

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

HOGAN LOVELLS US LLP
Megan Dixon (Bar No. 162895)
3 Embarcadero Center, Suite 1500
San Francisco, California 94111
Telephone: (415) 374-2300
Facsimile: (415) 374-2499
megan.dixon@hoganlovells.com

Counsel for Amici Curiae the American Statistical Association, American Sociological Association, and Population Association of America (Additional Counsel Listed in Signature Block)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

WILBUR L. ROSS, JR., *et al.*,

Defendants.

Case No. 3:18-CV-01865-RS

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF OF THE AMERICAN STATISTICAL ASSOCIATION, AMERICAN SOCIOLOGICAL ASSOCIATION, AND POPULATION ASSOCIATION OF AMERICA IN SUPPORT OF PLAINTIFFS

1 The American Statistical Association, American Sociological Association, and Population
2 Association of America respectfully seek leave to file the accompanying brief as *amici curiae* in
3 support of Plaintiffs.

4 This Court has broad discretion to permit leave for interested nonparties to file briefs
5 *amici curiae*. See *Inst. of Med. Educ., Inc. v. W. Ass'n of Sch. & Colleges*, No. 11-CV-05755-
6 LHK, 2013 WL 6672443, at *3 n.1 (N.D. Cal. Dec. 18, 2013) (citing *Hoptowit v. Ray*, 682 F.2d
7 1237, 1260 (9th Cir. 1982)). “District courts frequently welcome amicus briefs from nonparties
8 concerning legal issues that have potential ramifications beyond the parties directly involved or if
9 the amicus has unique information or perspective that can help the court beyond the help that the
10 lawyers for the parties are able to provide.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*,
11 335 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (quotation omitted).

12
13 *Amici* are three leading national organizations of professionals and academics who
14 regularly rely upon census data in their work, as discussed in the accompanying Statement of
15 Interest. The Court should grant *amici* leave to file the attached brief because *amici* have a
16 unique perspective, based on their specialized expertise, on the importance of the integrity and
17 statistical rigor of census data that goes beyond the views of the parties. Moreover, *amici* can
18 provide much-needed context, from neutral parties whose only interest is the integrity of census
19 data, with respect to the importance of the baseline data-collection practices and procedures
20 ordinarily followed by the Census Bureau and the extent of the departures from those standard
21 practices which Defendants are seeking to pursue by adding a citizenship question to the census.
22 *Amici* have received leave to file a brief making these points in other cases raising the same issues
23 before the Court, *State of New York v. United States Department of Commerce*, No. 1:18-cv-
24 02921-JMF (S.D.N.Y.), and *New York Immigration Coalition v. United States Department of*
25 *Commerce*, No. 1:18-cv-05025-JMF (S.D.N.Y.).

26
27
28 A proposed order and the proposed brief accompany this motion.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONCLUSION

For these reasons and those explained in the accompanying brief, the motion should be granted.

Dated: February 1, 2019

HOGAN LOVELLS US LLP

By: /s/ Megan Dixon

Megan Dixon
3 Embarcadero Center, Suite 1500
San Francisco, California 94111
Telephone: (415) 374-2300
Facsimile: (415) 374-2499
megan.dixon@hoganlovells.com

Ira M. Feinberg
HOGAN LOVELLS US LLP
875 Third Avenue
New York, NY 10022
Telephone: (212) 918-3509
Facsimile: (212) 918-3100
ira.feinberg@hoganlovells.com

Nicholas S. Brod
Kyle M. Druding
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, DC 20004
Telephone: (202) 637-5600
Facsimile: (202) 637-5910
nicholas.brod@hoganlovells.com
kyle.druding@hoganlovells.com

*Counsel for the American Statistical
Association, American Sociological
Association, and Population Association of
America*