

No. 22-35338

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JANE SULLIVAN *ET AL.*,

Plaintiffs-Appellees,

v.

THE UNIVERSITY OF WASHINGTON *ET AL.*,

Defendants-Appellees,

and

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.,

Intervenor-Appellant.

On Appeal from the U.S. District Court for the
Western District of Washington at Seattle
Case No. 2:22-cv-00204-RAJ (Hon. Richard A. Jones)

**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE
REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS AND
16 MEDIA ORGANIZATIONS IN SUPPORT OF INTERVENOR-
APPELLANT**

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The Reporters Committee for Freedom of the Press and 16 media organizations (collectively “amici”) move for leave to file the attached proposed amici curiae brief in support of Intervenor-Appellant People for the Ethical Treatment of Animals (“PETA”) pursuant to Federal Rules of Appellate Procedure 27 and 29.¹ Intervenor-Appellant and Defendants-Appellees consent to the filing of the amici brief. Plaintiffs-Appellees do not consent to the filing of the amici brief.

The proposed amici brief addresses matters “relevant to the disposition” of this appeal. Fed. R. App. P. 29(a)(3) (providing that a motion for leave to file an amicus brief during a court’s initial consideration of a case on the merits must state “the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case”). Specifically, amici write to highlight for the Court the steps Congress has taken to mandate transparency with respect to similarly situated committees to the Institutional Animal Care and Use Committee of the University of Washington (“IACUC”) at the federal level through the Federal Advisory Committee Act. Such transparency—including access to information about the identities of advisory committee members engaged in public business—is not only critical to the news media’s ability to keep the public

¹ A list of all amici, a supplemental statement of identity and interest of amici, and corporate disclosure for all amici are included in the attached proposed amici brief.

informed, but also serves to guard against private-industry capture of committees constituted to serve the public's interests. It provides not only an important check on public institutions, but also a necessary mechanism for ensuring that committees tasked with making policy decisions or providing policy advice, particularly about controversial topics of public concern, are viewed as legitimate by the public.

As members of the news media and organizations who advocate on behalf of the press, the media coalition has a strong interest in safeguarding the right of access to records and ensuring that any exemptions to the disclosure requirements of Washington's Public Records Act are interpreted narrowly. The proposed brief will aid the Court by providing amici's informed perspective on these issues, which affect journalists and news organizations across the country.

As set forth in the proposed amici brief, the Court should reverse and vacate the district court's preliminary injunction barring the disclosure of IACUC members' appointment letters under Washington's Public Records Act. To hold otherwise would be contrary to analogous federal law and undermine the news media's ability to help ensure that public bodies are transparent and accountable.

For these reasons, amici respectfully request leave to file the attached proposed amici curiae brief in support of Intervenor-Appellant.

Dated: June 1, 2022

Respectfully submitted,

/s/ Katie Townsend

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CERTIFICATE OF SERVICE

I, Katie Townsend, do hereby certify that I have filed the foregoing Motion for Leave to File Brief of Amici Curiae electronically with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system on June 1, 2022.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Katie Townsend

Katie Townsend

Counsel of Record for Amici Curiae

THE REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS