

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-219

JANE CUMMINGS, PETITIONER

v.

PREMIER REHAB KELLER, P.L.L.C.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO PARTICIPATE
IN ORAL ARGUMENT AS AMICUS CURIAE, FOR DIVIDED ARGUMENT,
AND FOR ENLARGEMENT OF TIME FOR ARGUMENT

Pursuant to Rule 28 of the Rules of this Court, the Deputy Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case as an amicus curiae supporting petitioner; that the time allotted for oral argument be enlarged to 65 minutes; and that the United States be allowed 15 minutes of argument time. Petitioner and respondent have consented to this motion, and petitioner has agreed to cede ten minutes of its argument time to the United States.

This case concerns whether an award of compensatory damages against a recipient of federal financial assistance under Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 252 (42 U.S.C. 2000d et seq.), or other statutes that incorporate Title VI's remedies may include compensation for emotional distress. The Court invited the United States to participate as amicus at the certiorari stage, and the United States has a substantial interest in the resolution of issues concerning the scope of remedies under Title VI and the related civil rights statutes. The federal government is charged with enforcing these statutes, see, e.g., 29 U.S.C. 794a(a)(2); 42 U.S.C. 2000d-1, 18116(a), and the United States has a significant interest in ensuring full compliance with their nondiscrimination provisions.

The United States has previously presented oral argument as amicus curiae in similar cases concerning the scope of remedies under Title VI and the related civil rights statutes. See Barnes v. Gorman, 536 U.S. 181 (2002); Franklin v. Gwinnet Cnty. Pub. Schs., 503 U.S. 60 (1992). In light of the substantial federal interest in the question presented, the United States' participation at oral argument would materially assist the Court in its consideration of this case.

Respectfully submitted.

EDWIN S. KNEEDLER
Deputy Solicitor General*
Counsel of Record

OCTOBER 2021

* The Acting Solicitor General is recused in this case.