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**Our Children's Trust Attorneys File Opposition to U.S. Department of Justice Motion to Stay in *Juliana v. United States***

*DOJ resorts to political persecution of children as climate crisis nears breaking point*

**Eugene, Ore.**—Attorneys for Our Children's Trust have [filed an opposition](#) to the U.S. Department of Justice's (DOJ) motion for a stay pending a petition for a writ of mandamus in [Juliana v. United States](#) – yet another delay tactic in the federal constitutional climate case originally filed in 2015.

In its [January 18](#) motion to stay the case, the DOJ suggested that children's constitutional rights should take a backseat to routine government operations, arguing the government would be "irreparably harmed" because the DOJ has spent thousands of hours and millions of dollars defending the case, all wasted through pursuing a premature appellate process reserved for emergencies. Meanwhile, the DOJ continues to ignore the devastating impacts of climate disasters, which cost the public over a trillion dollars since this case was filed.

The DOJ asserted in their motion, "Nothing has changed since this case was filed that would now require the Court to proceed urgently toward trial," while the federal government spends approximately \$20.5 billion per year in direct subsidies to the fossil fuel industry. According to a [Declaration of Support of the plaintiff's opposition](#) provided by climate scientist Dr. Steven Running, "Since the trial was canceled in 2018, the U.S. became the top producer of crude oil and remains the top producer of liquified natural gas in the world."

The opposition filed by the Our Children's Trust attorneys points out that the 21 youth plaintiffs have suffered considerable harm during the unprecedented eight-year duration of this constitutional case, and increasingly over the years since their trial was taken away in 2018. In addition to the mental health harms suffered from enduring year-after-year of worsening climate catastrophes, plaintiffs have faced extreme heat events, including the 2021 heat dome in the Pacific Northwest that killed hundreds, increasingly intense and long wildfire seasons that

destroyed communities and polluted their air, and forced evacuations, relocations, and flooding because of devastating hurricanes along coastal communities.

“While a dearth of evidence supporting a stay would, on its own, be sufficient to justify the Court denying Defendants’ Motion to Stay,” reads the opposition filed by the plaintiffs’ attorneys, the youth plaintiffs “will show why: (1) Defendants have *not* made a ‘strong showing’ that they are likely to succeed on the merits; (2) Defendants will *not* be irreparably injured without a stay, much less injured at all; (3) Plaintiffs *will be* substantially injured if a stay is granted; and (4) a stay is *not* in the public interest.”

In a [Declaration of Support of the plaintiff's opposition](#) provided by Joseph Stiglitz, economist and Columbia University professor, he writes:

- "The argument that the DOJ (or even the federal government) is somehow 'irreparably harmed' by having to spend time preparing for trial, given the amount of money the DOJ has spent and will spend in attorney and expert time in defending this case, is a ludicrous argument. To suggest the harm to children’s health and homes and constitutional rights is worth less than the money the government has to spend to litigate a case is to suggest every case could be stayed only because it cost taxpayer dollars to litigate"; and
- "The true irreparable harm is the approximate cost of climate disasters or other climate economic harm since this case began and even since the first trial in this case was stopped in October 2018 and through the end of 2023, along with any projections of the range of harm going forward, as well as the amount the U.S. has spent (and continues to spend) subsidizing the fossil fuel industry. The real urgency is to stop the climate crisis and the already-dangerous *status quo* from worsening, and to protect these young people’s constitutional rights"; and
- "The cost of delay to these young Plaintiffs and the public interest is enormously high. Delay equates to more climate damage, particularly for young people. Delay creates not only economic costs, but great uncertainty. The federal government has spent taxpayer money taking the case to the appellate courts, rather than allowing it to go to trial. In economic terms, this case should be decided at trial without further delay."

The opposition filed by Our Children’s Trust also states:

- “Putting aside their expenditure of ‘public resources’ and ‘nothing has changed’ posturing, Defendants fail to show a genuine necessity for the proposed stay. Defendants fail to satisfy their heavy burden to justify a stay when this case has relatively little discovery left to do to commence trial and Plaintiffs’ constitutional injuries worsen with each passing day”; and
- “Defendants’ extraordinary fourteen attempts to stay this litigation over the past eight years... singling out this specific case, and these specific youth plaintiffs, to roadblock

their path to trial like some sort of political vendetta should not be sanctioned by any court of law.”

”These youth are being politically targeted and persecuted, for over eight years, as the enormous power and machine of the Department of Justice singles them out among tens of thousands of plaintiffs, in an effort stop them from taking the witness stand,” said Julia Olson, lead counsel to the 21 youth plaintiffs. “Every court to review the *Juliana* plaintiffs’ claims has said that the lives of young people are at stake, the survival of the nation is at stake, and there is merit to their constitutional claims.”

[Read the full Plaintiffs’ Opposition To Defendants’ Motion To Stay Pending A Petition For A Writ Of Mandamus.](#)

For more information, including background and timeline of events, please refer to the December 31, 2023, press release [Judge Denies DOJ’s Motions to Dismiss and for Early Appeal in \*Juliana v. United States\*.](#)

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*Our Children’s Trust was founded in 2010 on the idea that courts are vital to democracy and empowered to protect our children and the planet. Without a stable climate system, every natural resource we rely upon to exercise our basic human rights—life, liberty, home, happiness—is under threat. Our work will be achieved when there is universal recognition of children’s climate rights by courts around the world and children’s fundamental rights to life on this planet are protected. [www.ourchildrenstrust.org](http://www.ourchildrenstrust.org)*