



Written by [James Murphy](#) on September 21, 2022

Virginia Judge Tosses “Children’s” Climate Lawsuit

On Friday, a Virginia judge dismissed a lawsuit brought on behalf of thirteen children aged 10-19. *Layla H. v. Commonwealth of Virginia* argues that Virginia harmed the defendants through their approval and use of fossil fuels, which climate alarmists contend is causing the Earth to heat to crisis levels. The lawsuit was brought forward by Our Children’s Trust, a Portland, Oregon, based group claiming to advocate for children on environmental matters.

“For decades, the Defendants have implemented a policy and practice of approving permits for fossil fuel infrastructure in the Commonwealth of Virginia, including permits for the production, transport, and burning of fossil fuels. Defendants’ historic and ongoing permitting of fossil fuel infrastructure has, and continues to, cause dangerous levels of greenhouse gas (‘GHG’) pollution, including carbon dioxide (‘CO₂’). This GHG pollution causes and contributes to the ongoing climate crisis and causes grave harm to these thirteen Youth Plaintiffs,” the [lawsuit](#) states.

But on Friday, Richmond Circuit Court Judge Clarence Jenkins Jr. dismissed the case with prejudice, which means that the case cannot be filed again in the same court.

Jenkins did not rule on the merits of the case, but rather agreed with a state motion that the case violated [sovereign immunity](#), a legal doctrine stating that a government cannot be sued without its consent.

Nathan Bellinger, an attorney for the plaintiffs, promised a speedy appeal to the decision.

The suit specifically alleges that Virginia’s use of fossil fuels has contributed to several health problems for the child plaintiffs, including asthma, heat exhaustion, and even tick bites, which Our Children’s Trust argues have been exacerbated by climate change.

“These courageous Virginia youths ... are turning to the judiciary to protect their fundamental rights,” Bellinger argued.

But in the state’s mind the courts are not the venue for such claims, and they argue that the lawsuit is an attempt to usurp the legislature’s role in addressing such issues.



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“Simply put, this action belongs two blocks over at the General Assembly and not before this court,” Assistant Attorney General Thomas Sanford said.

Interestingly, the lawsuit doesn’t request any injunctions or request that Virginia take any specific actions to address climate change. Instead, it only asks for a declaration stating that the continued burning of fossil fuels is an infringement of the children’s rights.

Our Children’s Trust is not altruistically assisting children in an effort to stand up against government inaction on climate change — it is using them. Such organizations hide behind children largely to gain judicial (and therefore authoritative) recognition that the claimed climate crisis is real. Their request for only a declaration in the Virginia case is an acknowledgment of that.

They’ve even succeeded somewhat on that front, getting certain judges to buy into their rhetoric. Consider the case [Juliana v. the United States](#), a federal case they’re involved in that is currently waiting on an appeal.

In her dissent of a dismissal of the case in the Ninth Circuit Court of Appeals in 2020, Judge Josephine Staton wrote: “I would hold that the plaintiffs have standing to challenge the government’s conduct, have articulated claims under the Constitution, and have presented sufficient evidence to press those claims at trial.”

“It is as if an asteroid were barreling toward Earth and the government decided to shut down our only defenses,” Staton continued. “Seeking to quash this suit, the government bluntly insists that it has the absolute and unreviewable power to destroy the nation.”

Our Children’s Trust boasts that it has supported children’s lawsuits in all 50 states. Besides the Virginia suit, it is currently suing the federal government in the aforementioned *Juliana v. the United States*. At the state level it is engaged in suits in Florida, Hawaii, Montana, and Utah.

The group also claims to be involved in international litigation in Belgium, Colombia, the Netherlands, Norway, Pakistan, the Philippines, Uganda, and Ukraine.

Among the group’s [donors](#) is the globalist Rockefeller Brothers Fund, which claims that its mission is to advance “social change that contributes to a more just, sustainable, and peaceful world.”

It’s galling that organizations such as Our Children’s Trust use kids as a means to advance their globalist agenda. It’s reprehensible — but, unfortunately, not surprising.



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