

GOODSILL ANDERSON QUINN & STIFEL
A LIMITED LIABILITY LAW PARTNERSHIP LLP

BRETT R. TOBIN 9490-0

btobin@goodsill.com

First Hawaiian Center
999 Bishop Street, Suite 1600
Honolulu, Hawaii 96813
Telephone: (808) 547-5600
Facsimile: (808) 547-5880

FOLEY HOAG LLP

MICHAEL B. KEATING (*pro hac vice* pending)

mkeating@foleyhoag.com

KRISTYN DeFILIPP (*pro hac vice* pending)

kbuncedefilipp@foleyhoag.com

CHRISTOPHER E. HART (*pro hac vice* pending)

chart@foleyhoag.com

DANIEL L. McFADDEN (*pro hac vice* pending)

dmcfadden@foleyhoag.com

155 Seaport Blvd.
Boston, MA 02210-2600
Telephone: (617) 832-1000
Facsimile: (617) 832-7000

Attorneys for *Amicus Curiae*
MASSACHUSETTS TECHNOLOGY
LEADERSHIP COUNCIL, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

STATE OF HAWAII and ISMAIL
ELSHIKH,

Plaintiffs,

vs.

DONALD J. TRUMP, in his official

CV. NO. 1:17-cv-00050 DKW-KJM

**MOTION FOR LEAVE TO FILE
BRIEF OF MASSACHUSETTS
TECHNOLOGY LEADERSHIP
COUNCIL, INC. AS *AMICUS
CURIAE* IN SUPPORT OF
PLAINTIFFS' MOTION FOR**

capacity as President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; U.S. DEPARTMENT OF STATE; REX TILLERSON, in his official capacity as Secretary of State; and the UNITED STATES OF AMERICA,

Defendants.

TEMPORARY RESTRAINING ORDER; EXHIBIT A (PROPOSED BRIEF); CERTIFICATE OF SERVICE

MOTION FOR LEAVE TO FILE BRIEF OF MASSACHUSETTS TECHNOLOGY LEADERSHIP COUNCIL, INC. AS *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

Massachusetts Technology Leadership Council, Inc., (MassTLC), respectfully moves this Court for leave to file the attached proposed *amicus curiae* brief, attached hereto as Exhibit A, in support of the Plaintiffs' Motion for Temporary Restraining Order in the above-captioned matter.

In support of this motion, MassTLC states that it is an association of companies that collectively employ more than 170,000 people in the Massachusetts technology industry. MassTLC represents a vibrant and growing community of innovators in fields including software, computers, robotics, and security products. MassTLC therefore closely follows issues—including immigration policy—that may affect the ability of its members to build value, attract talent, and compete in the diverse global marketplace.

A “district court has broad discretion to appoint amici 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). “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.” *Cty Ass’n for Restoration of the Env. (CARE) v. DeRuyter Bros. Dairy*, 54 F. Supp. 2d 974, 975 (E.D. Wash. 1999) (citing *Northern Sec. Co. v. U.S.*, 191 U.S. 555, 556 (1903)); *see also In re Roxford Foods Litig.*, 790 F. Supp. 987, 997 (N.D. Cal. 1991) (stating that courts generally “have exercised great liberality in permitting an amicus curiae to file a brief in a pending case”).

MassTLC submits this amicus brief in order to explain that the President’s revised travel ban is not only unlawful, but also harmful to the technology sector generally and in Massachusetts specifically, and that restraint of that travel ban is therefore in the public interest. MassTLC respectfully submits that its proposed amicus brief contains argument and analysis that will assist in a case of general public interest and supplement the efforts of counsel, and that the Court should therefore exercise its discretion to allow the proposed brief to be filed. *See Miller-Wohl Co. v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir., 1982).

Accordingly, for the foregoing reasons, MassTLC respectfully requests that the Court grant this Motion and permit it to file the proposed *amicus curiae* brief attached hereto as Exhibit A.

Dated: Honolulu, Hawai'i, March 13, 2017.

/s/ Brett R. Tobin

BRETT R. TOBIN

MICHAEL B. KEATING (*pro hac vice* pending)

KRISTYN DeFILIPP (*pro hac vice* pending)

CHRISTOPHER E. HART (*pro hac vice* pending)

DANIEL L. McFADDEN (*pro hac vice* pending)

Attorneys for *Amicus Curiae*

MASSACHUSETTS TECHNOLOGY

LEADERSHIP COUNCIL, INC.