

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
AMERICAN OVERSIGHT,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Case No. 25-cv-883 (JEB)
	)	
PETE HEGSETH, in his official capacity as	)	
Secretary of Defense, et al.	)	
	)	
<i>Defendants.</i>	)	
_____	)	

**JOINT MOTION TO STAY HEARING ON DEFENDANTS’ MOTION TO DISMISS**

Plaintiff, American Oversight, and Defendants, Pete Hegseth, in his official capacity as Secretary of Defense; Tulsi Gabbard, in her official capacity as Director of National Intelligence; John L. Ratcliffe, in his official capacity as Director of the Central Intelligence Agency; Scott Bessent, in his official capacity as Secretary of the Treasury; Marco A. Rubio, in his official capacities as Secretary of State and Acting Archivist of the United States; and the National Archives and Records Administration (NARA), (collectively “the Parties”) respectfully submit this joint motion to stay the hearing on Defendants’ Motion to Dismiss, ECF No. 39, currently set for Monday, September 22, 2025, at 10:30 a.m. *See* Minute Order (Sept. 11, 2025). In support of this motion, the Parties set forth the following demonstration of good cause.

1. Plaintiff filed this action on March 25, 2025. ECF No. 1.
2. On April 21, 2025, Plaintiff filed the Amended Complaint. ECF No. 17. The next day, Plaintiff filed a Motion for a Preliminary Injunction. ECF No. 19.

3. This Court granted in part and denied in part Plaintiff's Motion for a Preliminary Injunction, ECF No. 19. Opinion (June 20, 2025), ECF No. 36; Order (June 20, 2025), ECF No. 35.
4. Pursuant to the Court's Order, Defendants filed a Status Report stating that:

Defendants, through counsel, have each confirmed that they are not aware of any Signal chats of agency head Defendants containing federal records at risk of impending deletion. Specifically, the agency-head Defendants or their staff communicated that existing Signal chats of which they are aware contain federal records are not currently set for automatic deletion or have been preserved through other means.

Status Report (June 27, 2025), ECF No. 38.
5. Defendants filed their Motion to Dismiss on July 3, 2025. ECF No. 39. That Motion has been fully briefed since August 14, 2025. *See* Pl.'s Mem. of L. in Opp. to Defs.' Mot. to Dismiss, ECF No. 41; Defs.' Reply in Supp. of Mot. to Dismiss, ECF No. 42.
6. On September 11, 2025, this Court issued a Minute Order setting a hearing on the pending Motion to Dismiss for September 22, 2025, at 10:30 a.m. The Court's Order further stated that "[t]he parties shall be prepared to address whether signed declarations by Defendants affirming the information provided in their [38] Status Report would resolve this case."
7. Accordingly, undersigned counsel for the Parties conferred via videoconference on September 17, 2025. *See* L.Cv.R. 7(m).
8. The Parties agree that they may be able to resolve this case without further judicial involvement.
9. The Parties require additional time, however, to pursue a potential resolution of this case.

10. The Parties therefore propose to file a status report by October 9, 2025, informing the Court of the status of these discussions.

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In light of the foregoing, the Parties respectfully request that the Court grant this joint motion and enter the proposed order.

Dated: September 18, 2025

/s/ Benjamin Sparks  
Emma Lewis  
D.C. Bar No. 144574  
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Respectfully Submitted,

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