



FOR IMMEDIATE RELEASE

July 17, 2012

For inquiries and interview requests, please contact:

Samantha Ruscavage-Barz 505-819-5923 sruscavagebarz@wildearthguardians.org
Julia Olson 415-786-4825 julia@ourchildrenstrust.org

New Mexico Atmospheric Trust Suit to Proceed on the Merits as Judge Denies Defendants' Motion to Dismiss

Santa Fe, NM – Eighteen-year-old Akilah Sanders-Reed's climate change lawsuit against the state of New Mexico will proceed on the merits. On Saturday, July 14, 2012, Judge Sarah Singleton issued a [written order](#) denying defendants' motion to dismiss and defendants' request for an immediate appeal. Judge Singleton's order recognized that "Plaintiffs have made a substantive allegation that . . . the state is ignoring the atmosphere with respect to greenhouse gas emissions."

Sanders-Reed's and co-plaintiff WildEarth Guardians' lawsuit (*No. D-101-CV-2011-1514*), filed on May 4, 2011 against Governor Susana Martinez and the State of New Mexico, relies upon the long established principle of the public trust doctrine, which requires all branches of government to protect and maintain certain shared resources fundamental for human health and survival. Following Judge Singleton's order, the case will go forward on the issue of whether the state agency charged with protecting the atmosphere has met its public trust obligation.

This order was issued days after Texas Judge Gisela Triana, hearing a similar case, found that all natural resources, including the atmosphere, are protected under the Public Trust Doctrine and the Texas constitution (*Angela Bonser-Lain, et al. v Texas Commission on Environmental Quality*, Case No. D-1-GN-11-002194).

According to Samantha Ruscavage-Barz of WildEarth Guardians, attorney for plaintiffs, "Today's decision brings New Mexico citizens and youth one step closer to holding the State and the Governor accountable for their failure to protect the next generation from the irreversible impacts of climate change."

Judge Singleton's order and Judge Triana's opinion were issued as the Southwest US suffers from sustained droughts and severe wildfires that scientists warn represent the destructive impacts of human-caused climate change. "My generation will be stuck with the horrible consequences of our government's failure to do anything about climate change," said Ms. Sanders-Reed, a leader in the iMatter youth movement. "The longer my state's leaders refuse to uphold their public trust obligations, the worse off we will all be. Judge Singleton's decision gives me hope that New Mexico may be willing to step up and be accountable to my generation before it is too late."

WildEarth Guardians is a nonprofit environmental conservation and advocacy organization based in Santa Fe, New Mexico. Guardians works to replace fossil fuels with clean, renewable energy in order to safeguard public

health, the environment, and the Earth's climate for future generations.
<http://www.wildearthguardians.org/site/PageServer>

Our Children's Trust is a nonprofit focused on protecting earth's natural systems for current and future generations. We are here to empower and support youth as they stand up for their lawful inheritance: a healthy planet. We are mothers, fathers, grandparents, aunts, uncles, teachers. We are adults, part of the ruling generation, and we care about the future of our children—and their children's children. www.ourchildrenstrust.org/

iMatter Campaign is a youth-led campaign of the nonprofit group, Kids vs. Global Warming, a movement of empowered youth leaders who compel action on the climate crisis. These are the leaders of a generation who may be too young to vote and have little political clout, but who exercise their civil rights to lead the way to a society that lives and governs as if their future matters. www.imattermarch.org/

WITNESS is the global pioneer in the use of video to promote human rights. We empower people to transform personal stories of abuse into powerful tools for justice, promoting public engagement and policy change. In partnership with the iMatter TRUST Campaign we seek to bring visibility to the challenges our youth already face because of the changing climate and call for a massive assault on fossil fuel emissions. Without an all-out assault, effects will range from drought to disease; from food shortages to tainted water supplies; from the loss of homes due to floods, erosion and fire to massive relocations. The human rights challenge is most succinctly summarized by Mary Robinson, "Climate change will, in short, have immense human consequences." WITNESS partnered on this campaign in hopes that predictions will not become realities. To view the stories from our youth included in the TRUST Series go to www.witness.org/campaigns/all-campaigns/imatter or www.ourchildrenstrust.org.

###