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8 UNITED STATES DISTRICT COURT FOR THE  
9 NORTHERN DISTRICT OF CALIFORNIA

10 CTIA – THE WIRELESS  
11 ASSOCIATION,

12 Plaintiff,

13 v.

14 CITY OF BERKELEY, CHRISTINE  
15 DANIEL, CITY MANAGER OF CITY  
16 OF BERKELEY,

17 Defendants.  
18

) Case No. C15-02529 EMC

)

) **APPLICATION OF NATURAL**

) **RESOURCES DEFENSE**

) **COUNCIL FOR LEAVE TO**

) **FILE AMICUS BRIEF**

) **IN OPPOSITION TO**

) **PLAINTIFF’S MOTION FOR**

) **PRELIMINARY INJUNCTION**

)

)

)

1 The Natural Resources Defense Council (NRDC) seeks the Court's leave to  
2 file an amicus brief opposing Plaintiff's Motion for Preliminary Injunction, ECF  
3 No. 4. The proposed brief is attached as Exhibit A to this application.

4 NRDC is a public health and environmental advocacy organization with  
5 more than 299,000 members nationwide. NRDC has more than 55,000 members  
6 residing in California, including 1,244 residing in the City of Berkeley. One of  
7 NRDC's institutional priorities is protecting public health by reducing individuals'  
8 (including NRDC members') exposure to potentially hazardous substances. By  
9 ensuring that consumers understand the degree of radiofrequency radiation  
10 exposure they receive when they use their cell phones, the Berkeley ordinance at  
11 issue in this case furthers NRDC's interest in making sure that its members, and  
12 the public at large, have the data they need to make informed decisions about their  
13 health. Plaintiff's challenge to the ordinance threatens to take away a salutary  
14 protection for NRDC's Berkeley-based members.

15 NRDC proposes to provide this Court with insight—garnered from its work  
16 as an active public health organization with a long history of advocating for and  
17 litigating under public right-to-know requirements—into the disruptive effect that  
18 granting Plaintiff's motion could have on a multitude of other risk disclosure  
19 requirements, as well as the negative fallout that would result for both the federal  
20 courts and the public at large. Given that “[d]istrict courts frequently welcome  
21 amicus briefs from non-parties concerning legal issues that have potential  
22 ramifications beyond the parties directly involved,” and that NRDC has “unique  
23 information or perspective that can help the court beyond the help that the lawyers  
24 for the parties are able to provide,” *NGV Gaming, Ltd. v. Upstream Point Molate,*  
25 *LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (internal quotation marks  
26 omitted), NRDC believes its participation would be useful to the Court. *See In re*  
27 *Roxford Foods Litig.*, 790 F. Supp. 987, 997 (E.D. Cal. 1991).

1 NRDC therefore respectfully requests that the Court grant this application.  
2

3 Dated: July 13, 2015

Respectfully submitted,

4 /s/ Michael E. Wall

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