

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

THE ASSOCIATED PRESS,

Plaintiff,

v.

TAYLOR BUDOWICH, et al.,

Defendants.

Case No. 25-cv-532-TNM

Hearing Requested

**PLAINTIFF THE ASSOCIATED PRESS'S
AMENDED MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff The Associated Press (“the AP”), by its attorneys, moves pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and Local Rule 65.1 for a preliminary injunction requiring Defendants to immediately rescind their denial of the AP’s access to the Oval Office, Air Force One, and other limited spaces when such spaces are made open to other White House press pool members, and to immediately rescind their denial of the AP’s access to events that are open to all credentialed White House journalists.

As set forth in greater detail in the accompanying memorandum, the AP meets each requirement for a preliminary injunction: (1) the AP is likely to succeed on the merits of its claims that Defendants’ actions violate the AP’s due process and First Amendment rights; (2) Defendants’ violation of the AP’s constitutional rights, especially its “First Amendment freedoms, . . . unquestionably constitutes irreparable injury,” *see Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion); *Pursuing Am.’s Greatness v. Fed. Election Comm’n*, 831 F.3d 500, 511 (D.C. Cir. 2016) (same); and (3) the balance of the equities and the public interest strongly favor injunctive relief.

In addition, during the February 24, 2025 hearing on the AP's motion for temporary restraining order, the Court requested supplemental briefing on four questions, which the AP has responded to in the accompanying brief, as follows:

First, the Court requested briefing on the factual and legal distinctions between this case and *Sherrill v. Knight*, 569 F.2d 124 (D.C. Cir. 1977), on the one hand, and *Baltimore Sun v. Ehrlich*, 437 F.3d 410 (4th Cir. 2006), on the other. Feb. 24, 2025 Hr'g Tr. at 57:13-58:10. The AP has addressed this question at pages 25 to 28 of its accompanying brief.

Second, the Court requested briefing on "what these events are that the Plaintiff has been banned from," and whether they are "more like [] interviews" or "more like the large press events that regularly happen in the Brady press room." Feb. 24, 2025 Hr'g Tr. at 60:2-8. The AP has addressed this question at pages 9 to 13 and 25 to 28 of its brief and in the Second Declaration of Zeke Miller (the "Second Miller Declaration") at ¶¶ 7-8, ¶¶ 21-24, and Exhibit B.

Third, the Court requested briefing on "the size of the pool" attending the events from which the AP has been banned. Feb. 24, 2025 Hr'g Tr. at 60:9-13. The AP has addressed this question at pages 6 and 9 to 13 of its brief and in the Second Miller Declaration at Exhibits A-B.

Fourth, the Court requested briefing on "specific advantages that the reporters who are in the press pool have," such as "being able to tweet apparently simultaneously and have additional information that's not available to those who are not in the press pool." *See* Feb. 24, 2025 Hr'g Tr. at 60:14-20. The AP has addressed this question at pages 7 to 8 and 40 to 43 of its brief, in the Second Miller Declaration at ¶¶ 10-11 and ¶ 30, in the Declaration of Jon Elswick at ¶¶ 6-7 and ¶¶ 10-12, and in the Declaration of George Condon at ¶¶ 8-13.

WHEREFORE, Plaintiff the AP respectfully requests that its Motion be GRANTED and that this Court enter a preliminary injunction requiring Defendants to immediately rescind the

ban on the AP's access to the Oval Office, Air Force One, and other limited spaces when such spaces are made open to other members of the White House press pool, and to immediately rescind the ban on the AP's access to events that are open to all credentialed White House journalists.

Dated: March 3, 2025

Respectfully submitted,

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