



2016 and frequently addresses legal issues with a particular focus on political corruption, accountability, and the rule of law. *Amicus* has the specific interest in this case as set forth more fully in the attached (proposed) brief.

3. This Court has “wide discretion in deciding whether to grant a third party leave to file an amicus brief,” *WildEarth Guardians v. Zinke*, 368 F.Supp.3d 41, 59 (D.D.C. 2019), and such briefs are appropriate when they “will assist the judges by presenting ideas, arguments, theories, insights, facts, or data that are not to be found in the parties’ briefs.” *Id.* (internal citations omitted). *Amicus*’s proposed brief is narrowly directed to the legal questions raised in the “Legal Background” section of the government’s Motion (at 10-11). In particular, the brief shows (a) that Rule 48(a) requires this Court to conduct a particularized analysis as to whether the Motion is in the public interest; and (b) that no precedent in this Circuit precludes this Court from doing so. No brief yet filed with this Court has fully and exhaustively discussed the cases relied upon by the government in that section of its Motion, and, given the consent filed by the defendant, no party to the case is likely to address it, either.

**WHEREFORE**, non-party and *amicus curiae* Opening Arguments hereby requests that this Court grant leave to file the attached brief. A proposed order is attached.

Respectfully submitted,

/s/

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Opening Arguments Media, LLC*

Dated: June 9, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of June, 2020, the foregoing Motion for Leave to File *Amicus* Brief was filed electronically via CM/ECF and electronic copies were served on counsel of record.

/s/ P. Andrew Torrez

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P. Andrew Torrez

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

_____	:	
UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	Criminal Action No. 17-232-EGS
MICHAEL T. FLYNN,	:	
	:	
Defendant.	:	
_____	:	

**[PROPOSED] ORDER**

Upon consideration of the motion of nonparty Opening Arguments Media, LLC for leave to file an *amicus* brief in this matter, and any response(s) thereto, it is hereby

**ORDERED** that the motion is GRANTED, and it is further

**ORDERED** that the Clerk is directed to file the Brief of *Amicus Curiae* of Opening Arguments Media, LLC submitted therewith as of the date of this Order.

So **ORDERED**.

Date: \_\_\_\_\_

\_\_\_\_\_  
Hon. Emmet G. Sullivan  
United States District Court Judge