

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>BRIANNA BOE, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 2:22-cv-184-LCB-CWB</b>
	)	
<b>STEVE MARSHALL, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MOTION OF NATIONAL REPUBLICAN REDISTRICTING TRUST AS *AMICUS CURIAE* IN SUPPORT OF NON-PARTY EAGLE FORUM OF ALABAMA’S  
OBJECTION TO AND MOTION TO QUASH DOCUMENT SUBPOENA**

Proposed *amicus curiae* National Republican Redistricting Trust respectfully moves for leave to file an *amicus* brief in support of non-party Eagle Forum of Alabama’s objection to and motion to quash the subpoena issued by the United States Department of Justice. The United States and Plaintiffs do not oppose this motion, and Defendants consent to this motion.

**INTEREST OF *AMICUS CURIAE***

The National Republican Redistricting Trust (“NRRT”) is the central Republican organization tasked with coordinating with national, state, and local groups on a fifty-state congressional and state-legislative redistricting effort. As part of that effort, NRRT reviews redistricting plans produced by state legislatures and analyzes those plans for compliance with state and federal law. Because of its work surrounding the redistricting process, NRRT and its affiliates have been the recipient of seven subpoenas in the last year from private plaintiffs seeking NRRT’s internal documentation and communications. Defending itself against these subpoenas has been costly, and NRRT submits this *amicus* brief to offer its perspective on the harms attendant to allowing individuals and organizations like the Eagle Forum of Alabama to become the targets

of fishing expeditions simply due to their protected engagement with the public discourse surrounding issues of public concern.

### ARGUMENT

“[T]he Federal Rules of Civil Procedure lack a [] provision regulating *amicus* appearances at the trial level,” and this Court has adopted no specific rules of its own governing the filing of *amicus* briefs. *Resort Timeshare Resales, Inc. v. Stuart*, 764 F. Supp. 1495, 1500 (S.D. Fla. 1991). “The district court, however, has the inherent authority to appoint *amici curiae*, or ‘friends of the court,’ to assist it in a proceeding.” *Id.*

“[I]t is solely within the discretion of the court to determine the fact, extent, and manner of participation by the *amicus*.” *United States v. 324 Grilles*, 2019 U.S. Dist. LEXIS 235744, at \*10 (S.D. Ga. Mar. 25, 2019) (quoting *News and Sun-Sentinel Co. v. Cox*, 700 F. Supp. 30, 31 (S.D. Fla. 1988)). Further, district courts within this Circuit have relied on Supreme Court and appellate rules to determine whether a proposed *amicus* brief would be helpful, noting that “[a]n *amicus curiae* brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court.” *Maples v. Thomas*, 2013 U.S. Dist. LEXIS 135508, at \*7 (N.D. Ala. Sept. 22, 2013) (quoting Sup. Ct. R. 37.1).

Proposed *amicus* NRRT offers timely and helpful information in its attached brief. *Amicus* offers concrete evidence of legal harassment it has suffered due to its protected First Amendment engagement with state legislatures, thereby illustrating the potential harms that would result if the DOJ’s subpoena is not quashed here. Moreover, the Court has not yet ruled on non-party Eagle Forum’s Motion to Quash, so it still has sufficient time to take *Amicus*’s argument into account.

**CONCLUSION**

The Court should grant this Motion and permit the proposed *amicus* to file the attached brief.

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on September 28, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Wendy Ann Padilla-Madden  
Wendy Ann Padilla-Madden