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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 THE PEOPLE OF THE STATE OF
14 CALIFORNIA,

15 Plaintiff,

16 v.

17 B.P. P.L.C., *et al.*,

18 Defendants.

Case No. C 17-06011 WHA
Case No. C 17-06012 WHA

Hearing Date: March 21, 2018 at 8:00 a.m.

**ADMINISTRATIVE MOTION OF
WILLIAM HAPPER, STEVEN E. KOONIN,
AND RICHARD S. LINDZEN FOR LEAVE
TO SUBMIT PRESENTATION IN
RESPONSE TO THE COURT'S
TUTORIAL QUESTIONS**

The Honorable William H. Alsup

1 The Court has invited a tutorial on global warming and climate change, which is set to occur
2 March 21, 2018. The Court also identified specific questions to be addressed at the tutorial. Pursuant
3 to Civil L.R. 7-11, Professors William Happer, Steven E. Koonin, and Richard S. Lindzen respectfully
4 ask the Court to accept their presentation (attached to this motion as Exhibit A) in response to the
5 Court's questions. The professors would be honored to participate directly in the tutorial if the Court
6 desires.

7 A. *Identity of the Filing Parties*

8 The professors are accomplished and well-credentialed scientists. William Happer is the Cyrus
9 Fogg Bracket Professor of Physics Emeritus at Princeton University. Dr. Happer also has extensive
10 experience advising the government on energy research and policy, having served President George
11 H.W. Bush's administration as the director of energy research in the Department of Energy. Steven E.
12 Koonin is the founding director of New York University's Center for Urban Science and Progress. Dr.
13 Koonin previously served as the second Under Secretary for Science at the U.S. Department of Energy
14 in President Barack Obama's administration. In this role, Dr. Koonin oversaw science, energy, and
15 security activities. Richard S. Lindzen is a Professor Emeritus in the Department of Earth,
16 Atmospheric, and Planetary Sciences at the Massachusetts Institute of Technology. Dr. Lindzen's
17 research involves studies of the role of the tropics in mid-latitude weather and global heat transport,
18 the moisture budget and its role in global change, the origins of ice ages, seasonal effects in atmospheric
19 transport, stratospheric waves, and the observational determination of climate sensitivity. Each of the
20 professors has been elected to the prestigious National Academy of Sciences, a highly selective non-
21 profit organization recognizing the country's most distinguished researchers. Biographies for the
22 professors appear at the end of Exhibit A to this motion.

23 B. *The Presentation Would Provide Unique Information and Perspective*

24 District courts have the inherent authority to accept amicus curiae materials. *See In re Bayshore*
25 *Ford Truck Sales, Inc.*, 471 F.3d 1233, 1249 n. 34 (11th Cir. 2006). District courts "frequently welcome
26 amicus submissions from non-parties concerning legal issues that have potential ramifications beyond
27 the parties directly involved or if the amicus has unique information or perspective that can help the
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1 court beyond the help the lawyers for the parties are able to provide.” *NGV Gaming, Ltd. v. Upstream*
2 *Point Molate, LLC*, 355 F.Supp.2d 1061, 1067 (N.D. Cal. 2005) (internal quotation omitted). Here,
3 the results of this case could be far-reaching—with potential national impact. As active and
4 longstanding members of the scientific community, the professors are particularly well qualified to
5 assist the Court and address the concerns the Court has raised in its Notice of the Tutorial.

6 The Court has asked for information on: (1) the history of scientific study of climate change,
7 and (2) the best science now available on global warming, glacier melt, sea rise, and coastal flooding.
8 *See* Notice re Tutorial, Dkt. 135. The Court also identified nine specific areas of inquiry: (1) the cause
9 of the various ice ages and the resulting rise in sea level; (2) the molecular difference by which CO₂
10 absorbs infrared radiation but oxygen and nitrogen do not; (3) the mechanism by which infrared
11 radiation trapped by CO₂ in the atmosphere is turned into heat and finds its way back to sea level; (4)
12 whether CO₂ in the atmosphere reflects sunlight back into space; (5) the effect of the collective heat
13 from tail pipe exhausts, engine radiators, and other heat from the combustion of fossil fuels; (6) the
14 relationship between human respiration and the buildup of CO₂ and whether plant life absorbs the CO₂
15 humans emit; (7) the main sources of CO₂ that account for the incremental buildup of CO₂ in the
16 atmosphere; (8) the main sources of heat that account for the incremental rise in temperature on Earth;
17 and (9) the GCC and GCSCT presentations referred to in the Complaint. *See* Some Questions for the
18 Tutorial, Dkt. 138.

19 The Court’s specified questions include topics that have been the subject of the professors’
20 study and analysis for decades. These men have been thought and policy leaders in the scientific
21 community and in the administrations of two different U.S. Presidents. They have extensive research
22 experience with the specific issues the Court identified. As such, they offer a valuable perspective on
23 these issues.

24 The attached presentation contains three sections: (1) an overview; (2) responses to the Court’s
25 questions; and (3) biographies of the professors. The short overview section makes the following
26 points: (1) the climate is always changing; changes like those of the past half-century are common in
27 the geologic record, driven by powerful natural phenomena; (2) human influences on the climate are a
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1 small (1%) perturbation to natural energy flows; (3) it is not possible to tell how much of the modest
2 recent warming can be ascribed to human influences; and (4) there have been no detrimental changes
3 observed in most salient climate variables and projections of future changes are highly uncertain. The
4 second section carefully goes through each of the questions the Court has raised.

5 Accordingly, Professors William Happer, Steven E. Koonin, and Richard S. Lindzen
6 respectfully request that the Court accept for consideration their attached presentation. They also are
7 available to participate in the tutorial if the Court desires.

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9 DATED: March 19, 2018

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10
11 By: /s/ Eugene Illovsky
12 Eugene Illovsky

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