



**Western  
Environmental  
Law Center**

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**Montana Supreme Court Denies State's Efforts to Derail Youth Climate Case;  
District Court Grants State More Time to Prepare for Trial**

HELENA, Mont. - On Tuesday, June 14th, the Supreme Court of Montana [denied](#) a writ of supervisory control, and related motion for stay, filed by the Attorney General of the state of Montana in the children's climate case, [Held v. State of Montana](#). Then, on Wednesday, June 15th, Judge Kathy Seeley granted the state's motion to modify the scheduling order for trial.

The Attorney General for Montana initially filed two emergency requests on Friday, June 10th and Monday, June 13th, asking the Montana Supreme Court to take supervisory control of the case away from the trial judge, the Honorable Kathy Seeley, and to issue a stay blocking discovery just as numerous depositions of expert witnesses were scheduled to begin.

However, in an order signed by the Chief Justice and four Associate Justices on Tuesday, June 14th, the Montana Supreme Court denied both the requested writ and the stay request, writing that the Attorney General's request was "...at best, disingenuous" and explaining that "Supervisory control is an extraordinary remedy" used where a "gross injustice" is occurring. The court rejected the state's arguments and ruled that the state was attempting to "manufacture urgency or emergency factors to fulfill the necessary criteria to justify a writ of supervisory control."

The Attorney General for Montana had also previously filed a motion before Judge Seeley to modify the scheduling order. The state claimed that it did not have "enough time to present" its case nor "conduct the number of depositions required for this case by the current discovery deadline of July 15, 2022." The state's request for additional time to prepare for trial was granted by Judge Kathy Seeley on Wednesday, June 15th.

The result of these two subsequent rulings is that *Held v. State of Montana* remains on track for trial in the First Judicial District Court in Helena under Judge Kathy Seeley. Trial dates for the youth-led constitutional case, originally scheduled for February 6-17, 2023, will now be rescheduled at a scheduling conference in April 2023. It is anticipated that this first ever

children's climate trial - and first ever constitutional climate trial - in U.S. history will likely now begin in early summer 2023.

Nate Bellinger, senior staff attorney at Our Children's Trust and co-counsel for the youth plaintiffs, stated, "The decision from the Montana Supreme Court on Tuesday should assure Montanans, especially children who rely on the judiciary to protect their rights, that the rule of law is strong and that the procedures built into our legal system will ward off frivolous motions intent on obstructing access to justice."

He continued, "And while we know our young clients are disappointed by the now delayed start for their trial - especially as some of the youth and their families are actively contending with the climate-related devastation of [historic flooding](#) in southern Montana - we will comply with Judge Seeley's orders and continue to work with our youth plaintiffs and experts to prepare for trial."

Bellinger concluded, "While the state may need more time to prepare for trial, our team representing these 16 young Montanans has already disclosed our 12 experts to the defense, including world-renowned climate experts like Montanan Dr. Steven Running - and we would have been ready to present our evidence at trial *this* summer, much less *next* summer. Time is of the essence, especially as these young Montanans continue to suffer from injuries resulting from Montana's fossil-fuel dominated energy system, which is a significant contributor to the rapidly escalating climate emergency. And as Montanans celebrate the 50th anniversary of their constitution this month, these 16 youth plaintiffs will continue to fight for the vision of Montana's 1972 constitutional delegates and voters to protect their constitutional right to a 'clean and healthful environment.'"

In *Held v. State of Montana*, the 16 youth plaintiffs assert that by supporting and promoting a fossil fuel-driven energy system that contributes to the climate crisis, the state of Montana is violating the youths' constitutional rights. 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.

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

In addition to *Held v. State of Montana*, Our Children's Trust also represents young people in the landmark federal constitutional climate lawsuit, *Juliana v. United States*, as well as represents and/or supports youth in global and U.S. state climate litigation like *Layla H. v. Commonwealth of Virginia*, *Natalie R. v. State of Utah*, and *Navahine F. v. Hawai'i Department of Transportation*.

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Our Children's Trust is the world's only nonprofit public interest law firm that exclusively 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 safe climate, based on the best available science. [www.ourchildrenstrust.org](http://www.ourchildrenstrust.org)

The Western Environmental Law Center uses the power of the law to safeguard the wildlife, wildlands, and communities of the western U.S. in the face of a changing climate. As a public interest law firm, WELC does not charge clients and partners for services, but relies instead on charitable gifts from individuals, families, and foundations to accomplish our mission. [www.westernlaw.org](http://www.westernlaw.org)