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**Judge Denies U.S. Department of Justice's Motions to Dismiss and for Early Appeal
in Children's Constitutional Climate Lawsuit *Juliana v. Unites States***

Juliana v. United States can continue course to trial

Eugene, Ore.—On Friday, December 29, 2023, U.S. District Court Judge Ann Aiken issued an order and opinion **denying** the U.S. Department of Justice's (DOJ) motions to dismiss the second amended complaint in the children's constitutional climate lawsuit *Juliana v. United States*.

[Judge Aiken's opinion](#) included such statements as:

- "This catastrophe is *the* great emergency of our time and compels urgent action. As this lawsuit demonstrates, young people—too young to vote and effect change through the political process—are exercising the institutional procedure available to plead with their government to change course."
- "...lawsuits like this highlight young people's despair with the drawn-out pace of the unhurried, inchmeal, bureaucratic response to our most dire emergency."
- "Combatting climate change may require all to act in accord, but that does not mean that the courts must 'throw up [our] hands' in defeat."
- "...the Court cannot shrink from its role to decide on the rights of the individuals duly presenting their case and controversy."
- "The judiciary is capable and duty-bound to provide redress for the irreparable harm government fossil fuel promotion has caused."
- "The legal approach must rise to the emergency rather than repeat a failed past paradigm."

"This path to justice has been over eight long years in coming," said Julia Olson, Chief Legal Counsel for Our Children's Trust. "Finally, in 2024, the *Juliana* plaintiffs will have their long-

awaited trial and the federal government's fossil fuel energy system will be measured and judged by the fundamental constitutional rights of these youth. Our democracy will be stronger for it. In this new year, our air, our water, our climate, and our children's health will finally find protection in the rule of law."

The *Juliana* attorneys now shift their focus to scheduling a pretrial conference.

2023 Summary of *Juliana v. United States* Activity

June 1, 2023: U.S. District Court Judge Ann Aiken rules the youth plaintiffs in *Juliana v. United States* can amend their complaint and have their evidence heard on the merits.

June 13, 2023: Plaintiffs file a motion for an expedited trial date by spring 2024 or for a prompt pretrial conference to set a trial schedule.

June 21, 2023: An online petition, signed by more than 255 organizations and over 50,000 individuals, is delivered to the DOJ by the People vs. Fossil Fuels coalition, urging Attorney General Garland to end opposition to the *Juliana* case proceeding to trial.

June 22, 2023: After eight years of delay tactics, and utilizing the same tools and strategy as former President Trump's DOJ, President Biden's DOJ files yet another motion to dismiss the case, despite Judge Aiken's ruling that the case could proceed on an amended complaint. In their motion, the DOJ also asked Judge Aiken to certify her forthcoming order on the motion to dismiss for interlocutory appeal, an anticipatory request.

July 6, 2023: Attorneys representing the plaintiffs in *Juliana* file their response to the DOJ's motion to dismiss the case, requesting the Court deny the DOJ's latest attempt to end the case's forward momentum toward trial. The response points out that DOJ repeats arguments already decided by the courts and identifies the unprecedented tactics the DOJ continues to employ to delay and deny the youth plaintiffs their day in court.

July 7, 2023: The DOJ attorneys continue Trump's administration tactics by using rare motions filed to prevent trial. Continuing to flood the youth plaintiffs with motions to deny trial, the DOJ files a motion to stay the case, arguing it will "further judicial economy," as well as a request that Judge Aiken certify for interlocutory appeal her June 1 order granting the plaintiffs' leave to amend their complaint.

July 21, 2023: *Juliana* attorneys submit responses to the DOJ's motion to stay the litigation and for Judge Aiken to certify for an early appeal her June 1st ruling allowing the case to proceed to trial on the amended complaint.

Background

Judge Aiken's June 1, 2023, 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 DOJ with the opportunity to present their case and cross-examine experts for the youth - similar to trial in [Held v. State of Montana](#).

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.

In addition to *Juliana v. United States*, Our Children's Trust represents and supports young people in active climate litigation both globally and across the United States. In June 2023, Our Children's Trust brought the first constitutional climate trial in U.S. history in [Held v. State of Montana](#); in August, the young Montana plaintiffs received a landmark ruling declaring the state's fossil fuel-favoring laws to be unconstitutional. In December 2023, Our Children's Trust filed a new federal constitutional climate lawsuit, [Genesis B. v. United States Environmental Protection Agency](#). In June 2024, [Navahine F. v. Hawai'i Department of Transportation](#) is set to go to trial. Other active cases include [Natalie R. v. State of Utah](#), and [Layla H. v. Commonwealth of Virginia](#).

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Our Children's Trust was founded in 2010 on the idea that courts are vital to democracy and empowered to protect our children and the planet. Without a stable climate system, every natural resource we rely upon to exercise our basic human rights—life, liberty, home, happiness—is under threat. Our work will be achieved when there is universal recognition of children's climate rights by courts around the world and children's fundamental rights to life on this planet are protected. www.ourchildrenstrust.org