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7 ACLU OF SAN DIEGO & IMPERIAL COUNTIES

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 PACIFIC LAW CENTER, a Professional  
11 Law Corporation; and SOLOMON WARD  
12 SEIDENWURM & SMITH, LLP,

13 Plaintiffs

14 vs.

15 SHAHROK SAADAT-NEJAD, an  
16 individual,

17 Defendant.

CASE NO. 07cv0460-LAB (POR)

APPLICATION OF ACLU OF SAN  
DIEGO & IMPERIAL COUNTIES FOR  
LEAVE TO FILE BRIEF AS *AMICUS*  
*CURIAE*

18 Through counsel, the American Civil Liberties Union of San Diego & Imperial Counties  
19 hereby applies to the Court for leave to file a brief as *amicus curiae* in this matter, for the facts  
20 and reasons stated below. The proposed brief is filed herewith as an exhibit to this application  
21 for the convenience of Court and counsel.

22 The American Civil Liberties Union (“ACLU”) is a nationwide, nonprofit, nonpartisan  
23 organization with more than 400,000 members dedicated to the principles of liberty and equality  
24 embodied in the Constitution. The ACLU of San Diego & Imperial Counties is one of the  
25 ACLU’s local affiliates, with roughly 8,000 members. The ACLU has frequently advocated in

1 support of the constitutional right to counsel for any person facing imprisonment, both as direct  
2 counsel and as *amicus curiae*, in courts throughout the country.

3 District courts have inherent power to grant leave to file briefs as *amicus curiae*. *NGV*  
4 *Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F.Supp.2d 1061, 1067 (N.D. Cal. 2005).  
5 CivLR 5.1(h) authorizes the Court to grant leave to file an amicus brief. The proposed amicus  
6 brief addresses the question whether Defendant was deprived of his constitutional right to  
7 counsel if he was incarcerated for civil contempt without being advised of the right to counsel,  
8 receiving appointment of counsel if financially qualified, or properly waiving counsel. Neither  
9 party has briefed these issues, and it is respectfully suggested that the brief would be of service to  
10 the Court.

11 **CONCLUSION**

12 For the foregoing reasons, the Court is respectfully requested to grant leave to file the  
13 attached amicus brief of the ACLU of San Diego & Imperial Counties.

14 Dated this 23rd day of July 2007.

15 ACLU FOUNDATION OF SAN DIEGO &  
16 IMPERIAL COUNTIES

17 By: s/David Blair-Loy  
18 David Blair-Loy

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**PROOF OF SERVICE**

I, David Blair-Loy, declare as follows:

I am not a party to this case. I have caused service of APPLICATION OF ACLU OF SAN DIEGO & IMPERIAL COUNTIES FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE* and BRIEF OF *AMICUS CURIAE* ACLU OF SAN DIEGO & IMPERIAL COUNTIES on the following counsel by electronically filing said documents with the Clerk of the District Court using its ECF system, which electronically notifies counsel of the service of said documents and provides them with true and correct copies thereof.

Edward J. McIntyre  
Solomon Ward Seidenwurm & Smith, LLP  
Attorney for Plaintiffs

I have also caused service by first class mail, postage prepaid, to be made upon the following:

Shahrokh Saadat-Nejad  
3713 Mt. Ashmun Place  
San Diego, CA 92111

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Diego, California, on July 23, 2007.

**s/David Blair-Loy**  
David Blair-Loy