

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

AMERICAN INSURANCE ASSOCIATION
and NATIONAL ASSOCIATION OF
MUTUAL INSURANCE COMPANIES,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT
and SHAUN DONOVAN, in his official
capacity as Secretary of Housing and Urban
Development,

Defendants.

Civil Action No. 13-cv-966 (RJL)

**UNOPPOSED MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN
SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
AND CORPORATE DISCLOSURE CERTIFICATION**

The Chamber of Commerce of the United States of America (the "Chamber") respectfully moves for leave to file an *amicus curiae* brief in support of the Motion for Summary Judgment filed by the American Insurance Association and National Association of Mutual Insurance Companies ("Plaintiffs") in the above-captioned matter.

1. The Chamber is the world's largest business federation. It represents 300,000 direct members and indirectly represents the interests of more than three million companies and professional organizations of every size, in every industry sector, and from every region of the country. An important function of the Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the Chamber regularly files *amicus curiae* briefs in cases that raise issues of concern to the nation's business community.

2. The Chamber, on behalf of its members, has a substantial interest in the outcome of this case. The Chamber and its members are strongly committed to the eradication of discrimination from the marketplace, and to ensuring that financial services are provided to all consumers in a fair and even-handed manner. Plaintiffs adequately address the policy implications for insurers arising from a broad theory of disparate-impact liability. But members of the Chamber in the other financial-services industries nonetheless are just as concerned about potential liability for disparate-impact claims under the Fair Housing Act (“FHA”), 42 U.S.C. § 3601 *et seq.*, and other similar statutory and regulatory regimes. These claims frequently challenge legitimate, neutral standards—that are applied uniformly to all consumers and are a critical component of responsible business decisions—on the theory that they have a disparate impact on certain demographic groups, even though the practices raise no inference of purposeful discrimination.

3. This Court has allowed *amicus curiae* participation “‘when the *amicus* has an interest in some other case that may be affected by the decision in the present case’” or “‘has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.’” *Cobell v. Norton*, 246 F. Supp. 2d 59, 62 (D.D.C. 2003). The Chamber’s participation as an *amicus* in this case would be appropriate on both grounds. The Chamber, on behalf of its members, has a strong interest in this Court’s determination whether disparate impact-liability is cognizable under the FHA, as the United States Department of Housing and Urban Development (“HUD”) asserts in the Rule at issue. *See* 24 C.F.R. §100.500. This Court’s answer to that question will provide valuable guidance to the Chamber and its members. In addition, the Chamber respectfully submits that the perspective its members offer, as participants in many financial-services industries subject to the FHA and to HUD’s Rule, and

to other similar rules, will assist the Court in adjudicating the important questions presented in this case.

4. Plaintiffs have consented to the filing of this *amicus curiae* brief. See Plaintiffs' Notice of Consent to Amicus Briefs (Jan. 28, 2014) (Dkt. No. 18).

5. Counsel for the Chamber conferred with counsel for Defendants on January 31, 2014. Defendants, HUD and Shaun Donovan, in his official capacity as HUD's Secretary, take no position on the filing of this *amicus curiae* brief.

CORPORATE DISCLOSURE CERTIFICATION

Pursuant to Federal Rule of Civil Procedure 7.1 and Local Civil Rule 7.1, I, Carter G. Phillips, the undersigned counsel of record for the Chamber of Commerce of the United States of America, certify that to the best of my knowledge and belief, that the Chamber does not have parent companies, subsidiaries or affiliates with any outstanding securities in the hands of the public. These representations are made in order that judges of this Court may determine the need for recusal.

Respectfully submitted,

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Dated: February 24, 2014

*Counsel for Amicus Curiae Chamber of
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CERTIFICATE OF SERVICE

On this 24th day of February, 2014, I hereby certify that I caused the foregoing document entitled Unopposed Motion to File *Amicus Curiae* Brief In Support of Plaintiffs' Motion for Summary Judgment and Corporate Disclosure Certification to be filed via the Court's CM/ECF system, which shall send notice to the following counsel of record for the parties:

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