



For Immediate Release:

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## **Youth Plaintiffs in *Juliana v. United States* Ask District Court to Lift Stay on Pretrial Proceedings**

Eugene, Oregon -- Today, attorneys for the 21 young plaintiffs in the landmark constitutional climate lawsuit, *Juliana v. United States*, filed a motion for reconsideration with the U.S. District Court for the District of Oregon. The motion asks Judge Aiken to reconsider her November 21 decision to place a stay on pretrial proceedings when she certified the case for interlocutory appeal to the Ninth Circuit Court of Appeals.

[The motion](#) includes numerous references to the Fourth National Climate Assessment which was released by the federal government on November 23. Released by the U.S. Global Change Research Program, the Fourth National Climate Assessment focuses on climate change impacts, risks, and adaptations occurring in the United States. The Assessment establishes that, without substantial and sustained efforts by the federal government to reduce greenhouse gas emissions, climate change is expected to cause growing losses to American infrastructure and property and impede the rate of economic growth over this century.

Ordinarily, in order to stay proceedings, a court must find that a stay is necessary to prevent harm to one party and that such a stay will not unduly harm or burden the other party to litigation. In *Juliana*, none of the three levels of the federal judiciary have yet to perform an analysis of the effect of a stay or make the necessary findings before halting the youth plaintiffs' case. In their motion, the youth plaintiffs pointedly note the government has not presented "a shred of evidence" that defendants have been harmed justifying a stay. On the other hand, the plaintiffs cite to numerous government reports, their own expert evidence, and the warning of the Secretary General of the United Nations in September that all point to the dire emergency facing the youth, which should weigh against any stay of their case. In his letter, the UN Secretary General wrote:

"If we do not change course by 2020, we risk missing the point where we can avoid runaway climate change, with disastrous consequences. . ."

In their filing today, plaintiffs submitted a projected timeline to trial if the stays remain in place, which would result in trial of the *Juliana* case not commencing until 2021, well beyond the time frame needed to begin rapid emission reductions to avoid runaway climate change. Given the urgency, plaintiffs are asking the stay to be lifted, and will ask the Ninth Circuit to also lift the stay so that trial may commence in January or February 2019.

New evidence has just been released showing that U.S. emissions are growing once again under the Trump administration's leadership and are projected to be 2.5% higher in 2018 than 2017. Emissions in 2018 are once again projected to be the highest on record causing further heating of the planet.

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

“This is the fourth time our case has been stayed, the fourth time we've been up to the court of appeals before trial. And there is not a shred of evidence that defendants have been harmed by anything plaintiffs have done or anything the District Court has done in this case. It's simply a miscarriage of justice and causing gross inefficiencies for the parties and the judiciary. The courts owe these youth a proper analysis of the stay request so that the harms can be thoroughly evaluated. The only rational course is for the courts to lift the stay. If they don't, we'll be forced to move for injunctive relief.”

**Jayden Foytlin**, 15-year-old plaintiff from Rayne, Louisiana, said:

“I hope that the Court will let us continue preparing for our trial. We need to get into the courtroom as soon as possible so that we can start to turn this climate crisis around. What happened to my family and me with the floods in 2016 was devastating. It can't happen again. We need to do everything we can to make sure it doesn't.”

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

“This new National Climate Assessment contains additional evidence supporting our claims that these young Americans are suffering ongoing, serious harms to their lives and liberties. We firmly believe the District Court should reconsider the decision to stay our case in light of this scientific study prepared by Defendants that human health and safety, our quality of life, and the rate of economic growth in communities across the U.S. are increasingly vulnerable to the impacts of climate change. This Assessment adds to the mountain of evidence that a stay of pretrial proceedings is highly prejudicial to plaintiffs in the absence of injunctive relief pending appeal.”

*Juliana v. United States* is not about the government's failure to act on climate. Instead, these 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/](http://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](http://www.earthguardians.org)*

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