

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ALABAMA ASSOCIATION OF  
REALTORS®, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Case No. 1:20-cv-03377-DLF

**THIRD AMENDMENT LAWYERS ASSOCIATION'S  
MOTION FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE***

Pursuant to LCvR 7(o), the Third Amendment Lawyers Association (“PALA”), hereby moves for leave to file a brief as amicus curiae in support of Plaintiffs’ Emergency Motion to Enforce the Supreme Court’s Ruling and to Vacate the Stay Pending Appeal. The proposed brief is being conditionally filed herewith.

**1.0 Movant’s Identity and Interest**

Amicus PALA is a national organization of attorneys who seek to protect and defend the Third Amendment from government incursion. Because the Third Amendment is not frequently invoked in ordinary litigation, it is the “runt piglet” of the Bill of Rights and frequently overlooked.<sup>1</sup> The PALA’s purpose, therefore, is to advocate respect for the Third Amendment wherever its implications are overlooked.

PALA’s stated mission is to: (1) educate the public about the right to be free from quartering; (2) advocate for the right in court and in legislation; (3) foster scholarship on the third amendment; (4) provide a forum for debate and discussion about quartering, and (5) enable supporters of the third amendment to connect and assist each other.<sup>2</sup> PALA membership is open to any attorney admitted

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<sup>1</sup> Balko, Radley, “How Did America’s Police Become a Military Force on the Streets”, ABA JOURNAL (Jul. 1, 2013), available at <[https://www.abajournal.com/magazine/article/how\\_did\\_americas\\_police\\_become\\_a\\_military\\_force\\_on\\_the\\_streets](https://www.abajournal.com/magazine/article/how_did_americas_police_become_a_military_force_on_the_streets)>.

<sup>2</sup> See Third Amendment Lawyers Association, “About”, available at <<http://thirdamendmentlawyers.weebly.com/about.html>>.

to practice before any U.S. State or Territory who shows a commitment and passion for anti-quartering.

## 2.0 Reasons Amicus Brief is Desirable

The parties to this case are litigated the primary issues regarding the CDC’s extension of the eviction moratorium and the recent ruling of the Supreme Court. The Complaint (ECF No. 1) focuses on the Administrative Procedures Act and invokes the Article IV Privileges and Immunities Clause, the First Amendment Petition Clause, the Fifth Amendment Takings and Due Process Clause, and the Fourteenth Amendment Equal Protection and Due Process Clauses, and general Separation of Powers jurisprudence. However, absent from the argument, but necessarily interwoven, is discussion of the Constitutional prohibition on Non-Consensual Quartering of soldiers.

Plaintiffs seek to recover possession of their properties from tenants who have failed to pay their rent. Ordinarily, the eviction process would play out in the courts per the various state laws and procedures. The CDC eviction moratorium prevents this. And, they cannot resort to “self-help”. As a result, Plaintiffs are being forced to house individuals, *i.e.* quarter them, without their consent. Given the size of the population at issue, some of these tenants are bound to be soldiers. To the extent the CDC moratorium prohibits evicting a soldier, it runs afoul of the Third Amendment. None of the parties have addressed this overlooked constitutional issue, thus PALA’s position is not adequately represented by any party. Addressing this constitutional issue is relevant to the disposition of the case as it governs, at least in part, the enforceability of the CDC moratorium. Thus, an amicus brief from PALA, the only group that has identified the issue and is competent to address it, is desirable.

Plaintiffs take no position on this motion. Defendants oppose this motion, but do not intend to file a written opposition.

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WHEREFORE PALA respectfully requests this Honorable Court permit them to file the accompanying proposed amicus brief.

Dated: August 6, 2021.

Respectfully submitted,

/s/ Jay M. Wolman  
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**RANDAZZA** | LEGAL GROUP

Case No. 1:20-cv-03377-DLF

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 6, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Jay M. Wolman  
Jay M. Wolman

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