

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

ALIANZA AMERICAS, YANET DOE,
PABLO DOE, and JESUS DOE, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

RONALD D. DESANTIS, Governor of Florida,
in his official and personal capacities; JARED
W. PERDUE, Secretary of the Florida
Department of Transportation, in his official
and personal capacities; LAWRENCE A.
KEEFE, Florida Public Safety Czar, in his
official and personal capacities; JAMES
UTHMEIER, Chief of Staff to Florida
Governor, in his official and personal
capacities; STATE OF FLORIDA; THE
FLORIDA DEPARTMENT OF
TRANSPORTATION; JAMES
MONTGOMERIE; PERLA HUERTA; and
VERTOL SYSTEMS COMPANY, INC.,

Defendants.

Civil Action No. 1:22-11550-ADB

MOTION TO PARTICIPATE AS AMICUS CURIAE

National Latino Evangelical Coalition (“NaLEC”) hereby moves for leave to participate in this matter as amicus curiae in order to advance the special interests of faith-based and faith-affiliated organizations that serve members and communities that are impacted by the issues in this case.

In support of this motion, and as grounds thereof, NaLEC states as follows:

1. NaLEC will be represented by Wilmer Cutler Pickering Hale and Dorr LLP. To the extent that additional faith-based organizations seek to join NaLEC’s brief, counsel for NaLEC

will coordinate and advance a unified, comprehensive presentation of the amici curiae’s special interests to the Court.

2. NaLEC is a nonprofit organization based in Orlando, Florida. NaLEC acts as a network of Latino Evangelical churches, pastors, leaders, and not-for-profit organizations committed to supporting churches and the communities they serve by empowering them to work towards the common good.

3. NaLEC seeks to advance the special interests of faith-based and faith-affiliated organizations that have historically assumed a central role in supporting migrants. Indeed, Plaintiffs have alleged that Defendants gave them maps identifying two faith-affiliated organizations who might be willing to assist them—the Hebrew Center in Vineyard Haven and the YMCA in Edgartown. First Am. Compl. (“FAC”) ¶ 136. Another faith-based organization—St. Andrew’s Episcopal Church—opened its doors to Plaintiffs when they needed somewhere to stay. FAC ¶ 154. Faith-based and faith-affiliated organizations thus have a special interest in the claims raised by Plaintiffs in this case. NaLEC will inform the Court of perspectives other than those represented by the parties; expound on the history and importance of the individual constitutional rights at issue in this case and the impact that different rulings may have on the community; and focus the Court’s attention on the broader implications of the case.

4. The role of an amicus curiae—meaning “friend of the court”—is to “assist the court ‘in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.’” *Students for Fair Admissions, Inc., v. President and Fellows of Harvard College*, C.A. No. 14-14176, D.I. 52 at 22 (June 15, 2015)

(quoting *Sierra Club v. Wagner*, 581 F. Supp.2d 246, 250 n.1 (D.N.H. 2008); *Newark Branch, N.A.A.C.P. v. Town of Harrison, N.J.*, 940 F.2d 792, 808 (3d Cir. 1991)).

5. While no rule governs the participation of amici curiae in a trial court action, case law establishes that such participation lies within the sound discretion of the District Court. *Strasser v. Dorley*, 432 F.2d 567, 569 (1st Cir. 1970). Courts in this circuit have had no occasion to enumerate the factors that a District Court should consider in weighing the proffered assistance of a friend of the court, but it is well established that such participation should be permitted where prospective amici “provide helpful analysis of the law, they have a special interest in the subject matter of the suit, or existing counsel is in need of assistance.” *Tafas v. Dudas*, 511 F. Supp. 2d 652, 659 (E.D. Va. 2007) (quoting *Bryant v. Better Business Bureau*, 923 F. Supp. 720, 727 (D. Md. 1996)). Courts have deemed amicus participation useful when, for example, a party has a special interest in or is particularly familiar with the issues in a case, a party has expertise in a particular area of law, and a party offers a different approach to resolving a particular issue.

6. Here, NaLEC seeks amicus curiae status similar to what this Court granted to several amici in *Students for Fair Admissions, Inc., v. President and Fellows of Harvard College*, C.A. No. 14-14176, D.I. 52 at 23 (June 15, 2015). Given NaLEC’s unique perspective on communities that may be impacted by this Court’s rulings in this case, NaLEC seeks amicus curiae status in order to advance the special interests of faith-based and faith-affiliated organizations that serve members of impacted communities.

7. This Motion is timely and will not prejudice the parties. The parties are currently briefing Defendants’ motions to dismiss (D.I. 83, 85, 86). If granted leave to participate, NaLEC intends to submit a single brief not to exceed 20 pages, exclusive of exhibits, related to those motions one week after Plaintiffs file their response to Defendants’ motions. NaLEC’s

participation in this action will not delay the Court's schedule but will provide the Court with greater insight into faith-based and faith-affiliated organizations' special interests in the subject matter of the suit.

8. NaLEC also seeks leave, if this case proceeds, to (1) submit a brief or memorandum of law not to exceed 20 pages, exclusive of exhibits, on any dispositive motion in this case; and (2) submit declarations or affidavits in support of its memorandum of law, which may be accorded evidentiary weight if otherwise proper. *Cf. Students for Fair Admissions, Inc., v. President and Fellows of Harvard College*, C.A. No. 14-14176, D.I. 52 at 23.

9. NaLEC does not ask for leave to propound discovery, participate in depositions, obtain copies of documents requested in discovery, or otherwise participate in discovery in this case.

10. NaLEC conferred with counsel for Plaintiffs and Defendants prior to filing this motion. NaLEC understands that each party assents to NaLEC's motion, except for Defendants Montgomerie and Vertol Systems.

WHEREFORE, NaLEC respectfully requests that the Court grant leave to participate as amicus curiae in this matter under the terms set forth herein.

Respectfully Submitted,

Dated: April 24, 2023

/s/ Lisa J. Pirozzolo

Lisa J. Pirozzolo (BBO #561922)

lisa.pirozzolo@wilmerhale.com

Asher S. McGuffin (BBO #709469)

asher.mcguffin@wilmerhale.com

WILMER CUTLER PICKERING

HALE AND DORR LLP

60 State Street

Boston, Massachusetts 02109

T: (617) 526-6000 / F: (617) 526-5000

Counsel for National Latino Evangelical Coalition

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 7.1(a), I hereby certify that I conferred with counsel for Plaintiffs and counsel for Defendants.

/s/ Lisa J. Pirozzolo

Lisa J. Pirozzolo

CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2(b), I hereby certify that this document filed through the ECF system on April 24, 2023 will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Lisa J. Pirozzolo

Lisa J. Pirozzolo