

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

Plaintiff,

v.

STEPHANIE THOMAS, in her Official
Capacity as Secretary of State of Connecticut

Defendant(s).

Case Number: 3:26-cv-00021-KAD

**UNITED STATES' RESPONSE TO
ADDITIONAL AUTHORITY FILED BY
INTERVENOR-DEFENDANTS
COMMON CAUSE, ET AL. (DKT. 90)**

The United States respectfully submits this response to Notice of Additional Authority filed by Intervenor Defendants Common Cause, et al. (Dkt. 90).

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. If the Court is persuaded by *Galvin*'s formalistic approach, the United States requests that this Court – as it suggested during oral arguments¹ – provide leave for the United States to send Secretary Thomas a curing elaboration letter rather than dismiss on the merits to avoid unnecessary delay in resolution of the underlying legal matter.

Respectfully submitted this 13th day of April 2026

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¹ See Tr. of Oral Arg. 85:19-22, *United States v. Thomas*, No. 3:26-cv-00021-KAD, (D. Conn. Mar. 19, 2026) (attached as Ex. 1).