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TRUMP DESPERATE TO DODGE KIDS' CLIMATE TRIAL, BUT NINTH CIRCUIT GETS NEXT WORD

San Francisco - The next phase in *Juliana v. U.S.*, the landmark climate lawsuit brought by 21 youth plaintiffs, now rests with the Ninth Circuit Court of Appeals.

On Monday, September 11, the Trump Administration filed [its reply brief](#) to the [youth plaintiffs' answer](#) to Trump's latest trial delay tactic - a [mandamus petition](#) filed on June 9th.

In its reply, the Trump Administration backed away from its claims of "an unbounded discovery process." The Administration's original petition asserted "ongoing discovery" presented a "staggering burden" "directed at the entire course of federal decision-making." In its reply brief, however, the Administration's gripes were turned into whimpers, now complaining the youth plaintiffs "are not entitled to *any* discovery to support an unfounded constitutional claim." When the case moves forward, the federal defendants will have to respond to the same type of pre-trial disclosures of information as any other party to litigation.

Rather than disclose its ongoing plan to continue the systemic support of the fossil fuel industry and to avoid putting climate science on trial, the Trump Administration contended that it believes youth have no right to a stable climate, declaring in its latest filing:

“This Court should grant the mandamus petition in order to avoid serious intrusion on the separation of powers and prejudice to Defendants stemming from both a trial and the discovery leading up to it.”

“[T]he Defendants will be required to expend significant time and resources retaining and developing their own expert witnesses on these topics.”

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

“In its reply, the Trump Administration dodged the law that applies to a writ of mandamus and dodged the eight compelling *amicus curiae* briefs filed in support of the youth.”

Phil Gregory, co-lead counsel for plaintiffs and partner with Cotchett, Pitre & McCarthy, LLP, in Burlingame, CA, said:

“In their original petition to the Ninth Circuit, the federal defendants distorted the state of pretrial discovery and the claims in this case, just as they misrepresented the severity of the climate threat to our children and grandchildren. If our courts do not act on climate change now, hurricanes like Harvey and Irma will become facts of life for our kids.”

Before the Trump administration filed its mandamus petition, the District Court of Oregon [issued an order](#) for the trial to begin on February 5, 2018 in Eugene, Oregon, with Judge Ann Aiken presiding. Judge Aiken, along with Magistrate Judge Thomas Coffin, submitted [an August 25th letter](#) to the Ninth Circuit stating, “In short, we do not believe that the government will be irreversibly damaged by proceeding to trial.”

On Tuesday, powerful voices of support for *Juliana v. United States* youth plaintiffs [filed amicus curiae \(friend of the court\) briefs](#) in opposition to the Trump Administration’s mandamus petition with the Ninth Circuit Court of Appeals. In all, eight amicus briefs, from legal scholars, religious, women’s, libertarian, and environmental groups, alongside legal nonprofits, displayed resounding legal support for denying the mandamus petition, and allowing the *Juliana v. U.S.* case to proceed to trial on February 5, 2018. The Trump Administration does not address the *amicus curiae* briefs in their reply brief.

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 youth 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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