

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

Civil Action No. 1:22-cv-00581-NYW

Colorado Montana Wyoming
State Area Conference of the NAACP,
League of Women Voters of Colorado, and
Mi Familia Vota,

Plaintiffs,

v.

United States Election Integrity Plan, Shawn Smith,
Ashley Epp, and Holly Kasun,

Defendants.

**MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION**

Plaintiffs Colorado Montana Wyoming State Area Conference of the NAACP, League of Women Voters of Colorado, and Mi Familia Vota (“Plaintiffs”) assert claims against United States Election Integrity Plan, Shawn Smith, Ashley Epp, and Holly Kasun (“Defendants”) for engaging in voter intimidation in violation of Section 11(b) of the Voting Rights Act of 1965 and the Ku Klux Klan Act.

Plaintiffs now move the Court for a temporary restraining order and preliminary injunction against Defendants and seek an order from the Court:

1. Enjoining Defendants, and anyone acting in concert with Defendants, from: (a) going uninvited to voters’ homes in order to question voters or household members about mail-in ballots, alleged voter fraud, or to intimidate voters from voting (including by mail); (b)

coordinating or organizing visits to voters' homes in order to question voters or household members about mail-in ballots, alleged voter fraud, or to intimidate voters from voting (including voting by mail); (c) taking photographs and maintaining databases of voters, their residences, or their vehicles; (d) carrying weapons when going to voters' homes to speak with voters or household members; (e) instructing or encouraging anyone to carry weapons during USEIP-related interactions with voters; and (f) engaging in other actions that threaten voters for having voted in 2020 or threaten or intimidate voters from voting in future elections.

2. Ordering that Defendants make no attempt to access or use their copies of existing photographs or databases of voters, their residences, or their vehicles; delete their copies of existing photographs or databases of voters, their residences, or their vehicles; and submit an affidavit to the Court attesting to the deletion of the same.

3. Order that the Defendants submit to the Court their original existing photographs and databases of voters, their residences, and their vehicles, and that these photographs and databases be restricted to the Court and the parties (Level 1) pursuant to D. C. Colo. L. Civ. R. 7.2.

4. Ordering that Plaintiffs are not required to give security as provided in Fed. R. Civ. P. 65(c); and

5. Ordering such other and further relief as the Court deems just and equitable.

This Motion For a Temporary Restraining Order and Preliminary Injunction is brought pursuant to Fed. R. Civ. P. 65 and is based on all of the files, records, and proceedings herein, including without limitation the contemporaneously-filed Declarations, Memorandum of Law, the arguments of counsel, and all other supporting documents and pleadings which are or may be submitted, and all other filings and proceedings in the above-captioned action.

Dated: March 9, 2022

LATHROP GPM LLP

By /s/Amy Erickson

Casey Breese (#51449)

Casey.breese@lathropgpm.com

Jean Paul Bradshaw

Jeanpaul.bradshaw@lathropgpm.com

Dion Farganis (Admission Pending)

Dion.farganis@lathropgpm.com

Reid Day

Reid.day@lathropgpm.com

Brian A. Dillon

Brian.dillon@lathropgpm.com

Amy Erickson (#54710)

Amy.erickson@lathropgpm.com

1515 Wynkoop Street, Suite 600

Denver, CO 80202

Telephone: (720) 931-3200

Courtney Hostetler

chostetler@freespeechforpeople.org

John Bonifaz

jbbonifaz@freespeechforpeople.org

Ben Clements

bclements@freespeechforpeople.org

Ron Fein

rfein@freespeechforpeople.org

FREE SPEECH FOR PEOPLE

1320 Centre Street, Suite 405

Newton, MA 02459

Telephone: (617) 249-3015

*ATTORNEYS FOR Plaintiffs Colorado Montana
Wyoming State Area Conference of the NAACP,
League of Women Voters of Colorado, and
Mi Familia Vota*