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15 **IN THE UNITED STATES DISTRICT COURT**  
 16 **FOR THE WESTERN DISTRICT OF WASHINGTON**

17 DEEPTHI WARRIER EDAKUNNI, et al.,  
 18  
 19 Plaintiffs,  
 20  
 21 v.  
 22 ALEJANDRO MAYORKAS,  
 23  
 24 Defendant.

Case No. 2:21-cv-393-RAJ

**UNOPPOSED MOTION OF  
 LEADING COMPANIES AND  
 BUSINESS ASSOCIATIONS FOR  
 LEAVE TO FILE A BRIEF AS *AMICI  
 CURIAE* IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR  
 PRELIMINARY INJUNCTION**

NOTE ON MOTION CALENDAR:  
 April 29, 2021

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT Argo AI LLC; the Chamber of Commerce of the United  
3 States of America; Compete America Coalition; FWD.us; Google LLC; Intel Corporation; Mi-  
4 crosoft Corporation; the National Association of Manufacturers; Salesforce.com, Inc.; TechNet;  
5 and Twitter, Inc. hereby respectfully move for leave to file the attached brief as *amici curiae* in  
6 this matter. Plaintiffs consent to the filing of proposed *amici*'s brief, and the government has indi-  
7 cated that it takes no position on this motion.

#### 8 INTEREST OF THE *AMICI CURIAE*

9 This case addresses the federal government's failure to fulfill its duty—enacted into stat-  
10 ute and regulation—to timely process employment authorization documents for two classes of  
11 highly-educated, highly-valued noncitizens: certain H-4 and L-2 visa-holders. Spouses of H-1B  
12 specialty-occupation workers enter the United States on H-4 visas; when the H-1B visa-holder  
13 has been approved for lawful permanent resident status and is simply waiting for an immigrant  
14 visa to become available, the H-4 spouse may obtain employment authorization. L-2 visa-holders,  
15 the spouses of L-1 intra-company transferees, may likewise qualify for employment authoriza-  
16 tion.

17 *Amici* are leading U.S. companies (and associations of companies) that count H-4 and L-2  
18 visa-holders as integral parts of their teams, helping to power critical projects and deliver value to  
19 customers and clients alike. *Amici* also employ many team members on H-1B and L-1 visas—a  
20 great number of whom have relied on their spouses' ability to pursue careers in the United States  
21 on H-4 and L-2 visas as an essential component of their families' decision to bring their talents to  
22 this country. The unjustified processing delays addressed by this litigation are freezing thousands  
23 of employees out of their employment, enormously disrupting the numerous employers—  
24 including *amici* and members of the association *amici*—that depend on the irreplaceable talents  
25 and knowledge of their H-4 and L-2 employees.

26 *Amici* are committed to pursuing all available means to ensure these valued colleagues are  
27 not forced to forgo employment or leave the United States—harming those individuals and their  
28 families, *amici* and their member companies, the affected individuals' greater communities, and

1 the national economy—all because of arbitrary and capricious bureaucratic red tape. Indeed, *ami-*  
2 *ci* have attempted to work constructively with the government, standing alongside other business-  
3 es and industry groups in offering actionable solutions to U.S. Citizenship and Immigration Ser-  
4 vices (USCIS) for this growing problem. *See* Letter from 28 companies and organizations to Tra-  
5 cy Renaud, Senior Official Performing the Duties of the Director of USCIS 2-3 (Mar. 22, 2021),  
6 [perma.cc/256W-RVFH](https://perma.cc/256W-RVFH).

### 7 ARGUMENT

8 Proposed *amici* submit that their participation would be useful to the Court in its analysis  
9 and disposition of this case. “District courts may consider *amicus* briefs from non-parties ‘con-  
10 cerning legal issues that have potential ramifications beyond the parties directly involved or if  
11 the *amicus* has unique information or perspective that can help the court beyond the help that the  
12 lawyers for the parties are able to provide.” *Macareno v. Thomas*, 378 F. Supp. 3d 933, 940  
13 (W.D. Wash. 2019) (Jones, J.) (quoting *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355  
14 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005)); *see also, e.g., California ex rel. Becerra v. U.S. Dep’t*  
15 *of Interior*, 381 F. Supp. 3d 1153, 1164 (N.D. Cal. 2019) (“There are no strict prerequisites that  
16 must be established prior to qualifying for amicus status; an individual seeking to appear as ami-  
17 cus must merely make a showing that his participation is useful or otherwise desirable to the  
18 court.”). “[G]enerally courts have exercised great liberality in permitting amicus briefs.” *Id.* (quo-  
19 tation marks omitted).

20 Proposed *amici*’s attached brief seeks to illustrate some of the many “ramifications be-  
21 yond the parties directly involved” of the legal issues in this case (*Macareno*, 378 F. Supp. 3d at  
22 940) by highlighting the immense practical importance of the H-4 and L-2 work authorizations  
23 that the government is currently not timely processing, and to explain how those practical conse-  
24 quences factor into the evaluation of agency delay under *Telecommunications Research and Ac-*  
25 *tion Center v. FCC*, 750 F.2d 70 (D.C. Cir. 1984) (*TRAC*). Proposed *amici* therefore submit that  
26 their brief will provide valuable perspective to the Court’s decisional process here.

### 27 CONCLUSION

28 The Court should grant the unopposed motion for leave to file an *amicus* brief.

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Respectfully submitted,

**MCDERMOTT WILL & EMERY LLP**

DATED: April 29, 2021

By: /s/ Christopher Foster

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