



For Immediate Release: April 28, 2023

Contacts:

Andrea Rodgers, Senior Litigation Attorney, 413-687-1668, andrea@ourchildrenstrust.org

Marti Townsend, Earthjustice, 808-372-1314, mtownsend@earthjustice.org

For interviews with youth plaintiffs: John Mackin, Press Director, 646-499-1873,

john@ourchildrenstrust.org

**Youth Plaintiffs in *Navahine v. Hawai'i Department of Transportation*
File Motion To Maintain Trial Date**

HONOLULU, Hawai'i—On April 26, attorneys representing the 14 youth plaintiffs in the constitutional climate case [*Navahine F. v. Hawai'i Department of Transportation*](#) filed a motion to maintain the trial date set for September 26, 2023, after the State stated their intention to seek a delay in trial by at least eight months. Earlier this month, the Honorable Judge Jeffrey P. Crabtree at the Environmental Court of First Circuit [denied the State's attempt](#) to prevent the case from proceeding to trial.

The youth plaintiffs request that the trial date be maintained “to ensure the escalating harms they are already experiencing can be redressed in time to alleviate their losses and suffering and avert a climate catastrophe,” [according to the motion](#). Based on the requirement in the Hawai'i court rules that a trial be set within 12 months of the scheduling conference, the court held the scheduling conference in September of last year and set the trial date for September 26, 2023, just over the 12-month mark. The youth's motion is supported by testimony from Hawai'i top climate change expert, Dr. Charles “Chip” Fletcher, children's rights legal scholar Professor Catherine Smith, and psychiatrist Lise Van Susteren.

“Maintaining the September trial date in this case is imperative to stop the State's ongoing constitutional violations,” said Andrea Rodgers, Senior Litigation Attorney at Our Children's Trust and co-counsel for the youth plaintiffs. “Every day that they continue to operate a state transportation system that increases greenhouse gas pollution digs the hole deeper and prevents Hawai'i from making a difference on the climate crisis for the sake of these young people and future generations.”

“The State has already caused months-long delay in this case's trial by filing a meritless motion to dismiss,” said Leinā'ala L. Ley, Senior Associate Attorney in Earthjustice's Mid-Pacific Office, and co-counsel for the youth plaintiffs. “Now, the administration is seeking a \$1 million budget increase to pay the same private attorneys to continue their delay tactics. Rather than throwing

money at D.C. and California attorneys, the State should be working with our clients to invest in solutions to our greenhouse gas problem.”

Navahine F. v. Hawai'i Department of Transportation, filed in June 2022, contends the state's department of transportation (HDOT) operates a system that emits high levels of greenhouse gasses (GHG), violating the youth plaintiffs' state constitutional rights, causing them significant harm, and impacting their ability to “live healthful lives in Hawai'i now and into the future,” according to the [complaint](#). Hawai'i has sought to be a leader in state-level climate action, yet GHG emissions from the transportation sector are on the rise and HDOT has missed every interim benchmark to reduce overall GHG emissions since 2008. The youth plaintiffs seek to hold HDOT accountable to ensure they meet the state's goal to decarbonize Hawai'i's transportation sector and achieve a zero emissions economy by 2045.

Kaliko, one of the youth plaintiffs, stated: “It's very frustrating to see how long people have been talking about this and how long there have been so many cases about this exact problem and people will not wake up. I think it is urgent that the Court hear our claims now to ensure the state is made to follow its own laws.” [Watch a two-minute video of Kaliko describing her experiences with climate change.](#)

Another of the youth plaintiffs, Mesina, stated: “I have patiently waited for the judicial system to work since my case was filed, and it would be profoundly unjust for my trial date to be delayed. What could be more important than protecting children in Hawai'i? We do not want money in our case, we want justice.”

For additional information, read the Our Children's Trust and Earthjustice joint press release announcing that [the case will be moving to trial](#).

The youth plaintiffs are represented by Andrea Rodgers, Kimberly Willis, and Joanna Zeigler with Our Children's Trust, and Isaac Moriwake and Leinā'ala L. Ley of Earthjustice. This is one of several youth-led constitutional climate lawsuits brought by Our Children's Trust with local counsel like Earthjustice's Mid-Pacific Office.

Our Children's Trust also represents and supports young people in active global and U.S. state climate litigation like *Natalie R. v. State of Utah*, *Layla H. v. Commonwealth of Virginia*, and *Held v. State of Montana*, which will be the first-ever constitutional climate trial, and first-ever children's climate trial, in U.S. history when it proceeds to court in June. Our Children's Trust also represents the 21 youth plaintiffs in the landmark federal constitutional climate lawsuit, *Juliana v. United States*, where the youth 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. Globally, we support youth-led climate cases in front of national courts, regional human rights courts, and UN bodies. www.ourchildrenstrust.org

Earthjustice is a premier non-profit public interest law firm committed to environmental justice. We wield the power of the law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy, and to combat climate change. www.earthjustice.org