

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

OPEN TECHNOLOGY FUND,

Plaintiff,

v.

KARI LAKE et al.,

Defendants.

Civil Action No. 1:25-cv-840

**PLAINTIFF’S MOTION FOR
TEMPORARY RESTRAINING
ORDER**

Plaintiff Open Technology Fund (“OTF”) respectfully moves under Federal Rule of Civil Procedure 65 for a temporary restraining order requiring that the United States Agency for Global Media as well as Kari Lake and Victor Morales in their official capacities (collectively, “USAGM”) and the Office of Management and Budget halt their unlawful efforts to terminate, impound, interfere, or otherwise prevent OTF from obtaining its congressionally appropriated funds.

As set forth in the accompanying Memorandum in Support of OTF’s Motion for Temporary Restraining Order, OTF is entitled to a temporary restraining order because it is likely to succeed on the merits of its claims that USAGM failed to comply with the requirements of the Administrative Procedure Act (“APA”) when it issued the Notice of Grant Termination and withheld funds appropriated specifically for OTF. OTF also brings alternative claims that USAGM’s actions violate constitutional provisions and are *ultra vires*, and that OTF is entitled to mandamus relief. OTF is suffering and will continue to suffer irreparable harm in the absence of the requested relief; and the balance of equities and public interest are in OTF’s favor.

On March 20, 2025, counsel for OTF emailed a copy of the complaint filed on March 20, 2025, and, pursuant to Local Rule 65.1(a), provided notice to Joseph Borson, Diane Kelleher,

and Julia Heiman of the United States Department of Justice, Civil Division, Federal Programs Branch, who are counsel to the adverse party, and notified them that OTF intends to file a motion for a temporary restraining order and preliminary injunction later that day and provided the motion and accompanying brief, declaration, exhibits, and proposed order.

Dated this 20th day of March, 2025.

VAN NESS FELDMAN, LLP

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