corporation controls and has controlled company-wide decisions about the quantity and extent of production and sales of fossil fuels, including those of its subsidiaries. A significant amount of Chevron's fossil fuel product has been transported, marketed, distributed, promoted, manufactured, sold and/or consumed in the Commonwealth of Puerto Rico, from which Chevron has derived substantial income. In 2012, Chevron sold its fuel distribution and storage businesses in Puerto Rico to Puma Energy, including 192 Texaco service stations, a fuel supply aviation and storage tanks with a combined capacity of 430,000 barrels.4 Texaco stations are now returning throughout Puerto Rico across the rebranding of Puma stations. 5 Chevron has directed and continues to direct its negligent conduct towards the Commonwealth of Puerto Rico when marketing, advertise, promote and supply its products in Puerto Rico, with knowledge of that these products have caused and will continue to cause crisis-related harm climate in Puerto Rico.

6. The Defendant, **Chevron Phillips Chemical Puerto Rico Core, LLC** is a wholly owned subsidiary of Chevron Corporation with its registered office in Bo. Las Mareas, Highway 710, KM 1.3, Guayama, Puerto Rico 00785.

7. The Defendant, **ConocoPhillips**, is a multinational energy company incorporated in Delaware and with its principal place of business at 925 N. Eldridge Parkway, Houston, Texas, USA 77079. ConocoPhillips is made up of numerous divisions, subsidiaries and affiliates that carry out the fundamental decisions of ConocoPhillips related to all aspects of the fossil fuel industry, including exploration, extraction, production, manufacturing, transportation and marketing.

3 Securities and Exchange Commission, *Form S-4 Registration Statement Under the Securities Act of 1933*, Aug. 6, 2002, <https://www.sec.gov/Archives/edgar/data/1127399/000091205702030136/a2084101zs-4.htm> , (last seen November 7, 2023).  
4 Reuters, *Trafigura Unit Buys Caribbean Assets from Chevron*, Dec. 8, 2011, [\\*\\*\\*\\*\\*jp.reuters.com/article/trafigura-chevron/trafigura-unit-buys-caribbean-assets-from-chevron-idUSN1E7B70OZ20111208](https://www.reuters.com/article/trafigura-chevron/trafigura-unit-buys-caribbean-assets-from-chevron-idUSN1E7B70OZ20111208), (last visited November 7, 2023).  
5 News is My Business, *Texaco Brand Returning to PR Market Through Rebranding of Puma Gas Stations*, June 28, 2019, <https://newsismybusiness.com/texaco-brand-returning-to-pr-market-through-rebranding-of-puma-gas-stations/>, (last visited November 7, 2023).

ConocoPhillips controls and has controlled company-wide decisions on quantity and extent of fossil fuel production and sales, including its subsidiaries. Defendant ConocoPhillips Company is actively registered to do business in Puerto Rico. 6 ConocoPhillips markets and sells, and has marketed and sold, a significant amount of gasoline and other fuel products fossil fuels to Puerto Rican consumers. Currently, there are seven (7) Phillips66 active service stations located in Puerto Rico that continue generating revenue for ConocoPhillips.<sup>7</sup> Additionally, an SEC filing from 2004 reported that Chevron Phillips Chemical Company LLC (CPChem) owns a plant of paraxylene production in Guayama, Puerto Rico. 8 ConocoPhillips continues promoting the distribution, marketing, advertising, promotion and supply of its fossil fuel products in Puerto Rico, with knowledge that these products have caused and will continue to cause damage related to the climate crisis In Puerto Rico. Additionally, ConocoPhillips offers brand licenses in the Free State Puerto Rico Associate, which would allow existing fuel companies sell fuel under the ConocoPhillips brand.<sup>9</sup>

8. The Defendant, **Shell PLC** (formerly Royal Dutch Shell PLC), is a vertically integrated multinational energy and petrochemical company. Shell PLC is incorporated in England and Wales, with its headquarters and principal place of business in Shell Centre, London, England, SE17NA. Shell PLC is the definitive parent company of numerous divisions, subsidiaries and affiliates, collectively called Shell Group. Shell PLC controls and has controlled the decisions of the entire company, including those of its subsidiaries, related to *marketing*, advertising, climate change and greenhouse gas emissions from their fossil fuel products, and communication strategies related to climate change and the link between the use of fossil fuels and climate-related impacts on the environment and communities. Shell has distributed, marketed, advertised and promoted

6 Government of Puerto Rico, Department of State, Corporation Search, \*\*\*\*\*rcweb.estado.pr.gov/en/search, (last visit, November 7, 2023).

<sup>7</sup> Phillips 66, Station Finder, <https://www.phillips66gas.com/station-finder/>, (last visited November 7, 2023).

8 Securities and Exchange Commission, *Form 10-k, Chevron Phillips Chemical Company LLC*,31 December 2023, [https://www.sec.gov/Archives/edgar/data/1127399/000110465904006224/a04-2520\\_110k.htm](https://www.sec.gov/Archives/edgar/data/1127399/000110465904006224/a04-2520_110k.htm), (last visited November 7, 2023).

<sup>9</sup> Phillips 66, *Become a Brand Licensee*, <https://www.phillips66fuelsupplier.com/getting-started/brand-licensing/>, (last accessed November 7, 2023).



illicitly their products in Puerto Rico, including on social media platforms such as *Goal*. Shell has earned a substantial amount of revenue through the promotion, production and sale of fossil fuels that took place in Puerto Rico during the time relevant to this procedure. Shell's website currently advertises around fifty (50) active Shell gas stations in Puerto Rico. 10 Also, Shell PLC owns one hundred percent (100%) of Station Managers of Puerto Rico, Inc.11, 2001 As of 2009, Shell owned a refining facility in Yabucoa, Puerto Rico, which produced gasoline, diesel, jet fuel, and residual fuels for the Puerto Rican market. 12

9. The Defendant, **Station Managers of Puerto Rico, Inc.**, is a subsidiary wholly owned by Shell PLC, with registered office at Ochoa Building, 500 Calle de la Tranca, Suite 514, San Juan, Puerto Rico 00901.

10. The Defendant, **TotalEnergies**, is a French multinational company vertically integrated energy and oil company founded in 1924. TotalEnergies is dedicated to oil and gas exploration and production, refining, petrochemicals and distribution of energy in various forms, with its global headquarters and its main headquarters of business at 2 Place Jean Millier, 92078 Paris La Défense, France. TotalEnergies controls and has controlled the decisions of the entire company related to *marketing*, advertising, climate change and greenhouse gas emissions from their fossil fuel products, and communication strategies related to the Climate change and the link between fossil fuel use and impacts related to climate in the environment and communities. TotalEnergies has earned a substantial amount of income through the promotion, production and sale of fossil fuels that took place in Puerto Rico during the relevant time to this procedure. TotalEnergies owns and operates approximately two hundred (200) gas stations in Puerto Rico, which have been in operation since 2004. 13 In 2008, Esso Standard Oil PR, a subsidiary of Exxon, sold its one hundred and forty-eight

10 Shell United States, *Gas Station Near Me*, <https://www.shell.us/motorist/gas-station-near-me> (latest visit, November 7, 2023).  
11 Puerto Rico, *Shell Tax Contribution Report 2020*, <https://reports.shell.com/tax-contribution-report/2020/our-tax-data/americas/puerto-rico.html>, (last visited November 7, 2023).  
12 Oil and Gas Journal, *Shell Chemical to Buy Sunoco's Puerto Rico Refinery*, (September 7, 2001), [\\*\\*\\*\\*\\*.ogj.com/refining-processing/article/17261399/shell-chemical-to-buy-sunocos-puerto-rico-refinery](https://www.oilandgasjournal.com/refining-processing/article/17261399/shell-chemical-to-buy-sunocos-puerto-rico-refinery), (last visited November 7, 2023) .  
13 TotalEnergies, *TotalEnergies in Puerto Rico*, <https://totalenergies.com/puerto-rico>, (last visit, 7 November 2024).

five (145) service stations and access to terminals and airports in Puerto Rico and St. Thomas to Total Petroleum Puerto Rico Corp. (TPPRC), a subsidiary of Total Group.<sup>14</sup> TotalEnergies has directed its negligent conduct toward Puerto Rico by intentionally and unfairly market, advertise, promote and supply its products in Puerto Rico, with knowledge that those products have caused and will continue to cause damage related to the climate crisis in Puerto Rico. the basis of Facebook *Meta Ad* data catalogs multiple ads posted by TotalEnergies, promoting its product in Puerto Rico without warning the consumers about the dangers related to global warming, synonyms of the production and purchase of TotalEnergies products. Furthermore, a statement from TotalEnergies press published in 2016 states that TotalEnergies has been present in the Caribbean for over forty (40) years and describes himself as “a leader in the main markets of the Caribbean, such as Puerto Rico.”<sup>15</sup>

eleven. The Defendant, **TotalEnergies Marketing PR Corp.**, is a subsidiary of wholly owned by TotalEnergies corporation with registered office in Millennium Park Plaza, #15 Second Street, Suite 525, Guaynabo, Puerto Rico 00968.

II. Jurisdiction and Competition

12. The General Court of Justice of Puerto Rico has jurisdiction over the Defendants pursuant to 32 LPRAAppendix III R. 3., while this case arises within the territorial limits of Puerto Rico, and the Defendants have conducted business within of the Commonwealth of Puerto Rico at all times relevant to this Claim.

13. The General Court of Justice of Puerto Rico has jurisdiction over the parties in this matter pursuant to 10 LPRA § 269.

14. The General Court of Justice of Puerto Rico has jurisdiction over the matter to hear this civil action in accordance with 4 LPRA § 25a.

III. The facts

15. For decades, Defendants, prominent members of the industry

<sup>14</sup> TotalEnergies, *TotalEnergies in Puerto Rico*, <https://totalenergies.com.pr/en/total-puerto-rico/totalenergies-puerto-rico>, (last visited November 7, 2023).  
<sup>15</sup> TotalEnergies, *Dominican Republic: Total Acquires the Country's Main Retail Network and Establishes its Leadership in the Caribbean*, January 27, 2016, <https://totalenergies.com/media/news/press-releases/dominican-republic-total-acquires-countrys-main-retail-network-and-establishes-its-leadership>, (last seen November 7, 2023).

of fossil fuels, have misled consumers and the public about the climate change. At least since the 1960s, its own scientists have come systematically to the conclusion that fossil fuels produce carbon dioxide carbon and other greenhouse gas pollutants that can have catastrophic consequences for the planet and its inhabitants.<sup>16</sup> The Defendants took these internal scientific findings seriously and made large investments to protect your own assets and infrastructure from sea level rise, storms stronger and other impacts of climate change. However, instead of warning consumers and the public, Defendants and their front companies or alter egos devised and carried out disinformation campaigns to discredit the consensus climate change scientist; create doubts in the minds of consumers, media, teachers, and the general public about the impacts of burning fossil fuels in climate change; and delay the transition of energy economy towards a low-carbon future.<sup>17</sup> These successful climate deception campaigns had the purpose and effect of inflating and sustaining the fossil fuel market and delay the transition to energy sources with low carbon emissions. Which, in turn, increased greenhouse gas emissions. greenhouse, accelerated global warming and caused devastating climate change in the Commonwealth of Puerto Rico.

16. As a result of the lies and deceptions of the Defendants and the fossil fuel industry, the Commonwealth of Puerto Rico has incurred or will incur billions of dollars in costs to clean up disasters induced by climate change, such as hurricanes Irma and María, and it is anticipated that will suffer additional and substantial damages in the future, even more costly.<sup>18</sup> This, as As sea levels rise, storms become more frequent and severe, and Commonwealth of Puerto Rico may have to incur more costs to fortify its coast and its lands and protect its population, its companies, its infrastructure and its

16 See Annex A at ¶¶ 14–58.  
17 See Annex A at ¶¶ 59–104, 118–174.  
18 Government of Puerto Rico, *Transformation and Innovation in the Wake of Devastation: An Economic and Disaster Recovery Plan for Puerto Rico*, August 8, 2018, p. vii–xvi, \*\*\*\*\*recovery.pr.gov/documents/pr-transformation-innovation-plan-congressional-submission-080818.pdf



natural resources from a variety of other climate change hazards. 19 Despite the clear damage to Puerto Rico and other communities throughout the country, ExxonMobil, BP, Chevron, ConocoPhillips, Shell and TotalEnergies (the Defendants) continue to disseminate misinformation about the climate and hiding and confusing consumers and public of their increasing efforts to consolidate dependence on fossil fuels. It is time to stop this deceptive behavior and assign the responsibility to remedy its effects to the Defendants, to whom it corresponds, instead of the taxpayers and the People of Puerto Rico.

17. The Claimant, Commonwealth of Puerto Rico, by and through its Secretary of Justice, presents this lawsuit for damages and sanctions civil monetary funds to cover the costs of protecting and restoring infrastructure, lands, assets, natural resources and other damages to the Commonwealth of Puerto Rico caused by Defendants for decades by failure to warn about the defects of its fossil fuel products and its business practices deceptive marketing and promotion of oil, coal and natural gas (collectively, fossil fuel products).

18. Defendants are major corporate members of the industry of fossil fuels, including distributors, promoters, marketers and/or sellers of fossil fuel products. Each Defendant financed, provided staff, organized and in some ways supported efforts to deceive the public and consumers, inside and outside of Puerto Rico, about the role of fossil fuels in the cause of the global climate crisis.

19. The rate at which Defendants have extracted and sold products of Fossil fuels have skyrocketed since World War II, as have carbon dioxide (CO<sub>2</sub>) emissions and other emissions from those products. Fossil fuel emissions (especially CO<sub>2</sub>) are by far the main factor of global warming. The vast majority of all emissions anthropogenic (man-caused) greenhouse gases in history have occurred from the 1950s to the present, a period known as

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19 See Annex A at ¶¶ 189–193.

the Great Acceleration. 20 Approximately three quarters of all emissions CO2 industrial emissions in history have occurred since the 1960s, and more than half have occurred since 1990. The annual rate of CO2 emissions from the extraction, production and consumption of fossil fuels has increased substantially since 1990.

twenty. Defendants' knowledge of the negative impacts of Fossil fuel consumption almost exactly follows the start of the Great Acceleration, which means that the Defendants have known for more than fifty (50) years that greenhouse gas pollution from agricultural products fossil fuels would have significant adverse impacts on the Earth's climate and the sea level. With that knowledge, Defendants took steps to protect their own assets from climate damage and risks through immense investment internal research, infrastructure improvements and plans to exploit new business opportunities in a warming world.

21. However, instead of warning consumers or the public or truthfully represent the known consequences resulting from the intended use and predictability of its products, or to work to minimize harm associated with the use and combustion of said products, Defendants concealed and misrepresented the dangers of fossil fuels. Likewise, they spread false and misleading information about the existence, causes and effects of climate change; and promoted aggressively increasing the use of its products in ever-increasing volumes. Since at least the late 1980s, Defendants have spent millions of dollars orchestrating massive disinformation campaigns to cast doubt on the climate change science; to spread climate denialist theories that their own scientists had already discredited; and to hide the role of fossil fuels in the acceleration of the climate crisis. 21 Recently, Defendants have adopted a new strategy of commercial deception: eco-laundering. Currently, the Defendants Deceptively Overstate Their Investments in Wind, Solar, and Other Energy low-carbon energy resources, without disclosing that those investments

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20 See Annex A in ¶¶ 1–13.  
21 See Annex A at ¶¶ 59–104.

represent an insignificant part of its overall business and which, in fact, continue increasing the production of fossil fuels.<sup>22</sup> The Defendants also falsely market certain fossil fuel products as green or not pollutants, while hiding the fact that those same products (and the operations that produce them) are the main causes of climate change.<sup>23</sup> Also, the Defendants, individually and collectively, played roles of leadership in all these campaigns, which were intended and directed at the population from Puerto Rico. These campaigns continue to this day.

22. Defendants' Actions in Concealing the Dangers of Their Products of fossil fuels, promote false and misleading information and participate in massive campaigns to promote greater use of their fuel products fossil fuels have successfully delayed the transition to a low emissions economy carbon, deepened the dependence of consumers on carbon products fossil fuels, and contributing substantially to the accumulation of CO<sub>2</sub> in the atmosphere that drives global warming and its physical, environmental consequences and socioeconomic, including those that affect the Commonwealth of Puerto Rico Rich.

23. Therefore, Defendants' deceptive and unlawful conduct was a factor substantial to cause devastating impacts of climate change in Puerto Rico, including, but not limited to: sea level rise, alteration of the hydrological cycle; hurricanes, tropical storms, and associated extreme precipitation and flooding more frequent and intense; more frequent and intense heat waves along with a exacerbation of localized heat island effects; more frequent droughts and intense; ocean acidification; destruction of coral reefs and forests mangroves; degradation of air and water quality; and loss of habitats and species. The consequences associated with these physical and environmental changes have aggravating effects on Puerto Rico's overcrowded communities, which often They live in the most environmentally vulnerable areas. In

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<sup>22</sup> See Annex A at ¶¶ 118–160.

<sup>23</sup> See Annex A at ¶¶ 161–174.

Accordingly, Defendants are directly responsible for a substantial portion of the impacts related to the climate crisis in Puerto Rico.

24. As a Caribbean island, Puerto Rico is extremely vulnerable to effects of sea level rise and other impacts of climate change. Level sea average in Puerto Rico is increasing rapidly and will continue increasing substantially along the coast and estuarine rivers of Puerto Rico, causing flooding, saltwater intrusion, erosion, wetland loss due to tides and loss of beaches.<sup>24</sup> In addition, extreme weather events (including tropical storms and hurricanes, droughts and heat waves, among others) will be more frequent, longer lasting and more serious.<sup>25</sup> The social, economic and of other types of these and other environmental changes, all due to global warming anthropogenic, will continue to increase in Puerto Rico.

25. The human, natural and economic devastation caused by hurricanes Irma and María in 2017 is a preview of the serious consequences related to the climate that Puerto Rico faces as a direct result of the illicit deception of the Defendants.

26. As a direct result of environmental changes caused by climate crisis, the Commonwealth of Puerto Rico has suffered and will continue to suffer Serious damage. Serious damage includes, but is not limited to: flooding and loss of government or state-owned properties; floods and loss of private property and businesses with the consequent loss of tax revenue. Besides, of the injury or destruction of property facilities operated by the Free State Associated of Puerto Rico that are critical to Government operations, services public and risk management, as well as other assets essential for health, safety, safety and well-being of the community. Likewise, damage has been suffered and will be suffered loss of the natural resources of the Commonwealth of Puerto Rico, including the coral reefs and mangrove forests, and their associated ecosystems and benefits climate resilience; damage to or loss of agricultural resources of the Free State Associate of Puerto Rico; increased reinforcement and maintenance costs

<sup>24</sup> See Annex A at ¶¶ 189–193.  
<sup>25</sup> *Ibid.*

resilience of public infrastructure, much of which is located in municipalities vulnerable coastal areas; increased costs of providing government services; increasing health care and public health costs; increasing costs of planning and preparation for the adaptation and resilience of communities to the effects of the climate crisis; displacement, disruption and loss of communities coastal areas, including loss of life, with associated damage to the Commonwealth from Puerto Rico; and lower tax revenues due to impacts on the economy based on tourism and the oceans of Puerto Rico.<sup>26</sup>

27. The individual and collective conduct of the Defendants, including, without limitation, knowingly introducing fossil fuel products into the flow of commerce, but without warning about the threats they represent to the global climate; the improper promotion of fossil fuel products, including misrepresentation and concealment of known hazards associated with the intended use of those products; and their public deception campaigns designed to hide the connection between the products of fossil fuels and global warming, was a substantial factor in causing damages to the Commonwealth of Puerto Rico. In other words, the concealment and misrepresentation of the known dangers of fossil fuel products by part of the Defendants, along with the simultaneous promotion of the unbridled use of those products, boosted the consumption of fossil fuels and delayed the transition to a low-carbon future, resulting in increased pollution of greenhouse gases and more serious impacts of the climate crisis in Puerto Rich.

28. Consequently, the Claimant initiates this action against the Defendants for Negligent Conduct; strict or absolute liability for lack of warnings of defects in its products; and unfair and deceptive acts or practices in commerce or economic activities.

29. Plaintiff hereby waives damages arising from the federal property and those arising from Defendants' provision of specialized and non-commercial fossil fuel products to the federal government

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<sup>26</sup> *Ibid.*



for military and national defense purposes. The Claimant is not seeking any recovery or compensation attributable to these damages to federal property.

30. The Claimant seeks to ensure that the parties who have benefited from the misleading consumers and the public about climate change bear the costs of that deceptive commercial activity, instead of the Commonwealth of Puerto Rico, its taxpayers or its residents or citizens.

31. Annex A includes a more detailed description of the facts in which supports the present claim, which are fully incorporated in the same as part of their allegations.

**Relevant entities that are not parties but that constitute associations and front groups of the fossil fuel industry used by the defendants**

32. The *American Petroleum* Institute (*Institute* or API) is a nonprofit corporation based in the District of Columbia. With more than six hundred (600) members, the API is the largest trade association of the fossil fuel industry. Its purpose is to promote the interests collective business interests of its individual members, including increasing the consumption of oil and gas by consumers for profit financial resources of the Defendants and effectively act as a commercial arm for its member companies. On behalf of the Defendants and under their supervision and control, API has participated in and led several coalitions, front groups and organizations that have promoted misinformation about the climate impacts of food products fossil fuels among consumers, including but not limited to the *Global Climate Coalition*, the *Partnership for a Better Energy Future*, the *Coalition for American Jobs*, the *Alliance for Energy and Economic Growth* and the *Alliance for Climate Strategies*. These Front groups were formed to generate disinformation and climate promotion from a supposedly objective source, when, in reality, they were financed and controlled by the Defendants. The Defendants have benefited from the dissemination of this misinformation because, among other things, it has guaranteed a thriving market for consumption of oil and gas, which has generated substantial profits for the Defendants. Defendants directly controlled, supervised, and participated in the API's misleading messages on climate change. All Defendants

and/or their predecessors in interest have been principal members of the API at times relevant to this litigation. All Defendants are currently members of the API.

33. Executives from Exxon, Shell, BP, Chevron and ConocoPhillips have formed part of the Executive Committee of the API and/or have been presidents of the API, which is equivalent to serve as a corporate officer. For example, the CEO of Exxon He was part of the API Executive Committee for 15 of the 25 years between 1991 and 2016 (1991, 1996–97, 2001, 2005–2016). The CEO of BP was president of API in 1988, 1989 and 1998. Chevron CEO was president of the API in 1994, 1995, 2003 and 2012. Meanwhile, the president of Shell was part of the API Executive Committee from 2005 to 2006. The president and CEO of ConocoPhillips, Ryan Lance, was Chairman of the Board of Directors from 2016 to 2018, and the Exxon Chairman and CEO Darren Woods was Chairman of the Board Board from 2018 to 2020. In 2020, the API elected the president and CEO of Phillips 66 (ConocoPhillips), Greg Garland, to serve a two-year term years as president of the Board. ConocoPhillips executives also served as members of the API Board of Directors at different times.

3. 4. The **Information Council for the Environment** (in English, *The Information Council for the Environment*, or ICE) was created by coal companies and its allies, including the Western Fuels Association and the National Coal Association, to implement public advertising and outreach campaigns designed to discredit climate science and denying the connection between burning fossil fuels and the climate change in the eyes of the public. Associated companies included Pittsburg and Midway Coal Mining (Chevron).

35. The *Global Climate* Coalition or GCC) was an industrial group created to preserve and expand the demand for fossil fuels by consumers, even publicly questioning climate science and opposing gas emissions reduction initiatives greenhouse effect. The GCC was founded in 1989, shortly after the first meeting of the Intergovernmental Panel on Climate Change (in English, *The Intergovernmental Panel on Climate Change*, or IPCC), the United Nations body United to evaluate the science related to climate change. The GCC was dissolved

around 2001. Its founding members included the API and the Association National Coal, predecessor of the National Mining Association. Throughout his existence, GCC corporate members included Amoco (BP), API, Chevron, Exxon, Shell Oil, Texaco (Chevron) and Phillips Petroleum (ConocoPhillips). Throughout its existence, other members and funders included ARCO (BP) and Western Fuels Association.

IV. Causes of Action

Yo.

First Cause of Action Damages

Law on Environmental Public Policy and Public Nuisance

36. Plaintiff reaffirms and incorporates by reference each and every allegations contained in the preceding paragraphs.
37. Law No. 416-2004, as amended, empowers the Government of the Port Rico, through the Department of Justice, to file legal claims to ensure environmental public policy. 12 LPRA sec. 8002c. This faculty includes actions to recover the full value of the damage caused to the environment and/or natural resources. *Id.* See, also, Art. 16 of Law No. 416-2004, 12 LPRA Sec. 8002j).
38. Art. 19 of Law No. 416-2004 establishes the power of the Secretary of Justice to bring an action for damages against any person based on damage from environmental violations. 12 LPRA sec. 8002m.
39. Likewise, Art. 42 of Law No. 416-2004 allows the Government of Puerto Rico recover any expenses incurred to face an environmental emergency. 12 LPRA sec. 8004l.
40. For its part, Art. 277 of the Code of Civil Procedure of Puerto Rico, 32 LPRA sec. 2761 establishes that “[a]nything that is harmful to health..., or that interrupts the free use of the property, so as to prevent the comfortable enjoyment of life or property, or that would interfere with the well-being of an entire neighborhood, or a large number of people, ... constitutes a public nuisance that gives rise to action. This action may be promoted by any... public agency... and the sentence may order that it cease that, as well as decreeing compensation for damages.”

41. Defendants' conduct violates the law and public policy environmental in Puerto Rico, and constitutes a public nuisance for the Government and the citizens of Puerto Rico, for which the Defendants respond to the Government of Puerto Rico for the environmental and economic harm and damage caused by its conduct and for the expenses that the Government of Puerto Rico incurs to mitigate them.

42. The Defendants, individually and in coordination with each other, have participated and continue to participate in illegal, negligent, reckless, conscious and/or intentional. Such behaviors include:

- to. Promote uncertainty in people's minds about the existence, causes and effects of climate change;
- b. Promote the sale and use of fossil fuels without warning consumers consumers that the use of fossil fuels would cause a change dangerous climate;
- c. Promote the sale and use of fossil fuels that Defendants they knew they were dangerous and would cause or exacerbate the change climate and its related consequences, including, but not limited to, rising sea levels, drought, extreme precipitation and heat;
- d. Promote the sale and use of fossil fuels that Defendants they knew they were dangerous and would cause or exacerbate the change climate and its related consequences, including, but not limited to, sea level rise, drought, extreme precipitation events and extreme heat events;
- and. Concealing dangers that Defendants knew would result from the use normal consumption of their fossil fuels by misrepresenting and raising doubts about the integrity of scientific information related to climate change;
- F. Promote fossil fuels for uses that Defendants knew would be dangerous to consumers, the public and the Free State Associated;
- g. Disseminate and finance the dissemination of information that misleads consumers and the public about the known and foreseeable risk of the change

climate change and its consequences, which arise from the normal and expected use of fossil fuels;

h. Misleadingly present themselves as clean energy companies committed to reducing emissions and,

Yo. Deceptively promote your investments in alternative technologies as capable of reducing emissions on a large scale in the short term.

43. Defendants' conduct has caused harm to the health and public property, as well as the ability of all Puerto Ricans to enjoy comfortably from life and property. Defendants' campaign of deception has been widespread and long-lasting. It has influenced the purchase and investment decisions of the public for decades, by driving greater demand for fuels fossils. It also reduced demand and investment in clean energy, and delayed the transition to clean energy. This increase in demand led directly to a prolonged increase in greenhouse gas emissions and is a factor substantial damage caused by the climate in Puerto Rico.

44. These injuries constitute disorderly conduct under the laws of Puerto Rico because, without limitation, they unreasonably interfere with public health, public safety, public peace, security and public convenience. Likewise, the injuries caused obstruct the free use of the property in a manner that interferes with the comfortable enjoyment of life and property; They are alterations for the well-being of the communities and neighborhoods throughout the Commonwealth; destroy and degrade the public and private property and infrastructure; negatively affect resources natural resources, including beaches, coastal zones, marine reefs and species, resources terrestrial; affect a large number of people, including all citizens of the Commonwealth; and otherwise unreasonably interfere with the rights common to the general public.

45. Defendants' conduct is the proximate cause of the injuries to Puerto Rico. Defendants knew that the continued consumption of fossil fuels would lead to a climate crisis. However, they did not notice and chose to participate in a sophisticated campaign of deception that had the purpose and effect of sustaining and



overestimate the consumption of fossil fuels. Climate damage in Puerto

Rico are the direct and foreseeable result of the conduct of the Defendants.

46. Defendants' continued interference with public rights is substantial and unreasonable. The damage to Puerto Rico is serious and more than Puerto Rico should bear without compensation. The deceptive acts and omissions of Defendants also lack social utility because there is no utility in deceiving and confuse the public.

47. The Defendants are, therefore, a direct, proximate and substantial cause of unreasonable and substantial interference with the common rights of residents of Puerto Rico, as well as all the damages that arise from this alteration of the order public.

48. The conduct of the Defendants, as set forth herein document, was committed maliciously, with grave disregard for life, safety and the property of others. Therefore, the Claimant requests compensation for the damage caused to the environment and natural resources of Puerto Rico, as well as infrastructure and public property as a consequence of the acts and omissions of Defendants, whose damages exceed one billion dollars.

ii.  
**Second Cause of Action**  
**Extracontractual Damages for Wrongful**  
**or Negligent Acts and Omissions**

49. The previous Art. 1802 of the Civil Code of 1930, 31 LPRA sec. 5141, had that “[t]he one who, by action or omission, causes harm to another, involving fault or negligence, is obliged to repair the damage caused. The concurrent imprudence of the injured party does not “exempts liability, but entails a reduction in compensation.”

fifty. The current Article 1536 of the Civil Code of 2020, 31 LPRA sec. 10801, contains a provision similar to the one previously transcribed that reads as follows: “The person who, through fault or negligence, causes harm to another, is obliged to repair it.”

51. In Puerto Rico a cause of action has been adopted to claim damages ecological, both patrimonial and moral. *Rivera v. SLG Díaz*, 165 DPR 408 (2005). In this cause of action, compensation can be requested *in natura* or according to the decrease in property value.

52. Defendants' unlawful acts and omissions, which continue to the today, have violated and continue to violate their duty of reasonable care because, *among other things*:

- to. It was foreseeable and foreseen by the Defendants that the uncontrolled consumption of fossil fuels would cause harmful climate impacts on islands low, like Puerto Rico;
  - b. It was foreseeable and foreseen by the Defendants that the fossil fuels could maintain or increase total consumption of fossil fuels generating uncertainty about the existence of climate change, flooding the market with scientific theories discredited statements on climate change, hiding the role of fossil fuels to fuel the climate crisis and downplay the risks of climate change for the planet and its communities;
  - c. Compared to average consumers, the public and the State Free Associated, the Defendants had superior knowledge of the harmful risks posed by fossil fuel products in all times relevant to this Claim;
  - d. Defendants had the opportunity and ability to avoid or mitigate those risks, among other things, by adequately warning about the climate impacts of consuming fossil fuels and stopping their climate disinformation campaigns;
- and. For several decades, Defendants have benefited greatly from his lack of warning and deception, which has kept and increased consumption of fossil fuels and,
- F. There is no public interest or social value in allowing Defendants knowingly spread false and misleading information about the dangers of fossil fuels or the existence, causes and consequences of climate change.

53. The acts and omissions of Defendants described in this complaint constitute culpable and negligent conduct in violation of 31 LPRA § 10801.

54. These acts and omissions have harmed and will continue to harm the State Free Associated of Puerto Rico, its citizens and its natural resources and environmental issues, as well as infrastructure and public property, for a long time in the future. Defendants' Actions Directly and Immediately Caused the Damages suffered by the Commonwealth of Puerto Rico and its citizens.

55. The negligent and negligent acts of the defendants have caused damages to the Government of Puerto Rico that are estimated at no less than one billion dollars.

**iii.**

**Third Cause of Action Strict**

**liability in the distribution and sale of defective products due to lack of adequate warnings, 31 LPRA § 10807**

56. Plaintiff reaffirms and incorporates by reference each and every allegations contained in the preceding paragraphs.

57. The Civil Code of Puerto Rico establishes that “[p]ersons who sell in the flow of commerce a product that by its design or manufacture is unreasonably dangerous, are liable for the damage that said product causes, even if they do not incur fault or negligence.” 31 LPRA sec. 10807.

58. So a person will have to compensate for the damages caused when a product becomes unsafe or when the benefits of the product itself do not outweigh its inherent risks. *Rodríguez Méndez v. Laser Eye*, 195 DPR 769 (2016). Furthermore, a product owner is liable for damages when his or her product failure to provide the user or consumer with any warnings or instructions that are appropriate regarding the dangers or risks inherent in the handling or use of the same that are foreseeable for the manufacturer. *Aponte Rivera v. Sears Roebuck*, 144 DPR 830 (1998).

59. Each Defendant had, and continues to have, a duty to exercise a reasonable care in the marketing, promotion, distribution and sale of products of fossil fuels. All Defendants had, and continue to have, a duty to exercise reasonable care in the production and dissemination of information about the impacts of fossil fuel products on the climate for users of those products, the public and those responsible. Despite knowing at all relevant times to this demand that the burning of fossil fuels generates gas pollution

greenhouse effect caused by global climate change and its consequences concomitants, Defendants failed to provide warnings commensurate with the risks associated with the intended use of their products. Likewise, they promoted improperly use their products by omitting the dangers of which they were aware, and implemented sophisticated communication and relationship campaigns to deceive the public about the consequences of using fuels fossils. To this day, Defendants continue to deceive the public by falsely and misleadingly promoting its products as beneficial to the climate and themselves as advocates of change towards a low emissions future of carbon, without realizing that the consumption of their products is the main driver of the climate change. These acts and omissions, as intended, increased demand of fossil fuels and delayed the energy transition to stop using fossil fuels, and therefore exacerbated the harmful consequences of the change climate for Puerto Rico.

60. The Defendants are people who sell their products fossil fuels in the commercial flow. According to Puerto Rico law, they had and continue having the duty to provide adequate warnings about foreseeable risks of the use of their products of which they are aware, including any dangers to the climate system that poses the ordinary and intended use of its products fossil fuels.

61. Defendants have known for decades that ordinary use and expected amount of its fossil fuel products generates greenhouse gases whose accumulation in the atmosphere poses serious threats to the climate system, the environment and humanity, including coastal communities like Puerto Rico. Defendants' Early and Sophisticated Knowledge of Climate Hazards of fossil fuels far exceeded that of ordinary consumers, the public and the Commonwealth of Puerto Rico, who would not have recognized those latent dangers.

62. However, despite his knowledge of the climatic dangers of their fossil fuel products, Defendants have never issued warnings about these dangers. To the contrary, Defendants organized, directed

and financed disinformation campaigns to hide from the public the connection between their fossil fuel products and climate change, for which they spent millions of dollars and deployed various front groups and industry associations to induce consumers to continue purchasing fossil fuels, regardless of the damage to communities and the environment.

63. Defendants' Failure to Provide Warnings

adequate information about the harmful effects of its fossil fuel products on the climate and its improper promotion of its products, has harmed and will continue to harm to the Commonwealth of Puerto Rico, its citizens and its natural resources and environmental issues for a long time into the future. Hence the defendants respond to the Commonwealth of Puerto Rico for the damages caused to their natural resources and the environment, as well as its infrastructure and public property the improper sale, promotion and distribution of their products without providing the adequate warnings, the damages of which are estimated at an amount of not less than one thousand millions of dollars.

**iv.**

**Fourth Cause of Action Punitive Damages**

64. Plaintiff reaffirms and incorporates by reference each and every allegations contained in the preceding paragraphs as if they were established in this document.

65. Puerto Rico law prohibits Defendants from intentionally, recklessly or negligently introduce harmful tangible matter into land, property, real estate and natural resources that the Commonwealth of Puerto Rico possesses, occupies and controls.

66. The Claimant owns, occupies and controls land, real estate and natural resources throughout Puerto Rico.

67. Despite knowing at all times relevant to this claim that the burning fossil fuels generates greenhouse gas pollution caused by global climate change and its concomitant consequences, Defendants Failed to Provide Warnings Proportionate to the Associated Risks with the intended use of their products, improperly promoted their products



hiding from the public the dangers of which they were aware, and implemented sophisticated communication and public relations campaigns to deceive the public on the consequences of the use of fossil fuels. Until today, the Defendants Continue to Deceive the Public by Promoting Their Products falsely and misleadingly as beneficial for the climate and themselves as advocates of the shift towards a low-carbon future, without realizing that The consumption of its products is the main driver of climate change. These acts and omissions, as planned, artificially increased and prolonged the demand for fossil fuels and delayed the energy transition to stop using fossil fuels fossils, and thus exacerbated the harmful consequences of climate change for Puerto Rico and harmed the Commonwealth, its citizens and its resources natural and environmental.

68. Plaintiff did not grant Defendants permission to cause flooding, extreme rainfall, caused by seawater or other materials that enter your property as a result of the use of fossil fuel products of the Defendants.

69. Defendants' failure to warn and improper promotion of their fossil fuel products, which continue to this day, directly and immediately the damages suffered by the Commonwealth, its citizens and its natural and environmental resources.

70. Likewise, Defendants' failure to warn and promotion improper use of its fossil fuel products, which continues to this day, are a substantial factor causing flooding, extreme rainfall, seawater and other materials entering land, real estate and resources natural lands that the Claimant controls, or occupies.

71. The culpable and negligent conduct of the Defendants, as set forth established in this document, was committed maliciously, with grave disregard for the life, safety and property of others. "[W]hen the act or omission constitutes a crime, is carried out maliciously or with serious disregard for life, security and property of others, the judge may impose additional compensation that is not greater than the amount of damage caused." 31 LPRA sec. 10803. Therefore, the

plaintiff seeks compensation for punitive damages<sup>27</sup> in an amount reasonable, appropriate, and sufficient to sanction Defendants for the good of the society and to deter them from committing the same or similar acts.

v.  
**Fifth Cause of Action**  
**Unfair and deceptive acts or practices in trade or economic activities**  
**10 LPRA § 259 and 10 LPRA § 268**

72. Plaintiff reaffirms and incorporates by reference each and every allegations contained in the preceding paragraphs as if they were established in this document.

73. Despite knowing at all times relevant to this claim that the burning fossil fuels generates greenhouse gas pollution caused by global climate change and its concomitant consequences, Defendants Failed to Provide Warnings Proportionate to the Associated Risks with the intended use of their products, improperly promoted their products hiding from the public the dangers of which they were aware, and implemented sophisticated communication and public relations campaigns to deceive the public on the consequences of the use of fossil fuels. Until today, the Defendants Continue to Deceive the Public Through False and Deceptive Promotion of their products as beneficial for the climate and themselves as defenders of the change towards a future with low carbon emissions, without realizing that the consumption of its products is the main driver of climate change. These acts and omissions, as planned, they artificially increased and prolonged fuel demand fossils and delayed the energy transition away from using fossil fuels, and therefore therefore exacerbated the harmful consequences of climate change for Puerto Rico.

74. These actions and omissions constitute unfair business practices and misleading in violation of 10 LPRA § 259, so pursuant to 10 LPRA Sec. 268(b) The Defendants respond to the Commonwealth of Puerto Rico for the damages caused by engaging in said illegal practices that occurred in commerce or in economic activities as defined by the Monopolies and Restriction of Trade Law Trade.

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<sup>27</sup> See 31 LPRA § 5425.

75. These acts and practices harmed the Commonwealth, its citizens and their natural and environmental resources. Defendants' Actions directly and immediately caused damage to the Commonwealth, its citizens and to its natural and environmental resources, whose damages are estimated at an amount not less than a billion dollars.

V. Requested Remedies

**FOR ALL WHICH**, the Government of Puerto Rico respectfully requests that this Honorable Court to declare the present claim **ACCEPTED** and, by virtue of it, issue Judgment providing the following remedies:

1. Award compensation for damages, jointly and jointly, for an amount of not less than one billion dollars;
2. Award punitive damages in an amount of not less than one billion dollars;
3. Force Defendants to contribute to an equitable fund to mitigate the current inconvenience that his illegal conduct has caused to Puerto Rico, and to pay the costs of said reduction charged to said fund, including, among others, the costs to strengthen public infrastructure against sea level rise and storm damage storms, restoration of natural resources, financing local measures of climate resilience and the reconstruction of natural barriers to protect the communities from sea level rise and climate-influenced storms;
4. Determine that the acts and practices of the Defendants, as set forth described in the Complaint, constitute multiple cases of illegal practices in violation of the Monopolies and Restraint of Trade Law, 10 LPRA § 259, and grants the State Free Associate of Puerto Rico the damages and losses that result from said practices unlawful pursuant to 10 LPRA § 268(b);
5. Permanently prohibit Defendants from engaging in the practices unlawful acts described in the Complaint;
6. Require Defendants to pay costs, expenses and fees of lawyers related to this lawsuit;
7. Grant any other remedies that may be appropriate by law.

RESPECTFULLY PRESENTED.

In San Juan, Puerto Rico, today July 15, 2024.

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