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ANTI-DEFAMATION LEAGUE

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I**

STATE OF HAWAI'I and ISMAIL
ELSHIKH,

Plaintiffs,

v.

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

Defendants.

CV 17-00050 DKW-KJM

**MOTION FOR LEAVE TO FILE
BRIEF OF ANTI-DEFAMATION
LEAGUE AS *AMICUS CURIAE* IN
SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRAINING ORDER; EXHIBIT A
(PROPOSED BRIEF);
CERTIFICATE OF SERVICE**

**MOTION FOR LEAVE TO FILE BRIEF OF ANTI-DEFAMATION
LEAGUE AS *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS’
MOTION FOR TEMPORARY RESTRAINING ORDER**

The Anti-Defamation League (“ADL”) respectfully moves for leave to file an *amicus curiae* brief in support of Plaintiffs’ Motion for Temporary Restraining Order.

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”). ADL has this unique information or perspective.

Founded in 1913, ADL is a civil rights and human relations organization that seeks to stop the defamation of the Jewish people, and secure justice and fair treatment for all. Through its 26 regional offices in the U.S., and its international office in Israel, ADL provides materials, programs and services to combat anti-

Semitism and all forms of bigotry. Because of its long history of fighting prejudice and discrimination, including with respect to immigrants and religious minorities, ADL can provide unique and important insights for the Court in addressing the Plaintiffs’ Motion for Temporary Restraining Order enjoining enforcement of Sections 2 and 6 of the Executive Order issued on March 6, 2017 entitled “Protecting the Nation from Foreign Terrorist Entry into the United States.”

ADL is acutely familiar with the consequences of policies that refuse immigration avenues for refugees of a select religious group. ADL’s proposed *amicus* brief, attached hereto as Exhibit A, focuses on this nation’s history of dealing with refugees, and how that history may affect a ruling regarding whether the Executive Order should be enjoined.

CONCLUSION

For the foregoing reasons, ADL respectfully requests that this Court grant it leave to file the *amicus curiae* brief attached hereto as Exhibit A.

DATED: Honolulu, Hawaii, March 10, 2017.

Respectfully submitted,

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