

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN OVERSIGHT,)	
)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 1:25-cv-00883-JEB
)	
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)	
)	
NATIONAL ARCHIVES AND RECORDS)	
ADMINISTRATION,)	
)	
<i>Defendants.</i>)	
)	

PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER

Pursuant to Federal Rule of Civil Procedure 65, the Federal Records Act, 44 U.S.C. §§ 3101 et seq., and the Administrative Procedure Act, 5 U.S.C. §§ 701 et seq., Plaintiff American Oversight respectfully moves this Court for a temporary restraining order directing Defendants Hegseth, Gabbard, Ratcliffe, Bessent, and Rubio, in their official capacities as heads of their respective agencies, to immediately desist from unlawfully destroying federal records in violation

of the Federal Records Act (“FRA”), 44 U.S.C. § 3314, and in particular: (a) take steps to ensure the preservation of any federal records that were created between March 11 and March 15, 2025, regarding and including any messages that are or were contained in “the Signal chat,” as referenced in the Complaint ¶ 28 n.1, ECF No. 1; (b) pursuant to 44 U.S.C. § 3106, initiate action through the Attorney General for the recovery of any destroyed federal records that were created between March 11 and March 15, 2025, regarding and including any messages that are or were contained in “the Signal chat,” as referenced in the Complaint ¶ 28 n.1; and (c) take steps to confirm that the use of any electronic messaging applications with an auto-delete function by any Defendant individually or within their respective agencies, including Signal, complies with all requirements of the Federal Records Act, 44 U.S.C. §§ 3101 et. seq, and the related rules and regulations of their respective agencies.

Plaintiff further respectfully moves the Court for an order directing Defendant Rubio, in his capacity as Acting Archivist of the United States and pursuant to 44 U.S.C. § 3106, to assist Defendants Hegseth, Gabbard, Ratcliffe, and Bessent with initiating such action through the Attorney General, and directing all Defendants, within two days of the date of the order, to file with the Court within two days of the date of the order a Status Report with supporting affidavits or declarations reporting on the status of Defendants’ compliance with the terms of the order.

This Motion is based on the pleadings and statements on the record, the Memorandum of Law in Support of Plaintiff’s Motion for a Temporary Restraining Order, the Declaration of Benjamin A. Sparks, and the Federal Records Act, 44 U.S.C. §§ 3101 et seq. Pursuant to Local Rule 65.1(d), American Oversight asks that the Court schedule a hearing on this Motion at the Court’s earliest convenience.

Pursuant to Local Civil Rule 65.1(a), at 3:30 p.m. on March 12, 2025, counsel for American Oversight made efforts to provide actual notice of its application for a temporary restraining order by furnishing via email this Motion, the Memorandum in Support of Plaintiff's Motion for a Temporary Restraining Order, Declaration of Benjamin A. Sparks, Proposed Order, Complaint for Declaratory and Injunctive Relief, and issued Summonses to: the Chief of the Civil Division for the United States Attorney's Office for the District of Columbia. Plaintiff attached to that email electronic copies of the Complaint, motion for temporary restraining order, and accompanying memorandum, declarations, and proposed order via e-mail before completing this electronic filing.

Pursuant to Local Civil Rule 65.1(b), during the Court's business hours, counsel for American Oversight contacted the Court and Clerk of Court to advise that the instant Motion and supporting papers would be filed after business hours. *See* Decl. of Benjamin A. Sparks, Mar. 26, 2025, ¶ 25, Ex. A.

Plaintiff respectfully requests that the Court grant the motion and issue the temporary restraining order.

Dated: March 26, 2025

Respectfully submitted,

/s/ Benjamin A. Sparks
Benjamin A. Sparks
D.C. Bar No. 90020649
Ronald A. Fein
D.C. Bar No. 90026641
Katherine M. Anthony
D.C. Bar No. 1630524

AMERICAN OVERSIGHT
1030 15th Street NW, B255
Washington, DC 20005
(202) 873-1741
ben.sparks@americanoversight.org
ron.fein@americanoversight.org
katherine.anthony@americanoversight.org
Counsel for Plaintiff