

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

STATE OF OHIO,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:21-cv-181-DRC
)	
JANET YELLEN, in her official capacity)	
as Secretary of the Treasury; RICHARD K.)	
DELMAR, in his official capacity as acting)	
Inspector General of the Department of)	
Treasury; and U.S. DEPARTMENT OF)	
THE TREASURY,)	
)	
Defendants.)	

**MOTION FOR LEAVE OF *AMICI CURIAE* SEVENTY-FOUR (74) MEMBERS
OF THE U.S. SENATE AND U.S. HOUSE OF REPRESENTATIVES AND THE
AMERICAN CENTER FOR LAW AND JUSTICE TO FILE *AMICA CURIAE*
BRIEF IN SUPPORT OF PLAINTIFF’S MOTION FOR PRELIMINARY
INJUNCTION**

Amici Curiae Seventy-Four (74) Members of the U.S. Senate and U.S. House of Representatives and the American Center for Law and Justice (the “Movants”) hereby move for leave to file the attached *Amici Curiae* brief in support of Plaintiff the State of Ohio’s Motion for a Preliminary Injunction [Doc. # 3].

Movants urge this motion upon the following grounds:

- (1) Counsel for Plaintiff and Defendants have consented to the filing of the movants’ brief.

(2) *Amici* are seventy-four (74) elected Members of the U.S. Senate and U.S. House of Representatives.

Amici Members of the U.S. Senate submitting this Brief are Senators Mike Crapo, Tim Scott, John Barrasso, Marsha Blackburn, John Boozman, Mike Braun, John Cornyn, Kevin Cramer, Ted Cruz, Steve Daines, Bill Hagerty, James Lankford, Roger Marshall, Rob Portman, Jim Risch, Ben Sasse, Thom Tillis, Roger Wicker, and Todd Young.

Amici Members of the U.S. House of Representatives submitting this Brief are Representatives Jim Banks, Robert Aderholt, Rick Allen, Andy Biggs, Gus Bilirakis, Dan Bishop, Lauren Boebert, Kevin Brady, Mo Brooks, Ted Budd, Kat Cammack, Jerry Carl, Buddy Carter, Madison Cawthorn, Steve Chabot, James Comer, John Curtis, Warren Davidson, Byron Donalds, Jeff Duncan, Scott Fitzgerald, Scott Franklin, Bob Gibbs, Bob Good, Lance Gooden, Marjorie Taylor Greene, Glen Grothman, Michael Guest, Diana Harshbarger, Vicky Hartzler, Kevin Hern, Yvette Herrell, Ashley Hinson, Chris Jacobs, Fred Keller, Doug LaMalfa, Tom McClintock, Dan Meuser, Mary Miller, Blake Moore, Steven Palazzo, Scott Perry, Guy Reschenthaler, David Rouzer, Steve Scalise, Jason Smith, Victoria Spartz, Michelle Steel, W. Gregory Steube, Claudia Tenney, Ann Wagner, Tim Walberg, Michael Waltz, Randy Weber, and Brad Wenstrup.

Amici are involved in a wide variety of matters relating to the crisis imposed by the COVID-19 pandemic, including but not limited to communication with and assistance to constituents, the prioritization and utilization of funds, and securing the public welfare. The COVID-19 pandemic and the government's response thereto are major considerations in the lives of *amici* and their constituents. As such, *amici* have an interest in the issues raised

in this case. The Court's disposition of the issues will affect the ability of *amici's* constituents to access critical services, but also the ability of various States' executive offices to respond as effectively and efficiently as possible to the pandemic. *Amici* Members of the U.S. Senate and U.S. House of Representatives are aware of the implications of Congress's usage of terms and have a perspective to offer this Court which is inherently different than that of the parties.

Amicus curiae, the American Center for Law and Justice ("ACLJ"), is an organization dedicated to the defense of constitutional liberties secured by law and to the importance of federalism. ACLJ attorneys have argued before the Supreme Court of the United States and other federal and State courts in numerous cases involving constitutional issues. *E.g.*, *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009); *Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993). The ACLJ has also participated as *amicus curiae* in numerous cases involving constitutional issues before the Supreme Court and lower federal courts. *E.g.*, *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292 (2016); *FEC v. Wis. Right to Life, Inc.*, 551 U.S. 449 (2007); *Van Orden v. Perry*, 545 U.S. 677 (2005). The ACLJ has also participated recently as *amicus* in other cases arising in Ohio. *See Dave Yost, Att'y Gen. of Ohio, et al. v. Preterm-Cleveland, et al.*, No. 20-3365 (6th Cir.).

The ACLJ is devoted to the rule of law and defending individual rights and liberties, including those enumerated by the Founders in the Declaration of Independence and the United States Constitution – and those protected by the federalism established by the Founders.

Amici curiae Members of the U.S. Senate and U.S. House of Representatives and *amicus curiae* the ACLJ on behalf of its members, submit this proposed Brief in support of the Plaintiff and its Motion for a Preliminary Injunction [Doc. # 3].

For the foregoing reasons, the Movants respectfully urge this Court to grant leave for the filing of Movants' brief.

April 9, 2021

Respectfully submitted,

/s/ R. Jason Howard

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**Admitted to practice before this Court*

*** Not admitted to practice before this Court*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of April, 2020, the foregoing document was electronically transmitted to the Clerk of Court using the ECF System for filing and was transmitted to those individuals receiving Notice of Electronic Filings in this matter.

/s/ R. Jason Howard

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