



Appendix II

Litigation Media

Public Appearances

1. ***House Energy & Commerce Committee hearing on reforming the Natural Gas Act: "Modernizing the Natural Gas Act to Ensure it Works for Everyone"*** (February 5, 2020). The Subcommittee on Energy of the Committee on Energy and Commerce held a hearing in room 2322 of the Rayburn House Office Building. David Bookbinder was asked to provide testimony on a panel that included: N. Jonathan Peress, Senior Director, Energy Markets and Utility Regulation, Environmental Defense Fund; Jennifer Danis, Staff Attorney, Environmental Law Clinic, Columbia University School of Law; Maya van Rossum, Leader, Delaware Riverkeeper Network; David Mallino, Legislative and Political Director, Laborers International Union of North America; and Gene Barr, President and CEO, Pennsylvania Chamber of Business and Industry.
2. ***The Case for Property Rights*** (October 29, 2019). Keynote address by Jerry Taylor at the National Conference of The Property Rights and Pipeline Center in Washington, DC. Taylor forwarded the conservative / libertarian case for property rights when wrestling with eminent domain claims made by oil and gas pipeline companies before an audience of approximately 70 landowners who are fighting pipelines around the country.
3. ***Landowners for Fairness Conference*** (October 29, 2019). Discussion of the Niskanen Center's proposed amendments to the federal Natural Gas Act designed to protect landowner rights. David Bookbinder and Megan Gibson presented to a group of 50 landowners, lawyers, and pipeline activists at this conference in Washington, DC.
4. ***Pipeline and Property Rights: Are They in Conflict?*** (October 9, 2019). Panel discussion with Megan C. Gibson, Donald F. Santa (President & CEO, Interstate Natural Gas Association of America), William Murray (Energy Manager, R Street Institute) and Josiah Neeley (Senior Fellow in Energy Policy, R Street Institute (Moderator)) at the U.S. Capitol Visitor Center. A discussion of the significant issues that landowners face when an interstate pipeline seeks authorization from the Federal Energy Regulatory Commission (FERC) to take their land and the many problems with eminent domain practices under the federal

Natural Gas Act, with an audience of approximately 60 Hill staffers, lawyers, policy experts, and press.

5. ***National Pipeline Eminent Domain Litigation Overview*** (October 9, 2019). Discussion by David Bookbinder and Carolyn Elefant in front of a group of about 50 lawyers, landowners, and pipeline activists, covering all of the major eminent domain issues being litigated around the country and the prospects for future litigation on these issues.
6. **[Can Cities Sue Oil Companies for Climate Change?](#)** (August 2, 2019). Are oil companies liable for damages to cities that result from climate change? Professor Donald Kochan of the Chapman University Dale E. Fowler School of Law and David Bookbinder of the Niskanen Center debate whether or not cities can sue fossil fuel manufacturers under a theory of common law public nuisance and whether Congress or the court is the better venue for addressing such a dispute.
7. **Climate Change Nuisance Cases** (April 25, 2019) David Bookbinder on a panel discussion with Marco Simons (Earthrights International) and Brenda Ekwurzel (Union of Concerned Scientists) at Colorado University Law School about the climate nuisance cases with about 150 attendees.

Publications & Media

Commentaries

[Our Niskanen Blog](#) offers sophisticated, high-level analysis regarding the politics, economics, and the science of public policy. It is aimed at well-informed governing elites who influence the related policy discussions in the White House and on Capitol Hill. Our posts have been frequently referenced, directly and indirectly, by influential media outlets, are read extensively in congressional offices and within the right-of-center policy community, and regularly prompt calls from congressional staff for private briefings, congressional testimony, and follow-up information.

1. David Bookbinder, “[A CLEAN Future Eliminates Eminent Domain for Interstate Natural Gas Pipelines](#),” Niskanen Center, January 31, 2020.
2. David Bookbinder, “[The Nondelegation Panic](#),” Niskanen Center, December 18, 2019.
3. David Bookbinder, “[The New York v. Exxon Decision Has Little Bearing on Climate Nuisance Cases](#),” Niskanen Center, December 10, 2019.
4. David Bookbinder, “[A Win for the Rule of Law](#),” Niskanen Center, October 15, 2019.
5. David Bookbinder, “[Ben Zycher Should Stick to What He Knows](#),” Niskanen Center, September 23, 2019.

Publications (citations, quotes, interviews)

1. "[After Federal Approval, What Next For LNG?](#)" *The Jefferson Exchange*, March 23, 2020.
2. "[Oregon Natural Gas Pipeline Approved by Feds After State Rejection](#)," *Courthouse News Service*, March 19, 2020.
3. "[Can an unusual coalition budge Congress on pipeline reforms?](#)" *Virginia Mercury*, March 17, 2020.
4. "[During Coronavirus Pandemic, Jordan Cove LNG Gets OK](#)," *Eugene Weekly*, March 3, 2020.
5. "[FERC faces pushback on whether it can act now on Jordan Cove](#)," *S&P Global Platts*, March 2, 2020.
6. "[Climate in Law: David Bookbinder, PIELC keynote speaker and panelist, talks climate legislation, climate change and Jordan Cove](#)," *Eugene Weekly*, February 27, 2020.
7. "[Oregon LNG Terminal, First on West Coast, Up for FERC Decision](#)," *Bloomberg Law*, February 12, 2020.
8. "[FERC approval fuels brawl ahead of Supreme Court review](#)," *E&E News*, January 31, 2020.
9. "[Uncertain Future for Juliana Case After Another Climate Change Court Defeat](#)," *The Sun Times*, January 27, 2020.
10. "[Exxon Sends Undisclosed Agents to Question Opposing Counsel About Colorado Climate Litigation](#)," Earth Rights International, January 15, 2019.
11. "[Trump's NEPA ambitions hinge on his reelection](#)," *E&E News*, January 8, 2020.
12. "[Exxon knew — and so did coal](#)," *Grist*, November 29, 2019.
13. "[Without just compensation': Louisiana gives pipeline owners broad authority to seize land](#)," *The New Orleans Advocate*, November 26, 2019.
14. "[Rex Tillerson back in spotlight at Exxon climate trial](#)," *Houston Chronicle*, October 30, 2019.
15. "[Parsing Trump's latest climate tussle with California](#)," *Axios*, October 24, 2019.
16. "[Here's What You Need To Know About Today's Historic Climate Fraud Case Against Exxon](#)," *BuzzFeed*, October 22, 2019.
17. "[Tug of war emerges at FERC over ruling on eminent domain for gas pipelines](#)," *S&P Global Platts*, October 21, 2020.
18. "[Daily on Energy: Climate activists expect a dud debate because of impeachment](#)," *Washington Examiner*, October 15, 2019.
19. "[Lawsuits heat up the climate change debate](#)," *The Washington Examiner*, October 10, 2019.
20. "[What to watch in the Appalachian Trail pipeline fight](#)," *E&E News*, October 7, 2019.
21. "[Courts Question Pipeline Builders' Use of Eminent Domain to Take Land](#)," *Inside Climate News*, October 2, 2019.
22. "[4 pipeline fights to watch this term](#)," *E&E News*, September 30, 2019.
23. "[Trump's California War Is Fueled by Oil and Rage](#)," *The Washington Post*, September 19, 2019.
24. "['Swampy symbiosis': fossil fuel industry has more clout than ever under Trump](#)," *The Guardian*, September 27, 2019.

25. [“Trump’s California War Is Fueled by Oil and Rage.”](#) *Bloomberg*, September 18, 2019.
26. [“Boulder climate change lawsuit sent back to district court.”](#) *Daily Camera*, September 6, 2019.
27. [“The Energy 202: Here's why lawyers suing oil companies are following the opioid cases.”](#) *Washington Post*, September 3, 2019.
28. [“Could big opioid ruling bolster climate cases?”](#) *E&E News*, August 27, 2019.
29. [“Jordan Cove opponents worry about federal surveillance.”](#) *The Oregonian*, August 23, 2019.
30. “What does climate change have to do with socialism?” *The Christian Science Monitor*, August 5, 2019.
31. [“New Carbon Bills Won’t Let Oil Companies Off the Hook for Climate Costs.”](#) *Climate Liability News*, July 31, 2019.
32. [“Wheeler: Obscure air provision behind Paris withdrawal,”](#) *E&E News*, July 15, 2019.
33. [“Safe climate a constitutional right, young plaintiffs tell court,”](#) *Roll Call*, June 5, 2019.
34. [“Pay attention to the growing wave of climate change lawsuits,”](#) *Vox*, June 4, 2019.
35. [“Export pipelines new front in eminent domain fights,”](#) *Houston Chronicle*, May 28, 2019.
36. [“The Planet Is Heading to Catastrophe and Joe Biden Apparently Wants to Take the ‘Middle Ground.’”](#) *Mother Jones*, May 11, 2019.
37. [“Pay attention to the growing wave of climate change lawsuits,”](#) *Vox*, April 10, 2019.
38. [“An overeager legal strategy may endanger Trump’s energy goals,”](#) *Roll Call*, April 4, 2019.
39. [“What does the coronavirus outbreak mean for climate change?”](#) *MIT Technology Review*, March 25, 2019.
40. [“On the economics of a carbon tax for the United States,”](#) *Brookings Papers on Economic Activity*, March 7, 2019.
41. [“Pipeline wars arrive at Supreme Court. What's next?”](#) *E&E News*, January 16, 2019.
42. [“California set a goal of 100% clean energy, and now other states may follow its lead,”](#) *Los Angeles Times*, January 10, 2019.
43. [“Price Tag Proposed in US for Tailpipe CO2 Emissions.”](#) *VOANews*, January 09, 2019