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### **Youth Plaintiffs in Virginia Climate Case File Notice of Appeal**

**RICHMOND, Va.**—Youth plaintiffs and their attorneys in the constitutional climate case [\*Layla H. v. Commonwealth of Virginia\*](#) today officially filed a Notice of Appeal in response to the September 16 ruling by Judge Clarence N. Jenkins Jr. Youth Plaintiffs' appeal will argue that the judge erroneously found the Commonwealth of Virginia, including the Governor and specific state agencies, are immune from being sued for violating Virginia citizens' fundamental rights to life and liberty – rights protected by the Virginia Constitution's Bill of Rights.

Judge Jenkins Jr.'s ruling relied on a doctrine known as "sovereign immunity," meaning the state cannot be sued unless it agrees to be sued. Judge Jenkins Jr. said in his ruling from the bench that "the court will not address the merits" of youth plaintiffs' constitutional claims and he would rule to dismiss the case.

"We are proud to support these Virginia youth as they appeal this unjust decision that threatens both these youth plaintiffs' rights for a safe climate and the very foundation of our constitutional democracy," said Nate Bellinger, Senior Staff Attorney at Our Children's Trust and lead counsel for the plaintiffs. "We have three branches of governments and only the courts have the authority to evaluate the constitutionality of government conduct. The court's import as an independent third branch of government is especially important in cases involving deeply rooted fundamental rights, including the right to life and liberty, rights which are implicated in this appeal."

The youth plaintiffs in *Layla H. v. Commonwealth of Virginia* argue the Commonwealth's historic and ongoing permitting of fossil fuels is causing and contributing to the climate crisis, and violating the young Virginians' constitutional rights to life and liberty, which are protected in the bill of rights of the Virginia Constitution. The youth also assert the state is violating its public trust duty to protect elements of the public domain, including the atmosphere. By continuing to rely primarily on fossil fuels as its main energy source, the Commonwealth of Virginia is

exacerbating climate change by polluting the atmosphere with excessive greenhouse gas emissions, causing grave harm to the 13 youth plaintiffs.

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

In addition to *Layla H. v. Commonwealth of Virginia*, Our Children's Trust represents and supports young people in global and U.S. state climate litigation like *Natalie R. v. State of Utah*, *Navahine F. v. Hawai'i Department of Transportation*, and *Held v. State of Montana* which, when it proceeds to trial in 2023, will be the first-ever children's climate trial in U.S. history. Our Children's Trust also represents the 21 youth plaintiffs in the landmark federal constitutional climate lawsuit, *Juliana v. United States*, where the plaintiffs are currently awaiting a decision in their case that could put them back on the path to trial.

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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)*