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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v.

BP P.L.C., *et al.*,

Defendants.

No. C 17-06011 WHA
No. C 17-06012 WHA

**NOTICE RE BRIEFING ON
MOTION TO DISMISS**

In the remainder of the FRCP 12(b)(6) briefing, please address the following questions.

The parties' page limits and briefing schedule remain the same.


1. Identify and describe all state and federal court decisions sustaining a nuisance theory of liability based on the otherwise lawful sale of a product where the seller financed and/or sponsored research or advertising intended to cast doubt on studies showing that use of the product would harm public health or the environment at large. Also, identify and describe all decisions rejecting such a theory.
2. Identify and describe all state and federal court decisions that address a nuisance theory of liability in the context of global warming (*i.e.*, the combustion of fossil fuels leads to carbon dioxide that leads to warming, polar melting, and coastal flooding).
3. Please address the extent to which the *Noerr-Pennington* doctrine may apply to these actions.

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4. If plaintiffs' theory is correct, why wouldn't everyone involved in supplying carbon-based fuels (or in otherwise increasing carbon dioxide, *e.g.*, deforestation) be liable upon a showing that they questioned the science of global warming or sponsored research intending to question it?

IT IS SO ORDERED.

Dated: March 27, 2018.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE