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LAURA CASTILLO NAGI, and
EQUALLY AMERICAN

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

VICENTE TOPASNA BORJA,
EDMUND FREDERICK SCHROEDER,
JR., RAVINDER SINGH NAGI,
PATRICIA ARROYO RODRIGUEZ,
LAURA CASTILLO NAGI, and
EQUALLY AMERICAN,

Plaintiffs,

v.

SCOTT NAGO,
in his official capacity as the Chief
Election Officer for the Hawaii Office
of Elections,

No. CV 20-00433 JAO-RT

Honorable Judge Jill A. Otake

Honorable Magistrate Judge Rom
Trader

**PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT;
MEMORANDUM IN SUPPORT
OF MOTION; CERTIFICATE
OF SERVICE**

GLEN TAKAHASHI,
in his official capacity as Clerk of the
City and County of Honolulu,

UNITED STATES OF AMERICA,

LLOYD J. AUSTIN III,
in his official capacity as the Secretary
of Defense,

FEDERAL VOTING ASSISTANCE
PROGRAM, and

DAVID BEIRNE,
in his official capacity as Director of the
Federal Voting Assistance Program,

Defendants.

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

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Plaintiffs Vicente Topasna Borja, Edmund Frederick Schroeder, Jr., Ravinder Singh Nagi, Patricia Arroyo Rodriguez, Laura Castillo Nagi (collectively, the “Individual Plaintiffs”) and Equally American Legal Defense and Education Fund (“Equally American”), by and through their attorneys, hereby move this Court to grant summary judgment in favor of plaintiffs as to their sole cause of action.

Plaintiffs are entitled to summary judgment because, as detailed in the attached memorandum and demonstrated in the supporting documents, the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), 52 U.S.C. §§ 20301–20311, and Hawaii law implementing it, the Uniform Military and Overseas Voters Act (“UMOVA”), H.R.S. §§ 15D-1 to -18, and UMOVA regulations, H.A.R. § 3-177-600(d) violate plaintiffs’ equal protection rights by protecting the right to vote of some overseas citizens while restricting it for others, including plaintiffs.

This motion is brought pursuant to Rules 7 and 56 of the Federal Rules of Civil Procedures and is supported by the attached Memorandum in Support of this Motion, the Concise Statement in support of this motion, the attached declarations and exhibits and the entire file herein. This motion is made following the conference of counsel pursuant to L.R. 7.8, which first took place on November

18, 2020 and continued thereafter by telephonic and e-mail communication culminating in additional conferences on October 18 and 20, 2021.

Dated: November 22, 2021, at Honolulu, Hawaii

Respectfully submitted,

/s/Anthony "T.J." Quan

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