

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AL SCHMIDT, in his official capacity as Secretary  
of the Commonwealth of Pennsylvania, *et al.*,

Defendants.

Civil Case No.: No. 2:25-cv-1481

**UNITED STATES' RESPONSE TO  
NOTICE OF SUPPLEMENTAL  
AUTHORITY FILED BY  
DEFENDANT MIKE CROSSEY,  
ET AL. (DKT. 139)**

Hon. Cathy Bissoon, Chief Judge

The United States respectfully submits this response to Notice of Supplemental Authority filed by Defendant Mike Crossey, et al., Dkt. 139.

In *United States v. Galvin*, No. 25-13816, 2026 WL 972129 (D. Mass. Apr. 9, 2026) (*Galvin*), the District Court ruled that Title III of the Civil Rights Act of 1960 (CRA), 52 U.S.C. § 20703, requires that the Attorney General's written demand for records must provide a "factual basis," not just a legal basis. *Galvin*, at \*3 (emphasis added). *Galvin* acknowledged that in *Kennedy v. Lynd*, 306 F.2d 222, the stated basis for the demand was merely that there was "information in the possession of the Attorney General tending to show that" the states were violating the law. *Id.* at 229 n. 6. Nevertheless, *Galvin* ruled that the Attorney General's written demand letters did not provide a factual basis that satisfied *Lynd*. See *Galvin*, at \*4.

The United States respectfully disagrees with *Galvin*'s overly formalistic interpretation of CRA procedure. Another out-of-circuit district noted in a footnote that a similar pair of demand letters "collectively put [the State] on notice of the basis and purpose of its request, which is sufficient to comply with the CRA." *United States v. Benson*, No. 25-1148, 2026 WL 362789, at \*8, fn. 3 (W.D. Mich. Feb. 10, 2026), *appeal docketed* Feb. 27, 2026. Pending the ruling on the Motion to Transfer, if persuaded by *Galvin*'s formalistic approach, the United States requests that

the Court provide leave for the United States to send Defendants a curing elaboration letter rather than dismiss on the merits to avoid unnecessary delay in resolution of the underlying legal issues.<sup>1</sup>

Dated: April 13, 2026

Respectfully submitted,

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<sup>1</sup> Judge Kari A. Dooley, United States District Judge for the District of Connecticut, suggested the requisite cure for any alleged deficiency in the written demand, said: “If . . . I find the [written demand] letter does not meet the requisites for a court order, aren’t we just back here in six months after a new letter has been sent?” *United States v. Thomas*, No. 3:26-cv-00021-KAD, Tr. of Oral Arg. 85:19-22 (D. Conn. Mar. 19, 2026) (attached as Ex. 1).

**CERTIFICATE OF SERVICE**

I hereby certify that on April 13, 2026, a true and correct copy of the foregoing document with all attachments was served via the Court's ECF system to all counsels of record.

/s/ Jonathon P. Hauenschild  
Jonathon P. Hauenschild

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