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June 29, 2012

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Judge Allows Climate Change Case to Continue

Judge Sarah Singleton Denies Defendants Motion to Dismiss Landmark Climate Change Case

Santa Fe, NM – Today, Judge Sarah Singleton ruled from the bench, denying in part defendants', Governor Susana Martinez and the State of New Mexico, motion to dismiss youth plaintiff's amended complaint for declaratory and injunctive relief. Plaintiffs requested a declaratory judgment regarding the State's Public Trust obligations to protect the atmosphere as a public trust resource for the benefit of present and future generations. Plaintiffs also requested that the court order defendants to implementing a climate recovery plan based on best available science.

On May 4, 2011, 16-year-old Akilah Sanders-Reed and WildEarth Guardians filed a lawsuit against Governor Martinez and the State of New Mexico, *No. D-101-CV-2011-1514*, to compel the State to prevent further increases in carbon dioxide (CO₂) emissions and to compel government action in reducing CO₂ emissions. Though Akilah is young, she has been fighting to protect the environment for many years through environmental service projects along the Rio Grande and educating the youth of the State about the imminence of the climate change crisis through her leadership role in Kids vs. Global Warming. WildEarth Guardians works to replace fossil fuels with clean, renewable energy in order to safeguard public health, the environment, and the Earth's climate for future generations.

The New Mexico lawsuit is part of a larger, innovative climate litigation strategy—the international iMatter *Trust* Campaign. As part of this campaign, youth plaintiffs launched legal actions in 49 states and the District of Columbia, in addition to a federal lawsuit.

Akilah's and WildEarth Guardians' drive in entering the lawsuit also comes from the alarming research of our nation's top scientists. According to leading climate scientist Dr. James Hansen, "the science is crystal clear—we must rapidly reduce fossil fuel carbon dioxide emissions if we are to have a chance of protecting Earth's natural systems for these young people."

During a hearing on the State's motion to dismiss the case back in January, the court provided plaintiffs leave to amend their complaint to refine the relief they sought and to specify specific government actions causing harm. The court did acknowledge during the hearing that the case could be brought as a public trust case and that the atmosphere could be found to part of the public trust. In their amended complaint plaintiffs alleged that the State has failed to enact a statutory scheme to protect the atmosphere and that the State has completely failed to protect the atmosphere trust resource by repealing the existing regulatory scheme for greenhouse gases in New Mexico.

Judge Singleton is allowing the case to go forward to address the issue of whether the state agency charged with protecting the atmosphere has met its public trust responsibility.

According to Samantha Ruscavage-Barz, attorney for plaintiffs, "Today's decision brings New Mexico citizens and youth one step closer to holding the State and the Governor accountable for their failure to protect the next generation from the irreversible impacts of climate change."

Our Children's Trust is a nonprofit focused on protecting earth's natural systems for current and future generations. We are here to empower and support youth as they stand up for their lawful inheritance: a healthy planet. We are mothers, fathers, grandparents, aunts, uncles, teachers. We are adults, part of the ruling generation, and we care about the future of our children--and their children's children. www.ourchildrenstrust.org/

iMatter Campaign is a youth-led campaign of the nonprofit group, Kids vs Global Warming, that is focused on mobilizing and empowering youth to lead the way to a sustainable and just world. We are teens and moms and young activists committed to raising the voices of the youngest generation to issue a wake-up call to live, lead and govern as if our future matters. www.imattercampaign.org/

WITNESS is the global pioneer in the use of video to promote human rights. We empower people to transform personal stories of abuse into powerful tools for justice, promoting public engagement and policy change. In partnership with the iMatter TRUST Campaign we seek to bring visibility to the challenges our youth already face because of the changing climate and call for a massive assault on fossil fuel emissions. Without an all out assault effects will range from drought to disease, from food shortages to tainted water supplies, from the loss of homes due to floods, erosion and fire to massive relocations. The human rights challenge is most succinctly summarized by Mary Robinson, "Climate change will, in short, have immense human consequences." WITNESS partnered on this campaign in hopes that predictions will not become realities. To view the stories from our youth included in the TRUST Series go to www.witness.org/campaigns/all-campaigns/imatter or www.ourchildrenstrust.org.

WildEarth Guardians is a nonprofit environmental conservation and advocacy organization based in Santa Fe, New Mexico. Guardians works to replace fossil fuels with clean, renewable energy in order to safeguard public health, the environment, and the Earth's climate for future generations.

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