

Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LEAGUE OF WOMEN VOTERS, *et al.*,

Plaintiffs,

v.

Case No. 1:25-cv-03501

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

**DECLARATION OF JENNIFER FOUNTAIN CONNOLLY IN SUPPORT OF
MOTION FOR CERTIFICATION OF PRELIMINARY RELIEF SUBCLASS**

I, Jennifer Fountain Connolly, do hereby declare as follows:

1. I am a Senior Legal Advisor at Democracy Forward Foundation. I represent Plaintiffs in the above-titled action, and I submit this Declaration in support of Plaintiffs J. Doe 1, J. Doe 4, and J. Doe 5's Motion for Certification of Preliminary Relief Subclass. I have personal knowledge of the facts stated herein and, if called to testify, could and would testify competently thereto.

2. Democracy Forward Foundation, Citizens for Responsibility and Ethics in Washington, and Fair Elections Center seek appointment as counsel to the class, in the Motion for Certification of Preliminary Relief Subclass.

3. Democracy Forward Foundation (DFF) is a nonprofit national legal organization that advances democracy and social progress through litigation, policy and public education, and regulatory engagement. DFF represents clients, including non-profits, local governments, tribes, small businesses, unions, and individuals, in challenging harmful and unlawful governmental action and in supporting governmental action. As part of this work, DFF has litigated dozens of administrative law cases generally, including cases involving the Privacy Act specifically, such

as *EPIC v. U.S. O.P.M., et al.*, No. 1:25-cv-00255 (E.D. Va.); *Center for Taxpayer Rights, et al. v. IRS*, No. 1:25-cv-00457 (D.D.C.); *AFSCME et al v. SSA*, No. 1:25-cv-00596 (D. Md.); and *AFL-CIO et al. v. DOL et al.*, No. 1:25-cv-00339 (D.D.C.).

4. Citizens for Responsibility and Ethics in Washington (CREW) is a nonpartisan nonprofit government watchdog organization that works to hold the government accountable to the American people and to preserve the democratic institutions Americans count on. CREW brings high-impact legal actions to further its core principles of promoting an open, ethical, and accountable government. As part of this work, CREW's attorneys have litigated dozens of administrative law, government-information, and constitutional cases, including cases under the Administrative Procedure Act (APA) and the Freedom of Information Act (the sister statute of the Privacy Act), such as *CREW v. OMB*, No. 25-cv-1051 (D.D.C.) (APA); *CREW v. U.S. DOGE Service*, No. 25-cv-551 (D.D.C.) (FOIA and APA); *CREW v. NARA*, 20-cv-739 (D.D.C.) (APA); *CREW v. Dep't of the Army*, No. 21-cv-2482 (D.D.C.) (FOIA); *CREW v. DOJ*, No. 11-1021 (FOIA case involving Privacy Act defenses); *CREW v. Nat'l Indian Gaming Comm'n*, No. 05-cv-806 (D.D.C.) (same).

5. Fair Elections Center is a national, nonpartisan voting rights and election reform organization, based in Washington D.C., which uses litigation, public education, and advocacy to remove barriers to registration and voting, particularly those disenfranchising underrepresented and marginalized communities. Fair Elections Center (previously known as Fair Elections Legal Network) attorneys have been counsel in numerous cases seeking the vindication of voting rights, including challenges to laws imposing citizenship checks on voters. These cases include but are not limited to *Mi Familia Vota v. Fontes*, No. CV-22-00509-PHX-SRB, 2024 WL 862406 (D. Ariz. Feb. 29, 2024), *aff'd in part, vacated in part, remanded*, 129 F.4th 691 (9th Cir. 2025); *Alabama Coalition for Immigrant Justice v. Allen*, No. 2:24-cv-01254, 2024 WL

4510476 (N.D. Ala. Oct. 16, 2024); *League of Women Voters v. Hargett*, 400 F. Supp. 3d 706 (M.D. Tenn. 2019); *Democracy N. Carolina v. N. Carolina State Bd. of Elections*, No. 1:20CV457, 2020 WL 4484063 (M.D.N.C. Aug. 4, 2020), *reconsideration denied*, No. 1:20CV457, 2020 WL 6591396 (M.D.N.C. Sept. 30, 2020); *Arcia v. Fla. Sec'y of State*, 772 F.3d 1335 (11th Cir. 2014).

6. The team at DFF working on this case includes Aman George, Mark Samburg, Johanna Hickman, Robin Thurston, and myself. DFF is co-counsel for Plaintiffs in this action with CREW and Fair Elections Center.¹ The team at CREW working on this case includes Nikhel S. Sus, John B. Hill, Lauren C. Bingham, and Yoseph T. Desta. The team at Fair Elections Center working on this case includes Jon Sherman, Michelle Kanter Cohen, and Emily Davis.

A. DFF

7. I have over 25 years of experience litigating complex litigation of all types, including leading dozens of class actions filed in federal courts as a partner at several major plaintiffs' class action firms, including Baron & Budd, P.C. and Hagens Berman Sobol Shapiro LLP. Prior to coming to DFF, I represented ten state attorneys general and several large municipalities in cases related to the opioid crisis that were coordinated with *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio). I have led class actions alleging violations of antitrust and consumer protection laws and challenging drug pricing practices, constitutional violations, and adverse employment actions. I received my B.A. with High Honors from the University of Chicago, and my J.D. from the University of Denver Sturm College of Law.

¹ The Electronic Privacy Information Center is also counsel of record in this case, but not for all Plaintiffs and not for the class.

8. Aman George is a Senior Counsel at DFF. He has substantial experience litigating high-profile constitutional and administrative law challenges to federal statutes, executive orders, and other government programs and agency actions across a wide range of federal laws, including the Privacy Act, Federal Advisory Committee Act, Securities and Exchange Act, Freedom of Information Act, and the Constitution's separation of powers doctrine, most of which involved claims brought under the APA. Prior to joining DFF, he was an associate in the white collar investigations practice at Covington & Burling. Mr. George holds a J.D., *cum laude*, from Harvard Law School and a B.A. in Government and Foreign Affairs and Economics from the University of Virginia.

9. Mark Samburg is a Senior Counsel at DFF. He has substantial experience litigating high-profile constitutional and administrative law challenges to federal statutes, executive orders, and other government programs and agency actions across a wide range of federal laws, including constitutional litigation and litigation under the Privacy Act and other statutes concerning the government's maintenance and use of sensitive information, most of which involved claims brought under the APA. Prior to joining DFF, Mr. Samburg worked at the Consumer Financial Protection Bureau, most recently as the Senior Legal Advisor to the Deputy Director and to the Chief Operating Officer. He previously served in several other roles at the Bureau, including as Chief of Staff of the Bureau's Division of Supervision, Enforcement, and Fair Lending. Before joining the Bureau, he worked in private practice as outside counsel to state and municipal attorneys on consumer protection actions at Cohen Milstein Sellers & Toll PLLC and clerked for Judge Leonard I. Garth of the U.S. Court of Appeals for the Third Circuit and for Associate Justices Lubbie Harper, Jr. and Joette Katz of the Connecticut Supreme Court. Mark holds a J.D., *cum laude*, from Harvard Law School and a B.A., *summa cum laude*, from Brandeis University.

10. Johanna M. Hickman is a Senior Counsel at DFF. She has substantial experience litigating high-profile constitutional and administrative law challenges to government programs and agency actions and in complex civil litigation. Prior to joining DFF, Ms. Hickman was a senior enforcement attorney at the Consumer Financial Protection Bureau, where she investigated and litigated violations of the Consumer Financial Protection Act and other federal consumer financial protection laws. Prior to that, she worked in private practice as outside counsel to states and municipalities in complex consumer protection and Medicaid fraud investigations and enforcement actions at Cohen Milstein Sellers & Toll PLLC and in the Environmental, Health & Safety practice at Willkie Farr & Gallagher, LLP. Ms. Hickman clerked for Judge James I. Cohn of the U.S. District Court for the Southern District of Florida and holds a J.D., *cum laude*, from the Georgetown University Law Center and a B.A. with Highest Honors from the University of North Carolina at Chapel Hill.

11. Robin Thurston is a Legal Director at DFF. She has substantial experience litigating and overseeing high-profile constitutional and administrative law challenges to federal statutes, executive orders, and other government programs and agency actions across a wide range of federal laws. Prior to joining DFF, she served as a trial attorney in the Federal Programs Branch of the Civil Division of the Department of Justice, defending high profile challenges to government policies and programs, and earlier in her career enforced consumer protection laws at the Federal Trade Commission. Ms. Thurston clerked for the Honorable Paul L. Friedman of the United States District Court for the District of Columbia and holds a J.D., *magna cum laude*, from Georgetown University Law Center and a B.A. in History with High Honors from Stanford University.

B. CREW

12. Nikhel S. Sus is Deputy Chief Counsel at CREW. He has substantial experience litigating high-profile constitutional and administrative law challenges to government programs and agency actions and in complex civil litigation. He has handled all aspects of trial and appellate litigation in federal and state courts throughout the country. Before joining CREW, he was a trial attorney at the U.S. Department of Justice in the Civil Division's Federal Programs Branch, where he defended the United States in high-profile constitutional, administrative law, and government-information litigation. Before that, he served as a Counsel at WilmerHale LLP, where he was a member of the firm's Government and Regulatory Litigation practice group. Mr. Sus has served as defense counsel in putative or certified class actions including *Davis v. United States*, 3:16-cv-6258 (N.D. Cal.), and *Nehmer v. Dep't of Veterans Affairs*, No. 3:86-cv-6160 (N.D. Cal.). Mr. Sus has also represented the United States in Privacy Act litigation, including as lead counsel in *Mitskog v. DOJ*, 18-cv-661 (D.D.C.). Mr. Sus clerked for Judge Reggie B. Walton of the U.S. District Court for the District of Columbia and Judge John T. Copenhaver of the U.S. District Court for the Southern District of West Virginia. He graduated from The George Washington University Law School with highest honors.

13. John B. Hill is a Senior Litigation Counsel at CREW. He has considerable experience providing counsel in high-profile constitutional and administrative law challenges to government programs and agency actions and in complex civil litigation, with a particular focus on cases involving election law and voting rights. Prior to joining CREW, Mr. Hill was an Election Protection Counsel at States United Democracy Center, where he litigated on behalf of and provided counsel to state and local election administrators, including regarding voter registration, voter roll list maintenance, and election infrastructure security. Representative engagements included providing the City of Green Bay with consultation and support on 2024

election matters. Mr. Hill also previously served as a litigation associate at Hangley, Aronchick, Segal, Pudlin & Schiller, where, among other things, he litigated on behalf of Pennsylvania's Secretary of State, Governor, and various Pennsylvania counties in myriad challenges to the Commonwealth's election laws and redistricting process between 2020 and 2023. Mr. Hill also clerked for the Honorable Gene E. K. Pratter of the U.S. District Court for the Eastern District of Pennsylvania was a Litigation Associate at O'Melveny & Myers LLP. He graduated *cum laude* from Duke University School of Law and has a B.A. in English and Government from the College of William & Mary.

14. Lauren C. Bingham is a Senior Litigation Counsel at CREW. She has extensive experience litigating high-profile constitutional and administrative law challenges to federal statutes, executive orders, regulations, and other government programs and agency actions in both federal district and appellate courts. Prior to joining CREW, she was a Senior Litigation Counsel in the Department of Justice, Civil Division, Office of Immigration Litigation, where she represented the government in both defensive and affirmative litigation in federal district and appellate courts nationwide, including serving as lead counsel in class action matters. Notable class action matters include acting as lead defense counsel in *Padilla v. ICE*, 2:18-cv-928 (W.D. Wa.) from 2018-2025, where she handled responsibilities including briefing and argument on preliminary injunctions, appeal, and final approval of a partial settlement, and defense counsel in *Lyon v. ICE*, 3:13-cv-05878 (N.D. Cal.), with primary responsibility for negotiating a settlement agreement and handling the preliminary and final approval hearings. During her near-decade in the Department of Justice, Ms. Bingham also served details as Counsel to the Assistant Attorney General for the Civil Division and Senior Counsel in the Office of Legislative Affairs. Before joining the Department of Justice, Ms. Bingham clerked for the Honorable Gary R. Jones of the

Northern District of Florida. She holds a J.D. from the University of Virginia School of Law and a B.S., *magna cum laude*, from Florida State University.

15. Yoseph T. Desta is a Litigation Counsel at CREW. He has experience litigating high-profile constitutional and administrative law challenges to government programs and agency actions and in complex civil litigation. Prior to joining CREW, Mr. Desta served as a trial attorney in the Federal Programs Branch of the Civil Division of the Department of Justice, defending high profile challenges to government policies and programs. Before that, he served as an associate in the Appellate and Supreme Court Litigation practice group of Wilmer Cutler Pickering Hale and Dorr, LLP. He clerked for the Honorable Mariano-Florentino Cuéllar of the Supreme Court of California and the Honorable Harris Hartz of the U.S. Court of Appeals for the Tenth Circuit. He holds a J.D. *cum laude*, from Harvard Law School and a B.A. with honors from Stanford University. During his government service, Mr. Desta served as defense counsel in the following putative and certified class actions: *Xirum v. U.S. Immigr. & Customs Enforcement*, No. 22-cv-00801 (S.D. Ind.); *Doe v. U.S. Immigr. & Customs Enforcement*, No. 23-cv-971 (D.N.M.); and *Hebert v Dep't of Homeland Sec.*, No. 23-cv-1869 (E.D. La.).

C. Fair Elections Center

16. Jon Sherman is Litigation Director at Fair Elections Center. He oversees all of Fair Elections Center's litigation on behalf of voters and civic engagement organizations and litigates voting rights cases in federal and state courts nationwide. Mr. Sherman has extensive experience leading cases against state and local election officials for constitutional and statutory violations concerning restrictions on registration and voting, such as documentary proof of citizenship, citizenship checks, and voter identification requirements, unlawful voter list maintenance practices, the rejection of absentee ballots for technical defects, and felony disenfranchisement and re-enfranchisement laws. Previously, Mr. Sherman worked on

constitutional and Voting Rights Act challenges to voter identification laws and at-large election schemes as a Staff Attorney with the ACLU Voting Rights Project. He clerked for the Honorable Barry Silverman of the U.S. Court of Appeals for the Ninth Circuit and the Honorable George King of the U.S. District Court for the Central District of California. He holds a J.D. from Columbia Law School and a B.A., *magna cum laude*, from Harvard University.

17. Michelle Kanter Cohen is Policy Director and Senior Counsel at Fair Elections Center. She is responsible for moving forward the organization's policy priorities, which include preventing aggressive list maintenance that endangers eligible voters. Ms. Kanter Cohen is a national expert on voter registration and election administration issues and has substantial experience litigating voting rights cases in federal court. Cases she has litigated include cases under federal statutes like the National Voter Registration Act and the Administrative Procedure Act, and include cases related to the risks to eligible voters posed by misuse of large datasets. Prior to joining Fair Elections Center, Kanter Cohen spent five years at another voting rights organization as a litigator and advocate. Prior to that, Ms. Kanter Cohen was a litigation associate at WilmerHale LLP. Ms. Kanter Cohen earned her J.D., *magna cum laude*, from Boston College Law School, and a B.A., *cum laude*, with distinction in the major of political science, from Yale University.

18. Emily Davis is Counsel at Fair Elections Center. She has experience litigating constitutional and statutory challenges, on behalf of voters and civic engagement organizations, to laws that target naturalized voters for citizenship checks and other restrictions on voter registration and voting. Prior to becoming Counsel, she completed a two-year legal fellowship at Fair Elections Center. Ms. Davis holds a J.D., *summa cum laude*, from Temple University Beasley School of Law and a B.A., *magna cum laude*, from The George Washington University.

19. DFF, CREW, and Fair Elections Center have the resources to adequately represent the plaintiff class. DFF has a staff totaling more than 140 people, including over 65 full-time lawyers and numerous support staff. CREW has a staff of over 50 people, including 22 full-time lawyers and numerous support staff. Fair Elections Center has a staff of over 40 people, including 7 full-time lawyers and support staff. DFF, CREW, and Fair Elections Center have already devoted hundreds of hours to identifying and investigating the claims in this case and working with the plaintiffs, including investigating the claims in this case, as well as drafting the complaint, motion for preliminary relief, and motion for class certification.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 7th, 2025, in Washington, DC.


Jennifer Fountain Connolly