

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

PROJECT ON GOVERNMENT  
OVERSIGHT, INC.,

Plaintiff,

v.

DONALD J. TRUMP et al.,

Defendants.

No. 1:25-cv-527 (JEB)

**DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO  
STAY PROCEEDINGS**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), defendants President Donald J. Trump, United States DOGE Service (USDS), United States DOGE Service Temporary Organization, and Amy Gleason (collectively, the “Defendants”), by and through undersigned counsel, respectfully move to dismiss Plaintiff Project on Government Oversight, Inc.’s Amended Complaint. In the alternative, pursuant to the Court’s inherent authority, Defendants respectfully move to stay proceedings in this case pending a final decision in *CREW v. USDS* (“*CREW* FOIA case”), No. 1:25-cv-511 (D.D.C. filed Feb. 20, 2025) (Cooper, J.), on the issue of whether USDS qualifies as an “agency” for purposes of the Freedom of Information Act and the Federal Records Act.<sup>1</sup>

Dated: July 17, 2025

Respectfully submitted,

BRETT A. SHUMATE  
Assistant Attorney General

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<sup>1</sup>Undersigned counsel for Defendants conferred with counsel for Plaintiff regarding Defendants’ proposed stay, suggesting that, if Plaintiff agreed, Defendants would file a consent motion to stay in lieu of a motion to dismiss. Counsel for Plaintiff indicated Plaintiff’s position that a stay is not warranted.

ELIZABETH J. SHAPIRO  
Deputy Director, Federal Programs Branch

*/s/ Kathryn L. Wyer*

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