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Settlement Talks End Without Resolution in *Juliana v. U.S. Climate Case*; Youth Plaintiffs Await Ruling from Federal District Court

EUGENE, Ore. -- Five months of settlement talks between the 21 youth plaintiffs in the landmark climate case, *Juliana v. United States*, and attorneys with the U.S. Department of Justice have ended without resolution.

In May, U.S. District Court Judge Ann Aiken [ordered](#) attorneys for both parties to convene for a settlement conference with Magistrate Judge Thomas M. Coffin, who was recalled from retirement and assigned to the matter due to his familiarity with the case. However, despite good faith efforts on the part of the youth plaintiffs, they see no reason to continue to pursue settlement discussions until the decision-makers for the federal defendants come to the settlement table. The youth are asking the district court to decide on the motion to amend their complaint that they [filed](#) in March so they can proceed to presenting evidence at trial to protect their human rights to a climate that sustains life.

Julia Olson, chief legal counsel of Our Children's Trust, which represents the youth plaintiffs, explained:

"While I am unable to share specifics from these confidential talks, I can say, without reservation, that we came to the table in good faith and sought to participate in a productive discussion on behalf of our young clients, as was requested by Judge Aiken. However, it takes the participation of both sides of the table to have meaningful communication and seek solutions. When and if the Biden administration wants to talk to the youth about their case, they will be ready. Right now, our goal is to get to trial as fast as possible. Our nation is in a climate emergency. And yet emergency falls short in describing the climate situation and its devastating impact on these young Americans. We eagerly await a ruling from Judge Aiken on our amended complaint, which, if favorable, will put us back on track to trial in 2022."

On the eve of COP26 in Glasgow, the UN High Commissioner for Human Rights said that reducing global warming “is a human rights obligation and a matter of survival.” Her words were echoed by U.S. Envoy John Kerry, who added “No one is exaggerating when they call this an existential threat.”

However, as U.S. government leaders, including President Biden, arrive in Scotland to discuss global climate solutions during the COP26 conference this week, Phil Gregory, co-lead counsel for the youth plaintiffs, expressed his frustration:

“These 21 young people have been stonewalled, delayed, and obstructed by their own government for six years now, all while two of the three presidents named in their case - President Obama and President Biden - have proclaimed public commitment to protecting the rights of children and a resolution to the climate crisis. If President Biden is seriously committed to solving the climate crisis like he claims, why is his Department of Justice taking the same tactics as the Trump DOJ and opposing this case going to trial and denying these human rights?”

Five years ago this month, on November 10, 2016, Judge Ann Aiken issued an historic opinion and order in the *Juliana* case: “Exercising my ‘reasoned judgment,’ I have no doubt that the right to a climate system capable of sustaining human life is fundamental to a free and ordered society.” Julia Olson reflected on the approaching anniversary of this landmark ruling:

“It has been five years since Judge Aiken, in the first judicial opinion of its kind in the world, found that children have a constitutional right to a safe climate, ruling that this case should proceed to trial. It has been five years that the Department of Justice, under the direction of three different presidents, has taken extraordinary efforts to prevent these young peoples’ evidence from being heard. Five years of employing extreme legal strategies and shadow docket tactics. Five years of denying these young people access to their own courtrooms. Meanwhile, for five years, global heating has continued to rise and extreme weather events have continued to harm children across the United States. Judge Aiken’s 2016 ruling has led to climate litigation being heard by courts around the world, on nearly every continent, but not the United States.”

Vic Barrett, a youth plaintiff in *Juliana v. U.S.* who is in Scotland to participate in COP26, shared his thoughts as meetings this week commence,

“The Biden administration is unfortunately falling into the patterns of their predecessors. The patterns that have perpetuated this climate crisis and put the future of my peers and I at risk.”

As COP26 is about to commence, the U.S. has taken irreconcilable positions. On October 13, U.S. diplomats issued an end-of-session general statement to the UN Human Rights Council, “The United States is committed to taking ambitious action to address environmental challenges, including continuing our work with international partners to share our experience with concrete

domestic actions to protect the environment.” However, the statement then continued, “Nevertheless, the United States has consistently reiterated that there are no universally-recognized human rights specifically related to the environment, and we do not believe there is a basis in international law to recognize a ‘right to a clean, healthy, and sustainable environment,’ either as an independent right or a right derived from existing rights.” Julia Olson calls out this dichotomy:

“Why does the U.S. proclaim to be a global leader when we still lag so far behind our democratic peers when it comes to protecting human rights, especially the rights of our most vulnerable: our children? Our President claims that the climate crisis is a ‘code red’ situation, but still opens up millions of acres in the Gulf of Mexico to oil drilling. Our UN diplomats claim a commitment to addressing the devastation of the climate crisis but then oppose an overwhelmingly supported resolution that proclaimed a healthy environment to be a human right. And our Department of Justice claims to represent the people of America but then seeks to block access to the courts to those very same citizens. These young people have been waiting six years to have their evidence heard and the issues determined by a court of law. When will our government act like the global leaders they claim to be and let these youth be heard?”

The *Juliana* constitutional rights lawsuit, filed in 2015, argues that actions taken by the federal government directly contributed to the climate crisis — including creating a national fossil fuel-based energy system that is a substantial factor in causing the youth plaintiffs’ injuries. By doing so, the plaintiffs argue, the government has knowingly violated their constitutional rights to life, liberty and property, the public trust, and equal protection of the law.

The youth plaintiffs are now between the ages of 13 and 25.

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Our Children’s Trust is the world’s only nonprofit public interest law firm that 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 stable climate, based on the best available science. Our Children’s Trust represents the youth plaintiffs behind the landmark federal constitutional climate lawsuit, *Juliana v. United States*, which was brought by 21 young Americans and represents and/or supports youth in state cases like *Held v. State of Montana* and *Sagoonick v. State of Alaska*, as well as global cases like *La Rose v. Her Majesty the Queen (Canada)* and *Jóvenes v. Gobierno de México*.