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**IN THE UNITED STATES DISTRICT COURT  
 OF OREGON, EUGENE DIVISION**

Juliana, Kelsey et. al  
 Plaintiff,  
 v.  
 United States of America, et al.,  
 Defendants.

No. 6:15-cv-1517 (D. Or.)  
**MOTION TO INTERVENE  
 AND CONSOLIDATE AS  
 PLAINTIFF-INTERVENOR**

1. **Motion to Intervene:** Dr. Christian Robert Komor, a *pro se litigant* in the District Court of Arizona (Tucson) hereby moves to Intervene in the above-captioned case as a party-plaintiff, pursuant to Rule 24(a)(b) of the Federal Rules of Civil Procedure, and 42 U.S.C. While the background facts are inherently similar, Dr. Komor's his interests are not protected in *Julianna v. United States* and the relief sought in *Juliana v. United States* is wholly insufficient to address the complaints brought forward either in *Komor v. United States* or *Juliana v. United States*. Without Intervention, Plaintiffs ability to protect his and his family's interests in the judicial system will be impaired and impeded. See *United States v. Aerojet General Corp*, 606 F.3d 1142, 1148 (9th Cir. 2010); see also *California ex rel. Lockyer v. United States*, 450 F.3d 436, 440 (9th Cir. 2006).

1 Rule 24(a) of the Federal Rules of Civil Procedure provides for  
2 *Intervention as of Right* when a statute of the United States confers an  
3 unconditional right to intervene, or when the applicant claims an interest in the  
4 subject matter of the action which may be affected. Rule 24(b) provides for  
5 *Permissive Intervention* when an applicant's claim and the main action have  
6 common questions of law or fact. Additionally, Intervention is prescribed if  
7 Intervention will supplement the courts decision-making in the existing case by  
8 allowing the presentation of different viewpoints and evidence. Dr. Komor filed  
9 complaint in the District of Arizona (Tucson) for this exact purpose – to represent  
10 a viewpoint of grave importance to the *Juliana* Plaintiffs, listed Defendants and  
11 public. Indeed, without this vital information the *Juliana* Plaintiffs will be  
12 logically and scientifically unable to obtain the relief sought in their complaint. In  
13 addition, the Defendants will be unable to fully consider the possible merits of  
14 *Juliana v. United States* and the benefits which might potentially confer to both  
15 sides of this dispute.

16 **1b. Interest and Impairment of Interest:** Rule 24(a) requires an  
17 applicant for Intervention to possess an interest relating to the property or  
18 transaction that is the subject matter of the litigation. This “interest test” is not a  
19 rigid standard; rather, it is “a practical guide to disposing of lawsuits by involving  
20 as many apparently concerned persons as is compatible with efficiency and due  
21 process.” Dr. Komor has a vigorously demonstrated through contribution of his  
22 training, time and interest in future environmental conditions in the United States  
23 of America. Dr. Komor has authored a popular book on the climate crisis  
24 (donating profits), and developed a pro se District Court lawsuit, run for Arizona  
25 Governor (at great time and expense), and managed a multi-year media campaign  
26 in order to press into public awareness the need and possibilities for direct  
27 atmospheric climate repair. He has a son who fought his way from a premature  
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1 birth at 24 weeks gestational age, through cerebral palsy, and recently into the  
2 workplace as a productive member of society. Dr. Komor seeks to protect this  
3 son's hard-won future and his entire family which will be at risk if Dr. Komor is  
4 not allowed to Intervene and provide the unique and essential information he  
5 possesses to the Oregon District Court presiding over the *Juliana v. United States*.

6 Rule 24(b) provides for permissive intervention when an applicant's  
7 claim and the main action have common questions of law or fact. Dr. Komor  
8 further requests the Court and the Plaintiffs to intervene under  
9 Fed.R.Civ.Proc.42(b).

10 **1c. Timely Intervention:** Intervention, both of right and by permission,  
11 can occur only "[o]n timely motion." Fed.R.Civ.P.24(a)(b). Timeliness is  
12 determined with reference to three factors: "(1) the stage of the proceeding at  
13 which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the  
14 reason for and length of the delay." *United States v. Alisal Water Corp.*, 370 F.3d  
15 915, 921 (9th Cir. 2004) (quoting *Cal. Dep't of Toxic Substances Control v.*  
16 *Commercial Realty Projects, Inc.*, 309 F.3d 1113, 1119 (9th Cir. 2002). This  
17 motion for Intervention is timely in that *Juliana v. United States* has met with  
18 significant resistance from Defendants and other Intervenors and is at a critical  
19 phase in which the addition of the unique information possessed by Dr. Komor  
20 will have maximal benefit to both Plaintiffs and Defendants.

21  
22 **2. Motion to Consolidate:** Under Fed.R.Civ.Proc.42(a), Rule 42, the  
23 Consolidation of the cases is appropriate because the actions before the court  
24 involve a common question of law or fact. Dr. Komor contends that Consolidation  
25 is necessary and that currently *Juliana v. United States* does not account for facts  
26 that are essential to those Plaintiffs as well as his own interests. Several examples:  
27 (1) It is self-evident that the elements of our natural world function in cooperation  
28 with one another. Much of this interconnectedness is understood by the various

1 scientific disciplines and much is not. As elements of our planetary ecology are  
2 destabilized by the advance of global warming, they will further destabilize each  
3 other in an synergistic-exponential manner. The prediction of future harm to the  
4 citizens of the United States and the timeline for the harms that *Juliana* cites are  
5 based on simple liner projections divorced from associational influence on one  
6 another. Again, this is not how the natural world operates. More contemporary  
7 computer models inclusive of associational influences among environmental  
8 factors are largely predicting that in the mid-2030's the linear progression in  
9 climate change we are now experiencing will shift to an exponentially increasing  
10 frequency and magnitude beyond the ability of our current technology and  
11 resources to alter. (2) *Juliana v. United States* is based in part on the incorrect  
12 assumption that restoring environmental protections and, or reducing greenhouse  
13 gas emissions will alter the course of climate change. Unfortunately, as many of  
14 *Juliana's* own scientific experts and advisors have stated, we are now 40 years  
15 beyond the point where even a dramatic reduction in greenhouse gas emissions  
16 could alter the trajectory of global warming. At 409.20 ppm and rising there is  
17 already too much carbon and other greenhouse gasses (GHG) in the atmosphere  
18 (evening discounting the synergetic-exponential escalation predicted for the  
19 2030's) to avoid catastrophic human suffering unless direct atmospheric carbon  
20 removal is accomplished. The *Juliana* Plaintiffs and much of the public at present  
21 is suffering from the illusion that somehow if we stop releasing greenhouse gasses  
22 what is already "up there" is going to go away. Emissions are increasing and  
23 GHG in the main do not simply go away - at least not in any time frame of  
24 significance to human civilization. (3) The allegations and demands made in  
25 *Juliana v. United States* have proven very difficult for the Defendants to entertain  
26 and created substantial resistance prolonging the legal conflict. The request for  
27 relief introduced by Dr. Komor which centers around Ocean Assisted Carbon  
28 Capture & Reflection (OACC&R) is unique in that it is safe and effective in all  
analysis and testing to date, and as well highly palatable and even favorable to the

1 *Juliana* Defendants. This will make the task of the Plaintiffs, Defendants and the  
2 Court far less arduous, and more expeditious.

3  
4 While their efforts in *Juliana v. United States* is highly laudable, *Juliana's*  
5 current team of attorneys and experts have had many years since the complaint  
6 was first filed in 2015 to address these crucial issues. It can be assumed that  
7 *Juliana* requires Intervention and Consolidation on these and other points of  
8 science and logic for the complaint to have a fair and complete hearing in the  
9 judicial system. Further, Consolidation can be accomplished without damage to  
10 either action since the only differences are in the area of relief.

11  
12 **3. Background to the Matter:** The Plaintiffs' complaint (*Juliana vs.*  
13 *United States*) was originally filed on August 12, 2015, against the United States,  
14 then President Barack Obama, and eleven federal agencies in United States  
15 District Court for the District of Oregon – Eugene Division, Case No.: 6:15-cv-  
16 01517-TC. The First Amended Complaint was filed on September 10, 2015.

17 The United Nations predicts the patient population served by Dr. Komor  
18 will be among the first to experience deleterious effects and mortality as a result of  
19 climate disruption. Knowing this, Dr. Komor completed years of extensive  
20 scientific study of global warming processes both in his own field of science and  
21 those of chemical engineering, marine biology, and atmospheric science. As a  
22 result of training with Vice President Al Gores climate team Dr. Komor had  
23 opportunity to study an advanced methodology for safely and on large scale  
24 removing carbon from our planetary atmosphere.

25 In early 2018 Dr. Komor, at great cost to himself, ran for Arizona State  
26 Governor and authored a popular book to disseminate information about climate  
27 change and present a unique solution to the crisis (the methodology termed Ocean  
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1 Assisted Carbon Capture & Reflection (OACC&R)), contributing to the rapid  
2 increase in awareness of the urgency and impacts of climate disruption.

3 **3b. Juliana v. United States Attorney's Demonstrate Need for**  
4 **Intervention and Consolidation:** Dr. Komor has a strong interest in the proper  
5 and effective interpretation and application of Environmental Law, Environmental  
6 Policy, Climate Change, Title 5, Title 15, Title 35, and Title 40, Public Trust  
7 Doctrine, Ninth Amendment, Fifth Amendment—Due Process, Fifth  
8 Amendment—Equal Protection which may be affected by this litigation. Dr.  
9 Komor has a grave and imperative interest in the subject matter and outcome of  
10 the *Juliana* litigation. With this in mind, Dr. Komor initially contacted attorneys  
11 for the *Juliana v. United States* Plaintiffs multiple times in early 2019 requesting  
12 an opportunity to meet with the *Juliana v. United States* Plaintiffs and conveyed  
13 his concern that their case as presently constructed would continue to make the  
14 errors of logic and fact cited in “2. Motion to Consolidate” above. Even if  
15 successful, as currently constructed *Juliana v. United States* will without question  
16 fail to provide required relief to Dr. Komor, his family or even the *Juliana*  
17 Plaintiffs themselves and will occupy precious time adjudicating non-essential  
18 matters related to the atmospheric disruption the citizens of the United States now  
19 face.

20 *Juliana v. United States* Plaintiffs responded by making several threats and  
21 accusations and demanding the suppression of Dr. Komor's information as  
22 follows: [doc 1]

23 “If you do not agree to voluntarily dismiss the case you filed, we will  
24 move to intervene in your case, on behalf of *Juliana* Plaintiff  
25 representatives, and seek dismissal of your complaint, in part on the  
26 basis that it was filed in bad faith (based on the plagiarized allegations)  
27 and for purposes of harassment in an attempt to force the hand of  
28 these young *Juliana* Plaintiffs to amend their 4-year old complaint to  
include the specific carbon capture technology at you prefer as their

1 requested relief.”

2 Left with no other recourse, on May 29, 2019 Dr. Komor, in good faith as  
3 evidenced by his altruistic pattern of past behavior, filed a similar claim as  
4 *Plaintiff pro se* in District of Arizona, case no. CV-19-00293-TUC-RCC. [doc.2]

5  
6 Shortly thereafter, the *Juliana* Plaintiffs did in fact file as Intervenor  
7 Defendants in *Komor v. United* in the District Court, State of Arizona [doc 3]  
8 asserting that the two actions were extremely similar to the point of duplication  
9 and reiterating their accusations as quoted above. Through their Intervention the  
10 *Juliana* attorneys contributed to the administrative closure of Dr. Komor’s crucial  
11 complaint. Their Intervention effectively silencing what currently may be the only  
12 viable, safe and effective relief available for their own complaints raised in both  
13 *Juliana v. United States* (and *Komor v. United States*). Both Plaintiff and the Dr.  
14 Komor claim violations of the Public Trust Doctrine, Ninth Amendment, Fifth  
15 Amendment—Due Process, Fifth Amendment—Equal Protection, and these  
16 claims are based on substantially on similar facts making the cases prime for  
17 Consolidation. For the *Juliana* attorneys to Intervene in *Komor v. United States*  
18 creates a precedent for further Intervention as requested herein.

19 Although not an attorney trained in Constitutional law, Dr. Komor  
20 understands the *Juliana* Plaintiffs consider it essential to establish by Judicial  
21 Decree a constitutional standard following which the parties involved will be able  
22 to:

23 “Fashion an appropriate and meaningful remedy which  
24 conforms to the Courts proper role in the separation of powers  
25 between the branches of government”

26 While the attorneys for the *Juliana* Plaintiffs claim this does not include  
27 “specific requests for relief” they do, in fact, make multiple pleadings for specific  
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1 relief. Based on Dr. Komor's extensive review of the current literature that bears  
2 upon greenhouse gas emissions and climate disruption there is specific scientific  
3 proof that Ocean Assisted Carbon Capture & Reflection is currently the safest and  
4 most viable method for halting the ongoing escalation in atmospheric greenhouse  
5 gas buildup and circumventing the "tipping levels" approaching in the mid-2030's  
6 at which point Earth's environmental systems will have gone beyond the  
7 capability to return to a habitable equilibrium for the sustaining of human  
8 civilization. The risk of not including Dr. Komor as an Intervenor would,  
9 therefore, far outweigh any imagined problem the *Juliana* attorneys might believe  
10 he would pose to their opportunity to establish noteworthy case law.

11 Dr. Komor respectfully requests that this Court consider and grant an  
12 Order to Intervene in case *Juliana v. United States*, No. 6:15-cv-1517 (D. Or.) and  
13 as well consider Consolidation of these nearly identical cases *Juliana v. United*  
14 *States* and *Komor v. United States* under Fed.R.Civ.Proc.42(a), Rule 42. For the  
15 reasons set forth above, Dr. Christian Robert Komor respectfully requests that this  
16 Court consider and grant him Intervention as of right or, in the alternative,  
17 Permissive Intervention. Dr. Komor further requests that the two cases, *Komor v.*  
18 *United States* and *Juliana v. United States* be Consolidated. As a *pro se litigant*,  
19 Dr. Komor begs the patience and indulgence of the Court for any errors in the  
20 formatting of this request.

21 Respectfully submitted on this 9<sup>th</sup> Day of September, 2019

22 BY: 

23 **Dr. Christian R. Komor**  
24 **Applicant Plaintiff-Intervenor**  
25 **PLAINTIFF Pro Se**

26 Note: Dr. Komor receives no compensation financial or otherwise from any  
27 activity related to climate change advocacy either literary, political, scientific, or  
28 legal. All activities related to these activities represent *pro bono* contributions.