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**Judge Rules in Favor of Montana Youth Plaintiffs,  
Affirms Case Can Proceed to Trial**

HELENA, Mont. -- Sixteen youth plaintiffs who are suing the state of Montana for violating their constitutional right to a clean and healthful environment secured a critical victory Wednesday after Judge Kathy Seeley denied the state's attempt to prevent their case, [\*Held v. State of Montana\*](#), from proceeding to trial.

Judge Seeley, allowing the case to proceed to trial on the constitutionality of Montana's fossil fuel energy policies, recognized that the youth plaintiffs are experiencing significant impacts from the climate crisis, including economic, cultural, physical, and mental health injuries. She also ruled that the plaintiffs can sue the state over its aggressive expansion of the fossil fuel industry, a substantial contributor to the climate crisis.

During a February hearing on the state's motion to dismiss the case, plaintiffs' co-counsel Roger Sullivan of McGarvey Law in Kalispell noted that "Montana is the carbon capital of the country" and described the state's "statutory double-headed hydra, which on the one hand explicitly promotes increasing development and utilization of our massive coal resources, oil, and gas, and on the other hand, facilitates defendants' willful blindness to Montana's contribution to the climate crisis in violation of Montana's constitution."

The suit, filed in March 2020, asserts that by supporting and promoting a fossil fuel-driven energy system that contributes to the climate crisis, Montana is violating the constitutional rights of the youth plaintiffs. Those rights include a clean and healthful environment; the ability to seek safety, health, and happiness; and individual dignity and equal protection of the law. In addition, the suit alleges that Montana's fossil fuel energy system degrades and depletes constitutionally protected public trust resources, including the atmosphere, rivers, lakes, fish and wildlife.

"This decision by the courts is a great relief," said Grace, one of the youth plaintiffs. "I think it shows recognition that climate change is a threat to human health and safety. I am hopeful that if the courts grant us declaratory relief, the state will use this opportunity to reverse its fossil fuel-based legislation and prevent further emissions. I am thrilled about the ruling, and I'm determined to continue our fight to defend our constitutional rights."

The youth plaintiffs have been suffering another harsh summer ravaged by [climate change-induced wildfires](#), drought, and extreme heat. The inundation of smoke and heat have caused physical ailments like burning eyes, bloody noses, sore throats, headaches, exhaustion and chest pain in the plaintiffs. Some of the youth and their families have lost summer crops from heat and drought. The fear and anxiety of losing loved ones, of homes burning, of not being able to enjoy being outside, and of being trapped in unsafe and unlivable conditions are plaguing these youth.

“The decision provides hope in an otherwise devastating summer of climate destruction,” said Nate Bellinger, Our Children’s Trust senior staff attorney and co-counsel for the plaintiffs. “Despite drought and wildfires raging across this beautiful state every summer, the other branches of government continue to turn their backs on Montana’s children. Today, the court has affirmed what it is empowered to do -- review the facts, interpret Montana’s laws and constitution, and render a declaration of the rights of the plaintiffs, setting a standard for generations to come.”

Roger Sullivan from McGarvey Law added, “This order vindicates the rights of Montana’s youth to turn to the courts to enforce their constitutional right to a clean and healthful environment for this and future generations.”

“This decision could not be a more timely affirmation of the rights possessed by all Montanans, and especially those of its children, to a livable climate,” said Melissa Hornbein, senior attorney at the Western Environmental Law Center. “As the climate crisis intensifies with unprecedented heat and wildfire smoke engulfing Montana, the court has put the executive and legislature on notice that they can no longer continue to ignore these fundamental human rights in the face of a rapidly destabilizing climate for the sake of an ‘all of the above’ energy policy.”

The ruling by Judge Seeley is in line with what youth plaintiffs in [Juliana v. United States](#) are asking of the U.S. District Court in the District of Oregon. The *Juliana* plaintiffs, who are also represented by nonprofit law firm Our Children’s Trust, have submitted an amended complaint to Judge Ann Aiken narrowing their remedy by first seeking declaratory relief against the federal government.

Judge Seeley mentioned *Juliana* in her ruling, pointing out that “Similar to *Juliana*, [the Montana] Youth Plaintiffs have met their burden to establish causation ... Youth Plaintiffs sufficiently allege that Montana is responsible for a significant amount” of carbon emissions that have caused harm and contributed to climate change.

Counsel for the Montana plaintiffs include Nate Bellinger of Our Children’s Trust, Roger Sullivan and Dustin Leftridge of McGarvey Law, and Melissa Hornbein of Western Environmental Law Center.

[\*Held v. State of Montana\*](#) is one of several youth-led climate change lawsuits brought by [Our Children's Trust](#), which also represents 21 youth plaintiffs behind the landmark federal constitutional climate lawsuit [\*Juliana v. United States\*](#).

The Western Environmental Law Center uses the power of the law to safeguard the wildlife, wildlands, and communities of the American West in the face of a changing climate.  
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