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Attorneys for *Juliana v. United States* Youth Plaintiffs Respond to U.S. Department of Justice Motion to Stay and for Early Appeal

Eugene, Ore.—On Friday, July 21, attorneys for the 21 youth plaintiffs in the constitutional climate lawsuit *Juliana v. United States* submitted responses to the U.S. Department of Justice's (DOJ) [motion to stay the litigation](#) and for U.S. District Court Judge Ann Aiken to certify for an early appeal her [June 1st ruling](#) allowing the case to proceed to trial on the amended complaint. These motions, filed by the Biden administration's DOJ on July 7th, are the most recent in what has been a flurry of DOJ motions attempting to deny the youth access to trial.

Attorneys for the youth plaintiffs filed the following documents with the court on Friday: 1) [Plaintiffs' Opposition to Defendants' Motion to Stay Litigation](#) and 2) [Plaintiffs' Opposition to Defendants' Motion to Certify Order for Interlocutory Appeal](#).

In the Plaintiffs' Opposition to Defendants' Motion to Stay Litigation brief, attorneys for the youth wrote, "Defendants' thirteen attempts to stay this litigation over eight years suggests their motion practice, purportedly justified by claims of judicial efficiency, is aimed solely at roadblocking this case from trial and shielding themselves from ultimate accountability. Such behavior is unsuitable here, and in any court of law."

They continued, "Throughout this litigation, Plaintiffs have provided extensive, uncontradicted, and science-backed evidence that Defendants contribute to the ever-worsening climate crisis with their efforts to expand fossil fuel production and pollution...In addition to Defendants' harmful support of and collaboration with the fossil fuel industry, Defendants also harm Plaintiffs by further delaying this litigation...If this litigation is further delayed, it will necessarily and irreversibly aggravate Plaintiffs' injuries by closing the window of opportunity for Defendants to take steps to return to or below 350 parts per million ('ppm') and preserve a habitable climate system for Plaintiffs and this nation...In moving for a stay, Defendants chose to ignore all of this evidence in violation of their ethical responsibilities to this Court to accurately represent the law and the evidence. Because Defendants failed to address the third grounds for a stay, and the

evidence of irreparable harm to Plaintiffs is uncontroverted, this Court should deny Defendants' Motion to Stay."

"This is the thirteenth time the United States federal government has tried to stop the *Juliana* case from moving through the trial court in the way constitutional lawsuits typically and historically move in our democracy," said Julia Olson, Chief Legal Counsel for Our Children's Trust. "The only reason they have given for all of their extraordinary delay tactics these past eight years is 'judicial economy.' Yet, the trial judge who has been overseeing the case for these same eight years has said plainly that the interests of justice will be best served by this case proceeding to trial."

Olson continued, "The DOJ's false excuse of 'judicial economy' is further betrayed by the swift progression of *Held v. State of Montana*, where trial was completed with efficiency just three years after the case was filed and where there will be a final ruling on the merits of the youth plaintiffs' claims this year. That is judicial economy and justice at work. Meanwhile, the 21 *Juliana* youth have had to endure eight years of obfuscation and delay at the hands of their government, across three presidential administrations. Who in the federal government will end these abusive tactics against these youth and when will the DOJ truly exercise 'judicial economy' by ceasing their efforts to close the courthouse doors on these children?"

On July 11th, attorneys for the *Juliana* youth plaintiffs issued a [brief statement and timeline of recent activity in the case](#) shortly following the DOJ's filing of the motion to stay, outlining the series of motions filed by the DOJ following Judge Aiken's June 1st ruling that the youth's case should proceed to trial. The young plaintiffs now await Judge Aiken's rulings on both the plaintiffs' and the DOJ's recent motions.

Background

Judge Aiken's June 1 ruling granted the *Juliana v. United States* youth plaintiffs, who have faced eight years of incessant and unprecedented efforts by the DOJ to delay or dismiss their case, the ability to finally move forward to trial on the question of whether the federal government's fossil fuel-based energy system, and resulting climate destabilization, is unconstitutional.

Trial in *Juliana v. United States* would create a factual record of the youth's evidence as well as provide the U.S. DOJ with the opportunity to present their case and cross-examine experts for the youth - similar to trial in *Held v. State of Montana*, which concluded on June 20, 2023, just over three years after the case was initiated.

The 21 youth plaintiffs in *Juliana v. United States* filed their constitutional climate lawsuit in 2015, asserting that, through the government's affirmative actions that cause climate change, it has violated the youngest generation's constitutional rights to life, liberty, and property, as well as failed to protect essential public trust resources.

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Our Children's Trust is the world's only nonprofit public interest law firm that exclusively provides strategic, campaign based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth's climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and safe climate, based on the best available science. Globally, we support youth-led climate cases in front of national courts, regional human rights courts, and UN bodies. <http://www.ourchildrenstrust.org/>