

From: "Gualtieri, David S (ENRD)" <(b) (6)>
To: "Gupta, Vanita (OASG)" <(b) (6)>, "Colangelo, Matthew (OASG)" <(b) (6)>, "Sooknanan, Sparkle (OASG)" <(b) (6)>, "Goodlander, Margaret V. (OAG)" <(b) (6)>, "Thompson, Karl (ODAG)" <(b) (6)>, "Braden, Myesha (ODAG)" <(b) (6)>, "Williams, Jean (ENRD)" <(b) (6)>, "Gelber, Bruce (ENRD)" <(b) (6)>, "Mahan, Ellen (ENRD)" <(b) (6)>, "Russell, Lisa (ENRD)" <(b) (6)>, "Smith, Justin (ENRD)" <(b) (6)>, "Blaha, Amber (ENRD)" <(b) (6)>, "Kelleher, Diane (OASG)" <(b) (6)>, "Hyun, Peter (OASG)" <(b) (6)>, "West Rasmus, Emma (OASG)" <(b) (6)>, "Harvey, Judy (ENRD)" <(b) (6)>

Subject: Proposed Agenda for OASG-ENRD weekly meeting

Date: Tue, 20 Jul 2021 15:35:00 -0400

Importance: Normal

Below is a proposed agenda for tomorrow's meeting:

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Removed per scoping agreement

Removed per scoping agreement

- **Climate Nuisance Litigation – Mayor of Baltimore v. BP p.l.c. (Md. Cir. Ct.) & Rhode Island v. Chevron Corp. (R.I. Super. Ct.)** – For the past few years, numerous cities and States, including the City of Baltimore and the State of Rhode Island, have sued various fossil-fuel companies in state courts alleging state common-law claims of nuisance and other torts for the sale of fossil-fuel products that contribute to the impacts of climate change. After having been initially removed to federal court by defendants, certain of these climate-nuisance cases were remanded to state courts, including the *Baltimore* and *Rhode Island* cases. In March and May of 2020, respectively, we filed amicus briefs in state court in support of defendants’ motions to dismiss the *Baltimore* and *Rhode Island* cases, arguing that the claims are displaced or preempted by the Clean Air Act, the foreign affairs power, and the Foreign Commerce Clause. Both state-court cases were stayed before any decision on the motions to dismiss and are likely to remain stayed until at least this fall, especially in light of the Supreme Court’s recent order remanding the *Baltimore* and *Rhode Island* cases back to the federal appellate courts for review of previously unconsidered removal arguments. As a result, the briefs we filed in state courts in Maryland and Rhode Island are the only U.S. amicus briefs still pending in any climate-nuisance case. Since filing these briefs, the Department has received three letters from the Attorneys General for Washington, D.C., and Minnesota, nine U.S. Senators, and from six state attorneys general, respectively, all asking the Department to reverse the United States’ position in the climate-nuisance cases. (b)(5) per ENRD

I

(Colangelo recused – State of New York)

Removed per scoping agreement

From: "Goodlander, Margaret V. (OAG)" <(b) (6)>

To: "Calce, Christina M. (OLA)" <(b) (6)>

Subject: Whitehouse letters and responses

Date: Wed, 23 Jun 2021 14:19:50 -0400

Importance: Normal

Christina: Thanks so much again for your help with prepping for tomorrow's meeting – much appreciated! Two questions. (1) could you send me a transcript from today's hearing if you have a copy? And (2) when you have a moment, could you please send me a copy of the letters below + copies of DOJ's response to each letter?

Many thanks!

Maggie

1. Removed per scoping agreement

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6. May 10, 2021 (Blumenthal main signatory): Letter following up on conversations regarding President Biden's pledge to "strategically support ongoing plaintiff-driven climate legislation against polluters." (Response sent 6/23/21.)

From: "Greenfeld, Helaine A. (OLA)" <(b) (6)>

To: "Klapper, Matthew B. (OAG)" <(b) (6)>, "Heinzelman, Kate (OAG)" <(b) (6)>, "Goodlander, Margaret V. (OAG)" <(b) (6)>, "Loeb, Emily M. (ODAG)" <(b) (6)>

Subject: FW: OLA Daily Report for 5/13/2021

Date: Thu, 13 May 2021 18:08:50 -0400

Importance: Normal

Attachments: Removed per scoping agreement

; 2021-5-10_Incoming_Letter_Presidents_Pledge_-_Blumenthal_-

4493913.pdf;

Removed per scoping agreement

Today's mailbag.

From: Williams, Kim (OLA) <(b) (6)>

Sent: Thursday, May 13, 2021 5:53 PM

To: OLA <(b) (6)>

Subject: OLA Daily Report for 5/13/2021

**Department of Justice
Office of Legislative Affairs
Daily Report for 5/13/2021**

MAIL TYPE	DUE DATE	ACTION COMPONENT	WORKFLOW ID	DATE RECEIVED	DOCUMENT ADDRESSED TO
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FROM: The Honorable Richard Blumenthal, , United States Senate, Washington, DC 20510

SUBJECT: (Rec'd from OLA via email) Writing regarding President Biden's pledge to "strategically support ongoing plaintiff-driven climate litigation against polluters." Mentions several climate lawsuits have been filed over the past several years seeking justice from fossil fuel companies who engaged in decades of deception regarding climate change. Stating during the Trump Administration, DOJ filed amicus briefs in support of fossil fuel companies in many cases in federal court (including the Supreme Court) and state court. Requesting the AG promptly review the briefs previously filed in these cases and reassess what the Department's positions should be in future briefs, in order to ensure they are consistent with the Department's commitment to environmental justice. Ltr also signed by 8 other MC's.

Removed per scoping agreement

From: "Gualtieri, David S (ENRD)" <(b) (6)>
To: "Gupta, Vanita (OASG)" <(b) (6)>, "Colangelo, Matthew (OASG)" <(b) (6)>, "Sooknanan, Sparkle (OASG)" <(b) (6)>, "Goodlander, Margaret V. (OAG)" <(b) (6)>, "Thompson, Karl (ODAG)" <(b) (6)>, "Braden, Myesha (ODAG)" <(b) (6)>, "Williams, Jean (ENRD)" <(b) (6)>, "Gelber, Bruce (ENRD)" <(b) (6)>, "Mahan, Ellen (ENRD)" <(b) (6)>, "Russell, Lisa (ENRD)" <(b) (6)>, "Smith, Justin (ENRD)" <(b) (6)>, "Blaha, Amber (ENRD)" <(b) (6)>, "Kelleher, Diane (OASG)" <(b) (6)>

Subject: Proposed Agenda for OASG-ENRD weekly meeting

Date: Mon, 03 May 2021 10:53:10 -0400

Importance: Normal

Attachments: Removed per scoping agreement

Below is a proposed agenda from ENRD for today's meeting. Best, DG

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1. Update – (b)(5) per ENRD Climate Nuisance Litigation

2. Removed per scoping agreement
- 3.
- 4.
- 5.
- 6.

From: "Kendrick, Hunter J. (ENRD)" <(b) (6)>
To: "Colangelo, Matthew (OASG)" <(b) (6)>, "Sooknanan, Sparkle (OASG)" <(b) (6)>, "Goodlander, Margaret V. (OAG)" <(b) (6)>, "Thompson, Karl (ODAG)" <(b) (6)>, "Heron, Rachel (ENRD)" <(b) (6)>, "Braden, Myesha (ODAG)" <(b) (6)>, "Williams, Jean (ENRD)" <(b) (6)>, "Gelber, Bruce (ENRD)" <(b) (6)>, "Mahan, Ellen (ENRD)" <(b) (6)>, "Russell, Lisa (ENRD)" <(b) (6)>, "Smith, Justin (ENRD)" <(b) (6)>
Cc: "Blaha, Amber (ENRD)" <(b) (6)>, "Gualtieri, David S (ENRD)" <(b) (6)>, "Kendrick, Hunter J. (ENRD)" <(b) (6)>

Subject: Proposed Agenda for OASG-ENRD weekly meeting

Date: Fri, 16 Apr 2021 19:05:44 -0400

Importance: Normal

Hello all,

Below is a proposed agenda from ENRD for Monday's meeting.

1. Removed per scoping agreement
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. Climate Nuisance Litigation

Thanks,

Hunter

Hunter J. Kendrick
Attorney Advisor
Law and Policy Section
Environment & Natural Resources Division
U.S. Department of Justice

From: "Gualtieri, David S (ENRD)" <(b) (6)>

To: "Colangelo, Matthew (OASG)" <(b) (6)>, "Sooknanan, Sparkle (OASG)" <(b) (6)>, "Goodlander, Margaret V. (OAG)" <(b) (6)>, "Thompson, Karl (ODAG)" <(b) (6)>, "Heron, Rachel (ENRD)" <(b) (6)>, "Braden, Myesha (ODAG)" <(b) (6)>, "Williams, Jean (ENRD)" <(b) (6)>, "Gelber, Bruce (ENRD)" <(b) (6)>, "Mahan, Ellen (ENRD)" <(b) (6)>, "Russell, Lisa (ENRD)" <(b) (6)>, "Smith, Justin (ENRD)" <(b) (6)>, "Blaha, Amber (ENRD)" <(b) (6)>, "Kendrick, Hunter J. (ENRD)" <(b) (6)>, "Neumann, Jennifer Scheller (ENRD)" <(b) (6)>

Subject: Proposed Agenda for OASG-ENRD weekly meeting

Date: Fri, 09 Apr 2021 19:22:27 -0400

Importance: Normal

Below is a proposed agenda from ENRD for Monday's meeting. Best, DG

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1. Removed per scoping agreement
2. [State Attorneys General letter re: climate nuisance litigation](#)
3. Removed per scoping agreement
- 4.
- 5.
- 6.

From: "Klapper, Matthew B. (OAG)" <(b) (6)>

To: "Rose, Abraham (JMD)" <(b) (6)>

Subject: Morning clips

Date: Tue, 06 Apr 2021 07:54:04 -0400

Importance: Normal

US DEPARTMENT OF JUSTICE NEWS

Reuters: US state officials urge Garland to reverse Trump positions on climate deception cases, Valerie Volcovici, April 5, 2021, 5:57 PM

The attorneys general of five U.S. states and the District of Columbia on Monday called on President Joe Biden's Justice Department to withdraw legal briefs filed in support of fossil fuel companies in litigation during the Trump administration, arguing they contradict the new president's position on climate change. The top law enforcement officials of Connecticut, Delaware, Massachusetts, Minnesota, Rhode Island and the District of Columbia sent a letter to U.S. Attorney General Merrick Garland asking him to inform courts that the Justice Department no longer supports those briefs in pending litigation. [[Continue Reading](#)]

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From: "Coley, Anthony D. (PAO)" <(b) (6)>
To: "Klapper, Matthew B. (OAG)" <(b) (6)>
Cc: "Iverson, Dena (PAO)" <(b) (6)>, "Heinzelman, Kate (OAG)" <(b) (6)>

Subject: FW: Morning Digest

Date: Tue, 06 Apr 2021 07:39:34 -0400

Importance: Normal

US DEPARTMENT OF JUSTICE NEWS

Reuters: **US state officials urge Garland to reverse Trump positions on climate deception cases**, Valerie Volcovici, April 5, 2021, 5:57 PM

The attorneys general of five U.S. states and the District of Columbia on Monday called on President Joe Biden's Justice Department to withdraw legal briefs filed in support of fossil fuel companies in litigation during the Trump administration, arguing they contradict the new president's position on climate change. The top law enforcement officials of Connecticut, Delaware, Massachusetts, Minnesota, Rhode Island and the District of Columbia sent a letter to U.S. Attorney General Merrick Garland asking him to inform courts that the Justice Department no longer supports those briefs in pending litigation. [\[Continue Reading\]](#)

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