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Colorado Supreme Court to Hear Youth-Brought Climate Lawsuit Against Oil and Gas Conservation Commission

Denver, Colorado -- Today, the Colorado Supreme Court [granted](#) Colorado Attorney General Cynthia Coffman's petition for writ of certiorari of *Martinez v. COGCC*. Coffman filed the petition in May of last year, over Governor Hickenlooper's objections, asking the Supreme Court to review the [March 23, 2017 decision](#) of the Colorado Court of Appeals, which ruled in favor of the youth and declared that oil and gas development in Colorado can be authorized only if consistent with the protection of public health, safety, and welfare, and the environment.

The Colorado Supreme Court will consider a single issue: "Whether the court of appeals erred in determining that the Colorado Oil and Gas Commission misinterpreted section 34-60- 102(1)(a)(I), C.R.S. as requiring a balance between oil and gas development and public health, safety, and welfare."

The COGCC had argued that the Oil and Gas Conservation Act required it to balance oil and gas development with protecting public health, the environment, and wildlife resources. The Colorado Court of Appeals disagreed.

The case was brought by seven young Coloradans, including 17-year-old Xiuhtezcatl Martinez, who are represented by Julia Olson, Dan Leftwich, and Kate Merlin, and supported by the organization **Our Children's Trust**.

Julia Olson, a Colorado native and attorney for youth plaintiffs, said:

"The climate crisis and other oil and gas dangers exist because government agencies have illegally used balancing tests and discounting to put oil and gas development above the safety of our children. The General Assembly was wise to require the Oil and Gas Commission to

prioritize public health and safety. We hope the Colorado Supreme Court will affirm the well-reasoned decision of the Court of Appeals so that the safety of young people and future generations of Coloradans will always come first over the profits of oil and gas interests.”

Martinez, plaintiff and Youth Director of **Earth Guardians** said:

“The COGCC is violating our statutory and constitutional rights by placing profit above the health of Coloradans. Our youngest generations are silenced and pushed aside while the older generation, with the least to lose, gambles away our safety. This needs to end. Coloradans need to continue to work to reclaim power. My co-plaintiffs and I are going all the way to the Colorado Supreme Court and I’m calling on the people of this beautiful state to rally behind us as we do so.”

The COGCC has has 42 days to file their opening brief with the Court.

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

Counsel for Plaintiffs include Colorado Environmental Law, LTD., Katherine Marlin, Boulder, Colorado; Minddrive Legal Services, LLC, James Daniel Leftwich, Boulder, Colorado; Wild Earth Advocates, Julia Olson, Eugene, Oregon.

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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