

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JEWISH FAMILY SERVICE OF SEATTLE, *et al.*,

Plaintiffs,

v.

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

Defendants.

No. 2:17-CV-01707-JLR

**AND ORDER**

**MOTION TO FILE BRIEF OF  
AMICI MUSLIM ADVOCATES  
AND THE MACARTHUR  
JUSTICE CENTER IN  
SUPPORT OF PRELIMINARY  
INJUNCTION**

**Noted for Consideration: Dec. 4,  
2017**

Muslim Advocates and the Roderick & Solange MacArthur Justice Center (“MJC”) respectfully move for leave to file the accompanying amicus brief in support of Plaintiffs’ motion for a preliminary injunction. The parties have consented to the filing of the associated amicus brief.

**INTEREST OF AMICI**

Muslim Advocates is a national legal advocacy and educational organization formed in 2005 that works on the frontlines of civil rights to guarantee freedom and justice for Americans of all faiths. The issues at stake in this case directly relate to Muslim Advocates’ work fighting institutional discrimination against the American Muslim community.

The MacArthur Justice Center is a not-for-profit organization founded by the family of J. Roderick MacArthur to advocate for human rights and social justice through litigation. MJC

1 has represented clients facing myriad human rights and civil rights injustices, including issues  
2 of discrimination, the unlawful detention of foreign nationals, and the rights of marginalized  
3 groups in the American justice system. MJC has an interest in the rule of law and the  
4 independence of the judiciary in determining whether government officials have acted with  
5 discriminatory animus against an unpopular minority group.

6 Amici submit this brief to document the long history of religious animus that led to the  
7 order under consideration by the Court. This includes the President’s extensive record of  
8 hostility against people of the Muslim faith, his open desire to curtail their rights, and his  
9 specific, sustained promise to inhibit their entry to the U.S.—including specifically by  
10 prohibiting the entry of Muslim refugees. It also describes express anti-Muslim terminology  
11 used in the predecessor Executive Orders that created the basis for the present order. MJC’s  
12 prior briefing was relied upon by the U.S. District Court for the District of Hawaii in enjoining  
13 Executive Order 13780, *see Hawai‘i v. Trump*, 241 F. Supp. 3d 1119, 1137 n.14 (D. Haw.  
14 2017), and by parties in the various proceedings challenging the President’s orders.

15 **ARGUMENT**

16 The Court has broad discretion to permit a non-party to participate in an action as  
17 amicus curiae. *See, e.g., Gerritson v. de la Madrid Hurtado*, 819 F.2d 1511, 1514 n.3 (9th Cir.  
18 1987); *Skokomish Indian Tribe v. Goldmark*, No. 13-cv-5071-JLR, 2013 WL 5720053, at \*1  
19 (W.D. Wash. Oct. 21, 2013) (“The court has ‘broad discretion’ to appoint amicus curiae.”)  
20 (citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982)); *Nat. Res. Def. Council v. Evans*,  
21 243 F. Supp. 2d 1046, 1047 (N.D. Cal. 2003) (amici “may file briefs and may possibly  
22 participate in oral argument” in district court actions). Indeed, “[d]istrict courts frequently  
23 welcome amicus briefs from non-parties concerning legal issues that have potential  
24 ramifications beyond the parties directly involved or if the amicus has ‘unique information or  
25 perspective that can help the court beyond the help that the lawyers for the parties are able to  
26 provide.’” *Sonoma Falls Dev., LLC v. Nev. Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 925  
27 (N.D. Cal. 2003) (quoting *Cobell v. Norton*, 246 F. Supp. 2d 59, 62 (D.D.C. 2003) (citation

1 omitted)). No special qualifications are required; “an individual seeking to appear as amicus  
2 must merely make a showing that his participation is useful to or otherwise desirable to the  
3 court.” *In re Roxford Foods Litig.*, 790 F. Supp. 987, 997 (E.D. Cal. 1991).

4 Because Amici have special interest and expertise in anti-Muslim animus—both  
5 historically and with regard to the present administration—their participation as amici curiae is  
6 appropriate in this matter in which the Court will consider issues of particular public interest.  
7 *See Liberty Res., Inc. v. Phila. Hous. Auth.*, 395 F. Supp. 2d 206, 209 (E.D. Pa. 2005). (“Courts  
8 have found the participation of an amicus especially proper . . . where an issue of general public  
9 interest is at stake.”). This is because the primary role of an amicus is “to assist the Court in  
10 reaching the right decision in a case affected with the interest of the general public.” *Russell v.*  
11 *Bd. of Plumbing Examiners of Cty. of Westchester*, 74 F. Supp. 2d 349, 351 (S.D.N.Y. 1999).

12 Amici accordingly request leave to file the accompanying brief as *amici curiae* in  
13 support of Plaintiffs’ motion for preliminary injunction.  
14

15 DATED this 4th day of December, 2017.

16 Muslim Advocates

17 By: /s/ Sorome Shebaya  
18 Johnathan J. Smith, *pro hac vice*  
19 (*application pending*)  
20 Sirine Shebaya, *pro hac vice* (*application*  
21 *pending*)  
22 Matthew W. Callahan, *pro hac vice*  
23 (*application pending*)  
24 P.O. Box 66408  
25 Washington, DC 20035  
26 Telephone: (202) 897-2622  
27 Fax: (202) 508-1007  
E-mail: johnathan@muslimadvocates.org  
E-mail: sirine@muslimadvocates.org  
E-mail: matthew@muslimadvocates.org

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

The Roderick & Solange MacArthur Justice Center

By: /s/ Amir H. Ali  
Amir H. Ali, *pro hac vice* (application pending)  
718 7th Street NW  
Washington, DC 20001  
Telephone: (205) 869-3434  
Fax: (206) 689-3435  
E-mail: amir.ali@macarthurjustice.org

Aziz Hug  
Attorney For Muslim Advocates

By: /s/ Aziz Huq  
Aziz Huq, *pro hac vice* (application pending)  
1111 E. 60th Street  
Chicago, IL 60622  
Telephone: (773) 702-9566  
Fax: (773) 702-9566  
E-mail: huq@uchicago.edu

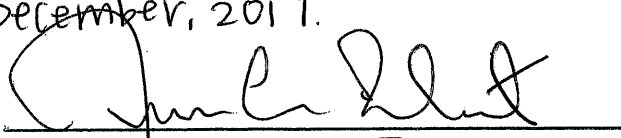
Davis Wright Tremaine LLP  
Attorneys for Muslim Advocates and The Roderick & Solange MacArthur Justice Center

By: /s/ Joseph P. Hoag  
Joseph P. Hoag, WSBA #41971  
1201 Third Avenue, Suite 2200  
Seattle, WA 98101-3045  
Telephone: (206) 757-8080  
Fax: (206) 757-7080  
E-mail: josephhoag@dwt.com

ORDER

It is so ordered.

Dated this 5th day of December, 2017.

  
\_\_\_\_\_  
JAMES L. ROBART  
United States District Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATE OF SERVICE**

I hereby certify that on December 4, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure

Dated this 4th date of December, 2017.

/s/ Joseph P. Hoag  
Joseph P. Hoag, WSBA #41971