

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ZULAY RODRÍGUEZ-VÉLEZ, et al.

Plaintiffs

V.S.

PEDRO R. PIERLUISI-URRUTIA, in his
official capacity as Governor of the
Commonwealth of Puerto Rico

Defendant

CASE NO. 21-1366 (PAD)

DECLARATORY JUDGMENT; INJUNCTIVE AND
OTHER EQUITABLE RELIEF

MOTION IN COMPLIANCE WITH ORDER (DOCKET NUMBER 61)

TO THE HONORABLE COURT:

COMES NOW proposed *amicus curiae* **Asociación de Alcaldes de Puerto Rico**, through the undersigned counsels and very respectfully **SETS FORTH** and **PRAY**:

Earlier today, the Asociación de Alcaldes de Puerto Rico filed an urgent motion seeking leave to appear as *amicus curiae* in the above-captioned case (docket number 60). As explained in our motion, the figure of the *amicus curiae* is a creature of appellate litigation that is sometimes used at the District Court level in high-profile and/or complex cases.

The instant case deals with the constitutional constraints on the government's ability to implement restrictions in furtherance of public health goals. The appearing party is a collective of 41 local governments that have endorsed and adopted the policies challenged in the instant case as well as taken other measures on their own. Since the Asociación is convinced that plaintiffs are not entitled to the relief sought, as a matter of law, it seeks leave to appear as *amicus curiae* in support of the validity of the

challenged restrictions.

In seeking to appear as *amicus*, the Asociación merely seeks to appear within the accepted meaning of the term, as defined by a sister District Court from this Circuit, “[t]he role of an *amicus curiae*, meaning ‘friend of the court,’ is to ‘assist the court ‘in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision’”. Students for Fair Admissions, Inc. v. President and Fellows of Harvard College (Harvard Corp.), 308 F.R.D. 39, 52 (D. Mass. 2015) (internal citation omitted). The participation of an *amicus* is of course not required to be **neutral** in nature as to “take a legal position and present legal arguments in support of it, [is a] a perfectly permissible role for an *amicus*” and “there is no rule that *amici* must be totally disinterested”. Funbus Systems, Inc. v. California Public Utilities Com., 801 F.2d 1120, 1125 (9th Cir. 1986).

Hence, the Asociación seeks to participate in this case to provide its local government perspective on the constitutional issues that the Court must decide, which we respectfully posit will generate a more informed disposition of the case.

WHEREFORE it is very respectfully requested from this Honorable Court that the Asociación de Alcaldes de Puerto Rico be deemed in compliance with the order at Docket number 61.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that the instant document has been filed with the Court’s CM/ECF System, which will simultaneously serve notice on all

counsels of record, to their registered e-mail addresses. Any non-registered attorneys and/or parties will be served via regular mail.

In San Juan, Puerto Rico this 22nd day of September, 2021.

RESPECTFULLY SUBMITTED,

M.L. & R.E. LAW FIRM

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