

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STATE OF HAWAI‘I and ISMAIL
ELSHIKH,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United
States; et al.,

Defendants.

Civil Action No.: 1:17-cv-00050-
DKW-KJM

MEMORANDUM IN SUPPORT OF
MOTION

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In support of their Motion, proposed *amici* states as follows:

I. IDENTITY AND INTEREST

The Employment Law Alliance (“ELA”) is an integrated, global practice network whose independent law firm members are well known and well respected for their employment and labor law practices. With more than 3,000 lawyers across more than 120 countries, all 50 U.S. states and every Canadian province, the ELA is the world’s largest such network. This following U.S. law firm members of the ELA, one of which with counsel in Washington, and each of which has significant experience in employment-related matters, hereby submit this brief:

ES&A, Inc.

Hirschfeld Kraemer, LLP

Lewis Roca Rothgerber Christie LLP

Miller Nash Graham & Dunn LLP

The ELA has a substantial interest in this case because its member law firms collectively represent hundreds of employers nationwide, including employers in Hawaii, who have been and will continue to be adversely impacted by *Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States*, issued March 6, 2017 (“Executive Order”). Many of these employers are institutions of higher education whose educational missions are adversely affected. In light of the above disruption of ELA member clients’ ability to do business, the undersigned respectfully submit this brief on behalf of the participating member law firms of the ELA in order to explain the grave impact of the Executive Order on U.S. employers.

II. REASONS THE COURT SHOULD GRANT AMICUS COUNSEL’S BRIEF

The privilege of being heard amicus lies solely within the discretion of a district court. Cnty. Ass'n for Restoration of Env't (CARE) v. DeRuyter Bros. Dairy, 54 F. Supp. 2d 974, 975 (E.D. Wash. 1999); Hoptowit v. Ray, 682 F.2d 1237, 1260 (9th Cir. 1982) (a district court has “broad discretion to appoint amici curiae”), abrogated on other grounds, Sandin v. Conner, 515 U.S. 472 (1995). “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.” Cmty. Ass’n for Restoration of Env’t (CARE), 54 F. Supp. 2d at 975.

As noted above, many of the ELA’s participating member’s clients (and their employees and students) will suffer irreparable harm as a result of the Executive Order. As such, the ELA is well situated to provide the Court with significant guidance as to how the Executive Order is and will negatively affect employers (and their employees and students) across the nation, including in Hawaii.

We respectfully request that the court accept our brief and allow us to appear as *amici curiae*.

DATED: Honolulu, Hawai‘i, March 10, 2017.

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