26-3260

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

RAPID RELIEF TEAM (RRT) LTD.,
Plaintiff-Counter-Defendant - Appellee,

MELINDA (MINDY) MORTON, BROWN RUDNICK LLP, KATY-JADE CHURCH, MICHAEL GRAIF,
Counter-Defendants.

v.

CHERYL BAWTINHEIMER,
Defendant-Third-Party-Plaintiff-Third-Party-Defendant-Counter-Claimant - Appellant.

On Appeal from the United States District Court for the Southern District of New York;
No. 1:26-cv-07423-GHW (Hon. Gregory H. Woods)

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE DR. JILL AEBI-MYTTON AND THOMAS R. GRACE, ESQ. IN SUPPORT OF APPELLANT'S MOTION FOR INJUNCTION PENDING APPEAL

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November 18, 2026

Pursuant to Fed. R. App. P. 27 and 29, Dr. Jill Aebi-Mytton and Thomas R. Grace, Esq. move for leave to file the attached brief as amici curiae in support of Appellant Cheryl Bawtinheimer's motion for injunction pending appeal. This motion is accompanied by the proposed brief as required by Fed. R. App. P. 29(a)(3).

Counsel for Dr. Aebi-Mytton and Attorney Grace contacted counsel for the parties regarding the filing of the proposed amici curiae brief. Appellant's counsel has consented to the filing of the brief, while counsel for Appellees has not responded. Amici do not know whether the Appellees opposes this motion or intend to file a response.

ARGUMENT

I. Legal Standard

Courts routinely grant leave to file an amicus brief where amici have a direct interest in the matter, and the proposed brief is relevant to the issues presented and may be helpful to the Court in deciding them. Fed. R. App. P. 29(a)(3)(B). *See, e.g.*, *Neonatology Assocs., P.A. v. Comm'r*, 293 F.3d 128, 132-33 (3d Cir. 2002) (acknowledging that "it is preferable to err on the side of granting leave" so as not to deprive the court of a resource that may help the panel). The Supreme Court accepts amicus briefs on emergency applications. *See, e.g.*, *Mirabelli v. Bonta*, No. 25A810, 607 U.S. 492 (Mar. 2, 2026) (granting application in part after amicus briefs were filed at the application stage). Leave is particularly appropriate where, as here,

the proposed amici have engaged in academic research pertaining to the issues before the Court and have been directly affected by the parties' conduct that is before the Court as they both supply information that would go to the factors commonly considered on an injunction pending appeal. *See Hirschfeld v. Bd. of Elections*, 984 F.2d 35, 39 (2d Cir. 1993).

II. Amici Have a Direct Interest In the Issues Presented.

Amici are former members of the Plymouth Brethren Christian Church ("PBCC"), which founded Appellee Rapid Relief Team (RRT) Ltd. ("RRT"). ECF No. 7, ¶ 2.[1]They are part of the audience for which Appellant Cheryl Bawtinheimer's videos are made, and each has a stake in whether the Fourth Video stays offline while this appeal is pending.

Dr. Jill Aebi-Mytton is a Chartered Psychologist of the British Psychological Society and a Counselling Psychologist registered with the United Kingdom's Health and Care Professions Council. She was born into the Brethren, left with her parents in 1960, and has studied the psychological effects of leaving since 1990. Appellant's counterclaim cites her research. ECF No. 26, ¶ 2. In December 2012 the Charity Commission for England and Wales asked her for a witness statement in its proceeding over the PBCC's charitable status, which is the proceeding the Fourth

[1] Citations to "ECF No." are to the district court docket, and "Hr'g Tr." is the transcript of the November 5, 2026 conference, ECF No. 109.

Video discusses. While that proceeding was pending, she received many letters from lawyers representing the Brethren, and the university hosting her research shut down her research project.

Thomas R. Grace is a lawyer in Adelaide, South Australia. He was born into the Brethren, and his family left in 1970. He has told his own story on Appellant's podcast. His account, and those of the many other former members who have appeared there, reach their audience only so long as Appellant can publish without fear of another takedown.

The district court found that former members "rely on the podcast as a resource," and that a later judgment "cannot restore the opportunity to reach those viewers." Hr'g Tr. 34:2–8. Amici are among those viewers. They also speak for the interests of current and former members who are not before the Court but share their views.

III. A Brief From Amici Is Both Relevant and Desirable.

A motion for leave must show why an amicus brief is desirable and why the matters it raises are relevant to the disposition of the case. Fed. R. App. P. 29(a)(3)(B). Courts read those criteria broadly, because "it is preferable to err on the side of granting leave." *Neonatology Assocs., P.A.*, 293 F.3d at 133. Even on the narrowest view, leave is proper where an amicus offers "unique information or

perspective" beyond what the parties' lawyers can provide. *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997).

The brief is relevant. Appellant's motion turns on one contested question. The district court found that irreparable harm, the equities, and the public interest favor Appellant, and it denied relief for the Fourth Video only because the six-second image of RRT's homepage looked "more akin to 'an illustrative aid.'" Hr'g Tr. 27:5–6, 36:16–37:17; ECF No. 113. The proposed brief addresses that question. It also addresses the weight of the harm and the public interest, which bear on the showing Appellant must make on the merits. *In re World Trade Ctr. Disaster Site Litig.*, 503 F.3d 167, 170 (2d Cir. 2007).

The brief is desirable because it offers three things the parties cannot.

First, it offers first-hand knowledge of the regulatory history the Fourth Video recounts. Dr. Aebi-Mytton gave evidence in the Charity Commission proceeding. *See* ECF No. 26-14, ¶ 59. From that vantage, the brief explains why RRT's homepage is the object of the video's criticism and not an illustration of something else.

Second, it offers three decades of research on people who leave the Brethren, and both amici's experience of leaving when no resource like Appellant's existed. That bears on why months without the video cannot be made up after judgment.

Third, it offers the perspective of non-parties whose speech is at stake. The district court credited evidence that Appellant has censored herself for fear of further takedowns. Hr'g Tr. 35:15–25. Amici explain what that fear does to former members who are deciding whether to speak at all.

The proposed brief is 2,577 words, does not merely echo Appellant's arguments, and is filed in time for Appellees to review it and respond if they choose.

CONCLUSION

For the foregoing reasons, Dr. Jill Aebi-Mytton and Thomas Grace, Esq. respectfully ask the Court to grant them leave to file the attached brief.

Dated: November 18, 2026 *__/s/ Cameron L. Atkinson__*

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATION

I hereby certify that:

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 1,028 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f), as determined by the word counting feature of Microsoft Word 2016.
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), as Fed. R. App. P. 27(d)(1)(E) requires, because it has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point font.

Dated: November 18, 2026

/s/ Cameron L. Atkinson
Cameron L. Atkinson

CERTIFICATE OF SERVICE

I hereby certify that, on November 18, 2026, an electronic copy of the foregoing Motion for Leave to File Brief of Amici Curiae, together with the proposed brief, was filed with the Clerk of the Court using the Court's electronic filing system and thereby served upon all counsel appearing in this case.

/s/ Cameron L. Atkinson
Cameron L. Atkinson