



For Immediate Release:

November 2, 2018

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United States Supreme Court Denies Trump Administration's Request for Stay - *Juliana v. United States* Moves Forward, Again

Washington, D.C. - The United States Supreme Court denied the Trump administration's application for stay in the landmark constitutional climate lawsuit, *Juliana v. United States*. The lawsuit, brought by 21 young Americans and supported by Our Children's Trust, is back on track for trial.

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

"The youth of our nation won an important decision today from the Supreme Court that shows even the most powerful government in the world must follow the rules and process of litigation in our democracy. We have asked the District Court for an immediate status conference to get *Juliana v. U.S.* back on track for trial in the next week."

Seven of the justices found the Defendants did not have a "fair prospect" of success on their petition for writ of mandamus, one of the factors necessary for the Court to stay lower court proceedings. Justices Clarence Thomas and Neil Gorsuch would have granted the application.

This afternoon after receiving the order of the Supreme Court, plaintiffs immediately filed a request in the District Court asking for an immediate status conference to get *Juliana v. United States* back on track for trial in the next week.

The Supreme Court issued a [narrow order](#) considering only one of the two factors for granting a stay of a case in a lower court. The first factor is whether there is a "fair prospect" that at least five justices would vote to grant mandamus and the second factor is whether the government is likely to suffer irreparable harm if the stay is not granted. The Court did not reach the irreparable harm factor in its order, because it found as to the first factor:

“At this time, however, the Government’s petition for a writ of mandamus does not have a “fair prospect” of success in this Court because adequate relief may be available in the United States Court of Appeals for the Ninth Circuit.”

Earlier today, the Ninth Circuit Court of Appeals also issued the following order denying the Trump administration’s third writ of mandamus petition to the Ninth Circuit for a stay:

“Order filed (SIDNEY R. THOMAS, MARSHA S. BERZON and MICHELLE T. FRIEDLAND) The government filed with us on October 12, 2018, a document entitled "Petition for Writ of Mandamus Requesting a Stay of District Court Proceedings Pending Supreme Court Review." As the title indicates, no substantive Petition for Writ of Mandamus or other substantive pleading was filed with us. The only request was that although nothing substantive was or would be pending before us, we stay the trial, scheduled to begin on October 29, 2018, "[t]o assure that the Supreme Court has adequate time to consider the government's request for relief." The government filed a request for a stay and a substantive Petition for Writ of Mandamus with the Supreme Court. Although we have not been so informed by the government, Chief Justice Roberts issued a temporary stay of the start of the trial, and the Court is now considering the government's requests. In re United States, et al., No. 18A410 (October 19, 2018). Given the issuance of the temporary stay order and the fact that there is no request before us other than for a stay pending Supreme Court consideration, Petitioner’s non-substantive emergency motion for a stay is DENIED as moot. We request that, in the future, the government promptly inform this Court of developments affecting its pending motions. [11069874] (OC)”

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

“Today was an important date for the youth plaintiffs in *Juliana*. Both the Supreme Court and the Ninth Circuit issued orders denying stays in this important case. The Supreme Court expressly stated the Government’s position “does not have a ‘fair prospect’ of success in this Court.” We just filed a request with Judge Aiken, hoping the Court sets an immediate pre-trial conference and a prompt trial date. We are extremely pleased that the courthouse doors are re-opened. Plaintiffs are ready to start trial right away.”

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

“Today we move forward. I want to trust that we are truly on track for trial without having further delays, but these defendants are treating this case, our democracy, and the security of mine and future generations like it’s a game. I’m tired of playing this game. These petitions for stay and dismissal are exhausting. To everyone who has invested in this case, to those who’ve followed along our journey for the past three years and counting: stay with us, in hope and in the pursuit of justice.

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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