

For the International Municipal Lawyer's Association - IMLA's 5 things to know for January 12<sup>th</sup>

1. The city of New York filed suit against several oil and gas companies asserting that the city has been forced to respond to climate change by spending countless dollars already and is projected to spend substantially more protecting the city from the effects of climate change directly attributable to the use of carbon fuels. The city seeks to hold those who have profited from the sale of carbon fuels responsible. This is a suit brought under state law which makes it distinct from those previously filed. IMLA will be following the course of this action as many other communities will have similar claims.

[https://www.washingtonpost.com/news/energy-environment/wp/2018/01/10/new-york-city-sues-shell-exxonmobil-and-other-oil-majors-over-climate-change/?utm\\_term=.9275898dc718](https://www.washingtonpost.com/news/energy-environment/wp/2018/01/10/new-york-city-sues-shell-exxonmobil-and-other-oil-majors-over-climate-change/?utm_term=.9275898dc718)

2. Thanks go to Ralph Hildebrand in Vancouver British Columbia for directing me to a decision in a federal District Court case out of Florida where a BATF officer sought to have a postponement in a trial based on having prepaid for a trip to the totality zone for the most recent eclipse of this past summer. The opinion is a humorous read and concludes "When an indispensable participant, knowing that a trial is imminent, pre-pays for some personal indulgence, that participant, in effect, lays in a bet. This time, unlike Carly Simon's former suitor, whose "horse, naturally, won," this bettor's horse has — naturally — lost." No postponement.

<http://supremeadvocacy.ca/wp-content/uploads/2018/01/Us-v-Bishop.pdf>

3. The 7<sup>th</sup> Circuit decided an important case yesterday in favor of the city of Peoria Illinois. As with many jurisdictions charged with solid waste management the city had contracted with a company over some aspects of its landfill management. In this case over the gas collection system among other facilities which became city property upon termination of the lease. The company went bankrupt and a bank was assigned its assets with a super lien under the bankruptcy proceedings. When the city sought to take over the facilities the bank asserted unjust enrichment. The court looked at the contract and concluded because the company had no post termination rights, the bank had no claim to the facilities.

<http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2018/D01-11/C:17-1019:J:Hamilton:aut:T:fnOp:N:2089713:S:0>

4. Expect the Supreme Court to grant certiorari in several cases today following its conference. The grants may come as early as this afternoon or on Tuesday, following the holiday. Between this week and next there is little time left for the court to fill out its docket for the term and we are watching very closely its decision as to whether to

revisit *Quill vs North Dakota* and address the important question of whether Internet sales can be taxed locally.

<http://www.scotusblog.com/2018/01/petitions-watch-conference-january-12/>

5. In New York City, the Police union has sued the city over the release of body camera footage. The union claims privacy rights under state and local laws. As more and more communities use body cameras these issues will become more frequent and IMLA will be hosting programming addressing how these issues can be resolved successfully.

<https://www.newsday.com/news/new-york/nypd-body-camera-lawsuit-1.16028731>

Take a look at our program for the Seminar in April as these are the last couple of days to get the lowest possible rate. The hotel is filling up, so make sure you book a room. Joining IMLA allows members to get up to date training and information on a wide range of legal issues. Look for our first substantive podcast in which we interview Lisa Soronen and Amanda Kellar about the Supreme Court's local government cases of interest today. Podcasts are available on iTunes or SoundCloud. Not a member? Contact us. Sign up at [www.imla.org](http://www.imla.org). Have a great day and a great holiday weekend and make it an inspirational one.