

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

THE STATE OF GEORGIA,

Plaintiff,

v.

MARK R. MEADOWS,

Defendant,

and

JEFFREY B. CLARK,

Defendant.

Case Nos. 1:23-cv-3621

1:23-cv-3721

**MOTION FOR LEAVE TO FILE BRIEF FOR FORMER JUDGES,
PROSECUTORS, AND STATE AND FEDERAL EXECUTIVE OFFICIALS
AS *AMICI CURIAE* IN SUPPORT OF REMAND**

Amici respectfully move for leave to file the attached brief in support of remanding these cases to state court. Amici, listed in the appendix to this motion, are former judges, prosecutors, and state and federal executive officials with experience in both state and federal court, including experience with the federal-officer removal statute, 28 U.S.C. §1442, as well as with respect to drawing the line between the official and political activities of the president and other senior executive officeholders.

“[D]istrict courts possess the inherent authority to appoint ‘friends of the court’ to assist in their proceedings.” *In re Bayshore Ford Trucks Sales, Inc.*, 471 F.3d 1233, 1249 n.34 (11th Cir. 2006). “The decision whether to allow a non-party to participate as an amicus curiae is solely within the broad discretion of the Court.” *DeJulio v. Georgia*, 127 F.Supp.2d 1274, 1284 (N.D. Ga. 2001). “Courts typically grant amicus status where the parties contribute to the court’s understanding of the matter in question.” *Georgia Aquarium, Inc. v. Pritzker*, 135 F.Supp.3d 1280, 1288 (N.D. Ga. 2015) (quotation marks omitted).

Because amici believe their brief would contribute to the Court’s understanding of the requirements, purpose, and application of the federal-officer removal statute, they respectfully request that the Court grant this motion for leave to file it.

August 23, 2023

SETH P. WAXMAN*
DANIEL S. VOLCHOK*
JOSEPH M. MEYER*
WILMER CUTLER PICKERING
HALE AND DORR LLP
2100 Pennsylvania Avenue N.W.
Washington, D.C. 20037
202-663-6000
seth.waxman@wilmerhale.com

Respectfully submitted,

/s/ John Thomas Morgan III
JOHN THOMAS MORGAN III (522675)
J.TOM MORGAN, ATTORNEY, LLC
160 Clairemont Avenue, Suite 645
Decatur, Georgia 30030
404-687-6418
jtom@jtommorganlaw.com

FRED WERTHEIMER*
DEMOCRACY 21 EDUCATION FUND
2000 Massachusetts Avenue N.W.
Washington, D.C. 20036
202-355-9600
fwertheimer@democracy21.org

*Motion for *pro hac vice* admission
pending

APPENDIX

List of Amici Curiae

Donald B. Ayer

U.S. Deputy Attorney General in George H.W. Bush Administration (1989-1990)
U.S. Principal Deputy Solicitor General in Reagan Administration (1986-1988)
U.S. Attorney for the Eastern District of California in Reagan Administration
(1981-1986)

John J. Farmer Jr.

Acting Governor of New Jersey (January 8, 2002)
New Jersey Attorney General (1999-2002)
Chief Counsel to Governor Whitman of New Jersey (1997-1999)
Deputy Chief Counsel to Governor Whitman of New Jersey (1996-1997)
Assistant U.S. Attorney for the District of New Jersey in George H.W. Bush and
Clinton Administrations (1990-1994)

Charles A. Fried

Associate Justice of the Massachusetts Supreme Judicial Court (1995-1999)
U.S. Solicitor General in Reagan Administration (1985-1989)
Special Assistant to the U.S. Attorney General in Reagan Administration (1984-
1985)

Stuart M. Gerson

Acting U.S. Attorney General in Clinton Administration (1993)
U.S. Assistant Attorney General for the Civil Division in George H.W. Bush and
Clinton Administrations (1989-1993)
Assistant U.S. Attorney for the District of Columbia in Nixon and Ford
Administrations (1972-1975)

J. Michael Luttig

Judge of the U.S. Court of Appeals for the Fourth Circuit (1991-2006)
U.S. Assistant Attorney General for the Office of Legal Counsel in George H.W.
Bush Administration (1990-1991)
Assistant Counsel to President Reagan (1980-1981)

Alan Charles Raul

General Counsel to the U.S. Department of Agriculture in George H.W. Bush Administration (1989-1993)

General Counsel to the Office of Management and Budget in Reagan Administration (1988-1989)

Associate Counsel to President Reagan (1986-1988)

Stanley A. Twardy, Jr.

Chief of Staff to Governor Weicker of Connecticut (1991-1993)

U.S. Attorney for the District of Connecticut in Reagan and George H.W. Bush Administrations (1985-1991)

William F. Weld

Governor of Massachusetts (1991-1997)

U.S. Assistant Attorney General for the Criminal Division in Reagan Administration (1986-1988)

U.S. Attorney for the District of Massachusetts in Reagan Administration (1981-1986)

CERTIFICATE OF COMPLIANCE

The foregoing has been prepared in accordance with the requirements of
Local Rule 5.1.

/s/ John Thomas Morgan III

JOHN THOMAS MORGAN III

CERTIFICATE OF SERVICE

On this 23rd day of August, 2023, I electronically filed the foregoing using
the Court's CM/ECF system. Counsel for all parties to the case are registered
CM/ECF users and will be served by that system.

/s/ John Thomas Morgan III

JOHN THOMAS MORGAN III