

From: [Seth Platt](#)
To: [Scott Womersley](#); [Dean Trantalis](#)
Subject: Fwd: Follow-up information for Monday's meeting
Date: Friday, June 22, 2018 12:04:05 PM
Attachments: [FL_Dec2017SurveySummary_6.22.18.pdf](#)
[NYC v BP et al Complaint \(1\).pdf](#)
[Tracking Broward County Resiliency Efforts 06222018.pdf](#)

Hi Dean/Scott,

In anticipation of our meeting next week I wanted to forward some information to acquaint you with some of the work my group, [The Institute for Governance and Sustainable Development/ Center for Climate Integrity](#) has been doing.

I have invited Jorge Mursuli to the meeting as his group, the Environmental Research Institute, is working with the City of Miami to file a lawsuit. We are trying to collaborate on advocacy in Broward.

Also attached is advocacy paper I intend to discuss with Broward County to track resiliency dollars spent in order to mitigate future real and perceived financial exposure to the County and its residents.

Here are some links with information relative to climate liability in Florida and our efforts.

- [This page summarizes all the existing cases.](#) From there, you can see news coverage and links to the specific complaints.
- [Lisa Heinzerling's op-ed](#), lays out the legal case.
- I've attached a summary of a survey we did with Florida residents. The long and short is that they overwhelmingly support making polluters pay.
- Also attached is the court case filed by the City of New York.
- Two investigations — [Inside Climate News](#) and the [Columbia Journalism School](#) — laid the foundation for climate liability litigation because the documents uncovered show that Big Gas & Oil (plus [some utilities](#)) knew that burning fossil fuels would lead to climate change, and that climate change could have potentially "catastrophic" consequences. If you want the highlights, check out the [Smoking Guns](#) section of our website.
- Since spring 2016, much of the work was visibility around an [#ExxonKnew](#) campaign — which included national organizations such as [350.org](#), Friends of the Earth and Union of Concerned Scientists all amplifying Exxon and others' deceit. Many nonprofits encouraged the ongoing investigations by state attorneys general that are underway in MA and NY.
- The [Center for Climate Integrity](#), formed last year to help support the nonprofits and communities looking to take the next step and to broaden that effort beyond Exxon — starting to track existing and future climate costs and consider filing litigation to make climate polluters help pay for the costs of adapting to climate change. [Pay Up Climate Polluters](#) is CCI's umbrella campaign for that broader effort. But clearly we can adopt language and assets to fit each context, including an entirely grassroots, behind-the-scenes effort as needed.

Let me know if you have any questions about any of this I am looking forward to discussing and I hope both of you will attend the meeting.

Seth

Fwd: Follow-up information for Monday's meeting

To: Scott Wyman, Dean Trantalis

Hi Dean/Scott,

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NYC v BP et al
Compl...(1).pdf



Tracking
Browar...18.pdf

Cc: Scott Wyman <SWyman@fortlauderdale.gov>; Seth Platt <gsplatt@lsnpartners.com>

Subject: Re: Follow-up information for Monday's meeting

Hello Mr Mayor,

This is Jorge Mursuli. Hope your 4th of July was a good one.

Just following up on Seth's previous conversation with you on the proposed litigation. As we discussed, EarthRights International (not Environmental Research Institute) is leading the effort to explore the possibility of litigation for harms caused by sea level rise. I think it makes sense that our lead counsel at EarthRights comes see you and your team to best discuss potential strategy and answer any questions you may have as you think through what your participation may be, if any.

We are available anytime between **07/23-07/27** to come see you. Please let me know if any of those dates work, and I will make it happen. Of course, I am available to chat before then as well if you'd like.

Looking forward to seeing after such a long time. Congrats again on the election! Great to know you are my hometown mayor.

See you soon,

Jorge Mursuli
786.236.1049

referred by Scott Wyman

From: JorgeMursuli <jorge.mursuli@gmail.com>
To: Alain Boileau <aboileau@fortlauderdale.gov>
Cc: Scott Wyman <swyman@fortlauderdale.gov>, Dean Trantalis <dtrantalis@fortlauderdale.gov>
Date: Wed, 11 Jul 2018 11:07:13 -0400

Mr Boileau,

My name is Jorge Mursuli. I represent EarthRights International, a worldwide NGO specializing in litigation in support of the environment and in defense of human rights abuses (<https://earthrights.org/about/>). I believe you are already aware of Mayor Trantalis's interest in exploring potential litigation efforts regarding harms to the City of Ft Lauderdale caused as a result of climate change and sea level rise.

Scott Wyman asked that I reach out to you in order to schedule a meeting with EarthRights International (ERI) counsel where you can discuss the details of the effort and related strategies. As you probably know, this topic is one with many moving parts given the growing number of similar lawsuits around the country. We very much look forward to explaining where we are in the process with other key municipalities and answer any and all questions you might have.

The ERI team could be in South Florida anytime from 07/23-07/27. Please let me know ASAP when you would be available, and I will be happy to set that up.

Thanks in advance for your time and consideration. I can be reached at 786.236.1049 if needed.

We look forward to meeting and talking,

Jorge Mursuli
EarthRights International

-----Original Message-----

From: JorgeMursuli [<mailto:jorge.mursuli@gmail.com>]

Sent: Wednesday, July 11, 2018 11:07 AM

To: Alain Boileau

Cc: Scott Wyman; Dean Trantalis

Subject: referred by Scott Wyman

Mr Boileau,

My name is Jorge Mursuli. I represent EarthRights International, a worldwide NGO specializing in litigation in support of the environment and in defense of human rights abuses (<https://earthrights.org/about/>). I believe you are already aware of Mayor Trantalis's interest in exploring potential litigation efforts regarding harms to the City of Ft Lauderdale caused as a result of climate change and sea level rise.

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Jorge Mursuli
EarthRights International

Meeting with Mr. Boileau

From: JorgeMursuli <jorge.mursuli@gmail.com>
To: Mayda Pineda <mpineda@fortlauderdale.gov>
Date: Wed, 25 Jul 2018 10:47:57 -0400

Hello Ms. Pineda,

We would like to include additional co-counsel on the phone during our face-to face meeting with Mr. Boileau.

They are:

Vic Sher-	415/595-9969
Matt Edling-	415/531-1829

Please let me know if patching them into our meeting is doable. Again, thanks very much.

Jorge Mursuli
786.236.1049

From: JorgeMursuli <jorge.mursuli@gmail.com>

Subject: Fwd: Meeting with Mr. Boileau

Date: July 25, 2018 at 10:57:13 AM EDT

To: loranado@fortlauderdale.gov

Lizardo,

Thanks very much for helping me ensure we can include my colleagues on the phone during our meeting tomorrow with Mr Boileau. As you know, I received a return email advising me Ms Pineda will be OOT till August.

Please ask whomever is managing this meeting in place of Ms Pineda to confirm with me that phone access to my colleagues during the meeting is doable.

Thanks again,

Jorge Mursuli
Earthrights International
786.236.1049

Mayor:

As a follow-up to my email below, as well as our meeting with Seth Plath, please be advised that the New York v. BP, Chevron, et al. case, which Seth had provided to us for our meeting, was just dismissed by the United States District Court in New York on July 19 (see attached Order), for almost the identical reasons relied upon the U.S. District Court in California in dismissing the City of Oakland and San Francisco's lawsuit against the same oil company defendants.

That being said, I had a positive meeting yesterday with Marco Simons, Esquire of the EarthRights International Group, Matt Edling, Esquire, Vic Sher, Esquire, of Sher Edling, and Jorge Mursuli. Sher Edling have been able to successfully obtain 6 remands to state court in the cases filed and removed in California, and have yet to suffer any dismissals.

We can discuss in further detail upon your return and at your convenience.

Alain

From: Alain Boileau

Sent: Friday, July 27, 2018 3:36 PM

To: Dean Trantalis

Cc: Scott Wyman; Lee Feldman

Subject: RE: Judge Dismisses Suit Against Oil Companies Over Climate Change Costs

Inevitably mixed. Conceptually, the potential liability makes sense and there is a factual basis to support the argument, but practically these lawsuits are encountering substantial headwinds in Court with regards to liability and jurisdiction. The governmental plaintiffs are essentially pursuing liability through common law claims at a local level for a global (and not exclusively domestic) problem upon which the judiciary is taking the position that the issue has been and should be relegated to the executive and legislative branches. On a contingency basis, the risk is low for the City, but we still have to address any potential award of prevailing litigation costs that the firm representing us could not pay on our behalf if our case gets dismissed or if the City does not prevail. There may be an insurance premium solution to that exposure, but we'll have to discuss.

Note that the California and New York dismissals are being appealed.

Alain E. Boileau - Interim City Attorney

City of Fort Lauderdale, City Attorney's Office

100 North Andrews Avenue, Fort Lauderdale, FL 33301

T: 954.828.5025 F: 954.828.5915

E: aboileau@fortlauderdale.gov

From: Dean Trantalis

Sent: Friday, July 27, 2018 2:50 PM

To: Alain Boileau

Cc: Scott Wyman; Lee Feldman

Subject: Re: Judge Dismisses Suit Against Oil Companies Over Climate Change Costs

Hmm. You're sending me mixed messages.

Sent from my iPhone

Platt, Seth	LSN Partners	Institute for Governance Sustainable Development	Heather Morais - Dist. 1	Yes	Jorge Mursuli	In Person	10/17/18	02:30 PM	City Hall	Resiliency Funding
Platt, Seth	LSN Partners	Institute for Governance Sustainable Development	Mayor Dean J. Trantalis	Yes	Jorge Mursuli, Scott Wyman, Marco Simons	In Person	10/15/18	11:30 AM	City Hall	Resiliency Funding



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
CONFERENCE MEETING

#18-XXXX

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Alain E. Boileau, City Attorney

DATE: October 23, 2018

TITLE: Presentation by Earthrights International regarding ongoing national and proposed litigation against fossil fuel companies due to their contribution to climate crisis and resulting mitigation costs to governmental entities

Representatives from Earthrights International will be making a presentation regarding ongoing national litigation against fossil fuel companies arising from the companies' knowing contribution to the climate crisis by producing, promoting, refining, marketing, and selling fossil fuels, while concealing the dangers to the environment, the results of which municipalities, such as the City of Fort Lauderdale, have had to incur the costs of adapting to the resulting climate changes. Commencing in the summer of 2017, state and local governments around the country, including but not limited to, the State of New York, the City of Oakland, the City of San Francisco, the State of Rhode Island, the City of Baltimore, and the City of Boulder, have filed lawsuits asking fossil fuel companies to pay for their share of costs of adapting to climate change. Earthrights International, with the assistance of co-counsel, currently represent the City of Boulder, Boulder County, and San Miguel County, Colorado in one of these lawsuits."