

IN THE SUPREME COURT OF MARYLAND

**MAYOR AND CITY COUNCIL
OF BALTIMORE CITY,**

Appellant,

v.

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

Appellees.

SCM-REG-0011-2025

(ACM-REG-1290-2024)

(Cir. Ct. No. 24-C-18-004219)

**ANNE ARUNDEL COUNTY,
MARYLAND,**

Appellant,

v.

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

Appellees.

SCM-REG-0011-2025

(ACM-REG-2308-2024)

(Cir. Ct. No. C-02-CV-21-000565)

CITY OF ANNAPOLIS,

Appellant,

v.

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

Appellees.

SCM-REG-0011-2025

(ACM-REG-2309-2024)

(Cir. Ct. No. C-02-CV-21-000250)

**APPELLEES' REPLY IN SUPPORT OF
MOTION TO STAY PROCEEDINGS**

I. INTRODUCTION

Appellants' opposition to the motion to stay confirms a stay is warranted. Appellants do not dispute that the U.S. Supreme Court has granted certiorari in *Suncor Energy (U.S.A.) Inc. v. County Commissioners of Boulder County*, No. 25-170 ("*Boulder*") to decide whether federal law precludes state-law claims seeking relief for injuries allegedly caused by the effects of interstate and international greenhouse-gas emissions on the global climate. Nor do they dispute that this Court heard argument on the same question on October 6, 2025. Appellants fail to offer any meaningful response to why this Court should be forced to answer the same question on which the Supreme Court is likely to provide potentially dispositive guidance. The interests of judicial economy therefore warrant a stay. Appellants raise two objections, neither of which withstands scrutiny.

First, Appellants contend that a stay would cause them prejudice. But Appellants have not identified any legitimate source of prejudice and provide no basis for their speculation that discovery will be unavailable after the stay. At the same time, denying the stay and ultimately permitting these cases to proceed with discovery while the Supreme Court decides a dispositive threshold question will risk wasting a substantial amount of resources. In any

event, Appellants waited years to bring claims alleging a campaign of deception dating back half a century. The requested stay adds negligible incremental delay and imposes no other burden. Neither the public, the parties, nor the Court are served by risking inconsistent rulings and wasted judicial resources. And notably, the lower courts dismissed Appellants' claims due to their lack of merit—consistent with the growing chorus of federal and state courts dealing with similar climate-change allegations.

Second, Appellants minimize the profound overlap between *Boulder* and these appeals. But the question presented in *Boulder* is framed broadly and encompasses the claims at issue here. Even if the Court holds that claims for damages from interstate and international emissions are not precluded by federal law, its decision will guide this Court's analysis. Other courts have already stayed parallel climate litigation pending *Boulder*, recognizing judicial economy favors awaiting the Supreme Court's decision rather than proceeding in parallel. Appellants' speculation that the Court may not reach the merits or may resolve *Boulder* on narrower grounds does not justify wasting judicial resources by proceeding now.

II. ARGUMENT

A. A STAY WILL NOT PREJUDICE APPELLANTS

Appellants' principal objection is that a stay would cause them prejudice. (Opp. at 2–3.) Appellants, however, recognize that a stay will not prejudice

recovery of monetary damages. And while they raise the specter of “aging critical witnesses” and documents “becom[ing] unavailable,” (Opp. at 2–3), such speculation not only lacks support but is true in nearly every stayed case.¹ Nor would a stay burden any party—as Appellants acknowledge, there are no ongoing discovery obligations, motion practice, or other proceedings.

On the contrary, there would be significant prejudice to Appellees if a stay is not granted. If this Court issues a decision reversing the dismissals of Appellants’ claims and remanding to the trial courts, any resources devoted to answering the complaints and engaging in discovery would be wasted if the Supreme Court later holds that such claims are precluded by federal law. Multiplied across three separate cases and dozens of defendants, the wasted resources could be substantial. There would also be a significant burden on Appellees—who are litigating similar climate change claims in other jurisdictions—should this Court’s ruling be inconsistent with the *Boulder* ruling and the ruling of any other jurisdiction applying *Boulder*. *Aura Light US Inc. v. LTF Int’l LLC*, 2016 WL 11481746, at *1 (D. Md. Apr. 25, 2016) (noting that “inconsistent judgments . . . could prejudice the parties and create unnecessary confusion.”).

¹ Appellees have been complying with their document preservation obligations, which further belies Appellants’ concerns about availability of documents.

In addition, Appellants themselves are responsible for the timeline they now protest. Baltimore did not file its complaint until July 2018, while Anne Arundel County and the City of Annapolis waited even longer by filing their complaints in 2021, despite alleging conduct spanning back more than half a century. Having waited decades to bring these claims, Appellants cannot credibly argue that a relatively brief stay to allow the U.S. Supreme Court to answer a question at the heart of this appeal would cause undue prejudice.

Moreover, the interests of non-parties and the public weigh in favor of a stay—not the other way around, as Appellants contend. (Opp. at 3–4). Rather than waste scarce judicial resources, the public will be better served if the appeal is stayed pending further guidance from the nation’s highest court. Appellants’ contention that a “resolution of these claims on the merits” is necessary to address climate change is nothing but speculation.

Lastly, Appellants fail to undermine the reasoning of *City of Annapolis v. BP P.L.C.*, 2021 WL 2000469 (D. Md. May 19, 2021), as issued “almost five years ago” and involving a stay pending a federal appeal “in Baltimore’s own case.” (Opp. at 3–4.) The District of Maryland’s determination—that a “plaintiff’s interest in a speedy determination” is separate and apart from any purported “urgency of the threat of climate change writ large”—applies with full force here. *City of Annapolis*, 2021 WL 2000469 at *4. The District of Maryland stayed proceedings to await the Fourth Circuit’s resolution of a

remand dispute. *Id.* If a stay was warranted to await a remand ruling, it is certainly warranted to let the Supreme Court’s resolve whether Appellants’ claims can proceed at all.

B. THE *BOULDER* DECISION WILL IMPACT AND MAY RESOLVE THESE APPEALS

Appellants minimize the substantial overlap between *Boulder* and these appeals. *Boulder* asks whether “federal law precludes state-law claims seeking relief for injuries allegedly caused by the effects of interstate and international greenhouse-gas emissions on the global climate,” the same question on which Court heard argument in October 2025. If the U.S. Supreme Court holds that federal law precludes such claims, this Court would have little more to do than apply that precedent. And even if the Supreme Court does not rule in Appellees’ favor, its decision will guide this Court’s analysis.

Appellants raise two arguments for why *Boulder* might not matter. Neither is persuasive.

First, Appellants contend that the U.S. Supreme Court may not reach the merits because of jurisdictional doubts. (Opp. at 4–5.) But the Court granted the petition even though the plaintiffs raised those jurisdictional objections in opposition to certiorari; indeed, these jurisdictional issues were central to the certiorari briefing. If a majority of the Court believed that those jurisdictional issues were insurmountable, the Court could simply have denied

certiorari, as it regularly does with cases that present jurisdictional obstacles. Instead, the Court granted review—a step it takes in less than 2% of cases filed before it. *See, e.g.*, John G. Roberts, Jr., *2025 Year End Report on the Federal Judiciary* 8 (Dec. 31, 2025), <https://tinyurl.com/45htpffy>. Now that the Court has agreed to receive merits briefing and hear argument, there is a substantial probability that the Court will address the federal law preclusion question.

Indeed, other courts have stayed cases in light of *Boulder*, recognizing that judicial economy favors awaiting that guidance rather than proceeding in parallel. *See, e.g.*, Chou Declaration,² Ex. 1, Sua Sponte Order, *Platkin v. Exxon Mobil Corp.*, No. A-1641-24T2 (N.J. Super. Ct. App. Div. Mar. 2, 2026) (staying appeal, over plaintiff’s objections, of similar climate-change action “pending the United States Supreme Court’s decision” in *Boulder*); Chou Declaration, Ex. 2, Stipulation and Order, *Kennedy v. Exxon Mobil Corp.*, 2:25-cv-02378 (W.D. Wash. Mar. 3, 2026) (vacating motion to dismiss briefing schedule and approving stipulation to stay all deadlines pending *Boulder* decision). As discussed in Appellees’ motion to stay, this Court itself regularly grants stays under analogous circumstances. *See* Def’s Mot. at 3 (discussing *Demby v. State*, 444 Md. 45, 50 (2015), *Raynor v. State*, 440 Md. 71, 80 n.5 (2014), and *Fooks v. State*, 485 Md. 52, 52–53 (2023)).

² The Declaration of Vicki Chou, dated March 16, 2026, is accompanied with this reply brief.

Second, Appellants speculate that the U.S. Supreme Court could resolve *Boulder* on narrow grounds that would not affect these cases because the *Boulder* plaintiffs assert claims and theories not presented in these appeals. (Opp. at 6.) That speculation ignores the broadly framed question presented in *Boulder*: whether federal law precludes state-law claims seeking relief for injuries caused by greenhouse-gas emissions on the global climate. That framing encompasses the deception-based theories at issue here, which the *Boulder* plaintiffs likewise allege. Appellants’ argument that the “threat posed by climate change . . . necessitates a resolution of these claims on the merits,” (Opp. at 4), only reinforces that their claims fall within the ambit of *Boulder*.

Appellants also argue that the U.S. Supreme Court might address only the theory alleging that the defendants “*knowingly* caused and contributed to” climate change (Opp. at 6) and not the deception claims—but that is incorrect. Because the Colorado Supreme Court dismissed *Boulder* on both liability theories, the U.S. Supreme Court will now need to reverse or affirm each theory to the extent it reaches the merits. In all events, even if the Court addresses only a subset of the *Boulder* plaintiffs’ theories, its reasoning on the threshold question of federal preclusion would necessarily inform this Court’s decision. A decision from the nation’s highest court on the relationship between federal law and state-law climate claims will affect this case regardless of the precise theory on which it rests.

III. CONCLUSION

For the foregoing reasons, Appellees respectfully request that this Court stay these proceedings pending a final opinion from the U.S. Supreme Court in *Boulder*.

Respectfully submitted,

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(ACM-REG-1290-2024)

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(ACM-REG-2309-2024)

(Cir. Ct. No. C-02-CV-21-000250)

**VICKI CHOU DECLARATION IN SUPPORT OF APPELLEES' REPLY
IN SUPPORT OF MOTION TO STAY PROCEEDINGS**

I, Vicki Chou, declare as follows:

1. I am an attorney at law duly licensed to practice before this Court. I am a member of the law firm of Hueston Hennigan LLP, counsel of record for Attorneys for Exxon Mobil Corp. and ExxonMobil Oil Corporation ("Appellees") in the above-referenced action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached hereto as Exhibit 1 is a true and correct copy of the court's *sua sponte* order staying appeal in *Platkin v. Exxon Mobil Corp.*, No. A-1641-24T2 (N.J. Super. Ct. App. Div. Mar. 2, 2026).

3. Attached hereto as Exhibit 2 is a true and correct copy of the court's order approving the stipulation to stay all deadlines in *Kennedy v. Exxon Mobil Corp.*, 2:25-cv-02378 (W.D. Wash. Mar. 3, 2026).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 16th day of March, 2026, at Los Angeles, California.



Vicki Chou

EXHIBIT 1

MATTHEW J. PLATKIN,
ATTORNEY GENERAL OF THE
STATE OF NEW JERSEY; NEW
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ENVIRONMENTAL PROTECTION;
AND CARI FAIS, ACTING
DIRECTOR OF THE NEW JERSEY
DIVISION OF CONSUMER
AFFAIRS

V.

EXXON MOBIL CORPORATION;
EXXONMOBIL OIL
CORPORATION; BP P.L.C.; BP
AMERICA INC.; CHEVRON
CORPORATION; CHEVRON U.S.A.
INC., CONOCOPHILLIPS,
CONOCOPHILLIPS COMPANY,
PHILLIPS 66, PHILLIPS 66
COMPANY, SHELL PLC; SHELL
OIL COMPANY, and AMERICAN
PETROLEUM INSTITUTE

SUPERIOR COURT OF NEW
JERSEY
APPELLATE DIVISION
DOCKET NO. A-001641-24T2

SUA SPONTE ORDER

This matter being opened to the court on its own motion, and it appearing that plaintiffs appeal from the February 5, 2025 order of the Superior Court of New Jersey, Law Division, Mercer County, Docket No. L-001797-22, granting defendants' Motion to Dismiss for Failure to State a Claim and dismissing plaintiffs' complaint, which seeks damages for the effects of global climate change caused by greenhouse gases, on the basis that plaintiffs' claims are preempted by federal law;

It further appearing that on February 23, 2026, the United States Supreme Court granted certiorari in Cty. Comm'rs of Boulder Cnty. v. Suncor Energy USA, Inc. (In re Cty. Comm'rs of Boulder Cnty), 2025 CO 21, as to the following question: "Whether federal law precludes state-law claims seeking relief for injuries allegedly caused by the effects of interstate and international greenhouse gas emission on the global climate"; and

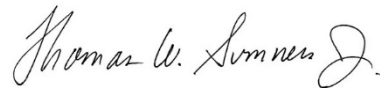
The court having considered the parties' positions on whether this appeal should be held in abeyance pending the Supreme Court's decision and

determined the appeal should abide the Supreme Court's decision in In re Cty. Comm'rs of Boulder Cnty; therefore

IT IS ON THIS 2nd DAY OF March, 2026, HEREBY ORDERED THAT:

1. This appeal is held in abeyance pending the United States Supreme Court's decision in In re Cty. Comm'rs of Boulder Cnty; and
2. The Clerk's Office February 20, 2026 invitation to submit supplemental briefs addressing the Environmental Protection Agency's repeal of the 2009 Endangerment Finding by March 4, 2026, is rescinded; and
3. The May 12, 2026 oral argument date is cancelled pending further notice; and
4. The parties shall notify the Clerk's Office of the Supreme Court's disposition of In re Cty. Comm'rs of Boulder Cnty within five (5) days thereof.

FOR THE COURT:



THOMAS W. SUMNERS, JR., C.J.A.D.

MER-L-1797-22 MERCER

EXHIBIT 2

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**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

RICHARD KENNEDY and MARGARET
HAZARD, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

EXXON MOBIL CORPORATION;
EXXONMOBIL OIL CORPORATION;
SHELL PLC; SHELL USA, INC.; EQUILON
ENTERPRISES LLC D/B/A SHELL OIL
PRODUCTS US; SHELL TRADING (US)
COMPANY; CHEVRON CORPORATION;
CHEVRON U.S.A. INC.; BP PLC; BP
AMERICA INC.; BP PRODUCTS OF
NORTH AMERICA; CONOCOPHILLIPS;
CONOCOPHILLIPS COMPANY; and
AMERICAN PETROLEUM INSTITUTE,

Defendants.

Case No. 2:25-cv-02378

Hon. John H. Chun

**STIPULATION AND ORDER
REGARDING STAY OF PROCEEDINGS**

WHEREAS, on November 25, 2025, Plaintiffs filed a complaint commencing the above-captioned action (the “Action”);

WHEREAS, on December 18, 2025, the Court approved and ordered the parties’ stipulated briefing schedule for Defendants’ motions to dismiss for lack of personal jurisdiction, motions to dismiss for failure to state a claim, and motion(s) to strike and/or motions(s) under “anti-SLAPP” laws (collectively, “Motions to Dismiss”), Dkt. 24;

1 **WHEREAS**, pursuant to the Court’s briefing schedule, Defendants’ Motions to Dismiss
2 are currently due by March 11, 2026, *see* Dkt. 24, at 3;

3 **WHEREAS**, on February 23, 2026, the U.S. Supreme Court granted a petition for
4 certiorari in a similar, climate-related case, *Suncor Energy (U.S.A.) Inc. v. County Commissioners*
5 *of Boulder County*, No. 25-170 (U.S.), to consider the question “[w]hether federal law precludes
6 state-law claims seeking relief for injuries allegedly caused by the effects of interstate and
7 international greenhouse-gas emissions on the global climate.” Petition for a Writ of Certiorari,
8 *Suncor Energy (U.S.A.) Inc. v. Cnty. Comm’rs of Boulder Cnty.*, 2025 WL 2367748, at *I (U.S.
9 Aug. 8, 2025);

10 **WHEREAS**, Plaintiffs’ Complaint alleges, *inter alia*, state-law claims that the Supreme
11 Court’s decision in *Boulder* could resolve or provide guidance on many of the issues that would
12 be the subject of briefing on Defendants’ Motions to Dismiss;

13 **WHEREAS**, the Parties respectfully submit that the interests of justice and judicial
14 economy can best be achieved by staying this Action pending the issuance of the Supreme Court’s
15 decision in *Boulder*;

16 **WHEREAS**, this stipulation does not operate as an admission of any factual allegation or
17 legal conclusion and is submitted subject to and without waiver of any right, defense, affirmative
18 defense, claim, or objection, including lack of subject-matter jurisdiction, lack of personal
19 jurisdiction, and improper venue;

20 **WHEREAS**, the Parties through their undersigned counsel have conferred and consented
21 to the entry of this Stipulation; and

22 **WHEREAS**, the Parties agree to abide by this Stipulation unless and until the Court enters
23 an order contrary to this Stipulation;

IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO THE APPROVAL OF THE COURT, THAT:

1. The stipulated briefing schedule for Defendants’ Motions to Dismiss previously approved and ordered by the Court, Dkt. 24, is **VACATED**.

2. This Action and all associated deadlines are **STAYED** pending the issuance of the U.S. Supreme Court’s decision in *Suncor Energy (U.S.A.) Inc. v. County Commissioners of Boulder County*, No. 25-170 (U.S.).

Respectfully submitted this 3rd day of March, 2026.

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ORDER

It is so APPROVED and ORDERED.

Also, the Court DIRECTS the Clerk to terminate Defendants' Motion to Stay Scheduling Deadlines Pending Resolution of Defendants' Forthcoming Motions to Dismiss at Dkt. # 74. After the stay is lifted, Defendants may ask the Court to re-note that motion.

DATED this 3rd day of March, 2026.



John H. Chun
United States District Judge