



For immediate release:

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Contact:

Julia Olson, 415-786-4825, julia@ourchildrenstrust.org

Philip Gregory, 650-278-2957, pgregory@gregorylawgroup.com

To set up interviews with youth plaintiffs, contact:

Meg Ward, 503-341-8590, meg@ourchildrenstrust.org

Judge Tells Trump Administration “the government is not in charge of how we proceed with discovery” in *Juliana v. United States*

Eugene, Oregon -- During today’s case management conference with attorneys representing the parties in the constitutional climate lawsuit *Juliana v. United States*, U.S. District Court Magistrate Judge Thomas Coffin told attorneys representing the Trump Administration that “the government is not in charge of how we proceed with discovery.”

Much of today’s discussion focused on establishing government admissions on climate-related issues. Judge Coffin told counsel for the youth plaintiffs that the Court is able to authenticate and admit statements found in government documents without asking defendants to admit those facts. Plaintiffs had planned to take depositions of government agency defendants on limited issues, but were told they can use the documents and expert testimony to establish the same facts.

Finally, counsel for the youth plaintiffs expressed concern that the Trump Administration was renegeing on its agreement to take the depositions of the 21 plaintiffs during their summer vacations, after saying for over a year that defendants intended to depose all 21 youth. Judge Coffin explained to defendants that they will “forfeit [their] right to take depositions of [the] plaintiffs” if they do not take their depositions over the summer, during the weeks plaintiffs are available. Five of the youth plaintiffs were in court for the conference.

Julia Olson, executive director and chief legal counsel of **Our Children’s Trust** and co-counsel for the youth plaintiffs said:

“Plaintiffs are pleased with the deadline set for plaintiff depositions and we are going to take into account the Court’s recommendation for how pre-trial discovery should proceed.”

Philip Gregory, co-counsel for youth plaintiffs added:

“Our goal is to conduct this trial as efficiently as possible, given the urgency of the climate crisis. Today’s conference allowed the parties to hear and understand the Court’s views on how best to prepare and present the climate science at trial.”

Hazel van Ummersen, 13-year-old plaintiff from Eugene, Oregon, said:

“As we head to trial we need to keep holding the government accountable. The Judge was clear: the Trump Administration can’t make up its own rules, it has to follow the rules of this court.”

Zealand Bell, 14-year-old plaintiff from Eugene, Oregon, said:

“Judge Coffin has given us a trial date and is holding the government to it. I’m glad he understands that the government is not above the law.”

Avery McRae, 12-year-old plaintiff from Eugene, Oregon, said:

“Judge Coffin is clearly going to make the Trump Administration follow his orders whether they want to or not.”

Judge Coffin concluded the status conference by reminding the parties that the Constitution controls this case, not the Administrative Procedures Act (APA). He stated, “The Constitution is the supreme law of the land.” The defendants have continued to assert that the youth plaintiffs’ claims must proceed solely under the APA, and not the Constitution. Judge Coffin, in an [order](#) issued on May 25, wrote:

“...this court is not at all persuaded by their argument that the APA is the sole avenue of relief for the plaintiffs for the asserted violations of their constitutional rights...”

Juliana v. United States is *not* about the government’s failure to act on climate. Instead, the 21 young plaintiffs assert that the U.S. government, through its *affirmative actions* in creating a national energy system that causes climate change, has violated their constitutional rights to life, liberty, and property, and has failed to protect essential public trust resources. The case is one of many related legal actions brought by youth in several states and countries, all supported by Our Children’s Trust, and all seeking science-based action by governments to stabilize the climate system.

The next status conference in front of Judge Coffin is set for July 17, 2018 at 10:00 a.m. followed by a hearing on defendants’ motion for judgment on the pleadings before Judge Aiken on July 18, 2018 at 2:00 p.m. in Eugene, OR.

Counsel for Plaintiffs are Julia Olson, Esq. of Eugene, OR, Philip L. Gregory, Esq. of Gregory Law Group, and Andrea Rodgers, Esq. of Seattle, WA.

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

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.*

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