

Appeal No. 18-1104

In The
United States Court of Appeals
For the Eighth Circuit

Mark Horton,

Plaintiff-Appellant,

v.

Midwest Geriatric Management, LLC,

Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
Case No. 4:17-cv-02324-JCH

**MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE COLUMBIA LAW
SCHOOL SEXUALITY AND GENDER LAW CLINIC
IN SUPPORT OF PLAINTIFF-APPELLANT**

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Motion for Leave to File Brief of Amicus Curiae

Pursuant to Fed. R. App. P. 29(b), the Columbia Law School Sexuality and Gender Law Clinic respectfully moves this Court for leave to file the accompanying amicus curiae brief in the above-captioned matter. In support of this motion, the proposed amicus states as follows:

1. The proposed amicus is a law-school based clinic that works on cutting-edge sexuality and gender law issues and provides vital assistance to lawyers and organizations throughout the country and the world that advocate for the equality and safety of women and lesbians, gay men, bisexuals, and transgender individuals. For more than a decade, the Clinic has regularly submitted amicus briefs on these matters to federal appellate courts and other courts throughout the United States.

2. Amicus Columbia Law School Sexuality and Gender Law Clinic has a strong interest in this case because it presents a critical question about the scope of Title VII's prohibition against sex discrimination that is being litigated in courts across the country. Amicus offers analysis informed by its expertise related to discrimination based on sex and sexual orientation, which complements but does not duplicate the parties' briefing, to aid the Court in deciding this case.

3. Counsel for the Columbia Law School Sexuality and Gender Law Clinic sought consent from the parties for the filing of this brief pursuant to Fed. R. App. P. 29(a). Counsel for Plaintiff-Appellant Mark Horton consented to the filing of this brief. Counsel for Defendant-Appellee Midwest Geriatric Management, LLC advised counsel for the Columbia Law School Sexuality and Gender Law Clinic on March 13, 2018, that they would not consent to the filing of this brief. Accordingly, this motion is necessary.

For the foregoing reasons, and for the reasons set forth in the attached amicus brief, the Columbia Law School Sexuality and Gender Law Clinic respectfully requests that the Court grant its motion to file the accompanying amicus brief.

March 14, 2018 **Robins Kaplan LLP**

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Certificate of Compliance

The undersigned attorney for Amicus Curiae Columbia Law School Sexuality and Gender Law Clinic certifies the Motion for Leave to File Brief of Amicus Curiae complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2). The motion has 322 words, proportionally spaced. The motion was prepared using Microsoft Word 2016.

March 14, 2018 **Robins Kaplan LLP**

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Certificate of Service

The undersigned counsel for Amicus Curiae Columbia Law School Sexuality and Gender Law Clinic hereby certifies that on March 14, 2018, she electronically filed the Motion for Leave to File Brief of Amicus Curiae Columbia Law School Sexuality and Gender Law Clinic with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. She certifies that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

March 14, 2018 **Robins Kaplan LLP**

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