

disadvantages. Plaintiffs quantified some of those burdens and costs, *see, e.g.*, ECF No. 61 (“App.”) 12, 17, 21–22, 45–46, 63, while other burdens and costs cannot yet be quantified, *see, e.g.*, App. 21–23, 31, 39–40, 44–48, 56, but need not be (at least at this stage), ECF No. 60 at 7, 23 (citing cases). Plaintiffs’ injuries are neither speculative nor attenuated. The spending effects here are those of specific administrators, candidates, and political parties, not effects on States.

Ashcroft alleged future injuries. ECF No. 70-1 (“Op.”) 5–6 (noting allegations phrased as “will produce ... will be forced,” etc.). The court concluded that Ashcroft thus “predict[ed], rather than “allege[d], increased costs, and ... provide[d] nothing specific or concrete to support those predications.” Op. 6. Here, Plaintiffs allege specific costs already incurred. At App. 11, 17, 28, 32, 52, 56–59, 63, Plaintiffs also provide evidence and “specifically allege the involvement of ... third-party organization[s] in implementing the EO.” Op. 6. Plaintiffs have expended additional resources to combat the effects of actions implementing the EO by Defendants and third parties known to partner with Defendants to implement the EO. *See* App. 12. These include acts in the Amarillo Division by third parties affiliated with Defendants. *See* App. 11. Several Plaintiffs cite their competitive injuries from these activities, *see, e.g.*, App. 58, and expert testimony showed that the referenced actions result in such disadvantages, App. 67–70. Election administrators are claiming specific instances of illegal alien registrations and even voting. App. 36. And at App. 36, 45–46, Plaintiffs provide evidence and “allege a causal link between the EO and ... submissions of duplicative or ineligible voter registration forms.” Op. 6.

Plaintiffs allege and provide evidence of fairly traceable injuries because Defendants’ actions need be only contributing factors, not the but-for cause, of Plaintiffs’ injuries. ECF No. 60 at 13–14 (citing cases). And beyond the 2024 election, enjoining Defendants’ actions would mitigate ongoing injuries in 2026 and beyond. The Court should reject Defendants’ argument.

November 5, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

On November 5, 2024, the foregoing document was filed with the Clerk of Court for the United States District Court, Northern District of Texas using the Court's CM/EC system. I hereby certify that I have served the document on all counsel of record by manner authorized by Federal Rule of Civil Procedure 5(b)(2) (ECF system).

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