



For Immediate Release:
March 20, 2017

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ATTORNEYS REPRESENTING YOUTH IN CLIMATE CASE ASK FEDS & API TO TURN OVER WAYNE TRACKER'S EMAILS

Attorneys representing 21 youth plaintiffs in *Juliana v. United States* served request for production (RFP) of documents to the U.S. government and the American Petroleum Institute (API) asking both defendants to turn over the “Wayne Tracker” emails, as part of discovery in the climate case.

As ExxonMobil [explained Tuesday](#), the email address pseudonym “was put in place for secure and expedited communications between select senior company officials and the former chairman for a broad range of business-related topics.” New York Attorney General Eric Schneiderman’s office stated in a [March 13, 2017 court filing](#) that Tillerson used the “Wayne.Tracker@exxonmobil.com” pseudonym “to send and receive materials regarding important matters, including those concerning to the risk-management issues related to climate change...”

While risk-management issues related to climate change are important to the New York Attorney General’s investigation, attorneys representing youth plaintiffs suspect the emails will also reveal the deep influence of the fossil fuel defendants over U.S. energy and climate policies, and the defendants’ private acknowledgement that climate change was caused by their product, both of which are important to the youth’s case. To the latter point, the fossil fuel defendants have refused to take a position on whether climate change is caused by burning fossil fuels, even when pressed by federal judges to answer that question.

As reported by [Bloomberg](#), New York Attorney General Eric Schneiderman’s office stated that Secretary of State Rex Tillerson used a pseudonym, “Wayne.Tracker@exxonmobil.com,” for

emails while he served as ExxonMobil's CEO. Because ExxonMobil is a member of API, and Tillerson served on the Board of Directors of API through December, he was a player in *Juliana v. United States* even before he was confirmed as Secretary of State, which caused him to become a named government defendant.

Plaintiffs are asking the United States government and API defendants to turn over any of Tillerson's pseudonym emails in their custody by April 16, 2017.

During a [February 7th](#) case management conference, U.S. District Court Magistrate Judge Thomas Coffin relayed his understanding about the discovery youth plaintiffs are seeking to Frank Volpe, [Sidley Austin](#) attorney representing API:

“...there's a subset of their substantive due process case that involves what did you know and when did you know it and did someone cover it up, did they create this danger...”

Julia Olson, plaintiffs' counsel and executive director of Our Children's Trust said:

“When looking for evidence of a cover up, emails from Rex Tillerson's pseudonym about climate change are just the kind of evidence the court needs to see.”

The 21 youth plaintiffs, ages 9 to 21, received national publicity last week about their case in [The Washington Post](#) and [National Geographic](#).

Juliana v. United States is one of many related legal actions brought by youth in several states and countries, all supported by Our Children's Trust, seeking science-based action by governments to stabilize the climate system.

Counsel for Plaintiffs include Philip L. Gregory, Esq. of Cotchett, Pitre & McCarthy of Burlingame, CA, Daniel M. Galpern Esq. and Julia Olson, Esq. of Eugene, OR.

Our Children's Trust is a nonprofit organization, elevating the voice of youth, those with most to lose, to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. We lead a coordinated global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to below 350 ppm by the year 2100. www.ourchildrenstrust.org/

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

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