No. 25–1658

IN THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

In re MARCO RUBIO, et al.,

Petitioners.

MARCO RUBIO, in his official capacity as Secretary of State, et al.,

Petitioners–Defendants,

v.

U.S. DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS,

Respondent,

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, et al.,

Real-Parties-in-Interest–Plaintiffs.

MOTION FOR LEAVE TO FILE SUR-REPLY IN SUPPORT OF ANSWER TO PETITION FOR WRIT OF MANDAMUS

Edwina Clarke (BBO 699702)
David Zimmer (BBO 692715)
Zimmer, Citron & Clarke, LLP
130 Bishop Allen Drive
Cambridge, MA 02139
(617) 676-9423
edwina@zimmercitronclarke.com

Noam Biale
Michael Tremonte
Alexandra Conlon
Courtney Gans
Sher Tremonte LLP
90 Broad Street, 23rd Floor

Alex Abdo
Ramya Krishnan
Carrie DeCell
Xiangnong Wang
Talya Nevins
Jackson Busch
Stephany Kim
Scott Wilkens
Jameel Jaffer
Knight First Amendment Institute
at Columbia University
475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500

New York, New York 10004
(212) 202-2603
nbiale@shertremonte.com
mtremonte@shertremonte.com

alex.abdo@knightcolumbia.org

Ahilan T. Arulanantham (SBN 237841)
Professor from Practice
UCLA School of Law
385 Charles E. Young Dr. East
Los Angeles, CA 90095
(310) 825-1029
arulanantham@law.ucla.edu

Real-parties-in-interest–Plaintiffs respectfully move for leave to file this sur-reply in support of their answer to the government's petition for a writ of mandamus. Plaintiffs asked for the government's position on this motion, but as of the time of this filing, the government has not responded. (Plaintiffs consent to the government's motion to file its reply.)

The attached sur-reply is necessary to respond to the government's reply, which improperly attempts to broaden the scope of the mandamus petition to incorporate a challenge to the district court's rejection of the government's invocation of the law enforcement privilege.

July 15, 2025

Respectfully submitted,

/s/ Alex Abdo

Alex Abdo
Ramya Krishnan
Carrie DeCell
Xiangnong Wang
Talya Nevins
Jackson Busch
Stephany Kim
Scott Wilkens
Jameel Jaffer
Knight First Amendment Institute
at Columbia University
475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
alex.abdo@knightcolumbia.org

Ahilan T. Arulanantham (SBN 237841)
Professor from Practice

Edwina Clarke (BBO 699702)
David Zimmer (BBO 692715)
Zimmer, Citron & Clarke, LLP
130 Bishop Allen Drive
Cambridge, MA 02139
(617) 676-9423
edwina@zimmercitronclarke.com

Noam Biale
Michael Tremonte
Alexandra Conlon
Courtney Gans
Sher Tremonte LLP
90 Broad Street, 23rd Floor
New York, New York 10004
(212) 202-2603
nbiale@shertremonte.com
mtremonte@shertremonte.com

UCLA School of Law
385 Charles E. Young Dr. East
Los Angeles, CA 90095
(310) 825-1029
arulanantham@law.ucla.edu

Counsel for Real-Parties-in-Interest–Plaintiffs

Certificate of Compliance

This brief complies with the type-volume limit of the Court of Appeals for the First Circuit Local Rules 21(d)(1) and 32(g) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), it contains 96 words. This brief also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5)–(6) because it was prepared using Microsoft Word in 14-point Times New Roman font, a proportionally spaced typeface.

/s/ Alex Abdo

Dated: July 15, 2025

Certificate of Service

I hereby certify that on July 15, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. Service has been accomplished via email on the following counsel:

Brett A. Shumate
Eric D. McArthur
Mark R. Freeman
Amanda L. Mundell (amanda.l.mundell@usdoj.gov)
Sophia Shams (sophia.shams@usdoj.gov)

Plaintiffs have provided a copy of this filing to the district court.

/s/ Alex Abdo

Dated: July 15, 2025