



For Immediate Release:

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## **Ninth Circuit Court of Appeals Grants Youth Plaintiffs' Request to Expedite the Government's Appeal in the Landmark Climate Lawsuit *Juliana v. United States***

San Francisco -- Today, a three-judge panel on the Ninth Circuit Court of Appeals granted plaintiffs' request to expedite the briefing schedule in *Juliana v. United States*, the landmark constitutional climate lawsuit brought by 21 young Americans. The Ninth Circuit agreed to fast-track the appeal.

The Ninth Circuit [ordered](#) the Trump administration to file its opening brief on February 1 and the plaintiffs' to file their answer brief on February 22. The Court will schedule the hearing on interlocutory appeal on the next available calendar. An interlocutory appeal is an early appeal of certain legal questions a case presents before a trial judge has made any final decisions as to which party will win. Interlocutory appeals are rarely allowed in the U.S. legal system, which ordinarily requires a final judgment before the courts of appeals will get involved in reviewing a case.

The Ninth Circuit's order also denied the Trump administration's request to postpone a decision on whether to expedite the government's appeal because of the government shutdown. The Department of Justice had argued to the court, as they have in many other cases, that they could not respond to plaintiffs' motion due to the furlough. The Ninth Circuit's rejection of the furlough-defense, is consistent with many other courts around the country, which have ordered the Department of Justice to meet court deadlines in spite of the government shutdown.

On December 26, 2018, and in a 2-1 [decision](#), the Court granted the Trump administration's petition for permission to bring an interlocutory appeal in the case. Chief Judge Sidney Thomas and Circuit Judge Marsha Berzon decided in favor of the petition, while Circuit Judge Michelle Friedland dissented.

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

“This schedule is a ray of light for the plaintiffs. Time is the enemy as carbon dioxide builds in our atmosphere every day threatening the personal security and lives of these young people. We

will continue to press forward on all fronts as quickly as possible. We're glad the Ninth Circuit recognizes the urgency this case presents."

*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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