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(See Next Page for Additional Counsel)

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

STATE OF HAWAII and ISMAIL
ELSHIKH,

Plaintiffs,

v.

DONALD J. TRUMP, in his official 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.

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Case No. 1:17-CV-00050 DKW-KSC

MOTION FOR LEAVE TO FILE BRIEF ON BEHALF OF NEW YORK UNIVERSITY AS *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER; EXHIBIT A (PROPOSED BRIEF); CERTIFICATE OF SERVICE

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**MOTION FOR LEAVE TO FILE BRIEF ON BEHALF OF
NEW YORK UNIVERSITY AS *AMICUS CURIAE* IN SUPPORT
OF PLAINTIFFS' MOTION FOR TEMPORARY
RESTRANING ORDER**

New York University (“NYU”), by and through its undersigned counsel, respectfully requests leave of Court to file the accompanying proposed brief of *amicus curiae* in support of Plaintiffs’ Motion for Temporary Restraining Order, filed March 8, 2017, Dkt. No. 65. This motion is made pursuant to Rule 7 of the Federal Rules of Civil Procedure and LR7.1 and 7.2 of the Local Rules of Practice for the United District Court for the District Court of Hawai`i.

NYU has an especially strong interest in this matter. As of 2016, NYU hosted more international students than any other university in the United States. International students constituted 35% of NYU’s graduate student population and 18% of its undergraduate student population. This includes approximately 120 students and ten scholars from the six countries named in the March 6, 2017 Executive Order titled “Protecting the Nation from Foreign Terrorist Entry into the United States” (the “Executive Order”), which is the subject of these continuing proceedings. NYU is deeply concerned that the Executive Order will have a significant adverse impact not merely on its numerous current and prospective international students and scholars, but on the ability of the University as a whole to fulfill its mission as a global educational institution for all of its constituents,

“fitting for all and graciously open to all.” *See* NYU Mission Statement, www.nyu.edu/about.

Among other things, the Executive Order will have a particular negative impact on prospective NYU students from the six Muslim-majority countries that continue to be singled out for adverse treatment, who may not be able to enroll despite their acceptance by the University. *See, e.g.*, Samantha Michaels, “I’m an Iranian Woman Whose Dream Is to Study in America. Here’s My Message for Trump,” Mother Jones (2017), <http://www.motherjones.com/politics/2017/01/iranian-student-trump-immigration> (last visited March 6, 2017). In sum, NYU’s *amicus* brief would provide the Court with NYU’s unique perspective as a global university based in New York City.

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*, 512 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”).

For the foregoing reasons, NYU respectfully requests the Court’s permission to file a brief of *amicus curiae* attached hereto as Exhibit A on or before a date set by the Court.

DATED: Honolulu, Hawai`i, March 14, 2017.

Respectfully submitted,

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