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### **13 Youth File Constitutional Climate Lawsuit Against Commonwealth of Virginia**

RICHMOND, Va. – Today, 13 young people from across Virginia [filed](#) a constitutional climate lawsuit against the Commonwealth of Virginia. In [Layla H. v. Commonwealth of Virginia](#), the youth plaintiffs assert that their state government is actively contributing to the climate crisis by permitting fossil fuel infrastructure including the production, transport, and burning of fossil fuels, thus violating the youths' public trust and state constitutional rights of life, liberty, and property.

Defendants named in the case include the "Commonwealth of Virginia; Glenn Youngkin, in his official capacity as Governor of Virginia; the Virginia Department of Energy; John Warren, in his official capacity as Director of Virginia Energy; the Virginia Department of Environmental Quality (DEQ); and Michael Rolband, in his official capacity as Director of DEQ."

In the complaint, the youth plaintiffs assert:

"For decades, the Defendants have implemented a policy and practice of approving permits for fossil fuel infrastructure in the Commonwealth of Virginia, including permits for the production, transport, and burning of fossil fuels. Defendants' historic and ongoing permitting of fossil fuel infrastructure has, and continues to, cause dangerous levels of greenhouse gas ('GHG') pollution, including carbon dioxide ('CO<sub>2</sub>'). This GHG pollution causes and contributes to the ongoing climate crisis and causes grave harm to these thirteen Youth Plaintiffs."

The youth plaintiffs allege that the affirmative actions of their state government - the Commonwealth's "historic and ongoing permitting of fossil fuel infrastructure" - cause and contribute to the climate crisis, leading to increasing temperatures; sea level rise; extreme storms, precipitation, flooding, and other severe weather events; and increased incidences of vector-borne illnesses like Lyme disease. Due to actions of their government which cause these dangers, the youth plaintiffs suffer from "significant physical and mental health injuries, significant damage to their homes and personal property, economic deprivations, and disruptions to their religious, family, and cultural practices and foundations."

The complaint alleges that these injuries - and the government's knowingly harmful actions causing and worsening them - violate the youth plaintiffs' "fundamental and inalienable *jus publicum* (public trust doctrine) and substantive due process rights, secured by Virginia's Constitution and the common law." The complaint notes that "as children and minors, Plaintiffs are relying on this independent judiciary to safeguard them from Defendants' actions that deprive them of their fundamental and inalienable constitutional rights."

The youth plaintiffs are asking the court to declare that Defendants' historic and ongoing policy and practice of permitting fossil fuel infrastructure is unconstitutional and violates their constitutional and public trust rights. The Defendants would be required to abide by the court's declaratory order and cease their unconstitutional conduct of continuing to promote a fossil fuel-based energy system that exacerbates the climate crisis and harms young Virginians.

Nate Bellinger, lead counsel for the youth plaintiffs, explained, "For decades, both Democratic and Republican administrations in Virginia have been promoting fossil fuels as the Commonwealth's primary energy source, despite having long-standing knowledge of the dangers posed by fossil fuels and the climate crisis. The 13 youth plaintiffs in this case are already experiencing grave injuries as a result of Defendants' conduct promoting fossil fuels, and the ensuing climate impacts. In filing this case, these youth plaintiffs are looking to the judiciary to fulfill its duty to act as a check on the political branches and protect their fundamental rights from affirmative government conduct that is harming them."

The lead youth plaintiff, Layla H. stated, "Knowing that kids like me have a platform in the courts to voice our concerns and demand change is a game-changer. Virginia's youth never signed up to clean up the mistakes of previous generations, but I'm glad to be a part of a movement that holds our state government accountable for decisions they have made, and are making to this day, that harm the lives of my generation and future generations." She continued, "I'm so proud and grateful to be working with Our Children's Trust to ensure the safety and health of not only my generation, but future generations as well. I am hopeful for a positive outcome and am determined to spread the word: climate change is systemic and getting involved with the justice system and courts is a great way to hold our leaders accountable and enact change in our local communities and beyond."

Youth plaintiff Katerina L. said, "This case is a chance to finally ensure that our right to a stable climate—our right to life—is protected. We are tired of our fears being ignored, and the courts are a way to make sure our voices are heard by the government that represents us."

Youth plaintiff Ava L. stated, "Children shouldn't have to fight for our right to a livable environment and an optimistic future, but it is necessary and I'm proud to be part of this vital lawsuit."

The youth plaintiffs in *Layla H. v. Commonwealth of Virginia* range in age from 10 to 19. At the time of filing, 10 of the 13 youth are minors.

Counsel for the youth plaintiffs include Nate Bellinger of Our Children's Trust and Isak Howell, Attorney at Law.

[Layla H. v. Commonwealth of Virginia](#) is one of several youth-led constitutional climate lawsuits brought by the nonprofit law firm, Our Children's Trust, which also represents 16 youth plaintiffs who will proceed to trial in February 2023 in [Held v. State of Montana](#) as well as the 21 youth plaintiffs in the landmark federal constitutional climate lawsuit, [Juliana v. United States](#).

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*Our Children's Trust is a nonprofit public interest law firm that provides strategic, campaign-based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth's climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and stable climate, based on the best available science. We support our youth clients and amplify their voices before the third branch of government in a highly strategic legal campaign that includes targeted media, education, and public engagement work to support the youths' legal actions. Our legal work – guided by constitutional, public trust, human rights laws and the laws of nature – aims to ensure systemic and science-based climate recovery planning and remedies at federal, state, and global level. [www.ourchildrenstrust.org](http://www.ourchildrenstrust.org)*