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Ninth Circuit Rules in Favor of Youth Plaintiffs Again, Denies the Trump Administration's Second Petition for Writ of Mandamus in *Juliana v. United States*

San Francisco -- Today, in a per curiam opinion, Chief Judge Sidney R. Thomas, and Circuit Judges Marsha Berzon and Michelle Friedland of the Ninth Circuit Court of Appeals rejected the Trump administration's second petition for writ of mandamus in the constitutional climate lawsuit, *Juliana v. United States*, brought by 21 youth supported by Our Children's Trust.

In its [decision](#), the Court concluded:

"We denied the government's first mandamus petition, concluding that it had not met the high bar for relief at that stage of the litigation. No new circumstances justify this second petition, and we again decline to grant mandamus relief."

Julia Olson, executive director and chief legal counsel of **Our Children's Trust** and co-counsel for youth plaintiffs said:

"This was a straightforward decision. The government is suffering no harm justifying an emergency stay. There is no discovery pending except expert discovery. There is no discovery that interferes with executive privilege. Defendants have asked the President be dismissed and Plaintiffs do not oppose dismissal of him without prejudice because Defendants conceded Plaintiffs do not need the President in the suit to obtain their remedy. This is a clean case about fundamental constitutional rights of children that not only deserves to be heard, but in our system of law, Article III courts have a duty to hear and decide this case. The Ninth Circuit's opinion reflects that."

Sahara V., 13-year-old plaintiff from Eugene, Oregon, said:

“I am so happy that the Ninth Circuit judges are again allowing our case to move forward. It’s so important that we move forward and quickly, because we have to turn climate change around as soon as we can. Climate change is already destructive. It’s harming me and my family, and will only get worse unless the government starts taking action to stop it rather than cause it.”

Avery M., 12-year-old plaintiff from Eugene, Oregon said:

“With the Ninth Circuit again ruling in our favor, we are going strong. The federal government is trying to block our path but we are persevering. We are optimistic and have the courage to keep standing up for our constitutional rights.”

The Trump administration’s latest mandamus petition was part of its continued strategy to avoid going to trial on October 29. The Trump administration filed its first petition with the Ninth Circuit last year and on March 7, the Court [denied](#) that petition. On July 16, the Ninth Circuit denied the Trump administration’s motion to stay all proceedings in the U.S. District Court of Oregon. A day later and in further efforts to avoid trial, the Trump administration filed an application with the United States Supreme Court to stay discovery and trial in the district court. The Supreme Court has yet to issue an order, but Justice Kennedy has asked plaintiffs to respond to the application on Monday, July 23 by noon Eastern.

Philip Gregory, of Gregory Law Group and co-counsel for the Youth Plaintiffs, commented:

“We agree with the Ninth Circuit panel that the issues raised by the government in its second petition are better addressed through the ordinary course of litigation. We look forward to trial on October 29. Candidly, the worst nightmare for the Trump administration is for this case to go to trial, where it will have to confront the stories of these young plaintiffs and the climate science and the constitutional law of our nation. As the Ninth Circuit opinion found, the government has made no showing that it would be meaningfully prejudiced by engaging in discovery or trial.”

Juliana v. United States is not about the government’s failure to act on climate. Instead, these 21 young plaintiffs between the ages of 11 and 22, assert that the U.S. government, through its *affirmative actions* in creating a national energy system that causes climate change, is depriving them of their constitutional rights to life, liberty, and property, and has failed to protect essential public trust resources. The case is one of many related legal actions brought by youth in several states and countries, all supported by Our Children’s Trust, and all seeking science-based action by governments to stabilize the climate system.

Counsel for Plaintiffs are Julia Olson, Esq. of Eugene, OR, Philip L. Gregory, Esq. of Gregory Law Group of Redwood City, CA, and Andrea Rodgers, Esq. of Seattle, WA.

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