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Youth Plaintiffs File Response with Supreme Court Pointing to the Government's Serious Mischaracterization of *Juliana v. United States*

Eugene, Oregon -- Today, attorneys for youth plaintiffs in the landmark climate lawsuit, *Juliana v. United States*, filed their response with the Chief Justice of the United States Supreme Court, requesting that the Court allow their trial to proceed on October 29 and pointing to numerous mischaracterizations of the lawsuit by the Trump administration in its recent filing with the Court.

On Thursday, for the second time in three months and claiming harm only from costs of litigation, the Department of Justice filed an application for stay and a petition for writ of mandamus with the Supreme Court. On Friday, Chief Justice John Roberts issued an administrative (temporary) stay of discovery and trial while the Court reviews the youth plaintiffs' response. The Chief Justice gave the youth plaintiffs until the afternoon of Wednesday, October 24, to respond to the government's stay application; however, the youths' lawyers worked all weekend to file early Monday morning in hopes of receiving a decision from the Chief Justice before the week's end. Plaintiffs say they are prepared to go to trial as scheduled on Monday, October 29.

In their [response](#), the youth plaintiffs point to the mischaracterizations in the Trump administration's application for stay with the Court, including that:

- This is not an environmental case, it's a civil rights case.
- This is not a case that hinges on a newly recognized unenumerated fundamental right, as the DOJ misstates.
- The length of trial and its cost are not enough to show irreparable harm for purposes of a stay and are not a legitimate basis to stop a trial on the constitutional rights of children.
- Contrary to the assertions of the Trump administration, this trial will not intrude on the ability of the executive branch to carry out its functions. There will be no confidential information disclosed in discovery or at the trial.

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

“The Supreme Court has never before stopped a trial for the reasons argued by the defendants and I’m confident our brief will assure the Chief Justice that there is no intrusion into the ability of the executive branch to do its job while the Department of Justice defends this case at trial. The Supreme Court and our constitutional democracy will be better served if the Supreme Court reviews this case after a final judgment, as it does in every other matter where review is granted.”

Levi Draheim, 11-year-old plaintiff from Satellite Beach, Florida said:

“I’m supposed to be in Eugene right now for my deposition and to start my trial. I was excited to leave my home in Florida because the air is so toxic from the red tide, which is being made worse by climate change. I feel like I need to get out of here for my health. We need to go to trial so that I can protect my home.”

Philip Gregory, of Gregory Law Group and co-counsel for the youth plaintiffs commented:

“We are ready to start trial right now. This case asks important constitutional questions, including issues about individual liberty. Even the Trump administration admits both the climate science and the irreparable harm these youth plaintiffs are facing due to climate change. These children and their evidence should be heard in a court of law. A stay of trial in the District Court would severely interfere with the orderly administration and resolution of cases and would unnecessarily undermine the confidence of the American people in our Nation’s justice system.”

Plaintiffs and their attorneys will hold a press conference via video after the Supreme Court issues its decision.

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. 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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