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9
10 **UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 Mikkell Jordahl; Mikkell (Mik)
13 Jordahl, P.C.,

14 *Plaintiffs,*

15 vs.

Case No: 3:17-CV-08263-PCT-DJH

**MOTION & MEMORANDUM
FOR LEAVE TO FILE AMICUS
CURIAE BRIEF OF AMERICAN
CENTER FOR LAW AND
JUSTICE IN SUPPORT OF
DEFENDANTS**

16 Mark Brnovich, Arizona Attorney
17 General; Jim Driscoll, Coconino
18 County Sheriff; Matt Ryan,
19 Coconino County Board of
20 Supervisors Chair; Lena Fowler,
21 Coconino County Board of
22 Supervisors Vice Chair; Elizabeth
23 Archuleta, Coconino County Board
24 of Supervisors Member; Art Babbott,
25 Coconino County Board of
26 Supervisors Member; Jim Parks,
27 Coconino County Board of
28 Supervisors Member; Sarah Benatar,
Coconino County Treasurer, all in
their official capacities,

Defendants.

1 Proposed *Amicus Curiae* American Center for Law and Justice (ACLJ)
2 respectfully moves for leave to file the Brief attached as Exhibit 1 hereto in
3 support of the defendants. The ACLJ is an organization dedicated to the defense
4 of constitutional liberties secured by law. ACLJ attorneys have argued numerous
5 cases before the Supreme Court of the United States and have participated as
6 *amicus curiae* in a number of significant cases involving the Free Speech Clause
7 of the First Amendment.

8 *Amicus* has dedicated time and effort to defending and protecting
9 Americans' First Amendment freedoms. The ACLJ's commitment to the
10 integrity of the United States Constitution and Bill of Rights compels it to
11 support the State of Arizona in its efforts, including the enactment of Arizona
12 Revised Statutes § 35-393, to avoid becoming complicit in the global Boycott,
13 Divestment and Sanctions (BDS) Movement.

14 Courts within the Ninth Circuit have recognized that "district courts have
15 the inherent authority to permit and consider *amicus curiae* briefs, even though
16 such briefs are not specifically provided for in the Federal Rules of Civil
17 Procedure." *Carlin v. DairyAmerica, Inc.*, 2017 U.S. Dist. LEXIS 41699, *3
18 (E.D. Cal. Mar. 22, 2017) (citing *In re Bayshore Ford Trucks Sales, Inc.*, 471
19 F.3d 1233, 1249 n.34 (11th Cir. 2006)). District courts often "accept *amicus*
20 briefs from non-parties concerning legal issues that have possible ramifications
21 beyond the parties directly involved in the case or if the *amicus* has unique
22 information or perspective that can help the court beyond the help that the
23 lawyers for the parties are able to provide." *Gabriel Techs Corp. v. Qualcomm*
24 *Inc.*, 2012 U.S. Dist. LEXIS 33417, *15 (S.D. Cal. Mar. 13, 2012) (quotation
25 and citation omitted). "Generally, courts have exercised great liberality in
26 permitting an *amicus curiae* to file a brief in a pending case" *In re Roxford*
27 *Foods Litig.*, 790 F. Supp. 987 (E.D. Cal. 1991).

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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2018, I electronically filed the foregoing Motion for Leave to file *Amicus Curiae* Brief and all attached exhibits with the Clerk’s Office by using the ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: February 16, 2018

/s/ Carly F. Gammill
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