## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

	)
PERSONAL SERVICES	)
CONTRACTOR ASSOCIATION,	)
	)
Plaintiff,	)
	)
v.	)
	)
DONALD TRUMP, et al.,	)
	)
Defendants.	)
	)

Case No. 1:25-cv-469-CJN

## PLAINTIFF'S EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER TO PRESERVE EVIDENCE

Plaintiff Personal Services Contractor Association moves the Court to enter an immediate

TRO and convene a status, telephonically or in person, stating as follows:

1. Circulating on social media today is a post that is a copy of an email from Erica Carr,

the executive secretary of USAID, instructing remaining USAID staff members to shred and

burn classified and personnel documents, beginning today, March 11, 2025 at 9:30 a.m.:

Good afternoon, Thank you for your assistance in clearing our classified safes and personnel documents from the RRB. The event will take place all day tomorrow, March 11, beginning at 9:30a.m. Please meet at the RRB 14th Street Lobby at 9:30a.m. However, if you cannot be there at that exact time your badge will be programmed for access to your work area. Shred as many documents first, and reserve the burn bags for when the shredder becomes unavailable or needs a break. If you need to use the burn bags, do not overfill, and ensure the burn bag can be closed with staples at the top. The only labeling required on the burn bags are the words "SECRET" and "USAID/(B/IC)<sup>2</sup> in dark sharpie if possible. If you need additional burn bags or sharpie markers, please let me or the SEC InfoSec team know. Thank you so much, Erica Erica Y. Carr Acting Executive Secretary USAID

2. The email says "Shred as many documents first, and reserve the burn bags for when the shredder becomes unavailable or needs a break." See also

https://www.devex.com/news/scoop-usaid-staff-instructed-to-shred-and-burn-classifieddocuments-109621.

3. On learning this information, Plaintiff's counsel quickly sent an email to Defendants' counsel at DOJ, Michael Clendenen, demanding to know, ASAP, whether the post is accurate and, if so, how and why burning and shredding is consistent with preservation obligations in litigation, which documents are being destroyed and why, who authorized it and what DOJ is doing to stop it. That was two and a half hours ago. The questions have not been answered. The only response has been "we're looking into this."

4. Plaintiff is concerned that evidence might be being spoliated. DOJ has not confirmed or denied or explained what Defendants are doing.

WHEREFORE, plaintiff ask the Court to:

- 1. Enter an immediate TRO ordering Defendants to preserve all documents with any possible relevance to pending litigation.
- 2. Convene a status at the Court's earliest possible convenience requiring DOJ to admit or deny that documents are being destroyed and explain the Carr email and activities related to the destruction of documents at the former USAID headquarters.

Dated: March 11, 2025

Respectfully submitted,

## /s/ Marni Willenson

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