

CPM Clients Kids Name President Trump as Defendant in Constitutional Climate Case

02.09.2017

Today, youth plaintiffs in *Juliana v. United States* filed a notice with a federal court in Oregon, naming Donald J. Trump as a defendant in their landmark climate case on pace for trial this fall. Plaintiffs have substituted President Trump as a named party in place of former President Barack Obama under the Federal Rules.

In *Juliana v. United States*, 6:15-cv-1517-TC, 21 young plaintiffs sued the federal government for violating their constitutional rights and their rights to vital public trust resources. The complaint alleges the government locked in a fossil-fuel based national energy system for more than five decades with full knowledge of the extreme dangers it posed. The plaintiffs have been further emboldened by President Trump's blatant climate denialism, inspiring them in their fight to secure climate justice and a safe future.

"I look forward to taking on the Trump administration, as I think our new president, of all people, needs to have his power checked," said Kiran Oommen, 20-year-old plaintiff from Eugene, OR. "President Trump benefits financially from the fossil fuel industry, but his benefit comes at a heavy cost for the rest of us. The policies of the U.S. government that ignore the threat of climate change are only going to get worse under the new presidency, based on Trump's apparent lack of understanding of climate science and his plans to invest further in the fossil fuel industry. I cannot imagine a better time than now to remind the federal government of its constitutional obligation to protect the life, liberty and property of the people, not big business."

"Our case is a direct constitutional challenge to a Trump administration at war with the reality of climate change and bent on pushing a deadly fossil fuel agenda at the expense of its citizens' safety and human rights. Climate science, not alternative facts, will determine the outcome of our

Practice Areas

Contamination, Toxic Torts, and Environmental Justice

Environmental Law

Municipal & Public Entity Litigation

CPM CLIENTS KIDS NAME PRESIDENT TRUMP AS DEFENDANT IN CONSTITUTIONAL CLIMATE CASE

court trial and that gives me hope for my children's generation and the future of this country," said Jacob Lebel, 20-year-old plaintiff from Roseburg, OR.

"I am hopeful that our case will reverse or prevent all damage our current president may inflict. I hope that our trial may shed light upon the issue of climate change, and educate the American populace on the difference between real and 'alternative' facts," said Aji Piper, 16-year-old plaintiff from Seattle.

"I watched in horror as President Trump fast-tracked the Keystone and Dakota Access Pipelines, despite their grave consequences for climate and indigenous rights," said Alex Loznak, 20-year-old plaintiff from Roseburg, Oregon. "I also fear his pledge to roll back President Obama's Clean Power Plan, 'cancel' the Paris Climate Agreement, and expand fossil fuel extraction on federal lands. These policies could spell disaster for the planet as it approaches critical tipping points such as the destabilization of the Greenland and Antarctic ice sheets. At this historic juncture, the courts must act as a check on President Trump's power, and preserve the climate system upon which civilization and human life depend."

"We are ready to bring this case to trial with President Trump as a defendant. President Trump will not be able to perpetuate climate denialism in a court of law. That's just not going to happen," said Julia Olson, counsel for plaintiffs and executive director and chief legal counsel at Our Children's Trust.

Other recent pre-trial developments:

At the February 7 case management conference, Federal Magistrate Judge Thomas Coffin made clear that the court will work closely with the parties throughout the pre-trial discovery process. He instructed all parties to prioritize expert discovery on the scientific components of the case and scheduled another status conference for March 8, 2017 at 10:00 am PST.

Judge Coffin encouraged all parties to streamline next steps to move the case to trial. At one point, Judge Coffin asked counsel for the fossil fuel industry if CO2 levels in the atmosphere are at 400 parts per million, as the federal government admitted. The fossil fuel attorneys responded that they did not know. Judge Coffin instructed counsel for the fossil fuel industry to determine whether they will contest facts that have been admitted by the federal government, including whether climate change is caused by burning fossil fuels.

At the end of the conference, counsel for the federal government surprised those in the courtroom when he stated the government is considering an early appeal of last fall's rulings denying motions to dismiss. Plaintiffs look forward to working diligently to complete discovery and have this case ready for trial in 2017.

CPM CLIENTS KIDS NAME PRESIDENT TRUMP AS DEFENDANT IN CONSTITUTIONAL CLIMATE CASE

On January 24, lawyers for the youth plaintiffs notified the United States government that it must retain all documents, records, and tangible things relating to the plaintiffs' claims in their complaint. On Monday, Acting EPA Administrator Catherine McCabe confirmed, via Youtube, that documents and records would not be destroyed. McCabe said "We have taken no actions to delete data and we are taking steps to preserve and make available the scientific data and information that we have collected over the years..."

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

Below is a link to the Substitution. The original complaint can be found by clicking [HERE](#).