

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

)	
HAITIAN-AMERICANS UNITED, INC.,)	
BRAZILIAN WORKER CENTER,)	
CHELSEA COLLABORATIVE, INC. and)	
CENTRO PRESENTE,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 20-11421-DPW
)	
DONALD J. TRUMP, President of the)	
United States in his Official Capacity,)	
UNITED STATES DEPARTMENT OF)	
COMMERCE, UNITED STATES)	
BUREAU OF THE CENSUS, STEVEN)	
DILLINGHAM, Director of the U.S.)	
Census Bureau in his Official Capacity,)	
and WILBUR ROSS, Secretary of the)	
Department of Commerce in his Official)	
Capacity,)	
)	
Defendants.)	

**PLAINTIFFS’ APPLICATION FOR THE APPOINTMENT OF
A THREE-JUDGE COURT**

Pursuant to 28 U.S.C. § 2284(a), Plaintiffs Haitian-Americans United, Inc., Brazilian Worker Center, Chelsea Collaborative, Inc., and Centro Presente respectfully apply for the appointment of a three-judge court to adjudicate this matter. As grounds for this Application, Plaintiffs state as follows:

1. By their Complaint in this action, Plaintiffs are challenging a Memorandum issued by President Donald J. Trump on July 21, 2020, titled “Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census” (the “Memorandum”). Plaintiffs challenge the

Memorandum on a variety of grounds, including that it purports to exclude undocumented immigrants from the basis for congressional apportionment in violation of the U.S. Constitution.

2. Section 2284(a) requires the appointment of a three-judge court in actions challenging “the constitutionality of the apportionment of congressional districts,” as this action plainly does.

3. In recent weeks the United States District Courts for the Southern District of New York and for the District of Columbia issued orders granting applications for the appointment of three-judge courts in separate cases asserting claims that are substantially similar to those that Plaintiffs have asserted here. *See Common Cause v. Trump*, 1:20-cv-02023-CRC-GGK-DLF, ECF No. 33 (D.D.C. Aug. 20, 2020); *New York v. Trump*, 1:20-CV-05770-JMF, ECF No. 68 (S.D.N.Y. Aug. 7, 2020).

4. In those two cases, the district courts held that by claiming that the Memorandum violates the Constitution by purporting to exclude undocumented immigrants from the basis for congressional apportionment—just as Plaintiffs have done here—the plaintiffs had challenged “the constitutionality of the apportionment of congressional districts” under Section 2284(a), and thus that a three-judge court was required.

In further support of this Application, Plaintiffs refer the Court to their Memorandum in Support of Plaintiffs’ Application for the Appointment of a Three-Judge Court, which Plaintiffs have filed with this Motion. In addition, a proposed Order granting the Application is attached at Exhibit 1.

WHEREFORE, Plaintiffs respectfully request that the Court (i) grant this Application, (ii) appoint a three-judge court to adjudicate this matter, pursuant to 28 U.S.C. § 2284(a), and (iii) grant such other and further relief as the Court deems just.

HAITIAN-AMERICANS UNITED, INC.,
BRAZILIAN WORKER CENTER,
CHELSEA COLLABORATIVE, INC., and
CENTRO PRESENTE

By their attorneys,

/s/ Patrick M. Curran, Jr.

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Dated: September 4, 2020

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2020, the within document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on September 8, 2020.

/s/ Patrick M. Curran, Jr. _____

Patrick M. Curran, Jr.

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EXHIBIT 1

**UNITED STATES DISTRICT COURT
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 and WILBUR ROSS, Secretary of the)
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)
 Defendants.)
 _____)

Case No. 20-11421-DPW

**[PROPOSED] ORDER GRANTING PLAINTIFFS' APPLICATION FOR THE
APPOINTMENT OF A THREE-JUDGE COURT**

Upon consideration of Plaintiffs' Application for the Appointment of a Three-Judge Court and any Opposition thereto, and for good cause shown, it is on this _____ day of _____, 2020, hereby

ORDERED, that Plaintiff's Application is GRANTED; and it is

FURTHER ORDERED, that this case shall be heard by a three-judge court; and it is

FURTHER NOTED, that pursuant to 28 U.S.C. § 2284(b)(1), this Court shall notify the Chief Judge of this Circuit of the need to designate a three-judge court to hear this action.

Hon. Douglas P. Woodlock
U.S. District Court Judge