



February 13, 2024

Contacts:

Julia Olson, Chief Legal Counsel, 415.786.4825, julia@ourchildrenstrust.org

Andrea Rodgers, Senior Litigation Attorney, 206.696.2851, andrea@ourchildrenstrust.org

Philip Gregory, Of Counsel, 650.278.2957, pgregory@gregorylawgroup.com

John Mackin, Press Director, 646.499.1873, john@ourchildrenstrust.org

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

Eugene, Ore.—On Monday night, Our Children's Trust (OCT) filed a [motion to strike](#) the Department of Justice's (DOJ) recent motion for a stay in *Juliana v. United States* for ignoring the court's rules. OCT 's filing also opposes the stay, saying the Ninth Circuit has already ruled conclusively that a stay is unwarranted. Last week, DOJ filed a combined [petition for a writ of mandamus and a motion for a stay of proceedings](#) in the Ninth Circuit.

"The Administration is grasping at every extreme measure it can to keep *Juliana's* youth plaintiffs from having their day in court," said Chief Legal Counsel Julia Olson. "This is America's climate case, and it needs to go to trial."

In their filing, OCT wrote that granting a stay, "would give the Department of Justice a free pass out of trial not afforded any other litigants. The only extraordinary abuse of the rule of law here is by the DOJ and Defendants who repeatedly misstate the case, the law, and the facts during their 8-year campaign of targeting these Youth Plaintiffs with unilateral and disparate treatment not waged against any other plaintiffs in the federal courts."

The filing comes in response to the DOJ's motion for a stay of proceedings only; appellate rules prevent Our Children's Trust attorneys from filing a response to the petition for writ of mandamus unless or until ordered by the Court.

On January 18, the DOJ filed for a stay in the U.S. District Court. Then—without waiting for the District Court to rule—the DOJ filed both another stay and a petition for a writ of mandamus with the Ninth Circuit, to prevent evidence from being heard in the case.

"Literally no other case in the history of our country has faced this kind of U.S. Government opposition," Olson said. "Before this latest filing by the DOJ, *Juliana* was headed to trial. It's not

right—the DOJ is oppressing these young people with extraordinary tactics not used in any of the 40,000 other cases it’s defending. Let’s be clear, DOJ is only doing this because it is afraid of what will happen when these young people and experts talk about fossil fuels and climate change in open court, and when the government is put under oath. The truth will come out that the U.S. Government has given the fossil fuel companies a license to harm.”

In accompanying Declarations, several of the *Juliana* youth plaintiffs highlighted the extreme climate events they’ve experienced throughout the government’s eight-year delay of their case: wildfires that keep people indoors; extreme heat as well as unprecedented flooding and snowstorms.

“The early September 2020 wildfires in my home state of Oregon were devastating. I was forced to stay inside as the skies were filled with smoke and it was too dangerous for people to be outside—especially for those with asthma like me,” [wrote plaintiff Isaac V.](#) “Having asthma makes exposure to wildfire smoke a life or death situation, not just an inconvenience.”

“The increased wildfires and extreme temperatures that Oregon has experienced since 2018, are impacting my quality of life and threatening my livelihood,” [wrote plaintiff Jacob L.](#) “As the summer approaches, the threat of wildfires is often on my mind and I need to remain on alert for if I will have to flee or firefight to protect my family home, my business, and my family’s business.”

“This is about a Constitutional right to a livable climate,” Olson said. “It’s about clean air and clean water. For nine years, through three Administrations, the DOJ has tried to silence the young people who were brave enough to stand up for all of us. Now we need to stand behind them. Let this case go to trial, and let the youth present their evidence.”

See also the February 2, 2024, press release [Our Children’s Trust on DOJ Stonewalling: The Youth Will Not Stand Down.](#)

###

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