

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

\_\_\_\_\_ )  
 LUIS SEGOVIA, *et al.*, )  
 )  
 Plaintiffs, )  
 )  
 v. ) 15-cv-10196  
 )  
 ) Judge Joan B. Gottschall  
 BOARD OF ELECTION COMMISSIONERS )  
 FOR THE CITY OF CHICAGO, *et al.*, )  
 )  
 Defendants. )

**FEDERAL DEFENDANTS' REPLY IN SUPPORT OF THEIR MOTION TO DISMISS,**  
**OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND**  
**CROSS-MOTION FOR SUMMARY JUDGMENT**

Date: April 18, 2016

BENJAMIN C. MIZER  
Principal Deputy Assistant Attorney General

ANTHONY J. COPPOLINO  
Deputy Branch Director

ZACHARY T. FARDON  
United States Attorney

THOMAS WALSH  
Assistant United States Attorney

/s/ Caroline Anderson  
Caroline J. Anderson  
IL Bar No. 6308482  
Trial Attorney  
U.S Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W., Room 7220  
Washington, D.C. 20001  
Phone: (202) 305-8645  
[Caroline.J.Anderson@usdoj.gov](mailto:Caroline.J.Anderson@usdoj.gov)

*Counsel for Federal Defendants*

**FEDERAL DEFENDANTS' REPLY IN SUPPORT OF THEIR MOTION TO DISMISS,  
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CROSS-MOTION FOR SUMMARY JUDGMENT**

Federal Defendants the United States of America, Ashton Carter in his official capacity as the Secretary of Defense, the Federal Voting Assistance Program, and Matt Boehmer, in his official capacity as Director of the Federal Voting Assistance Program (together the "Federal Defendants") hereby cross-move for summary judgment pursuant to Federal Rule of Civil Procedure 56, and request that the Court deny Plaintiffs' Motion for Summary Judgment. In the alternative, the Federal Defendants request that the Court grant their Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

The specific grounds for this motion are: (1) Plaintiffs lack standing because their alleged injury, the inability to vote absentee in Illinois in federal elections, is not fairly traceable to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20310 ("UOCAVA") and therefore this Court lacks jurisdiction to adjudicate Plaintiffs' claims as to the Federal Defendants; (2) UOCAVA meets the requirements of Equal Protection and Due Process; and (3) the remedy Plaintiffs seek would require the Court to rewrite a clear statutory limitation that is within Congress's authority over U.S. Territories.

The relevant facts, authority, and argument supporting the Federal Defendants' Cross-Motion for Summary Judgment are set forth in the Federal Defendants' accompanying Memorandum. The Federal Defendants also incorporate by reference all arguments in their Memorandum in Support of Their Motion to Dismiss (ECF No. 39). For the reasons stated therein, the Federal Defendants' Motion to Dismiss should be granted and Plaintiffs' Motion for Summary Judgment should be denied as against the Federal Defendants. Alternatively, the Federal Defendants' Cross-Motion for Summary Judgment should be granted.

Dated: April 18, 2016

Respectfully submitted,

BENJAMIN C. MIZER  
Principal Deputy Assistant Attorney General

ANTHONY J. COPPOLINO  
Deputy Branch Director

ZACHARY T. FARDON  
United States Attorney

THOMAS WALSH  
Assistant United States Attorney

s/ Caroline Anderson  
\_\_\_\_\_  
Caroline J. Anderson  
IL Bar No. 6308482  
Trial Attorney  
U.S Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W., Room 5102  
Washington, D.C. 20001  
Phone: (202) 305-8645  
[Caroline.J.Anderson@usdoj.gov](mailto:Caroline.J.Anderson@usdoj.gov)

*Counsel for Federal Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2016, a copy of the foregoing Federal Defendants' Motion to Dismiss was filed electronically. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Caroline J. Anderson  
Caroline J. Anderson