

No. 17-1351

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

DONALD J. TRUMP, et al.
Defendants-Appellants

v.

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, et al.
Plaintiffs-Appellees,

On Appeal from an Order of the United States District Court
for the District of Maryland (Chuang, J.)
Civil Action No. 17-cv-0361

**AMENDED MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*
MEDICAL INSTITUTIONS, ADVOCACY ORGANIZATIONS, AND
INDIVIDUAL PHYSICIANS IN SUPPORT OF APPELLEES**

ARNOLD & PORTER KAYE
SCHOLER LLP
Manvin S. Mayell
manvin.mayell@apks.com
250 West 55th Street
New York, NY 10019-9710
Telephone: (212) 836-8000
Facsimile: (212) 836-8689

Attorney for Amici Curiae

Date: April 24, 2017

**AMENDED MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE
MEDICAL INSTITUTIONS, ADVOCACY ORGANIZATIONS, AND
INDIVIDUAL PHYSICIANS IN SUPPORT OF APPELLEES**

Pursuant to Rule 29(a)(3) of the Federal Rules of Appellate Procedure, *Amici Curiae Medical Institutions, Advocacy Organizations, and Individual Physicians* by and through undersigned counsel, respectfully move for leave to file an *amicus curiae* brief in support of appellees. The parties to this appeal have consented to this motion. *Amici* state as follows:

1. *Amici* are medical institutions, advocacy organizations and individual physicians throughout the United States that have an interest in providing optimal healthcare services to patients and in participating in cross-border collaboration to advance medical science, as listed on Exhibit A. *Amici* highly value the contributions of foreign-born healthcare providers and believe that they are a critical pillar of the American healthcare infrastructure. *Amici* are concerned about the impact of the Executive Order that is the subject of this appeal on the recruitment of foreign-born healthcare providers to fill critical staffing shortages, and about the effect of the Executive Order on the ability of medical scientists to meet and exchange information.
2. The brief offered by *Amici* is desirable because it provides the Court with a valuable perspective on implications of the Executive Order on the public interest prong of the injunction standard concerning the effects the

Order could have on the ability to recruit foreign nationals to fill healthcare staffing shortages and the ability of United States medical scientists to collaborate with foreign scientists at conferences. This perspective bears on the instant proceedings because the public interest includes the provision of safe and effective healthcare to Americans. *See Park Irmat Drug Corp. v. Optum Rx, Inc.*, 152 F.Supp.3d 127, 142 n.10 (S.D.N.Y. 2016) (noting that the public interest in “uninterrupted and safe medical care” is a valid consideration in ruling on a motion for a preliminary injunction). Because the disposition of this case turns in part on the public’s interest in the injunction before this Court,¹ the concerns of *Amici* are relevant.

¹ *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (identifying the public interest as one prong to be considered by courts weighing a request for a preliminary injunction).

CONCLUSION

Amici respectfully request that the Court grant this motion for leave to file, and accept for filing, the *amicus curiae* brief of medical institutions, advocacy organizations and individual physicians.

Dated: April 24, 2017

Respectfully submitted,

/s/ Manvin S. Mayell

Manvin S. Mayell
ARNOLD & PORTER KAYE
SCHOLER LLP
(212) 836-8000
manvin.mayell@apks.com

*Attorney for Amici Medical
Institutions, Advocacy Organizations,
and Individual Physicians*

CERTIFICATE OF SERVICE

I certify that on this 24th day of April 2017, I served the foregoing Amended Motion for Leave to File Brief of Medical Institutions, Advocacy Organizations, and Individual Physicians as *Amici Curiae* in Support of Appellees via the Court's ECF system upon all counsel.

s/ Manvin S. Mayell

Manvin S. Mayell
*Attorney for Amici
Medical Institutions, Advocacy
Organizations, and Individual
Physicians*

EXHIBIT A**LIST OF *AMICI CURIAE*****ORGANIZATIONS**

The American Academy of Pediatrics is an organization of 66,000 pediatricians committed to the optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults.

Center for Health Progress is a non-profit organization that creates opportunities and eliminates barriers to health equity for Coloradans. Center for Health Progress works in collaboration with health care providers, policy and decision makers, industry experts, advocates, and individuals in communities across Colorado and at the state Capitol to drive change in health care for all Coloradans.

The Greater New York Hospital Association is a Section 501(c)(6) organization that represents the interests of over 160 hospitals and health systems located throughout New York State, New Jersey, Connecticut, Pennsylvania, and Rhode Island. All of GNYHA's members are either not-for-profit, charitable organizations or publicly-sponsored institutions that provide services that range from state-of-the art, acute tertiary services to basic primary care needed by their surrounding communities. GNYHA members and their related medical schools also provide extensive medical education and training and undertake cutting-edge medical research that benefits patients all over the world. GNYHA's core mission is helping its members deliver the finest patient care in the most cost effective way.

Lucile Packard Children's Hospital is a children's hospital which is part of the Stanford University system.

New York City Health and Hospitals Corporation (d/b/a NYC Health+Hospitals) is the largest public health care system in the nation, which consists of 11 hospitals, trauma centers, neighborhood health centers, nursing homes, and post-acute care centers. New York City Health + Hospitals health system provides essential services to more than one million New Yorkers every year in more than 70 locations across the city's five boroughs.

The NYC Refugee and Asylee Health Coalition is a group of committed clinicians (and associated organizations), refugee resettlement agencies in NYC, as well as state agencies who have a collective interest in providing quality health care to refugees, asylees and victims of human trafficking.

Stanford Health Care is an academic health system and part of Stanford Medicine, which includes the Stanford University School of Medicine and Lucile Packard Children's Hospital Stanford. Stanford Health Care seeks to provide patients with the very best in diagnosis and treatment, with outstanding quality, compassion and coordination.

Stanford University is one of the world's leading research and teaching institutions and welcomes and embraces students and scholars from around the world who contribute immeasurably to its mission of education and discovery.

Yale New Haven Hospital provides comprehensive, multidisciplinary, family-focused care in more than 100 medical specialty areas. Yale New Haven Hospital regularly

ranks among the best hospitals in the U.S., and in conjunction with Yale School of Medicine and Yale Cancer Center, is nationally recognized for its commitment to teaching and clinical research. In addition to providing quality medical care to patients and families, Yale New Haven Hospital is the second largest employer in the New Haven area with more than 12,000 employees.

INDIVIDUALS

Allen S. Keller, MD

Associate Professor of Medicine and Population Health, NYU School of Medicine
Attending Physician, Bellevue Hospital, co-chair, Bellevue Hospital Bioethics Committee
Adjunct Associate Professor, NYU Gallatin School of Individualized Study, NYU School of Population Health and NYU Bioethics Center
Member, Physicians for Human Rights
Former Member, American College of Physicians Ethics and Human Rights Committee

Courtney Orynich Gillenwater, MD

New York City Refugee and Asylee Health Coalition

David Keller, MD

Professor and Vice Chair of Clinical Affairs and Clinical Transformation, Department of Pediatrics, University of Colorado School of Medicine and Children's Hospital Colorado

Dipesh Navsaria, MPH, MSLIS, MD

Academic Pediatrician, Madison, Wisconsin

Esther K. Chung, MD, MPH, FAAP

Professor of Pediatrics, The Sidney Kimmel Medical College of Thomas Jefferson University and Nemours

Gene Bishop, MD

Clinical Professor of Medicine, Perelman School of Medicine University of Pennsylvania

Jennifer Kasper, MD, MP

Associate Pediatrician, Division of Global Health, Massachusetts General Hospital for Children
Assistant Professor and Chair, Faculty Advisory Committee on Global Health, Harvard Medical School

Jeremy S. Boyd, MD

Assistant Professor of Emergency Medicine
Fellowship Director of Emergency Ultrasound
Assistant Residency Program Director
Department of Emergency Medicine, Vanderbilt University Medical School
Former Member, NRMP Board of Directors

Jerome A. Paulson, MD, FAAP

Professor Emeritus of Pediatrics and of Environmental & Occupational Health, George Washington University School of Medicine and Health Sciences and George Washington University Milken Institute School of Public Health

Michele David, MD, MPH, MBA, FACP

Staff Physician, Massachusetts Institute of Technology

Susana Morales, MD

Internal Medicine, Weill Cornell Medicine

Tyler Evans MD, MS, MPH, AAHIVS, DTM&H

National Director of Infectious Disease
Medical Director, Hollywood Center
AIDS HealthCare Foundation