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Contacts:
Julia Olson, 415-786-4825, julia@ourchildrenstrust.org
Philip Gregory, 650-697-6000, pgregory@cpmlegal.com

To set up interviews with youth plaintiffs, contact:
Meg Ward, 503-341-8590, meg@ourchildrenstrust.org

Trump Administration Attorney Questioned on Climate Change: “We don’t have direction from leadership”

During a telephonic case management conference on Friday, April 7, between Magistrate Judge Coffin and attorneys representing the parties in *Juliana v. United States*, Judge Coffin itemized twelve meaningful admissions that the U.S. government defendants, then acting under the Obama administration, made in their [January 13 answer](#) to the youth plaintiffs’ complaint. Then he asked an attorney from the Department of Justice for the position of the Trump administration on climate science.

Among the admissions Judge Coffin quoted from the government’s answer:

- “Federal Defendants admit that climate change is damaging human and natural systems, increasing the risk of loss of life, and requiring adaptation on larger and faster scales than current species have successfully achieved in the past, potentially increasing the risk of extinction or severe disruption for many species.”
- “Federal Defendants admit that global temperatures are projected to increase by 2.5 to more than 11° Fahrenheit by 2100, depending on future emissions and the responsiveness of the climate system, and that more warming is expected on land and at higher latitudes.”

After reviewing the admissions, Judge Coffin asked: “I point all these out for aide of this question...has the government retreated from any of these admissions? Or are they still binding?”

Sean Duffy, an attorney with the Department of Justice, responded that the Trump administration could still move to amend the government’s positions stated in the answer filed during the Obama

administration. When asked specifically whether the Trump administration defendants will stick to the facts of climate change admitted by the prior administration, Duffy answered, “We don’t have direction from leadership so I can’t answer.”

Judge Coffin went on to note that the Trump administration has not only rolled back regulations that impact greenhouse gas emissions, but also cut funding to the EPA’s budget. Judge Coffin concluded by questioning whether this administration was “going in a different direction.”

As to the motions filed by the Trump administration and fossil fuel industry defendants that sought to derail the case from trial, Judge Coffin denied their request to delay the discovery process. Judge Coffin also clarified the procedural process going forward, noting he would attempt to expedite his findings and recommendations for Judge Ann Aiken. Per federal district court rules, Judge Aiken, informed by Judge Coffin’s recommendation, will decide whether to grant the defendants’ requests for an interlocutory appeal of her [November 10 decision](#).

Following the conference, **Julia Olson**, co-lead counsel for youth plaintiffs and executive director of Our Children’s Trust:

“This case was filed over 18 months ago. The Defendants remain unclear about their own facts. I’ve never gone to trial against defendants who didn’t know where they stood on the facts. This might be a first.”

Judge Coffin asked the fossil fuel defendants, who intervened in the case, when they will be answering youth plaintiffs’ requests for admissions so that plaintiffs will know what facts are contested.

“By the end of April, but, I’m not sure why we need to,” said Frank Volpe, a [Sidley Austin](#) attorney representing the fossil fuel industry defendants.

“I’ll answer your question,” responded Judge Coffin. “If I was trying this case, I’d be wondering what is your position on climate change? You say your role as intervenors is to provide expert testimony ... [expert] on what?”

Volpe agreed to timely respond to youth plaintiffs’ request for admissions.

On March 31, 2017, attorneys representing youth served legal requests for documents to the Department of Agriculture, Department of Defense, and Department of State, three of the agency defendants in the *Juliana* case. The court continues to encourage the parties to focus on the expert testimony regarding climate science and to move the case to trial by the end of the year. The next telephonic case management conference, with Judge Coffin and attorneys representing all the parties, is set for Thursday, May 18, 2017 at 10:00 am PST.

Juliana v. United States is one of many related legal actions brought by youth in several states and countries, all supported by Our Children's Trust, seeking science-based action by governments to stabilize the climate system.

Counsel for Plaintiffs include Philip L. Gregory, Esq. of Cotchett, Pitre & McCarthy of Burlingame, CA, Daniel M. Galpern Esq. and Julia Olson, Esq. of Eugene, OR.

Our Children's Trust is a nonprofit organization, elevating the voice of youth, those with most to lose, to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. We lead a coordinated global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to below 350 ppm by the year 2100. www.ourchildrenstrust.org/

Earth Guardians is a Colorado-based nonprofit organization with youth chapters on five continents, and multiple groups in the United States with thousands of members working together to protect the Earth, the water, the air, and the atmosphere, creating healthy sustainable communities globally. We inspire and empower young leaders, families, schools, organizations, cities, and government officials to make positive change locally, nationally, and globally to address the critical state of the Earth. www.earthguardians.org

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