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Youth Plaintiffs in Constitutional Climate Change Case Ask Court's Permission to Amend Complaint, Adjust Remedy Requested In Line With 9th Circuit Ruling

EUGENE, Ore. -- Today, attorneys for the 21 youth plaintiffs in [Juliana v. United States](#) filed a motion to amend their complaint against the federal government and adjust the remedy sought in the landmark constitutional climate change case. Joining the motion are climate scientist [Dr. James Hansen](#) on behalf of future generations, and [Earth Guardians](#).

The amended complaint was filed in light of a decision last month by the 9th Circuit Court of Appeals ruling that the Court lacked the authority to order the federal government to prepare a climate recovery plan. The plaintiffs' amended complaint is focused on winning a declaratory judgment that the nation's fossil fuel-based energy system is unconstitutional -- much like the plaintiffs in [Brown v. Board of Education](#) argued the public school system of segregation was unconstitutional.

The *Juliana* constitutional rights lawsuit, filed in 2015, argues that affirmative actions 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 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.

If U.S. District Court Judge Ann Aiken grants the motion to amend, the youth plaintiffs' case would be able to move forward in the trial court on the question of whether the federal government's fossil fuel-based energy system, and resulting climate destabilization, is unconstitutional.

The youth plaintiffs' amended request for declaratory relief is further supported by a U.S. Supreme Court ruling delivered just yesterday in [Uzuegbunam v. Preczewski](#), where the Court found 8-1 that requesting even nominal damages -- an equivalent to declaratory relief -- as the remedy for the violation of constitutional rights establishes redressability necessary for Article III standing. The *Uzuegbunam* case, also brought by young people, validates that where the *Juliana* plaintiffs have already shown "a wrong to their rights," they have standing to pursue declaratory judgment.

Key officials with the Biden administration, who are now defendants in the *Juliana* case, would be faced with the decision of whether to let the case go to trial or whether to employ the same scorched earth tactics as the Trump administration to deny the plaintiffs their day in court. Another path the new administration could take is to agree to engage in settlement talks with the plaintiffs, sending the signal that the Biden administration will stand for the constitutional rights

of children and climate justice, and work with the youth to come to a sensible resolution based on technically and economically feasible solutions to the climate crisis.

“A declaratory judgment in favor of the youth in *Juliana* would provide protection for the constitutional rights of our children from the shifting winds of the political majority. A *Juliana* win would declare that the national fossil fuel energy system is unconstitutional and hold current and future lawmakers accountable for protecting the rights of youth,” said Julia Olson, chief legal counsel of Our Children’s Trust, which represents the youth plaintiffs.

Under federal rules, amendments are to be freely granted as justice requires. “This is one of the most common motions filed in a case, so it is not unusual to make this request,” Olson said. A motion to amend the complaint provides an opportunity to correct identified issues with a complaint so that the allegations can then be heard and considered by the court at trial.

The youth plaintiffs, now between the ages of 13 and 24, have argued that the 9th Circuit Court of Appeals erroneously ruled in January 2020 that they lacked standing to be heard in an Article III court. The plaintiffs are simultaneously preparing a petition to the U.S. Supreme Court, due in July, seeking review of the Court of Appeals decision in the event the district court does not accept their amended complaint. However, if the motion to amend the complaint is granted, attorneys for the youth plaintiffs would not submit a petition for a writ of certiorari to the U.S. Supreme Court to correct the legal errors identified in the opinion by the 9th Circuit Court of Appeals. Instead, the plaintiffs would proceed with trial and wait for a final judgment from the district court before seeking the highest court’s review of any adverse rulings.

Please see attached motion to amend the complaint.

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Media resources also attached as PDF:

- 1) Fast Facts
- 2) FAQ
- 3) The Best Climate Science