

ATTACHMENT 1

Public Nuisance Cases Against Product Manufacturers Dismissed at FRCP Rule 12(b)(6) or State Court Demurrer Stage

FEDERAL CASES	PRODUCT
1. City of Perry v. Proctor & Gamble Co. , 2016 U.S. Dist. LEXIS 66010 (S.D.N.Y. May 19, 2016)	Flushable wipes
2. McGee v. Diamond Foods, Inc. , 2016 U.S. Dist. LEXIS 26484 (S.D. Cal. Mar. 1, 2016)	Trans-fat foods (popcorn)
3. Red v. Gen. Mills, Inc. , 2015 U.S. Dist. LEXIS 172671 (C.D. Cal. Dec. 29, 2015)	Trans-fat foods (mashed potato products)
4. Backus v. Gen. Mills, Inc. , 122 F. Supp. 3d 909 (N.D. Cal. 2015)	Trans-fat foods (bake-mix products)
5. Guttman v. Nissin Foods (U.S.A.) Co., Inc. , 2015 U.S. Dist. LEXIS 92756 (N.D. Cal. July 15, 2015)	Trans-fat foods (instant noodles)
6. Town of Westport v. Monsanto Co. , 2015 U.S. Dist. LEXIS 36846 (D. Mass. Mar. 24, 2015)*	PCBs
7. Simpson v. Cal. Pizza Kitchen, Inc. , 989 F. Supp. 2d 1015 (S.D. Cal. 2013)	Trans-fat foods (pizza)
8. Am. Elec. Power Co. v. Connecticut , 564 U.S. 410 (2011)	Fossil-fuel power
9. Independence Cty. v. Pfizer, Inc. , 534 F. Supp. 2d 882, <i>aff'd</i> <i>sub nom, Ashley Cty. v. Pfizer</i> , 552 F.3d 659 (8th Cir. 2009)*	Pharmaceutical drugs
10. Corrie v. Caterpillar, Inc. , 403 F. Supp. 2d 1019 (W.D. Wash. 2005), <i>aff'd</i> , 503 F.3d 974 (9th Cir. 2007)*	Bulldozers
11. City of Philadelphia v. Beretta, U.S.A. , 126 F. Supp. 2d 882 (E.D. Pa. 2000), <i>aff'd</i> , 277 F.3d 415 (3d Cir. 2002)*	Guns
12. Camden Cty. Bd. of Chosen Freeholders v. Beretta U.S.A. Corp. , 123 F. Supp. 2d 245 (D.N.J. 2000), <i>aff'd</i> , 273 F.3d 536 (3d Cir. 2001)*	Guns
13. Allegheny Gen. Hosp. v. Philip Morris , 228 F.3d 429 (3d Cir. 2000)	Tobacco
14. Cofield v. Lead Indus. Ass'n , 2000 U.S. Dist. LEXIS 23405 (D. Md. 2000)*	Lead-based paints
15. Ass'n of Wash. Pub. Hosp. Dists. v. Philip Morris, Inc. , 79 F. Supp. 2d 1219 (W.D. Wash. 1999), <i>aff'd</i> , 241 F.3d 696 (9th Cir. 2001)*	Tobacco
16. City of Bloomington v. Westinghouse Elec. Corp. , 891 F.2d 611 (7th Cir. 1989)*	PCBs
17. City of Manchester v. Nat'l Gypsum Co. , 637 F. Supp. 646 (D. R.I. 1986)	Asbestos-containing materials
18. Univ. Sys. of N.H. v. Nat'l Gypsum Co. , 1985 U.S. Dist. LEXIS 18277 (D.N.H. July 2, 1985)*	Asbestos-containing materials

* Dismissed for lack of causation

ATTACHMENT 1 (Cont.)

Public Nuisance Cases Against Product Manufacturers Dismissed at FRCP Rule 12(b)(6) or State Court Demurrer Stage (cont.)

STATE CASES	PRODUCT
19. <i>Malone v. Cty. of Suffolk</i> , 2012 N.Y. Misc. LEXIS 5480, 2012 NY Slip Op 32856(U) (N.Y. Sup. Ct. Nov. 26, 2012), <i>rev'd on other grounds</i> , 2015 N.Y. App. Div. LEXIS 3777 (N.Y. App. Div. May 6, 2015)	Pharmaceutical drugs
20. <i>Rhode Island v. Lead Indus. Ass'n</i> , 951 A.2d 428 (R.I. 2008)*	Lead-based paints
21. <i>In re Lead Paint Litig.</i> , 942 A.2d 484 (N.J. 2007)*	Lead-based paints
22. <i>District of Columbia v. Beretta, U.S.A., Corp.</i> , 872 A.2d 633 (D.C. 2005)*	Guns
23. <i>City of Chicago v. Am. Cyanamid Co.</i> , 823 N.E.2d 126 (Ill. App. Ct. 2005)*	Lead-based paints
24. <i>City of Chicago v. Beretta U.S.A. Corp.</i> , 821 N.E.2d 1099 (Ill. 2004)*	Guns
25. <i>Young v. Bryco Arms</i> , 821 N.E.2d 1078 (Ill. 2004)*	Guns
26. <i>City of St. Louis v. Cernicek</i> , 145 S.W.3d 37 (Mo. Ct. App. 2004)	Guns
27. <i>New York v. Sturm, Ruger & Co.</i> , 761 N.Y.S.2d 192 (N.Y. App. Div. 2003)*	Guns
28. <i>Sturm, Ruger & Co. v. City of Atlanta</i> , 560 S.E.2d 525 (Ga. App. Ct. 2002)	Guns
29. <i>Ganim v. Smith & Wesson Corp.</i> , 780 A.2d 98 (Conn. 2001)*	Guns
30. <i>Penelas v. Arms Tech., Inc.</i> , 778 So.2d 1042 (Fla. Ct. App. 2001)	Guns
31. <i>Sabater v. Lead Indus. Ass'n</i> , 704 N.Y.S.2d 800 (N.Y. Sup. Ct. 2000)	Lead-based paints
32. <i>Sills v. Smith & Wesson Corp.</i> , 2000 Del. Super. LEXIS 444 (Del. Super. Ct. 2000)	Guns
33. <i>Diamond v. Gen. Motors Corp.</i> , 20 Cal. App. 3d 374 (Cal. Ct. App. 1971)	Automobiles

* Dismissed for lack of causation