

February 10, 2017

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VIA ECF

The Honorable Carol Bagley Amon
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: *Darweesh v. Trump*, Case No. 17-cv-00480-CBA

Dear Judge Amon:

We represent Public Justice Center, P.C. and Impact Fund. We write to seek the Court's permission to file an amicus brief in the above-referenced action. In the alternative, we request a pre-motion conference to authorize leave to file such a brief, pursuant to Rule 3(A) of this Court's Individual Rules.

Public Justice, P.C. is a national public interest law firm that specializes in precedent-setting, socially significant civil litigation, with a focus on fighting corporate and governmental misconduct. Much of Public Justice's work involves protecting and vindicating civil rights—and defending access to justice for those whose rights have been violated. Public Justice's experience is that a class action is often the only means to effectively redress and prevent civil rights violations. And Public Justice's Class Action Preservation Project seeks to preserve the integrity of class actions as a vehicle for challenging civil rights violations and other corporate and government abuses.

The Impact Fund is a non-profit legal foundation that provides strategic leadership and support for impact litigation to achieve economic and social justice. The Impact Fund provides funding, offers innovative training and support, and serves as counsel for impact litigation across the country. The Impact Fund has served as counsel in a number of major civil rights cases, including cases challenging employment discrimination, lack of access for those with disabilities, and violations of fair housing laws. Through its work, the Impact Fund seeks to use and support impact litigation to achieve social justice for all communities.

The purpose of the brief will be to present the Court with an analysis of the class action issues in this case, drawing on the proposed Amici's expertise in class actions and

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complex litigation. This case exemplifies the need for class actions to vindicate important rights. It would be difficult, if not impossible, to attempt to combat the detention and removal of large numbers people at airports across the country by filing individual habeas petitions. Without the ability to proceed as a class—and obtain classwide relief—many of those affected by the executive order would simply be unable to protect their rights.

“District courts have broad discretion in deciding whether to accept amicus briefs.” *Jamaica Hosp. Med. Ctr., Inc. v. United Health Grp.*, 584 F. Supp. 2d 489, 497 (E.D.N.Y. 2008) (citation omitted). “An amicus brief should normally be allowed when . . . the amicus has unique information or perspective that can help the court beyond the held that the lawyers for the parties are able to provide.” *Citizens Against Casino Gambling in Erie Cnty. v. Kempthorne*, 471 F. Supp. 2d 295, 311 (W.D.N.Y. 2007) (citation omitted).

For the foregoing reasons, we respectfully request permission to file an amicus brief on the date Plaintiffs’ briefs are due or on an alternative date selected by the Court. In the alternative, we request a pre-motion conference concerning leave to file our brief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JDS', with a long horizontal flourish extending to the right.

Jonathan D. Selbin

JDS/ak

cc: All Counsel of Record (via ECF)

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