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Attorneys for *Juliana v. United States* Plaintiffs Respond to Latest U.S. Department of Justice Motion to Dismiss

Eugene, Ore.—On June 22, the U.S. Department of Justice (DOJ) [filed](#) another motion to dismiss the youth-led *Juliana v. United States* case, despite the prior [ruling](#) from U.S. District Court Judge Ann Aiken that the case could proceed to trial on an amended complaint. Yesterday, the attorneys representing the plaintiffs in *Juliana* filed their [response](#) requesting the Court deny the DOJ's motion to dismiss.

The response rebuts the DOJ's motion to dismiss that merely repeats arguments already decided by the courts and identifies the tactics the DOJ continues to employ to delay and deny the youth plaintiffs their day in court. The response includes such points as:

- The DOJ's motion to dismiss contravenes prior decisions of this Court and the Ninth Circuit as well as President Biden's own Executive Orders and commitments his administration has made to the American people. The case involves an emergency of epic proportions, and it is time for the U.S. to stand trial for contributing to this climate emergency, putting these youth in a dangerous position to their health and safety in violation of the Constitution.
- While the DOJ argued in their motion to dismiss that there is "no constitutional right" at stake for the youth plaintiffs, President Biden has proclaimed the opposite and said that climate change represents "[the existential threat to humanity](#)," and a "[clear and present danger to the United States](#)," and "an emergency" where long-awaited government responses are "[going to save lives](#)."
- [President Biden has openly recognized](#) that the government at large has a "duty right now... to the young people in this nation, and to future generations... to act boldly on climate," and that "Congress... has failed in this duty." The DOJ says nothing to justify why their legal defense of *Juliana* is inconsistent with the Biden Administration's public pronouncements. By seeking to close the courthouse doors and steer these youth plaintiffs down another path they have already acknowledged "has failed," the

government's actions effectively enable the nation's willful destruction.

[Read the response in full here.](#)

In their motion, the DOJ also asked Judge Aiken to certify her order for interlocutory appeal, if she denies their latest attempt to get the case dismissed. A ruling on the motion is expected in the coming months. In the meantime, the plaintiffs await a ruling from Judge Aiken on their motion to set an expedited trial date in the case.

“The DOJ’s conduct throughout the course of this case has been nothing short of outrageous,” said Andrea Rodgers, one of the attorneys for the youth plaintiffs. “As children all around this country experience unprecedented temperatures, deadly wildfire smoke, and catastrophic storms, the government fiddles and tries to prevent these young plaintiffs from presenting evidence in open court as to how they are being harmed by their government’s national fossil fuel-based energy system. It is our hope and expectation that the courts will see through the DOJ’s tactics and ensure that this constitutional case gets to trial immediately.”

Background

Judge Aiken’s June 1 ruling granted the *Juliana v. United States* youth plaintiffs, who have faced eight years of incessant and unprecedented efforts by the DOJ to delay or dismiss their case, the ability to finally move forward to trial on the question of whether the federal government’s fossil fuel-based energy system, and resulting climate destabilization, is unconstitutional.

Trial in *Juliana v. United States* would create a factual record of the youth’s evidence as well as provide the U.S. DOJ with the opportunity to present their case and cross-examine experts for the youth - similar to trial in [Held v. State of Montana](#), which concluded on June 20.

The 21 youth plaintiffs in *Juliana v. United States* filed their constitutional climate lawsuit in 2015, asserting that, through the government’s affirmative actions that cause climate change, it has violated the youngest generation’s constitutional rights to life, liberty, and property, as well as failed to protect essential public trust resources.

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Our Children’s Trust is the world’s only nonprofit public interest law firm that exclusively provides strategic, campaign based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth’s climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and safe climate, based on the best available science. Globally, we support youth-led climate cases in front of national courts, regional human rights courts, and UN bodies. www.ourchildrenstrust.org