

Summary of Argument:

Plaintiffs-Appellees Kelsey Cascadia Rose Juliana, et al...ask this Court to order the federal government to comprehensively regulate greenhouse gas emissions nationwide based upon a purported federal common law public trust doctrine that in fact does not exist. Although some federal courts have applied ancient, state-based public trust common law principles to resolve property rights conflicts regarding lands submerged beneath tidal and navigable waterways...no court has ever invoked any such state doctrine to compel regulatory action by the federal government. Moreover, no court has ever recognized a federal common law public trust doctrine in natural resources, let alone air resources. In fact, the sweeping new regulatory agenda for greenhouse gas emissions sought by Juliana is unprecedented in federal jurisprudence.

-United States Court of Appeals For the Ninth Circuit, "Summary of Argument, Juliana v. United States, United States Court of Appeals for the Ninth Circuit, Brief of Amici Curiae Nuckels Oil Co., Inc. et al," (2019) excerpt.