

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS DART, SHERIFF OF COOK COUNTY, Plaintiff, v. CRAIGSLIST, INC., Defendant. Case No. 09 CV 1385 Judge John F. Grady Magistrate Judge Nan R. Nolan

DECLARATION IN SUPPORT OF MOTION OF THE COALITION AGAINST TRAFFICKING IN WOMEN TO APPEAR AS AMICUS CURIAE AND TO FILE AMICUS CURIAE BRIEF

I, Alexander A. Yanos, Esq., hereby declare under penalty of perjury pursuant to 28 U.S.C §1746 as follows:

1. I am a partner at Freshfields Bruckhaus Deringer US LLP and counsel for the Coalition Against Trafficking in Women (CATW). I respectfully submit this declaration in support of CATW's motion for an order (1) granting permission to appear as amicus curiae in support of Plaintiff, (2) permitting CATW, as amicus curiae, to file a brief totaling 34 pages and (3) granting any other relief this court deems just and proper.

2. CATW is a non-governmental organization (NGO) founded in 1988 with the mission of promoting and protecting the human rights of women. CATW is motivated by the belief that women have the fundamental human right to be free from

sexual violence and exploitation. In particular, CATW works internationally to combat the sexual exploitation of women and children occurring through prostitution and trafficking. CATW is composed of regional networks and of affiliated individuals and groups and has a presence in Africa, Asia, Australia, Europe, Latin America and North America. CATW was the first international NGO to work towards the abolition of sexual trafficking and, in recognition of the vital contribution CATW makes to the protection of women worldwide, in 1989 CATW gained consultative status with the United Nations Economic and Social Council.

3. Neither the Federal Rules of Civil Procedure nor the Local Rules of the United States District Court of the Northern District of Illinois contain specific provisions governing the filing of briefs as *amicus curiae* in the district court. Case-law, however, makes clear that the admission of *amicus curiae* briefs is within the discretion of the court and should be permitted in appropriate circumstances. *See, e.g., Sherman ex rel. Sherman v. Township High School Dist.*, 540 F. Supp. 2d 985 (N.D. Ill. 2008); *Williams v. State Board of Elections*, 696 F. Supp. 1574 (N.D. Ill. 1988) (Grady, J).

4. One such circumstance is where, as here, the *amicus curiae* provides “unique information [and] perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997). CATW provides a unique, global perspective on the problems of sexual trafficking and prostitution. CATW has extensive experience and expertise in investigating, documenting and researching cases of sexual trafficking in women and children, as well as in the role that the internet plays in procurement of prostitution. This experience and expertise, developed over twenty years

devoted entirely to the study of prostitution and sexual trafficking in women and children, cannot be adequately developed, explained or represented by the Plaintiff in this case, as the Plaintiff's focus is necessarily on law enforcement activities and the local effects of prostitution and sex trafficking resulting from Craigslist's adult services in Chicago. CATW's research and uniquely international perspective will assist the Court in understanding the scope of harm resulting from Craigslist's adult services web site, and the role that this website plays in the facilitation of global prostitution and sex trafficking. Moreover, due to the support it provides to the survivors of sex trafficking and prostitution, CATW has unique insight into the mental and physical harm suffered by these victims. The submission of CATW will not be duplicative of the Plaintiff's brief. *Cf Ryan*, 125 F.3d at 1063.

5. Whether Craigslist can allow the free-for-all posting of "adult" or "erotic" services with impunity is a matter of great importance to CATW because of the far-reaching consequences of such activities. As an organization that works internationally through a variety of channels to combat violence against women and children, CATW can offer this Court experience and a knowledge base that differs from the perspectives of the parties.

6. A copy of the proposed *amicus curiae* brief is attached hereto at Exhibit I.

7. CATW acknowledges that Local Rule 7.1 stipulates that a brief in support of any motion may not exceed 15 pages without prior approval of the court, and that motions to exceed this limit should be made only for good cause. CATW notes that this rule is discretionary and respectfully submits that the complex and extensive subject

matter of the case necessitates an extended page limit. CATW is, however, willing to re-submit a brief within the 15-page limit should this motion be denied.

8. CATW requires an extended page limit in order to describe the issue of sexual trafficking and the exploitation of prostituted women and children; setting out the relevant issues at both domestic and international levels. CATW intends to dispel the myths regarding sexual trafficking and prostituted persons and set out the facts and applicable law. CATW intends to demonstrate the impact of Craigslist's 'adult services' on sexual trafficking; specifically highlighting the impact on the prostituted women and children advertised through this site. CATW believes that the above stated issues cannot be adequately addressed within the 15- page limitation.

9. CATW suggests that the fact that the Defendant sought and was granted an extension in relation to its *Motion For Judgment On The Pleadings* is indicative of the complex nature of the case and the breadth of the issues under discussion, and further supports CATW's motion that the page limit be extended.

10. For the above-stated reasons, CATW respectfully requests that the Court grant this motion requesting leave for CATW to submit an amicus brief totaling pages in excess of the 15- page limit set out at Local Rule 7.1.

CONCLUSION

11. For the above-stated reasons, CATW respectfully requests that the Court grant this motion requesting leave to for CATW to participate as *amicus curiae* in these proceedings.

Dated: July 10, 2009
New York, New York

Respectfully submitted,

/s/ Alexander A. Yanos

Pro hac vice admission pending