

No. 17-35105

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

STATE OF WASHINGTON, et al.,
Plaintiffs-Appellees, v.

DONALD TRUMP, President of the United States, et
al., Defendant-Appellants.

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE WESTERN
DISTRICT OF WASHINGTON

**MOTION FOR LEAVE TO FILE *AMICUS
CURIAE* BRIEF OF THE ANTI-DEFAMATION
LEAGUE IN SUPPORT OF THE PLAINTIFFS-
APPELLEES**

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**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF OF THE ANTI-
DEFAMATION LEAGUE IN SUPPORT OF THE PLAINTIFFS-
APPELLEES & FOR ORDER DEEMING THE BRIEF TIMELY-FILED**

Pursuant to Federal Rules of Appellate Procedure 29 and/or 26(a)(3) and/or 26 (b) and/or based upon the Court's power to grant equitable relief, for good cause shown, the Anti-Defamation League hereby submits this Motion for Leave to File a Brief *Amicus Curiae* in support of Plaintiffs-Appellees and Affirmance. All parties consented to the submission of amici briefs in this case up to midnight on February 5, 2017 and due to scheduled ECF maintenance, the Court extended the filing deadline to 1:00 a.m. PST on February 6, 2017.

**INTEREST OF AMICUS CURIAE AND REASONS WHY THE
MOTION SHOULD BE GRANTED**

Amicus Curiae the Anti-Defamation League ("ADL") was founded in 1913 and is a civil rights and human relations organization that seeks to stop the defamation of the Jewish people, and to secure justice and fair treatment for all people. Through its 26 regional offices throughout the United States, including seven offices within the Ninth Circuit alone, ADL provides materials, programs and services to combat anti-Semitism and all forms of bigotry. Because of its history of fighting discrimination, including with respect to prejudice toward immigrants and religious minorities, ADL can provide unique and important

insights for the Court in addressing the Executive Order and in considering the historical context of the Executive Order's provisions limiting or barring entry into the United States of persons coming from seven majority-Muslim nations.

All parties consented to the submission of amici briefs in this case up to midnight on February 5, 2017 and due to scheduled ECF maintenance, the Court extended the filing deadline to 1:00 a.m. PST on February 6, 2017.

The ADL respectfully submits this Motion for Leave to File a Brief *Amicus Curiae* in support of Plaintiffs-Appellees and Affirmance pursuant to Federal Rules of Appellate Procedure 29 and/or 26(a)(3) and/or 26 (b) and/or based upon the Court's power to grant equitable relief, for good cause shown. Such good cause is documented in the accompanying declaration of Shelley A. Carder.

Although a Motion to Extend Time was previously filed today with the brief, there is some concern that Defendants and Appellants may nonetheless object to the filing of the brief and therefore this motion is also filed to request relief from the Court to file the ADL *Amicus Curiae* brief in support of Plaintiffs-Appellees and Affirmance over any objection of Defendants and Appellants. In addition, the filing was subsequently rejected as the documents were not separately-filed and it was missing the motion for leave to file. These problems are corrected with this filing.

CONCLUSION

For the reasons stated above, the Court should grant the requested motion, permit the ADL to file its concurrently-submitted *Amicus Curiae* brief.

Dated: February 6, 2017

Respectfully submitted,

/s/ Shelley A. Carder

/s/ John B. Harris

/s/ Steven M. Freeman

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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2017, I electronically filed the foregoing with the Clerk of the court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system.

I certify that I am a registered CM/ECF user and that all parties have registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: February 6, 2017

/s/Richard D. Barton

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