

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

Stephen M. Shapiro, et al.,

*Plaintiffs,*

vs.

David J. McManus, Jr., et al.,

*Defendants.*

Case No. 13-cv-3233

Three-Judge Court

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**THE BRENNAN CENTER FOR JUSTICE AT N.Y.U. SCHOOL OF LAW'S  
UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE*  
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO MOTION TO DISMISS**

Through undersigned counsel, the Brennan Center for Justice at New York University School of Law applies to the Court for leave to file a brief as *amicus curiae* in this case. All parties have consented to the filing of the brief, which is attached to this Motion for the convenience of the Court and counsel

This Court has discretion to consider a brief filed by an *amicus curiae*. *Bryant v. Better Business Bureau of Greater Md., Inc.*, 923 F. Supp. 720, 728 (D. Md. 1996). “The aid of *amici curiae* has been allowed at the trial level where they provide helpful analysis of the law, they have a special interest in the subject matter of the suit, or existing counsel is in need of assistance.” *Id.* (internal citations omitted). Leave should be granted where the proffered information is “timely and useful.” *Id.* (citation omitted); *see also Glynn v. EDO Corp.*, No. JFM-07-01660, 2010 WL 3294347, at \*2 n.4 (D. Md. Aug. 20, 2010) (granting *amicus curiae* leave to file based on *Bryant*)

The Brennan Center respectfully submits that the proposed brief meets the criteria this Court has established for submissions of *amici curiae*. First, the Brennan Center has a special interest in the subject matter of this suit because it is a not-for-profit, nonpartisan think tank and public interest law institute that seeks to improve the systems of democracy and justice and to bring the idea of representative self-government closer to reality, including through work to protect the right to vote of every eligible citizen and to prevent partisan manipulation of electoral rules. The Brennan Center conducts empirical, qualitative, historic, and legal research on redistricting and electoral practices and has participated in a number of redistricting and voting rights cases, including *Evenwel v. Abbott*, \_\_\_ U.S. \_\_\_, 136 S.Ct. 1120 (2016) and *Vieth v. Jubelirer*, 541 U.S. 267 (2004).

Second, drawing upon the Brennan Center's extensive litigation experience described above, the proposed brief contains a helpful analysis of the law, particularly the appropriate historical and constitutional framework for understanding the ideals of representation and meaningful elections.

Finally, this *amicus* brief is timely because it is being filed on the same day as Plaintiffs' opposition to Defendants' motion for dismissal, thereby permitting Defendants ample opportunity to reply to both

The Brennan Center takes an interest in this case because a ruling dismissing Plaintiffs' claims would undermine the principles of representative government that the Framers embedded in our Constitution and Bill of Rights, and would compromise the rights and privileges of voters, citizens, and residents in Maryland who affiliate or

might affiliate with a political minority. These groups are entitled to protection against undue and unequal burdening of their First Amendment rights that penalizes them for exercising their freedoms of political speech, association or affiliation.

### CONCLUSION

For the foregoing reasons, and because all parties have consented to the filing of the brief, the Brennan Center for Justice at New York University School of Law respectfully requests that the Court grant leave to file the attached brief as *amicus curiae*.

Dated: May 20, 2016

Respectfully submitted,

/s/ Charles E. Davidow

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 20, 2016, I caused a copy of the foregoing document to be served on all parties by this Court's electronic filing system.

/s/ Charles E. Davidow  
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