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The Honorable Hollis R. Hill
Hearing Date: April 29, 201

**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

ZOE & STELLA FOSTER, minor children by and through their guardians MICHAEL FOSTER and MALINDA BAILEY; AJI & ADONIS PIPER, minor children by and through their guardian HELAINA PIPER; WREN WAGENBACH, a minor child by and through her guardian MIKE WAGENBACH; LARA FAIN, a minor child by and through her guardian MONIQUE DINH; GABRIEL MANDELL, a minor child by and through his guardians VALERIE and RANDY MITCHELL; JENNY XU, a minor child by and through her guardians YAN ZHANG & WENFENG XU,

Petitioners,

v.

WASHINGTON DEPARTMENT OF ECOLOGY,

Respondent.

NO. 14-2-25295-1

~~[PROPOSED]~~ ORDER ON PETITIONERS' MOTION FOR RELIEF UNDER CR 60(b)

WAT

1 heard oral arguments and has considered the pleadings, records, and briefs submitted by the
2 parties. The court makes the following FINDINGS OF FACT:

- 3 1. The Washington State Department of Ecology is required by law to periodically report to
4 the legislature summarizing human-caused climate change and to make recommendations
5 regarding whether greenhouse gas emission reductions required by Washington statute
6 need to be updated.
- 7 2. The effect of climate change on water supplies, public health, coastal storm damage,
8 wildfires and other impacts will be costly unless additional actions are taken to reduce
9 greenhouse gases.
- 10 3. Current science establishes that rapidly increasing global warming causes an
11 unprecedented risk to the earth including land, sea and atmosphere and all living plants
12 and creatures.
- 13 4. Washington faces serious economic and environmental disruptions from the effects of
14 climate change.
- 15 5. The climate crisis presents an urgent situation that youth petitioners cannot wait on.
- 16 6. Ecology did start a rulemaking procedure to reduce greenhouse gas emissions in
17 Washington. However, the court is not confident that absent a court order, the
18 rulemaking procedure will be completed by the end of 2016.

19
20 The Court makes the following CONCLUSIONS OF LAW:

- 21 1. The Youth Petitioners' Motion for Relief from Judgment is hereby GRANTED.
- 22 2. The foregoing findings of fact constitute extraordinary circumstances under CR 60(b)(11)
23 that require vacation of the portions of the November 19, 2015 order that denied
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1 petitioners' requested relief and put the matter back in the hands of Ecology. All other
2 portions of the November 19, 2015 Order remain in full force and effect.

3 3. Ecology does have the duty to engage in rulemaking to reduce greenhouse gas emissions
4 in Washington and the agency was directed to do so by Governor Inslee in July of last
5 year.

6 4. Ecology did not make any misrepresentations and there was no fraud.

7
8 THE COURT HEREBY ORDERS AS FOLLOWS:

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10 1. Ecology shall proceed with the rulemaking procedure to adopt a rule to limit greenhouse
11 gas emissions in Washington state as directed by Governor Inslee in July 2015, and shall
12 issue the rule by the end of calendar year 2016.

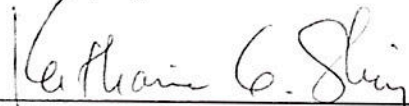
13 2. Ecology shall provide a recommendation to the 2017 legislature on greenhouse gas
14 limits for the state of Washington as provided in RCW 70.235.040.

15 3. The Parties shall confer within the next sixty (60) days to determine when such a
16 recommendation should be presented to have the best possibility of affecting the
17 legislators on these matters.

18 DATED this 16th day of May 2016.

19
20 
21 HONORABLE HOLLIS R. HILL

22 Presented by:

23 
24 Katharine G. Shirey, WSBA #35736
25 Assistant Attorney General
26 Attorney for Respondent
State of Washington, Department of Ecology

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