

United States Court of Appeals for the Ninth Circuit

JOSHUA A. DIEMERT, an individual,

Plaintiff-Appellant,

— v. —

CITY OF SEATTLE, a municipal Corporation,

Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE* EQUAL PROTECTION PROJECT IN SUPPORT OF APPELLANT JOSHUA DIEMERT AND REVERSAL

TIMOTHY R. SNOWBALL
LEGAL INSURRECTION FOUNDATION
Attorney for Amicus Curiae
18 Maple Avenue, Suite 280
Barrington, Rhode Island 02806
(401) 246-4192
contact@legalinsurrection.com



**MOTION OF THE EQUAL PROTECTION PROJECT
FOR LEAVE TO FILE BRIEF *AMICUS CURIAE***

Pursuant to Federal Rule of Appellate Procedure 29(a)(3), the Equal Protection Project (EPP) of the Legal Insurrection Foundation respectfully requests leave to file the accompanying brief as *amicus curiae*. This motion, and the Court's attention to it, are necessitated by Appellee City of Seattle's refusal to consent, while simultaneously not opposing, after movant endeavored to obtain the consent of all parties to the filing of the brief. Fed. R. App. P. 29(a)(2) and Circuit R. 29-3.

The EPP of the Legal Insurrection Foundation, a Rhode Island tax-exempt 501(c)(3), is devoted to the fair treatment of all persons without regard to race or ethnicity. Our guiding principle is that there is no "good" form of racism. The remedy for racism never is more racism. Since its creation in February 2023, EPP has filed scores of civil rights complaints, in various fora, against more than one hundred governmental or federally funded entities that have engaged in racially discriminatory conduct. Most of the cases EPP has brought have involved so-called "reverse discrimination," or racial discrimination against members of the majority. EPP has found through such action that such racial discrimination against White or other "majority" citizens is ubiquitous.

EPP has also participated as *amicus curiae* in other cases, including before the United States Supreme Court in *Ames v. Ohio Department of Youth Services*, 605

U.S. ----, 145 S. Ct. 1540 (2025),¹ which considered the very issue currently before this Court. Hence, EPP’s experience in this area will assist the Court in its resolution of this matter. While EPP supports Appellant Joshua Diemert’s arguments generally, it submits this brief to address two areas squarely in EPP’s experience: (i) the societal trend toward increased, and at present ubiquitous, racial discrimination against majority parties in the name of anti-racism, which the district court failed to recognize, and (ii) the destructive effects of diversity, equity and inclusion, or so-called “DEI” training programs, which the district court also failed to recognize and which facilitated the establishment of a hostile work environment in this case.

This motion is filed in the interest of justice and without intent to delay, as Defendant-Appellee’s Answering Brief is due August 18, 2025. No party will be prejudiced by the granting of this motion.

For these reasons, *amicus curiae* EPP respectfully requests this Court grant its Motion for Leave to File the attached brief and enter an order requiring such submission.

Respectfully submitted,

/s/ Timothy R. Snowball
Timothy R. Snowball

¹ Brief for Equal Protection Project of the Legal Insurrection Foundation as *Amicus Curiae* Supporting Petitioner, *Ames v. Ohio Dep’t of Youth Servs.*, 2024 WL 5184432 (U.S. Dec. 16, 2024).

James R. Nault
William A. Jacobson
EQUAL PROTECTION PROJECT of
the
LEGAL INSURRECTION
FOUNDATION
18 Maple Avenue 280
Barrington, RI 02806
Telephone: (401)246-4192
Email: tim@legalinsurrection.com
jnault@legalinsurrection.com
contact@legalinsurrection.com

*Counsel for Proposed Amicus Curiae
Equal Protection Project of the Legal Insurrection Foundation*

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2025, the foregoing motion was electronically filed with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

/s/ Timothy R. Snowball
Timothy R. Snowball