

1 HARMEET K. DHILLON  
Assistant Attorney General  
2 Civil Rights Division

SIGAL CHATTAH  
First Assistant United States Attorney  
District of Nevada

3 ROBERT J. KEENAN  
4 Acting Deputy Assistant Attorney General  
Civil Rights Division

SUMMER ALLEGRA JOHNSON  
Assistant United States Attorney  
District of Nevada  
501 Las Vegas Blvd. South  
Ste. 1100  
Las Vegas, NV 89101  
summer.johnson@usdoj.gov  
702-388-6336

6 ERIC V. NEFF  
Acting Chief, Voting Section  
7 Civil Rights Division

8 JONATHON P. HAUENSCHILD  
9 Trial Attorney, Voting Section  
Civil Rights Division

10 U.S. Department of Justice  
11 Civil Rights Division, Voting Section  
12 4 Constitution Square  
13 150 M Street NE, Room 8.1134  
Washington, D.C. 20002  
14 Jonathon.Hauenschild@usdoj.gov  
Tel. (202) 215-2110

15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE DISTRICT OF NEVADA

17  
18  
19 UNITED STATES OF AMERICA  
20 Plaintiff(s),

21 v.

22  
23 FRANCISCO V. AGUILAR, in his Official  
24 Capacity as Secretary of State for the State of  
Nevada

25 Defendant(s).  
26  
27  
28

CASE NO:

3:25-CV-00728-ART-CLB

**UNITED STATES RESPONSE TO  
SUPPLEMENT TO MOTION TO  
DISMISS FILED BY INTERVENOR-  
DEFENDANTS JACQUELINE SUE  
BIRD, INSTITUTE FOR A  
PROGRESSIVE NEVADA, NAACP  
CONFERENCE OF IDAHO,  
NEVADA, AND UTAH, AND  
NEVADA ALLIANCE FOR  
RETIRED AMERICANS (DKT. 70)**

1 The United States respectfully submits this response to Intervenor-Defendants’  
2 Supplement to their Motion to Dismiss (Dkt. 70).

3 In *United States v. Galvin*, No. 25-13816, 2026 WL 972129 (D. Mass. Apr. 9, 2026)  
4 (*Galvin*), the District Court ruled that Title III of the Civil Rights Act of 1960 (CRA), 52 U.S.C.  
5 § 20703, requires that the Attorney General’s written demand for records must provide a “*factual*  
6 *basis*,” not just a legal basis, to support a demand. *Galvin*, at \*3 (emphasis added). *Galvin*  
7 acknowledged that in *Kennedy v. Lynd*, 306 F.2d 222, the stated basis for the demand was merely  
8 that there was “information in the possession of the Attorney General tending to show that” the  
9 states were violating the law. *Id.* at 229 n. 6. Nevertheless, *Galvin* ruled that the Attorney  
10 General’s written demand letters did not provide a factual basis that satisfied *Lynd*. See *Galvin*,  
11 at \*4.

12 The United States respectfully disagrees with *Galvin*’s overly formalistic interpretation of  
13 CRA procedure. Another out-of-circuit district noted in a footnote that a similar pair of demand  
14 letters “collectively put [the State] on notice of the basis and purpose of its request, which is  
15 sufficient to comply with the CRA.” *United States v. Benson*, No. 25-1148, 2026 WL 362789, at  
16 \*8, fn. 3 (W.D. Mich. Feb. 10, 2026), *appeal docketed* Feb. 27, 2026. If the Court is persuaded  
17 by *Galvin*’s formalistic approach, the United States requests that the Court provide leave for the  
18 United States to send the Defendant[s] a curing elaboration letter rather than dismiss on the  
19 merits to avoid unnecessary delay in resolution of the underlying legal issues.<sup>1</sup>

20 ///

21 ///

22 [Signatures Next Page]

23 ///

24 ///

25 \_\_\_\_\_  
26 <sup>1</sup> Judge Kari A. Dooley, United States District Judge for the District of Connecticut, suggesting  
27 the requisite cure for any alleged deficiency in the written demand, said: “If . . . I find the [written  
28 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).

1 Dated this 13th day of April, 2026

2  
3 SIGAL CHATTAH  
4 First Assistant United States Attorney  
5 District of Nevada

HARMEET K. DHILLON  
Assistant Attorney General  
Civil Rights Division

6 SUMMER ALLEGRA JOHNSON  
7 Assistant United States Attorney  
8 District of Nevada

ROBERT J. KEENAN  
Acting Deputy Assistant Attorney General  
Civil Rights Division

9 ERIC V. NEFF  
10 Acting Chief  
11 Voting Section, Civil Rights Division

12 /s/ Jonathon P. Hauenschild  
13 JONATHON P. HAUENSCHILD  
14 Trial Attorney  
15 Voting Section, Civil Rights Division  
16 4 Constitution Square  
17 150 M Street NE, Room 8.1134  
18 Washington, D.C. 20002  
19 Jonathon.Hauenschild@usdoj.gov  
20 Tel. (202) 215-2110

**CERTIFICATE OF SERVICE**

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

/s/ Jonathon P. Hauenschild  
Jonathon P. Hauenschild

RETRIEVED FROM DEMOCRACYDOCKET.COM

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28