

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITIZENS FOR RESPONSIBILITY AND ETHICS
IN WASHINGTON,
RESTAURANT OPPORTUNITIES CENTERS
UNITED, INC., and JILL PHANEUF,

Plaintiffs,

-against-

DONALD J. TRUMP, in his official capacity as
President of the United States of America,

Defendant.

No. 17 Civ. 00458 (GBD)

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICA CURIAE* SARAH P. CHAYES IN
SUPPORT OF THE PLAINTIFF**

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Amica Sarah P. Chayes respectfully moves for leave to file the accompanying *amicus* brief (attached hereto as Exhibit A) in the above-captioned case in support of Plaintiff's Opposition to Defendant's Motion to Dismiss (ECF No. 35). Plaintiffs consent to the filing of this brief. Defendant takes no position.

"District courts have broad discretion to permit or deny the appearance of amici curiae in a given case." *United States v. Ahmed*, 788 F. Supp. 196, 198 n.1 (S.D.N.Y. 1992), *aff'd* 980 F.2d 161 (2d Cir. 1992). "An *amicus* brief should normally be allowed when . . . the *amicus* has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *Auto. Club of N.Y., Inc. v. Port Auth. of N.Y. & New Jersey*, No. 11 Civ. 6746 (RJH), 2011 WL 5865296, at *2 (S.D.N.Y. Nov. 22, 2011) (internal quotation omitted). "The court is more likely to grant leave to appear as an *amicus curiae* in cases involving matters of public interest." *Andersen v. Leavitt*, No. 03 Civ. 6115 (DRH) (ARL), 2007 WL 2343672, at *2 (E.D.N.Y. Aug. 13, 2007) (internal quotation omitted).

There is undoubtedly profound public interest in this case, which concerns alleged constitutional violations by Defendant Donald J. Trump, the President of the United States. *Amica*, a leading academic who has studied kleptocratic regimes for decades and developed substantial expertise around the connection between corrupt networks and violent extremism, brings a unique perspective to Plaintiff's claims and to the concrete consequences of alleged violations of the Emoluments Clause. In her capacity as the special assistant to the chairman of the Joint Chiefs of Staff, *Amica* developed U.S. options for Afghanistan; she presently is working to map the structures of kleptocratic governance. This research and experience bears directly on the ramifications of the allegations in Plaintiff's Second Amended Complaint.

For all these reasons, and as set forth more fully in the proposed *amicus* brief, *amica* requests leave to file this brief.

Dated: August 11, 2017
New York, New York

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