

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

American Federation of Teachers, *et al.*,

Plaintiffs,

vs.

SCOTT BESSENT, in his official capacity as
Secretary of the Treasury, *et al.*,

Defendants.

Case No. 8:25-cv-00430

Judge: Hon. Deborah Boardman

**DECLARATION OF XIAONAN APRIL HU
IN SUPPORT OF PLAINTIFFS' MOTION FOR EXTRA-RECORD DISCOVERY**

I, Xiaonan April Hu, declare as follows:

1. I am over the age of eighteen and legally competent to make this declaration. I am an attorney with Munger, Tolles & Olson LLP in Washington, D.C. I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, I could and would testify competently to the matters set forth herein.

2. Attached hereto as **EXHIBIT A** is a true and correct copy of an excerpted transcript of the February 19, 2025 hearing on Plaintiffs' Motion for Temporary Restraining Order in this matter.

3. Pursuant to this Court's order, *see* ECF No. 38, at 33, I met and conferred with Defendants' counsel on February 25, 2025, to discuss Defendants' production of the administrative records in this matter. Defendants' counsel stated that they were unable to provide any definitive information regarding the contents of the administrative records because Defendants were at that time in the process of compiling it—a process they represented would take until March 7, 2025, to complete. Defendants' counsel asked that Plaintiffs provide Defendants with a list of the information Plaintiffs expected the record would contain, which I did.

4. Attached hereto as **EXHIBIT B** is a true and correct copy of a February 25, 2025 email I sent to Defendants' counsel listing four categories of documents that would bear directly on Defendants' decisions to grant DOGE affiliates access to their systems.

5. Attached hereto as **EXHIBIT C** is a true and correct copy of an excerpted transcript of the February 26, 2025 status conference in this matter.

6. Attached hereto as **EXHIBIT D** is a true and correct copy of a series of emails I exchanged with Defendants' counsel between February 28, 2025 and March 5, 2025.

7. I met and conferred with Defendants' counsel on March 7, 2025, following Defendants' filings of the certified administrative records earlier the same day. At that meeting, I notified Defendants' counsel that the "account creation audit" in the Office of Personnel Management's ("OPM") administrative record was unintelligible. *See* ECF No. 51-1, at 34–50 [OPM-000030–45]. Defendants subsequently provided me a copy of the native Excel file corresponding to the "account creation audit."

8. Attached hereto as **EXHIBIT E** is a true and correct copy of a spreadsheet Defendants produced to Plaintiffs in this matter on the evening of March 7, 2025, which Defendants stated was for "purposes of helping . . . decipher pages OPM-000030 through OPM-000052" of the OPM administrative record. The spreadsheet, which Defendants produced as a .xlsx file, has been converted to a PDF for purposes of submission through the Court's Electronic Filing System.

9. Attached hereto as **EXHIBIT F** is a true and correct copy of an article titled "Treasury Was Warned DOGE Access to Payments Marked an 'Insider Threat,'" published by the *Washington Post* on February 7, 2025, which was retrieved on March 8, 2025 from <https://www.washingtonpost.com/national-security/2025/02/07/doge-treasury-payments-system-warning>.

10. Attached hereto as **EXHIBIT G** is a true and correct copy of an article titled "A US Treasury Intelligence Analysis Designates DOGE Staff as 'Insider Threat,'" published by *Wired* on February 7, 2025, which was retrieved on March 8, 2025 from <https://www.wired.com/story/treasury-bfs-doge-insider-threat>.

11. Attached hereto as **EXHIBIT H** is a true and correct copy of “ED-3 Employee Memorandum of Understanding,” which Defendants produced to Plaintiffs in this matter on the evening of March 7, 2025 to correct a technical error in Education’s administrative record.

Executed this eighth day of March, 2025, at Washington, D.C.

/s/ Xiaonan April Hu

Xiaonan April Hu