

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

VOTE FORWARD, *et al.*,

Plaintiffs,

v.

LOUIS DEJOY, in his official
capacity as the Postmaster General; and the
UNITED STATES POSTAL SERVICE,

Defendants.

Civil Case No. 1:20-cv-02405

**CORRECTED CONSENT MOTION FOR LEAVE TO FILE
PLAINTIFFS' SECOND AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15(a), Plaintiffs respectfully move the Court for leave to file the Second Amended Complaint attached hereto as Exhibit A.

The proposed Second Amended Complaint continues to challenge Defendants' policy curtailing late and extra trips. It further challenges Defendants' refusal to implement for the upcoming 2021 elections the critical ballot handling policies and practices that were utilized in the Georgia Senate Runoff Elections.

The proposed complaint also adds new plaintiffs and allegations that underscore the burdensome and injurious effect of Defendants' policies and practices on the right to vote in certain elections in 2021. A number of states—including Pennsylvania, Texas, and New Mexico—will hold important elections in 2021, including as early as May. These states only count mail-in ballots received by Election Day or, in the case of Texas, the following day. Thus, any delays in the delivery of Election Mail would once again threaten to disenfranchise voters, including the newly added individual plaintiffs, in these states.

Pursuant to Local Civil Rule 7(m), Plaintiffs' counsel discussed this motion in good faith with Defendants' counsel to determine whether Defendants consent to Plaintiffs filing their Second Amended Complaint. Defendants have advised Plaintiffs in writing of their position: "Defendants' position is that the Court lacks jurisdiction over the claims in the proposed Amended Complaint, which also fails to state a claim upon which relief can be granted and otherwise lacks merit. Nonetheless, in the interests of judicial and party economy, Defendants consent to Plaintiffs' motion to amend their complaint and intend to file a fully dispositive motion." Accordingly, Plaintiffs' motion for leave should be granted under Federal Rule of Civil Procedure 15(a)(2), which permits amendments "with the opposing party's written consent."

WHEREFORE, Plaintiffs respectfully request that the Court grant them leave to amend their complaint.

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Respectfully submitted,

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