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## **OREGON YOUTH'S CLIMATE CASE MOVES FORWARD**

*Lane County Circuit Court Will Decide Whether The State Of Oregon Has An  
Obligation To Protect Young People From The Impacts Of Climate Change*

Eugene, Oregon – On Friday, two young plaintiffs from Eugene, Kelsey Juliana and Olivia Chernaik filed a motion for partial summary judgment in their climate change case, *Chernaik v. Kitzhaber*, to Lane County Circuit Court. Last summer, and in a [nationally significant decision](#) in their case, the Oregon Court of Appeals ruled the court must decide whether the atmosphere is a public trust resource that the state of Oregon, as a trustee, has a duty to protect along with recognized public trust assets such as estuaries, rivers, and wildlife. Kelsey and Olivia's attorneys will now argue before Judge Karsten Rasmussen in Lane Country Circuit Court that not only does the State have a sovereign duty to protect the public trust resources of Oregon like air and water from carbon pollution, but that it is violating its trustee obligation to present and future generations if it does not. The legal arguments that began Friday will culminate in a court hearing before Judge Rasmussen once again on March 13, 2015.

Kelsey and Olivia brought their against Governor Kitzhaber and the State of Oregon because the State, by its own admission, is failing to meet its carbon emission reduction goals, which are not adequate to protect Kelsey and Olivia's futures. The youth ask the court for a declaration of law that the State of Oregon has a fiduciary obligation to manage the atmosphere, water resources, coastal areas, wildlife and fish as public trust assets and to protect them from substantial impairment resulting from the emissions of greenhouse gases in Oregon and the resulting adverse effects of climate change and ocean acidification.

“Ultimately, we are asking our court to order the Governor and legislature to act according to what science says is necessary to protect our future and the resources of Oregon we treasure,” said Kelsey Juliana, who was featured along with Professor Mary Wood on January 2 in [the last Moyers & Company show to ever air](#) said. “Basically, it means that Oregon must contribute to global reductions of carbon dioxide so that we can return to safe levels of 350 ppm by 2100.”

Several experts submitted testimony to the court in support of Kelsey and Olivia's case, including Dr. James Hansen, former Director of the NASA Goddard Institute for Space Studies and Adjunct Professor at Columbia University's Earth Institute, Dr. Philip Mote, Professor at Oregon State University and Director of the Oregon

Climate Change Research Institute (“OCCRI”), Dr. Burke Hales, Professor of Ocean Ecology and Biogeochemistry at Oregon State University, and Mr. Ernie Niemi, President and Founder of Natural Resource Economics.

In his testimony to the court, Dr. James Hansen warns, “There is a brief window of opportunity to reverse course in order to preserve a habitable climate system, but the window is closing quickly.” Governor Kitzhaber and the State of Oregon have admitted that the plaintiffs’ and their families’ personal and economic well-being is dependent upon the health of natural resources in Oregon. They further admit that these natural resources are currently threatened by the impacts of global climate change, and that global climate change is causing, and is likely to continue to cause, significant adverse effects such as disruption of natural ecosystems, displacement or disappearance of some animal species, increases in the frequency and intensity of storm events and sea level rise and coastal erosion.

Kelsey and Olivia’s lawsuit has gained a broad base of support across the state. Oregon’s political leaders, businesses, agricultural, conservation and student native groups came together to file an *amicus curiae* (“friend of the court”) brief in support of Kelsey and Olivia’s case on appeal. Eugene’s Mayor Piercy joined Lane County and Eugene Sustainability Commissioners as amici in support of the youth plaintiffs.

“On behalf of the City of Eugene, I stand in support of these amazing young people from Eugene,” said Eugene Mayor Kitty Piercy. “I’m proud of this City and our community for adopting the first science-based Climate Recovery Ordinance in the United States last July, and my hope is for the state of Oregon to follow suit, and take meaningful action on the biggest threat of our time.”

“Oregon is getting left behind in responding to the climate crisis as other governments around the world are taking urgent action to regulate emissions of CO<sub>2</sub>,” said Chris Winter of the Crag Law Center, who is representing the young women in their case. “It is up to the courts in Oregon to declare whether youth in this state have any legal rights to demand that their sovereign government protect their futures and the future of their children by upholding the public trust and joining in this important work.”

Kelsey and Olivia’s lawsuit was filed with the help of Our Children’s Trust, an Oregon-based nonprofit orchestrating a global game-changing, youth driven legal campaign to establish the right to a healthy atmosphere and stable climate. The legal effort advances the fundamental duty of government today: to address the climate crisis based on scientific baselines and benchmarks, and to do so within timeframes determined by scientific analysis.

Short documentary films of Kelsey and other young people taking legal action can be seen at [www.ourchildrenstrust.org/trust-films](http://www.ourchildrenstrust.org/trust-films).

*Kelsey and Olivia are represented by Crag Law Center, Liam Sherlock at Hutchinson, Cox, Coons, Orr & Sherlock, P.C. and the Western Environmental Law Center.*

*Our Children's Trust is a nonprofit organization advocating for urgent emissions reductions on behalf of youth and future generations, who have the most to lose if emissions are not reduced. OCT is spearheading the international human rights and environmental TRUST Campaign to compel governments to safeguard the atmosphere as a "public trust" resource. We use law, film, and media to elevate their compelling voices. Our ultimate goal is for governments to adopt and implement enforceable science-based Climate Recovery Plans with annual emissions reductions to return to an atmospheric carbon dioxide concentration of 350 ppm. [www.ourchildrenstrust.org/](http://www.ourchildrenstrust.org/)*

