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**NATIONAL ASSOCIATION OF MANUFACTURERS
SEEKS TO REMOVE ITSELF AS A DEFENDANT
IN CONSTITUTIONAL CLIMATE LAWSUIT**

*On the eve of having to make court-ordered responses to admissions on climate change,
NAM seeks to withdraw from the case in Juliana v. US*

After numerous legal efforts trying to get a federal district court in Oregon to throw out a climate lawsuit brought by 21 young people, a defeated National Association of Manufacturers (“NAM”) filed a motion today requesting the court’s permission to withdraw from the litigation. NAM “moves to withdraw as an intervenor –defendant from this case.” Based on its pleadings in court, “NAM is the nation’s largest industrial trade association representing the manufacturing sector of the United States economy.”

Julia Olson, counsel for Plaintiffs and Executive Director of **Our Children’s Trust**, responded:

“Over 18 months ago, NAM, like the other fossil fuel intervenors, went to great lengths to become a party defendant in this case. They claimed their members were seriously threatened by our case. Now, faced with significant legal victories by these young plaintiffs, and on the eve of having to take a position on climate science, NAM wants out of this case. We believe the court will determine that there should be consequences for wasting the court’s time.”

When youth plaintiffs filed their lawsuit in 2015, they did not name the trade associations NAM, American Petroleum Institute (“API”), or American Fuel and Petrochemical Manufacturers (“AFPM”), as defendants. On November 12, 2015, these trade associations joined to [intervene](#) on the side of the U.S. government defendants, calling the lawsuit a “direct threat to [their] businesses.”

The position of these associations was that “significant reduction in [greenhouse gas] emissions would cause a significant negative effect on [their] members by constraining the sale of the product they have specialized in developing and selling.”

In a [January 2016 proceeding](#) before Judge Thomas Coffin, an attorney representing all three trade associations explained how these associations would speak with “one voice” if permitted to join the litigation:

“...having the associations participate as associations in this litigation effectively represents those interests without a multiplicity of disparate viewpoints and voices. Rather, in fact, they have joined to speak with one voice through this intervention motion.”

The Court allowed NAM and its fellow fossil fuel industry associations to become defendants. However, when these intervenor defendants filed [their answer](#) to the allegations in youth’s complaint, their “one voice” lacked “sufficient knowledge to admit or deny the factual allegations” to take a position on most of the claims in the complaint.

During a March 9, 2017 case management conference, intervenor defendants agreed to set forth their positions on the facts in the form of responses to requests for admissions, which Plaintiffs subsequently filed on March 24, 2017. When the intervenors had not submitted their responses by April 20, 2017, Judge Coffin ordered that they be electronically-filed with the court. At the May 18, 2017 case management conference, Judge Coffin granted intervenor defendants an extension to submit their responses until Thursday, May 25, 2017. Now NAM “no longer wishes to participate” in the case, according to today’s filing.

#NAMKNEW

For more than a decade, NAM was a member of the Global Climate Coalition, a group that led an aggressive lobbying campaign against the scientific consensus that greenhouse gas emissions caused global warming, as Andrew Revkin revealed in the [New York Times in 2009](#).

By way of background, NAM, like API and their common member, ExxonMobil, had its own long-standing knowledge of climate danger. For example, NAM’s Environmental Quality Committee published a document in 1975 called *Air Quality Control: National Issues, Standards, and Goals*, which included a section on carbon dioxide, concluding:

“And it is believed that the huge amounts of carbon dioxide emitted each day are very slowly heating the earth’s atmosphere. In time, some scientists fear this scarcely perceptible rise in temperatures may cause the partial melting of the polar icecaps and extensive flooding throughout the world.”

It is yet to be determined whether API and AFPM will join NAM in seeking to leave the case. Counsel for intervenor defendants has indicated to the court it is possible all three association may seek leave to withdraw.

Juliana v. United States was brought by 21 young plaintiffs who argue that their constitutional and public trust rights are being violated by the government's creation of climate danger. The case is one of many related legal actions brought by youth in several states and countries, all supported by Our Children's Trust, seeking science-based action by governments to stabilize the climate system.

Counsel for Plaintiffs include Philip L. Gregory, Esq. of Cotchett, Pitre & McCarthy of Burlingame, CA, Daniel M. Galpern Esq. and Julia Olson, Esq. of Eugene, OR.

Our Children's Trust is a nonprofit organization, elevating the voice of youth, those with most to lose, to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. We lead a coordinated global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to below 350 ppm by the year 2100. www.ourchildrenstrust.org/

Earth Guardians is a Colorado-based nonprofit organization with youth chapters on five continents, and multiple groups in the United States with thousands of members working together to protect the Earth, the water, the air, and the atmosphere, creating healthy sustainable communities globally. We inspire and empower young leaders, families, schools, organizations, cities, and government officials to make positive change locally, nationally, and globally to address the critical state of the Earth. www.earthguardians.org

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