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**Pro hac vice motions forthcoming*

**IN THE THIRD JUDICIAL DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH**

DANIELLE BARRANI, et al.,

Plaintiffs,

vs.

SALT LAKE CITY, a Utah municipal
corporation,

Defendant.

**MOTION TO FILE BRIEF OF
AMICI CURIAE IN OPPOSITION
TO PLAINTIFFS' APPLICATION
FOR A PRELIMINARY
INJUNCTION**

Case No. 230907360

Judge Andrew H. Stone

MOTION AND RELIEF SOUGHT

Proposed *Amici Curiae* the American Civil Liberties Union, the American Civil Liberties Union of Utah, the National Homelessness Law Center, Crossroads Urban Center, and the Salt Lake Legal Defender Association respectfully request leave to

file the attached proposed Brief of *Amici Curiae* in Opposition to Plaintiffs' Motion for a Preliminary Injunction.

GROUND FOR MOTION

“District courts have long been permitted to allow amicus appearances at their discretion.” *Vigil v. Am. Tel. & Tel. Co.*, Civil No. C-1476, 1969 WL 118, at *1 (D. Colo. Sept. 9, 1969). “Because an amicus curiae participates only for the benefit of the court, and is not a party to the litigation, the court has the sole discretion to determine the fact, extent, and manner of participation by the amicus.” *Kane Cnty. v. United States*, 934 F. Supp. 2d 1344, 1347 (D. Utah 2013) (internal quotation marks omitted). “District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved or if the amicus has unique information or perspective than can help the court beyond the help that lawyers for the parties are able to provide.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (internal quotation marks omitted); *see also Cobell v. Norton*, 246 F. Supp. 2d 59, 62 (D.D.C. 2003) (same).

Both state and federal courts in this district have frequently exercised their discretion to allow amicus participation to provide additional perspective and proper ventilation of legal issues, particularly in cases raising broader public policy concerns or constitutional issues. *See, e.g., Planned Parenthood of Utah v. Utah*, 220903886 (Utah 3d Dist. Ct.) (Stone, J.); *McDonald v. Univ. of Utah*, No. 140906491 (Utah 3d Dist. Ct.) (Scott, J.); *Bonneville Int’l Corp. v. Utah Cnty.*, No. 200400766 (Utah 4th Dist. Ct.) (Johnson, J.); *Animal Legal Defense Fund v. Herbert*, No. 2:13-cv-679-RJS

(D. Utah Dec. 23, 2013) (Docket Nos. 42–43); *Utah v. United States*, No. 2:05-CV0-540, 2012 U.S. Dist. LEXIS 63545, at *1 (D. Utah May 4, 2012); and *United States v. Moesser*, No. 2:09-CR-842 TS, 2010 WL 4811945, at *6–7 (D. Utah Nov. 19, 2010).

The American Civil Liberties Union (“ACLU”) is a nationwide, non-profit, non-partisan organization with approximately 1.6 million members. The ACLU is dedicated to defending and preserving the individual rights and liberties guaranteed by the national and state Constitutions. Consistent with that mission, the ACLU uses impact litigation and advocacy to protect the rights of unhoused people across the country. Its litigation challenges laws and practices that criminalize or otherwise penalize homelessness, including the enforcement of sleeping and camping bans against unhoused people who have nowhere else to go, encampment evictions, and the seizure and destruction of unhoused people’s property.

The ACLU of Utah is a statewide affiliate of the national ACLU and is dedicated to these same principles. The ACLU of Utah has undertaken considerable efforts to advocate for the rights of unsheltered people in Utah, including by conducting extensive factual and legal research and analysis to release a series of reports that analyze a law-enforcement-focused approach to issues of homelessness and provide legal guidance and policy recommendations.

Founded in 1989, The National Homelessness Law Center (the “Law Center”) is a national nonprofit legal organization based in Washington, D.C., with the mission to use the power of the law to end and prevent homelessness. In connection with this objective, the Law Center gathers information about state and local laws that impact

homeless people nationwide, identifies best practices to address the root causes of homelessness, and litigates to safeguard the civil and human rights of homeless persons. In the course of this work, the Law Center has published numerous reports analyzing issues related to homelessness in the United States.

Crossroads Urban Center (“Crossroads”) is a nonprofit organization that assists and organizes Utahns with low incomes, those with disabilities, and people of color to meet basic survival needs and to address essential issues affecting quality of life. Crossroads operates two emergency food pantries and a thrift store in Salt Lake City. Over one-third of households that receive free clothing from the thrift store or food, bus passes, or other forms of assistance from the food pantries are unhoused.

The Salt Lake Legal Defender Association (“LDA”), established in 1965, is a nonprofit law firm that provides the highest quality representation to indigent individuals accused of crimes in Salt Lake County. LDA protects clients’ rights through a team of dedicated lawyers, social service professionals, mitigation specialists, legal assistants, and investigators. LDA advocacy often navigates and addresses the unique issues unsheltered individuals face in the criminal legal system

Amici respectfully submit that the attached brief addresses issues from the their particular perspectives, which are not fully captured by the current parties. They are confident that the brief will assist the Court in addressing the significant public interest issues raised by this case.

Defendant has indicated that they do not oppose the filing of the motion. Plaintiffs have indicated that they will not stipulate to the filing at this time, but will review the motion when it is filed and may or may not oppose it.

Amici accordingly request that the Court grant leave for the submission and deem the attached brief filed upon its order.

RESPECTFULLY SUBMITTED this 7th day of November, 2023.

/s/ John Mejia
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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that, on the 7th day of November, 2023, I electronically filed the foregoing **MOTION TO FILE BRIEF OF AMICI CURIAE IN OPPOSITION TO PLAINTIFFS' APPLICATION FOR A PRELIMINARY INJUNCTION**, which served all counsel of record.

/s/ John Mejia