

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

INTERFAITH CENTER ON
CORPORATE RESPONSIBILITY, et al.,

Plaintiffs,

v.

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Defendant.

Civil Action No. 21-1620 (RBW)

ORDER

On September 28, 2021, William Michael Cunningham filed with this Court a motion requesting leave to file an amicus brief in support of the plaintiffs. See Motion for Leave to File Brief as Amicus Curiae in Support of Plaintiffs (“Cunningham’s Mot.”) at 1, ECF No. 19. In his motion, Cunningham represents that he “manages an investment innovation and research firm” and has an “understanding of capital markets [that] is based on firsthand knowledge obtained in a number of positions at a diverse set of major financial institutions.” Memorandum of Points and Authorities in Support of Motion to File a Brief Amicus Curiae in Support of Plaintiffs at 2 (“Cunningham’s Mem.”), ECF No. 19-1.

Pursuant to this Court’s Local Rules, an amicus curiae that is not the United States, a federal administrative agency, or a state “may file a brief only upon leave of [the] Court[.]” LCvR 7(o)(1). To seek the Court’s leave, a prospective amicus curiae must file a motion that “concisely state[s] the nature of the movant’s interest” and “set[s] forth the reasons” (1) why an amicus brief is desirable,” (2) “why the movant’s position is not adequately represented by a party,” and (3) “why the matters asserted are relevant to the disposition of the case.” Id. 7(o)(2).

The Court concludes that Cunningham’s proposed amicus brief is not “relevant to the disposition of th[is] case[.]” Id. Cunningham requests that the Court grant leave for him to file the proffered amicus brief because, inter alia, the defendant “is unresponsive to public interests, facilitating the property rights of a narrow group of non-minority interests, in violation of the Equal Protection clause.” Cunningham’s Mem. at 9. The brief itself argues that, through its “14-8a [p]olicy[.]” the defendant “intentionally discriminated against African Americans[.]” Cunningham’s Mot., Exhibit (“Ex.”) 4 (Amicus Brief Submitted by William Michael Cunningham in Support of the Plaintiffs and in Support of the Public Interest (“Proposed Amicus Brief”)) at 13, ECF No. 19-4. However, this case does not allege discrimination or a violation of the Equal Protection Clause. See Complaint (“Compl.”) ¶¶ 132–67, ECF No. 1 (alleging violations of the Administrative Procedure Act). Therefore, the Court concludes that Cunningham’s proposed amicus brief would not assist the Court in the resolution of this case and it must deny Cunningham’s motion.

Accordingly, it is hereby

ORDERED that Mr. Cunningham’s Motion for Leave to File Brief as Amicus Curiae in Support of Plaintiffs, ECF No. 19, is **DENIED**.

SO ORDERED this 1st day of September, 2022.

REGGIE B. WALTON
United States District Judge