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Ninth Circuit Court of Appeals Orders Temporary Stay in *Juliana v. United States*

San Francisco - Today, the Ninth Circuit Court of Appeals ordered a [temporary stay](#) on the district court proceedings in *Juliana v. United States*. The order was issued by circuit judges Alfred Goodwin, Alex Kozinski, and Marsha Berzon.

On June 9, the Trump Administration filed a petition for an extraordinarily rare review of a November 10, 2016 decision by U.S. District Court Judge Ann Aiken denying its motion to dismiss *Juliana v. United States*. The Trump Administration also sought a “stay of proceedings in the district court,” pending resolution of its rare petition by the Ninth Circuit. The Ninth Circuit stated in today’s order that the “petition for writ of mandamus and all other pending motions will be addressed by separate order.”

Julia Olson, co-lead counsel for plaintiffs and Executive Director of Our Children’s Trust, said:

“It’s disappointing to have any potential delay when we’re in a danger zone on climate, but there will be no delay on our end. We will continue to prepare for trial. We remain confident that we will be heading to trial and that the temporary stay will be lifted.”

Phil Gregory, of Cotchett, Pitre & McCarthy, co-lead counsel for plaintiffs, said:

“In indicating that the stay is only temporary, we believe the Ninth Circuit is signaling that it understands the urgency of the climate crisis for our kids and our country. Through our experts and their reports, we are ready to bring the climate science into the courtroom now. We continue to look forward to our February 5 trial date.”

On June 28, U.S. Magistrate Judge Thomas Coffin issued an order setting a trial date for February 5, 2018 before U.S. District Court Judge Ann Aiken in Eugene, Oregon. The youth plaintiffs are determined to take their case to trial.

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

“I’ve always known we’d get to a higher court sooner or later, so I’m not afraid of going to the Ninth Circuit. The same arguments that got us to the point we are at will prevail at the court of appeals. It’s a very strong case. While it would be better to have all of the facts in front of them, if the Ninth Circuit takes up the early writ of mandamus, the right thing to do would be to deny the stay and let us continue to prepare for trial.”

Juliana v. United States was brought by 21 young plaintiffs, and Earth Guardians, 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/

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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