

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:21-cv-03384-PAB-MEH

PUBLIC INTEREST LEGAL FOUNDATION, INC.,

Plaintiff,

v.

JENA GRISWOLD, in her official capacity as Secretary of State for the Colorado,

Defendant.

JOINT STATUS REPORT

Pursuant to this Court's Order on October 20, 2023, Doc. 54, the parties jointly provide the following status report.

JOINT STATUS REPORT

Plaintiff filed its Complaint on December 16, 2021, alleging that the Defendant violated the Public Disclosure Provision of the National Voter Registration Act of 1993 ("NVRA") by not disclosing certain records requested by Plaintiff. *See* 52 U.S.C. § 20507(i)(1). Defendant filed a motion to dismiss on April 11, 2022, arguing that other federal laws—including the Bipartisan Budget Act of 2013, the Driver's Privacy Protection Act of 1994, and certain privacy laws—required Defendant to maintain the confidentiality of the requested records. Doc. 23.

The Court issued its ruling on Defendant's motion to dismiss on September 29, 2023. Doc. 47. The Court denied Defendant's motion, explaining that the Court can harmonize the competing statutory regimes by "order[ing] redaction of uniquely sensitive information in otherwise disclosable documents." *Id.* at 15 (quotations omitted).

Since receiving the order on the motion to dismiss, the parties have been conferring cooperatively regarding a potential settlement structure modeled on a settlement in another case filed by Plaintiff. The parties' counsel conducted telephone conferences on October 12, November 1, and November 14, 2023. Those conferences have been productive and the parties are currently narrowing the areas where further discussions are required. Defendant's counsel has recently prepared draft settlement language, based on the model from Plaintiff's other case, and is currently reviewing the language with his client. Additional time is necessary to permit the parties to continue their settlement discussions. The parties believe that discovery and other case management activities are unnecessary at this time.

Absent other direction from the Court, the parties will file another joint status report, or an appropriate motion regarding settlement or case management activities, on or before December 20, 2023.

Dated: November 20, 2023

PUBLIC INTEREST LEGAL FOUNDATION

s/ Noel H. Johnson

KAYLAN L. PHILLIPS

NOEL H. JOHNSON

107 S. West Street, Suite 700

Alexandria, VA 22314

Telephone: (703) 745-5870

Email: kphillips@PublicInterestLegal.org

njohnson@PublicInterestLegal.org

Attorneys for Plaintiff

PHILIP J. WEISER

Attorney General

s/ Grant T. Sullivan

GRANT T. SULLIVAN

Assistant Solicitor General

Attorney for The State of Colorado

Ralph L. Carr Colorado Judicial Center

1300 Broadway, 6th Floor

Denver, Colorado 80203

Telephone: 720-508-6349

E-Mail: grant.sullivan@coag.gov

Attorney for Defendant