

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

MAZDAK POURABDOLLAH  
TOOTKABONI and  
ARGHAVAN LOUHGHALAM,

*Petitioners,*

Case No.17-10154

v.

DONALD TRUMP, President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”); U.S. CUSTOMS AND BORDER PROTECTION (“CBP”); JOHN KELLY, Secretary of DHS; KEVIN K. MCALEENAN, Acting Commissioner of CBP; and WILLIAM MOHALLEY, Boston Field Director, CBP,

*Respondents.*

**MOTION BY PLAINTIFFS-INTERVENORS COMMONWEALTH OF MASSACHUSETTS AND UNIVERSITY OF MASSACHUSETTS TO INTERVENE**

The Commonwealth of Massachusetts and the University of Massachusetts (collectively, the “Commonwealth”) respectfully move pursuant to Federal Rule of Civil Procedure 24 to intervene as plaintiffs in this action.

Intervention is warranted as of right because the motion is timely and the Commonwealth has strong interests in this litigation. The Executive Order at issue compels the Commonwealth to engage in unlawful, unconstitutional, and economically and socially destructive discrimination; it causes harm to the Commonwealth’s economy by hampering the movement of people and ideas into the state and by discouraging internationally-linked activity in Massachusetts; and it affects the ability of thousands of immigrants, refugees, and asylees to travel to and from Massachusetts. In addition, both the Commonwealth generally and the

University of Massachusetts have an interest in predictable and lawful immigration policies. The University of Massachusetts, in particular, employs faculty and enrolls students from the countries affected by the Executive Order. These interests will be impaired if the Commonwealth is not permitted to intervene. *See* Fed. R. Civ. P. 24(a)(2).

In the alternative, the Commonwealth should be granted leave to intervene because its claims challenging the constitutionality of the Executive Order share common questions of law and fact with the petitioners' complaint. *See* Fed. R. Civ. P. 24(b)(1)(B). A Proposed Complaint is attached. Pursuant to Local Rule 7.1(b)(1), the grounds for the Commonwealth's motion are set forth with specificity in the memorandum of law filed herewith.

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

The undersigned counsel for the Commonwealth certify that they have conferred with counsel for petitioners and respondents by telephone on January 31, 2017, to resolve or narrow the issue addressed in this motion. Petitioners assent to the Commonwealth's motion.

WHEREFORE, the Commonwealth of Massachusetts and the University of Massachusetts respectfully request that the Court grant their motion to intervene in this matter.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS  
UNIVERSITY OF MASSACHUSETTS

ATTORNEY GENERAL  
MAURA HEALEY

*/s/ Elizabeth N. Dewar*

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Dated: January 31, 2017

**CERTIFICATE OF SERVICE**

I, Elizabeth N. Dewar, hereby certify that a true copy of the above document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on this date.

Dated: January 31, 2017

*/s/ Elizabeth N. Dewar* \_\_\_\_\_  
Elizabeth N. Dewar