

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LAWYERS' COMMITTEE FOR CIVIL
RIGHTS UNDER LAW,

Plaintiff,

v.

PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY; *et al.*,

Defendants.

Civil Action No. 1:17-cv-1354 (CKK)

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff Lawyers' Committee for Civil Rights Under Law, by and through counsel, hereby voluntarily dismiss, without prejudice, all claims made in their complaint against Defendants. In support of this motion, Plaintiff notes the following:

1. Dismissal without prejudice under Rule 41(a) is appropriate because Defendants have not filed an answer or motion for summary judgment.
2. Plaintiffs have achieved much of the relief sought in the Complaint, including:
 - a. On August 30, 2017, the Department of Justice formally apologized for the Commissions' failure to release documents before its first meeting in accordance with FACA and for its lack of candor with the Court.

b. Most of the documents identified in Defendants' September 29, 2017 *Vaughn* Index, ECF No. 33, have been released to the public by former Commissioner Matthew Dunlap.

<https://www.americanoversight.org/document/pacei-records-released-to-maine-secretary-of-state-dunlap>

c. The documents released demonstrate disturbing plans of the Commission to lay the groundwork for voter suppression efforts, based on fraudulent claims of voter fraud.

d. On January 3, 2018, fearful that the true aims and work of the Commission would become known to the public due to the instant lawsuit and the parallel Dunlap lawsuit, the President chose to disband the Commission.

3. In July 2018, counsel for Defendants asked Plaintiff whether it would consent to indefinitely staying this lawsuit pending developments in the separate lawsuit filed by former commissioner Matthew Dunlap. Plaintiffs responded that it would consent to a 30-day extension of Defendants' motion to dismiss, during which time Plaintiff would evaluate the developments in the Dunlap lawsuit to decide whether to proceed with this suit.

4. Defendants never followed up with Plaintiff, but instead proceeded to follow its motion to dismiss on August 29, 2018. Had Defendants inquired with Plaintiff, Plaintiff would have notified Defendants of its intent to dismiss this lawsuit given the intervening developments in the Dunlap suit.

5. While Plaintiff continues to believe that the *Vaughn*-type index provided by Defendants was deficient and missing pertinent records, given the ongoing Dunlap litigation and materials have been produced date, Plaintiff has decided to dismiss this suit in the interest of judicial economy.

For the foregoing reasons, this matter should be dismissed without prejudice.

Dated: September 7, 2018

Respectfully submitted,

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[PROPOSED] ORDER

In light of the Notice of Voluntary Dismissal, this action is hereby dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

Dated:
