



September 12, 2024

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***Juliana* Plaintiffs File Petition to SCOTUS for A Writ of Mandamus to the Ninth Circuit, Seeking Judicial Protection and Correction**

EUGENE, Ore.— Today, after a nearly ten-year epic battle to get to trial, the 21 young Americans in the groundbreaking constitutional climate lawsuit *Juliana v. United States* have [filed](#) a petition in the United States Supreme Court for a writ of mandamus to the Ninth Circuit Court of Appeals to reverse an egregious error. This petition seeks to correct a decision by a three-judge panel in the Ninth Circuit, who did not follow the rule of law and precedent, and flagrantly disregarded the limits Congress and the Supreme Court placed on its jurisdiction when it granted the seventh mandamus petition brought against the district court in *Juliana* in nearly a decade.

“Today, I’m asking the Supreme Court to correct the Ninth Circuit’s abuse of the rules meant to protect our ability as young citizens to bring cases against our government. The rule of law and our constitutional democracy depend on it,” said plaintiff Avery. “If you care about justice, fundamental rights, and the preservation of our democracy, you care about *Juliana*. This case is about addressing the climate crisis and protecting our fundamental rights like our right to life and freedom. However, it is also about ensuring access to justice. I urge the Supreme Court to make a decision that will make their children, grandchildren, and all future generations proud. Let us go to trial.”

Over the course of three presidential administrations, the Department of Justice (DOJ) has relentlessly pursued a strategy of using petitions for writs of mandamus—a rare and extraordinary legal tool—against Judge Ann Aiken, the trial judge in *Juliana*. After nearly a decade of intense litigation where each of six prior petitions were denied by different judges and the Supreme Court, their strategy finally succeeded. The Ninth Circuit three-judge panel's decision not only disregards the legal standards and jurisdictional limits set

by Congress and the Supreme Court, but also attempts to obscure its ruling by issuing a brief, unpublished order. Such actions undermine the integrity of the judiciary and threaten the fairness of the legal process for citizen litigants who are not wielding the power of the federal government's resources.

The panel's decision disregarded the Supreme Court's three mandatory conditions for issuing a writ of mandamus. According to at least a half century of Supreme Court precedent, a writ of mandamus can only be granted if (1) there is no other way to get relief from a significant harm caused by the court below, (2) the right to the relief is clear and indisputable, and (3) it is otherwise appropriate under the circumstances. The DOJ's petition did not even address or come close to meeting these criteria.

"Our petition to the Supreme Court is essential to correct this overreach by the Ninth Circuit and uphold the rule of law," said Chief Legal Counsel Julia Olson. "It is crucial that the Court address this indisputable wrong and reaffirm respect for the Court's own orders in *Juliana*, for its precedent that binds the lower courts, for Congress's limits on the circuit court's jurisdiction, and to ensure fair process for these young litigants and everyone else going up against the Justice Department. Upholding these principles of fair process is vital for maintaining trust in our judicial system, regardless of what the Justices may think about the merits of the case."

In addition to the mandamus petition, the *Juliana* plaintiffs have also [filed](#) simultaneously an application to Justice Kagan for an extension of time in which to file a petition for a writ of certiorari with the Supreme Court by December 9, 2024, as they explore all legal avenues available to them. Yesterday, they sent a settlement letter to the Biden administration asking that it finally come to the table in meaningful settlement talks and end the extraordinary litigation tactics by the Justice Department.

In an effort to urge the administration to come back to the settlement table, nearly 350,000 intergenerational individuals from the U.S. and around the world have signed [petitions](#), hosted by Avaaz and Friends of the Earth US, calling for an end to the DOJ's opposition to *Juliana*. Co-delivered yesterday by Bill McKibben, co-founder of 350.org and Third Act, and Jerome Foster II, youngest ever White House Environmental Justice advisor, these petitions underscore the growing public demand for the case to proceed to trial.

"Today, I am proud to deliver these petitions to the President and Attorney General in support of the 21 young plaintiffs in *Juliana v. U.S.* Our ability to breathe clean air, drink clean water, and live free from the pollution harming our planet and our children are fundamental freedoms we risk losing," said Bill McKibben, who further emphasized the

timely “opportunity for the administration to show their commitment to climate action, to youth, and to the future!”

No other case in U.S. history has had seven petitions for writs of mandamus filed against it to stop it from going to trial. The youths’ petition notes that in federal civil cases that go to trial, on average trial begins 27 months from the day the case is filed. *Juliana* was filed 109 months ago. The youngest plaintiff who was eight at the time of filing can now drive and has spent more than half his life as a plaintiff waiting for trial in the face of the most aggressive litigation tactics ever to come out of the Department of Justice.

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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