

**No. 17-71692**  
**IN THE UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

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UNITED STATES OF AMERICA, *et al.*,  
Petitioners,

v.

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF OREGON,  
Respondent,

and

KELSEY CASCADIA ROSE JULIANA, *et al.*,  
Real Parties in Interest.

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On Petition For Writ of Mandamus In Case No. 6:15-cv-01517-TC-AA(D.Or.)

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**CONSENT MOTION FOR LEAVE TO FILE AMICUS BRIEF IN  
OPPOSITION TO PETITION FOR WRIT OF MANDAMUS**

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### **Consent Motion for Leave to File Brief of *Amici Curiae***

Pursuant to Federal Rules of Appellate Procedure 27 and 29 and Circuit Rule 29, the undersigned respectfully request that the Court grant two respected and well-established groups – Center for International Environmental Law (CIEL) and Environmental Law Alliance Worldwide – US (ELAW), leave to file a brief as *amici curiae* in this matter, in opposition to the Petitioner’s request for a Writ of Mandamus.

The petition before this Court is unwarranted for many reasons, and proposed *amici* here address the legal question of whether the Real Parties in Interest have adequately alleged violations of “a fundamental right to a climate system capable of sustaining human life.” *Amici* are non-profit organizations that possess long-standing experience in examining and developing the legal obligations and responsibilities of governments in addressing serious environmental problems such as climate change. *Amici* CIEL and ELAW both work to ensure that human rights, including the right to a healthy environment, are respected, protected, and upheld worldwide including in regards to the threats posed by climate change and responses to address it.

Since 1989, *amicus* CIEL has earned a global reputation for its research, education, and advocacy on the intersection and progressive development of environmental and human rights law, including in the context of climate change.

CIEL is co-author, with the United Nations Environment Programme, of the *UNEP Compendium on Human Rights and the Environment: Selected international legal materials and cases*. CIEL also has a long history of participating in, and continues to participate in, both the proceedings of the UN Framework Convention on Climate Change and UN human rights bodies, including the Human Rights Council. CIEL is a leader in the analysis of developments at the intersection of human rights law and climate change and maintains a database of these developments on our Climate Rights website.

*Amicus* ELAW serves as the Secretariat of a global network of public interest environmental lawyers and has been a leader in global environmental legal issues for more than 25 years. ELAW provides legal and scientific support to leading environmental and human rights lawyers in 80 countries. ELAW's unique vantage point makes it a leader in understanding the evolution of environmental and human rights law throughout the world. ELAW staff publish articles about new legal developments, provide expert testimony in cases in other countries, and regularly speak at conferences on a variety of topics including climate law, human rights law, and other pertinent topics.

Pursuant to Federal Rule of Appellate Procedure 29 and Circuit Rule 29-3, *amici* have obtained the consent of all parties before moving to file their *amicus* brief. Based upon communications with the parties' counsel, counsel for federal

Petitioners consented to this motion and brief by e-mail on September 1, 2017 and counsel for the Real Parties in Interest consented to this motion and brief by e-mail on September 4, 2017.

The Circuit Advisory Committee Note to Circuit Rule 29-3 states that a motion for leave to file is not necessary when all parties consent, as is the case here. However because Circuit Rule 29-3 arguably does not apply to an *amici* filing related to a petition for a writ of mandamus, *amici*, in an abundance of caution, have filed this consented motion for leave to file their attached brief.

Dated: September 5, 2017

Respectfully submitted,

/s/ William J. Snape, III

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## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Consent Motion for Leave to File Brief as Amici Curiae in Opposition to Petition for Writ of Mandamus, with the proposed brief as an attachment, with the Clerk of the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on September 5, 2017. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system. In addition, a courtesy copy of the foregoing documents have been provided via email to the following counsel:

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Dated: September 5, 2017

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