

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

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**PUBLIC INTEREST LEGAL FOUNDATION, INC.,**

*Plaintiff,*

v.

**MONICA HOLMAN EVANS**, in her official capacity  
as Executive Director of the District of Columbia Board  
of Elections,

*Defendant.*

Case No. 1:21-cv-03180-FYP

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**PLAINTIFF’S MOTION FOR LEAVE TO FILE SURREPLY**

Plaintiff Public Interest Legal Foundation, Inc. (“Foundation”) respectfully moves for leave to file the attached surreply. *Patel v. Bureau of Prisons*, Civil Action No. 09-200 (RWR), 2011 U.S. Dist. LEXIS 164647, at \*2 (D.D.C. Nov. 28, 2011) (“[I]f a party wishes to file a surreply, the party must seek leave of Court to do so.”). The information presented by the proposed surreply was not available to the Foundation at the time the Foundation filed its response to Defendant’s motion to dismiss (Doc. 10, filed Feb. 17, 2022). The information presented is generally relevant to Defendant’s position that the ERIC Deceased Reports are not public records under the NVRA and specifically two of Defendant’s primary defenses: that the Foundation’s claim conflicts with (1) the Driver’s Privacy Protection Act (Doc. 9-1 at 23-24) and (2) federal laws governing the Limited Access Death Master File (Doc. 9-1 at 23-27; Doc. 12 at 12). For these reasons, good cause to grant this motion exists.

Prior to filing this motion, the Foundation’s counsel conferred with Defendant’s counsel. Defendant takes no position on Plaintiff’s motion having not seen Plaintiff’s proposed exhibit or surreply.

Date: July 22, 2022.

Respectfully submitted,

/s/ Noel H. Johnson

Kaylan L. Phillips (D.C. Bar #1011583)

Noel H. Johnson\* (Wisconsin Bar #1068004)

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\* *Motion for admission pro hac vice granted*

*Attorneys for Plaintiff Public Interest Legal  
Foundation*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2022, I electronically filed the foregoing using the Court's ECF system, which will serve notice on all parties.

/s/ Noel H. Johnson  
Noel H. Johnson  
Counsel for Plaintiff  
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