

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

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COMMON CAUSE OF COLORADO, on behalf of itself :
and its members; MI FAMILIA VOTA EDUCATION :
FUND; SERVICE EMPLOYEES INTERNATIONAL :
UNION, on behalf of itself and its members, :
: Civil No. _____
Plaintiffs, :
: vs. :
MICHAEL COFFMAN, in his official capacity as :
Secretary of State for the State of Colorado, :
Defendant. :
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**MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO
SHOW CAUSE FOR A PRELIMINARY INJUNCTION**

Plaintiffs Common Cause of Colorado, Mi Familia Vota Education Fund, and Service Employees International Union (together “Plaintiffs”), through their undersigned attorneys, submit this motion for preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure. Through this motion Plaintiffs seek an injunctive order prohibiting Michael Coffman, the Secretary of State for the State of Colorado (“Defendant”), from engaging in actions which violate both federal and state laws protecting the right of Colorado residents to vote. Absent the requested injunction, the Defendant will, without notice, disenfranchise qualified Colorado voters and prevent them from exercising their right to vote in the upcoming November 4, 2008 election.

Intervention by this court is necessary to preserve for Colorado residents their fundamental right, as Americans and citizens of the great state of Colorado, to vote for

their leaders and participate meaningfully in the democratic process. In further support of this motion, Plaintiffs respectfully refer the Court to their supporting brief filed herewith.

Plaintiffs request expedited consideration of their motion. With the November 4, 2008 election only 11 days away, any delay will result in thousands of Coloradans being turned away from the polls, irrevocably preventing public participation in the electoral process and undermining the legitimacy of our most valued democratic institutions. There is no way to give a voter back their right to vote in this election, once the day has passed. Without expedited consideration, thousands of Colorado voters will be prevented from vote on election day.

In accordance with District of Colorado Local Rule 7.1A, counsel for Plaintiffs in this matter have conferred with counsel for Defendant. Specifically, on Friday, October 24, 2008, prior to filing this action, counsel for Plaintiffs spoke by telephone with counsel for Defendant, who maintained that their purging of names of voters from the official list of eligible voters does not violate the NVRA.

WHEREFORE, Plaintiffs respectfully request that the court enter a preliminary injunction ordering Defendant:

(1) to immediately desist removing or cancelling the names of any voters from the official list of eligible voters for any reason not provided for in 42 U.S.C. § 1973gg-6(c)(2)(B);

(2) to immediately desist removing or cancelling the names of any voters from the official list of eligible voters in violation of 42 U.S.C. § 1973gg-6(d);

(3) to reinstate the names of any and all voters who were removed or cancelled from the official list of eligible voters since May 13, 2008 for any reason not provided for in 42 U.S.C. § 1973gg-6(c)(2)(B); and

(4) to reinstate the names of any and all voters who were removed or cancelled from the official list of eligible voters in violation of 42 U.S.C. § 1973gg-6(d).

Common Cause of Colorado
1536 Wynkoop St # 102
Denver, Colorado 80202

Mi Familia Vota Education Fund
2525 West Alameda Avenue
Denver, Colorado 80219

Service Employees International Union
1800 Massachusetts Ave., N.W.
Washington, D.C. 20036

/s/ S. Gale Dick
James E. Johnson
S. Gale Dick
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
Tel: 212-909-6000
Fax: 212-909-6836
jejohnsn@debevoise.com
sgdick@debevoise.com

Richard Rosenblatt, Esq.
RICHARD ROSENBLATT &
ASSOCIATES, L.L.C.
8085 East Prentice Avenue
Greenwood Village, Colorado 80111
Tel: 303-721-7399 x11
Fax: 720-528-1220
rosenblatt@cwa-union.org

Penda D. Hair
Elizabeth S. Westfall
Jessie Allen*
ADVANCEMENT PROJECT
1730 M Street, NW #910
Washington, D.C. 20036
Tel: 202-728-9557
Fax: 202-728-9558
phair@advancementproject.org
ewestfall@advancementproject.org
jessieallen101@gmail.com

* Not admitted in the District of
Columbia

Wendy Weiser
Myrna Pérez
Jennifer Rosenberg
BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW
161 Avenue of the Americas
12th Floor
New York, New York 10013
Tel: 212-998-6284
Fax: 212-995-4550
wendy.weiser@nyu.edu
myrna.perez@nyu.edu
jennifer.rosenberg@nyu.edu

Stephen P. Berzon
Stacey M. Leyton
Barbara J. Chisholm
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
Tel: 415-421-7151
Fax: 415-362-8064
sberzon@altshulerberzon.com
sleyton@altshulerberzon.com
bchisholm@altshulerberzon.com

Karen Neuman
Sarah Brannon
FAIR ELECTIONS LEGAL
NETWORK
1730 Rhode Island Avenue, NW
Suite 712
Washington, D.C. 20036
kneuman@fairelectionsnetwork.com
sbrannon@fairelectionsnetwork.com

*Attorneys for Plaintiffs Common Cause
of Colorado, Mi Familia Vota Education
Fund and Service Employees
International Union*