

Case No. 18-80176

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KELSEY CASCADIA ROSE JULIANA, *et al.*,
Plaintiffs-Appellees,
v.
UNITED STATES OF AMERICA, *et al.*,
Defendants-Appellants.

On Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b)

**DECLARATION OF NICHOLAS V. IN SUPPORT OF PLAINTIFFS'
URGENT MOTION UNDER CIRCUIT RULE 27-3(b) FOR
PRELIMINARY INJUNCTION**

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I, Nicholas V., hereby declare and if called upon would testify as follows:

1. I am a plaintiff in the above-entitled action. I submit this declaration in support of Plaintiffs' motion for an injunction pending the appeal. I have personal knowledge of the facts I state herein and I would testify to these facts if I were asked to do so under oath in court.
2. I am a 17-year-old citizen of the U.S. and a resident of Lakewood, Colorado. I see climate change caused by Defendants as a threat to human civilization and have given numerous presentations educating people about the science of climate change. As a Catholic, I am drawn to the intersection between my church and environmental stewardship, and was inspired by Pope Francis's 2015 encyclical, *On Care for Our Common Home*. But in addition to my faith's call to action, the impacts climate change is having on me are also deeply personal and harmful.
3. Among my favorite places in the world to visit are the forests of Colorado. I have often visited these forests to go hiking, fishing, and camping, including the Mt. Evans area. Now, pine beetles and wildfires have destroyed many forests in Colorado, which has forced me to stop visiting some of my favorite places, including the Mt. Evans area and north of Grand Lake. Not being able to recreate in the forest the same way I used to be able to reduces my level of

activity, which harms me physically, and infringes on my enjoyment of the natural world.

4. The increasing wildfires where I live harms my health and well-being in other ways too. I have asthma. The wildfire smoke makes it impossible for me to exercise and sometimes I can't even go outside at all on particularly poor air quality days. Whenever I exercise when there is poor air quality I have coughing fits and I have difficulty breathing due to my asthma. My asthma is worse when I am outside. I have to use my inhaler when I exercise, but that is usually not enough to stop my asthma from recurring. I also have to use a medication, Allegra, when my asthma is bad. Sometimes, when there is a lot of wildfire smoke in the air, I am able to swim indoors and not experience my asthma as much, but it does not replace the ease of, and my preference for, outdoor exercise.
5. Fossil fuel pollution in the Denver area also harms the air quality where I live. When this happens, my health also suffers from increased incidence of asthma attacks. Apart from the summer wildfires and smoky skies, the winter and spring seasons are particularly bad for my asthma due to poor air quality.
6. My inability to consistently exercise outdoors due to asthma has made it hard for me to get in shape and stay physically healthy, which has other adverse health effects. I am overweight and I do not feel strong in my body as a result.

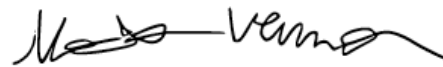
My immune system is also weaker from my increased incidence of asthma and my resulting overweight and I worry about my longer-term health and my ability to prevent disease through exercise, like heart disease or diabetes.

7. With particularly bad asthma attacks, I develop bronchitis-like coughs, which regularly cause me to miss multiple weeks of school at a time, each school year.
8. I am probably one of the most pessimistic plaintiffs. The recent delays in our case have made me feel like it's a long shot that our government will listen to us and stop this crisis that threatens our health and our lives. I don't like being reminded of the losses right now so I try to shut it out of my mind. Sometimes I try to keep in mind that this problem has solutions and it's not unsolvable. It's hard to hold onto that when I know that the speed at which we achieve those solutions greatly matters. And the government is not just going to slow, it is going backwards.
9. When I let myself think about it and feel it and am not just pushing it out of my mind, I am incredibly frustrated and sad by the delay in the courts and the expansion of fossil fuel production on public lands in Colorado, when the government has known for so long that we should be going the other direction. At the current point in time, we are out of hope in the legislative branches. Even if the political climate changes in 2020, we can't wait until then to start working to stop climate change from worsening. The tipping points are looming.

10. Every single second we don't fix this problem, more CO₂ is being added to the atmosphere and oceans and that does not just go away. Every *minute* we delay, sea level rise and every other climate impact will get worse. I want to emphasize the urgent nature of what we face and what this case is about. *It's irreversible!*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 7, 2019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nick V.", written over a horizontal line.

Nick V.