



For Immediate Release:

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Contacts:

Julia Olson, 415-786-4825, [julia@ourchildrenstrust.org](mailto:julia@ourchildrenstrust.org)

Philip Gregory, 650-697-6000, [pgregory@cpmlegal.com](mailto:pgregory@cpmlegal.com)

To set up interviews with youth plaintiffs, contact:

Meg Ward, 503-341-8590, [meg@ourchildrenstrust.org](mailto:meg@ourchildrenstrust.org)

## **JUDGE DENIES TRUMP ADMINISTRATION'S REQUEST FOR RARE APPEAL IN YOUTH-BROUGHT CLIMATE LAWSUIT**

On Thursday, U.S. District Court Judge Ann Aiken issued an order denying motions filed by the Trump Administration and the fossil fuel industry that sought to appeal her November 10, 2016 order in *Juliana v. United States* to the Ninth Circuit Court of Appeals.

The order follows the Trump Administration's remarkable [Tuesday night filing of a notice](#) giving Judge Aiken a deadline of June 9, 2017 to issue her order. In that notice, the Department of Justice threatened, "In the absence of such resolution by this Court, the United States will seek ... review and relief in the Court of Appeals." The Trump Administration is alluding to an intention to seek a writ of mandamus, an extraordinary remedy that is rarely granted, from the higher court.

From [Judge Aiken's June 8, 2017 order](#):

"Defendants' threat to run directly to the Ninth Circuit if this Court does not abide by a unilaterally imposed 'deadline' is another matter."

"...the government's belief that it is legally entitled to an immediate ruling on a motion it submitted three months ago is rather ironic given that it waited four months to file the request for interlocutory certification in the first place."

Judge Aiken’s order was an adoption of the [May 1, 2017 findings and recommendation](#) issued by Magistrate Judge Thomas Coffin, who is overseeing the pretrial and discovery portion of the case. Judge Coffin has ruled that an interlocutory appeal “would put the cart before the horse, and thus fail to satisfy the standards for interlocutory appeal.”

**Alex Loznak**, 20, of Roseburg, Oregon, one of 21 youth plaintiffs, said:

“The more evidence we gather for our case, the more I realize how decisively we can win at trial. It’s no wonder the Trump Administration wants to avoid the trial by seeking an unwarranted, premature appeal. Today’s ruling brings us one step closer to trial and to winning our lawsuit.”

**Julia Olson**, co-lead counsel for plaintiffs and executive director of [Our Children’s Trust](#), said:

“We are on our way to trial! With industry walking away from the case and the Trump Administration’s effort at procedural delay firmly rejected, we can focus on the merits of these youths’ constitutional claims.”

Justice Anthony Kennedy, writing for the majority of the Supreme Court, has explained that mandamus is a “drastic and extraordinary remedy” reserved for “only exceptional circumstances.” *Cheney v. U.S. Dist. Court for D.C.*, 542 U.S. 367, 380 (2004).

Last month, motions were filed by three fossil fuel industry intervenor-defendants: the [National Association of Manufacturers](#), the [American Petroleum Institute](#), and the [American Fuel & Petrochemical Manufacturers](#) requesting the court’s permission to withdraw from the litigation. For any defendant to leave the litigation, U.S. Magistrate Judge Thomas Coffin must grant permission. That matter is still pending.

*Juliana v. United States* was brought by 21 young plaintiffs who argue that their constitutional and public trust rights are being violated by the government’s creation of climate danger. The case 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/](http://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](http://www.earthguardians.org)*

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