IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEDERAL TRADE COMMISSION, *Plaintiff*, v. **WALMART INC.,** *Defendant*.	**Case No. 1:22-cv-03372** **Hon. Manish S. Shah**

MOTION FOR LEAVE TO FILE BRIEF OF THE NEW CIVIL LIBERTIES ALLIANCE AS *AMICUS CURIAE* IN SUPPORT OF DEFENDANT WALMART'S MOTION TO DISMISS THE COMPLAINT

Pursuant to Local Rule 5.6 of the Rules of this Court, the New Civil Liberties Alliance ("NCLA") respectfully moves for leave to file the attached brief as *amicus curiae* in support of Defendant Walmart's Motion to Dismiss the Complaint. Counsel for Defendant consent to the filing of this brief. Counsel for Plaintiff oppose the filing.

NCLA is a nonpartisan, nonprofit civil-rights organization devoted to defending constitutional freedoms from violations by the administrative state.

NCLA has appeared before numerous courts in cases involving the protection of core constitutional rights: jury trial, due process of law, the right to be tried in front of an impartial and independent judge, freedom of speech, and the right to have all prosecutorial power directed by an accountable President—the principle at issue in Walmart's motion to dismiss. U.S. Const. art. II; *see, e.g.*, *Seila Law L.L.C. v. CFPB*, 140 S. Ct. 2183, 2211 (2020) ("In our constitutional system, the executive power belongs to the President, and that power generally includes the ability to supervise and remove the agents who wield executive power in his stead.").

NCLA believes that, because of the restrictions limiting the President's ability to remove Federal Trade Commission ("FTC") Commissioners, the FTC's assertion of executive power against Walmart usurps the President's fundamental constitutional obligation to "take Care that the Laws be faithfully executed." U.S. Const. art. II, § 3. NCLA believes it can provide the Court with a perspective not shared by any of the parties.

For the foregoing reasons, NCLA requests that it be allowed to participate in this case by filing the attached brief.

Respectfully submitted,

/s/ Gregory Dolin
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