

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 17-55380

THE KOALA, an unincorporated association

Plaintiff-Appellant,

v.

PRADEEP KHOSLA, in his official capacity as Chancellor of the University of
California, San Diego; et al.

Defendants-Appellees.

**MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF OF THE
STUDENT PRESS LAW CENTER, AMERICAN SOCIETY OF NEWS
EDITORS, ASSOCIATED PRESS MEDIA EDITORS, ASSOCIATION OF
ALTERNATIVE NEWSMEDIA, COLLEGE MEDIA ASSOCIATION,
FIRST AMENDMENT COALITION, REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS, AND SOCIETY OF PROFESSIONAL
JOURNALISTS IN SUPPORT OF APPELLANT AND REVERSAL OF THE
DISTRICT COURT DECISION**

ON APPEAL FROM THE JUDGMENT OF THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

No. 3:16-cv-1296-JM-BLM

The Honorable Jeffrey T. Miller, Judge

Judy Endejan, Esq. | Garvey Schubert Barer
18th Floor, 1191 Second Avenue, Seattle, WA 98101
t: 206.464.3939 | f: 206.464.0125
jendejan@gsblaw.com
Counsel for *Amici Curiae*

**MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF OF THE
STUDENT PRESS LAW CENTER, AMERICAN SOCIETY OF NEWS
EDITORS, ASSOCIATED PRESS MEDIA EDITORS, ASSOCIATION OF
ALTERNATIVE NEWSMEDIA, COLLEGE MEDIA ASSOCIATION,
FIRST AMENDMENT COALITION, REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS, AND SOCIETY OF PROFESSIONAL
JOURNALISTS IN SUPPORT OF APPELLANT AND REVERSAL
OF THE DISTRICT COURT DECISION**

Pursuant to Rule 29, Federal Rules of Appellate Procedure, the Student Press Law Center (“SPLC”), American Society of News Editors, Associated Press Media Editors, Association of Alternative Newsmedia, College Media Association, First Amendment Coalition, Reporters Committee for Freedom of the Press, and Society of Professional Journalists (hereinafter “*Amici*”) hereby submit this Motion for Leave to File a Brief *Amici Curiae* in support of Plaintiff-Appellant.

In support of this motion, *Amici* state:

1. *Amici* represent a broad coalition of nonprofit and advocacy organizations concerned with protecting and advancing freedom of the press in the United States, including on college campuses. *Amici* and their members are deeply invested in training college journalists to perform the civic oversight responsibilities on which all communities depend – responsibilities that at times bring news organizations into conflict with powerful authority figures. Collectively, *amici* have appeared in many thousands of cases across the country to speak for the interests of journalists where fundamental press freedoms are at risk,

to help courts appreciate the full and potentially unseen impact of their rulings on journalists beyond the immediate parties. This is such a case.

2. The undersigned endeavored to obtain the consent of all parties to the filing of the brief before moving the Court for permission to file the proposed brief. *Amici* have obtained affirmative consent from Plaintiff-Appellant to the filing of the proposed *amici curiae* brief.

3. *Amici* write to bring to the Court's attention the irreplaceable "civic watchdog" role filled by the collegiate press, and the extent to which college journalists depend on financial sponsorship by their educational institutions and are thus uniquely vulnerable to "retaliation by purse" when those in power are challenged. *Amici* also write to draw the Court's attention to the longstanding hostility already faced by college news organizations, including hostility that has resulted in the very same "retaliation by purse" that the ruling below renders impervious to challenge. This *amici curiae* brief will aid the court by offering information about how the outcome of this case will affect traditional college news organizations across the country, not just a single humor magazine.

4. As press freedom organizations, *Amici* have an interest in ensuring that the law protects the ability of student journalists to express themselves freely without fear of official reprisal.

CONCLUSION

For the foregoing reasons, *Amici* hereby request the Court to grant leave to file an *amici curiae* brief in support of Plaintiff-Appellant.

Dated: Aug. 7, 2017

Respectfully submitted,

s/Judy Endejan

Judy Endejan, Esq.
Garvey Schubert Barer
18th Floor, 1191 Second Avenue
Seattle, WA 98101
206.464.3939
206.464.0125 Fax
jendejan@gsblaw.com
Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Participants in this case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: Aug. 7, 2017

s/Judy Endejan

Judy Endejan, Esq.
Garvey Schubert Barer
18th Floor, 1191 Second Avenue
Seattle, WA 98101
206.464.3939
206.464.0125 Fax
jendejan@gsblaw.com
Counsel for Amici Curiae

GSB:8865774.1