

ADAMS MIYASHIRO KREK
A Limited Liability Law Partnership

DUANE R. MIYASHIRO 6513
900 Fort Street Mall, Suite 1700
Honolulu, HI 96813
Telephone: 808.777.2900
Facsimile: 808.664-8626
dmiyashiro@amkhawaii.com

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

BARBARA D. UNDERWOOD*
Solicitor General
*Admitted Pro hac vice
120 Broadway
New York, NY 10271
Telephone: 212.416.8016
Facsimile: 212.416.6350
barbara.underwood@ag.ny.gov

Attorneys for STATES OF NEW YORK, CALIFORNIA, CONNECTICUT, DELAWARE, ILLINOIS, IOWA, MAINE, MARYLAND, MASSACHUSETTS, NEW MEXICO, OREGON, RHODE ISLAND, VERMONT, VIRGINIA, and WASHINGTON, and the DISTRICT OF COLUMBIA

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAI'I

STATE OF HAWAI'I 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.

Civil No. 1:17-cv-00050
(DKW/KSC)

MOTION OF THE STATE OF NEW YORK FOR LEAVE TO FILE AMICUS BRIEF; MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF BARBARA D. UNDERWOOD; CERTIFICATE OF SERVICE

Related Documents: Dkt. No. 328

**MOTION OF THE STATE OF NEW YORK
FOR LEAVE TO FILE AN AMICUS BRIEF**

The States of New York, California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, New Mexico, Oregon, Rhode Island, Vermont, Virginia, and Washington, and the District of Columbia, respectfully move for leave to file a brief as amici curiae in support of Plaintiffs' Motion to Enforce or, in the Alternative, to Modify Preliminary Injunction, filed July 7, 2017 (ECF No. 328).

Plaintiffs consent to the filing of the amicus brief, and defendants take no position on the motion. As set forth more fully in the attached Memorandum in Support of Motion, this Court has broad discretion to grant amicus curiae status to the aforementioned States. A copy of the States' proposed amicus brief is attached to the accompanying Declaration of Barbara D. Underwood as Exhibit "1."

This motion is made pursuant to Rule 7 of the Federal Rules of Civil Procedure and Rules 7.1 and 7.2 of the Local Rules for the United States District Court for the District of Hawaii, and is based on the Memorandum in Support of Motion, the attached Declaration of Barbara D. Underwood, Exhibit "1," and the records and files in this case.

Dated: New York, New York
July 10, 2017

Respectfully submitted,

/s/ Barbara D. Underwood
BARBARA D. UNDERWOOD*
Solicitor General
**Admitted Pro Hac Vice*

Attorney for Amicus Curiae
STATES OF NEW YORK,
CALIFORNIA, CONNECTICUT,
DELAWARE, ILLINOIS, IOWA,
MAINE, MARYLAND,
MASSACHUSETTS, NEW MEXICO,
OREGON, RHODE ISLAND,
VERMONT, VIRGINIA, and
WASHINGTON, and THE DISTRICT
OF COLUMBIA