

Michael S. Kwun, SBN 198945
mkwun@kblfirm.com
Nicholas A. Roethlisberger, SBN 280497
nroethlisberger@kblfirm.com
Scott W. Taylor, SBN 318941
staylor@kblfirm.com
KWUN BHANSALI LAZARUS LLP
555 Montgomery St., Suite 750
San Francisco, CA 94111
(415) 630-2350

Counsel for Amici Curiae
(Amici listing and additional counsel on signature page)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO;
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO; NATIONAL NURSES
ORGANIZING COMMITTEE/NATIONAL
NURSES UNITED; SERVICE EMPLOYEES
INTERNATIONAL UNION, AFL-CIO;
NATIONAL ASSOCIATION OF
GOVERNMENT EMPLOYEES, INC.;
NATIONAL FEDERATION OF FEDERAL
EMPLOYEES, IAM, AFL-CIO,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States; U.S.
OFFICE OF PERSONNEL MANAGEMENT;
CHARLES EZELL, in his official capacity as
Acting Director of the U.S. Office of
Personnel Management; U.S. DEPARTMENT
OF STATE; U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT;
MARCO RUBIO, in his official capacities as
U.S. Secretary of State and Acting
Administrator for the U.S. Agency for
International Development; U.S.
DEPARTMENT OF DEFENSE; PETER
HEGSETH, in his official capacity as U.S.
Secretary of Defense; U.S. DEPARTMENT
OF THE TREASURY; SCOTT BESSENT, in
his official capacity as U.S. Secretary of the
Treasury; U.S. DEPARTMENT OF
VETERANS AFFAIRS; DOUG COLLINS, in

Case No. 3:25-cv-03070-JD

**UNOPPOSED ADMINISTRATIVE MOTION
FOR LEAVE TO FILE BRIEF AMICI
CURIAE OF FORMER SENIOR NATIONAL
SECURITY OFFICIALS AND ADVISORS,
AND OTHER INTERESTED PARTIES;
DECLARATION OF MICHAEL S. KWUN**

Hon. James Donato

1 his official capacity as U.S. Secretary of
2 Veterans Affairs; U.S. DEPARTMENT OF
3 JUSTICE; PAMELA BONDI, in her official
4 capacity as U.S. Attorney General; U.S.
5 DEPARTMENT OF HEALTH AND
6 HUMAN SERVICES; ROBERT F.
7 KENNEDY JR., in his official capacity as
8 Secretary of Health and Human Services; U.S.
9 DEPARTMENT OF HOMELAND
10 SECURITY; KRISTI NOEM, in her official
11 capacity as Secretary of Homeland Security;
12 U.S. DEPARTMENT OF THE INTERIOR;
13 DOUG BURGUM, in his official capacity as
14 Secretary of the Interior; U.S. DEPARTMENT
15 OF ENERGY; CHRIS WRIGHT, in his
16 official capacity as Secretary of Energy; U.S.
17 DEPARTMENT OF AGRICULTURE;
18 BROOKE ROLLINS, in her official capacity
19 as Secretary of Agriculture; U.S.
20 ENVIRONMENTAL PROTECTION
21 AGENCY; LEE ZELDIN, in his official
22 capacity as Administrator of the U.S.
23 Environmental Protection Agency; U.S.
24 NATIONAL SCIENCE FOUNDATION; DR.
25 SETHURAMAN PANCHANATHAN, in his
26 official capacity as Director of the U.S.
27 National Science Foundation; U.S.
28 INTERNATIONAL TRADE COMMISSION;
AMY A. KARPEL, in her official capacity as
Chair of the U.S. International Trade
Commission; U.S. GENERAL SERVICES
ADMINISTRATION; STEPHEN EHIKIAN,
in his official capacity as Acting Administrator
of the General Services Administration; U.S.
SOCIAL SECURITY ADMINISTRATION;
LELAND DUDEK, in his official capacity as
Acting Commissioner of the Social Security
Administration; U.S. DEPARTMENT OF
LABOR; LORI CHAVEZ-DEREMER, in her
official capacity as Secretary of Labor; U.S.
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT; SCOTT
TURNER, in his official capacity as Secretary
of the U.S. Department of Housing and Urban
Development; U.S. DEPARTMENT OF
TRANSPORTATION; SEAN DUFFY, in his
official capacity as Secretary of
Transportation; U.S. DEPARTMENT OF
EDUCATION; LINDA MCMAHON, in her
official capacity as Secretary of Education,

Defendants.

**UNOPPOSED
ADMINISTRATIVE MOTION
FOR LEAVE TO FILE BRIEF AMICI CURIAE**

Amici curiae are former senior national security officials and advisors, and other interested parties, who are strongly committed to the rule of law. Amici have a strong interest in the outcome of the motion for a preliminary injunction¹ and seek to bring to the Court's attention the importance of the rule of law to national security. Accordingly, amici respectfully seek leave to file the accompanying brief amici curiae² in support of the motion for a preliminary injunction.

Amici and their backgrounds³ are as follows:

- John Beed served as the U.S. Agency for International Development mission director in Guatemala (2017–2019) and India (2013–2015), among other senior foreign service roles.
- Charles Blanchard served as the General Counsel of the Air Force (2009–2013) and the Army (1999–2001).
- Mary DeRosa served as Deputy Counsel to the President and National Security Council Legal Adviser from 2009–2011.
- Gordon Gray served as the Deputy Commandant at the National War College (2014–2015) and was the United States's Ambassador to Tunisia (2009–2012), among other senior foreign service roles.
- J. Michael Luttig served as Circuit Judge for the United States Court of Appeals for the Fourth Circuit (1991–2006).

¹ The plaintiffs filed a motion for a temporary restraining order. Dkt No. 15. The Court stated it would treat the motion as a motion for a preliminary injunction and set a briefing schedule. Dkt. No. 28. Amici therefore refer to the plaintiffs' motion as a motion for a preliminary injunction.

² No party's counsel authored the brief amici curiae in whole or in part. No party or a party's counsel contributed money that was intended to fund preparing or submitting the brief. No person other than amici, their members, or their counsel contributed money that was intended to fund preparing or submitting the brief.

³ Individual amici are listed in alphabetical order by last name. All former affiliations of the individuals are listed for identification purposes only. The individual amici join this brief in their individual capacities, and not on behalf of any current or former affiliated agencies or organizations.

- Mara Rudman served as deputy assistant to the president for national security affairs in the Obama and Clinton administrations.
- Suzanne Spaulding served as undersecretary for the Department of Homeland Security (2011–2017), and as the assistant general counsel at the Central Intelligence Agency (1989–1995).
- The Bar Association of the District of Columbia is a non-profit voluntary bar association that seeks to promote civility, justice, and collegiality among members of the legal profession as well as access to legal services for all residents of the nation’s capital. The BADC is the first bar association founded in the District of Columbia in 1871, the same year that the U.S. Department of Justice was established. It is a zealous proponent of the Rule of Law, and the independence of the Judiciary, law firms and lawyers.

“District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved.” *Yurok Tribe v. U.S. Bureau of Reclamation*, 654 F. Supp. 3d 941, 957 n.6 (N.D. Cal. 2023) (quotation marks and citation omitted); *see also Centro Legal de la Raza v. Exec. Off. for Immigr. Review*, 524 F. Supp. 3d 919, 949 (N.D. Cal. 2021) (noting that the court received and granted five motions for leave to file amicus briefs in support of the plaintiffs’ motion for a preliminary injunction). Here, amici’s participation will assist the Court’s adjudication of the motion for a preliminary injunction by providing a broader perspective on the First Amendment, the rule of law, and national security. The parties consent to the filing of the proposed amicus brief. Kwun Decl. ¶¶ 2–3.

///

///

1 For the foregoing reasons, amici respectfully request leave to file the accompanying brief.
2

3 Dated: April 18, 2025

By: /s/ Michael S. Kwun

Michael S. Kwun, SBN 198945
mkwun@kblfirm.com
Nicholas A. Roethlisberger, SBN 280497
nroethlisberger@kblfirm.com
Scott W. Taylor, SBN 318941
staylor@kblfirm.com
KWUN BHANSALI LAZARUS LLP
555 Montgomery St., Suite 750
San Francisco, CA 94111
(415) 630-2350

Robin F. Thurston (pro hac vice forthcoming)
rthurston@democracyforward.org
DEMOCRACY FORWARD FOUNDATION
P.O. Box 34553
Washington, DC 20043
(202) 448-9090

*Counsel for Amici Curiae John Beed, Charles
Blanchard, Mary DeRosa, Gordon Gray, J. Michael
Luttig, Mara Rudman, Suzanne Spaulding, and the
Bar Association of the District of Columbia*

Declaration of Michael S. Kwun

I, Michael S. Kwun, declare as follows:

1. I am counsel of record for John Beed, Charles Blanchard, Mary DeRosa, Gordon Gray, J. Michael Luttig, Mara Rudman, Suzanne Spaulding, and the Bar Association of the District of Columbia, who in the foregoing administrative motion request leave to file a brief amici curiae. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently to the matters set forth herein.

2. I emailed counsel for the plaintiffs and counsel for the defendants requesting the consent of the parties to the filing of the brief amici curiae. In my emails to counsel, I explained that the brief would be in support of the plaintiffs' motion for a preliminary injunction (i.e. the motion that was filed as a motion for a temporary restraining order, which the Court indicated would be treated as a motion for a preliminary injunction).

3. By return email, counsel for the plaintiffs and counsel for the defendants each informed me that their respective clients consent to the filing of the brief amici curiae.

4. The brief that amici seek leave to file is attached hereto.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on April 18, 2025, at San Francisco, California.

/s/ Michael S. Kwun

Michael S. Kwun