

SUPREME JUDICIAL COURT
Sitting as the Law Court
STATE OF MONTANA

FILED

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Bowen Greenwood
Clerk of Supreme Court
State of Montana

**RIKKI HELD; LANDER B., BADGE B., SARIEL S., KIAN T.,
GEORGIANNA F., KATHRYN GRACE S., EVA L., MIKA K., OLIVIA V.,
JEFFREY K., NATHANIEL K., CLAIRE V., RUBY D., LILIAN D. and
TALEAH H.**
Respondents

v.

**STATE OF MONTANA; GOVERNOR STEVE BULLOCK, MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY, MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION,
MONTANA DEPARTMENT OF TRANSPORTATION, and MONTANA
PUBLIC SERVICE COMMISSION**
Appellants

**APPEALED FROM THE
FIRST JUDICIAL DISTRICT COURT OF LEWIS AND CLARK COUNTY
Held v. Montana, Mont., No. DA 23-0575
Hon. KATHY SEELEY, District Judge**

**BRIEF OF AMICUS CURIAE BY BYRON L TRACKWELL PRO SE
FOR THE APPELLANTS**

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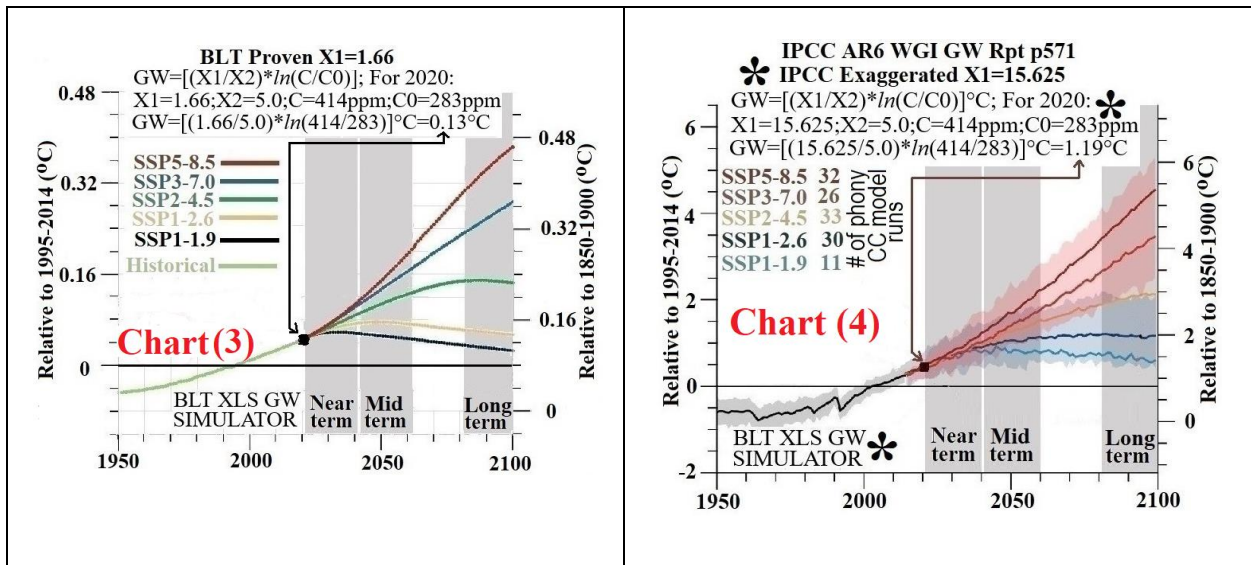
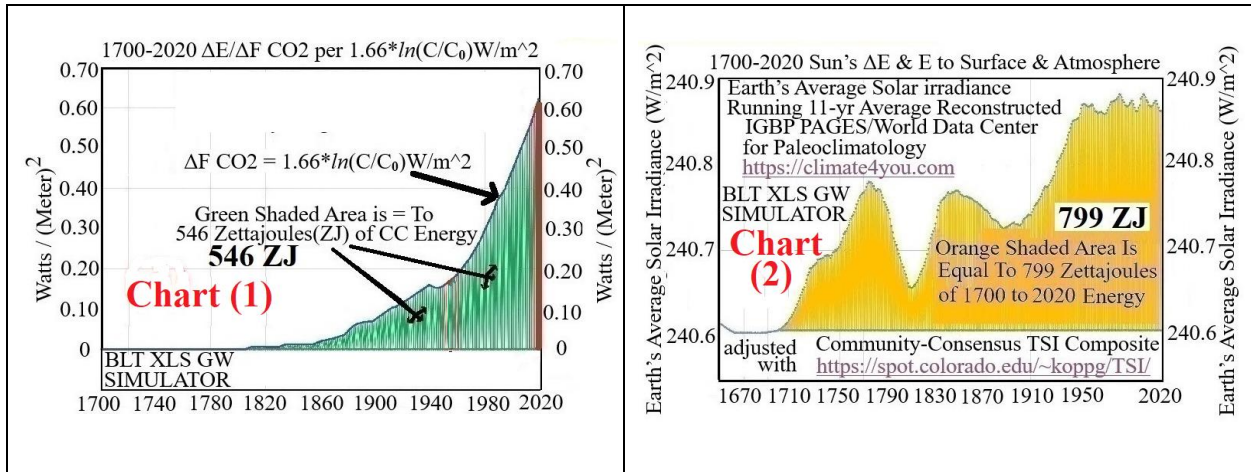
**When This Amicus Curiae Brief Can Be Filed & Certification
That Emails Were Sent to Respondents & Appellants 9**

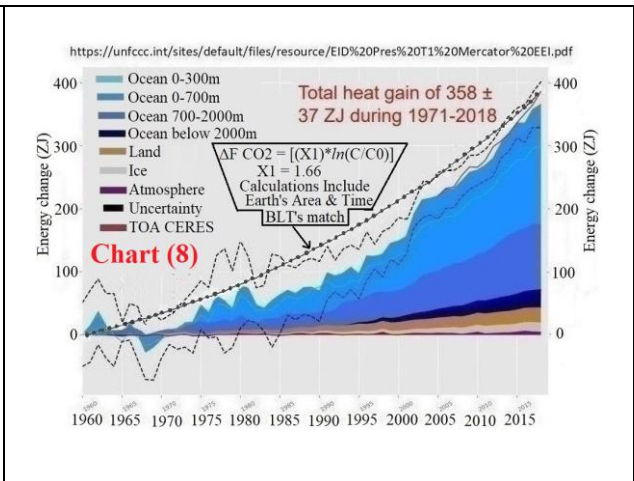
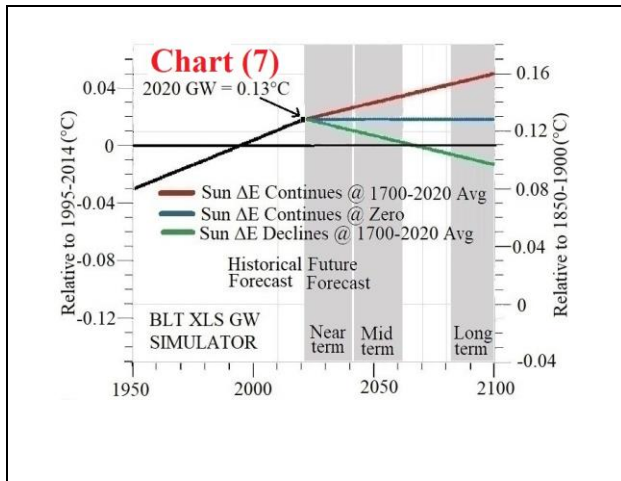
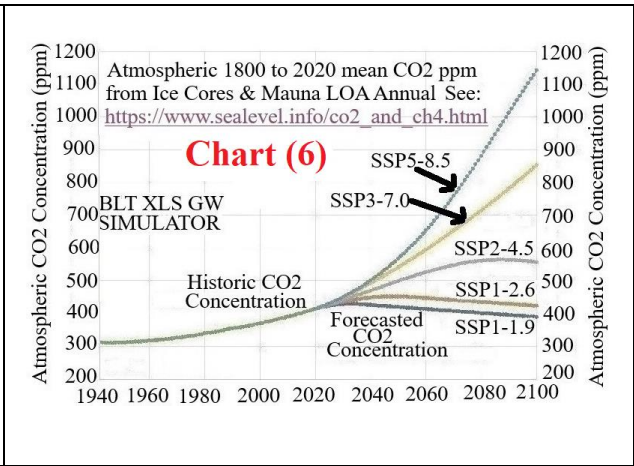
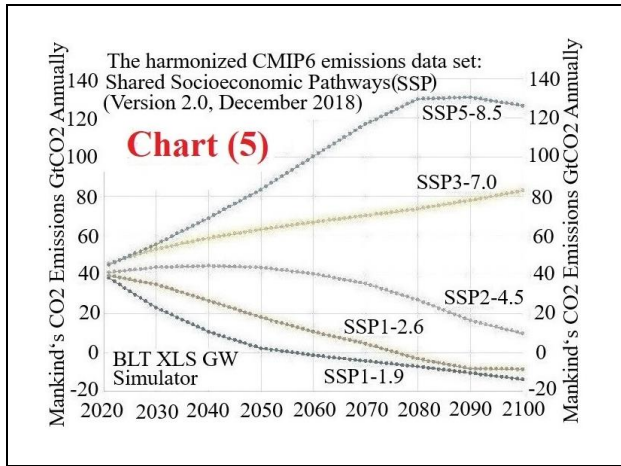
STATEMENT OF THE FACTS

1. **The below geophysics missing from Findings of Fact, Conclusions of Law, by the honorable District Court Judge Kathy Seeley is the Statement of the Issue considered as the Statement of the Case:**
 - a. Global Warming (GW) is caused by ΔE , energy change, heating up the Earth's Climate Change (CC) heat capacity of 6212 ZJ/ $^{\circ}\text{C}$ made up of the Earth's oceans=5587 ZJ/ $^{\circ}\text{C}$; Earth's cryosphere/land = 620 ZJ/ $^{\circ}\text{C}$; & Earth's atmosphere = 5.0 ZJ/ $^{\circ}\text{C}$.
 - b. Checking with NASA/NOAA on the CC energy increase from pre-industrial [1700s or early 1800s to 2020], it is around 546 ZJ, see Charts (1) & (2) @ (g.). This suggests a ΔE range from 546 ZJ to 799 ZJ respectively as the Sun's ΔE of 799 ZJ is concrete. Let's use 799 ZJ to calculate the GW from pre-industrial to 2020. ZJ is zettajoules.
 - c. $799 \text{ ZJ} / 6212 \text{ ZJ} / ^{\circ}\text{C} =$ a 2020 GW of 0.13°C , see Chart (3) @ (g.), which is contrary to IPCC's 2020 GW of 1.19°C , see Chart (4) @ (g.).
 - d. $\text{GW} = [(1.66/5.0) * \ln(C/283)]^{\circ}\text{C}$, $X1=1.66$, $X2=5.0$ (BLT) & $\text{GW} = [(15.625/5.0) * \ln(C/283)]^{\circ}\text{C}$, $X1=15.625$, $X2=5.0$ (IPCC) are the equations that generated Charts (3) & (4) respectively @ (g.), whereas C = the Earth's atmospheric CO₂ ppm concentration for various years & 283 ppm is the pre-industrial atmospheric CO₂ ppm concentration.
 - e. IPCC has inflated the GW by CO₂ correlation by 9.41 (15.625/1.66). $X1=1.66$ is correct, IPCC's $X1=15.625$ is incorrect and the only way IPCC's $X1$ of 15.625 would work is to conjure up 3300 ZJ of energy for

putting that energy in the Earth's CC system from pre-industrial to 2020, equivalent to exploding "four hundred & 52 thousand" (452,000) Hiroshima Atomic Bombs every day for 320 years (1700 to 2020).

- f. $X2 = 5$ is the Stefan-Boltzmann constant for planet Earth.
 $X1$ is the ΔF forcing change constant. ZJ equals one 10^{21} joules.
- g. CHARTS





- h. Chart (5) & Chart (6) @ (g.), $C_0=283$ ppm pre-industrial and C for every year historically & for every year post 2020 for all the IPCC/AR6 Shared Socioeconomic Pathways (SSP) are available. Let XL do the math & graphing using $GW=[(X1/X2)*\ln(C/C_0)]^\circ C$ with $X1=1.66$ & $X2=5$ generating Chart (3) @ (g.). Chart 8 @ (g.) proves $X1 = 1.66$.
- i. The (IPCC) & (BLT) correlations are a coincidence that proves nothing. The proof is per Chart (7)'s GW per the Sun's ΔE by Chart (2) @ (g.) noting that GW is way below the 2015 Paris GW benchmark of $1.5^\circ C$.

j. The 20th & early 21st century increase in CO₂ atmospheric concentration is not responsible for CC because as mathematically noted, the Sun is accountable for CC. Many CC parameters conveniently forgotten about are involved in Climate Change, they are cosmic rays, sunspots, cloud cover, Earth's orbit around the Sun, the Tera Solar System orbit around the Milky Way galaxy, the Milankovitch cycles, the Global Atmospheric Electrical Circuit, (PDO) Pacific decadal oscillation, (ENSO) El Niño/Southern Oscillation, (AMO) Sea Surface Temperature changes in the North Atlantic Ocean, (NAO) North Atlantic Oscillation, (MOC) Meridional Overturning Circulation in the North Atlantic, (IOD) Indian Ocean Dipole, (SAM) Marshall Southern Annular Mode Index, (AO)/(NAM) Arctic Oscillation/Northern Annular Mode, & (NAO) North Atlantic Oscillation. Those CC complexities have determined the ITCZ location (an equatorial zone where the trade winds converge) that was in the south during the little ice age to start moving northwards in the 1800s to its Medieval Warm Period location.

2. **Comments are to references by Page & ¶# of the Ruling by the FIRST JUDICIAL DISTRICT COURT OF LEWIS AND CLARK COUNTY signed by honorable District Court Judge Kathy Seeley August 14, 2023**

a. Page 22¶81, "The Earth has warmed by 1.3 to 2.2°F in only the last thirty-five years, as atmospheric CO₂ concentrations have risen from 350 ppm to over 420 ppm." **COMMENT:** Using the correct GW to CO₂ atmospheric

concentration equation, GW increase for an increase in atmospheric concentration from 350 ppm to 420 ppm equals $[1.66/5 * \ln(420/350)]^{\circ}\text{C} = 0.06^{\circ}\text{C}$ which equals 0.11°F that corrects 1.3 to 2.2°F .

- b. Page 22¶83, “The Earth’s energy imbalance is currently significant and is due to accumulation of energy within Earth’s oceans, ice, land, and air, with the energy measured in joules and the rate of additional energy measured in watts per square meter... A watt is the addition of one joule of energy in one second, which is then averaged by the area of the Earth to yield watts per square meter. From 1971 to 2018, the Earth gained about 360 zeta joules of heat... Adding this much energy over forty-eight years yields an Earth’s Energy Imbalance (EEI) of about 0.5 W/m^2 .” **COMMENT:** Throwing out numbers without putting those numbers in perspective is what makes the CO2 CC emergency a fallacy. The 1971-2018 base energy supplied to the Earth’s surface by the Sun = $185,769 \text{ ZJ}$ per 240.6 W/m^2 ; a minor % increase = $360\text{ZJ}/185,769\text{ZJ} = 0.19\%$. As mentioned, the 360 ZJ of energy is within Earth’s oceans, ice, land, and air; thus, their combined heat capacity of $6212 \text{ ZJ}/^{\circ}\text{C}$ must be used to determine the GW rise from 1971-2018 equaling $360 \text{ ZJ}/6212 \text{ ZJ}/^{\circ}\text{C} = 0.06^{\circ}\text{C}$. It is well known that the Earth’s oceans, ice, land, and air, together are a thermal regulator that regulates the average temperature of the planet. If there were a so called 2020 1.2°C GW within the atmosphere only, using the Earth’s atmospheric heat capacity of $5.0 \text{ ZJ}/^{\circ}\text{C}$, that would only be an energy increase of $5.0 \text{ ZJ}/^{\circ}\text{C} * 1.2^{\circ}\text{C}$ equaling 6.0 ZJ . Working 6.0 ZJ on equilibrium back into

the Earth's CC heat capacity of 6212 ZJ/°C would result in a GW correction from 1.2°C to $6.0 \text{ ZJ} / 6212 \text{ ZJ}/^{\circ}\text{C} = 0.00097^{\circ}\text{C}$ that would be accomplished in a decade or so. This sensitivity analysis demonstrates using only atmospheric temperatures measurements to determine GW to be very misleading.

- c. Page 25¶97, “Projections indicate a high-emission scenario results in 9.8°F (5.4°C) of warming in Montana by 2100, relative to temperatures in 1971-2000. An intermediate emission scenario projects an increase of 5.6°F (3.1°C) in Montana by 2100, relative to temperatures in 1971-2000. [CW 270:1-271:9; CW-23; P222].” **COMMENT:** GW is only about the average temperature of planet Earth, not Montana. The UNFCCC/IPCC GW benchmark for planet Earth not to exceed is 1.5°C (2.7°F). In 1971 the CO2 atmospheric concentration was 326 ppm. The CO2 atmospheric concentration for the impossible to achieve IPCC's high-emission scenario (SSP5-8.5) is projected at 1142 ppm in 2100. Using the correct GW to CO2 correlation equation, IPCC's high-emission SSP5-8.5 1971-2100 $\text{GW} = [1.66/5 * \ln(1142/326)]^{\circ}\text{C} = 0.42^{\circ}\text{C}$ which is well under the UNFCCC/IPCC GW benchmark of 1.5°C. IPCC's high emission scenario that is impossible to achieve is used politically for CC fearmongering by using the IPCC inflated by a factor of 9.41 GW to CO2 correlation equation that gives an inflated 1971-2100 GW equaling $[15.625/5 * \ln(1142/326)]^{\circ}\text{C} = 3.92^{\circ}\text{C} (7.1^{\circ}\text{F})$.
- d. Page 26¶99, “According to the IPCC, “[i]n the near term, every region of the world is projected to face further increases in climate hazards...” blob, blob,

blob of CC fearmongering referencing hard to find [SR-46, SR-47; LB-42] that for sure is without the Science of CC geophysics mathematics. **COMMENT:** The only IPCC Shared Social-Economic Pathway (SSP) that makes any sense at all is SSP2-4.5 which is recommended for mankind to follow. For SSP2-4.5 the atmospheric CO2 concentration is projected to be 556 ppm in 2100. Using the correct GW to CO2 correlation equation, IPCC's only reasonable CO2 emission scenario (SSP2-4.5) GW for 2100 = $[1.66/5 * \ln(556/283)]^{\circ}\text{C} = 0.22^{\circ}\text{C}$ which is well under the UNFCCC/IPCC GW benchmark of 1.5°C.

3. **AMICUS MOTION FOR LEAVE & STATEMENT OF INTEREST**

My interest in CC began in 2015 when as a degreed science engineer I became aware of the (UN/UNFCCC/IPCC)'s sponsorship of the 2015 Paris Agreement, a legally binding international treaty on climate change adopted at the UN Climate Change Conference (COP21) in Paris, France, on 12 December 2015. An invalid foreign sourced 2015 Paris Treaty as it violates the Treaty Clause of the U.S. Constitution (Article 2, Section 2, Clause 2) as there has not been any U.S. Senate supermajority confirmation of the 2015 Paris Agreement. The degree of my CC interest is pursuant to my reply to the IPCC's WG I, II, III AR6 2022 CC reports see:

<https://imgur.com/BkhJqVm>

Open, Download & Fathom this Amicus Curiae Brief Photo Supplement

Permission to file this amicus curiae brief rests with this Honorable Court, therefore the Respondents & Appellants consents were not sought. A brief by an amicus curiae may be filed only upon invitation or leave of the supreme court granted on motion;

therefore, this Motion for Leave to file this amicus curiae brief is hereby made with due respect to this Honorable Court. Granting this motion is desirable for honoring this Honorable Court by sharing the presented high school CC fundamentals geophysics mathematics with all parties for bringing CC into the judicial light.

4. **CONCLUSION x ARGUMENT**

Findings of Fact, Conclusions of Law, and Order, Page 19¶67, issued by the honorable District Court Judge Kathy Seeley, stated, “There is overwhelming scientific [**consensus**] that Earth is warming as a direct result of human GHG emissions, primarily from the burning of fossil fuels”. [**Consensus**] is defined as “a general agreement”. It describes a situation where a group of people come to an agreement on a particular issue, i.e. a political CC agreement, that has nothing to do with the science of CC geophysics mathematics as presented to this honorable court that negates that the Earth is warming due to Man’s CO2 emissions; whereas the CC geophysics mathematical facts presented by this amicus curiae brief to this Honorable Court confirms that the Sun is accountable for CC therefore the 20th & early 21st century increase in CO2 atmospheric concentrations are not responsible for CC. Thus, the CC ruling by the “First Judicial District Court of Lewis and Clark County” cries out to be overturned by this Honorable Court identified as the sought relief.

Respectfully submitted October 27, 2023.



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When This Amicus Curiae Brief Can Be Filed & Certification That Emails Were Sent to Respondents & Appellants

This Amicus Curiae Brief can be filed October 27, 2023, or ASAP after October 27, 2023, as determined by the Honorable Montana Supreme Court.

I, Byron L Trackwell, Certify That This Amicus Curiae Brief By Emails Were Sent to the Respondents & Appellants below:

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FYI: The Findings of Fact, Conclusions of Law, and Order issued by the First Judicial District Court of Lewis & Clark County Montana & Signed by Hon. KATHY SEELEY, District Judge was consulted from:

<https://dailymontanan.com/wp-content/uploads/2023/08/Findings-of-Fact-Conclusions-of-Law-and-Order.pdf>