

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CABLE NEWS NETWORK, INC. and ABILIO
JAMES ACOSTA,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; JOHN F. KELLY, in
his official capacity as Chief of Staff to the President
of the United States; WILLIAM SHINE, in his
official capacity as Deputy Chief of Staff to the
President of the United States; SARAH
HUCKABEE SANDERS, in her official capacity as
Press Secretary to the President of the United States;
the UNITED STATES SECRET SERVICE;
RANDOLPH ALLES, in his official capacity as
Director of the United States Secret Service; and
JOHN DOE, Secret Service Agent, in his official
Capacity,

Defendants

CIVIL ACTION

NO. 1:18-CV-02610-TJK

**MOTION FOR LEAVE TO FILE BRIEF OF THE WHITE HOUSE
CORRESPONDENTS' ASSOCIATION AS AMICUS CURIAE SUPPORTING
PLAINTIFFS' MOTIONS FOR A TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Proposed amicus curiae, the White House Correspondents' Association (the "WHCA"), respectfully moves this Court under Local Civil Rule 7(o) for leave to file the attached amicus curiae brief in support of Plaintiffs' Motions for a Temporary Restraining Order and Preliminary Injunction. The proposed brief is attached to this Motion.

1. This Court "has broad discretion to permit . . . participat[ion] [of] amici curiae," and amicus participation is appropriate where amici have "relevant expertise and a stated concern for the issues at stake in [the] case." *Dist. of Columbia v. Potomac Elec. Power Co.*, 826

F. Supp. 2d 227, 237 (D.D.C. 2011). An amicus brief should “be allowed when . . . the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Cobell v. Norton*, 246 F. Supp. 2d 59, 62 (D.D.C. 2003) (quoting *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997)).

2. The WHCA is a nonprofit association, incorporated in the District of Columbia, whose primary mission is to advocate for the newsgathering rights of the press on behalf of journalists who cover the White House and on behalf of the American public who rely on the press to provide information about the activities of their elected officials. Founded over 100 years ago, in February 1914, the WHCA has consistently and effectively worked to ensure that the men and women who gather and report the news from the White House have the ability to seek answers from powerful officials, up to and including the President of the United States. The WHCA is comprised of hundreds of members from print, television, radio, and online journalism.

3. This brief is intended to highlight for the Court the dangerous precedent that would be established if this Court accepts Defendants’ arguments and denies Plaintiffs the relief that they seek. The WHCA is uniquely positioned to provide this Court with information and insight based on its experience and mission representing journalists who cover the White House.

4. WHCA is filing now because the President set forth this extraordinary claim of discretion in yesterday’s opposition papers, and the Court has announced that it intends to rule on the pending temporary restraining order motion at 3:00 p.m. today.

Dated: November 15, 2018

Respectfully submitted,

/s/ George A. Lehner

George A. Lehner (D.C. Bar. No. 281949)

PEPPER HAMILTON LLP

Hamilton Square

600 Fourteenth Street, N.W.
Washington, D.C. 20005-2004
Phone: 202.220.1416
Fax: 202.220.1665
lehnerg@pepperlaw.com

Amy B. Ginensky (*pro hac vice* forthcoming)
Eli Segal (*pro hac vice* forthcoming)
Eric Merin (*pro hac vice* forthcoming)
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799
Phone: 215.981.4239
Fax: 215.981.4750
ginenskya@pepperlaw.com
segale@pepperlaw.com
merine@pepperlaw.com

*Counsel for White House Correspondents'
Association*

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2018 a true and correct copy of the foregoing MOTION FOR LEAVE TO FILE BRIEF OF THE WHITE HOUSE CORRESPONDENTS' ASSOCIATION AS AMICUS CURIAE SUPPORTING PLAINTIFFS' MOTIONS FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, and accompanying exhibits, were served via the ECF system upon all counsel of record.

/s/ George A. Lehner

George A. Lehner