

Wiley Rein Partner Comments on Supreme Court Review of Climate Change Suit

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Megan Brown, a partner in Wiley Rein's Appellate and Litigation Practices was quoted in a January 7 BNA article on a pending Supreme Court decision in a climate change lawsuit. The Court was scheduled on January 7 to decide whether to grant a review of a decision dismissing an appeal of a climate change tort lawsuit. In the suit, Mississippi property owners claimed that a group of energy companies should be held liable for damage to their property during Hurricane Katrina. The property owners claim that greenhouse gas emissions from the various energy companies are linked to the damage to residential and business properties caused by the hurricane. When asked whether the Court will grant a review of the case, Ms. Brown said that "it is hard to predict what they'll do with it, but it seems an unlikely and poor candidate for a grant. Ms. Brown—who represents the Cato Institute in a friend-of-the court brief in the AEP case—added that "it would be remarkable if the court decided to hear this case, because the essential issues in ongoing global warming litigation are already presented cleanly in AEP, without the baggage of Comer's procedural issues." "If we don't see an outright denial Monday, we could see a hold or GVR—'grant, vacate, remand,' perhaps after AEP is decided," she concluded.

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