

ANATOMY OF A CLIMATE TRIAL

July 15, 2023

The historic trial in *Held v. Montana* took place in Helena, Montana from June 12-20, 2023.¹ The following is a summary of what transpired during the trial, and illustrates the type of evidence that courts might receive in future climate cases that go to trial in Canada and elsewhere.

Held is the first youth-led climate case and first constitutional climate case to reach trial in the U.S. The court proceeding was started in 2020 in the District Court of Montana by the plaintiffs' pro bono legal team, which was led by a dedicated and patient non-profit legal organization, Our Children's Trust (OCT).² The trial was conducted by Judge K. Seeley without a jury; her decision is not expected for some time.

OCT had launched youth-led climate change lawsuits in every U.S. state, but only a handful are still pending. The other proceedings were struck down by the courts without a trial. In 2011, OCT applied to the Montana Supreme Court for a ruling that the State has a duty to address climate change, but it was unsuccessful.³ The plaintiffs started over, this time in District Court, and the State brought a series of motions to stop or delay the proceeding.⁴ A month before trial the State applied to the Montana Supreme Court in a final effort to avoid trial, but in a 6:1 ruling the court ordered that trial should proceed.

The plaintiffs, some of them Indigenous, claim that the huge State support for the fossil fuel industry has made the effects of climate change worse for them, and this is contrary to their rights under Montana's Constitution. Among other things, they challenged State legislation (*Montana Environmental Policy Act*) which explicitly prevents officials from taking greenhouse gas

¹ See <https://www.youthvgov.org/held-v-montana> and https://en.wikipedia.org/wiki/Held_v._Montana for more background information. A link was supplied in order for the public to watch the trial online.

² See <https://www.ourchildrenstrust.org/>.

³ Montana's Constitution includes the inalienable right to a clean and healthful environment (Article II, section 3). In addition, the State (as well as "each person") is required to maintain and improve a clean and healthful environment for present and future generations (Article IX, section 1).

⁴ The first motion to dismiss without trial was denied by Judge Seeley in August 2021. Motions were brought in the Supreme Court of Montana in June 2022 to take supervisory control over the proceeding, and stay the discovery process. These motions were denied. The State then requested and was granted more time to prepare. In 2023 the State brought a motion for summary judgment and a partial dismissal due to mootness. The motion was argued on May 12 and denied by Judge Seeley on May 23.

emissions into account when considering applications for permits involving energy-related projects.⁵ They also asked the Court to rule that 350 ppm of CO₂ is the appropriate standard for State decision-making in order to protect the climate.

Although hard to believe, the State argued that its GHG emissions do not matter with respect to climate change.⁶ This is similar to the position that was taken by the Ontario government in a provincial youth climate case, *Mathur v. Ontario*. The decision in that matter was issued on April 14, 2023.⁷ The young applicants in *Mathur* were unsuccessful and have appealed the decision.

Many other issues resonated in both cases. For example, Ontario and Montana Governments both argued that determinations with respect to climate change belong exclusively to the legislatures, and the courts should not intervene.⁸ As noted in the final argument of plaintiffs' counsel reproduced below, there have been other times and issues where the political process has failed to protect people's basic human rights: segregation, women's rights, gay marriage, etc. It was necessary then, as now, especially with the ever-worsening climate crisis, to call upon courts to protect people from the misguided political will of some elected governments.

Abbreviated summaries of key evidence, commentary and final argument in *Held v. Montana* are assembled chronologically below, like a diary. They were circulated daily by email during the trial by OCT. For the sake of brevity, the summary of testimony by each of the 16 plaintiffs has not been included here, but is described in the closing argument of plaintiffs' counsel.

⁵ According to the *Guardian* (Ray Levy Uyeda, April 13, 2022): "With six coal mines and four private coal plants, Montana is the sixth-largest coal producer in the US. It also has four petroleum refineries and is one of the largest consumers of oil and gas in the United States. Since 2003, Montana has received nearly \$650 m in disbursements from oil and gas extraction on mostly public lands, making it the eighth highest total in the country." (<https://web.archive.org/web/20230310133419/https://www.theguardian.com/environment/2022/apr/13/young-people-montana-fossil-fuels-climate-crisis>)

⁶ According to *Phys.org* (June 20, 2023), "Montana releases around 166 million tons of carbon dioxide into the atmosphere annually - equivalent to the countries of Argentina, the Netherlands, or Pakistan." (<https://phys.org/news/2023-06-historic-climate-trial-tuesday.html>)

⁷ 52-page judgment of Justice Vermette is cited as *Mathur v. His Majesty the King in Right of Ontario*, 2023 ONSC 2316. The full text is at <https://ecojustice.ca/wp-content/uploads/2023/04/Reasons-for-Judgment-Mathur-v.-His-Majesty-the-King-in-Right-of-Ontario.pdf>.

⁸ The State claimed that the plaintiffs' case was an "airing of political grievances."

A. *The Plaintiffs' Case*

Day 1 - June 12, 2023

Mae Nan Ellingson was the youngest delegate at the time of the 1972 Montana Constitutional Convention. She told the judge that, at the time, Montana was the only state that had a constitutionally-enshrined right to a clean and healthful climate, but now Montana's climate is "neither clean nor healthful."

Dr. Steven Running described the current climate destabilization caused by anthropogenic greenhouse gas (GHG) emissions and the need to reduce atmospheric concentration of CO₂ to 350 ppm to stabilize the climate system. Dr. Running explained how climate impacts are harmful for the youth plaintiffs and that the severity of their injuries would only get worse if Montana's reliance on fossil fuels continues. Earth's energy imbalance, he said, would become much worse by the end of the century, during the plaintiffs' lifetimes.

Day 2 - June 13, 2023

Dr. Cathy Whitlock, an earth scientist and professor at Montana State University ... is an expert in environmental change and paleoclimatology and was a lead author of the 2017 Montana Climate Assessment. "Montana has warmed more over the last century than other states," she stated. "It is because of our high elevations, which tend to warm faster. We do not have the moderating effects of coastal states."

Dr. Dan Fagre, a 30-year employee of the Department of Interior. Dr. Fagre spoke about Glacier National Park, and the melting of glaciers in the park due to climate change. He explained that Montana's glaciers have existed for 7,000 years, yet many would be gone within the plaintiffs' lifetimes.

Dr. Lori Byron, a Montana pediatrician ... discussed the impacts of climate change on the physical health of children. Dr. Byron explained that children are more vulnerable to anthropogenic climate change, describing how the health of the youth plaintiffs is already being harmed in Montana.

Day 3 - June 14, 2023

Dr. Lori Byron (continued) ... discussed climate change-induced adverse childhood experiences (ACEs) and how they can cause long-term health problems such as exposure to substance abuse, physical/mental/sexual abuse, neglect, domestic violence, etc. These elements, which can create fear and anxiety in childhood, often result in health problems in adulthood. “Wildfires, for example, instill fear that you will have to leave your home, as well as the smoke that creates a pall over your life and makes one unable to do the things you enjoy,” Dr. Byron said.

Shane Doyle (testified) on behalf of his daughters (and youth plaintiffs) Ruby and Lilian. Mr. Doyle is an expert in Indigenous issues, an enrolled member of the Crow Tribe who holds a master’s degree in Native American studies from Montana State University. Mr. Doyle described the Crow Fair, an annual week-long gathering of the Crow Tribe which has occurred every August for over a century. It’s long been an important cultural event for Mr. Doyle and his daughters, but over the last several years the weather has become hotter and hotter, with temperatures reaching over 100°F, as well as torrential downpours. He described how extreme weather has impeded Crow Fair, with events being canceled or abandoned due to heat.

Michael Durglo, Jr., head of the Confederated Salish and Kootenai Tribes' Tribal Historic Department. He provided additional testimony on the impact of the climate crisis on Indigenous communities. “As the climate has changed, the times for traditional practices have changed,” Mr. Durglo said. “There is a spiritual impact. All those non-human relatives that we rely on to feed us, to mend us as medicines - they all have a spiritual significance.”

Dr. Jack Stanford, director of the Flathead Lake Biological Station. Dr. Stanford discussed the impacts of climate change on Montana’s freshwater ecosystems and the connectivity of climate, hydrology, geomorphology, and ecology in those ecosystems. When asked to comment on how climate change affects freshwater ecosystems: “It’s already happening, it’s a fact, not only for our plaintiffs, but for all of us.”

Day 4 - June 15, 2023

Anne Hedges, Director of Policy and Legislative Affairs at the Montana Environmental

Information Center (MEIC). She provided testimony on the actions of the State government to authorize fossil fuel activities, describing the State's knowledge of the dangers posed by fossil fuels and climate change, as well as specific State policies prohibiting the consideration of greenhouse gas.

Peter Erickson, a climate change policy researcher for the Stockholm Environment Institute in Seattle, Washington. He provided expert testimony on Montana's contribution to global greenhouse gas emissions - via fossil fuel consumption, extraction, and infrastructure that the State of Montana permits - and how these emissions are both nationally and globally significant. "We are at a decision point about taking action on climate change," Mr. Erickson said. "The world community has decided we must. Montana continues to issue fossil fuel permits."

Day 5 - June 16, 2023

In an unexpected development, during the mid-morning recess, an attorney for the plaintiffs, Phil Gregory, shared with Judge Seeley that defense expert and climate scientist Judith Curry⁹ was canceling her appearance, and that the plaintiff expert testimony that rebutted Dr. Curry's reports would be withdrawn. Julia Olson (OCT): "We were surprised to learn that we would not be hearing the testimony from Dr. Curry, but we strongly believe our plaintiffs' expert testimony was irrefutable."¹⁰

Mark Jacobson, Director of the Atmosphere/Energy program at Stanford University. Mr. Jacobson described the technological and economical feasibility to transition Montana off of fossil fuels by 2050 and supply its energy needs via water, wind, and solar (WWS). The primary

⁹ According to *Inside Climate News* (Richard Forbes, June 28, 2023), Dr. Curry is "a climatologist who disputes the scientific consensus that human activity is the primary driver of climate change." Her report maintained that "emissions from fossil fuels generated in Montana are minuscule compared to global emissions and do not directly influence Montana's weather and climate." (<https://insideclimatenews.org/news/28062023/montana-youth-climate-change-lawsuit/>)

¹⁰ Dr. Curry's 46-page expert report dated October 27, 2022 can be found at <https://judithcurry.com/wp-content/uploads/2023/06/MT-Curry-report-pdf>. On June 21, 2023 she posted her view of the case and her version of why the State decided at the last minute not to call her as a witness: <https://judithcurry.com/2023/06/21/held-v-montana-climate-lawsuit/#more-30217>. Among other things, she maintains that "the climate-related concerns observed by the Plaintiffs are well within the range of historical natural weather and climate variability, with worse occurrences of weather and climate extremes observed during the early 20th century." In addition, she states that "the Plaintiffs' concerns about climate change in the 21st century are greatly exaggerated, and not consistent with the most recent assessment reports and research publications."

barrier, he stated, was the lack of government direction to move energy policy towards WWS, as well as current government policies that continue to favor a fossil fuel-based energy system.

Dr. Lise Van Susteren, a psychiatrist and expert on how the climate crisis affects the physical and mental health of youth, took the stand. She described how children are more susceptible to the impacts of climate change due to unique characteristics like their dependency on adults, their brains and bodies still not being fully developed, and an increased exposure and cumulative toll of trauma. “The kids have told you this week very compellingly how their world is different,” she said. “They are very aware of something called intergenerational injustices. Their world is spinning out of their control and they have first-hand experience.”

B. *The Defendant’s Case*

Day 6 - June 19, 2023

Christopher Dorrington, Director of the Montana Department of Environmental Quality (DEQ). According to Mr. Dorrington, the DEQ’s role is to implement the laws of Montana regarding environmental concerns. During cross examination by Melissa Hornbein, Senior Attorney with Western Environmental Law Center (WELC) and co-counsel for the youth plaintiffs, Mr. Dorrington was asked if he would agree that the activities the DEQ permits contribute to greenhouse gas (GHG) emissions in Montana. He replied affirmatively, explaining that the DEQ conducts permitting activities that allow industry and individuals to engage in activities that emit GHG emissions. DEQ, he said, does not create the laws, but is tasked with implementing them.

Sonja Nowakowski, Administrator for the Air, Energy, and Mining Division at Montana DEQ. Ms. Nowakowski repeatedly stated that DEQ is not allowed to deny permits for fossil fuel activities even though they are contributing to climate change and are harming the environmental life support system of the youth. She also admitted that DEQ could perform an analysis of the environmental impacts of greenhouse gas emissions in Montana on climate change, but that the law prohibits them from doing so. Ms. Nowakowski said, “The State might have to have some difficult conversations about transportation, agriculture, but fossil fuel activities are the largest contributor in Montana.”

Dr. Terry Anderson, an economist and Senior Fellow at the Hoover Institution at Stanford University and emeritus professor at Montana State University. He presented a brief testimony, answering questions from defense attorneys related to Energy Information Administration data on GHG emissions. During cross examination, Philip Gregory, Of Counsel with Our Children's Trust, asked about errors in math and misinterpretation of data in Dr. Anderson's expert report. The State initially objected, stating the question exceeded the scope. However, attorneys for the youth plaintiffs argued that the cross examination went to credibility of the witness. "Are you going to show me the numbers are wrong?" Judge Seeley asked Mr. Gregory. "Yes, absolutely," Mr. Gregory proclaimed. "100% wrong."

The State declined to call to the stand its single climate science witness, Judith Curry; its only mental health witness, Debra Sheppard; and a number of other government witnesses.

C. Closing Argument

Day 7 - June 20, 2023

Trial concluded on June 20 as the court heard closing arguments from attorneys for both the youth plaintiffs and the State. Most of the closing argument by Nate Bellinger, Senior Staff Attorney for Our Children's Trust, is reproduced below.

"Taleah said that it was a privilege for her to be able to share her story in this courthouse: a place of public and legal significance. This is a sentiment echoed by all of the youth Plaintiffs and they wanted you to know how honored they were to participate in this venerated process and to finally have the chance to be heard after three long years.

This case is about 16 brave Montanans: Rikki, Grace, Eva, Badge, Mica, Ruby, Lilian, Sariel, Taleah, Georgi, Kian, Claire, Olivia, Lander, Nate, and Jeffrey and the harms they have each endured at the hands of their own government. After hearing from world-renowned experts on climate science and medical professionals, there is no doubt that Montana should be protecting these young people and future generations to come.

A stable climate system is integral to each and every one of the constitutional rights that have

been implicated in this proceeding. And Plaintiffs have established – through overwhelming evidence – that their rights have been violated. Central to this violation is the *MEPA* Limitation¹¹ and its implementation, forcing Montana’s agencies to turn a blind eye to climate change’s catastrophic impacts and the mounting greenhouse gas (GHG) emissions driving these unnatural, wholly avoidable injuries.

You’ve heard the State say this is a boring case about a procedural law. But to the contrary, this is about the Plaintiffs’ lives, their livelihoods, and their future. Like other monumental constitutional cases before it, *Held v. State of Montana* comes to this Court because of a pervasive, systemic infringement of rights. These 16 young people shouldered the responsibility to come here to share intimate stories of their harms; they don’t ask for money, but instead ask only that their government embrace its constitutional responsibility to alleviate the harm of its own conduct. The State argues that the climate crisis is a global problem. Plaintiffs localize this harm in their backyards of felled, diseased trees; the melting of majestic glaciers; big skies full of choking smoke; and rivers that run dry. The climate crisis is at home in Montana and it diminishes the lives of each and every one of the Plaintiffs.

The Plaintiffs spoke of their deep love for Montana and said this case is for every Montanan, and the shared values of the people of this State. They said they are just 16 voices speaking for thousands. They said that this case is about responsibility and opportunity. They know the transition to clean, renewable energy is coming – but they spoke of how proud they would be if it was their State that led the transition. And they know what their experts and the IPCC say with “very high confidence:” the window is rapidly closing to address climate change.

The Plaintiffs acknowledged that the work to stop and reverse climate change will be a lifetime journey, but they are asking this Court for help. They are asking this Court to alleviate their harms, harms the Court heard detailed last week. They know the rest of the world is watching, and that future generations will look back on this historic trial. They say their case, *Held v. Montana*, is not just about past harms suffered, but about hope for the future. It is a case that will

¹¹ In 2011 the Republican State government amended legislation to prohibit the State from considering “actual or potential impacts that are regional, national, or global in nature” when conducting environmental reviews for large projects. In May 2023, a month before the *Held* trial commenced, Montana Bill 971 became law, preventing the State’s Department of Environmental Quality and other State regulators from considering GHG emissions and climate impacts when conducting environmental reviews. Source: *Inside Climate News* (Kristoffer Tigue, May 16, 2023, <https://insideclimatenews.org/news/16052023/todays-climate-montana-anti-climate-law/>).

lay the groundwork for other children to enjoy the full wonder of this world.

Clean and Healthful Environment

Over the course of this trial Plaintiffs' experts, including Montana's top climate scientists, Drs. Steven Running and Cathy Whitlock, described how Montana's once clean and healthful environment is experiencing unprecedented degradation. For Grace, Taleah, Claire, and Kian, this means that the forests, glaciers, and rivers they depend on are being depleted. Claire told the Court how her well-being and ability to walk is deeply intertwined with the quality of Montana's clean and healthful environment. The abundant evidence shows that Defendants' promotion of fossil fuels, while ignoring the attendant climate impacts, violates Plaintiffs' fundamental right to a clean and healthful environment, secured by Article II, Section 3 and Article IX, Section 1 - which stand as "anticipatory and preventative."

Defendants presented no evidence to dispute Plaintiffs' showing, nor did they provide any evidence of a compelling State interest that would justify the infringement of this right and overcome strict scrutiny. This is in the face of the *MEPA* Limitation which affirmatively prohibits agencies from gathering information on impacts that have been proved to be causing grievous harms to the Plaintiffs; without this limitation, Defendants told the Court, *MEPA* would allow them to make decisions informed by the consequences of climate change.

Public Trust

The Court also heard expert testimony from renowned ecologists Dr. Daniel Fagre and Dr. Jack Stanford, who explained how Glacier National Park's 26 remaining glaciers sit at the top of the water tower, dangerously close to depletion. Water is the quintessential public trust resource, but rising temperatures are melting Montana's glaciers, and changing precipitation trends are fundamentally altering the water tower and the vast ecosystems that depend on it. These changes threaten the ability of Plaintiffs like Georgi, Lander, and Badge to continue fishing and rafting on Montana's once pristine rivers that have become sickly hot or slowed to a trickle. Again, the evidence shows that Defendants' ongoing promotion of fossil fuels, while ignoring greenhouse gas emissions and climate impacts, is substantially impairing Montana's public trust resources in violation of Article IX, Sections 1 and 3. Not only did Defendants fail to present any evidence of

a compelling State interest that would justify the infringement of the State's public trust resources and overcome strict scrutiny – they did not even mention the public trust.

Dignity

During the trial we also heard Indigenous Plaintiffs describe how Montana's changing climate is impacting their ability to tell seasonally attuned Salish creation stories; how ceremonies central to Crow traditions are disturbed by extreme heat and smoke; and how the traditional food sources of many tribes are made scarce by drought. Mr. Michael Durglo Jr. shared how Montana's changing climate was interrupting nature's cycles, cycles that have been observed by Indigenous people and passed down through oral traditions for millennia. These tribal practices, which are an integral part of Saniel's, Ruby's, and Lillian's cultural dignity and spirituality, are being imperiled by changing precipitation patterns and declining snowpack. Plaintiffs have presented evidence that their very dignity, their intrinsic worth, and their right to practice cultural and spiritual beliefs under Article II, Section 4 is being violated by Defendants' ongoing promotion of fossil fuels, while ignoring greenhouse gas emissions and the worsening climate impacts. Defendants presented no evidence of a compelling State interest that would justify this infringement of the right to dignity and overcome strict scrutiny.

Equal Protection

Meanwhile unrefuted testimony from medical experts Dr. Lori Byron and Dr. Lise Van Susteren shows that children, including these Plaintiffs, are disproportionately harmed by climate change and will face life-long hardships without urgent steps to address the cause of their injuries. Article II, Section 15 explicitly protects children under the age of 18 and the evidence before the Court demonstrates that children deserve protected status in cases where government conduct harms them, including here, where the State approves every fossil fuel permit with zero consideration of the harm to children. This evidence compels a finding that Plaintiffs are a protected class, and Defendants' ongoing promotion of fossil fuels, while ignoring the climate impacts, is violating their fundamental rights to equal protection under Article II, Section 4. Defendants presented no evidence of a compelling State interest that would justify the infringement of this fundamental right to equal protection and overcome strict scrutiny.

Health, Safety and Happiness

We've also heard testimony from Plaintiffs, including Olivia, Eva and Rikki, about how their right to health, safety, and happiness, secured by Article II, Section 3, is being infringed as a consequence of the climate crisis. Eva's home and community remains at risk from extreme flooding events. Rikki has had to work in 110-degree heat and smoke-filled skies on her family's ranch. Increased pollen count causes allergic reactions so strong that Olivia's eyes can be bloodshot and swollen for weeks at a time. These are just a few examples of the many injuries evidenced to violate Plaintiffs' right to health, safety, and happiness. Yet again, Defendants presented no evidence of a compelling State interest that would justify the infringement of these fundamental rights and overcome strict scrutiny.

In order to acknowledge the full range of harms and constitutional injuries these Plaintiffs endure, it is critical that the Court address each of Plaintiffs' constitutional claims. These are distinct constitutional injuries, and each should be declared and remedied.

In response, Defendants argue that Montana's GHG emissions don't matter. But irrefutable expert testimony affirms that Montana's greenhouse gas emissions are substantial; Montana's contribution to anthropogenic climate change harms the Plaintiffs; and the impacts of Montana's emissions are both local and immediate as well as global and long-lasting. Every ton matters. Defendants have presented no scientific evidence to the contrary. Defendants' sole witness to discuss GHG emissions, Dr. Terry Anderson, merely calculated, albeit incorrectly, Montana's percentage of total global greenhouse gas emissions per year.

On the other hand, Plaintiffs' expert testimony makes clear that without science-based steps to reduce Montana's GHG emissions, the harms Plaintiffs are already experiencing will just keep getting worse. But the evidence also makes clear that it is not too late to avoid the most catastrophic and irreversible climate impacts. As Dr. Jacobson explained, Montana can meet all its energy needs with renewable energy sources, while at the same time reducing energy costs, saving lives, and cleaning up Montana's skies. Solutions to the climate crisis are available right now and the only thing standing in the way are government laws that perpetuate Montana's fossil fuel-energy system.

Stable Climate System

Plaintiffs are asking this Court to declare that a stable climate system is fundamental:

- to the protection of their rights to a clean and healthful environment;
- to the preservation of public trust resources;
- to protect their rights for equal protection and individual dignity; and
- to seek safety, health and happiness.

Constitutional Standard

As Constitutional Delegate Mae Nan Ellingson said in 1972, the Constitution would not detail what “clean” or “healthful” meant, but she guaranteed that the courts could tell us how to understand and enforce this “anticipatory and preventative” provision. This Court heard undisputed testimony from multiple experts that in order to restore Earth’s Energy Balance and secure a stable climate system, the atmospheric concentration of carbon dioxide in the atmosphere must be reduced to no more than 350 parts per million by 2100. Given this uncontroverted evidence, this Court should declare that 350 ppm is the constitutional standard necessary to protect a stable climate system. Declaring this constitutional standard will provide a clear target for Defendants when conducting their *MEPA* analyses and making future energy permitting decisions under their statutory authority.

Final Judgment

This Court’s final judgment should conform to the evidence presented at trial, which shows that both the 2011 and 2023 versions of *MEPA* are unconstitutional. It also shows that the provision of SB 557, which Defendants have interjected into this case, and which prohibits courts from vacating or voiding permits based on GHG emissions or climate change, is unconstitutional. Defendants would have this Court believe that they have no authority to implement the permitting statutes to include an analysis of climate change or GHG emissions necessary to abide by the constitutional mandate to protect a clean and healthful environment. Such a construction is absurd and would render the permitting statutes unconstitutional. Defendants must either have discretion to deny or condition permits when environmental reviews reveal harms that arise to the level of constitutional violations, or the permitting statutes themselves are unconstitutional.

In closing, Your Honor, it's worth remembering other times in our nation's history when the political process didn't work to protect people's basic human rights. Segregation, women's rights, equal and adequate public schooling, marriage — time and time again, the political will of powerful majorities was struck down by courts, based on the compelling evidence before them, courageously correcting the injustices thrust on the people. Today, the injustice squarely before this Court is the proven harms of these young people wrought by climate change caused by a fossil fuel-based energy system imposed and perpetuated through the law.

The State says this fight is reserved for the legislature, but we live in a constitutional democracy where fundamental rights are not subject to elections and Defendants do not have the discretion to authorize unconstitutional conduct. Montana's long-standing energy system, which the *MEPA* Limitation is a part of, violates Plaintiffs' fundamental constitutional rights, and when constitutional rights are infringed, the Courts have a duty to provide redress.

Today, before you are 16 young Montanans who are relying on this Court to grant them necessary, equitable relief. This Court can and should declare their equal right to a clean and healthful environment, dignity, health, safety, and happiness. And this Court can and should enjoin any State action or law that violates Plaintiffs' fundamental rights. In this ruling, Plaintiffs find relief and hope in their future in this great State of Montana.”

D. *Overview of the trial prepared by Our Children's Trust*

It's been an extraordinary seven days of testimony during which we heard from two kinds of experts. First, we heard from world-renowned experts in their fields, including experts on the physical science of climate change, experts on how Montana is experiencing the effects of climate change, experts on how climate change disproportionately impacts the physical and mental health of youth, experts on how Montana's government has for decades been actively exacerbating the climate crisis in their State, experts on how Montana's greenhouse gas emissions are substantial and make the climate emergency worse, and more.

These leaders in their respective fields have all generously donated their time, contributing their testimony in support of the 16 young plaintiffs at no cost, all because they believe so strongly in the merits of their case and in the importance of protecting the rights of youth to a safe climate.

This week, we also heard from another kind of expert: the youth plaintiffs. These extraordinary young Montanans took the stand to speak directly to the court. Through tears, laughter, and determination, they shared the devastating ways they have each been impacted by the climate crisis, the ways in which they and their beloved Montana is being harmed by the actions of their own government, and what they need from the court and the State to rectify these harms. The youth have also spoken about their love for their home and their hope and optimism for the future.

The bravery of these young people cannot be overstated. It takes great courage to step into the light and share your truth, much less with the whole world watching.

Judge Kathy Seeley will now take everything she has heard in the courtroom - the testimony, the facts, and the stories - as well as the many documents admitted into evidence into consideration as she determines how to rule in this critical case. We anticipate that it may be weeks, if not months, before we receive a ruling from the court. This is to be expected: this is a big case, with big claims, and the judge has much to consider from this historic trial.



Alan D. Levy is a member of the legal committee of Seniors for Climate Action Now (SCAN!).