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**Judge Rules to Dismiss Children's Climate Case *Natalie R. v. State of Utah*; Youth Plaintiffs to Appeal**

*In Natalie R. v. State of Utah, youth argue state's ongoing promoting of fossil fuels causes and contributes to Utah's air quality and climate crises, violating the youth plaintiffs' constitutional rights*

**SALT LAKE CITY, Utah**—Following the November 4, 2022, hearing in which the youth plaintiffs and their attorneys in the constitutional climate case [\*Natalie R. v. State of Utah\*](#) appeared before the Honorable Robert Faust at the Third District Courthouse, the judge yesterday ruled in favor of the state to dismiss the case.

Noting in his brief written decision that "Plaintiffs have a valid concern," the judge cited the political question doctrine, redressability, and substantive due process as issues informing his decision to grant the state's motion.

Andrew Welle, Senior Staff Attorney at Our Children's Trust and co-counsel for the youth plaintiffs responded: "Yesterday, Judge Faust ruled that Utah's constitutional right to life doesn't apply in this case. We emphatically contend this is an incorrect interpretation of the law. The state of Utah cannot substantially reduce the lifespan of Utah's children without violating their constitutional right to life. And that's exactly what is happening here: through the permitting and promotion of fossil fuels, the state government is damaging these children's lungs and taking years off of their lives."

He continued, "Even the State does not dispute that the Utah government's actions are leading to this deadly outcome, and yet the Court's ruling essentially silences the children's claims and by doing so fails to serve its essential role as a check on the political branches. We are preparing to file an appeal on behalf of these young plaintiffs to correct yesterday's decision."

“While this decision from Judge Faust is very unfortunate, we will not give up in our fight for constitutional climate justice,” said Natalie R., youth plaintiff. “We will be appealing this decision so that we can have our case of high importance heard by Utah’s courts.”

“This ruling marks a very sad day for myself and all other youth across the state of Utah, as the lower court has determined that it is not interested in hearing our plea for the protection of our constitutional right to life,” said Dallin R., youth plaintiff. “We did not come to this fight just to roll over after the first hurdle, nobody said it would be easy, but we have every intention of continuing this case to hold our state accountable by challenging this decision in the higher courts. The urgency of this moment, and the gravity of this crisis make it very clear that if we as a state intend to protect the rights of our youth, and all those to come, then this ruling must be reversed.”

In *Natalie R. v. State of Utah*, the youth plaintiffs argue that state statutes requiring government agencies to maximize, promote, and systematically authorize the development of fossil fuels violate young Utahns’ constitutional rights to life, health, and safety. Fossil fuel development permitted by the State is actively causing Utah’s hazardous air quality and dangerous climate crisis impacts like drought, fire, and deadly heat waves. The youth plaintiffs claim that their state government has long known of the dangers of fossil fuels, yet continues to promote fossil fuel development that worsens air pollution and the climate crisis in the Beehive State.

For additional information, read the Our Children’s Trust press release covering the initial hearing, “[Oral Arguments Heard in Utah Youth Climate Case.](#)”

Counsel for the *Natalie R.* youth plaintiffs include Andrew Welle of Our Children’s Trust, and Andrew Deiss, John Robinson, and Corey Riley with [Deiss Law PC](#).

In addition to *Natalie R. v. State of Utah*, Our Children’s Trust represents and supports young people in global and U.S. state climate litigation such as *Navahine F. v. Hawai’i Department of Transportation*, *Layla H. v. Commonwealth of Virginia*, and *Held v. State of Montana*, which will be the first-ever children’s constitutional climate trial in U.S. history when it goes to trial in June 2023. 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)*

*Deiss Law PC is a trial firm in Salt Lake City. The firm has a proven record of excellence and legal innovation, and its attorneys have protected the interests of individuals and businesses of all sizes in Utah and throughout the West since 2012. [www.deisslaw.com](http://www.deisslaw.com)*