



For Immediate Release:

December 11, 2018

Contacts:

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

***Juliana v. United States* Plaintiffs' Express Urgency and Efficiency in Requesting the Ninth Circuit Allowing Climate Case to Go to Trial**

San Francisco, CA - On December 10, attorneys for the 21 young plaintiffs in the landmark constitutional climate lawsuit, *Juliana v. United States*, filed their answer in opposition to the fifth petition of the Trump administration to the Ninth Circuit Court of Appeals. In their Fifth Petition, Defendants seek permission for an early appeal before trial. Plaintiffs' answering brief cautions that granting the U.S. government's petition and endorsing its delay tactics will contribute to a "miscarriage of justice."

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

"If there is any further delay in addressing climate change, I cannot counsel these young people to wait for their trial before seeking an injunction against these defendants. An appeal now will lead to gross judicial inefficiency and lock in even more harm to these children. The government's delay tactics are not about seeking out justice or protecting Americans, they're about keeping their illegal conduct in promoting coal, oil, and gas away from judicial review. This administration does not want its conduct reviewed in the courts. They've made that clear. But that is not the law of our country. We lose our democracy, our freedom, and our constitutional protections if our trial courts cannot hear cases against our government. This case *must* go to trial."

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

"We've known about the dangers of climate change for over 50 years and can't wait two more years to go to trial to stop it. I filed this lawsuit when I was 8-years-old and now I'm 11, and now

we might have to wait until I'm 14. I'm seeing the effects of climate change happen all around me in Florida, we don't have two more years to lose."

Plaintiffs point to two projected [timelines](#) in their brief: one outlining the timeline if interlocutory appeal is denied and one that outlines the timeline if the Court grants defendants' petition.

In their [brief](#), attorneys for the youth Plaintiffs stress the urgency of the climate crisis and the harm the youth will continue to face if the Ninth Circuit grants interlocutory appeal:

"At this late date, should this Court keep the current stay in place on interlocutory appeal, Plaintiffs would be forced to seek relief under Federal Rule of Appellate Procedure 8(a)(2) because, as the uncontested evidence below establishes, absent a prompt trial or injunctive relief, irreversible climate harms will become locked-in. Plaintiffs would be entitled to an injunction pending appeal because serious questions are raised and the balance of hardships tips sharply in favor of Plaintiffs due to the grave and imminent possibility of irreparable harm...The clear choice is to allow trial to commence in early 2019 and reserve appeal after final judgment. Defendants have submitted no evidence of harm other than the time and money it takes to participate in trial, which is a fraction of the resources already spent over the past three years on the multiple motions and petitions to stay litigation and for mandamus, in nearly completing discovery, added to what will be spent in the next five years if this Court chooses [to grant Defendants' petition.]"

Plaintiff's brief concludes with the following:

"As the district court has oft and sagely recommended, Defendants' Petition should be denied so the parties can make their best case at trial and, if Plaintiffs prevail, our government can move on to saving our Nation for our children, rather than continue wasting resources fighting them. Plaintiffs do not state lightly that this decision will be a lasting legacy of this panel and this Court."

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

"We hope the courts recognize there is no time left for further delay in taking actions to address the atmospheric burden created by the federal government that both endangers our climate system and threatens our children. The recent reports by federal climate scientists confirm that our government is a substantial factor of recent and projected future change. As the Fourth National Climate Assessment stated: 'The majority of the warming at the global scale over the past 50 years can only be explained by the effects of human influences, especially the emissions from burning fossil fuels (coal, oil, and natural gas) and from deforestation.' By ignoring its own climate scientists and continuing full speed ahead on fossil fuel emissions, the Trump administration is putting the short term profits of fossil fuel companies over the long term interests of American citizens, including our children and grandchildren. Only the courts can protect our nation through issuing emergency relief. "

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/

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

###