

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PUBLIC INTEREST LEGAL FOUNDATION,
INC.,

Plaintiff,

v.

TAHESHA WAY, in her official capacity as
Secretary of State for the State of New Jersey,

Defendant.

Civil Action No. 22-02865 (FLW)

ORDER

THIS MATTER having been opened to the Court on a motion to dismiss filed by Deputy Attorney General Steven M. Gleeson, Esq., counsel for Defendant Tahesha Way, in her official capacity as Secretary of State for the State of New Jersey (“Defendant”), for failure to state a claim under Fed. R. Civ. P. 12(b)(6); it appearing that Linda A. Kerns, Esq., Noel H. Johnson, Esq., and Maureen Riordan, Esq., counsel for Plaintiff Public Interest Legal Foundation (“Plaintiff”), opposed Defendant’s motion; the Court having considered the parties’ submissions without oral argument, pursuant to Fed. R. Civ. P. 78; for the reasons set forth in the Opinion filed on this date, and for good cause shown,

IT IS on this 9th day of November, 2022,

ORDERED that the Motion to Dismiss filed by Defendant (ECF No. 10) is **GRANTED** in part and **DENIED** in part as follows: Defendant’s motion is granted with respect to disclosure of the Voter Module based on the Court’s finding that it is not a record subject to disclosure under the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20507; however, Defendant’s motion is denied to the extent that she is directed to conduct a search of the State’s records and produce any informal instructions (such as emails to or from county officials) and hand-written notes

related to identifying, merging, and/or cancelling duplicate voter registration records within 45 days; or alternatively, respond as to why such records are exempt from production.

/s/ Freda L. Wolfson
Hon. Freda L. Wolfson
U.S. Chief District Judge

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