

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JENA GRISWOLD, in her official capacity
as Secretary of State for the State of
Colorado,

Defendant.

Civil Case No.: 1:25-cv-03967

**UNOPPOSED MOTION FOR LEAVE
TO FILE BRIEF OF *AMICI CURIAE*
FORMER EMPLOYEES OF THE U.S.
DEPARTMENT OF JUSTICE**

Amici Former Employees of the U.S. Department of Justice (“Former Employees”) respectfully move for leave to file a brief in this matter as *amici curiae*. The proposed brief is attached to this motion.

Certificate of Conferral: Pursuant to Rule 7.1(a), counsel for the Former Employees conferred with counsel for the parties and intervenors to seek their position on this motion. The Common Cause Intervenors consent to this motion, Defendant does not oppose the motion, and Plaintiff and the Colorado Alliance for Retired Americans Intervenors take no position.

The Former Employees are all attorneys who worked on voting enforcement in the Civil Rights Division of the U.S. Department of Justice (DOJ), either in DOJ’s Voting Section, in the Appellate Section of the Civil Rights Division, or as political appointees. The identities of the individual *amici* are listed in an Appendix attached with the proposed brief. Many of them made, reviewed, and approved information requests to States and localities under Title III of the Civil Rights Act of 1960, or have litigated under the Civil Rights Act, the National Voter Registration Act (NVRA), and the Help America Vote Act (HAVA) on behalf of the United States, while at

DOJ. *Amici* have a strong interest in ensuring that Title III continues to provide for robust disclosure and investigatory authority, but also that courts properly apply statutory text and precedent to avoid the sorts of abuses evidenced in this case.

The Court should exercise its discretion to allow the Former Employees to participate as *amici*. There is no “‘pertinent rule of civil procedure’ governing amicus participation in federal district courts,” and “[c]ourts have broad discretion in determining whether to allow participation by *amicus curiae*.” *Sgaggio v. Young*, 2022 WL 970008, at *3-4 (D. Colo. Mar. 31, 2022) (Brimmer, J.). In deciding whether to accept amicus briefs, courts look to Federal Rule of Appellate Procedure 29, under which “a person or entity may participate as *amicus curiae* if it has an interest in the case, the matters it seeks to address are relevant, and its participation is desirable.” *Id.* at *3. In particular, courts ask whether an amicus brief “offers ‘unique information [and] perspective that can help the court beyond the held that the lawyers for the parties are able to provide.’” *SEC v. Cetera Advisors LLC*, 2020 WL 13470960, at *2 (D. Colo. Aug. 25, 2020) (alteration in original). Courts liberally exercise their discretion to grant leave to file amicus briefs. *See, e.g., id.* at *3; *AbbVie, Inc. v. Weiser*, 2025 WL 3041825, at *1 n.2 (D. Colo. Oct. 31, 2025); *Sgaggio*, 2022 WL 970008, at *5; *cf. Neonatology Assocs. v. Comm’r of Internal Revenue*, 293 F.3d 128, 133 (3d Cir. 2002) (Alito, J.) (noting that the “predominant practice in the courts of appeals” is to grant motions for leave to participate as amicus “unless it is obvious that the proposed briefs do not meet Rule 29’s criteria as broadly interpreted”).

The Court should grant the Former Employees leave to file a brief because their perspective as *amici* will be useful to the Court’s consideration of the factual and legal issues in the case, including in deciding Defendants’ motions to dismiss. The Former Employees are in a unique

position. As attorneys who worked on voting cases at DOJ, the Former Employees retain a great respect for DOJ's legitimate enforcement role and seek to avoid artificial limitations on its statutory authority. Yet at the same time, their former roles as DOJ attorneys on voting cases gave them insight into and an appreciation for the statutory limits that prevent abuses of DOJ's enforcement authority. Given both their subject-matter expertise and their personal experience with the information-disclosure statutes at issue in this case, the Former Employees bring a uniquely helpful perspective. *See, e.g., Cetera Advisors*, 2020 WL 13470960, at *2.

The Former Employees also add new information relevant to the Court's decision-making. For example, they provide details of prior DOJ information requests under Title III, from which the requests made to nearly all States over the past year are a marked departure. They also provide media stories and public statements from DOJ to help the Court to assess whether DOJ's proffered "purpose" for obtaining States' full, unredacted voter rolls, 52 U.S.C. § 20703, differs from its apparent true purpose.

The *amici* Former Employees of the U.S. Department of Justice therefore request leave to file the attached amicus brief.

Dated: February 18, 2026

Respectfully submitted,

/s/ Leah Godesky

Leah Godesky
O'MELVENY & MYERS LLP
1999 Avenue of the Stars, 8th Floor
Los Angeles, CA 90067
(310) 246-8501
lgodesky@omm.com

Attorney for Amici Curiae Former Employees of the U.S. Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February, 2026, I caused to be served a copy of the above document on all counsel of record and parties via the ECF system.

/s/ Leah Godesky

Leah Godesky