

Exhibit 1



Hanna Hickman <hhickman@democracyforward.org>

Letter re LWV v. DHS, No. 25-cv-3501 (DDC)

Pezzi, Stephen (CIV) <Stephen.Pezzi@usdoj.gov>

Fri, Oct 17, 2025 at 12:45 PM

To: Aman George <ageorge@democracyforward.org>, Yoseph Desta <ydesta@citizensforethics.org>, Lauren Bingham <lbingham@citizensforethics.org>, John Hill <jhill@citizensforethics.org>, Mark Samburg <msamburg@democracyforward.org>, Hanna Hickman <hhickman@democracyforward.org>, Jennifer Connolly <jconnolly@democracyforward.org>, Jon Sherman <jsherman@fairelectionscenter.org>, Emily Davis <edavis@fairelectionscenter.org>, Nikhel Sus <nsus@citizensforethics.org>

Nik,

Please see the attached correspondence regarding the above-captioned matter.

Best regards,

Stephen M. Pezzi | Senior Trial Counsel

United States Department of Justice

Civil Division - Federal Programs Branch

(202) 305 8576 | stephen.pezzi@usdoj.gov

 **2025.10.17_Letter from S. Pezzi to N. Sus.pdf**
123K



Hanna Hickman <hhickman@democracyforward.org>

Letter re LWV v. DHS, No. 25-cv-3501 (DDC)

Nikhel Sus <nsus@citizensforethics.org>

Fri, Oct 17, 2025 at 2:46 PM

To: "Pezzi, Stephen (CIV)" <Stephen.Pezzi@usdoj.gov>

Cc: Aman George <ageorge@democracyforward.org>, Yoseph Desta <ydesta@citizensforethics.org>, Lauren Bingham <lbingham@citizensforethics.org>, John Hill <jhill@citizensforethics.org>, Mark Samburg <msamburg@democracyforward.org>, Hanna Hickman <hhickman@democracyforward.org>, Jennifer Connolly <jconnolly@democracyforward.org>, Jon Sherman <jsherman@fairelectionscenter.org>, Emily Davis <edavis@fairelectionscenter.org>

Steve,

We require additional information to evaluate Defendants' request. As you know, Plaintiffs' motion for certification of a preliminary-relief subclass was pending when Chief Judge Boasberg granted Plaintiffs' motion to proceed under pseudonyms. Yet the Court did not order at that time that the proposed class representatives disclose their identities to Defendants; instead, the Court indicated it would entertain Defendants' request for identifying information if they can articulate a need for that information. Your letter does not articulate that need. And if Defendants intend to move the Court for relief on this point, you would need to confer with us first under Local Civil Rule 7(m). Accordingly, to enable us to consider your request, please explain why Defendants need to know the identities of Plaintiffs J. Does 1, 4 and 5.

Thanks,

Nik

[Quoted text hidden]

--

Nikhel Sus

Deputy Chief Counsel | Citizens for Responsibility and Ethics in Washington (CREW)

Office: (202) 408-5565

nsus@citizensforethics.org | www.citizensforethics.org



Hanna Hickman <hhickman@democracyforward.org>

Letter re LWV v. DHS, No. 25-cv-3501 (DDC)

Pezzi, Stephen (CIV) <Stephen.Pezzi@usdoj.gov>

Fri, Oct 17, 2025 at 5:09 PM

To: Nikhel Sus <nsus@citizensforethics.org>

Cc: Aman George <ageorge@democracyforward.org>, Yoseph Desta <ydesta@citizensforethics.org>, Lauren Bingham <lbingham@citizensforethics.org>, John Hill <jhill@citizensforethics.org>, Mark Samburg <msamburg@democracyforward.org>, Hanna Hickman <hhickman@democracyforward.org>, Jennifer Connolly <jconnolly@democracyforward.org>, Jon Sherman <jsherman@fairelectionscenter.org>, Emily Davis <edavis@fairelectionscenter.org>

Nik,

Thanks very much for the quick response. As the letter states, and as Chief Judge Boasberg's order contemplated explicitly, we need the information "to assure satisfaction of Rule 23's class certification requirements." *League of Women Voters v. DHS*, No. 25-cv-3501 (JEB), 2025 WL 2897654, at *3 (D.D.C. Oct. 10, 2025). I don't think we need to be more specific than that -- and it is hard to imagine how we could be, because the core problem is that we don't know what we don't know about the proposed class representatives. But, just by way of an example, "class certification is inappropriate where a putative class representative is subject to unique defenses which threaten to become the focus of the litigation." *Howard v. Liquidity Servs. Inc.*, 322 F.R.D. 103, 119 (D.D.C. 2017). We cannot know whether that standard is satisfied here without knowing who the class representatives are.

Thanks,

Stephen M. Pezzi | Senior Trial Counsel

United States Department of Justice

Civil Division - Federal Programs Branch

(202) 305 8576 | stephen.pezzi@usdoj.gov

[Quoted text hidden]



Hanna Hickman <hhickman@democracyforward.org>

Letter re LWV v. DHS, No. 25-cv-3501 (DDC)

Nikhel Sus <nsus@citizensforethics.org>

Mon, Oct 20, 2025 at 12:48 PM

To: "Pezzi, Stephen (CIV)" <Stephen.Pezzi@usdoj.gov>

Cc: Aman George <ageorge@democracyforward.org>, Yoseph Desta <ydesta@citizensforethics.org>, Lauren Bingham <lbingham@citizensforethics.org>, John Hill <jhill@citizensforethics.org>, Mark Samburg <msamburg@democracyforward.org>, Hanna Hickman <hhickman@democracyforward.org>, Jennifer Connolly <jconnolly@democracyforward.org>, Jon Sherman <jsherman@fairelectionscenter.org>, Emily Davis <edavis@fairelectionscenter.org>

Steve,

Courts have in recent months allowed proposed class representatives to proceed pseudonymously where, as here, "partial sealings or protective orders cannot address the plaintiffs' concerns about government retaliation," and the government fails to identify "any 'reasonably contested class issues'" that would justify requiring identification of the proposed representatives to the government. *CASA, Inc. v. Trump*, 2025 WL 2263001, at *11-13 & n.8 (D. Md. Aug. 7, 2025). While your email generically describes a need to assess whether the proposed representatives are "subject to unique defenses," J. Does 1, 4, and 5 have submitted declarations outlining the facts relevant to their participation in this case, and Defendants have not specified what, if any, "unique defenses" to which J. Does 1, 4, and 5 might be subject that could "skew the focus of the litigation' and create 'a danger that absent class members will suffer if their representative is preoccupied with defenses unique to it.'" *Howard v. Liquidity Servs. Inc.*, 322 F.R.D. 103, 119 (D.D.C. 2017).

Nothing in Chief Judge Boasberg's September 10 order automatically entitles Defendants to this identifying information; the order merely states that Defendants "'will remain free to request any further information" to "assure satisfaction of Rule 23's class certification requirements" if they "need to learn facts about plaintiffs or their identities as the litigation progresses." ECF No. 23 at 7 (emphasis added). Because Defendants have failed to articulate any such showing of need, and because of continued concerns about retaliation risks, we decline to identify J. Does 1, 4, and 5 to Defendants -- under seal or otherwise.

Best,

Nik

[Quoted text hidden]