



For Immediate Release:

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Contacts:

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)

## **NINTH CIRCUIT ORDERS YOUTH PLAINTIFFS TO ANSWER TRUMP ADMINISTRATION'S PETITION FOR WRIT OF MANDAMUS**

Today, a panel of the Ninth Circuit Court of Appeals [ordered](#) attorneys representing the 21 *Juliana v. United States* youth plaintiffs to file an answer to the Trump Administration's petition for a writ of mandamus.

The Trump administration's petition seeks review of a [November 10, 2016 decision](#) by U.S. District Court Judge Ann Aiken to deny the government's motion to dismiss *Juliana*. The Ninth Circuit is allowing plaintiffs 30 days to respond to the Trump administration's petition for writ of mandamus, a rare and extraordinary remedy granted in only the most unusual circumstances. The Ninth Circuit has requested that the briefing on behalf of the youth plaintiffs address pre-trial discovery issues raised by the U.S. government defendants and has invited Judge Aiken to file an answer as well.

On Tuesday, the same three-judge panel [granted](#) a temporary stay of proceedings in the case in district court, while it considers the petition for a writ of mandamus.

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

"The Ninth Circuit has made clear in its order that it is particularly interested in Defendants' allegations as to their discovery obligations in this case. Our plaintiffs will demonstrate that they will be ready to go to trial on February 5, and the Trump administration's allegations of undue burden of discovery are unfounded."

**Phil Gregory**, co-lead counsel for plaintiffs and partner with [Cotchett, Pitre & McCarthy, LLP](#), in Burlingame, CA, said:

“Federal Defendants have claimed that they are harmed by participating in the ordinary discovery process. We are encouraged by the Ninth Circuit’s interest in this issue so that plaintiffs can establish the facts. Federal Defendants claims are without basis. We believe both pre-trial discovery and the trial will allow climate science to show the danger our federal government has created for our youngest and future generations. This petition constitutes the U.S. government’s third attempt to obstruct the orderly process of holding a trial before appealing to a higher court.”

Twenty-one youth plaintiffs, now ages 10-21, and the nonprofit Earth Guardians brought *Juliana v. United States* in 2015, arguing that the U.S. government’s affirmative creation of climate change danger violates their constitutional and public trust rights to a livable climate. The case is one of many related legal actions brought by youth in multiple states and countries seeking science-based action by governments to stabilize the climate system, all supported by Our Children’s Trust.

***Counsel for Plaintiffs*** include Philip L. Gregory, Esq. of Cotchett, Pitre & McCarthy of Burlingame, CA, and 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. We work together to protect the Earth, the water, the air, and the atmosphere, and to create healthy sustainable communities around the world. 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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