



For Immediate Release:

February 25, 2015

Contacts:

Chris Winter, attorney for plaintiffs, Crag Law Center, 503-701-6002, chris@crag.org

Julia Olson, Our Children's Trust, 415-786-4825, julia@ourchildrenstrust.org

Oral Arguments for Youth's Climate Change Lawsuit are Postponed After Kate Brown Takes Over as Governor of Oregon

Eugene, Oregon – New Oregon Governor Kate Brown, who recently took the oath of office following John Kitzhaber's resignation, has requested a delay in a landmark climate change lawsuit brought by two Oregon teenagers. An important court hearing in the case has been rescheduled from its original date of March 13 to April 7, so that Brown can review the legal brief the State of Oregon will submit to the court on her behalf.

Kelsey Juliana and Olivia Chernaik brought their case against Governor Kitzhaber and the State of Oregon because the State, by its own admission, is failing to meet its carbon emission reduction goals and is not acting to protect Oregon's public trust resources and the futures of these young Oregonians. The youth ask the court for a declaration of law that the State 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. In its initial motion in the case filed in January, the State renounced any obligation to protect these public resources, arguing that the public trust doctrine only prevents the State from selling off submerged lands to private interests. Kelsey and Olivia's lawyers say that Governor Kitzhaber was flat wrong in his defense of the case.

"The State's position thus far, if adopted, would strip Oregonians of any real rights under the public trust doctrine," said Julia Olson, Executive Director and Chief Legal Counsel at Our Children's Trust. "We hope with new leadership and direction, the State might reconsider its position, which is inconsistent with more than 100 years of public trust law and with Oregon's strong commitment to public rights."

"I've heard that Governor Brown cares about the environment and issues of inequality, and wants to maintain Oregon's legacy of environmental protection, but I want to see real action, not just empty words," says Kelsey Juliana. "There's no greater issue of inequality than the threat that climate change poses to youth and future generations whose very survival is at stake unless government leaders take bold action now to greatly reduce carbon emissions."

After taking the oath of office as Governor, Kate Brown promised to take actions that she says are "[needed to restore the public's trust in government](#)". Kelsey and Olivia are hopeful that their new

Governor will take a pro-active approach on climate destabilization and respond to their plea that she act as a trustee over these essential natural resources.

“I hope Governor Brown will consider working with us and not fight this case any more. We should all be on the same side,” explained Kelsey. “This should be part of her legacy.”

Last summer, and in a [nationally significant decision](#) in their case, the Oregon Court of Appeals ruled the trial 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 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 Kitty Piercy joined Lane County and Eugene Sustainability Commissioners as amici in support of the youth plaintiffs.

Mayor Piercy, who served with Governor Brown in the Oregon legislature during the 1990s, said of the youth’s case, “Above the fray of politics, youth ask the leaders of this nation and this State to take action now on climate change. I am proud of our children, and like most Oregonians, I understand the urgency. I also know our Governor and have confidence that she will offer stewardship for our State to do our part and protect our public trust resources. This is the time for Oregon to lead.” She added, “Our Children’s Trust is remarkable in its singular effort to give voice to our children and future generations.”

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. 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.

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/

###