

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

COMMON CAUSE, *et al.*,

Plaintiffs,

v.

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

Defendants.

Civil Action No. 1:17-cv-1398 (RCL)

**JOINT STATUS REPORT**

The parties, by their undersigned counsel, hereby provide the following joint status report in response to this Court's July 20, 2018 order.

The parties have met and conferred. The parties respectfully direct the Court's attention to several filings made in a related case, *Electronic Privacy Information Center v. Presidential Advisory Commission on Election Integrity* ("EPIC v. PACEI"), No. 17-1320 (CKK) (D.D.C.). There, the Director of White House Information Technology has stated that "[t]he White House stands ready to destroy the state voter data' that was collected, pending the resolution of litigation holds . . . and related litigation concerning the Commission." Order (July 19, 2018), *EPIC v. PACEI*, ECF No. 63 (quoting Fourth Decl. of Charles C. Herndon, ECF No. 61-1). The plaintiffs in this case have confirmed that they "do not oppose the deletion of data from the state voter rolls." *Id.* (quoting Pls' Letter, ECF No. 62-1). The *EPIC* court has directed the government to "file a Notice by August 20, 2018, confirming whether all state voter data

collected by the Commission has been deleted, and if not, identifying when Defendants expect to complete that process. Upon Defendants' confirmation of deletion, the Court expects that [*EPIC v. PACEI*] can be dismissed." *Id.*

The parties in this case have a similar expectation as they believe this case will be moot upon the government's destruction of the state voter data. Accordingly, defendants will file a notice in this case indicating when the state voter data has been destroyed. Upon that filing, the plaintiffs will file a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41.

Dated: August 3, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

ELIZABETH J. SHAPIRO  
Deputy Director

/s/ Joseph E. Borson  
CAROL FEDERIGHI  
Senior Trial Counsel  
KRISTINA A. WOLFE  
JOSEPH E. BORSON (Va. Bar No. 85519)  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
P.O. Box 883  
Washington, DC 20044  
Phone: (202) 514-1944  
Email: joseph.borson@usdoj.gov

*Counsel for Defendants*

/s/ Josephine Morse  
Josephine T. Morse (D.C. Bar No. 1531317)  
jmorse@democracyforward.org  
Javier M. Guzman (D.C. Bar No. 462679)  
jguzman@democracyforward.org

DEMOCRACY FORWARD FOUNDATION  
1333 H Street NW  
Washington, DC 20005  
Telephone: 202-701-1772

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 3, 2018, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of electronic filing to the parties.

/s/ Joseph E. Borson  
JOSEPH E. BORSON