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Attorneys for Plaintiff Phil Lyman

**United States District Court
District of Utah**

PHIL LYMAN,

Plaintiff,

v.

DEIDRE M. HENDERSON, in her official capacity as
the Lieutenant Governor of Utah,

Defendant.

**PLAINTIFF'S NOTICE OF
SUPPLEMENTAL
AUTHORITY**

Case No. 4:25-cv-00069

Judge David Nuffer

Pursuant to DUCivR 7-1(c), Plaintiff notifies the court of the Tenth Circuit's decision in *Voter Reference Found. v. Torrez*, 2025 U.S. App. LEXIS 30820 (10th Cir. Nov. 25, 2025) (attached as Exhibit A), relevant to Plaintiff's motion for summary judgment (Doc. 17).

Voter Reference Found. involved access to and use of voter registration records similar to those in this action. In that case, the Tenth Circuit affirmed the district court's order that New Mexico's restrictions on use and sharing of voter data are preempted by the National Voter

Registration Act (NVRA). Exhibit A at 3. The holding on preemption in *Voter Reference Found.* pertains to pages 10-13 of Plaintiff's motion for summary judgment where Plaintiff argues Utah's restrictions on access to the statewide registration list are preempted by the NVRA. In reaching its holding, the Tenth Circuit stated, “[p]ut simply, making voter data unavailable for close public scrutiny disrupts the purpose and intended effects of the NVRA.” Exhibit A at 22. The Tenth Circuit went on to explain that the state's restrictions “stand as obstacles to the accomplishment and execution of the full purposes and objectives of Congress as set out in the NVRA.” Exhibit A at 25 (quoting *In re Universal Serv. Fund. Tel. Billing Prac. Litig.*, 619 F.3d 1199, 1196 (10th Cir. 2010)) (cleaned up).

The Tenth Circuit's decision in *Voter Reference Found.* also pertains to pages 7-10 of Plaintiff's motion for summary judgment where Plaintiff argues Utah's list of registered voters is within the scope of the NVRA. In *Voter Reference Found.*, the Tenth Circuit held that the term “record” as used in 52 U.S.C. § 20507(i)(1) includes “dynamic, electronic documents” and “data that is allegedly ‘newly created.’” Exhibit A at 27-35.

Dated: December 4, 2025.

For the Plaintiff Phil Lyman:

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2025, a true and correct copy of the foregoing PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY was electronically filed with the clerk of the court utilizing the CM/ECF system.

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