



**Our Children's
Trust** *Youth v. Gov*



DEISS LAW

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Youth Plaintiffs in Utah Climate Case File Notice of 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—Youth plaintiffs and their attorneys in the constitutional climate case [*Natalie R. v. State of Utah*](#) today officially filed a Notice of Appeal in response to the November 9 ruling by the Honorable Robert Faust.

While noting that “plaintiffs have a valid concern,” Judge Faust cited the political question doctrine, redressability, and substantive due process as issues informing his decision to grant the state’s motion to dismiss. The Youth Plaintiffs’ appeal will argue that the Court ruled incorrectly on all three of those issues.

“Judge Faust ruled that the fundamental right to due process under Utah’s Constitution can never apply if the harm to your life, liberty, or property involves fossil fuels,” said Andrew Welle, Senior Staff Attorney at Our Children’s Trust and co-counsel for the plaintiffs. “We are appealing this ruling so the Utah Supreme Court can correct this erroneous ruling and set this case back on track for these youth to have their day in court on their urgent constitutional claims. 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, Utah’s government is responsible for vast quantities of emissions that are damaging these children’s lungs, endangering their health and safety, and taking years off of their lives.”

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.

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

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