



**For Immediate Release
April 8, 2015**

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COLORADO YOUTHS' FRACKING CASE MOVES FORWARD

Youth file motion for summary judgment and organizations, individuals, and the science and faith community file an amicus curiae brief in support of youths' lawsuit.

Denver, Colorado – On Tuesday, seven young activists filed their [opening brief](#) in their fracking case, *Martinez et al., v. Colorado Oil and Gas Conservation Commission*, to the Denver District Court. Last December, the Denver District Court rejected the Commission's arguments to dismiss the case and ordered that the case proceed on the merits. The court will now determine whether the Commission has a legal responsibility and obligation to protect the health and safety of Colorado's residents and preserve Colorado's air, water, wildlife, and land from harm due to oil and gas operations, including fracking.

The case was brought by seven inspiring youth who are all members of the Boulder-based organization Earth Guardians. The youth have received support throughout Colorado and on Tuesday, organizations, individuals, and the science and faith community in Colorado filed an [amicus curiae brief](#), in support of their lawsuit. Amici include: Kids Against Fracking; Protect Our Loveland; Our Health, Our Future, Our Longmont; Boulder County Citizens for Community Rights; 350 Colorado (Micah Parkin); Frack Free Colorado; Food & Water Watch; Be the Change; Public Employees for Environmental Responsibility; Eco Elders; Eco-Justice Ministries; Casey Sheehan; Rick Heede; Dr. John Hughes; Simón Mostafa; Karen Dike, and Robert Winkler.

The amici detail their concerns with the ongoing oil and gas development in Colorado stating in their brief:

The rapid expansion of oil and gas development in Colorado, and the growth of hydraulic fracturing ("fracking") in particular, is raising serious and legitimate concerns about the impacts of oil and gas development on public health, the environment, and wildlife. Yet, the Commission continues to allow oil and gas development at an alarming rate and without proper safety measures."

"Coloradans Against Fracking stands firmly in support of the youth bringing the lawsuit against COGCC," said Karen Dike, retired registered nurse and spokesperson for Coloradans Against Fracking. "The grassroots organizations that formed Coloradans Against Fracking have seen first-hand how fracking is affecting the

health, safety and environment of families and children living near oil and gas operations. Studies indicate that children living near fracking sites are often exposed to a range of hazardous pollutants, [including benzene and formaldehyde](#), that affect their health now and far into their future. It is time for COGCC to work on behalf of the citizens of this state instead of the fossil fuel industry.”

The youths’ case against the Commission arose out of a petition for rulemaking that asked the Commission to suspend the issuance of permits that allow oil and gas drilling until it is proven that drilling can be conducted without adversely impacting human health and safety and without harming the environment and wildlife. The Commission denied the petition, finding that it did not have the authority to issue the requested rule and that “other Commission priorities...must take precedence.” The plaintiffs are now challenging this decision and are arguing that the Commission must place human health and safety above the interests of the oil and gas industry in Colorado.

“The COGCC has clearly decided that the health and safety of youth in Colorado just doesn't matter that much to them,” said Xiuhtezcatl Roske-Martinez, 14-year-old plaintiff, and youth director of Earth Guardians.

“Luckily there are amazing people all across my home state who feel differently. They are standing with us as we hold our government to the highest standards, just like the people of New York did. We feel this lawsuit can help protect the future of our air, the atmosphere, the water and the land for not only my generation, but for all those to come.”

The plaintiffs' 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 secure the legal right to a healthy atmosphere and stable climate. The campaign seeks to address the climate crisis with government action that is based on scientific baselines and benchmarks, and to do so within timeframes determined by scientific analysis. Colorado attorneys Katherine Toan and Dan Leftwich are representing the youth plaintiffs.

Short documentary films of Xiuhtezcatl and other young people taking legal action on climate change can be seen at <http://ourchildrenstrust.org/trust-films>.

Earth Guardians is a Colorado-based nonprofit organization with youth chapters on five continents, and multiple groups in the United States with thousands of members working together to protect the Earth, the water, the air, and the atmosphere, creating healthy sustainable communities globally. We inspire and empower young leaders, families, schools, organizations, cities, and government officials to make positive change locally, nationally, and globally to address the critical state of the Earth. www.earthguardians.org

Colorado Environmental Law is the law practice of Katherine Toan, Esq., based in Boulder, Colorado. Katherine works on behalf of individuals (primarily farmers and ranchers), nonprofit organizations, and local governments in a variety of environmental and natural resource law issues, including oil and gas, wildlife, and land use.

MindDrive Legal Services founder, Dan Leftwich, has decades of experience in complex litigation, class action, high profile mediations, jury trials, and appeals in state and federal courts around the country.

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/

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