

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JERALD LENTINI, *et al.*,

Plaintiffs,

v.

Civil Action No. 1:25-cv-00166 (JMC)

DEPARTMENT OF GOVERNMENT
EFFICIENCY, *et al.*,

Defendants.

AMERICAN PUBLIC HEALTH
ASSOCIATION, *et al.*,

Plaintiffs,

v.

Civil Action No. 1:25-cv-00167 (JMC)

OFFICE OF MANAGEMENT AND
BUDGET, *et al.*,

Defendants.

* * * * *

**PLAINTIFFS’ MOTION TO EXPEDITE BRIEFING AND
ADJUDICATION OF THEIR MOTION FOR EXPEDITED DISCOVERY**

NOW COME Plaintiffs Jerald Lentini, Joshua Erlich, and National Security Counselors, Inc., (collectively “*Lentini* Plaintiffs”) to respectfully move this Court to expedite the briefing and adjudication of their Motion for Expedited Discovery, Dkt. #20, pursuant to the Federal Courts Civil Priorities Act (“Priorities Act”), 28 U.S.C § 1657.

It is well-established that a court “shall expedite the consideration of any action . . . if good cause therefor is shown.” *Id.* § 1657(a). The Priorities Act specifically states, “For purposes of this subsection, ‘good cause’ is shown if a right under the Constitution of the United States or

a Federal Statute . . . would be maintained in a factual context that indicates that a request for expedited consideration has merit.” *Id.*

As the *Lentini* Plaintiffs demonstrated in their Motion for Expedited Discovery and most recently in their Notice of New Evidence, Dkt. #22, the factual background of this case is in a constant state of flux, all due to the Government’s inconsistent positions regarding the nature of the work Elon Musk (“Musk”) performs. Simply put, what Musk does and what authority over the United States DOGE Service (“USDS”) he exercises is the core issue at the heart of the *Lentini* Plaintiffs’ forthcoming preliminary injunction motion, which is grounded in their statutory rights under the Federal Advisory Committee Act (which are continuing to be violated with every day that passes). Therefore, allowing the Government to take its time responding to a motion requesting *expedited* discovery which is urgently needed for a preliminary injunction motion runs directly counter to the entire idea that preliminary injunction motions *themselves* need to be resolved in an expedited fashion. This fact by itself would warrant expedited treatment of the Motion for Expedited Discovery, even in the absence of the Priorities Act—which equally clearly applies.

The *Lentini* Plaintiffs respectfully request that the Court order the Government to file its opposition to the Motion for Expedited Discovery no later than 12:00 PM on 6 March and order the *Lentini* Plaintiffs to file any reply, if necessary, no later than 12:00 PM on 7 March, so that the Court can have sufficient time to issue a ruling this week if it so chooses.

The undersigned emailed Defendants’ counsel last night in an attempt to meet and confer regarding this Motion, but has not received a response as of this writing. Accordingly, due to the urgency of this matter, this Motion is being filed as an opposed motion. A proposed Order consistent with the relief sought also accompanies this Motion.

Date: March 5, 2025

Respectfully submitted,

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