

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Ashley Funk; Otis Harrison, a minor, by his guardian)
Amy Lee; **Lilian McIntyre**, a minor, by her guardian)
Jennifer McIntyre; **Rekha Dhillon-Richardson**, a minor,)
by her guardian Jaskiran Dhillon; **Austin Fortino**, a minor,)
by his guardian Ruth Fortino; **Darius Abrams**, a minor,)
by his guardian Elaine Abrams;)

Plaintiffs,)

vs.)

Case No:)

Tom Wolf, in his official capacity as Governor of)
Pennsylvania; **Pennsylvania Department of**)
Environmental Protection; John Quigley, in his official)
as Secretary of the Pennsylvania Department of)
Environmental Protection; **Pennsylvania Environmental**)
Quality Board; John Quigley, in his official capacity)
as Chairperson of the Environmental Quality Board;)
Pennsylvania Public Utility Commission; Gladys M.)
Brown, in her official capacity as Chairperson of the Public)
Utility Commission; **Pennsylvania Department of**)
Conservation and Natural Resources; Cindy Adams)
Dunn, in her official capacity as Secretary of the)
Pennsylvania Department of Conservation and Natural)
Resources; **Pennsylvania Department of**)
Transportation; Leslie S. Richards, in her official)
capacity as Secretary of the Pennsylvania Department of)
Transportation; **Pennsylvania Department of**)
Agriculture; Russell C. Redding, in his official capacity)
as Secretary of the Department of Agriculture;)

Defendants.)

COMPLAINT FOR DECLARATORY AND MANDAMUS RELIEF

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property to other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Dauphin County Bar Association
213 N. Front Street
Harrisburg, PA 17101
717-232-7536

Plaintiffs **Ashley Funk**; **Otis Harrison**, a minor, by his guardian Amy Lee; **Lilian McIntyre**, a minor, by her guardian Jennifer McIntyre; **Rekha Dhillon-Richardson**, a minor, by her guardian Jaskiran Dhillon; **Austin Fortino**, a minor, by his guardian Ruth Dana Fortino; **Darius Abrams**, a minor, by his guardian, Elaine Abrams (collectively, “Youth Plaintiffs”), by and through their attorney, hereby complain of Defendants **Tom Wolf**, in his official capacity as Governor of Pennsylvania; **Pennsylvania Department of Environmental Protection**; **John Quigley**, in his official capacity as Secretary of the Pennsylvania Department of Environmental Protection; **Pennsylvania Environmental Quality Board**; **John Quigley**, in his official capacity as Chairperson of the Environmental Quality Board; **Pennsylvania Public Utility Commission**; **Gladys M. Brown**, in her official capacity as Chairperson of the Public Utility Commission; **Pennsylvania Department of Conservation and Natural Resources**; **Cindy Adams Dunn** in her official capacity as Secretary of the Pennsylvania Department of Conservation and Natural Resources; **Pennsylvania Department of Transportation**; **Leslie S. Richards**, in her official capacity as Secretary of the Department of Transportation; **Pennsylvania Department of Agriculture**; **Russell C. Redding**, in his official capacity as Secretary of the Department of Agriculture (collectively, “Defendants”), and in support thereof state as follows:

NATURE OF THIS ACTION

1. This is an action seeking declaratory and mandamus relief requiring Defendants to take the steps necessary to regulate in a comprehensive manner Pennsylvania’s emissions of carbon dioxide (“CO₂”) and other greenhouse gases (“GHGs”) consistent with and in furtherance of the Commonwealth’s duty and obligations as public trustee under Article I, Section 27, of the Pennsylvania Constitution to conserve and maintain public natural resources, including the atmosphere, for the benefit of present and future generations. Despite the impacts of climate change within Pennsylvania, Defendants have failed to fulfill their trustee obligations to meet the Commonwealth’s Article I, Section 27 requirements by failing to regulate carbon dioxide and other greenhouse gas emissions in the Commonwealth so as to protect and benefit the beneficiaries of that trust, including the Youth Plaintiffs, thereby adversely impacting those beneficiaries and the Youth Plaintiffs. Declaratory and mandamus relief is necessary to compel Defendants to meet their public trustee obligations and thereby protect Plaintiffs as Article I, Section 27 beneficiaries.

JURISDICTION

2. This Court has original jurisdiction over this action pursuant to 42 Pa. Cons. Stat. Ann. §§ 761 and 7532.

PARTIES AND STANDING

3. Plaintiff **Ashley Funk** is from Mount Pleasant, in Southwestern Pennsylvania. She is 21 years old and is a senior at Wellesley College, where she majors in environmental studies and engineering (she maintains her permanent residency in Pennsylvania). She is excited to return to Pennsylvania when she is finished with college. Growing up, she inspired her

community by promoting environmental responsibility and health. After implementing a recycling program and anti-litter campaign in her town, Ashley moved on to making Southwestern Pennsylvania and her state aware of the larger scale environmental injustices of today. Ashley tells her story in the mini-documentary film *Stories of TRUST: Calling for Climate Recovery (TRUST Pennsylvania)*.¹

4. Climate change is impacting Ashley personally and she is concerned about how it will continue to disrupt her life. Climate models for Southwestern Pennsylvania predict a significant increase in annual temperatures and precipitation. Ashley enjoys hiking and biking on trails near her home but her ability to engage in those activities is being diminished due to increased rainfall and temperatures. Higher intensity storms have caused flooding and high flow events in the spring and increased snowfall in the winter. Ashley has already been adversely impacted by significant flooding in her town, which causes creeks to overflow into houses and entire roadways to be submerged under water. Her county is also susceptible to damaging weather conditions such as high intensity winds and tornadoes. On multiple occasions, Ashley has been forced to spend hours in her basement to be safe when there was a tornado warning. In her lifetime, Ashley has experienced an increase in the intensity of winter storm weather, which makes it more difficult to attend school or get other places. Climate change is expected to increase severe weather events, including tornados, posing great threat to Ashley.
5. Ashley fears that climate change will have significant impacts on the economy, health, and environment of her community with adverse impacts for her future. Warmer temperatures have lead to an increase in concerns about ground-level ozone in Ashley's county, which are above the recommended levels. Operations such as natural gas drilling have been shown to increase ground level ozone levels. Increased temperatures due to climate change will lead to worse air quality that will harm Ashley. In the area surrounding her home, public health and water resources have been jeopardized by extracting fossil fuels. After attending college in the Boston area, Ashley has come to appreciate and value many places there but as a result of sea level rise, those places are threatened and could be lost or greatly diminished, thus harming Ashley ability to enjoy them in the future. Ashley is proud to call the state of Pennsylvania home, but she is worried about how current and future effects of climate change may impact the health of her community, her family, and future generations. She believes that Commonwealth has the obligation to take action on climate change in order to do its part and inspire others to secure the Commonwealth's public trust resources for present and future generations.
6. Plaintiff **Otis Harrison** is a resident of Philadelphia, Pennsylvania. He is eleven years old and is in fifth grade at Germantown Friends School. Otis works hard to reduce his environmental impact by conserving water and electricity and growing food in the family's garden to reduce their carbon footprint related to food. Otis has already experienced harm from the impacts of climate disruption and will suffer greater injuries if Pennsylvania does not address the climate crisis. Extreme temperatures make it harder for Otis to participate in outdoor activities, like hiking, biking, and gym class, and make it difficult for him to concentrate when outside on very hot days. As a result, his participation in such activities has

¹ The film is available at: <http://ourchildrenstrust.org/state/pennsylvania>.

declined. At the same time, the increase in extreme weather events, such as heavy rainfalls and hurricanes, are negatively impacting Otis. He experienced the damage caused by Hurricane Sandy firsthand; his school was cancelled and there were downed trees and other widespread damage and lasting impacts throughout the area where he lives. Otis has asthma and is allergic to pollen, and it is frightening to him that his asthma and allergies have gotten worse and could continue to get worse with further climate change. Otis and his family enjoy visiting and recreating in the Catskills in New York but their ability to continue to enjoy these places will be impacted by climate change, which will adversely impact the forests, streams, and wildlife that Otis cherishes. His family used to visit a beach house in Delaware but they had to stop going because sea level rise was leading to frequent flooding of the house. Sea level rise is a threat to Otis's future and could inundate parts of Philadelphia and other places that Otis enjoys visiting and recreating within his lifetime if greenhouse gases are not reduced immediately. Otis enjoys eating clams, shrimp, and other seafood, but these important food sources are being adversely impacted by ocean acidification associated with climate change. Otis thinks that Pennsylvania has an obligation to protect the environment for him but does not think the Commonwealth is acting aggressively enough to make the necessary changes to address climate change.

7. Amy Lee is the mother and legal guardian of Otis Harrison. Her address is 6601 Emlen St., Philadelphia, PA 19119.
8. Plaintiff **Lilian (“Lily”) McIntyre** is a resident of Philadelphia, Pennsylvania. She is ten years old and in fourth grade at Germantown Friends School. Lily has already noticed the impacts of climate change on her day-to-day life and is concerned about how it will continue to disrupt her life as she grows up. Lily has asthma and is it troubling for her to think about how further climate change could make it worse. Additionally, she is allergic to pollen and fears that her allergies may get worse due to climate change. Climate disruption is impacting Lily in other ways too. The increasingly hot summer temperatures have make it hard for Lily to enjoy outdoor activities, such as riding bikes, hiking, and playing soccer. She has even had soccer cancelled because of extreme heat. Lily enjoys skiing in the Poconos and in Vermont but declining snow over the years and rising temperatures leading to reduced snowpack could undermine future skiing. Lily enjoys hiking in the forests and but the changing climate has led to an increase in dangerous ticks. While hiking Lily enjoys seeing wildlife but climate change will harm and disrupt the wildlife she enjoys seeing, thus reducing her enjoyment of nature. Lily and her family vacation on Martha's Vineyard and have seen first hand the loss of beaches and erosion caused by rising tides when one of the lighthouses they visit, Gay Head, had to be relocated further inland. They also visit beaches in Florida that are particularly vulnerable to sea level rise from climate change. Sea level rise also threatens to inundate her home city and could lead to the loss of use and enjoyment of places important to her.
9. The increasing the frequency and destructiveness of storms like Hurricane Sandy, during which she and her mother got stuck in floodwaters when a stream by her house overflowed its banks, poses immediate threats to Lily's safety and well-being. Lily has also experienced tornadoes where she lives, which are not normal and have been linked to climate change. These extreme weather events are harming her ability to use and enjoy her property. Lily

does not think that Pennsylvania is doing enough to address the climate crisis and thinks the government should work harder to transition off fossil fuels, like natural gas, and should promote renewable energy sources.

10. Jennifer McIntyre is the mother and legal guardian of Lilian McIntyre. Her address is 129 West Mount Pleasant Ave., Philadelphia, PA 19119.
11. Plaintiff **Rekha Dhillon-Richardson** is a resident of Philadelphia, Pennsylvania. She is 16 years old and a junior at Springside Chestnut Hill Academy. Rekha has had close relationship with nature since she was a young girl and is passionate about addressing the climate crisis in order to protect the Earth that she loves and minimize the impacts on human health and children. In April 2015, she organized and hosted her school's inaugural Girls Climate Change Summit, for which she received the Henry H. Meigs Leadership Award. In May 2015, she gave a TEDx talk on her climate change work.²
12. Rekha enjoys numerous outdoor activities, including hiking, biking, rock climbing, and skiing, but is climate change is impacting her ability to participate in these activities. Extremely hot summers and poor air quality have already reduced her ability to enjoy outdoor activities and the hottest days have made her lightheaded and forced her to spend more time indoors, thereby reducing her participation in and enjoyment of outside activities. With warmer winters and declining snowfall Rekha will not be able to continue to enjoy winter activities like skiing. Rekha has also been impacted by extreme weather events. When Hurricane Sandy struck in 2012, her school was cancelled and her great grandmother's home in Ocean City, New Jersey, where she likes to visit, suffered flood damage. It is distressing for her to think that such storms will only become more frequent and destructive with further climate change and may undermine the value of her home or may harm her ability to use and enjoy her property. Climate change poses a serious threat to Rekha's future and the places that are important to her. She is acutely aware that the very world she loves and relies on for her health, safety, enjoyment, and well-being is at stake. She thinks that Pennsylvania's government leaders are more concerned about their short-term personal achievements and are not paying enough attention to the serious long-term implications of climate change. She knows that we have the power and means to address climate change and believes that the youth will be an important part of that process.
13. Jaskiran Dhillon is the mother and legal guardian of Rekha Dhillon-Richardson. Her address is 2 University Mews, Philadelphia, PA 19104.
14. Plaintiff **Austin Fortino** is a resident of Philadelphia, Pennsylvania. He is 17 years old and attends George Washington Carver High School of Engineering and Science. Austin is passionate about sciences and cares deeply about climate change. He is determined to be part of the solution to the threats that it poses to his future. In order to get to school, Austin walks and uses public transportation. At school, Austin is on the Green Team. Through the Green Team, Austin helped his high school establish a recycling program, co-authored a grant to raise the money to install a water bottle filling station at school, and takes care of a greenhouse where he helps grow food.

² The TEDx talk is available at: <https://www.youtube.com/watch?v=IpWAjWasj0Y>.

15. Austin is already being harmed by Defendants' actions resulting in climate change and is concerned about how future climate impacts will harm him even more in the future unless Defendants take immediate action to reduce greenhouse gas emissions. Abnormally hot temperatures make it difficult for Austin to walk to and from school and can leave him feeling exhausted. Austin enjoys riding bikes with his father but the oppressive heat means that he spends less time biking than he would like to. Each summer, Austin and his family spend time at the beach in Delaware but Austin rising sea levels threaten to inundate the beaches and other coastal areas that Austin likes to visit and plans to return to. Austin fears that rising temperatures, droughts, and the inundation of fresh water supplies from rising sea levels could lead to future conflicts over fresh water supplies that would disrupt his life and harm him. Austin does not eat meat but he does eat fish. However, ocean acidification is degrading the marine ecosystem and harming the seafood that makes up an important part of his diet. Seasonal allergies afflict Austin and climate change is making his allergies worse and more disruptive to his life. Austin does not think that Pennsylvania is doing enough to address the climate crisis and is hoping that they will respond to the climate crisis with a sense of urgency in order to protect him from the worst impacts of climate change.
16. Ruth Fortino is the mother and legal guardian of Austin Fortino. Her address is 505 Denise Dr., Philadelphia, PA 19116.
17. Plaintiff **Darius Abrams** is a resident of Philadelphia, Pennsylvania. He is 16 years old and attends George Washington Carver High School of Engineering and Science. Darius enjoys studying environmental studies and science and is passionate about helping others and volunteering to support community projects. As a member of his school's Green Team, Darius helps educate students about their recycling program and works in the school's community garden.
18. Darius is experiencing disruptions from climate change in his life and he fears that the impacts will get worse in the near future unless Pennsylvania reduces its greenhouse gas emissions. Rising temperatures reduce Darius' ability to play sports and spend time outside in the summer. During the winter, Darius enjoys skiing, but rising temperatures mean less snow and snowboarding will become impossible. Darius suffers from seasonal allergies and has been diagnosed with asthma; his allergies and asthma will get worse due to climate change. Darius witnessed and experienced firsthand the destruction that extreme weather events like Hurricane Sandy can cause. Such extreme weather events will disrupt his life in the future even more. Darius and his family enjoy visiting family and vacationing in Florida, Georgia, New York, and New Jersey, where they like to spend time on beaches. However, rising sea levels that will inundate these, and other places, where Darius likes to recreate, means that he will not be able to visit these places in the future. Sea level rise will also inundate parts of Philadelphia where Darius visits and spends time. Ocean acidification is impacting Darius because he enjoys eating shellfish and other fish that are being adversely impacted by dangerous levels of CO₂ in the atmosphere.
19. Elaine Abrams is the mother and legal guardian of Darius Abrams. Her address is 5405 Oakland St., Philadelphia, PA 19124.

20. Youth Plaintiffs represent the youngest living generation of Pennsylvania’s public trust beneficiaries, and have a substantial, direct, and immediate interest in protecting the environment, their quality of life, and in ensuring that the climate remains stable enough to secure their constitutional rights to a livable future. A livable future includes the opportunity to drink clean water, to grow food that will abate hunger, to be free from direct and imminent property damage caused by extreme weather events, to be able to enjoy and benefit from the use of property, and to enjoy the abundant and rich biodiversity in Pennsylvania. Youth Plaintiffs are suffering both immediate and threatened injuries as a result of actions and inactions by Defendants and will continue to suffer more injuries to their health, personal safety, bodily integrity, cultural and spiritual practices, economic stability, food security, property, and recreational interests without the relief sought here.
21. Defendant **Governor of Pennsylvania, Tom Wolf**, in his official capacity, is vested with the supreme executive power of the Commonwealth and must ensure that the laws are faithfully executed pursuant to Article IV, Section 2. The Governor may call to special session the General Assembly “whenever in his opinion the public interest requires,” pursuant to Article II, Section 4, and to convene the General Assembly for extraordinary session when proper, pursuant to Article IV, Section 12.
22. Defendant **Pennsylvania Department of Environmental Protection** (“DEP”) is an agency of the Commonwealth established by statute, 71 Pa. Cons. Stat. Ann. § 1340.101. The DEP has been designated, and operates in fact, as a trustee in protecting and preserving the rights and values contained in Article I, Section 27 of the Pennsylvania Constitution. Much of the regulatory authority for reducing greenhouse gas emissions and protecting the Commonwealth’s environment fall under the purview of the DEP. The DEP is not exercising its regulatory authority according to the current scientific understanding of achieving safe CO₂ and CO₂e levels in the atmosphere. The DEP has failed to use its statutory and regulatory authority to reduce the Commonwealth’s emissions by amounts needed to contribute to a healthy atmosphere and stable climate and protect the public trust resources of the Commonwealth. DEP issues oil and gas well permits.
23. Defendant **John Quigley**, is the current Secretary of the Pennsylvania Department of Environmental Protection, and in his official capacity, is responsible for all actions of the Department of Environmental Protection.
24. Defendant **Environmental Quality Board** (“EQB”) adopts all of the Department of Environmental Protection’s regulations and is chaired by the Secretary of the Department of Environmental Protection. The EQB is charged with developing a “Master Environmental Plan” for the Commonwealth and has the power and duty to formulate, adopt and promulgate such rules and regulations as may be determined by the board for the proper performance of the work of DEP. The EQB has failed to formulate, adopt, and promulgate rules and regulations that would reduce the Commonwealth’s GHG emissions by amounts needed to contribute to a healthy atmosphere and stable climate and protect the public natural resources of the Commonwealth.

25. Defendant **John Quigley**, is the current Chairperson of the Environmental Quality Board and, in his official capacity, is responsible for all actions of the Environmental Quality Board.
26. Defendant **Pennsylvania Public Utility Commission** (“PUC”) has the mission of balancing the needs of consumers and utilities, ensuring safe and reliable utility access, protecting the public interest, educating consumers, furthering economic development, and fostering new technologies and competitive markets in an environmentally sound manner. The electricity generation, transmission, and distribution sector is the largest source of GHG emissions in Pennsylvania and its portion of the State’s GHG emissions is expected to increase through 2020. Almost all of Pennsylvania’s electricity comes from fossil fuel-fired power plants; almost none comes from renewable energy sources. Despite significant opportunities to reduce GHG emissions from the electricity sector, including by transitioning to renewable energy sources, the PUC has not adequately pursued these options.
27. Defendant **Gladys M. Brown**, is the current Chairperson of the Pennsylvania Public Utility Commission and, in her official capacity, is responsible for all actions of the Public Utility Commission.
28. Defendant **Pennsylvania Department of Conservation and Natural Resources** (“DCNR”) is charged with maintaining, improving, and preserving State parks, managing forest lands for their long-term health, sustainability and economic use and to advocate for protection of other state resources, like rivers and greenways, in the public trust for the benefit of present and future generations. The DCNR also has the authority to make an execute contracts of leases for mining minerals that are found in State forests. Pennsylvania’s forests are important for sequestering carbon but the amount of carbon sequestered has decreased from 2000 to 2020, primarily due to conversion of forest land to developed uses. DCNR has failed to use its statutory and regulatory authority to protect the public trust resources under its jurisdiction from the degradation caused by climate change and to properly protect forests, as important carbon sinks.
29. Defendant **Cindy Adams Dunn**, is the current Secretary of the Pennsylvania Department of Conservation and Natural Resources and in her official capacity is responsible for all actions of the Department of Conservation and Natural Resources.
30. Defendant **Pennsylvania Department of Transportation** (“PennDOT”) is responsible for planning, design, construction, and maintenance of Pennsylvania’s transportation system, including roads, roads, aviation, and mass transit. For transportation routes that require the acquisition of new or additional right-of-way, PennDOT must consider the impacts on air and water pollution, wildlife, public health and safety, recreation and parks, among other things. Pennsylvania’s transportation sector is responsible for approximately twenty-five percent of the Commonwealth’s annual GHG emissions. There are substantial opportunities to reduce transportation emissions in Pennsylvania, including increasing vehicle efficiency, reducing vehicle miles traveled for individuals and commercial entities, and promoting public transportation. PennDOT has authority to implement important transportation and land use plans that would reduce Pennsylvania’s GHG emissions but it is not using it authority to

adequately pursue plans to reduce emissions. For plans that would require new legislation, PennDOT should seek authority and funding through new legislation.

31. Defendant **Leslie S. Richards**, is the current Secretary of the Pennsylvania Department of Transportation and, in her official capacity, is responsible for all actions of the Department of Transportation.
32. Defendant **Pennsylvania Department of Agriculture** encourages, protects, and promotes agriculture and related industries throughout the Commonwealth while providing consumer protection. Soil management, manure management, grazing management, the burning of other agricultural crop waste, and other actions subject to control and regulation by the Department of Agriculture all contribute to Pennsylvania's annual GHG emissions. Changes in these practices could lead to a reduction in GHG emissions. Furthermore, if done properly, crop cultivation can reduce GHG emissions by sequestering carbon from the atmosphere, an essential component of any comprehensive plan to address climate disruption since atmospheric CO₂ concentrations have already exceed safe levels. Encouraging consumption of local foods, backyard farms, urban farming, and consolidating food transportation and distribution can also help reduce GHG emissions related to agriculture and the food sector.
33. Defendant **Russell C. Redding**, is the current Secretary of the Pennsylvania Department of Agriculture and, in his official capacity, is responsible for all actions of the Department of Agriculture.
34. All Defendants are agents of the Commonwealth and are required to comply with Pennsylvania's Constitution.

FACTUAL BACKGROUND

The Problem of Climate Change

35. There is an overwhelming scientific consensus that human-caused climate change is occurring. The present rate of global heating is a result of anthropogenic GHG emissions, primarily CO₂ emissions from the combustion of fossil fuels. This release of greenhouse gases into the atmosphere has disrupted Earth's energy balance, thereby changing Earth's climate.
36. The 2014 National Climate Assessment acknowledged that "[t]he cumulative weight of the scientific evidence . . . confirms that climate change is affecting the American people now, and that choices we make will affect our future and that of future generations."
37. Greenhouse gasses in the atmosphere act like a blanket over the Earth to trap the heat that it receives from the sun. More GHGs in the atmosphere means that more heat is being retained on Earth, with less heat radiating back out into space. Without this greenhouse effect, the average surface temperature of our planet would be 0°F (-18°C) instead of 59°F (15°C). Scientists have understood this basic mechanism of global warming since the late-nineteenth century.

38. A substantial portion of every ton of CO₂ emitted by humans persists in the atmosphere for as long as a millennium or more, therefore the impacts associated with CO₂ emissions of today will be mostly borne by our children and future generations. The Earth will continue to warm in reaction to concentrations of CO₂ from past emissions, as well as future emissions.
39. In 2013, the atmospheric CO₂ concentration exceeded 400 parts per million (“ppm”) for the first time in recorded history, compared to the pre-industrial concentration of 280 ppm. The current atmospheric CO₂ concentration is the highest it has been in the last 800,000 years and is accumulating 100 times faster.
40. Human civilization and the water sources, crops and foods, and coastlines on which people depend have developed within a very narrow set of climatic conditions. It will be nearly impossible to adapt to all of the climate change impacts in the quick time-frame in which they will occur. The survival of humans is significantly threatened by climate destabilization.
41. Because the climate change we are now experiencing is caused largely by human activity, unlike past climate change events, by changing our activities, humans can mitigate or even halt this warming before it causes catastrophic and irreversible effects. Stopping, or at least greatly curtailing, the activities that discharge greenhouse gases into the air, such as the extraction and burning of fossil fuels and deforestation, and encouraging activities that remove CO₂ from the atmosphere (such as reforestation), can greatly reduce and even end climate disruption and ocean acidification and its accompanying consequences within the lifetimes of today’s children.

Impacts of Climate Change Across the Nation and the Globe

42. Global climate change is already damaging human and natural systems, causing loss of life, and pressing species to extinction. Unless arrested by immediate science-based action, climate change will produce calamitous consequences for humanity and nature alike, as tipping points are reached and points of no return are crossed.
43. Two important tipping points pertaining to the stability of the West and East Antarctic ice sheets have in all likelihood already been passed. According to recent scientific reports, both the West Antarctic ice sheet and the East Antarctic ice sheet are in irreversible declines. Their combined melting will raise sea levels by at least 22 feet, impacting millions of Americans and trillions of dollars of property.
44. New scientific evidence demonstrates that non-linear sea level rise could lead to as much as 10 feet of sea level rise by 2065, which would submerge much of the eastern seaboard of the U.S., unless there are immediate reductions in CO₂ emissions.
45. Well-documented and observable impacts from the changes in Earth’s climate system highlight that the current level of atmospheric CO₂ concentration has already taken the planet into a danger zone. Increased GHG emissions are already resulting in not only the warming of land surfaces, but also to the warming of oceans, increased atmospheric moisture levels,

rises in the global sea level, and changes in rainfall and atmospheric air circulation patterns that affect water and heat distribution.

46. One key observable change is the rapid increase in recorded global surface temperatures. As a result of increased atmospheric GHGs from human activities, based on fundamental scientific principles, the Earth has been warming as scientists have predicted. The increased concentrations of greenhouse gases in our atmosphere have raised global surface temperature by 1.5°F (0.90°C) in the last one hundred to one hundred fifty years. In the last thirty years, the acceleration of change has intensified as the Earth has been warming at a rate three times faster than that over the previous one hundred years. Last year, 2014, was the hottest year on record, according to National Aeronautics and Space Administration (“NASA”).
47. The United States Environmental Protection Agency (“EPA”) has found that climate change already harms our health and welfare and will only worsen without regulatory action.
48. Human-caused fossil fuel extraction and burning and the resulting climate change are already contributing to an increase in asthma, cancer, cardiovascular disease, stroke, heat-related morbidity and mortality, food-borne diseases, and neurological diseases and disorders. Climate change threatens the basic requirements for maintaining health like clean air and pure water, sufficient food, and adequate shelter. It also increases occurrence of infectious diseases.
49. Similarly, climate change is already causing, and will continue to result in, more frequent, extreme, and costly weather events, such as floods and hurricanes. The annual number of major tropical storms and hurricanes has increased over the past 100 years in North America, coinciding with increasing temperatures in the Atlantic sea surface.
50. Climate change and ocean acidification are threatening the survival and wellbeing of plants, fish and wildlife, and Earth’s biodiversity. As many as one in six species are threatened with extinction due to climate change. Many more species that do not face extinction will face changes in abundance, distributions, and species interactions that cause adverse impacts for ecosystems and humans.
51. Increased CO₂ emissions are having a severe negative impact on our oceans, in addition to our climate systems. The oceans absorb around 25% of global CO₂ emissions, resulting in the acidification of our oceans.
52. Ocean acidity has been rising at a geologically unprecedented rate. Currently, acidity is rising at least 100 times faster than at any other period during the last 100,000 years, threatening marine life, including human food sources.
53. We are already observing impacts of the relatively small amount of warming that has already occurred, and these constitute harbingers of far more dangerous change to come. If unabated, continued GHG emissions will initiate dynamic climate change and effects that spin out of control for the youth and future generations as the planet’s energy imbalance triggers amplifying feedbacks and the climate system and biological system pass critical tipping

points. Such changes would be irreversible on any time scale relevant to human beings and threaten human survival.

Impacts of Climate Change in Pennsylvania

54. The effects of climate change are already occurring in Pennsylvania and are projected to significantly impact the Commonwealth in the future. In the past 110 years, the overall temperature in Pennsylvania has increased by 1.3°C (2.4°F) due to anthropogenic greenhouse gas emissions.
55. Climate change is already disrupting the hydrological cycle in Pennsylvania and continued climate change will lead to greater disruptions. Pennsylvania is already experiencing an increase in heavy precipitation events, a decrease in snow cover, a decrease in summer runoff, a decrease in summer and fall soil moisture, and an increase in short- and medium-term soil moisture droughts. Rising stream temperatures could also degrade water quality. Additionally, rising sea levels cause degradation of fresh groundwater supplies due to saltwater intrusion.
56. If the atmospheric concentration of CO₂ rises to 450 ppm sea levels are expected to rise at least 6-8 meters. This would be a major disruption to the Delaware River and Estuary, wetlands and parks along the river, and would inundate significant portions of Philadelphia, including the Philadelphia International Airport, Citizens Bank Park, the Philadelphia Navy Yard, the Philadelphia CSX rail yard, and numerous neighborhoods and other businesses.
57. Rising temperatures are degrading, diminishing, and depleting the water quality and quantity of streams, rivers, and wetlands leading to a decrease in biodiversity. Some wetlands may also disappear due to increased evaporation and transpiration and longer dry periods. Increased water temperatures will degrade, diminish, and deplete cold-water aquatic species like brook trout while leading to an increase in invasive species.
58. Climate change is degrading, diminishing, and depleting Pennsylvania's forests and leading to species composition shifts, greater tree stress, shifts in regeneration rates, more tree mortality, and increases in insect, disease, and invasive species activities.
59. Higher temperatures contribute to heat-related deaths and also lead to increased formation of ground-level ozone. Ozone is linked to adverse health impacts including asthma, respiratory infections, increased mortality, and wheezing. Other health impacts associated with climate change may include an increase in people suffering from allergies as pollen increases.
60. Without immediate science-based reductions in CO₂ and other GHGs, there is an immediate and substantial danger that within Youth Plaintiffs' lives, higher temperatures, water and food shortages, droughts, floods, extreme weather events, sea level rise, and other climate impacts will make significant portions of Pennsylvania unfit to live in and will threaten the very survival of Pennsylvania citizens. This is not a distant threat but one that will be realized in the coming decades unless the Commonwealth acts with urgency to do its part to reduce CO₂ and GHG emissions and restore the atmosphere.

Pennsylvania's Contribution to Climate Change and Ocean Acidification

61. Pennsylvania is a major consumer and producer of fossil fuels. Pennsylvania's historical and current emissions of carbon dioxide have been, and continue to be, a contributor to global climate change and ocean acidification.
62. In 2012, Pennsylvania's carbon dioxide emissions from fossil fuel consumption were 233.7 million metric tons, third highest in the nation after Texas and California. Between 1990 and 2012, the Commonwealth allowed 8,682.1 million metric tons of carbon dioxide from fossil fuel consumption to be emitted from within Pennsylvania. In 2011, Pennsylvania's per capita energy-related carbon dioxide emissions were 19.2 metric tons of CO₂ per person, higher than the national average of 17.3 metric tons of CO₂ per person. Importantly, Pennsylvania's emissions data do not include embedded emissions (also known as consumption emissions) in imported goods and materials that are consumed in Pennsylvania but manufactured or produced out of state.
63. According to the U.S. Energy Information Administration, in 2013, Pennsylvania was the fifth largest coal-producing state in the nation and the second largest natural gas-producing state. In 2013, only five states consumed more natural gas than Pennsylvania and only four states consumed more coal.
64. According to emissions data from the U.S. Energy Information Administration, if Pennsylvania were a country, it would be the 26th largest emitter of GHGs in the world.

The Current Science

65. To protect Earth's climate for present and future generations, and to prevent the degradation, diminution, and depletion of Pennsylvania's public trust assets, Earth's energy balance must be restored. The best available science shows that if the planet once again sends as much energy into space as it absorbs from the sun, this will restore the planet's climate equilibrium. Scientists have accurately calculated how Earth's energy balance will change if we reduce long-lived greenhouse gases such as carbon dioxide. Humans have altered Earth's energy balance and are currently causing a planetary energy imbalance of approximately one-half watt. The atmosphere contains at least 50 ppm more CO₂ than it should. This excess CO₂ needs to be eliminated in order to increase Earth's heat radiation into space by one-half watt, if other long-lived gases stay the same as today.
66. We must reduce atmospheric carbon dioxide concentrations to below 350 ppm in order to avoid significant disturbance of physical and biological systems as a result of global climate change and to achieve stabilization of the GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.
67. The current science also shows that to protect Earth's natural systems, long-term average global surface heating should not exceed 1°C this century. According to the current climate science, to prevent global heating greater than 1°C, concentrations of atmospheric CO₂ must

decline to 350 ppm or less by the end of this century. However, today's atmospheric CO₂ levels are about 400 ppm and are rising.

68. A target of keeping global surface heating to 2°C above pre-industrial temperatures, which approximately equates to an atmospheric CO₂ concentration of 450 ppm, cannot be considered a safe target for present or future generations, and is not supported by current science of climate stabilization. Earth's paleoclimate history demonstrates that climate impacts accompanying global warming of 2°C or more would be irreversible and catastrophic for humanity. The warming of the past few decades has brought global temperature close to if not slightly above the prior maximum of the Holocene epoch. Human society must keep global temperature at a level within or close to the Holocene range to prevent dangerous climate change. Global warming of 2°C would be well above Holocene levels and far into the dangerous range.
69. A global average atmospheric concentration of CO₂e 450 and 550 ppm would result in dangerous anthropogenic interference with the climate system and would threaten all public natural resources in Pennsylvania.
70. It is imperative that Pennsylvania set GHG emission limits targeted at 1°C temperature change, or a maximum of 350 ppm in global CO₂ levels, in order to avoid the cascading impacts that will occur with a 2°C or 450 ppm target. To reduce global atmospheric CO₂ to 350 ppm by the end of this century, this target would require that if global CO₂ emissions had peaked in 2012, they be reduced by 6% per year beginning in 2013, alongside 100 GtC of global reforestation throughout the century. If emissions peaked and reductions began in 2005, only a 3.5% per year reduction would have been necessary to reach 350 ppm by 2100. However, if emission reductions do not begin until 2020, a 15% per year reduction rate will be required to reach 350 ppm by 2100. If reductions are delayed beyond 2020, it might not be possible to return to 350 ppm until well after 2500.
71. Continued delay makes it harder and harder for Youth Plaintiffs and future generations to protect a livable world. It is imperative that Defendants calibrate state emission limits to put Pennsylvania on a trajectory aimed for 350 ppm and then establish a plan that will put Pennsylvania on a track towards ensure that Pennsylvania does its part to meet these limits.
72. Oceans have the same scientific standard of protection. Humans, marine organisms, and ecosystems are already harmed and will increasingly continue to be harmed by the effects of ocean acidification. To prevent the degradation, diminution, or depletion of the oceans and oceanic resources, it is imperative that atmospheric CO₂ concentrations be returned to below 350 ppm by the end of this century.
73. Previous projections based on maintaining atmospheric carbon concentrations at or below 450 ppm are not sufficient to avoid severe, irreversible damage as a result of ocean acidification and ocean warming. According to current science, 450 ppm represents a tipping point for coral reefs worldwide. If atmospheric CO₂ levels reach this tipping point, coral reefs as we know them will be extremely rare, if not extinct, and at least half of coral-associated

wildlife will become rare or extinct. As a result, coral reef ecosystems will likely be reduced to crumbling frameworks with few calcareous corals remaining.

74. Current climate change legislation, policy, and rules in Pennsylvania are not in line with the trajectory of achieving atmospheric CO₂ levels of 350 ppm by the end of the century, nor do they appear to be based on any scientific standard of preventing and remedying the degradation, diminution, or depletion of Pennsylvania's public trust resources.

LEGAL BACKGROUND

The Public Trust Secured by Pennsylvania's Constitution

75. Article I, Section 1 of the Pennsylvania Constitution states:

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

76. Article I, Section 25 of the Pennsylvania Constitution states:

To guard against the transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

77. Article I of the Pennsylvania Constitution, Declaration of Rights, delineates the terms of a social contract between government and the people. The rights declared in Article I are fundamental and inviolate rights that act as a restriction on the general powers of government. These rights are secured, not bestowed, by the Constitution.

78. Article I, Section 27 of the Pennsylvania Constitution states:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

79. The first sentence of Article I, Section 27 secures two rights in the people which bind state and local governments:

- a. The first is a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment.
- b. The second is a limitation on the state's power to act contrary to this right.

80. The Commonwealth has an obligation to refrain from acting in a manner that unduly infringes upon or violates the rights protected in the first sentence of Article I, Section 27, including by legislative enactment or executive action.
81. The second and third sentences of Article I, Section 27 secure a public trust designed to benefit all of the people and establishes duties, both prohibitory and affirmative, on the Commonwealth. Public natural resources are owned in common by the people, including future generations. The Commonwealth, as trustee, has a fiduciary duty to “conserve and maintain” public natural resources.
82. Public natural resources include state-owned lands, forests, waterways, and mineral reserves, as well as the air, the atmosphere, surface and ground water, and wild flora and fauna, including fish.
83. As trustee, the Commonwealth has a duty to refrain from permitting or encouraging the degradation, diminution, or depletion of public natural resources, as well as a duty to act affirmatively to protect the environment, via legislative and regulatory action.
84. Defendants, as trustees, have the duty of loyalty to administer the trust solely in the interest of the trust beneficiaries—both present and future generations of citizens. Defendants, as trustees, have the duty of prudence to exercise ordinary skill, prudence, and caution in managing the public trust assets. Defendants, as trustees, have the duty of impartiality to not favor one beneficiary over another.
85. Present and future generations are equal classes of beneficiaries of the public trust under Article I, Section 27. Thus, when carrying out its public trustee obligations, the Commonwealth and its representatives must treat present and future generations equally. In this way, the cross-generational dimension of Section 27 reinforces the conservation imperative: future generations are among the beneficiaries entitled to equal access and distribution of the resources, thus, the trustee cannot be shortsighted.
86. Each of the named Defendants, as an agent of the Commonwealth, is a trustee of the public natural resources and is obligated to comply with Article I, Section 27 of the Pennsylvania Constitution.
87. Minor children (who cannot vote) and future generations (not yet born) have no political representation in the Commonwealth, but do hold these constitutional rights and may seek, in a court of law, to protect them.

CAUSE OF ACTION

88. Plaintiffs hereby re-allege and incorporate by reference herein all the preceding paragraphs.
89. Pursuant to Article I, Section 27 of the Pennsylvania Constitution, Youth Plaintiffs each possess two clear and fundamental legal rights. First, pursuant to the first sentence of that section, they each have fundamental and inviolate rights to clean air, pure water, and to the

preservation of natural, historic, and esthetic values of the environment. Thus, Article I, Section 27 of the Pennsylvania Constitution protects Youth Plaintiffs, and other beneficiaries, from actions by Defendants that unreasonably cause actual or likely degradation of these resources. Second, as citizens of the Commonwealth, the Youth Plaintiffs are each beneficiaries of the public trust created by the second and third sentences of Article I, Section 27, and thus are entitled to the proper performance of the fiduciary duty of the public trustee—in this case, the conservation and maintenance of clean air and safe levels of CO₂ and GHGs in accordance with current climate science.

90. Defendants have two distinct mandatory duties arising from Article I, Section 27. First, with respect to the fundamental right to clean air, pure water, and to the preservation of natural, historic, and esthetic values of the environment recognized in the first sentence of Article I, Section 27, Defendants have a duty to not act contrary to that right. Second, with respect to the public trust created by the second and third sentences of Article I, Section 27, Defendants have a mandatory fiduciary duty as the public trustee to conserve and maintain the public natural resources that manifests itself in two separate duties: a duty to refrain from permitting or encouraging the degradation, diminution, or depletion of public natural resources, and the duty to act affirmatively to protect the environment—in this case, the conservation and maintenance of clean air and safe levels of CO₂ and GHGs in accordance with current science.
91. Defendants have failed to carry out their mandatory duty to not act contrary to the fundamental right to clean air, pure water, and to the preservation of natural, historic, and esthetic values of the environment recognized in the first sentence of Article I, Section 27 by, among other things:
 - a. Engaging in actions that authorize, permit, allow, contribute to, or otherwise enable and lead to dangerous levels of carbon dioxide and other greenhouse gas emissions, which have unreasonably contributed to the actual degradation of the air, water, and natural, historic, and esthetic values of the environment;
 - b. Failing to regulate in a comprehensive way the emissions of CO₂ and GHGs through a program that, among other things, does the following:
 - i. Determine by regulation or other official action the levels of atmospheric concentrations of carbon dioxide and other greenhouse gases that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere;
 - ii. Prepare, calculate, and disclose via regulation or other official action the current levels of atmospheric concentrations of carbon dioxide and other greenhouse gases and how those levels compare with the concentrations of carbon dioxide and other greenhouse gases that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere;

- iii. Prepare comprehensive regulations, in accordance with the current science, designed to account for embedded emissions and reduce carbon dioxide and other greenhouse gas emissions to safe levels and thereby reach the concentrations that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere;
- iv. Implement regulations that will in fact reduce carbon dioxide and other greenhouse gas emissions to safe levels and thereby reach the concentrations that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere; and
- v. Otherwise demonstrate that it is taking action in line with current science on safe levels of carbon dioxide that will protect the atmosphere and other public trust resources in the Commonwealth from the harms caused by greenhouse gas pollution, primarily climate destabilization.

92. As a result, The Youth Plaintiffs' constitutional rights to a healthy atmosphere, clean air, pure water, and to the preservation of natural, historic, and esthetic values of the environment have been infringed upon, and continue to be further infringed upon, by Defendants' actions, and the Youth Plaintiffs have been injured as a result of Defendants' actions.

93. Defendants have failed to carry out their mandatory duties with respect to the public trust created in the second and third sentences of Article I, Section 27 by, among other things:

- a. Engaging in actions that authorize, permit, allow, contribute to, or otherwise enable and lead to dangerous levels of carbon dioxide and other greenhouse gas emissions, which have unreasonably contributed to the actual degradation of the air, water, and natural, historic, and esthetic values of the environment;
- b. Failing to regulate in a comprehensive way the emissions of CO₂ and GHGs through a program that, among other things, does the following:
 - i. Determine by regulation or other official action the levels of atmospheric concentrations of carbon dioxide and other greenhouse gases that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere;
 - ii. Prepare, calculate, and disclose via regulation or other official action the current levels of atmospheric concentrations of carbon dioxide and other greenhouse gases and how those levels compare with the concentrations of carbon dioxide and other greenhouse gases that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere;
 - iii. Prepare comprehensive regulations, in accordance with the current science, designed to account for embedded emissions and reduce carbon

dioxide and other greenhouse gas emissions to safe levels and thereby reach the concentrations that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere;

- iv. Implement regulations that will in fact reduce carbon dioxide and other greenhouse gas emissions to safe levels and thereby reach the concentrations that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere;
- v. Otherwise demonstrate that it is taking action in line with current science on safe levels of carbon dioxide that will protect the atmosphere and other public trust resources in the Commonwealth from the harms caused by greenhouse gas pollution, primarily climate destabilization; and
- vi. Adequately conserve and maintain carbon sinks, such as forests, soils, and agricultural land in order to fulfill its fiduciary obligation to conserve and maintain public natural resources and to prevent and remedy their degradation, diminution, and depletion.

94. As a result, Youth Plaintiffs' rights as beneficiaries of the public trust created by the second and third sentences of Article I, Section 27 have been infringed upon, and continue to be further infringed upon, by Defendants' failure to conserve and maintain these public natural resources, and the Youth Plaintiffs have been injured as a result of Defendants' actions.

95. By failing to fulfill their fiduciary duties to protect public natural resources from degradation, diminution, or depletion, Defendants are allowing dangerous levels of carbon dioxide and other greenhouse gases, which are contributing to climate change and ocean acidification, to continue to be emitted from Pennsylvania.

96. The Youth Plaintiffs have no appropriate and adequate remedy other than to seek declaratory relief and a writ of mandamus in this Court. In fact, DEP opposed the regulation of carbon dioxide emissions in connection with the November 2013 Petition for Rulemaking to the Environmental Quality Board submitted by Plaintiff Ashley Funk. In November 2014, the EQB accepted DEP's recommendation and denied the Petition for Rulemaking. Thus, Plaintiffs lack administrative and non-equitable remedies to compel DEP to fulfill its mandatory duties under Article I, Section 27.

REQUEST FOR RELIEF

WHEREFORE Youth Plaintiffs pray for judgment against Defendants, and request that this Court:

1. Declare that the atmosphere is a public trust resource falling within Article I, Section 27 of the Pennsylvania Constitution;

2. Declare that each named Defendant, as the Commonwealth's duly authorized representatives, have public trustee duties to protect the atmosphere and other public natural resources pursuant to Article I, Section 27 of the Pennsylvania Constitution;

3. Declare that each named Defendant, as the Commonwealth's duly authorized representatives, have failed to meet the public trustee duties under Article I, Section 27 of the Pennsylvania Constitution by failing to regulate carbon dioxide and other greenhouse gas emissions to achieve safe levels according to the current climate science;

4. Issue a writ of mandamus ordering Defendants to:

- a. Determine by regulation or other official action the levels of atmospheric concentrations of carbon dioxide and other greenhouse gases that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere;
- b. Prepare, calculate, and disclose via regulation or other official action the current levels of atmospheric concentrations of carbon dioxide and other greenhouse gases and how those levels compare with the concentrations of carbon dioxide and other greenhouse gases that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere;
- c. Prepare comprehensive regulations, in accordance with the current science, designed to account for embedded emissions and reduce carbon dioxide and other greenhouse gas emissions to safe levels and thereby reach the concentrations that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere;
- d. Implement regulations that will in fact reduce carbon dioxide and other greenhouse gas emissions to safe levels and thereby reach the concentrations that must be achieved to satisfy their constitutional obligations as public trustees of the air and atmosphere;

5. Award Plaintiffs their costs and reasonable attorney's fees as provided by law;
and

6. Such other and further relief as the court may deem just and proper.

Respectfully submitted,

By: /s/ Kenneth T. Kristl

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Counsel for Plaintiffs

VERIFICATION

I, Jennifer McIntyre, as parent and guardian of Lilian McIntyre, a minor, having first been duly sworn, do hereby depose and say that the factual allegations in the foregoing Complaint for Declaratory and Mandamus Relief are true, accurate, and can be proved in the trial of this cause to the best of my personal knowledge, information, and/or belief.

Date: Sept. 15, _____, 2015

Jennifer McIntyre
Jennifer McIntyre, as parent and guardian of Lilian McIntyre, a minor

Subscribed and sworn to before me
on this 15 day of September, 2015

Virginia M. D'Ambrosio
Notary Public

