

# ENVIRONMENTAL

# NEWSFLASH

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## COURT DISMISSES CLIMATE CHANGE TOXIC TORT SUIT BROUGHT BY THE STATE OF CALIFORNIA

On September 17, 2007, the United States District Court for the District of California dismissed the complaint in *People of the State of California v. General Motors Corporation et al.* on the grounds that the complaint raised political questions more appropriately resolved by other branches of government. In that case, the State of California asserted claims for public nuisance against various automakers for damages allegedly caused by climate change resulting from the emission of carbon dioxide from automobiles. For an in depth analysis of the legal hurdles faced by toxic tort plaintiffs in bringing claims for damages allegedly caused by greenhouse gas emissions, see James G. Derouin, Fredric D. Bellamy and Mark E. Freeze, *Global Warming Litigation: The Phantom Menace*, 21 *Toxics Law Reporter* 39 (BNA), October 5, 2006.

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