



For Immediate Release:

October 5, 2018

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Trump Administration's Desperation Grows as *Juliana v. United States* Trial Approaches

Eugene, Oregon - Today, in an unprecedented move, the Trump administration filed another motion with the U.S. District Court for the District of Oregon to stay discovery and trial in the landmark constitutional climate lawsuit *Juliana v. United States*, pending review from the U.S. Supreme Court.

This lawsuit was filed by 21 young people in August 2015 with support from Our Children's Trust. The United States government has fought the youth plaintiffs for more than three years to get this case dismissed, all while knowingly perpetuating the nation's fossil fuel energy system and the climate crisis. Judges at the U.S. District Court, the Ninth Circuit Court of Appeals, and most recently, the United States Supreme Court have repeatedly ruled in favor of the youth plaintiffs and their right to go to trial. Their trial is set to begin on Monday, October 29.

During a [telephonic status conference](#) yesterday between the parties and U.S. Magistrate Judge Thomas Coffin to discuss the government's intention to file the motion for stay, Judge Coffin said:

“...it doesn't seem to me, looking at the landscape here, that very much has changed since the last motion to stay was filed...and the only 'change' is that the Court hasn't ruled on the dispositive motions that have been filed...I would just urge everybody to keep on track for trial.”

The youth plaintiffs and the Court noted that the only other change in circumstance is that the parties have expended significant time and resources in conducting discovery in preparation for trial, and are nearing the end of conducting 50 depositions of experts and plaintiffs in about 60 days.

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

“As I told the court yesterday, plaintiffs will be ready to give their opening statement on the first day of trial on October 29. Our experts have booked tickets and are ready to testify. This redundant motion by the Department of Justice, with no new grounds for stopping the trial, is

nothing more than a show of fear. We trust that the entire federal judiciary will once again reject this administration's attempt to thwart justice and put itself above the federal rules of civil and appellate procedure. We trust that the appellate courts will once again reject this challenge to the Article III authority of the U.S. District Court to hear constitutional cases and hold a trial to hear evidence and resolve the claims."

In their motion, the Department of Justice claims that defendants will be "irreparably harmed absent a stay, Plaintiffs will not be harmed by a stay, and the public interest would be well-served by a stay."

Kelsey Juliana, 22-year-old plaintiff from Eugene, Oregon, said:

"For three years we have faced frivolous tactics by the defendants as they attempt to skirt around standard judicial practices. At this point, it's just harassment. My lawyers now have to do more work, but it only makes me feel more righteous in this case. To know that this administration is so fiercely trying to avoid this trial after deposing us and our experts indicates that they know it will unveil their role in driving the climate crisis and causing the harms to my co-plaintiffs and me. Our system of justice will ultimately prevail as it was intended by our founding fathers. We will not let this administration act like it's above the law."

Jayden F., 15-year-old plaintiff from Rayne, Louisiana, said:

"At the beginning defendants assumed our case was hopeless but now they're all panicking because trial is around the corner. The fact that they're going to such great lengths to avoid this trial shows how important it is, it shows that they know that what they're doing is wrong. They don't want to face the consequences of their actions. *They scared.*"

Alex Loznak, 21-year-old plaintiff from Roseburg, Oregon, said:

"I was glad to see the Supreme Court reject the government's premature attempt to appeal our case this summer before we've even had the chance to present the factual evidence. This is another ill-conceived appeal. I hope the Court will exercise judicial restraint and respect for its own recent precedent by once again declining to intervene in our case at this early stage."

Philip Gregory, of Gregory Law Group and co-counsel for the Youth Plaintiffs commented:

"It is clear the Trump administration is frightened to allow the climate science to be presented in the courtroom. These youth plaintiffs will be presenting the Court with the best science as to why our climate is in a danger zone. At this late stage, the only reason to try to stop this case from moving to trial is that the federal government is scared of the evidence we will present."

Juliana v. United States is not about the government's failure to act on climate. Instead, these 21 young plaintiffs between the ages of 11 and 22, assert that the U.S. government, through its *affirmative actions* in creating a national energy system that causes climate change, is depriving them of 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.

Counsel for Plaintiffs are Julia Olson, Esq. of Eugene, OR, Philip L. Gregory, Esq. of Gregory Law Group of Redwood City, CA, 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. www.earthguardians.org*

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