

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

STATE OF TEXAS, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Civil Action No. 7:16-cv-00054-O
UNITED STATES OF AMERICA, <i>et al.</i> ,	)	
	)	
Defendants;	)	
	)	
EAGLE FORUM EDUCATION & LEGAL	)	
DEFENSE FUND, INC.,	)	
	)	
Movant.	)	
	)	

**EAGLE FORUM EDUCATION & LEGAL DEFENSE FUND’S MOTION  
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF  
PLAINTIFFS’ MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Local Rule 7, Eagle Forum Education & Legal Defense Fund (“Eagle Forum ELDF”) respectfully requests this Court’s leave to file the accompanying *amicus curiae* brief in support of the motion for a preliminary injunction filed by plaintiffs Texas *et al.* (collectively, the “States”). As set forth in the accompanying certificate of conference, the States consent to this motion, but the federal defendants take no position on the motion, other than to request that Eagle Forum ELDF file its proposed *amicus* filing with the motion and file the motion by July 17, 2016.

In support of this motion for leave to file an *amicus curiae* brief, pursuant to Local Rule 7.1(h), Eagle Forum ELDF attaches the accompanying brief in support of this motion, Consistent with appellate practice and the federal defendants’ request, Eagle Forum ELDF also attaches the accompanying *amicus* brief itself.

WHEREFORE, for the reasons set forth in the accompanying brief in support of this motion, Eagle Forum ELDF respectfully requests this Court’s leave to file the accompanying *amicus* brief in support of the States’ motion for a preliminary injunction. A proposed order is

attached to this motion and also will be emailed to chambers in word-processing format.

Dated: July 13, 2016

Respectfully submitted,

s/ Karen B. Tripp

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Karen B. Tripp, Texas Bar #03420850

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*Counsel for Movant Eagle Forum Education & Legal  
Defense Fund*

**CERTIFICATE OF CONFERENCE**

Movants' counsel conferred via e-mail on July 12-13, 2016, with Austin Nimocks of the Texas Office of the Attorney General and Megan Crowley of the U.S. Department of Justice, copying the United States Attorney for the Northern District of Texas, John Parker, and the Chief of the Civil Division for the Northern District of Texas, Steve P. Fahey, on the email. Mr. Nimocks indicated that the plaintiffs consent to the motion for leave to file, and Ms. Crowley indicated that the defendants take no position on the motion, except that defendants ask that the proffered amicus brief be attached to the motion for leave to file and that the motion be filed by July 17: "[Defendants] take no position on your request but if you want to file a brief, we believe that you should attach it to your amici request. Moreover, we would object if you file the brief later than the 17th (so that we could address it in our brief on the 27th, if necessary and if the court grants permission)."

s/ Karen B. Tripp  
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Karen B. Tripp, Texas Bar #03420850

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of July 2016, I electronically filed the foregoing motion and its accompanying brief – as well as the proffered *amicus* brief – with the Clerk of the Court using the CM/ECF system, which I understand to have caused service of the counsel for the plaintiffs. In addition, because counsel for the federal defendants have not yet filed an appearance, I also served one copy of the foregoing documents on the following designee of the U.S. Attorney for the Northern District of Texas via U.S. Priority Mail:

Marti Cherry  
Assistant United States Attorney  
1100 Commerce Street  
Third Floor  
Dallas, TX 75242  
Email: mary.cherry@usdoj.gov

s/ Karen B. Tripp

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Karen B. Tripp, Texas Bar #03420850

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Defendants;	)	
	)	
EAGLE FORUM EDUCATION & LEGAL	)	
DEFENSE FUND, INC.,	)	
	)	
Movant.	)	
	)	

**[PROPOSED] ORDER**

On considering motion for leave to file an *amicus curiae brief* in support of the plaintiffs’ motion for a preliminary injunction, the brief filed with that motion, the positions of the parties, and the entire record herein, the Court finds that the motion is well taken. For the foregoing reasons, it is hereby

**ORDERED** pursuant to the motion for leave to file is GRANTED; and it is

**FURTHER ORDERED** that the Clerk shall docket the proffered brief and appendix of exhibits and shall revise the movants’ designation in this case to “*amicus curiae*.”

Dated: \_\_\_\_\_, 2016

\_\_\_\_\_  
**UNITED STATES DISTRICT JUDGE**