

**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

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/s/ John Thomas Morgan III  
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**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