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**Pro Hac Vice Application Pending*

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAI'I

STATE OF HAWAI'I, et al., Plaintiffs, v. DONALD TRUMP, et al., Defendants.	Case No. 1:17-cv-00050 -DKW-KSC MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE INTERFAITH COALITION; EXHIBIT 1; CERTIFICATE OF SERVICE Hon. Derrick K. Watson March 15, 2017 9:30 a.m. Dkt. No. 65

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE INTERFAITH COALITION

I. INTRODUCTION

Amici Curiae Interfaith Coalition respectfully move the Court for leave to file a brief in support of Plaintiffs' Motion for a Temporary Restraining Order. A copy of the proposed brief is attached as Exhibit 1 to this motion. Plaintiffs have consented to the filing of the attached brief. Defendants take no position with respect to this motion.

II. IDENTITY AND INTEREST OF AMICI

Amici are a coalition of individuals and organizations of diverse religions. Although they profess different faiths, they are united in the belief that religious tolerance is critical to the safety and wellbeing of our local and national community. President Trump's Executive Order No. 13729 (March 6, 2017) ("Executive Order" or "Order"), which by its plain language, structure, and intent, clearly discriminates on the basis of religion, is anathema to this core tenet that all members of our coalition share.

Amici[1] are:

- Congregation B'nai Jeshurun
- The Right Reverend Andrew Dietsche, Episcopal Bishop of New York
- The Right Reverend Allen K. Shin, Bishop Suffragan of the Episcopal

[1] Unless stated otherwise, amici are acting on their own behalf, and not on behalf of any organizations with which they are associated. No party's counsel authored this brief in whole or in part, and no person other than the undersigned counsel contributed financially to its preparation or submission.

- The Right Reverend Mary D. Glasspool, Bishop Assistant of the Episcopal Diocese of New York
- Imam Abdul Malik Mujahid
- The Sikh Coalition
- The Right Reverend Lawrence C. Provenzano, Episcopal Bishop of Long Island
- The Muslim Public Affairs Council
- The Right Reverend Marc Handley Andrus, Episcopal Bishop of California
- Rabbi Joy Levitt
- Reverend Curtis W. Hart
- Congregation Beit Simchat Torah
- Rabbi Sharon Kleinbaum
- Reverend Timothy B. Tutt
- Rabbi Joel Mosbacher
- Rabbi Frederick Reeves
- Rabbi Peretz Wolf-Prusan
- Rabbi Noa Kushner
- Union Theological Seminary
- Rabbi John Rosove
- United Methodist Women
- Rabbi James Ponet
- Hyde Park & Kenwood Interfaith Council
- Rabbi Michael Strassfeld

III. REASONS WHY MOTION SHOULD BE GRANTED

The Court has "broad discretion" to appoint amicus curiae. *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th cir.1982), *abrogated on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995). "District courts may consider amicus briefs from non-parties 'concerning legal issues that have potential ramifications beyond the parties directly involved or if the amicus has unique information or perspective that can help the court beyond the help the lawyers for the parties are able to provide.' " *Skokomish Indian Tribe v. Goldmark*, No. C13-5071JLR, 2013 WL 5720053, at *1

(W.D. Wash. Oct. 21, 2013) (quoting *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005)). In cases of general public interest, such as this one, amicus can assist the Court by "supplementing the efforts of counsel, and drawing the court's attention to law that escaped consideration." *Miller-Wohl, Co. v. Comm'r of Labor & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982).

The Court should grant Amici leave to file the attached brief because the brief explains why the Executive Order, based on its structure and the very sources it cites for support, clearly discriminates on the basis of religion. Specifically, the brief closely examines the language of Section 1 of the Executive Order and the State Department Report cited therein, and demonstrates that if one accepts the statements of those two documents the inclusion of only Muslim-majority countries cannot be justified.[2]

IV. CONCLUSION

For these reasons, Amici respectfully request that the Court grant this motion for leave to file the attached amicus curiae brief.

[2] Amici do not endorse the statements in the Executive Order or the State Department Report, or call for additional countries to be subject to the Travel Ban, but merely reference those statements to demonstrate the intrinsic contradiction in the Administration's position.

Dated: Honolulu, Hawai‘i, March 12, 2017.

/s/ Thomas Benedict
THOMAS BENEDICT

Attorney for *Amici Curiae Interfaith Coalition*
CONGREGATION B'NAI JESHURUN; REVEREND CURTIS W. HART; RABBI SHARON KLEINBAUM; RABBI JOEL MOSBACHER; REVEREND TIMOTHY TUTT; RABBI JOY LEVITT; THE SIKH COALITION; THE RIGHT REVEREND ANDREW DIETSCHE, EPISCOPAL BISHOP OF NEW YORK; THE RIGHT REVEREND ALLEN K. SHIN, BISHOP SUFFRAGAN OF THE EPISCOPAL; THE RIGHT REVEREND MARY D. GLASSPOOL, BISHOP ASSISTANT OF THE EPISCOPAL DIOCESE OF NEW YORK; IMAM ABDUL MALIK MUJAHID; THE RIGHT REVEREND LAWRENCE C. PROVENZANO, EPISCOPAL BISHOP OF LONG ISLAND; THE MUSLIM PUBLIC AFFAIRS COUNCIL; THE RIGHT REVEREND MARC HANDLEY ANDRUS, EPISCOPAL BISHOP OF CALIFORNIA; CONGREGATION BEIT SIMCHAT TORAH ; RABBI FREDERICK REEVES; RABBI PERETZ WOLF-PRUSAN; RABBI NOA KUSHNER; UNION THEOLOGICAL SEMINARY; RABBI JOHN ROSOVE; UNITED METHODIST WOMEN; RABBI JAMES PONET; HYDE PARK & KENWOOD INTERFAITH COUNCIL and RABBI MICHAEL STRASSFELD