

Case No. 18-36082

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KELSEY CASCADIA ROSE JULIANA, *et al.*,
Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA, *et al.*,
Defendants-Appellants.

On Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b)

**DECLARATION OF AJI P. IN SUPPORT OF PLAINTIFFS' URGENT
MOTION UNDER CIRCUIT RULE 27-3(b) FOR PRELIMINARY
INJUNCTION**

JULIA A. OLSON
(OSB No. 062230, CSB No. 192642)
Wild Earth Advocates
1216 Lincoln Street
Eugene, OR 97401
Tel: (415) 786-4825

PHILIP L. GREGORY
(CSB No. 95217)
Gregory Law Group
1250 Godetia Drive
Redwood City, CA 94062
Tel: (650) 278-2957

ANDREA K. RODGERS
(OSB No. 041029)
Law Offices of Andrea K. Rodgers
3026 NW Esplanade
Seattle, WA 98117
Tel: (206) 696-2851

Attorneys for Plaintiffs-Appellees

I, Aji P., hereby declare and if called upon would testify as follows:

1. I am a Plaintiff in the above-entitled action. I make this declaration in support of Plaintiffs' Motion for Preliminary Injunction. I have personal knowledge of the facts I state herein and I would testify to these facts if I were asked to do so under oath in court.

2. This case, and what it means to me, what it means for the health and safety of my life, my co-Plaintiffs' lives, and the future of children everywhere, is the most important thing I am doing right now. When the case was set for trial on October 29, 2018, I opened up my entire schedule to attend my trial and be able to testify and watch our experts and defendants' experts testify. I did not get a job in the fall because I made a ten-week commitment to not be in Seattle, where I live, so that I could attend the full trial in Eugene, Oregon.

3. If we had started the trial on October 29, the trial would be done by now. Instead, our case is in limbo and no court has told us why our trial has been stayed or why it is OK that the federal government keeps emitting huge amounts of greenhouse gas emissions even though everyone agrees that its actions are harming us. I watch this happen and it seems that my government, including the courts, are not following the rules.

4. The feeling I have inside of me is a horrible feeling. There was no trial, so there is no remedy in sight for our climate emergency. I would describe it as the lead

up to complete despair. I try not to call it despair yet, because that means I've lost all hope, but it is close to that feeling. I am in the lead up to despair where every moment I am watching the clock run out. Time is actually slipping away from us.

5. Every day I feel more pressure to successfully address this climate crisis. As a young person, that is a tough burden to carry. Sometimes every hour of every day feels like there is more pressure building. I have been waiting for over three years to get the climate science evidence and our stories into court, to have our case heard, and to start the process of healing our climate. All the while the clock has been ticking and the pressure has been building.

6. My motivation to find a job is low at the moment because I am trying to find a job that will be flexible enough so that I can be at my trial whenever that will happen and there is no certainty that we will ever get to trial, that our rights will ever be heard in court, that we will ever get the protection and remedy we need. There is no certainty even though the district court clearly ruled we have a right to have our stories heard in the courtroom. It feels like whiplash. The unending stays of our case feel like constantly being slapped back in your seat. It is not only intensely frustrating, but worsens the pressure cooker feeling I have.

7. I have these intense moments where I feel the weight of all of it bearing down on me; the weight of climate change, the weight of the efforts I make to try to change the course of our fate, the weight of the judicial system not fairly responding to our

urgent pleas for help when all of the evidence shows we are already in danger and the danger gets worse every day. I can relate this feeling to a big project that has a deadline. If I have a short amount of time to complete something and there is still a lot to do, and the seconds tick by and I get closer to the deadline, but the project isn't making progress, there is this feeling of approaching panic. At first, I will have the feeling that I can do this, it will be okay, and then it moves to the feeling that we are going to fail – it will be too late. I regularly feel that panic now.

8. The intense stress of living with climate change and my government's conduct that is making it worse, and the courts repeatedly stopping our trial has significant effects on my life. While attending my public high school I suffered from depression trying to balance my activist efforts trying to stop climate change, to attend school where we rarely discussed climate change, and living with the effects of climate change in my life. The anxiety causes stress-induced insomnia where I have periods of my life when I cannot sleep for days on end.

9. For the last two summers, the city where I live, Seattle, was shrouded in smoke from climate change-induced wildfires. This is the first time this has ever happened in my lifetime. I have spent most of my life in Seattle and the summers are usually the best time to be here, with the fresh breezes coming in off the Puget Sound. But the last two years have brought something much darker. The smoke was so bad in 2017 and 2018 that we were advised not to go outside because the bad air quality

could make you sick. The people who did venture outside were usually wearing gas masks or other kind of protective breathing equipment. I was told that the air quality in Seattle during these times was even worse than it was in Beijing. Not only was it upsetting to have to stay inside during the time when I prefer to be outside and enjoying the Seattle summer, it was terrifying because I know that this is going to become the new normal. I always used to look forward to summers in Seattle but now, I am afraid because I don't want to be kept hostage in my house trying not to breathe the polluted air.

10. I am very involved with tracking the effects further fossil fuel emissions are having in our climate. At the same time my government is promoting fossil fuels, our political leaders blatantly misrepresent the facts about climate change denying the truth of their own government reports. In our trial, we planned to introduce evidence about how dangerous the current situation is so that the courts could start the process of protecting the rights and future of young Americans like me. I have lived on this Earth long enough to know that isn't going to happen unless the courts get involved to protect my rights.

11. I have read some parts of the new climate reports from this fall and talked with people about them. They keep confirming what we know and they keep making more dire projections about my future. At the same time, my government doesn't stop doing what it is doing to make my life unsafe. I don't think that is fair. Why do

we have to be the ones who continue to be harmed while the government keeps on doing the things its own reports say is harmful to me? I can't watch or track the things Defendants are doing anymore to keep our country powered by fossil fuels because every decision makes me feel so much anger. It increases the pressure cooker feeling that lives in me and ignites my feeling of panic.

12. The only way I can alleviate these feelings is to make forward progress. The fact that we were almost to our trial was such a moment of hope and relief. The fact that we are moving backward, steadily away from the lasting remedy we need to protect our lives, lays more pressure on me and shortens the time we have left.

13. And it is not as if we are standing still. We're not. The federal government keeps allowing coal to be mined on federal lands and making decisions to approve and allow more fossil fuel infrastructure to be built in the United States. It is the status quo of the government's pursuit of fossil fuels that it making it more difficult for us to ever get a remedy in our case. If we have to continue to wait to be able to have a trial, I don't see why the federal government can just continue what it is doing even when their actions are harming me and my co-Plaintiffs. All we are asking for is the courts to let us have our trial and try to get a remedy that will slow the pressure cooker and give us a fighting chance to protect ourselves and children everywhere. I don't think that is too much to ask for.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 7, 2019.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Aji P.', written over a horizontal line.

Aji P.