STATE OF RHODE ISLAND

PROVIDENCE, SC. **SUPERIOR COURT**

(FILED: April 22, 2025)

STATE OF RHODE ISLAND, ***Plaintiff,***	:	
v.	:	**C.A. No. PC-2018-4716**
CHEVRON CORP., CHEVRON U.S.A. INC., EXXONMOBIL CORP.; BP P.L.C.; BP AMERICA, INC.; BP PRODUCTS NORTH AMERICA, INC.; ROYAL DUTCH SHELL PLC; MOTIVA ENTERPRISES, LLC; SHELL OIL PRODUCTS COMPANY, LLC; CITGO PETROLEUM CORP.; CONOCOPHILLIPS; CONOCOPHILLIPS COMPANY; PHILLIPS 66; MARATHON OIL COMPANY; MARATHON OIL CORPORATION; MARATHON PETROLEUM CORP.; MARATHON PETROLEUM COMPANY LP; SPEEDWAY LLC; HESS CORP.; LUKOIL PAN AMERICAS, LLC; GETTY PETROLEUM MARKETING, INC.; AND DOES 1 through 100, inclusive ***Defendants.***	:	

DECISION

CARNES, J. Before this Court is Chevron Corporation and Chevron U.S.A. Inc.'s (collectively Chevron) Motion to Strike Claims from the Complaint and for Additional Sanctions pursuant to Rule 11 of the Superior Court Rules of Civil Procedure. Chevron moves to strike certain parts of the Complaint, specifically the words "extracted," "refined" "and/or" "manufactured" a "substantial portion" of the Chevron's fossil fuel products in Rhode Island, as well as the

allegation that Rhode Island historically "consume[s]" a "substantial portion" of Chevron's fossil fuel products. (Defs.' Mem. in Supp. of Mot. to Strike (Defs.' Mem.) 1-2.) The matter was heard on April 15, 2025. For the foregoing reasons, this Court denies the Defendants' Motion to Strike Claims and to find Rule 11 Sanctions.

I

Facts and Travel

In this climate change-related action, the State of Rhode Island (Plaintiff or State) brought several legal and equitable causes of actions on behalf of the State, including public nuisance, strict liability for failure to warn, strict liability for design defect, negligent design defect, negligent failure to warn, trespass, impairment of public trust resources, and violations of the State Environmental Rights Act.

The State filed its Complaint on July 2, 2018 and alleged that Defendants, multinational oil and gas companies and some of their subsidiaries, have contributed to climate change and their pollution has damaged the State's infrastructure and coastal communities. *See generally* Compl. The original Complaint named twenty-one Defendants and also included "Does 1 thru 100." It contained 142 pages and 315 paragraphs.

The State asserts that climate change has significantly contributed to "sea level rise, disruption to the hydrologic cycle, more frequent and more intense drought, more frequent and more extreme precipitation, more frequent and more intense heatwaves, and associated consequences of those physical and environmental changes." *Id.* ¶ 3. The State further asserts that Defendants have known about the effects of production and use of their fossil fuels create greenhouse gas emissions. *Id.* ¶ 5. In addition, the State claims that the pollution from greenhouse gases warms the planet, changes the climate, and causes sea level rise. *Id.* Since the

"Great Acceleration" of the 1950s where greenhouse gas emissions soared in history and have only continued to rise through the use of Defendants' fossil fuel products, the State argues that Rhode Island, its coastline, and infrastructure are suffering from sea level rise, storms, droughts, and other severe weather patterns. *Id.* ¶¶ 4, 8, 212. As such, the State contends that the production, promotion, and marketing of fossil fuel products and the concealment of its known dangers by Defendants have actually and proximately caused injury to Rhode Island. *Id.* ¶ 10.

The State alleges Chevron engaged in different activities in Rhode Island throughout the years. *Id.* ¶ 21. These Rhode Island activities include that "[a] substantial portion of Chevron's fossil fuel products are or have been extracted, refined, transported, traded, distributed, marketed, promoted, manufactured, sold, and/or consumed in Rhode Island, from which Chevron derives and has derived substantial revenue." *Id.* ¶ 21(g).

Chevron filed the instant Motion because it alleges that the Complaint contains four baseless jurisdictional allegations. *See* Defs.' Mem. 1. Specifically, Chevron alleges that the State's allegations that Chevron "extracted," "refined" "and/or" "manufactured" a "substantial portion" of Chevron's fossil fuel products in Rhode Island are false, as well as its allegation that Rhode Island historically "consume[s]" a "substantial portion" of Chevron's fossil fuel products. *See id.* at 1-2. Chevron argues that these allegations are baseless and should be stricken because Chevron does not extract, refine, or manufacture petroleum in Rhode Island, and Rhode Island does not consume a substantial portion of Chevron's fossil fuel products. *Id.* Chevron also seeks Rule 11 sanctions because the State lacked a reasonable or good faith basis for the contested clauses when the State filed its Complaint, and Chevron contends that the State did not have a good faith basis for its factual allegations as it pertains to the four jurisdictional contentions. *Id.* at 2. The State argues that Chevron's Motion should be denied because Chevron

"mischaracterizes the plain text of the sentence, which appropriately uses the phrase 'and/or' to make allegations in the alternative," and the State has a factual basis for its allegations as to Chevron's Rhode Island activities. (Pl.'s Mem. in Opp'n to Defs.' Mem. (Pl.'s Obj.) 9.)

II

Standard of Review

A

Motion to Strike

Under Rule 12(f) of the Superior Court Rules of Civil Procedure, "the court may order stricken from any pleading any insufficient defense, or any redundant, immaterial, impertinent, or scandalous matter." Rhode Island courts look to the federal rule when the federal rule is substantially similar to the Rhode Island rules. *Long v. Dell, Inc.*, 93 A.3d 988, 1005 (R.I. 2014). "Rule 12(f) of the Federal Rules of Civil Procedure is nearly identical to our state rule." *Id.*; *see* Fed. R. Civ. P. 12(f). Generally, motions to strike under Rule 12(f) are not looked upon with favor and should not be granted unless the contested item has no relation to the controversy or is clearly prejudicial to the movant. *Russo v. Merck & Co.*, 138 F. Supp. 147, 148–49 (D.R.I. 1956); *see* Kent, *Rhode Island Civil Procedure* § 12:16 (2025). The trial court "enjoys liberal discretion under Rule 12(f)." *See Long*, 93 A.3d at 1005 (internal quotation omitted).

B

Rule 11 Sanctions

Rule 11 requires that "to the best of the [Complaint] signer's knowledge, information, and belief formed after reasonable inquiry[,] the pleading . . . is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that the pleading . . . is not interposed for any improper purpose, such as to

harass or to cause unnecessary delay or needless increase in the cost of litigation." Super. R. Civ. P. 11. "To comply with the requirements of Rule 11, counsel must make *a reasonable inquiry to assure that all pleadings . . .* filed with the court are factually well-grounded, legally tenable and not interposed for any improper purpose." *Pleasant Management, LLC v. Carrasco*, 918 A.2d 213, 218 (R.I. 2007) (internal quotation omitted). The Rule 11 standard is an objective standard of reasonableness under the circumstances. *Id.* A trial justice has broad authority under Rule 11 to impose sanctions against attorneys for advancing claims without proper foundation. *Id.* at 216. Additionally, trial justices have discretion to issue what they consider an appropriate sanction for Rule 11 violations, but they "must do so in accordance with the articulated purpose of the rule: to deter repetition of the harm, and to remedy the harm caused." *Paolino v. Ferreira*, 153 A.3d 505, 528 (R.I. 2017) (internal quotation omitted).

III

Analysis

A

Whether There was a Good Faith Basis for Contested Jurisdictional Allegations

First, it is important to view this Motion within the context of the action as a whole. The present action is complex, both in volume—where the Complaint is 142 pages and there are a plethora of motions, exhibits, and other filings—and in complexity—where the claims go back to 1965, the action is cutting edge, and other actions similar in nature are being seen and litigated nationally. Thus, the Court finds it of the utmost importance to afford the parties every opportunity to explore the merits of the case while also being mindful of the spirit enunciated in Rule 1 of the Superior Court Rules of Civil Procedure. *See Maguire v. North East Insurance Co.*, No. C.A. NO. 75-791, 1977 WL 186328, at *1 (R.I. Super. Feb. 21, 1977); *see* Super. R. Civ. P.

1 (the rules of civil procedure "shall be construed and administered to secure the just, speedy, and inexpensive determination of every action").

Generally, motions to strike should not be granted unless the contested item has no relation to the controversy or is clearly prejudicial to the movant. *Russo*, 138 F. Supp. at 148–49. Here, Chevron argues that the State lacked a good faith basis for the contested jurisdictional allegations. (Defs.' Mem. 6.) The State argues that it has a sufficient factual basis for its allegations as to Chevron's Rhode Island activities. (Pl.'s Obj. 9.)

It cannot be fairly said that the allegations which Chevron has moved to strike have no relation to the controversy because the State provided evidence that Chevron may have had Rhode Island manufacturing, refining, and other raw material activities. *See* Pl.'s Obj., Ex. 10 (Chevron Phillips Chemical Company LP, an entity of Chevron, filed a limited partnership application for certificate of registration in 2000 and described the "general character of the business it propose[d] to transact in Rhode Island" as "to engage in . . . such business activities [as] may be determined by the General Partner from time to time[:] Manufacturing, refining, marketing, transporting and otherwise dealing in raw materials."). This filing with the State indicates that the State had a good faith basis to allege that Chevron extracted, refined, and/or manufactured fossil fuel products in Rhode Island. Additionally, the Court looks at the record as a whole, and there are other exhibits which indicate a well-grounded basis for the State's allegations, and the paragraph as a whole can be reasonably interpreted in proper forms. *See* Pl.'s Exs. 7, 10-12; *see* Compl. ¶ 21(g). Notwithstanding Chevron's argument that companies "widely state what their business is" in such filings,[1] the Court is satisfied that the State had sufficient support for its Complaint as it relates to Chevron when the Complaint was filed, which

[1] Hr'g Tr. 29:2-3, Apr. 15, 2025.

to comply with Rule 11, required the State conduct a reasonable inquiry to assure that the Complaint filed was "factually well-grounded, legally tenable and not interposed for any improper purpose." *See Paolino,* 153 A.3d at 528 (internal quotation omitted); *see* Decl. of Chase Whiting ¶¶ 14-19.

In addition, there has been no adequate showing that keeping the contested clauses in the Complaint will be prejudicial to Chevron. It cannot be fairly said that the allegations which Chevron has moved to strike are clearly prejudicial because Chevron has made no showing that it has been or will be prejudiced by the inclusion of the contested jurisdictional allegations based on the current stage of litigation.

Chevron essentially argues that it is common knowledge that there is no extracting, refining, or manufacturing of fossil fuels in Rhode Island, and the contested allegations were improper because the State "affirmatively knew" that Chevron did not extract, refine, or produce fossil fuel products in Rhode Island when it filed its Complaint, where the State's website states that petroleum products are not produced in Rhode Island and the United States Department of Energy website "identifies zero Rhode Island refineries and shows Rhode Island produces no petroleum." (Defs.' Mem. 6-7; Defs.' Exs. A & B.)

Though Chevron's exhibits may be probative at a different stage, the Court does not view these exhibits as conclusive to strike the contested allegations where the State's website does not state that petroleum-based fuels have never been produced in Rhode Island, simply that they "are not locally produced in Rhode Island," and it appears to the Court that the infrastructure data on the United States Department of Energy website incorporated data from 2011-2014. *See* Defs.' Exs. A & B. These dates and statements do not conclusively determine that fossil fuels have never been extracted, refined, or manufactured in Rhode Island. Further, though Chevron argues

that the State did not have a good faith basis for its allegation that Rhode Island consumed a substantial portion of Chevron's fossil fuel products, (Defs.' Mem. 9), the Court finds that, because the contested paragraph can be reasonably interpreted as meaning that a substantial portion of Chevron's fossil-fuel products are involved *in some combination* of the allegations listed in paragraph 21(g), there is no violation at this stage. *See Paolino*, 153 A.3d at 529 (when the "interpretation of counsel fell within the bounds of reasonableness, the imposition of sanctions was not appropriate").

Again, motions to strike are disfavored. *Russo*, 138 F. Supp. at 148–49. The Court finds that the State had sufficient support for its Complaint as it relates to Chevron based on a reasonable interpretation of the contested paragraph as a whole, as well as based on the State's exhibits, the Complaint as a whole, and the complexity of the current action. Additionally, based on the current stage of this action, there are other ways to address or remedy what Chevron seeks, such as a Rule 12(b)(6) or a partial summary judgment under Rule 56 of the Superior Court Rules of Civil Procedure.

Therefore, given the complexity of the instant action as evidenced by the Complaint, activities, and number of defendants, the Court finds that the State had a good faith basis for its allegations in paragraph 21(g) of the Complaint.

1

And / Or

Chevron argues the State's use of "and/or" with its jurisdictional allegations is improper because the State is not permitted to include "baseless allegations" even with the use of "and/or." *See* Defs.' Mem. 10-12. Chevron did not cite any Rhode Island authority to support this proposition. *See* Defs.' Mem. 10-12.

Although Chevron argues that the use of "and/or" should not be constituted liberally, *id.* at 10-11, the Court finds that Rhode Island has not formally adopted any legal precedent around the use of "and/or," and, even if Rhode Island courts had done so, the State's Complaint is not improper because the contested allegations are well grounded in fact based on the State's interpretation of paragraph 21(g) and Chevron's filings with the State of Rhode Island. *See supra.*

The State argues that it appropriately used the phrase "and/or" to make allegations because it alleged that "a substantial portion of Chevron's fossil-fuel products are involved in some combination of the in-state activities listed in the sentence—not necessarily all of those activities." (Pl.'s Obj. 9.) The Court finds that, because the contested paragraph can be reasonably interpreted as meaning that a substantial portion of Chevron's fossil-fuel products are involved in *some combination* of the allegations listed in paragraph 21(g), there is no violation at this stage. *See supra*; *see Paolino*, 153 A.3d at 529 (when the "interpretation of counsel fell within the bounds of reasonableness, the imposition of sanctions was not appropriate").

Additionally, a party may state as many claims as it has under Rule 8 of the Superior Court Rules of Civil Procedure. All statements must be made in conformance with Rule 11, and the Court finds that the State's Complaint meets these requirements as explained *supra*.

Therefore, the Court is not persuaded that the State's use of "and/or" was improper or requires the Court to impose sanctions.

2

Shotgun Pleadings/Group Pleadings

Chevron further argues that the State engaged in "shotgun pleading" with its jurisdictional allegations, and "shotgun pleadings" are an improper practice, citing to cases from

other jurisdictions that disfavor the use of shotgun pleading. *See* Defs.' Mem. 12-13. However, Rhode Island has not formally adopted any legal precedent around shotgun pleadings, and the Court finds that the State's Complaint is not improper under shotgun pleading standards to strike any clauses.

"A shotgun pleading is a pleading that fails to identify claims with sufficient clarity to enable a defendant to frame a responsive pleading." *Sogbuyi-Whitney v. Caremark PhC LLC*, No. 23-CV-00055-MSM-LDA, 2024 WL 324552, at *2 (D.R.I. Jan. 29, 2024) (internal quotation omitted). "Although shotgun pleading is disfavored, courts within the First Circuit have routinely denied motions to dismiss complaints on shotgun pleading grounds unless they find that the complaint was calculated to confuse the enemy and the court." *Id.* (internal quotation omitted). "A complaint may be calculated to confuse when it intentionally conflates various theories of relief or otherwise renders it impossible for a defendant to respond to the allegations." *Id.* (internal quotation omitted). Here, the Complaint is not sufficiently improper to constitute a shotgun pleading because the State's claims are sufficiently identified for Chevron to frame a response and for the Court to identify all claims alleged.

Additionally, although Chevron also cites issues with "group pleading," arguing that the State's allegations against each defendant in this action are the same, *see* Defs.' Mem. 12, Rhode Island has not formally adopted any legal precedent around group pleadings and here the allegations are dissimilar enough when taken as a whole to satisfy the Court. *See* Compl. ¶¶ 21-29 (the State outlining allegations against Chevron across seven subsections under paragraph 21 while also outlining different allegations against each defendant under the other paragraph subsections).

Because there is not a sufficient basis both in Rhode Island law and in the factual circumstances, Chevron's argument around shotgun and group pleadings fails.

3

Chevron's Other Arguments

As to Chevron's other arguments, Chevron argues that the State did not withdraw its "false" jurisdictional allegations, and the State and attorney general must be held to a higher standard than other attorneys. (Defs.' Mem. 4-5, 14.) The Court does not find that the State was required to withdraw any allegations in the Complaint at this stage and does not find any sanctionable violations that would trigger any analysis about the standard to which an attorney general should be held.

Accordingly, the Court denies Chevron's Motion to Strike certain allegations from the Complaint.

B

Whether the Court Should Issue Rule 11 Sanctions

Chevron argues that the Court should use its discretion to impose sanctions on the State based on Rule 11 violations. *See id.* at 15-16. The State argues that the State should be awarded appropriate sanctions against Chevron under Rule 11 because of Chevron's misconduct in waiting six years to invoke Rule 11 and its misconduct in stipulation negotiations. *See* Pl.'s Obj. 2.

Here, Chevron argues that the State must introduce evidence to prove what it subjectively knew in 2018 to show the State had assembled a well-grounded factual basis for the four contested jurisdictional counts, *see* Defs.' Reply 5-7, 10; however, the standard is objective rather than subjective. *Pleasant Management, LLC*, 918 A.2d at 218. The Court finds that the

State had a reasonable basis for including clauses related to extraction, refinement, and manufacturing based on Chevron's own filings with the State filed on July 3, 2000. *See supra.*

Although Chevron alleges that the State was required to demonstrate what inquiry it performed in 2018 prior to filing for this Rule 11 Motion, Defs.' Reply at 12, Rhode Island law does not support this contention. Even under Chevron's cited case, *CQ International Co. v. Rochem International, Inc., USA*, 659 F.3d 53, 63 (1st Cir. 2011), the First Circuit affirmed the District Court of Massachusetts' denial of Rule 11 sanctions but did not explicitly require "fact gathering" as Chevron describes it. *See CQ International Co.*, 659 F.3d at 64 (citing *Anderson v. Boston School Committee*, 105 F.3d 762, 769 (1st Cir. 1997)) ("noting that, although the rationale for a denial of a motion for sanctions under Rule 11 should be unambiguously communicated, the lack of explicit findings is not fatal where the record itself, evidence or colloquy, clearly indicates one or more sufficient supporting reasons").

Additionally, Rhode Island has not adopted legal standards prohibiting or limiting the use of "and/or" in pleadings nor has Rhode Island adopted any legal standards around shotgun pleadings. The instant action is a complex case, and the Court does not find that good faith was lacking prior to the State filing its Complaint nor was good faith lacking after the Complaint was filed. The Court finds that there is enough on record to support that the State made a reasonable inquiry and that there was no apparent misconduct from Chevron.

Chevron argues that the State's conduct falls within behavior that requires the Court to order sanctions, but this case is unlike the few cases where Rule 11 sanctions were awarded in Rhode Island. *See Robideau v. Cosentino*, 47 A.3d 338, 339-41 (R.I. 2012) (affirming sanctions when attorney testified that he did not perform any research specific to five counts of his filed complaint, had never read the relevant statute concerning one count of his complaint, and despite

learning that some of the claims in his complaint were without basis, did not withdraw them); *see Pleasant Management, LLC*, 918 A.2d at 214, 216, 219 (affirming sanctions when the attorney "jumped to the conclusion" and accused opposing counsel of fraud without any indication that the accused did the act in question). The Court does not find this situation similar to those cases that issued sanctions. This case is complex, both in volume and in complexity, and there are reasonable alternative readings of the contested paragraph. Additionally, there are other remedies Chevron can seek to address or remedy the contested allegations. *See Barletta v. Department of Administration*, No. PC-2020-06551, 2021 WL 1049458, at *13 (R.I. Super. Mar. 12, 2021) ("Rule 11 should not be used to raise issues of legal sufficiency that more properly can be disposed of by a motion to dismiss[.]") (internal quotation omitted).

For the same reason, the Court does not find that Chevron's conduct falls within behavior that requires the Court to order sanctions because there are legitimate reasons why the case is in its present stage six years after the Complaint was filed and not for improper purposes. The Court must balance competing concerns when evaluating whether to issue sanctions because sanctions "can haunt an attorney throughout his or her career" with "ramifications [that] go far beyond the particular case." *See Paolino*, 153 A.3d at 528–29 (internal quotation omitted).

Therefore, the Court does not find the instant action similar to precedent where the Court issued sanctions, and the Court, in its discretion, is not inclined to find any Rule 11 violations.

IV

Conclusion

For the foregoing reasons, Chevron's Motion is DENIED. In light of the complexity and cutting-edge nature of this action, the volume of filings, and Rhode Island's disfavoring of both motions to strike and Rule 11 sanctions, this Court does not find that there is a violation based on Chevron's allegations. Counsel shall submit the appropriate order for entry.

RHODE ISLAND SUPERIOR COURT

Decision Addendum Sheet

TITLE OF CASE:	**State of Rhode Island v. Chevron Corp., et al.**
CASE NO:	**PC-2018-4716**
COURT:	**Providence County Superior Court**
DATE DECISION FILED:	**April 22, 2025**
JUSTICE/MAGISTRATE:	**Carnes, J.**
ATTORNEYS:	
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