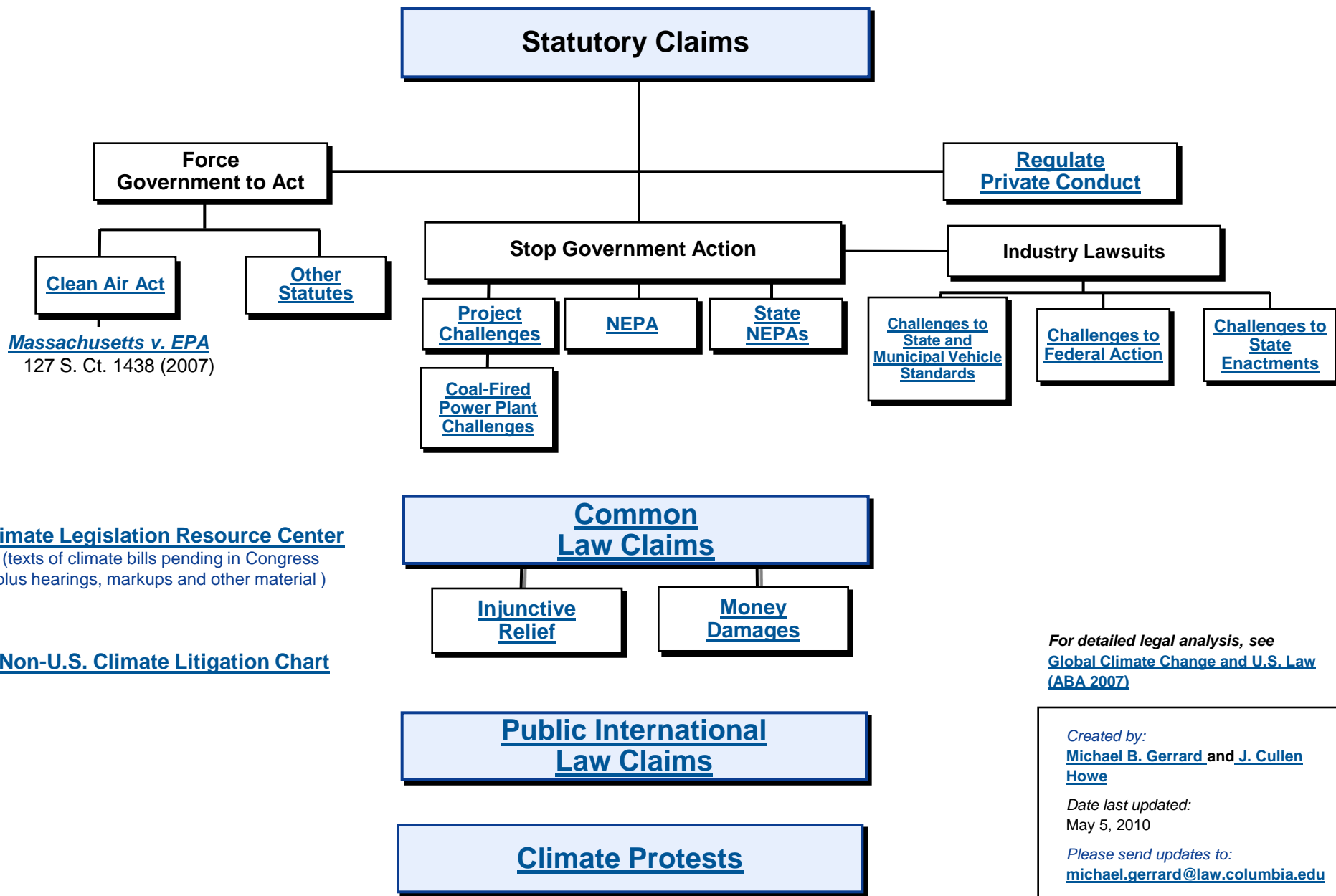


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CLIMATE CHANGE LITIGATION IN THE U.S.



[Climate Legislation Resource Center](#)

(texts of climate bills pending in Congress plus hearings, markups and other material)

[Non-U.S. Climate Litigation Chart](#)

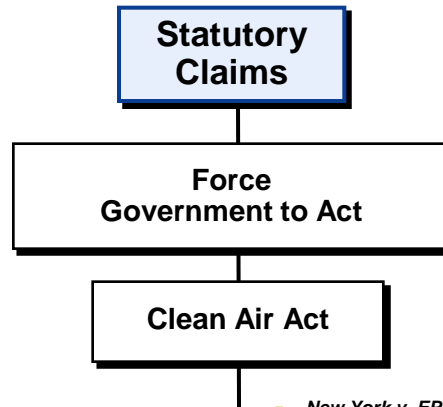
For detailed legal analysis, see [Global Climate Change and U.S. Law \(ABA 2007\)](#)

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Date last updated:
May 5, 2010

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CLIMATE CHANGE LITIGATION IN THE U.S.



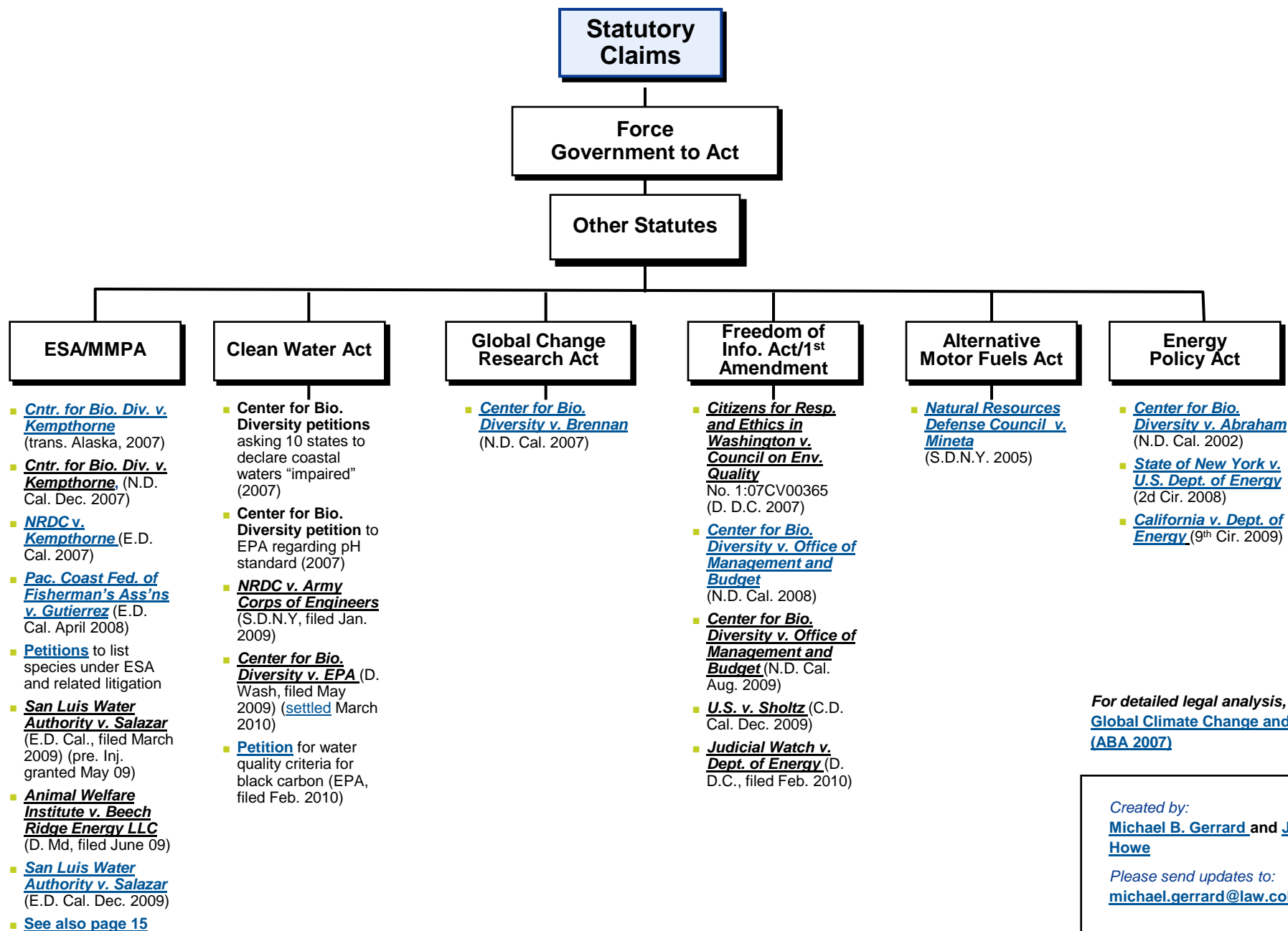
- [Massachusetts v. Whitman](#)
No. 3:03CV984 (D. Conn. 2003) (voluntarily dismissed)
- [New York v. EPA](#)
No. 06-1322 (D.C. Cir. 2006)
- [Coke Oven Environmental Task Force v. EPA](#) No. 06-1131 (D.C. Cir. 2006) (consol. With NY v. EPA) (settled April 2008)
- [Massachusetts v. EPA](#)
127 S. Ct. 1438 (2007)
- [Massachusetts v. EPA \(II\)](#)
(D.C. Cir. June 2008)
- [California Attorney General petition to EPA](#)
to regulate GHG emissions from ocean going vessels in U.S. waters (2007)
- [Petitions](#) to EPA by nonprofit groups to set pollution rules for ocean-going vessels in U.S. waters (2007)
- [Cal. South Coast Air Quality Man. District petition](#) to EPA requesting GHG emissions limits for ocean going vessels (2008)
- [Petition](#) to compel EPA to make decision whether to regulate GHG emission (D.C. Cir. 2008)
- [EPA decision](#) denying California waiver request
- [California v. EPA](#) petition concerning denial of waiver request (9th Cir. 2008) (motion to dismiss denied April 2008) (motion to dismiss [granted](#) July 2008)
- [California Attorney General petition](#) to EPA to regulate GHG emissions of aircrafts (Dec. 2007)
- [California Attorney General petition](#) to EPA to regulate GHG emissions from construction and industrial equipment (Jan. 2008)
- [Pacific Merchant Shipping Assoc. v. Goldstene](#) (9th Cir. 2008) (not CO₂)
- [EPA's Advance Notice of Proposed Rulemaking Regarding GHG Regulations](#) (July 2008)
- [Notice of intent to sue EPA](#) for failing to regulate GHG emissions from aircraft, oceangoing vessels and other equipment (July 2008)
- [New York v. EPA](#) (D.C. Cir., filed Aug. 2008)
- [California v. EPA](#) (N.D. Cal. Dec. 2008)
- [Presidential memo](#) to EPA regarding reassessment of denial of California waiver (Jan. 2009)
- [EPA's Proposed Greenhouse Gas Endangerment Finding](#) (April 2009)
- [In re Proposed Endangered Finding](#) petition for on-the-record hearing on endangerment finding (EPA, filed June 2009) (second request [filed](#) in Aug. 2009)
- [EPA Clean Air Act waiver](#) to California (June 2009)
- [Petition](#) to EPA outlining reasons why agency has authority under CAA to regulate motor vehicles and aircraft (July 2009)
- [Humane Society v. Jackson](#) (EPA, filed Sept. '09)
- [Petition](#) to EPA to establish national pollution limits for greenhouse gases under CAA (EPA, filed Dec. 2009)

For detailed legal analysis, see
[Global Climate Change and U.S. Law \(ABA 2007\)](#)

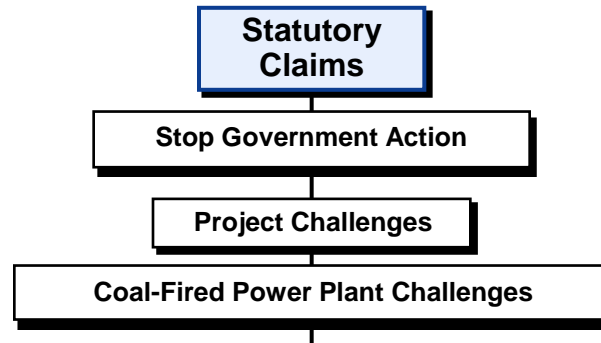
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[Montana Env. Info. Center v. Johanns](#) (D. D.C., filed 2007)

[Groce v. Pa. Dept of Env. Protection](#) (Pa. Comm. Ct. April 2007)

[Dean v. Kansas Dept. of Health and Env.](#) (filed May 2007)

[In re Florida Power & Light](#) (Fl. Public Service Comm. June 2007)

[Sierra Club v. EPA](#) (7th Cir., filed Aug. '07) (dismissed Sept. '07; rehearing denied Oct. '07)

[In re Energy Northwest](#) (Wash. Ene. Fac. Site Evaluation Council Nov. 2007)

[In re ConocoPhillips](#) (EPA Env. App. Bd., **rev. denied** June 2008)

[Kansas Dept. of Health & Env.](#) (denial of air quality permits (Oct. 2007)

[Sunflower v. Kan. Dept. of Health & Env.](#) (Kan. Sup. Ct., filed 2008) (dismsd July 2008)

[SF Chptr of A. Phillip Randolph Inst. v. EPA](#) (N.D. Cal. March 28, 2008)

[Friends of the Chattahoochee, Inc. v. GA Dept. of Nat. Resources](#) (Jan. 2008)

[In re Otter Tail Power Co.](#) (S. Dakota Sup. Ct. Jan. 2008)

[In re Sevier Power Co. Power Plant](#) (Utah Air Quality Bd. Jan. 2008)

[Mt. Env. Info. Center v. Mt. Dept. of Energy](#) (Mt. Bd. of Env. Rev. Jan. 2008)

[In re Christian Co. Generation, LLC](#) (EPA Env. Appeals Bd. Jan. 2008)

[In re Deseret Power Electric Cooperative](#) (EPA Env. Appeals Bd, filed Oct. 2007)

[Citizens for Env. Inquiry v. DEQ](#) (Mich. Cir. Ct., filed Jan. 2008)

[Sierra Club v. Duke Energy Indiana](#) (Indiana Office of Env. Adj., filed Feb. 2008)

[Sierra Club v. Wellington Dev.-WVDT LLC](#) (W.D. Pa., filed Feb. 27, 2008)

[Appalachian Voices v. Bodman](#) (D.D.C. filed March 3, 2008)

[S. Env. L. Cntr v. N.C. Div. of Air Qlty](#) (N.C. Off. of Adm. Hear., filed March 2008)

[In re Appalachian Power Co.](#) (Va. Corp. Comm., April 2008)

[Case Index](#)

[Desert Rock Energy Co. and Dine Power Auth. v. EPA](#) (S.D. Tex., filed 2008)

[Friends of the Chattahoochee, Inc v. GA Dept. of Nat. Res.](#) (June 2008)

[Mont. Env. Info. Center v. Mont. DEQ](#) (Mt. Dist. Ct., filed June 2008)

[Sierra Club v. USDA Rural Util. Serv.](#) (D.D.C.) (motion to dsms denied July '08)

[CleanCOALition v. TXU Power](#) (5th Cir. July 2008) (cert. denied Dec. 2008)

[Appalachian Voices v. Vir. State Air Poll. Control Bd.](#) (Richmond Cir. Ct. July 2008)

[South. All. for Clean Ene. v. Duke Energy Carolinas, Inc.](#) (W.D.N.C., filed Aug. '08)

[In re Desert Rock Energy Co. LLC](#) (EPA Env. Appeals Bd, filed Aug. 2008)

[Longleaf Ene. v. Friends of the Chattahoochee](#) (Ga. Ct. App., filed Aug. '08)

[Sierra Club v. EPA](#) (11th Cir. 2008)

[Commonwealth of Kentucky Env. & Pub. Prot. Cab. v. Sierra Club](#) (Ken. Ct. App. '08)

[In re Desert Rock Energy Co. LLC](#) (EPA Env. Appeals Bd., filed Oct. 2008)

[In re Seminole Ele. Cooperative](#) (EPA Env. Appeals Bd., filed Oct. 2008)

[Citizen Action Coal. of Indiana v. PSI Energy](#) (Ind. Ct. App. Oct. 2008)

[Sevier Power Co. LLC v. Bd. of Sevier Co. Commissioners](#) (Utah Sup. Ct. Oct. 2008)

[Sierra Club v. Franklin Co. Power Co. of Ill.](#) (7th Cir. Oct. 2008) (cert. denied June 09)

[In re Wisconsin Power and Light](#) (Pub. Serv. Comm. of Wisconsin Nov. 2008)

[In re Deseret Power Electric Cooperative](#) (EPA Env. Appeals Bd. Nov. 2008)

[Sunflower Ele. Corp. v. Sebelius](#) (D. Kan., filed Nov. 2008)

[Palm Beach Co. Env. Coalition v. Florida](#) (S.D. Florida Nov. 2008)

[In re Kentucky Mountain Power](#) (Ken. Ene. & Env. Cabinet Nov. 2008)

[Southern Alliance for Clean Ene. v. Duke Energy Carolinas](#) (W.D.N.C. Dec. 2008)

[Amer. Nurses Assoc. v. EPA](#) (D. D.C. filed Dec. '08)

[EPA adm. decision](#) finding that CO2 is not regulated pollutant for purposes of PSD program (Dec. 2008)

[Sierra Club v. EPA](#) (D.C. Cir. , filed Jan. 2009)

[Blue Skies Alliance v. Texas Comm. on Env. Quality](#) (Texas App. Ct. Jan. 2009)

[In re Desert Rock Energy Co. LLC](#) (EPA Env. Appeals Bd. Jan. 2009)

[North Carolina v. TVA](#) (W.D.N.C. Jan. 2009)

[In re N. Mich. Univ. Ripley Heating Plant](#) (EPA Env. App. Bd. Feb. 2009).

[Env. Def. Fund v. South Carolina Bd. of Health & Env. Control](#) (S.C. Adm. Law Ct., filed April 2009)

[App. Voices v. Vir. State Corp. Comm.](#) (Va. Sup. Ct., April 2009)

[In re Desert Rock Energy Co. LLC](#) (EPA Env. App. Bd, filed April 09)

[Arizona Public Service Co. v. EPA](#) (10th Cir. April 2009)

[N.C. Waste Awareness & Reduction Network v. N.C. Dept. of Env. & Nat. Resources Dept.](#) (N.C. Office of Adm. Hearings May 2009)

[Sierra Club v. EPA](#) (D.D.C. June 2009)

[Hempstead Co. Hunting Club, Inc. v. Ark. Pub. Serv. Comm.](#) (Ark Ct. App. June 2009)

[Southern Alliance for Clean Ene. v. Duke Energy Carolinas](#) (W.D.N.C. July 2009)

[Longleaf Ene. v. Friends of Chattahoochee](#) (Ga. Ct. App. July 2009)

[In re Sunflower Ele. Corp.](#) (EPA Region 7 July 2009)

[In re MGP Ingredients of Illinois, Inc.](#) (EPA Env. Appeals Bd, filed July 2009)

[Sunflower Ele. Corp. v. Sebelius](#) (D. Kan., filed July 09)

[Palm Beach Co. Env. Coalition v. Florida](#) (S.D. Florida July 2009)

[Appalachian Voices v. State Air Pollution Control Board](#) (Va. Cir. Ct., Aug. 2009)

[Sierra Club v. Jackson](#) (W.D. Wis., consent decree filed July 2009)

[U.S. v. Ohio Edison](#) (consent decree signed Aug. 2009)

[In re Progress Energy Florida](#) (Florida Cabinet Aug. 2009)

[Mirant Potomac River LLC v. EPA](#) (4th Cir. Aug. 2009)

[App. Voices v. State Air Pollution Bd.](#) (Vir. Air. Quality Control Bd. Sept. 2009)

[Sierra Club v. Jackson](#) (E.D. Ken., consent decree filed Sept. 2009)

[In re Trimble Co. Generating Station](#) (EPA Sept. 2009)

[In re Desert Rock Energy Co.](#) (EPA Env. App. Bd. Sept. 2009)

[Friends of the Chattahoochee v. Longleaf Ene.](#) (Ga. Sup. Ct. Sept. '09)

[In re Transalta Corp.](#) (EPA, filed Nov. 2009)

[Utah Ch. of the Sierra Club v. Air Quality Bd.](#) (Utah Sup. Ct. Dec. 2009)

[U.S. v. Cinergy](#) (S.D. Indiana, settled Dec. 2009)

[WildEarth Guardians v. Jackson](#) (D. Col. consent decree filed Jan. '10)

[Underwriters at Lloyd's of London v. NFC Mining, Inc.](#) (E.D. Ky. Jan. 2010)

[Citizens for Env. Inquiry v. Dept. of Env. Quality](#) (Mich. Ct. App. Feb. 2010)

[Sierra Club v. U.S. Army Corps of Engineers](#) (W.D. Ark., filed Feb. 2010)

[Powder River Basin Resource Council v. Wyoming Dept. of Env. Quality](#) (Wyoming March 2010)

[U.S. v. Midwest Generation LLC](#) (N.D. Ill March 2010)

[NRDC v. Mich. Dept. of Natural Res.](#) (Mich. Cir. Ct., filed March '10)

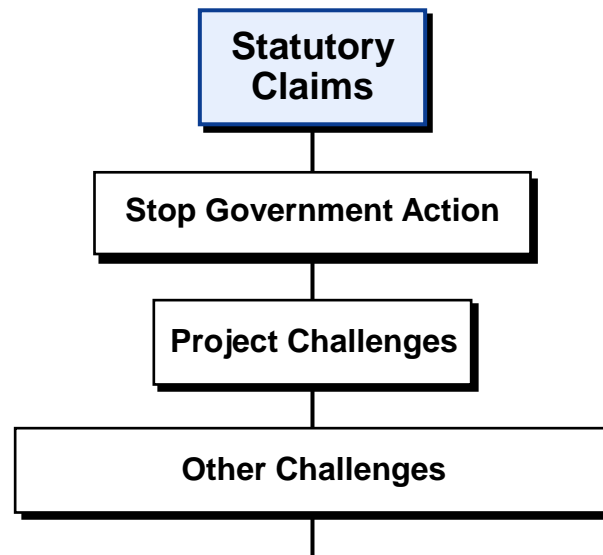
[Sierra Club v. Southwest Washington Clean Air Agency](#) (Wash. Pollution Hearings Board April 2010)

For detailed legal analysis, see [Global Climate Change and U.S. Law \(ABA 2007\)](#)

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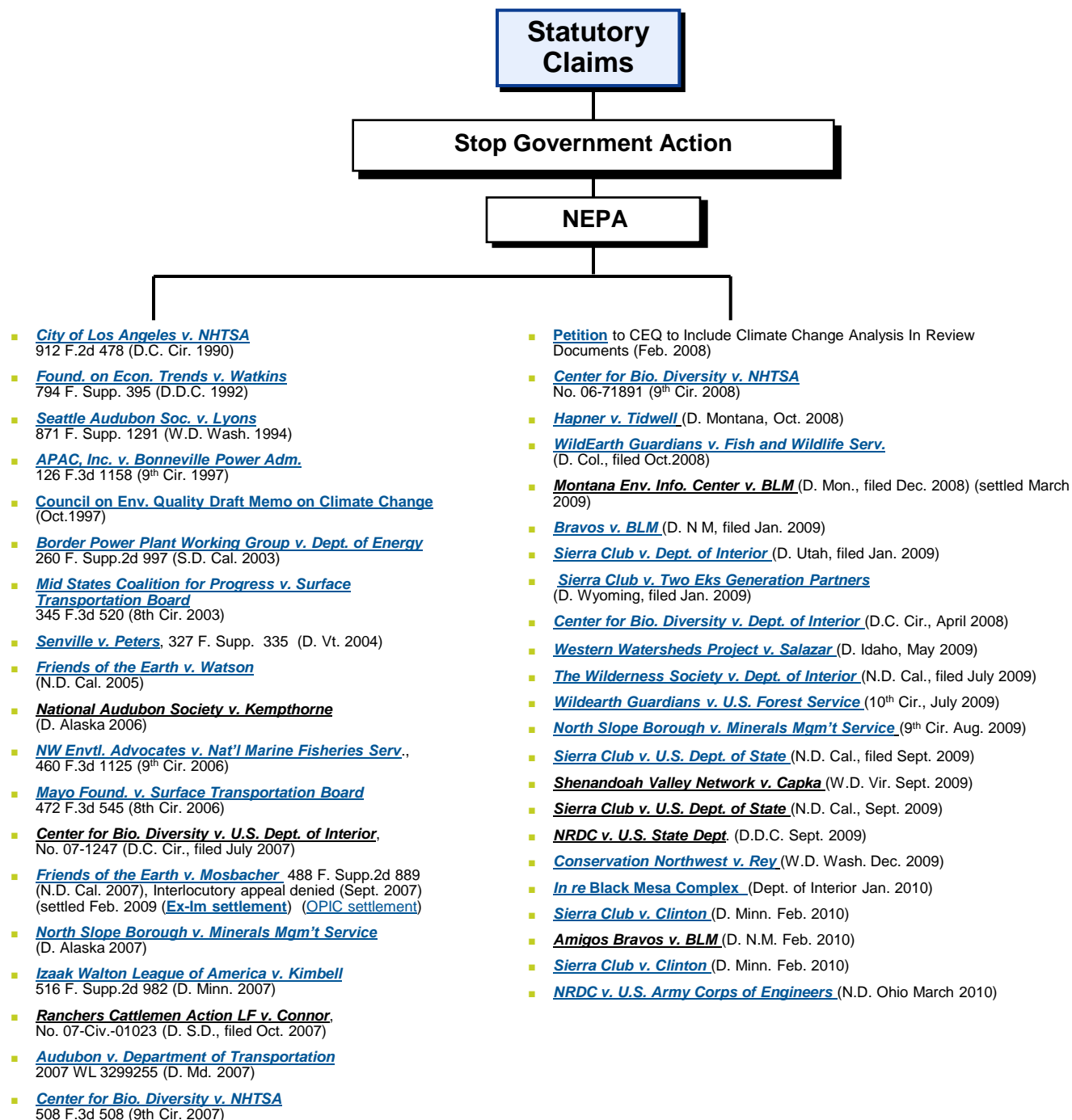
- [*Northwest Environmental Def. Center v. Owens Corning Corp.*](#) 434 F. Supp.2d 957 (D. Ore. 2006)
- [*Montana Environmental Information Center v. Montana DEQ & Bull Mountain Development*](#) (filed June 2007)
- [*Savoy Energy, LLC v. New Mexico Inst. of Mining and Tech.*](#) (D. Utah, filed Jan. 2010)

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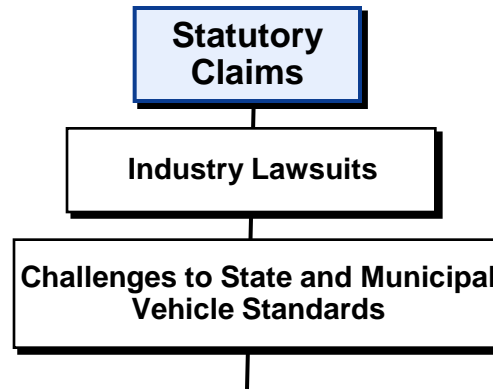


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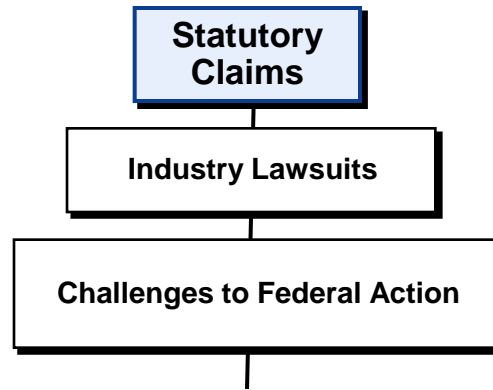
- [*Green Mountain Chrysler v. Torti*](#)
No. 05-CV-302 (D. Vt. 2005) (settled April 2010)
- [*Green Mountain Chrysler v. Crombie*](#) (D. Vt. 2007)
(settled April 2010)
- [*Central Valley Chrysler v. Goldstene*](#)
(E.D. Cal. Dec. 2007) (settled April 2010)
- [*Central Valley Chrysler v. Goldstene*](#)
(E.D. Cal. June 2008) (settled April 2010)
- [*Central Valley Chrysler v. Goldstene*](#)
(E.D. Cal. Sept. 2008) (settled April 2010)
- [*Association of International Auto. Manufacturers v. Sullivan*](#) (D.R.I. 2006) (settled April 2010)
- [*Lincoln Dodge, Inc. v. Sullivan*](#) (D. R.I. 2007)
- [*Zangara Dodge, Inc. v. Curry*](#)
No. 1:07-CV-01305 (D.N.M., filed Dec. 2007)
- [*Metro. Taxicab Board of Trade v. NYC*](#)
(S.D.N.Y., filed Sept. 2008)
- [*Lincoln Dodge, Inc. v. Sullivan*](#) (D. R.I. Nov. 2008)
(settled April 2010)
- [*Presidential memo regarding fuel economy standards*](#)
(Jan. 2009)
- [*Center for Bio. Diversity v. NHTSA*](#)
(9th Cir., filed April 2009)
- [*Metro. Taxicab Board of Trade v. NYC*](#)
(S.D.N.Y. June 2009)
- [*Ophir v. City of Boston*](#) (D. Mass July 2009)
- [*Ophir v. City of Boston*](#) (D. Mass. Aug. 2009)
- [*Hanosh v. King*](#) (N.M. Sept. 2009)
- [*Assoc. of Taxicab Operators USA v. City of Dallas*](#)
(N.D. Tex., filed April 2010)

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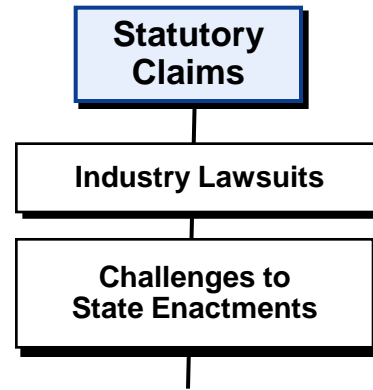
- [*Chamber of Comm. v. EPA*](#) (D.C. Cir, filed Sept. 2009)
- [*Coalition for Responsible Regulation, Inc. v. EPA*](#) (D.C. Cir, filed Dec. 2009) (motion to intervene pending)
- [*Sierra Club v. EPA*](#) (D.C. Cir., filed Dec. 2009)
- [Petition](#) for reconsideration of endangerment finding (EPA, filed Dec. 2009)
- [*American Chemistry Council v. EPA*](#) (D.C. Cir., filed Dec. 2009)
- [*American Petroleum Institute v. EPA*](#) (D.C. Cir., filed Dec. 2009)
- [*Energy Recovery Council v. EPA*](#) (D.C. Cir., filed Dec. 2009)
- [*Fertilizer Institute v. EPA*](#) (D.C. Cir., filed Dec. 2009)
- [*Linder v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*Virginia v. EPA*](#) (D.C. Cir., filed Feb. 2010) (motions to intervene pending)
- [*Alabama v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*Texas v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*Utility Air Regulatory Group v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*Ohio Coal Association v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*Gerdau Ameristeel v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*Portland Cement Association v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*Competitive Enterprise Institute v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*American Farm Bureau Federation v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*Peabody Energy Co. v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*National Mining Association v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*National Association of Manufacturers v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*American Iron and Steel Institute v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*U.S. Chamber of Commerce v. EPA*](#) (D.C. Cir., filed Feb. 2010)
- [*In re U.S. Chamber of Commerce*](#) (EPA, filed March 2010)
- [*National Petrochemical and Refiners Assoc. v. EPA*](#) (D.C. Cir., filed March 2010)
- [*American Petroleum Institute v. EPA*](#) (D.C. Cir., order of abeyance March 2010)
- [*Coalition for Responsible Regulation v. EPA*](#) (D.C. Cir., filed April 2010)
- [*Virginia v. EPA*](#) (D.C. Cir, filed April 2010)

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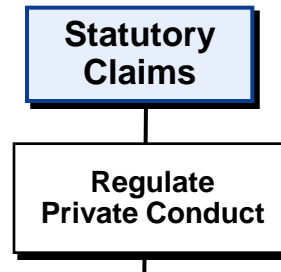
- [*In re Quantification of Environmental Costs*](#)
578 N.W.2d 794 (Minn. Ct. App. 1998)
- [*Alliance of Auto. Manufacturers v. Sheehan*](#)
No 4757/05 (Sup. Ct. N.Y. Co. 2005) (withdrawn)
- [*Air Conditioning, Heating & Refrig. Inst. v. City of Albuquerque*](#) (D. N.M. Oct. 2008)
- [*Tesoro Refining & Marketing Co. v. Cal. Air Resources Bd.*](#)
(Sac. Co. Sup. Ct., filed Sept. 2008)
- [*Ash Grove Texas, LP v. City of Dallas*](#) (N.D. Tex. Nov. 2008)
- [*Indeck Cornith v. Paterson*](#) (N.Y. Sup. Ct., filed Jan. 2009)
- [*California Business Properties Association v. CARB*](#) (Sac. Co. Sup. Ct., filed May 2009) (state FOIA)
- [*Indeck Cornith v. Paterson*](#) (N.Y. Sup. Ct., settled Dec. 2009)
- [*Rocky Mountain Farmers Union v. Goldstein*](#) (E.D. Cal., filed Dec. 2009)
- [*Leavell v. New Mexico Env. Improvement Bd.*](#) (D. N.M., filed Jan. 2010)
- [*National Petrochemical & Refiners Association v. Goldstene*](#)
(E.D. Cal., filed Feb. 2010)
- [*Leavell v. New Mexico Env. Improvement Bd.*](#) (D. N.M. April 2010)

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- [Okeson v. City of Seattle](#)
50 P.2d 556 (Wash. 2007)
- [International Finance Corp. v. Korat](#)
No. 07-5451 (S.D.N.Y. 2007)
- [New York Attorney General subpoenas to coal utilities](#) concerning disclosure of climate risks in SEC filings (Sept. 2007)
- [Environmental Defense petition to Securities and Exchange Commission](#) to require companies to disclose climate risk information (Sept. 2007)
- [Free Enterprise Action Fund petition to Securities and Exchange Commission](#) to require companies to disclose business risks of laws and regulations intended to address global warming (Oct. 2007)
- [GE request to SEC to omit shareholder proposal](#) to prepare global warming report for its 2008 annual shareholders meeting (denied by SEC 2008)
- [New York AG Settlement With Xcel Energy](#) concerning disclosure of climate risks in SEC filings (Aug. 2008)
- [New York AG Settlement With Dynegy, Inc.](#) concerning disclosure of climate risks in SEC filings (Oct. 2008)
- [SEC briefing paper](#) on possibility of environmental and climate disclosures in securities filings (July 2009)
- SEC staff [bulletin](#) reversing Bush Administration policy excluding shareholder resolutions asking companies to disclose climate-related financial exposure (Oct. 2009)
- [New York AG Settlement with AES Corp.](#) concerning disclosure of climate risks in SEC filings (Nov. 2009)
- [Petition](#) to SEC for interpretative guidance on climate risk disclosure (Dec. 2009)
- [SEC interpretative guidance](#) requiring companies to disclose climate change risks (Jan. 2010)

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- [Connecticut v. American Electric Power](#)
406 F. Supp.2d 265 (S.D.N.Y. 2005)
(dismissed)
- [Korsinsky v. EPA](#)
2005 WL 2414744 (S.D.N.Y. 2005) (dismissed)
Aff'd 2006 WL 2334976 (2d Cir. 2006)
- [Connecticut v. American Electric Power](#)
(2d Cir. Aug. 2009) (reversed dismissal) (en banc petition
for rehearing [denied](#) March 2010)
- [Comer v. Murphy Oil USA, Inc.](#)
No. 1:05-CV-436 (S.D. Miss. 2006)
(dismissed August 2007)
- [Comer v. Murphy Oil USA, Inc.](#) (5th Cir. Oct. 2009)
(partially reversed dismissal) (en banc petition for
rehearing [granted](#) Feb. 2010)
- [California v. GM Corp.](#)
No. 3:06-CV-05755 (N.D. Cal. 2006) (dismissed Sept.
2007) (appeal pending) [Request for continuance of
oral argument](#) (Jan. 2009)
[Appeal voluntarily dismissed](#) (June 2009)
- [Native Village of Kivalina v. ExxonMobil Corp.](#),
08-CV-1138 (N.D. Cal. Feb. 2008)
- [Steadfast Ins. Co. v. The AES Corp.](#), No. 2008/858
(Arlington Co. Cir. Ct., filed July 2008)
- [Native Village of Kivalina v. ExxonMobil Corp.](#)
(N.D. Cal. Sept. 2009) (dismissed) (appeal pending)

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CLIMATE CHANGE LITIGATION IN THE U.S.

Public International Law Claims

- [Inuit petition to Inter-American Commission on Human Rights](#)
- [Petitions to the World Heritage Committee](#)
- [United Nations Human Rights Council Resolution to Study Impact of Climate Change on Human Rights](#) (March 2008)
- [Petition to the World Heritage Committee Regarding Black Carbon](#) (Jan. 2009)
- [United Nation Human Rights Council Resolution to Hold Panel Discussion on Climate Change and Human Rights](#) (March 2009)

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CLIMATE CHANGE LITIGATION IN THE U.S.

Climate Change Protests

[*Chamber of Commerce v. Servin*](#) (D.D.C., filed Oct. 2009)

[*United States v. DeChristopher*](#) (D. Utah Nov. 2009)

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Petitions Under the Endangered Species Act and Related Litigation

KITTLITZ'S MURRELET

[Petition](#) to list species as endangered (May 2001)

Findings: [Warranted but precluded](#) (May 2004)

[Warranted but precluded](#) (May 2005)

[Warranted but precluded](#) (Sept. 2006)

[Warranted but precluded](#) (Dec. 2007)

[Petition](#) to Alaska Dept. of Fish and Game to list species as endangered (March 2009) (rejected April 2009)

POLAR BEARS

[Petition](#) to list species as threatened (Feb. 2005)

Preliminary decision

[Proposed rule](#) (January 2007)

[Notice of intent to sue over delayed listing](#) (Jan. 2008)

[CBD lawsuit over delayed listing](#) (March 2008)

[Order](#) requiring decision on listing (April 2008)

[Final rule](#) listing Polar Bears as "threatened" (May 2008)

[Center for Biological Diversity v. Kempthorne](#) (N.D. Cal. May 2008) (lawsuit challenging "threatened" determination)

[Notice of intent to sue](#) regarding oil and gas industry actions that could affect habitat (June 2008)

[Center for Bio. Div. v. Kempthorne](#) (N.D. Cal. June 2008) (denial of motion to dismiss lawsuit)

[Pac. Legal Found. Notice of Intent to Sue FWS](#) over "threatened" listing (July 2008)

[Center for Bio. Diversity v. Kempthorne](#) (N.D. Cal. Aug. 2008) (partially granting motion to intervene)

[Alaska v. Kempthorne](#) (D.D.C., filed Aug. 2008)

[American Pet. Institute v. Kempthorne](#) (D.D.C., filed Aug. 2008)

[Settlement](#) regarding determination on critical habitat (Oct. 2008)

[Center for Bio. Diversity v. Kempthorne](#) (N.D. Cal. Oct. 2, 2008) (denying motion for reconsideration of motion to intervene)

[Center for Bio. Diversity v. Kempthorne](#) (N.D. Cal. Oct. 10, 2008) (denying motion to transfer)

[Center for Bio. Diversity v. Kempthorne](#) (N.D. Cal. Nov. 18, 2008) (granted motion to intervene in part)

Dept. of Interior [proposal](#) designating critical habitat (Oct. 2009)

[Center for Bio. Diversity v. Kempthorne](#) (9th Cir. Dec. 2009)

PENGUINS

[Center for Bio. Diversity v. Hall](#) (D.D.C. Sept. 2008)

[Center for Bio. Diversity v. Salazar](#) (N.D. Cal. filed March 2010)

GRIZZLY BEARS

[Greater Yellowstone Coalition v. Servheen](#) (D. Mont. Sept. 2009)

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[Petition](#) to list species as endangered (March 2004)

[90 day finding](#) (positive)

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[Notice of Intent to sue](#) over failure to consider climate change threats in new rule protecting coral (Nov. 2008)

[Notice of Intent to sue](#) over failure to protect 83 coral species under ESA (Jan. 2010)

AMERICAN PIKA

[California](#) and [federal](#) petitions to list species as threatened (Aug. 2007)

[Center for Bio. Div. v. Kempthorne](#) (E.D. Cal., filed Aug. 2008)

[Center for Bio. Div. v. Cal. Fish & Game Comm.](#) (Cal. Sup. Ct., filed Aug. 2008)

State and federal lawsuits seek to require response to state and federal petitions

[Notice](#) announcing 90 day finding (May 2009)

[Center for Bio. Div. v. Cal. Fish & Game Comm.](#) (Cal. Sup. Ct., filed Oct. 2009)

[12 month finding](#) that species not endangered (Feb. 2010)

RIBBON SEAL

[Petition](#) to list species as threatened or endangered (Dec. 2007)

[Notice of intent to sue](#) over failure to list Ribbon Seal under ESA

[Center for Bio. Div. v. Lubchenco](#) (N.D. Cal., filed Sept. 2009)

[Center for Bio. Div. v. Lubchenco](#) (N.D. Cal., Nov. 2009)

PACIFIC WALRUS

[Petition](#) to list species as threatened or endangered (Feb. 2008)

[Center for Bio. Diversity v. FWS](#) (D. Alaska Dec. 2008)

[Center for Bio. Diversity v. FWS](#) (D. Alaska Jan. 2010)

SEA TURTLES

[Center for Bio. Div. v. Locke](#) (N.D. Cal. filed June 2009)

OCEAN ACIDIFICATION

[Notice of intent to sue](#) over ocean

acidification (Nov. 2008) ([settled](#) March 2010)

[Endangered species and global warming petition](#) pursuant to APA to enhance recovery of endangered species and address the growing impacts of global warming on imperiled species (February 2007)

[Center for Bio. Diversity v. Dept. of Interior](#) (D. D.C., Jan. 2009)

For detailed legal analysis, see
[Global Climate Change and U.S. Law \(ABA 2007\)](#)

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Climate Chart Case Index

Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Air Conditioning, Heating and Refrigeration Institute v. City of Albuquerque</i></u> (D. N.M., Oct. 2008)	challenges to state enactments	Energy Pol. & Cons. Act (EPCA)	challenge to city's building energy efficiency standards on federal preemption grounds	preliminary injunction granted	active
<u><i>Alabama v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>Alaska v. Kempthorne</i></u> (D.D.C., filed Aug. 2008)	other statutes	Endangered Species Act (ESA)	challenge to DOI's "threatened" listing of polar bear	n/a	active
<u><i>Alliance of Automobile Manufacturers v. Sheehan</i></u> (Sup. Ct. N.Y. Co., filed 2005)	challenges to state enactments	N.Y. State Environmental Quality Review Act (SEQRA)	challenge to New York's decision that no EIS was required before adopting California's GHG emission standards	n/a	case withdrawn
<u><i>American Canyon Committee United for Responsible Growth v. City of American Canyon</i></u> (Napa. Co. Sup. Ct. 2007)	state NEPAs	California Environmental Quality Act (CEQA)	challenge under CEQA concerning project's effect on climate change	dismissed	no appeal pending
<u><i>American Chemistry Council v. EPA</i></u> (D.C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>American Farm Bureau Association v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>American Iron & Steel Institute v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>American Nurses Assoc. v. EPA</i></u> (D. D.C., filed Dec. 2008)	coal-fired power plant challenges	Clean Air Act (CAA)	challenge to government's failure to comply with mandate to reduce toxic chemical emissions from coal-fired power plants	n/a	active
<u><i>American Petroleum Institute v. EPA</i></u> (D.C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>American Petroleum Institute v. Kempthorne</i></u> (D.D.C., filed Aug. 2008)	other statutes	ESA	challenge to interim rule regarding threatened listing for polar bears	n/a	active
<u><i>Amigos Bravos v. BLM</i></u> (D. N. M. Feb. 2010)	NEPA	NEPS	challenge to BLM's review of oil and gas leases for failure to discuss GHG impacts	motion to dismiss denied	active
<u><i>Animal Welfare Institute v. Beech Ridge Energy, LLC</i></u> (D. Md., filed June 2009)	other statutes	ESA	challenge to wind energy project on grounds that it will threatened endangered Indiana bats	n/a	active
<u><i>APAC, Inc. v. Bonneville Power Adm.</i></u> 126 F.3d 1158 (9 th Cir. 1997)	NEPA	NEPA	challenge to EIS prepared by power company when it decided to become market competitor in energy market	petition denied	unknown
<u><i>In re Appalachian Power Co.</i></u> (Va. Corp. Comm. April 2008)	coal-fired power plant challenges	Virginia state law	power company sought permit for coal-fired power plant	application denied	unknown
<u><i>Appalachian Voices v. Bodman</i></u> (D.D.C., filed March 2008)	coal-fired power plant challenges	NEPA	challenge to DOE's failure to evaluate environmental impacts for coal-based energy projects	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Appalachian Voices v. State Air Pollution Control Bd.</i></u> (Va. Cir. Ct. Aug. 2009)	coal-fired power plant challenges	CAA	challenge to MACT permit	permit invalidated	unknown
<u><i>Appalachian Voices v. State Air Pollution Control Bd.</i></u> (Va. Air Quality Control Bd. Sept. '09)	coal-fired power plant challenges	CAA	challenge to MACT permit	approved revised permit	unknown
<u><i>Appalachian Voices v. Va. State Corp. Comm.</i></u> (Va. Sup. Ct., April 2009)	coal-fired power plant challenges	Commerce Clause	challenge to state utility law requiring plants "utilize Virginia coal" as prohibited by Commerce Clause	denied	unknown
<u><i>Appalachian Voices v. Vir. State Air Pollution Control Board</i></u> (Richmond Co. Cir. Ct., filed July 2008)	coal-fired power plant challenges	CAA	challenge to state air board's issuance of permits to 585 MW power plant in Wise County, VA on grounds that permits did not adequately address CO2 emissions	n/a	active
<u><i>Arcadia First v. City of Arcadia</i></u> (L.A. Co. Sup. Ct. May 2008)	state NEPAs	CEQA	challenge to City's failure to account for climate change impacts of proposed mall	dismissed	unknown
<u><i>Arizona Public Service Co. v. EPA</i></u> (10 th Cir. April 2009)	coal-fired power plant challenges	CAA	challenge to federal implementation plan for New Mexico power plant	dismissed	unknown
<u><i>Ash Grove Texas, LP v. City of Dallas</i></u> (N.D. Tex., filed Nov. 08)	challenges to state enactments	Texas state law	challenge to local resolutions that favor purchase of "green" cement	n/a	active
<u><i>Assoc. of International Automobile Manufacturers v. Sullivan</i></u> (D.R.I. 2006)	challenges to state vehicles standards	CAA	challenge to state's adoption of California state vehicle standards	n/a	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Assoc. of Irrigated Residents v. CARB</i></u> (Cal. Sup. Ct., filed June 08)	state NEPAs	CEQA	challenge to CARB's plan to implement AB 32	n/a	active
<u><i>Association of Taxicab Operators v. City of Dallas</i></u> (N.D. Tex., filed April 2010)	challenges to state vehicle standards	CAA	challenge to Dallas ordinance giving preference to taxis that run on compressed natural gas	n/a	active
<u><i>Audubon v. Department of Transportation</i></u> (D. Md. 2007)	NEPA	NEPA	challenge to final EIS for transportation project	granted DOT's motion for SJ	unknown
<u><i>In re Black Mesa Complex</i></u> (Dept. of Interior Jan. 2010)	NEPA	NEPA	challenge to permit for coal-mining complex	permit vacated	unknown
<u><i>Blue Skies Alliance v. Texas Comm. on Env. Quality</i></u> (Tex. App. Ct. Jan. 2009)	challenges to state vehicle standards	CAA	challenge to state's approval of permit to operate coal-fired plant	upheld state's approval	unknown
<u><i>Border Power Plant Working Group v. U.S. Department of Energy</i></u> (S.D. Cal. 2003)	NEPA	NEPA	challenge to DOE's FONSI regarding U.S.-Mexico power line	EA found inadequate	unknown
<u><i>Bravos v. Bureau of Land Management</i></u> (D. N.M., filed Jan. 09)	NEPA	NEPA	challenge to BLM's grant of oil and gas leases for failure to address GHGs	n/a	active
<u><i>California v. Dept. of Energy</i></u> (9 th Cir. 2009)	other statutes	Energy Policy Act	sought to force government to adopt stronger energy efficiency standards for energy transformers	oral argument in March 2009	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u>California v. EPA</u> (9 th Cir. 2008)	Clean Air Act (CAA)	CAA	challenge to denial of state's request for CAA waiver for vehicles	dismissed in July 2008 as premature	no appeal pending
<u>California v. EPA</u> (N.D. Cal. 2008)	CAA	CAA	challenge to NHTSA's regulations regarding CAFÉ standards on grounds that they are preempted by CAA	rec. by magistrate that EPA's decision to withhold docs proper	active
<u>California v. GM Corp.</u> , (N.D. Cal. 2007)	common law claims	nuisance	sought damages against auto companies for climate change	motion to dismiss granted	appeal vol. dismissed
<u>California Business Properties Association v. CARB</u> (Sac. Co. Sup. Ct., filed May 2009)	other statutes (FOIA)	California Public Records Act	sought documents concerning pending state greenhouse gas emissions fee	n/a	active
<u>Center for Biological Diversity v. Abraham</u> , (N.D. Cal. 2002)	other statutes	Energy Policy Act of 1992	sought to enforce EPA Act provisions on alternative fuel vehicles	standing granted	no appeal pending
<u>Center for Biological Diversity v. Brennan</u> (N.D. Cal. 2007)	other statutes	Global Change Research Act	sought to enforce provisions of Global Change Research Act	standing granted	no appeal pending

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Center for Biological Diversity v. Cal. Dept. of Forestry</i></u> (Tehama Co. Sup. Ct., filed Aug. 2009)	state NEPAs	CEQA	challenge to department's failure to analyze GHG consequences of clear-cutting plan	n/a	active
<u><i>Center for Biological Diversity v. Cal. Dept. of Forestry</i></u> (Cal. Sup. Ct., filed Jan. 2010)	state NEPAs	CEQA	challenge to department's failure to analyze GHG consequences of clear-cutting plan	n/a	active
<u><i>Center for Biological Diversity v. Cal. Fish & Game Comm.</i></u> (Cal. Sup. Ct., filed Aug. 2008)	other statutes (ESA)	California ESA	challenge to denial by state agency to list pika as "threatened" species under California ESA	n/a	active
<u><i>Center for Biological Diversity v. Cal. Fish & Game Comm.</i></u> (Cal. Sup. Ct., filed Oct. 2009)	other statutes (ESA)	California ESA	challenge to denial by state agency to list pika as "threatened" species under California ESA	n/a	active
<u><i>Center for Biological Diversity v. Cal. Public Util. Comm.</i></u> (Cal. Supreme Ct., filed Jan. 2009)	state NEPAs	CEQA	challenge to state's approval of transmission corridor on grounds that it didn't show how renewable energy might mitigate GHGs	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Center for Biological Diversity v. City of Banning</i></u> (Riverside Co. Sup. Ct., filed 2006)	state NEPAs	CEQA	challenge to city's approval of development on grounds that it did not consider CO2 emissions	n/a	unknown
<u><i>Center for Biological Diversity v. City of Desert Hot Springs</i></u> (Riverside Co. Sup. Ct. Aug. 2008)	state NEPAs	CEQA	sought to invalidate environmental impact report (EIR) for large development project	invalidated EIR	unknown
<u><i>Cntr for Bio. Div. v. City of Perris</i></u> (Riverside Co. Sup. Ct. March '08)	state NEPAs	CEQA	challenge to EIR for failure to analyze project's CO2 emissions	dismissed	appeal pending
<u><i>Center for Biological Diversity v. Hall</i></u> (D.D.C. 2008)	other statutes (ESA)	ESA	sought decision listing 12 penguin species as endangered	case settled	dismissed

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Center for Biological Diversity v. Dept. of Interior</i></u> (D.D.C. Jan. 2009)	other statutes (ESA)	ESA	challenge to failure of government agencies to respond to petition seeking a conserv. plan for species threatened by climate change	n/a	active
<u><i>Center for Biological Diversity v. Dept. of Interior</i></u> (D.C. Cir. April 2009)	NEPA	NEPA	challenge to leasing plan for oil and gas development on grounds that climate change impacts were not considered	dismissed on standing grounds	unknown
<u><i>Center for Biological Diversity v. EPA</i></u> (D. Wash., filed May 2009)	other statutes (CWA)	CWA	challenge to EPA's failure to recognize impacts of ocean acidification off Washington State coast	n/a	active
<u><i>Center for Biological Diversity v. FWS</i></u> (D. Alaska, filed Dec. 2008)	other statutes (ESA)	ESA	challenge to FWS failure to list Pacific walrus as threatened or endangered under ESA	n/a	unknown
<u><i>Center for Biological Diversity v. Kempthorne</i></u> (9 th Cir. Dec. 2009)	other statutes (MMPA)	ESA	challenge to regulations authorizing non-lethal take of polar bears and walruses by oil and gas activities along northern coast of Alaska	regulations upheld	unknown
<u><i>Center for Biological Diversity v. Kempthorne</i></u> (N.D. Cal. 2008)	other statutes (ESA)	ESA	challenge to DOI's listing of polar bears as threatened; partial settlement reached in Oct. 2008 whereby DOI will make critical habitat determination by June 2010	granted motion to intervene; partial settlement reached; denied motion for recon. Oct. '08	active
<u><i>Center for Biological Diversity v. Kempthorne</i></u> (N.D. Cal. Nov. 2008)	other statutes (ESA)	ESA	Industry associations sought to intervene in polar bear case.	granted motion to intervene in part	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Center for Biological Diversity v. Kempthorne</i></u> (trans. Alaska, 2007)	other statutes (MMPA)	Marine Mammal Protection Act	challenge to FWS rule that authorized “incidental take” of polar bears from oil and gas activities	transferred to Alaska	unknown
<u><i>Center for Biological Diversity v. Kempthorne</i></u> (D. Alaska Jan. 2010)	other statutes (MMPA)	Marine Mammal Protection Act	challenge to FWS rule that authorized “incidental take” of polar bears from oil activities	case dismissed by district court	unknown
<u><i>Center for Biological Diversity v. Locke</i></u> (N.D. Cal., filed June 2009)	other statutes (ESA)	ESA	challenge to government’s alleged failure to designate critical habitat for endangered turtle species	n/a	active
<u><i>Center for Biological Diversity v. Lubchenco</i></u> (N.D. Cal, filed Sept. 2008)	other statutes (ESA)	ESA	challenge to government’s alleged failure to list ribbon seals as endangered	n/a	active
<u><i>Center for Biological Diversity v. Lubchenco</i></u> (N.D. Cal. Nov. 2008)	other statutes (ESA)	ESA	challenge to government’s alleged failure to list ribbon seals as endangered	motion to transfer denied	active
<u><i>Center for Biological Diversity v. NHTSA</i></u> (9 th Cir., filed April 2009)	challenges to state vehicle standards	Energy Ind. and Security Act (EISA)	challenge to NHTSA’s proposed CAFE standards	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Center for Biological Diversity v. NHTSA</i></u> (9th Cir. 2008)	NEPA	NEPA	challenge to rule setting CAFE standards for cars and light trucks	revised opinion; still required EIS	unknown
<u><i>Center for Biological Diversity v. NHTSA</i></u> 508 F.3d 508 (9th Cir. 2007)	NEPA	NEPA	challenge to rule setting CAFE standards for cars and light trucks	required EIS	unknown
<u><i>Center for Biological Diversity v. Office of Management and Budget</i></u> (N.D. Cal. 2008)	other statutes (FOIA)	Freedom of Information Act	sought documents and fee waiver concerning rulemaking for CAFE standards for light trucks	granted fee waiver	active
<u><i>Center for Biological Diversity v. Office of Management and Budget</i></u> (N.D. Cal. Aug. 2009)	other statutes (FOIA)	Freedom of Information Act	sought documents and fee waiver concerning rulemaking for CAFE standards for light trucks	recommended disclosure of certain documents	active
<u><i>Center for Biological Diversity v. San Joaquin Valley Air Pollution Control District</i></u> (Fresno Co. Sup. Ct., filed Oct. 2008)	state NEPAs	CEQA	challenge to air district's approval of dairy district on the grounds that it did not take into account greenhouse gas emissions	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Center for Bio. Diversity v. Salazar</i></u> (N.D. Cal., filed March 2010)	ESA	ESA	sought to force U.S. government to complete listing process for seven penguin species	n/a	active
<u><i>Center for Biological Diversity v. Town of Yucca Valley</i></u> (Cal. Sup. Ct. May 2009)	state NEPAs	CEQA	challenge to environmental analysis of proposed Wal-Mart for failing to consider carbon footprint	petition granted	unknown
<u><i>Center for Biological Diversity v. U.S. Dept. of Interior</i></u> (D.C. Cir., filed July 2007)	NEPA	NEPA	challenge to DOI's approval of program under Outer Continental Shelf Lands Act	n/a	unknown
<u><i>Central Valley Chrysler v. Goldstene</i></u> (E.D. Cal. Dec. 2007)	challenges to state vehicle standards	Clean Air Act	sought to enjoin California from implementing state regulations concerning vehicle standards	injunction granted	active
<u><i>Central Valley Chrysler v. Goldstene</i></u> (E.D. Cal. June 2008)	challenges to state vehicle standards	Clean Air Act	sought to modify injunction to invalidate Exec. Order requiring compliance with state regulations	motion denied	active
<u><i>Central Valley Chrysler v. Goldstene</i></u> (E.D. Cal. Sept. 2008)	challenges to state vehicle standards	Clean Air Act	sought attorneys fees and costs as prevailing party in lawsuit	denied	unknown
<u><i>Chamber of Commerce v. EPA</i></u> (D.C. Cir., filed Sept. 2009)	CAA	CAA	challenge to EPA's approval of California waiver	n/a	active
<u><i>Chamber of Commerce v. Servin</i></u> (D.D.C., filed Oct. 2009)	climate protests	Lanham Act	lawsuit against "Yes Men" for falsely impersonating Chamber	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>In re Christian Co. Generation, LLC</i></u> (EPA Env. Appeals Bd. Jan. 2008)	coal-fired power plant challenges	CAA	sought review of PSD permit issued by state agency to company to construct IGCC power plant	denied because issue raised first time on appeal	unknown
<u><i>Citizen Action Coalition of Indiana v. PSI Energy</i></u> (Ind. Ct. App. Oct. 2008)	coal-fired power plant challenges	Indiana state law	challenge to state utility commission's approval of proposed power plant on grounds that commission failed to admit new evidence	upheld approval of project	unknown
<u><i>Citizens for Env. Inquiry v. Mich. Dept. of Env. Quality</i></u> (Mich. Cir. Ct., filed Jan. 2008)	coal-fired power plant challenges	CAA	challenge to Michigan DEQ's failure to regulate GHG emissions from coal-fired power plants	n/a	unknown
<u><i>Citizens for Env. Inquiry v. Mich. Dept. of Env. Quality</i></u> (Mich. Ct. App. Feb. 2010)	coal-fired power plant challenges	CAA	challenge to Michigan DEQ's failure to regulate GHG emissions from coal-fired power plants	denied	unknown
<u><i>Citizens for Resp. and Ethics in Washington v. Council on Env. Quality</i></u> (D. D.C., filed 2007)	other statutes (FOIA)	FOIA	challenge to CEQ's failure to disclose documents related to climate change	n/a	unknown
<u><i>City of Los Angeles v. NHTSA</i></u> 912 F.2d 478 (D.C. Cir. 1990)	NEPA	NEPA	challenge to decision not to prepare EIS for CAFE standards for model years '87-'89	groups had standing; petition denied	dismissed
<u><i>CleanCOALition v. TXU Power</i></u> 536 F.3d 469 (5 th Cir. 2008)	coal-fired power plant challenges	CAA	challenge to three planned power plants on the grounds that it should consider IGCC technology and alternative fuels	affirmed dismissal for lack of subject matter jurisdiction	cert. petition denied
<u><i>Coalition for Responsible Regulation, Inc. v. EPA</i></u> (D. C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's endangerment finding under the CAA	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Coalition for Responsible Regulation v. EPA</i></u> (D.C. Cir., filed April 2010)	challenges to federal action	CAA	challenge to EPA rule regulating stationary source emissions	n/a	active
<u><i>Coke Oven Environmental Task Force v. EPA</i></u> (D.C. Cir. 2006)	Clean Air Act	CAA	challenge to EPA's decision not to establish NSPS for stationary sources of air pollution	held in abeyance pending <i>Mass v. EPA</i>	pending
<u><i>Comer v. Murphy Oil USA, Inc.</i></u> (S.D. Miss., filed 2006)	common law claims	nuisance	sought damages related to damages from Hurricane Katrina	motion to dismiss granted	see below
<u><i>Comer v. Murphy Oil USA, Inc.</i></u> (5 th Cir. Oct. 2009)	common law claims	nuisance	sought damages related to damages from Hurricane Katrina	dismissal reversed	active
<u><i>Commonwealth of Kentucky v. Sierra Club</i></u> (Ken. Ct. App. 2008)	coal-fired power plant challenges	Kentucky state law	sought to revoke permit for power plant	overturned decision revoking permit	unknown
<u><i>Comm. for a Better Env. v. City of Richmond</i></u> (Cal. Sup. Ct., filed Sept. '08)	state NEPAs	CEQA	challenge to city's decision to expand local oil refinery	n/a	active
<u><i>Comm. for a Better Env. v. City of Richmond</i></u> (Cal. Sup. Ct. June 2009)	state NEPAs	CEQA	challenge to city's expansion of oil refinery	rejected env. impact report	active
<u><i>Comm. for a Better Env. v. City of Richmond</i></u> (Cal. Ct. App. April 2010)	state NEPAs	CEQA	challenge to city's expansion of oil refinery	upheld rejection of EIR	unknown
<u><i>Competitive Enterprise Institute v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Connecticut v. American Electric Power</i></u> , 406 F. Supp.2d 265 (S.D.N.Y. 2005)	common law claims	nuisance	sought imposition of caps and reduction of GHG emissions from power companies	motion to dismiss granted	active
<u><i>Connecticut v. American Electric Power</i></u> , (2d Cir. 2009)	common law claims	nuisance	sought imposition of caps and reduction of GHG emissions from power companies	dismissal reversed	active
<u><i>In re ConocoPhillips</i></u> (EPA Env. App. Bd. June 2008)	coal-fired power plant challenges	CAA	challenge to PSD permit issued by agency to expand refinery	denied	unknown
<u><i>Conservation Northwest v. Rey</i></u> (W.D. Wash. Dec. 2009)	NEPA	NEPA	challenge to Forest Service's adoption of EIS concerning forest management plan	summary judgment motion partially granted	unknown
<u><i>Dean v. Kansas Dept. of Health and Env.</i></u> (filed May 2007)	coal-fired power plant challenges	Kansas state law	challenge to agency's decision to deny permit to plant	n/a	unknown
<u><i>In re Deseret Power Electric Cooperative</i></u> (EPA Env. Appeals Bd., Nov. 2008)	coal-fired power plant challenges	CAA	board ruled that EPA must reconsider its refusal to impose limits on CO2 emissions at existing Utah power plant	remanded	n/a
<u><i>In re Deseret Power Electric Cooperative</i></u> (EPA Env. Appeals Bd., filed Oct. 2007)	coal-fired power plant challenges	CAA	challenge to permit on grounds that it failed to require BACT to restrict CO2 emissions	n/a	decision pending

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Desert Rock Energy Co. and Dine Power Auth. v. EPA</i></u> (S.D. Tex., filed 2008)	coal-fired power plant challenges	CAA	sought to compel EPA to issue permit to power company to construct facility on Navajo land	n/a; lawsuit may be moot b/c EPA issued permit	unknown
<u><i>In re Desert Rock Energy Co. LLC</i></u> (EPA Env. Appeals Bd., filed Aug. 2008)	coal-fired power plant challenges	CAA	challenge to air permit issued by EPA for 1,500 MW power plant on Navajo reservation land	n/a	active
<u><i>In re Desert Rock Energy Co. LLC</i></u> (EPA Env. Appeals Bd., filed Oct. 2008)	coal-fired power plant challenges	CAA	petition filed by New Mexico challenging EPA's granting of air permit for proposed plant as legally and technically flawed	n/a	active
<u><i>In re Desert Rock Energy Co. LLC</i></u> (EPA Env. Appeals Bd. Jan. 2009)	coal-fired power plant challenges	CAA	order agreeing to review approval of permit and severing issues of CO2 emissions	n/a	active
<u><i>In re Desert Rock Energy Co. LLC</i></u> (EPA Env. Appeals Bd. April 2009)	coal-fired power plant challenges	CAA	motion by EPA to voluntarily remand permit	n/a	active
<u><i>In re Desert Rock Energy Co. LLC</i></u> (EPA Env. Appeals Bd. Sept. 2009)	coal-fired power plant challenges	CAA	board remanded permit to EPA for consideration of gasification technology as less-polluting alternative	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>El Charro Vista v. City of Livermore</i></u> (Alameda Co. Sup. Ct. July 2008)	state NEPAs	CEQA	challenge to EIR for development project on grounds that it did not consider climate change impacts	denied on jurisdiction grounds	unknown
<u><i>In re Energy Northwest</i></u> (Wash. Energy Fac. Site Eval. Council Nov. '07)	coal-fired power plant challenges	Washington state law	application for a permit for a new coal-fired power plant; argued that plan for carbon sequestration was impracticable	application denied	unknown
<u><i>Energy Recovery Council v. EPA</i></u> (D.C. Cir., filed Dec. 2009)	challenges to government action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>Env. Council of Sacramento v. Cal. Dept. of Transportation</i></u> (Sac. Co. Sup. Ct. July 2008)	state NEPAs	CEQA	challenge to approval of EIR for 13-mile HOV lane that found no climate change impacts	EIR found inadequate	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Env. Defense Fund v. S.C. Bd. of Health & Env. Control</i></u> (S.C. Adm. Law Ct., filed April 2009)	coal-fired power plant challenges	CAA	challenge to air pollution permit on grounds that it violates the CAA	n/a	active
<u><i>Fertilizer Institute v. EPA</i></u> (D.C. Cir., filed Dec. 2009)	Clean Air Act	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>In re Florida Power & Light</i></u> (Fl. Public Service Comm. June 2007)	coal-fired power plant challenges	Florida state law	power company sought permit to build two coal-fired power plants	application denied	unknown
<u><i>Foundation on Economic Trends v. Watkins</i></u> , 794 F. Supp. 395 (D.D.C. 1992)	NEPA	NEPA	challenged actions approved by gov. agencies that did not take into account effects on climate change	dismissed for lack of standing	no appeal pending
<u><i>Friends of the Chattahoochee, Inc. v. Georgia Dept. of Nat. Resources</i></u> (June 2008)	coal-fired power plant challenges	Georgia Air Quality Act and CAA	sought review of decision upholding permit for 1,200 MW coal-fired power plant	reversed and remanded	unknown
<u><i>Friends of the Chattahoochee, Inc. v. Georgia Dept. of Nat. Resources</i></u> (Jan. 2008)	coal-fired power plant challenges	Georgia Air Quality Act and CAA	challenge to permit that allowed company to operate 1,200 MW coal-fired power plant	permit upheld	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Friends of the Chattahoochee v. Longleaf Ene. Assoc.</i></u> (Ga. Sup. Ct. Sept. 2009)	coal-fired power plant challenges	CAA	appeal of appeal court's decision reversing lower court which vacated permit for not considering CO2.	Appeal denied	unknown
<u><i>Friends of the Earth v. Mosbacher</i></u> , 488 F. Supp.2d 889 (N.D. Cal. 2007)	NEPA	NEPA	challenge to government agency's financial support for int'l fossil fuel projects; sought prep. of EA or EIS	defendant's motion for SJ granted	<u>settled</u> (Feb. 2009)
<u><i>Friends of the Earth v. Watson</i></u> (N.D. Cal. 2005)	NEPA	NEPA	challenge to government agency's financial support for int'l fossil fuel projects; sought prep. of EA or EIS	standing granted; SJ motion denied	unknown
<u><i>Gerdau Ameristeel v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>GM Corp. v. California Air Resources Board</i></u> (Cal. Sup. Ct. 2005)	common law claims	nuisance	sought damages from automobile manufacturers for creating and contributing to climate change	motion to dismiss granted	appeal pending
<u><i>Greater Yellowstone Coalition v. Servheen</i></u> (D. Mont. Sept. 2009)	ESA	ESA	sought threatened-status protection for grizzly bears in Yellowstone	protection granted	unknown
<u><i>Green Mountain Chrysler v. Crombie</i></u> (D. Vt. 2007)	challenges to state vehicle standards	CAA; fed. fuel economy standards	sought injunction from Vermont vehicle standards modeled on California vehicle standards on preemption grounds	verdict for defendants	appeal pending
<u><i>Green Mountain Chrysler v. Torti</i></u> (D. Vt., filed 2005)	challenges to state vehicle standards	CAA	challenge to Vermont's adoption of California's GHG regulations for automobiles	n/a	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Groce v. Pa. Dept of Env. Protection</i></u> , 921 A.2d 567 (Pa. Comm. Ct. April 2007)	coal-fired power plant challenges	CAA	challenge to decision of Pa. Env. Hearings Board upholding approval of plan to build electric power plant	decision upheld	unknown
<u><i>Hanosh v. King</i></u> (N.M. Sept. 2009)	challenges to state vehicle standards	State law	challenge to state environmental board's authority to implement emission laws for cars sold in state	case allowed to proceed in fed. court	active
<u><i>Hapner v. Tidwell</i></u> (D. Montana, Oct. 2008)	NEPA	NEPA	challenge to proposed USFS plan to remove timber on grounds that EA did not look at proposed effects of climate change	denied; summary judgment granted	unknown
<u><i>Health First v. March Joint Powers Auth.</i></u> (Ca. App. Ct. June 2009)	state NEPAs	CEQA	challenge to design permit approval for warehouse facility by state authority for failing to mitigate GHG emissions	denied; approval was ministerial act	unknown
<u><i>Hempstead Co. Hunting Club, Inc. v. Ark. PSC</i></u> (Ark. Ct. App. June 2009)	coal-fired power plant challenges	State law	challenge to permit for coal-fired power plant on grounds that applicant did not consider other locations	permit struck down	unknown
<u><i>Highland Springs v. City of Banning</i></u> (Riverside Co. Sup. Ct. Jan. 2008)	state NEPAs	CEQA	challenge to decision by city to approve proposed housing project for inadequate analysis of climate change impacts in EIR	EIR invalidated	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Humane Society v. Jackson</i></u> (EPA, filed Sept. 2009)	CAA	CAA	petition to EPA to limit GHG emissions from CAFOs	n/a	active
<u><i>Indeck Corinth v. Paterson</i></u> (N.Y. Sup. Ct., settled Dec. 2009)	challenges to state enactments	14 th Amendment to Constitution	challenge to state regulations that implement Regional Greenhouse Gas Initiative	settlement reached	not active
<u><i>Indeck Corinth v. Paterson</i></u> (N.Y. Sup. Ct., filed Jan. 2009)	challenges to state enactments	14 th Amendment to Constitution	challenge to state regulations that implement Regional Greenhouse Gas Initiative	n/a	active
<u><i>International Finance Corp. v. Korat</i></u> (S.D.N.Y. 2007)	regulate private conduct	contract law	breach of contract action concerning agreement on sale of carbon credits to be purchased by the Netherlands	n/a	unknown
<u><i>Izaak Walton League of America v. Kimbell</i></u> , 516 F. Supp.2d 982 (D. Minn. 2007)	NEPA	NEPA	challenge to decision by Forest Service to build snowmobile trail along a road adjacent to Boundary Waters wilderness area	partial SJ in favor of plaintiffs granted; EIS required	unknown
<u><i>Jones v. Regents of the Univ. of Cal.</i></u> (Cal. Sup. Ct. March 2010)	state NEPAs	CEQA	challenge to env. Impact report regarding proposed laboratory for failing to account for GHGs	dismissed on appeal	unknown
<u><i>Judicial Watch v. Dept. of Energy</i></u> (D. D.C., filed Feb. 2010)	other statutes/FOIA	FOIA	request for documents related to White House "climate czar" Carol Browner's role in U.S. climate policy	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>In re Kentucky Mountain Power</i></u> (Ken. Ene. & Env. Cabinet Nov. 2008)	coal-fired power plant challenges	CAA	sought to build 600 MW plant; PSD permit had expired and company failed to respond to state's notice of deficiencies in its application to renew its Title V permit	application expired	unknown
<u><i>Korsinsky v. EPA</i></u> (S.D.N.Y. 2005) (dismissed) <i>Aff'd</i> (2d Cir. 2006)	common law claims	nuisance	sought to hold agencies liable for climate change	dismissed for lack of standing	no appeal pending
<u><i>Laidlaw Energy v. Town of Ellicottville</i></u> (N.Y. App. Div. Feb. 2009)	state NEPAs	SEQRA	challenge to denial of site plan approval for woody biomass plant grounds it was not carbon neutral	denial upheld	unknown
<u><i>Leavell v. New Mexico Env. Improvement Bd.</i></u> (D. N.M., filed Jan. 2010)	challenges to state enactments	state law	challenge to state cap on GHG emissions	n/a	active
<u><i>Leavell v. New Mexico Env. Improvement Bd.</i></u> (D. N.M. April 2010)	challenges to state enactments	state law	challenge to state cap on GHG emissions	preliminary injunction granted	active
<u><i>Lincoln Dodge, Inc. v. Sullivan</i></u> (D. R.I. Nov. 2008)	challenges to state vehicle standards	EPCA, CAA	sought to declare state standards invalid on preemption grounds under EPCA and CAA;	motion granted for manufacturers	unknown
<u><i>Lincoln Dodge, Inc. v. Sullivan</i></u> , (D. R.I. 2007)	challenges to state vehicle standards	EPCA, CAA	sought to enjoin Rhode Island from implementing state vehicle standards based on Cal. standards	motion to dismiss denied	unknown
<u><i>Linder v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's finding that GHG emissions endanger public health and welfare	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Longleaf Energy v. Friends of the Chattahoochee</i></u> (Ga. Ct. App., filed Aug. 2008)	coal-fired power plant challenges	Georgia state law	challenge to construction of coal-fired power plant on Chattahoochee River	permit invalidated	appeal pending
<u><i>Longleaf Energy v. Friends of the Chattahoochee</i></u> (Ga. Ct. App. July 2009)	coal-fired power plant challenges	Georgia state law	challenge to construction of coal-fired power plant on Chattahoochee River	reversed lower court; no requirement under CAA to include CO2	unknown
<u><i>Massachusetts v. EPA</i></u> (D.C. Cir. June 2008)	Clean Air Act	CAA	sought to enforce Supreme Court's mandate on EPA to decide whether GHGs should be regulated under CAA	petition denied	unknown
<u><i>Massachusetts v. EPA</i></u> 127 S. Ct. 1438 (2007)	Clean Air Act	CAA	challenge to decision by EPA not to regulate GHGs from mobile sources under CAA	standing granted; EPA required to decide whether to regulate GHGs under CAA	no further appeals pending
<u><i>Massachusetts v. Whitman</i></u> (D. Conn., filed June 2003)	Clean Air Act	CAA	challenge to EPA's failure to list carbon dioxide as a pollutant under CAA	n/a	voluntarily dismissed

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Mayo Found. v. Surface Transportation Board</i></u> , 472 F.3d 545 (8th Cir. 2006)	NEPA	NEPA	challenge to STB's approval of 280 new miles of rail lines to reach coal mines and upgrade of 600 miles of existing lines	petition denied; EIS found to be adequate	no appeal pending
<u><i>Metropolitan Taxicab Board of Trade v. New York City</i></u> (S.D.N.Y., filed Sept. '08)	challenges to state enactments	EPCA and CAA	challenge to NYC law to increase fuel efficiency standards for taxi fleet on preemption grounds	n/a	active
<u><i>Metropolitan Taxicab Board of Trade v. New York City</i></u> (S.D.N.Y. June 2009)	challenges to state enactments	EPCA and CAA	challenge to NYC law to increase fuel efficiency standards by using lease cap rules for taxis	preliminary injunction granted	active
<u><i>In re MGP Ingredients of Illinois, Inc.</i></u> (EPA Env. App. Bd., filed July 2009)	coal-fired power plant challenge	CAA	challenge to PSD permit on grounds that it lacks a limit for carbon dioxide	n/a	active
<u><i>Mid States Coalition for Progress v. Surface Trans. Bd.</i></u> , 345 F.3d 520 (8th Cir. 2003)	NEPA	NEPA	challenge to STB's approval of 280 miles of rail lines to reach coal mines and upgrade of 600 miles of existing line	remanded decision; EIS found to be inadequate	no appeal pending
<u><i>Minn. Center for Environmental Advocacy v. Holsten</i></u> (Dist. Ct. Itasca Co., filed 2007)	state NEPAs	Minn. Env. Policy Act	challenge to EIS prepared in conjunction with construction of ore mining facility	n/a	see below

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Minn. Center for Environmental Advocacy v. Holsten</i></u> (Dist. Ct. Itasca Co. Oct. 2008)	state NEPAs	Minn. Env. Policy Act	challenge to EIS prepared in conjunction with construction of ore mining facility	EIS valid	see below
<u><i>Minn. Center for Environmental Advocacy v. Holsten</i></u> (Minn. Ct. App. Sept. 2009)	state NEPAs	Minn. Env. Policy Act	challenge to EIS prepared in conjunction with construction of ore mining facility	EIS upheld	unknown
<u><i>Mirant Potomac River LLC v. EPA</i></u> (4 th Cir. Aug. 2009)	coal-fired power plant challenges	CAA	challenge to EPA's denial to allow power plant to use emissions trading to meet CAIR obligations	denial upheld	unknown
<u><i>Montana Environmental Info. Center v. BLM</i></u> (D. Montana, filed Dec. 2008)	NEPA	NEPA	action seeking to force BLM to consider climate impacts of oil and gas leasing decisions	n/a	settled March 2010
<u><i>Montana Environmental Info. Center v. Johanns</i></u> (D. D.C., filed 2007)	coal-fired power plant challenges	NEPA	challenge to Rural Utilities Service's funding of large scale new coal-fired power plants	n/a	unknown
<u><i>Montana Environmental Info. Center v. Mont. Dept. of Env. Quality</i></u> (Mt. Dist. Ct., filed June 2008)	coal-fired power plant challenges	federal and state CAA	challenge to permit issued by Montana DEQ to proposed power plant on grounds that it did not include analysis of BACT for CO2	n/a	unknown
<u><i>Montana Env. Info. Center v. Montana Dept. of Energy</i></u> (Montana Bd. of Env. Rev. Jan. 2008)	coal-fired power plant challenges	CAA and Montana state law	challenge to construction of 250 MW coal-fired power plant	ordered DOE to consider ways to limit PM2.5 emissions	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Montana Env. Info. Center v. Montana Dept. of Env. Quality & Bull Mount. Dev.</i></u> (filed June '07)	project challenges	Montana state law	challenge to decision by Montana DEQ to issue permit for development project	n/a	unknown
<u><i>Musicraft, Inc. v. City of Ann Arbor</i></u> (Mich. Cir. Ct., filed August '09)	state NEPAs	Michigan Env. Protection Act	challenge to city parking structure on grounds that it would increase GHG emissions	settled	not active
<u><i>National Association of Manufacturers v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>National Audubon Society v. Kempthorne</i></u> (D. Alaska 2006)	NEPA	NEPA	challenge to BLM's EIS that opened land to oil and gas development	EIS upheld	unknown
<u><i>National Mining Association v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>National Petrochemical & Refiners Association v. EPA</i></u> (D.C. Cir., filed March 2010)	challenges to federal action	Energy Ind. & Security Act	challenge to final rule requiring motor fuel producers to include certain percentage of renewable fuels in their products	n/a	active
<u><i>National Petrochemical & Refiners Association v. Goldstene</i></u> (E.D. Cal., filed Feb. 2010)	challenges to state enactments	Commerce Clause	challenge to California's low-carbon fuel standard on the grounds that it violates the Commerce Clause	n/a	active
<u><i>Native Village of Kivalina v. ExxonMobil Corp.</i></u> (N.D. Cal., filed Feb. 2008)	common law claims	nuisance	sought damages for climate change on Alaskan village from oil companies	n/a	see below
<u><i>Native Village of Kivalina v. ExxonMobil Corp.</i></u> (N.D. Cal., filed Feb. 2008)	common law claims	nuisance	sought damages for climate change on Alaskan village from oil companies	case dismissed	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>New York v. EPA</i></u> (D.C. Cir., filed 2006)	Clean Air Act	CAA	challenge to EPA's decision declining to regulate GHG emissions from power plants and steam generating units	n/a	unknown
<u><i>New York v. EPA</i></u> (D.C. Cir., filed Aug. 2008)	Clean Air Act	CAA	challenge to EPA's decision not to add GHGs to new source performance standards for petroleum refineries	n/a	active
<u><i>North Carolina v. TVA</i></u> (W.D.N.C. Jan. 2009)	coal-fired power plant challenges	nuisance	state alleged that company's power plants in other states constituted a nuisance	granted with respect to four plants	unknown
<u><i>N.C. Waste Awareness Network v. N.C. Dept. of Env. & Nat. Resources</i></u> (N.C. Office of Adm. Hearings, May 2009)	coal-fired power plant challenges	CAA	challenge to permit for failure to consider carbon dioxide emissions of expansion of power plant	motion to dismiss denied on this point	active
<u><i>In re N. Mich. Univ. Ripley Heating Plant</i></u> (EPA Env. App. Bd. Feb. 09)	coal-fired power plant challenges	CAA	challenge to issuance of PSD permit for failing to consider CO2 emissions	remanded to state regulatory agency	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>North Slope Borough v. Minerals Mgm't Service</i></u> (D. Alaska 2007)	NEPA	NEPA	challenge to federal government's decision not to supplement EIS in connection with its plan to sell oil and gas leases in the Beaufort Sea	preliminary injunction denied; EIS adequate	unknown
<u><i>North Slope Borough v. Minerals Mgm't Service</i></u> (9 th Cir. Aug. 2009)	NEPA	NEPA	challenge to federal government's decision not to supplement EIS in connection with its plan to sell oil and gas leases in the Beaufort Sea	decision affirmed	unknown
<u><i>Northwest Environmental Advocates v. Nat'l Marine Fisheries Serv.</i></u> , 460 F.3d 1125 (9 th Cir. 2006)	NEPA	NEPA	challenge to adequacy of EIS prepared in connection with project to dredge and deepen Columbia River navigation channel	affirmed decision finding EIS adequate	no appeal pending
<u><i>Northwest Environmental Def. Center v. Owens Corning Corp.</i></u> , 434 F. Supp.2d 957 (D. Ore. 2006)	Project challenges	CAA	challenge to construction of polystyrene foam insulation manufacturing facility on grounds that it did not get required preconstruction permit	standing granted; motion to dismiss denied	unknown
<u><i>NRDC v. Army Corps of Engineers</i></u> (S.D.N.Y., filed Jan. 2009)	other statutes (CWA)	Clean Water Act (CWA)	challenge to CWA Sec. 404 wetlands permit for proposed coal-to-liquids fuel plant	n/a	active
<u><i>NRDC v. Army Corps of Engineers</i></u> (N.D. Ohio, March 2010)	NEPA	NEPA	challenge to coal-to-liquid fuel plant	motion to dismiss granted	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>NRDC v. Kempthorne</i></u> (E. D. Cal. 2007)	other statutes (ESA)	ESA/APA	challenge to agency's biological opinion "no jeopardy" finding concerning Delta smelt	BiOp found inadequate	unknown
<u><i>NRDC v. Mich. Dept. of Nat. Resources</i></u> (Mich. Cir. Ct., filed March 2010)	challenges to coal-fired power plants	CAA	challenge to issuance of air permit for coal-fired power plant	n/a	active
<u><i>NRDC v. Mineta</i></u> (S.D.N.Y. 2005)	other statutes (Art. Mot. Fuels Act)	Alternative Motor Fuels Act	challenge to decision by federal officials to extend special treatment of dual-fueled motor vehicles to not comply with CAFE standards	standing granted	unknown
<u><i>NRDC v. South Coast Air Quality Management Dist.</i></u> (L.A. Co. Sup. Ct. July 2008)	state NEPAs	CEQA	challenge to SCAQMD's promulgation of air quality regulations	granted petition; rules found to violate CEQA	unknown
<u><i>NRDC v. State Reclamation Board</i></u> (Cal. Super. Ct. April 2007)	state NEPAs	CEQA	challenge to EIR for development project on grounds that it did not take into account impacts of climate change	petition denied	unknown
<u><i>NRDC v. U.S. State Dept.</i></u> (D. D.C. Sept. 2009)	NEPA	NEPA	challenge to planned pipeline that would carry oil from Canadian tar sands to U.S.	case dismissed	unknown
<u><i>Ohio Coal Association v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Okeson v. City of Seattle</i></u> 50 P.2d 556 (Wash. 2007)	regulate private conduct	Washington state law	challenge to Seattle ordinance that required utilities to pay public and private entities to mitigate GHG emissions	reversed grant of SJ to City	unknown
<u><i>Ophir v. City of Boston</i></u> (D. Mass July 2009)	challenges to state vehicle standards	CAA, EPCA	challenge to city requirement that taxicab companies purchase new hybrid cars by 2015	temporary injunction issued	active
<u><i>Ophir v. City of Boston</i></u> (D. Mass Aug. 2009)	challenges to state vehicle standards	CAA, EPCA	challenge to city requirement that taxicab companies purchase new hybrid cars by 2015	hybrid requirement invalidated	active
<u><i>In re Otter Tail Power Co.</i></u> (S. Dakota Sup. Ct. Jan. 2008)	coal-fired power plant challenges	South Dakota state law	sought review of state commission's decision that granted company's permit to build coal-fired power plant	decision affirmed	no appeal pending
<u><i>Pacific Coast Fed. of Fisherman's Ass'ns v. Gutierrez</i></u> (E.D. Cal. July 2008)	other statutes (ESA)	ESA	challenge to federal agency's 2004 biological opinion on the effects of two California water projects on endangered salmon and steelhead	summary judgment denied	unknown
<u><i>Pacific Merchant Shipping Assoc. v. Goldstene</i></u> (9th Cir. 2008)	Clean Air Act	CAA	challenge to California Air Resources Board's marine vessel rules	preempted by CAA	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Palm Beach Co. Env. Coalition v. Florida</i></u> (S.D. Florida Nov. 2008)	coal-fired power plant challenges	CAA, NEPA	sought temporary injunction against construction of power plant on grounds that GHG emissions would exacerbate climate change	motion denied	unknown
<u><i>Palm Beach Co. Env. Coalition v. Florida</i></u> (S.D. Florida July 2009)	coal-fired power plant challenges	CAA, NEPA	motion to dismiss action filed against construction of power plant on grounds that GHG emissions would exacerbate climate change	motion granted	unknown
<u><i>Peabody Energy Co. v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>Portland Cement Association v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>Powder River Basin Res. Council v. Wyoming Dept. of Env. Qual.</i></u> (Wyoming March 2010)	coal-fired power plant challenges	CAA	challenge seeking to impose CO2 emissions limits on power plant	permit upheld	unknown
<u><i>In re Progress Energy Florida</i></u> (Florida Cabinet Aug. 2009)	coal-fired power plant challenges	CAA	application to build nuclear-powered electric generating facility	approved	n/a
<u><i>Public Citizen v. Texas Comm. on Env. Quality</i></u> (Tex. Dist. Ct., filed Oct. 2009)	state NEPAs	Texas Clean Air Act	challenge to state's failure to address climate change when approving new coal facilities	n/a	active
<u><i>In re Quantification of Environmental Costs</i></u> , 578 N.W.2d 794 (Minn. Ct. App. 1998)	challenges to state enactments	Minnesota state law	sought review of state commission's decision setting env. cost values for carbon dioxide	decision affirmed	no appeal pending

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Ranchers Cattlemen Action Legal Fund v. Connor</i></u> (D.S.D., filed Oct. 2007)	NEPA	NEPA	challenge to USDA's Rural Utility Service's regulations relaxing restrictions on import of live cattle on grounds that EA did not analyze increase emissions of GHGs from transport and importation of cattle	n/a	unknown
<u><i>Rocky Mountain Farmers Union v. Goldstene</i></u> (E.D. Cal., filed Dec. 2009)	challenges to state enactments	California state law	challenge to California's low carbon fuel standard	n/a	active
<u><i>San Francisco Chapter of A. Phillip Randolph Inst. v. EPA</i></u> (N.D. Cal. March 2008)	coal-fired power plant challenges	California state law	sought order from Bay Area Air Quality Management District from issuing permit to two proposed power plants	motion to dismiss granted	unknown
<u><i>San Luis Water Authority v. Salazar</i></u> (E.D. Cal., filed March 2009)	Endangered Species Act	ESA	motion to supplement administrative record regarding delta smelt and its habitat	pre. inj. granted May '09	active
<u><i>San Luis Water Authority v. Salazar</i></u> (E.D. Cal. Dec. 2009)	Endangered Species Act	ESA	challenged biological opinion by Fish and Wildlife Service to protect delta smelt	partially denied	active
<u><i>Santa Clarita Oak Conservatory v. City of Santa Clara</i></u> (L.A. Co. Sup. Ct. Aug. 2007)	state NEPAs	CEQA	challenge to EIR for proposed industrial park project on grounds that it did not adequately analyze climate change's effect on water supply	EIR held adequate; petition dismissed	unknown
<u><i>Save the Plastic Bag Coalition v. City of Manhattan Beach</i></u> (Cal. Dist. Ct., filed Jan. 2010)	state NEPAs	CEQA	challenge to negative declaration under CEQA with respect to ordinance banning plastic bags	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Savoy Energy LLC v. NM Inst. of Mining and Tech.</i></u> (D. Utah, filed Jan. 2010)	project challenges/other challenges	contract and fraud claim	action alleging that university fraudulently backed out of carbon sequestration project	n/a	active
<u><i>Seattle Audubon Soc. v. Lyons</i></u> , 871 F. Supp. 1291 (W.D. Wash. 1994)	NEPA	NEPA	challenge to supplemental EIS prepared in connection with forest management plan	defendant's SJ motion granted	no appeal pending
<u><i>In re Seminole Electric Cooperative</i></u> (EPA Env. App. Bd., filed Oct. 2008)	coal-fired power plant challenges	CAA	challenge by Sierra Club to PSD permit issued by Florida for construction of 750 MW power plant for not including BACT limit for CO2	n/a	active
<u><i>Senville v. Peters</i></u> , 327 F. Supp. 335 (D. Vt. 2004)	NEPA	NEPA	challenge to FHA's approval of segment of highway on grounds that EIS did not analyze project's effect on climate change	challenge rejected; EIS rejected on other grounds	no appeal pending
<u><i>In re Sevier Power Co. Power Plant</i></u> (Utah Air Quality Bd. Jan. 2008)	coal-fired power plant challenges	CAA	challenge to PSD permit on grounds that it did not restrict CO2 emissions	denied	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<u><i>Sevier Power Co. LLC v. Bd. of Sevier Co. Commissioners</i></u> (Utah Sup. Ct. Oct. 2008)	coal-fired power plant challenges	Utah state constitution	challenge to decision by court to remove ballot initiative to require voter approval of new power plants	reversed	unknown
<u><i>Shenandoah Valley Network v. Capka</i></u> (W.D. Virginia Sept. 2009)	NEPA	NEPA	challenge to FHA's issuance of record of decision regarding highway improvement study	summary judgment granted for def.	unknown
<u><i>Sierra Club v. Clinton</i></u> (D. Minn. Feb. 2010)	NEPA	NEPA	challenge to construction of pipeline	prelim. injunct. denied	active
<u><i>Sierra Club v. Clinton</i></u> (D. Minn. Feb. 2010)	NEPA	NEPA	challenge to construction of pipeline	dismissal motion partially granted	active
<u><i>Sierra Club v. Dept. of Interior</i></u> (D. Utah, filed Jan. 2009)	NEPA	NEPA	challenge to proposed oil sands project	n/a	unknown
<u><i>Sierra Club v. EPA</i></u> (D.C. Cir., filed Dec. 2009)	CAA	CAA	lawsuit seeking to force EPA to reconsider performance standards for coal preparation and processing facilities	n/a	active
<u><i>Sierra Club v. Southwest Wash. Clean Air Agency</i></u> (Wash. Poll. Control Hearing Bd. April '10)	coal-fired power plant challenges	CAA and related state law	challenge to air permit issued to coal-fired power plant	challenge dismissed	unknown
<u><i>Sierra Club v. U.S. Army Corps of Engineers</i></u> (W.D. Ark., filed Feb. 2010)	coal-fired power plant challenges	NEPA	challenge to construction of power plant on grounds that it violated NEPA	n/a	active

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<u><i>Sierra Club v. U.S. Dept. of State</i></u> (N.D. Cal., filed Sept. 2009)	NEPA	NEPA	challenge to construction of cross-border pipeline that would bring oil from Canadian tar sands to U.S.	n/a	active
<u><i>Sierra Club v. U.S. Dept. of State</i></u> (N.D. Cal. Sept. 2009)	NEPA	NEPA	motion to transfer venue to Minnesota	motion granted	active
<u><i>Sierra Club v. Duke Energy Indiana</i></u> (Indiana Office of Env. Adj., filed Feb. 2008)	coal-fired power plant challenges	CAA	challenge to modification of power plant on grounds that it did not comply with BACT emission limits	n/a	unknown
<u><i>Sierra Club v. EPA</i></u> (dismissed Sept. 2007; rehearing denied Oct. 2007)	coal-fired power plant challenges	CAA	challenge to EPA's issuance of permit to build power plant on grounds that EPA did not consider BACT with respect to hauling coal	petition denied; rehearing denied	no appeal pending
<u><i>Sierra Club v. EPA</i></u> (11 th Cir. 2008)	coal-fired power plant challenges	CAA	challenge to EPA's failure to object to issuance of state air pollution permits under Title V of CAA	dismissed	unknown
<u><i>Sierra Club v. EPA</i></u> (D.C. Cir., filed Jan. 2009)	coal-fired power plant challenges	CAA	challenge to EPA administrator's decision stating that power plants to not need to limit CO2 emissions	n/a	unknown
<u><i>Sierra Club v. EPA</i></u> (D.D.C. June 2009)	coal-fired power plant challenges	CAA	sought to revoke permit for proposed new generating unit	transferred case to Kentucky	active
<u><i>Sierra Club v. Franklin Co. Power of Illinois, LLC</i></u> (7 th Cir. Oct. 2008)	coal-fired power plant challenges	CAA	sought to enjoin power company from building power plant without first obtaining PSD permit from state	upheld injunction	unknown

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<u><i>Sierra Club v. Jackson</i></u> (E.D. Ken., consent decree signed '09)	coal-fired power plant challenges	CAA	challenge to Title V operating permit of power plant	consent decree signed	unknown
<u><i>Sierra Club v. Jackson</i></u> (W.D. Wis, consent decree filed July '09)	coal-fired power plant challenges	CAA	challenge to Title V operating permit of power plant	consent decree signed	unknown
<u><i>Sierra Club v. Two Elks Generation Partners</i></u> (D. Wyoming, filed Jan. 2009)	coal-fired power plant challenges	CAA	challenge to air emissions permit for proposed coal-fired power plant	n/a	active
<u><i>Sierra Club v. U.S. Dept. of Agriculture</i></u> (D.D.C. July '08)	coal-fired power plant challenges	NEPA	challenge to USDA's Rural Utility Service's use of low-interest loans to finance power plants	motion to dismiss denied	active
<u><i>Sierra Club v. Wellington Dev.-WVDT LLC</i></u> (W.D. Pa., filed Feb. 27, 2008)	coal-fired power plant challenges	CAA	challenge to proposed construction of power plants on grounds that it violates MACT provisions of CAA	n/a	unknown
<u><i>Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.</i></u> (W.D.N.C., filed Aug. 08)	coal-fired power plant challenges	CAA	challenge to construction of power plant on grounds that it violates the MACT provisions of CAA	n/a	active
<u><i>Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.</i></u> (W.D.N.C. Dec. 2008)	coal-fired power plant challenges	CAA	company filed motion to dismiss challenge to construction of power plant on grounds that it violates MACT provisions of CAA	motion denied; MACT analysis ordered	active

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<u><i>Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.</i></u> (W.D.N.C. July 09)	coal-fired power plant challenges	CAA	motion to dismiss lawsuit on ground that proper venue was state administrative proceeding	motion granted	unknown
<u><i>SELC v. North Carolina Div. of Air Quality</i></u> (N.C. Off. of Adm. Hear., filed March '08)	coal-fired power plant challenges	CAA	challenge to permits issued by state agency to proposed 800 MW power plant	n/a	unknown
<u><i>State of California v. County of San Bernardino</i></u> (Cal. Super. Ct. 2007)	state NEPAs	CEQA	challenge to county's general plan on grounds that it did not consider plan's effects on climate change	settled	settled
<u><i>State of New York v. U.S. Dept. of Energy</i></u> (2d Cir., filed Jan. 2008)	other statutes (EPA)	Environmental Procedure Act	sought review of fed. program concerning energy conservation standards for furnaces and boilers	n/a	no pending motions
<u><i>Steadfast Ins. Co. v. The AES Corp.</i></u> (Arlington Co. Cir. Ct., filed July 2008)	common law claims/money damages	contract law	Insurance company seeks declaratory judgment that it is not liable for damages concerning <u>Kivalina</u> lawsuit	n/a	active
<u><i>Sunflower Ele. Corp. v. Sebelis</i></u> (D. Kan, filed Nov. 2008)	coal-fired power plant challenges	constitutional claims	suit alleges that governor and others violated company's right to fair and equal treatment	n/a	active
<u><i>Sunflower Ele. Corp. v. Sebelis</i></u> (D. Kan., filed July 2009)	coal-fired power plant challenges	constitutional claims	suit alleges again that government and others violated company's right to fair and equal treatment	n/a	active

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<u><i>Sunflower v. Kan. Dept. of Health & Env.</i></u> (Kan. Superior Ct., July 2008)	coal-fired power plant challenges	Kansas state law	challenge by power company that proposed to build two power plants with respect to denial of permit by Kansas Dept. of Health and Env.	held that jurisdiction resides with Kan. Sup. Ct.	active
<u><i>Sus. Trans. Advocates of Santa Barbara v. Santa Barbara Co. Assoc. of Governments</i></u> (S.B. Co. Sup. Ct. June 2009)	state NEPAs	CEQA	challenge to regional transportation plan that did not discuss energy impacts of plan	EIR voided	active
<u><i>Tesoro Refining & Marketing Co. v. Cal. Air Resources Bd.</i></u> (Sac. Co. Sup. Ct., filed Sept. '08)	challenges to state enactments	California state law	challenge to state rule requiring oil refiners to increase corn-based ethanol in gasoline	n/a	active
<u><i>Texas v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>In re Transalta Corp.</i></u> (EPA, filed Nov. 2009)	coal-fired power plant challenges	state and federal CAA	challenge to power plant's permit for failure to contain GHGs	n/a	active
<u><i>Transportation Solutions Defense and Ed. Fund v. Cal. Dept. of Transportation</i></u> (Sac. Co. Sup. Ct., filed Aug. 2009)	state NEPAs	CEQA	challenge to state approval of road widening project on grounds that EIS did not look at climate change impacts	n/a	active
<u><i>In re Trimble Co. Generating Station</i></u> (EPA Sept. 2009)	coal-fired power plant challenges	CAA	order issued requiring state to rewrite permit for power plant to require analysis of fine particles	order	unknown

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<u><i>Underwriters at Lloyd's of London v. NFC Mining, Inc.</i></u> (E.D. Kentucky, Jan. 2010)	coal-fired power plant challenges	state law	action seeking judgment that insurance company does not have to indemnify coal processing facility	motion granted	unknown
<u><i>Utility Air Regulatory Group v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>United States v. DeChristopher</i></u> (D. Utah Nov. 2009)	climate protects	Oil and Gas Leasing Reform Act	action alleging violation of Act for bidding on BLM leases; motion in limine to exclude necessity defense	motion granted	active
<u><i>United States v. Sholtz</i></u> (C.D. Cal. Dec. 2009)	other statutes (1 st Amendment)	1 st Amendment	action seeking access to judicial records concerning alleged fraudulent pollution credit trading scheme in California	motion partially granted	unknown
<u><i>United States v. Cinergy</i></u> (S.D. Indiana, settled Dec. 2009)	coal-fired power plant challenges	CAA	enforcement action concerning alleged violations of CAA at coal-fired power plant	settled	not active
<u><i>United States v. Midwest Generation LLC</i></u> (N.D. Ill. March 2010)	coal-fired power plant challenges	CAA	enforcement action concerning alleged violations of CAA at coal-fired power plant	dismissed	unknown
<u><i>U.S. Chamber of Commerce v. EPA</i></u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<u><i>Utah Chapter of the Sierra Club v. Air Quality Bd.</i></u> (Utah Sup. Ct. Dec. 2009)	coal-fired power plant challenges	CAA	challenge to approval of power plant proposal	reversed state board's approval	unknown

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<u>Virginia v. EPA</u> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's determination that GHGs endanger human health and welfare	n/a	active
<u>Virginia v. EPA</u> (D.C. Cir. April 2010)	challenges to federal action	CAA	filed motion seeking to reopen endangerment finding	n/a	active
<u>Western Watersheds Project v. Salazar</u> (D. Idaho May 2009)	NEPA	NEPA	challenge to env. impact statements for failure to take into account climate change	denied motion to transfer case	active
<u>WildEarth Guardians v. Jackson</u> (D. Col, consent decree filed Jan. 2010)	coal-fired power plant challenges	Clean Air Act	challenge to state permit permitting operation of coal-fired power plant	consent decree filed Jan. 2010	not active
<u>WildEarth Guardians v. U.S.F.S.</u> (D. Col, filed Oct. 2008)	NEPA	NEPA	challenge to Forest Service's EIS for failure to mitigate climate impacts of methane venting	n/a	active
<u>WildEarth Guardians v. U.S.F.S.</u> (10 th Cir. July 2009)	NEPA	NEPA	mining company moved to intervene in case; district court denied motion	denial of motion affirmed	active
<u>The Wilderness Society v. Dept. of Interior</u> (N.D. Cal., filed July 09)	NEPA	NEPA	challenge to designation of electricity transmission corridors	n/a	active
<u>In re Wisconsin Power and Light</u> (Pub. Service Commission of Wisconsin Nov. 2008)	coal-fired power plant challenges	Wisconsin state law	proposal to build new 300 MW coal-fired power plant	rejected	unknown
<u>Zangara Dodge, Inc. v. Curry</u> (D.N.M., filed Dec. 2007)	challenges to state vehicle standards				unknown