

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

COMMON CAUSE, et al.

Plaintiffs,

v.

DONALD J. TRUMP, et al.

Defendants.

No. 1:20-cv-02023-CRC

**NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT,
OR IN THE ALTERNATIVE, EXPEDITED TRIAL ON THE MERITS**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 56 and Local Civil Rule 7(h), Plaintiffs hereby move the Court for partial summary judgment with respect to Counts I, IV, and V of their First Amended Complaint (ECF No. 28), or in the alternative, expedited trial on the merits.

Plaintiffs request that the Court declare that the July 21, 2020 Presidential Memorandum, *Memorandum on Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census*, 85 Fed. Reg. 44,679 (July 23, 2020) (the “Memorandum”), violates Article I and the Fourteenth Amendment to the U.S. Constitution; declare that the Memorandum violates 2 U.S.C. § 2(a), 13 U.S.C. § 195, and 13 U.S.C. § 141; and enjoin Defendants and all others acting in concert with them from taking any steps to comply with, implement, or enforce the Memorandum.

In support of this motion, Plaintiffs rely on the accompanying Memorandum of Law; their Statement of Undisputed Material Facts; the Declaration of Peter A. Nelson dated

August 19, 2020; the exhibits attached to that Declaration; the pleadings and papers on file in this action; and any argument and evidence that is presented on the hearing of this motion.

DATED: August 19, 2020

/s/ Daniel S. Ruzumna

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