

Climate Lawsuits in Montana

Edwin X Berry, PhD, Theoretical Physics, CCM

September 20, 2025

There have been three climate lawsuits in Montana from Our children's Trust of Oregon:

1. Barhaugh v Montana in 2011.
2. Held v Montana in 2022-2023.
3. Lighthiser v Trump in 2025.

There has been little change in the wording of these climate lawsuits. HvM still has AG Bullock's name in it even though Montana elected him Governor as of 2012. The science argument in these three climate lawsuits has not changed.

They all claim the government is damaging the physical and mental health of children by allowing human CO2 emissions to continue.

But their schools and parents are damaging the mental and health of their children by brainwashing them to believe human carbon emissions are destroying the planet.

The fundamental science issue in all three climate lawsuits is whether these unstated hypotheses are true or false:

- (1) Human CO2 causes all the CO2 increase above 280 ppm.
- (2) This CO2 increase causes global warming.
- (3) This global warming causes the plaintiffs claimed damages.

The plaintiffs assume these three hypotheses are true, and they will admit it in court. Otherwise, they would have no basis for their claims.

To prevail, the defense needs to prove only one of these hypotheses is false. In fact, it is easy to prove all three hypotheses are false in a court of law.

Here's a critical point that few people understand:

The scientific method says it is impossible to prove a hypothesis is true so the alarmists cannot prove these hypotheses are true. The plaintiffs have the burden of proof.

However, we can prove these hypotheses are false by showing they make one false prediction or contradiction with data. This is the key to science.

This is what parents and teachers and media should be teaching the kids.

1. Barhaugh v. Montana

Barhaugh v. Montana: Petition for Original Jurisdiction, Montana Supreme Court, 2011, was the first climate lawsuit in Montana.

Ref: [Climate Law – edberry.com](#)

Ref: [Montana Supreme Court rejects the Global Warming petition by Our Children's Trust - edberry.com](#)

Ref: [Montana AG and Gov betray conservatives - edberry.com](#)

To justify its petition to the Montana Supreme Court, BvM says on page 5:

“Through the normal litigation and appeals process, this issue would likely take a minimum of two to three years just to reach this Court, in contrast to the average 60 days needed to resolve original proceedings.

“Considering the scientific evidence cited by the Respondent, there is not enough time to effectively arrest the effect of human-caused climate change unless immediate action is taken.”

“Climatological "tipping points" lie directly ahead and drive the urgency of taking action:

“The further we look into the future, the worse the costs of inaction will become. The longer we do nothing, the greater the risks of an irreversible climate catastrophe, such as a massive rise in sea levels, which could make the world unable to support anything like the current levels of population and economic activity. The costs and risks of inaction are overwhelmingly worse than the moderate and manageable costs of an immediate effort to reduce carbon emissions.”

Barhaugh v. Montana justified its petition to the Montana Supreme Court by predicting an irreversible climatological “tipping point” would occur in the next three years.

The Petition is based upon its assumption that the three unstated climate hypotheses are true. Assuming these hypotheses are true, the plaintiffs claimed certain damages. But all their claims are based on their assumption that their three hypotheses above are true.

The Intervention led by Dr. Edwin X Berry of Bigfork, Montana, prevented the Montana Supreme Court from ruling in favor of the Petition.

Berry’s Intervenors presented evidence that contradicted the Petition’s assumptions.

Their evidence constrained Montana Attorney General Bullock's reply to the Court because he could not go on record disputing the Intervenor's evidence that the Petitioners' claims about climate science may not be true.

Montana AG Bullock wrote:

- This disputed record is just one example of the factual determinations this Court would need to make to rule for Petitioners.
- In addition, it would need to address, among other issues, the current state of climate change science; the role of Montana in the global problem of climate change; how emissions created in Montana ultimately affect Montana's climate; whether the benefits of energy production must be balanced against the potential harm of climate change; and the concrete limits, if any, of the alleged "affirmative duty."

The Montana Supreme Court ruled:

- As the State points out, the petition incorporates factual claims such as that the State "*has been prevented by the Legislature from taking any action to regulate [greenhouse gas] emissions.*"
- The State posits that the relief requested by Petitioners would require numerous other factual determinations, such as the role of Montana in the global problem of climate change and how emissions created in Montana ultimately affect Montana's climate.
- This Court is ill-equipped to resolve the factual assertions presented by Petitioners. We further conclude that Petitioners have not established urgency or emergency factors that would preclude litigation in a trial court followed by the normal appeal process.

The court could not determine whether the Petitioners or the Intervenor's were correct about climate because, in the court's view, there is no scientific consensus that is sufficiently well-settled to decide the case as a matter of law.

The Court rejected the Barhaugh v. Montana Petition.

Quentin Rhoades, Attorney for the Intervenor's, wrote that the Montana Supreme Court ruled against the Petitioners because,

"There is no *scientific consensus* that is sufficiently well-settled to allow a court to decide the case purely as a matter of law."

“This establishes once and for all, at least as far as Montana law is concerned, climate science is decidedly not settled.

“And not only is it the highest court of a sovereign state, but it ruled that there is *no scientific consensus* that is sufficiently well-settled to allow for them to decide the case purely as a matter of law.”

2. Held v Montana

Montana AG Knudsen should have dismissed Held v Montana based on the now-proven-false climate prediction of Barhaugh v. Montana and the Montana Supreme Court ruling against the *scientific consensus*.

The Montana Supreme Court ruled in 2011,

“There is no *scientific consensus* that is sufficiently well-settled to allow a court to decide the case purely as a matter of law.

Consensus has no bearing on scientific truth. Montana’s AG Knudsen should have known this because all trial lawyers learn it.

Republican AG Knudson should have argued that *consensus* proves nothing in science. The only relevant proof in science is proof that a hypothesis is false.

Yet AG Knudsen stipulated “consensus” was valid at the beginning of the HvM trial:

“for the purposes of trial, there is a scientific consensus that earth is warming as a direct result of human GHG emissions, primarily from the burning of fossil fuels.”

AG Knudsen’s “consensus” stipulation contradicted the Montana Supreme Court.

AG Knudsen’s climate stipulation put him to the left of former Democrat AG Bullock.

On 9/16/2025, Matthew Brown, of the lying Associated Press, wrote about HvM:

Young climate activists and their attorneys who won a landmark global warming trial against the state of Montana are trying to convince a federal judge to block President Donald Trump’s executive orders promoting fossil fuels.

No, they did not “win.” Montana AG Knudsen purposely LOST Held v Montana as Montana WEF man ordered him to do.

I personally saw this legal disaster in process in June 2022 when I predicted Knudsen would purposely lose HvM a year before it happened.

The AP article further lies,

The Montana case hinged on a provision in the state constitution declaring people have a “right to a clean and healthful environment.” That language is absent from the U.S. Constitution.

No, the Montana case hinged on Montana AG Knudsen’s blatant, possibly illegal, refusal to defend Montana against Held v Montana and to purposely lose HvM.

In May 2022, I inserted myself (this is another story) into Knudsen’s defense plan even though the State of Montana censored me because I defeated Barhaugh v. Montana in 2011. I showed an assistant AG how to defeat HvM. He was impressed and he was about to sign me up to be an expert witness. (I will add a link here to details.)

However, on Friday, June 3, 2022, about 1:15 pm, (I remember it well) an unelected but powerful Republican, whom I call Montana WEF man, called Knudsen from Kalispell and ordered him to get Berry the hell off the defense because Montana must lose HvM. Knudsen immediately blocked me from communicating with his staff and he obediently lost HvM a year later.

Knudsen never responded to the invoice I sent him for my work to help him defeat HvM. Knudsen stiffed me but he paid everyone else, verifying the censorship of me by Montana Republican leaders.

(Knudsen’s contract attorney told me they can’t pay me because the State of Montana censored me. I have received no notice of this or any invitation to rebut this action. Is this the power of Montana WEF man?)

Montana WEF man needed me off Knudsen’s defense. He read my book, *Climate Miracle*. He knew I defeated Barhaugh v. Montana and that my arguments would defeat HvM.

I watched every second of the trial and took notes.

It was horrible. Knudsen’s giveaway was as obvious as if the players on your favorite football team sat on the grass and let the opposition walk to score goals.

Knudsen produced NO defense, NO relevant expert witness, and NO challenge to the plaintiffs’ expert witness claims. He laid on the grass and let the opposition trample on the people of Montana who he was supposed to represent.

Knudsen’s purposeful loss of HvM is the worst betrayal by an elected official of the people who voted for him that I have ever witnessed. Astonishingly, they reelected him in 2024.

Much to my surprise, Montana US Senator Steve Daines, whom I also know personally, publicly claimed that Montana lost because Judge Seeley was a “liberal” judge.

Judge Seeley made the correct decision based upon the evidence presented because Montana AG Knudsen presented NO evidence for the defense.

Wannabe Montana US Senator Tim Sheehy followed with the same news release. Both lied to support Knudsen’s fraud. Daines and Sheehy are puppets of Montana WEF man.

Montana Congressman Ryan Zinke, who had been my friend for years, once promised to invite me to speak to Congress about climate. But after voters reelected him in 2023 and after I gave \$600 to his campaign, he told me he cannot talk to me anymore.

Zinke is now a puppet of Montana WEF man. When Zinke attends a Kalispell Pachyderm meeting, he now sits by Montana WEF man in a corner away from most attendees. Congressman Troy Downing has made it clear to me that he also is a puppet of WEF man.

In May 2022, Montana Governor Gianforte told me he would do his own defense with my help. A month later, he told me he decided not to do his own defense, after he talked to Montana WEF man.

Montana WEF man is the puppet master of all top Montana elected officials. They are all bought and paid for.

Montana is a conservative state but WEF controls Montana politics.

How much money did the State of Montana pay the plaintiffs’ attorneys for their win? We should know this because had Knudsen properly defended HvM, the plaintiffs would have paid Montana.

3. Lighthiser v Trump

Lighthiser v. Trump uses the same bad science as Barhaugh v. Montana and Held v Montana.

On September 17, 2025, I drove to Missoula and sat in on part of the Lighthiser v Trump trial. In my view, Trump’s attorney made good arguments to dismiss LvT. Now, we wait for the judge to decide whether to dismiss LvT.

If LvT continues, I encourage Trump’s attorney to use the arguments that I describe in my other articles to prove hypotheses (1), (2), and (3) are false. They are easy proofs to make in court. They are the only proofs that can defeat LvT.

The AP report claims these are facts:

Carbon dioxide, which is released when fossil fuels are burned, traps heat in the atmosphere and is largely responsible for the warming of the climate.

These are assumptions (1) and (2) that we proved false in Barhaugh v Montana in 2011. AG Knudsen purposely ignored these proofs in Held v Montana.

The AP report reviews some plaintiff claims:

A 19-year-old from California plans to testify about the harms of wildfire smoke. A 17-year-old from Montana will speak about how Trump's actions frustrate her attempts to get electric buses for her school.

A 20-year-old Oregon woman will talk about how Trump's plans could result in worse hurricanes and wildfires. "No matter where I live, I cannot escape extreme climate events resulting from fossil fuel pollution."

It's a similar playbook as the 2023 trial. Young plaintiffs spent days on the witness stand describing how worsening fires foul the air they breathe, while drought and decreased snowpack deplete rivers that sustain farming, fish, wildlife and recreation.

All these claims are based on their invalid assumptions that (1) and (2) are true. Also, they focus on events. They think their "events" prove (3) is true and further think this proves (1) and (2) are true. Such is the illogic of the climate alarmists.

The plaintiffs are not aware that their predictions have failed, even in Barhaugh v. Montana in 2011. They are unaware of the scientific method which says if your prediction is wrong, your science is wrong.

Steve Running's claim contradicts physics.

Katie Fairbanks, Montana Free Press, described the testimony of retired Professor Steve Running of the University of Montana, as saying scientists have tracked increasing carbon emissions and said every ton of carbon dioxide emissions adds to climate change.

Running is wrong because human and natural carbon atoms are identical. So, tracking human carbon separately from natural carbon is impossible. Running assumes (1) and (2) are true. With those assumptions it is easy to "think" you are "tracking" human carbon when you are really tracking natural carbon.

Running's circular reasoning gives incorrect answers and propagates the climate myth that assumes (1) and (2) are true.

The plaintiffs argue that events (3) prove (1) and (2) are true. This is a delusion because events do not prove their cause.

They are guilty of child abuse.

Their teachers and parents have deprived these children of a proper education. They forced them to believe illusions and myths to purposely give these children climate anxiety. This child abuse of innocent children should be a criminal offense.

Their parents and teachers may have destroyed the child plaintiffs' minds.

Montana AG Knudsen damaged Montana's kids.

Montana AG Austin Knudsen, in *Held v Montana*, allowed Running to get away with spewing this junk science in court and thereby sentenced thousands of Montana kids to continued climate brainwashing and devastating climate anxiety.

AG Knudsen could have used my suggestions to his assistant AG and easily defeated HvM.

Knudsen's purposeful loss of HvM has turned thousands more good children into climate zombies.

4. The climate conspiracy threatens Trump.

Unknown to President Trump, WEF has embedded "Fauci" scientists in his climate defense. These "Fauci" scientists will lose LvT and destroy Trump's agenda like the original Fauci destroyed his first term agenda.

President Trump must wake up to this imminent danger to his agenda.

DOE chose "Fauci" climate scientists to write its climate report. The DOE climate report assumes (1) and (2) are true. This destroys Trump's defense of LvT.

If Trump chooses the DOE scientists to defend LvT, they will lose LvT and destroy Trump's plan for America.

Just as RFK, Jr., changed his medical science advisors, President Trump must change his climate science advisors NOW.

5. Conclusions

There has not been a fair climate lawsuit since *Barhaugh v Montana* in 2011.

Barhaugh v Montana in 2011 predicted a "climate tipping point" would occur in about three years. We're still waiting.

WEF must win its climate lawsuits to stay on track to control America by 2030. So, WEF is working behind the scenes to make sure they win. *Held v Montana* is an example.

My 2020 book, *Climate Miracle*, shows if your prediction is wrong, your science is wrong.

The alarmists' science has not changed in *Held v Montana* or *Lighthiser v Trump*. It's still the same bad science built on the same bad assumptions.

Ross Perot's idea applies to climate alarmism: we must lift the hood and see what's under it. WEF wants to make sure that no one lifts the hood of the climate fraud.

Montana could have defeated *Held v Montana*. But AG Knudsen purposely lost HvM as Montana WEF man ordered him to do.

The State of Montana still censors me because I stopped *Barhaugh v Montana*.

If the LvT trial continues, Trump's attorney should plan to prove hypotheses (1) and (2) are false and as a bonus prove that (3) is also false. This defeat would remove the influence of the climate fraud on politics.

A WEF climate conspiracy threatens to cause President Trump to lose LvT.

Trump must stop this embedded WEF threat quickly or he will lose to WEF and lose his plan for America.

WEF knows I can defeat climate lawsuits, which is why WEF censors me.

The *Held v Montana* 2023 climate lawsuit was a fraud because Montana censored me so it could purposely lose *Held v Montana*.

I stopped the *Barhaugh v Montana* climate lawsuit in 2011. I may be the only climate scientist who has defeated a climate lawsuit.