

**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.

Case No. 1:18-cv-02610-TJK

**MOTION FOR LEAVE TO FILE BRIEF OF THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS AS AMICUS CURIAE SUPPORTING PLAINTIFFS'
MOTIONS FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION**

Proposed amicus curiae, the Reporters Committee for Freedom of the Press (the “Reporters Committee”), 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). This Court has recognized that an amicus brief should “normally 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)); *see also Jin v. Ministry of State Sec.*, 557 F. Supp. 2d 131, 137 (D.D.C. 2008) (same).

2. The Reporters Committee is an unincorporated association of reporters and editors dedicated to defending the First Amendment and newsgathering rights of the press. The Reporters Committee therefore has a powerful interest in ensuring that individual reporters and media outlets are not subject to retaliation for the content of their coverage or their questioning of government officials.

3. This brief is intended to highlight for the Court the chilling effect that the Defendants’ actions are having on journalists and news organizations not before the Court. The Reporters Committee is uniquely positioned to provide this Court with information and insight based on its experience advocating on behalf of reporters and media outlets. The proposed amicus brief puts the Defendants’ actions and their effects on journalists and news organizations in the context of what First Amendment caselaw says about the chilling effect of government suppression of and restrictions on speech. In addition, the brief discusses the impact that the Defendants’ actions are having beyond the borders of the United States at a time when free speech and the free press is under assault around the globe.

4. The Reporters Committee has obtained consent from Plaintiffs to file this brief, but it has not had the opportunity to seek consent from Defendants, given the time constraints associated with this filing.

Dated: November 13, 2018

Respectfully submitted,

/s/ Joshua A. Geltzer

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* *pro hac vice* motion pending

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I filed this Motion with the United States District Court for the District of Columbia using the CM/ECF system, which will cause it to be served on all counsel of record.

Dated: November 13, 2018

Respectfully submitted,

/s/ Joshua A. Geltzer

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