

No. 19-14125

**In the
United States Court of Appeals for the Eleventh Circuit**

**CORAL RIDGE MINISTRIES MEDIA, INC. D/B/A D. JAMES KENNEDY MINISTRIES,
*Plaintiff-Appellant,***

v.

**AMAZON.COM, INC., AMAZONSMILE FOUNDATION, AND
SOUTHERN POVERTY LAW CENTER, INC.,
*Defendants-Appellees.***

**On Appeal from the
United States District Court for
the Middle District of Alabama, Northern Division**

**Motion for Leave to File Brief *Amicus Curiae*
of Public Advocate of the United States, One Nation Under God Foundation,
Conservative Legal Defense and Education Fund, I Belong Amen Ministries,
Pass the Salt Ministries, and Restoring Liberty Action Committee
in Support of Plaintiff-Appellant and Reversal**

JOSEPH W. MILLER
LAW OFFICES OF JOSEPH MILLER, LLC
P.O. Box 83440
Fairbanks, AK 99708
Attorney for Amicus Curiae
Restoring Liberty Action Committee

February 6, 2020

*Attorney of Record

WILLIAM J. OLSON*
HERBERT W. TITUS
JEREMIAH L. MORGAN
ROBERT J. OLSON
WILLIAM J. OLSON, P.C.
370 Maple Avenue W., Suite 4
Vienna, VA 22180-5615
(703) 356-5070
Attorneys for Amici Curiae

C-1 of 5

**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

The movants *amici curiae* herein, Public Advocate of the United States, One Nation Under God Foundation, Conservative Legal Defense and Education Fund, I Belong Amen Ministries, Pass the Salt Ministries, and Restoring Liberty Action Committee, through their undersigned counsel, submit this Certificate of Interested Persons and Corporate Disclosure Statement pursuant to Federal Rules of Appellate Procedure 26.1 and 11th Circuit Rules 26.1-1, 26.1-2, and 26.1-3.

Public Advocate of the United States, One Nation Under God Foundation, Pass the Salt Ministries, and Conservative Legal Defense and Education Fund are non-stock, nonprofit corporations, none of which has any parent company, and no person or entity owns them or any part of them. I Belong Amen Ministries is a ministry and Restoring Liberty Action Committee is an educational organization, and they are not publicly traded corporations, nor do they have a parent company which is a publicly traded corporation.

The following is a complete list of trial judges, attorneys, persons, associations, firms, partnerships, or corporations that have an interest in the outcome of this matter, including subsidiaries, conglomerates, affiliates, parent

C-2 of 5

corporations, any publicly held corporation that owns 10% or more of the party's stock, or other identifiable legal entities related to a party:

1. Amazon.com, Inc., AMZN (Defendant/Appellee)
2. AmazonSmile Foundation (Defendant/Appellee)
3. Baker, David A. (United States Magistrate Judge)
4. Conservative Legal Defense and Education Fund (Movant *Amicus*)
5. Copeland Franco Screws & Gill, P.A. (Counsel for Defendant/Appellee Southern Poverty Law Center, Inc.)
6. Coral Ridge Ministries, Inc. dba D. James Kennedy Ministries (Plaintiff/Appellant)
7. Cunningham, Tim (Counsel for Defendant/Appellee AmazonSmile Foundation and Amazon.com, Inc.)
8. Davis Wright Tremaine LLP (Counsel for Defendants/Appellees Amazon.com, Inc. and AmazonSmile Foundation)
9. Doran, Ambika K. (Counsel for Defendants/Appellees Amazon.com, Inc. and AmazonSmile Foundation)
10. Doyle, Stephen Michael (United States Magistrate Judge)
11. Gibbs, David C., III (Counsel for Plaintiff/Appellant)

C-3 of 5

12. Hall, Charles E., Jr. (Counsel for Plaintiff/Appellant)
13. Holliday, Shannon L. (Counsel for Defendant/Appellee Southern Poverty Law Center, Inc.)
14. I Belong Amen Ministries (Movant *Amicus*)
15. Johnson, Bruce E.H. (Counsel for Defendants/Appellees Amazon.com, Inc. and AmazonSmile Foundation)
16. Law Offices of Joseph Miller (Counsel for Movant *Amicus* Restoring Liberty Action Committee)
17. Lightfoot, Franklin & White, L.L.C. (Counsel for Defendants/Appellees Amazon.com, Inc. and AmazonSmile Foundation)
18. Maxymuk, Benjamin W. (Counsel for Defendant/Appellee Southern Poverty Law Center, Inc.)
19. Miller, Joseph W. (Counsel for Movant *Amicus* Restoring Liberty Action Committee)
20. Miller, Paul Scott (Counsel for Plaintiff/Appellant)
21. Morgan, Jeremiah L. (Counsel for Movants *Amici* Public Advocate of the United States, *et al.*)

C-4 of 5

22. Olson, Robert J. (Counsel for Movants *Amici* Public Advocate of the United States, *et al.*)
23. Olson, William J. (Counsel for Movants *Amici* Public Advocate of the United States, *et al.*)
24. One Nation Under God Foundation (Movant *Amicus*)
25. Pass the Salt Ministries (Movant *Amicus*)
26. Pate, R. Ashby (Counsel for Defendants/Appellees Amazon.com, Inc. and AmazonSmile Foundation)
27. Prater, Harlan I., IV (Counsel for Defendants/Appellees Amazon.com, Inc. and AmazonSmile Foundation)
28. Public Advocate of the United States (Movant *Amicus*)
29. Restoring Liberty Action Committee (Movant *Amicus*)
30. Segall, Robert D. (Counsel for Defendant/Appellee Southern Poverty Law Center)
31. The National Center for Life and Liberty, Inc. (Counsel for Plaintiff/Appellant)
32. The Southern Poverty Law Center, Inc. (Defendant/Appellee)
33. Thompson, Myron H. (United States District Judge)

C-5 of 5

34. Titus, Herbert W. (Counsel for Movants *Amici* Public Advocate of the United States, *et al.*)
35. William J. Olson, P.C. (Counsel for Movants *Amici* Public Advocate of the United States, *et al.*)

s/William J. Olson
William J. Olson

MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE*

The movants, Public Advocate of the United States, One Nation Under God Foundation, Conservative Legal Defense and Education Fund, I Belong Amen Ministries, Pass the Salt Ministries, and Restoring Liberty Action Committee, are not-for-profit organizations dedicated, *inter alia*, to educating the public on a variety of public policy issues, including the proper construction of the United States Constitution and federal laws affecting the rights of Americans. Through their undersigned counsel, the movants hereby request leave of this Court to file their Brief *Amicus Curiae* in Support of Plaintiff-Appellant in the above-captioned action.

The grounds in support of this motion are as follows:

1. The movants, *amici curiae* Public Advocate of the United States, One Nation Under God Foundation, Conservative Legal Defense and Education Fund, and Pass the Salt Ministries are exempt from federal taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code. I Belong Amen Ministries is a ministry, and Restoring Liberty Action Committee is an educational organization. This case presents questions of great importance concerning Americans' right to seek redress for defamation.

2. Public Advocate of the United States, *et al.*'s *Amicus Curiae* Brief is timely. Rule 29(a)(6) of the Federal Rules of Appellate Procedure provides that an *amicus curiae* brief must be filed "no later than 7 days after the principal brief of the party being supported is filed." In all other respects, Public Advocate of the United States, *et al.*'s *Amicus Curiae* Brief complies with the Federal Rules of Appellate Procedure, including with respect to content and form, F.R.A.P. 29(a)(4), and with respect to length, F.R.A.P. 29(a)(5), as the brief is no more than half the length allowed for the Plaintiff-Appellant's Brief.

3. Counsel for the movants sought consent to the filing of this brief by counsel for the parties pursuant to F.R.A.P. 29(a)(2). Plaintiff-Appellant consented to the filing of Public Advocate of the United States, *et al.*'s Brief *Amicus Curiae*. Counsel for the Southern Poverty Law Center refused without explanation to consent to the filing of this brief, and counsel for Amazon.com did not respond to two requests, requiring the filing of this motion.

4. The brief submitted with this motion by these *amici curiae* addresses the significant issue raised by Plaintiff-Appellant about application of the First Amendment to its defamation claim, and the standards to bring a defamation action. This *amicus* brief raises important issues not fully addressed by the parties. One of these *amici* has been exposed to the risk of violence because of

SPLC’s “hate map” as explained in Section II of the *amicus* brief. *Amici* believe that their rights may be affected by the Court’s ruling in this case.

5. Together, these *amici* have filed *amicus curiae* briefs in dozens of other First Amendment cases. F.R.A.P. 29 contemplates the filing of *amicus curiae* briefs, and many courts find them to be helpful in deciding the issues. A recent *amicus* brief filed by *amicus* Public Advocate of the United States, which has filed 67 *amicus* briefs in various state and federal courts, was cited by the Sixth Circuit in EEOC v. R.G. & G.R. Harris Funeral Homes, 884 F.3d 560, 581-82 (6th Cir. 2018).

WHEREFORE, the movants, *amici curiae* Public Advocate of the United States, *et al.*, pray that their motion be granted and that they be given leave to file their Brief *Amicus Curiae* in Support of Plaintiff-Appellant in this matter.

Respectfully submitted,

/s/ William J. Olson

William J. Olson
Herbert W. Titus
Jeremiah L. Morgan
Robert J. Olson
WILLIAM J. OLSON, P.C.
370 Maple Avenue W, Suite 4
Vienna, Virginia 22180-5615
(703) 356-5070
Attorneys for Movants Public
Advocate of the United States, *et al.*

CERTIFICATE OF COMPLIANCE WITH RULE 32(g)

IT IS HEREBY CERTIFIED:

1. That the foregoing Motion for Leave to File Brief *Amici Curiae* of Public Advocate of the United States, *et al.*, in Support of Plaintiff-Appellant and Reversal, complies with the type-volume limitation of Rule 27(d)(2)(A), Federal Rules of Appellate Procedure, because this motion contains 583 words, excluding the parts of the petition exempted by Rule 32(f).

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using WordPerfect version 16.0.0.428 in 14-point Times New Roman.

/s/ William J. Olson
William J. Olson
Counsel for Appellants

Dated: February 6, 2020

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing Motion for Leave to File Brief *Amici Curiae* of Public Advocate of the United States, *et al.*, in Support of Plaintiff-Appellant and Reversal, was made, this 6th day of February, 2020, by the Court's Case Management/Electronic Case Files system upon the attorneys for the parties.

/s/ William J. Olson

William J. Olson
Attorney for *Amici Curiae*