

FILED

May 15, 2017

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A16-1265

Alejandro Cruz-Guzman, as guardian and
next friend of his minor children, et al.,

Appellants/Cross-Respondents,

vs.

State of Minnesota, et al.,

Respondents/Cross-Appellants,

Higher Ground Academy, et al.,

Intervenors.

O R D E R

We granted the petition for review in this appeal on April 26, 2017, to consider the court of appeals' decision that the claims at issue in this case present nonjusticiable political questions. We also granted the request for cross-review to address issues of legislative immunity and joinder. In granting review, we also granted the motion of the American Civil Liberties Union of Minnesota to appear as amicus curiae in support of appellants/cross-respondents.

Now before our court are several additional motions to appear as amicus, including a motion by intervenors below, Higher Ground Academy, et al., for leave to participate in this

appeal as *amicus curiae*, “if not as parties.” Higher Ground did not, however, participate in the proceedings in the court of appeals and did not join in either party’s request for review by our court.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The motion of the Education Law Center and the Constitutional and Education Law Scholars; the motion of Jim Hilbert, Jessica Clarke, and William McGeveran; the motion of Myron Orfield; and the motion of Tiffini Flynn Forslund, Justina Person, Bonnie Dominguez, and Roxanne Draughn, each to file and serve a brief as *amicus curiae* in support of appellants/cross-respondents be, and the same is, each granted.

2. The motion of Higher Ground Academy, et al. to file and serve a brief as *amicus curiae* in support of respondents/cross-appellants be, and the same is, granted. The motion to participate in the appeal as a party based on intervenor status below is denied.

3. The briefs of amici shall be filed and served in accordance with Minn. R. Civ. App. P. 129, and shall comply with the requirements of Minn. R. Civ. App. P. 132. Amici will not be permitted to participate in oral argument.

4. All amici are reminded that the principle espoused in Rule 37(1) of the Rules of the Supreme Court of the United States is applicable in our court as well:

An amicus curiae brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court. *An amicus curiae* brief that does not serve this purpose burdens the Court, and its filing is not favored.

While the unique perspectives of multiple amici can be helpful to the court, an *amicus* brief

that simply repeats the arguments made by the parties or by other amici, or that presents matters irrelevant to the issues on which review was granted, is disfavored. *See, e.g., Camacho v. Todd & Leiser Homes*, 706 N.W.2d 49, 52 n.3 (Minn. 2005) (striking portions of an amicus brief related to allegations that were not before the court). Amici are therefore encouraged to review the petition for review and request for conditional cross-review, and then coordinate their efforts to avoid redundant briefing.

Dated: May 15, 2017

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lorie S. Gildea". The signature is written in a cursive, flowing style.

Lorie S. Gildea
Chief Justice