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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**KELSEY CASCADIA ROSE JULIANA;**  
**XIUHTEZCATL TONATIUH M.**, through  
his Guardian Tamara Roske-Martinez; et al.

Plaintiffs,

v.

**The UNITED STATES OF AMERICA;**  
**DONALD TRUMP**, in his official capacity as  
President of the United States; et al.,

Federal Defendants.

Case No.: 6:15-cv-01517-TC

DECLARATION OF JULIA A. OLSON in  
Support of Plaintiffs' Opposition to  
Intervenor Defendants' Motion for Extension  
of Time to Respond to Plaintiffs' Request for  
Admissions.

I, Julia, A. Olson, hereby declare and if called upon would testify as follows:

1. I am an attorney of record in the above-entitled action and I have personal knowledge of the statements made herein.
2. On February 15, Plaintiffs provided counsel for Intervenor Defendants a summary of the Federal Government Defendants' admissions in their Answer to Plaintiffs' First Amended Complaint, and provided Intervenor Defendants with relevant core facts from their clients and their clients' members that would assist with addressing Plaintiffs' requests for admission.
3. On March 24, Plaintiffs served requests for admission on Intervenor Defendants.
4. On April 27, Plaintiffs agreed to not oppose the extension of Intervenor Defendants' deadline to respond to Plaintiffs' requests for admission until May 15. On April 28, counsel for Intervenor Defendants emailed the clerk for this court, stating that Plaintiffs had agreed to extend the deadline for the Intervenor Defendants to respond to Plaintiffs' requests for admission until May 15. In exchange for the extension to May 15, Marie Eckert, counsel for Intervenor Defendants, stated that Intervenor Defendants would confer in good faith at the May 4, 2017 in-person meet and confer, and would provide "information regarding the intervenors' responses that we believe will help narrow the issues of concern to plaintiffs...."
5. On May 4, 2017 counsel for the parties met and conferred for a full day in person in Portland, Oregon. During that meet and confer, counsel for Intervenor Defendants represented that they had reached a consensus among the three Intervenor Defendants and would file and serve responses to Plaintiffs' request for admissions ("RFAs") to Intervenor

Defendants by May 15, 2017 in order to try to limit the scope of the material factual

**DECLARATION OF JULIA A. OLSON IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO INTERVENOR DEFENDANTS' MOTION FOR EXTENSION  
OF TIME TO RESPOND TO PLAINTIFFS' REQUEST FOR ADMISSIONS**

issues in dispute as well as discovery, and address the Plaintiffs' and Court's concern about what issues related to climate change the Intervenor Defendants would contest at trial.

6. During the May 4, 2017 in person meet and confer, counsel for Federal Defendants stated that they had no direction from the Trump administration that they would seek to amend their Answer to the Plaintiffs' First Amended Complaint.
7. During the May 4, 2017 in person meet and confer, all Defendants said that they would seek a writ of mandamus from the 9<sup>th</sup> Circuit Court of Appeals, and the Supreme Court if necessary to avoid having the case go to trial.
8. During the May 4, 2017 in person meet and confer, Federal Defendants stated that they have not found experts willing to disagree with Plaintiffs' disclosed scientific experts, only the economics experts.
9. On May 9, 2017, counsel for Intervenor Defendants, Marie Eckert, stated in a voicemail to counsel for Plaintiffs that the clients are "asking for a further extension of time to respond to their request for admissions until the date that the federal defendants are required to respond on May 31. My understanding is that they have had numerous meetings and calls with a host of their members trying to get a consensus on these issues and that is in progress. But given the magnitude of the sheer sort of number of the requests here that is a long and laborious process and we expected to be ready to go on the on the 15th and we're not, so I'm sorry to ask for further requests. It is still our goal and hope to have these responses narrowed the issues um and not to you know, just being a place where there are denials. So the concern is if they are unable to get the extension

that well, one, we'll probably move the court for an extension um, which we may or may

not get. But two, if they have to respond on May 15th, it likely will be more denials and will not be as productive as we would like it to be.”

10. On May 9, 2017, in a second voicemail from counsel for Intervenor Defendants, Marie Eckert, to counsel for Plaintiffs, Ms. Eckert stated, “I think the problem is, as I understand they’re having, is they just can’t quite get unanimity, sorry, unanimous view among these three clients. Some having taken position, some have not on different issues. Some have different views. And so you sort of take the three clients and the ninety-six admissions and uh you know, the overall goal is to take some of these hotly-contested or issues and make them uncontested. I shouldn’t say hotly contested issues, but take some stuff off the table where plaintiffs are concerned the intervenors are going to come in and contest some of the admissions that feds have made and so forth. But Frank has not been able to get full agreement from the intervenor group on the responses to these requests, and again the concern is if we don’t get that ah we’re going to end up with a bunch of denials, which is not going to be helpful to you.”

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 11<sup>th</sup> day of May, 2017, at Eugene, Oregon.

Respectfully submitted,

/s/ Julia A. Olson