

# Exhibit B

**From:** [Hu, April](#)  
**To:** [Hall, Emily \(CIV\)](#); [Arnold, Ariana \(USAMD\)](#); [Shapiro, Elizabeth \(CIV\)](#)  
**Cc:** [Schwab, John](#); [Scott, Carson J.](#); [Kristy Parker](#); [Larry Schwartztol](#); [David Rodwin](#); [Mark Hanna](#)  
**Subject:** RE: AFT v. Bessent, Case No. 8:25-cv-00430 - Meet and Confer  
**Date:** Tuesday, February 25, 2025 11:04:50 AM

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Counsel:

Following up on our meet and confer, we understand the Parties are in agreement that the Joint Status Report will include a briefing schedule and schedule for production that reserves Plaintiffs' ability to push the briefing schedule out if the Parties have a discovery dispute regarding the administrative record; and that Defendants will assemble and produce an administrative record for each of Treasury, Education, and OPM. We also understand that Defendants will stipulate to an extension of the TRO to cover the briefing period and hearing. We will circulate as soon as possible proposed language memorializing that agreement.

With respect to Plaintiffs' discovery requests, we seek the following:

- Documents regarding Defendants' decision to grant access to DOGE affiliates, as defined in the Court's order, including but not limited to any recommendations within the agency not to grant access or to revoke access
- Documents identifying DOGE affiliates who have or had access (personal name, name of system of records, dates of access, level of access, official title of DOGE affiliate, level of security clearance for each DOGE affiliate and trainings completed). As discussed, we are willing to stipulate to a Protective Order that protects the names of the DOGE affiliates from disclosure to the public, provided Defendants identify these individuals in their productions to us.
- Documents, including communications, describing the purpose for which each DOGE affiliate was granted access to their respective systems of record
- Documents, including communications, describing, detailing, or otherwise explaining DOGE affiliates' use and dissemination of records, including in connection with AI tools or software, such as report-outs, project summaries, and status updates
- No more than three requests for admission
- An evidentiary hearing as part of the preliminary injunction hearing, where Defendants will make available no more than five witnesses, in lieu of depositions. We anticipate we would request witnesses who are central to Defendants' decision to grant access based on the production we receive.

As I stated on the meet and confer, these categories of documents bear directly on Defendants' decision to grant DOGE affiliates access to their systems and their reliance on the need-to-know exception. We therefore expect these documents to be included in the administrative record Defendants intend to produce on or before March 7. To the extent Defendants' administrative record omits one or more of these categories of documents, Plaintiffs will seek an order from the Court requiring the production of such documents in

advance of briefing. Please advise us of Defendants' position on each of the aforementioned discovery items.

I understand Defendants will consider the protective order and write back to us with their position on that independent of the Joint Status Report. I also understand that we have agreement we will exchange our positions on the need for additional discovery beyond the administrative record at 3:30pm ET, with Defendants providing us their final position for the Joint Status Report at 4:15pm. I will then circulate before 4:30pm a final copy of the Joint Status Report memorializing our scheduling agreement and the Parties' respective positions on discovery for final sign-off, so we can file on behalf of the parties by 5pm.

Best,

April

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**From:** Hu, April

**Sent:** Monday, February 24, 2025 7:51 PM

**To:** Hall, Emily (CIV) <Emily.Hall@usdoj.gov>; Arnold, Ariana (USAMD) <Ariana.Arnold@usdoj.gov>; Shapiro, Elizabeth (CIV) <Elizabeth.Shapiro@usdoj.gov>

**Cc:** Schwab, John <John.Schwab@mto.com>; Scott, Carson J. <Carson.Scott@mto.com>; Kristy Parker <kristy.parker@protectdemocracy.org>; Larry Schwartztol <lschwartztol@law.harvard.edu>; David Rodwin <drodwin@murphyllc.com>; Mark Hanna <mhanna@murphyllc.com>

**Subject:** RE: AFT v. Bessent, Case No. 8:25-cv-00430 - Meet and Confer

Hi Emily,

We are available to meet and confer tomorrow at noon. I will send an invite.

Best,

April

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**From:** Hall, Emily (CIV) <[Emily.Hall@usdoj.gov](mailto:Emily.Hall@usdoj.gov)>  
**Sent:** Monday, February 24, 2025 6:27 PM  
**To:** Hu, April <[April.Hu@mto.com](mailto:April.Hu@mto.com)>; Arnold, Ariana (USAMD) <[Ariana.Arnold@usdoj.gov](mailto:Ariana.Arnold@usdoj.gov)>; Shapiro, Elizabeth (CIV) <[Elizabeth.Shapiro@usdoj.gov](mailto:Elizabeth.Shapiro@usdoj.gov)>  
**Cc:** Schwab, John <[John.Schwab@mto.com](mailto:John.Schwab@mto.com)>; Scott, Carson J. <[Carson.Scott@mto.com](mailto:Carson.Scott@mto.com)>; Kristy Parker <[kristy.parker@protectdemocracy.org](mailto:kristy.parker@protectdemocracy.org)>; Larry Schwartztol <[lschwartztol@law.harvard.edu](mailto:lschwartztol@law.harvard.edu)>; David Rodwin <[drodwin@murphypllc.com](mailto:drodwin@murphypllc.com)>; Mark Hanna <[mhanna@murphypllc.com](mailto:mhanna@murphypllc.com)>  
**Subject:** RE: AFT v. Bessent, Case No. 8:25-cv-00430 - Meet and Confer

April,

Thank you for your email. Are you available to meet and confer tomorrow at 12pm ET?

Best,  
Emily

Emily Hall  
Counsel to the Assistant Attorney General  
Civil Division  
Department of Justice  
202-890-7914

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**From:** Hu, April <[April.Hu@mto.com](mailto:April.Hu@mto.com)>  
**Sent:** Monday, February 24, 2025 12:32 PM  
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**Cc:** Schwab, John <[John.Schwab@mto.com](mailto:John.Schwab@mto.com)>; Scott, Carson J. <[Carson.Scott@mto.com](mailto:Carson.Scott@mto.com)>; Kristy Parker <[kristy.parker@protectdemocracy.org](mailto:kristy.parker@protectdemocracy.org)>; Larry Schwartztol <[lschwartztol@law.harvard.edu](mailto:lschwartztol@law.harvard.edu)>; David Rodwin <[drodwin@murphypllc.com](mailto:drodwin@murphypllc.com)>; Mark Hanna <[mhanna@murphypllc.com](mailto:mhanna@murphypllc.com)>  
**Subject:** [EXTERNAL] AFT v. Bessent, Case No. 8:25-cv-00430 - Meet and Confer

Counsel:

Pursuant to the Court's order issued today, we would like to schedule a meet and confer to discuss the issues identified by the Court in connection with a joint status report, namely (1) Defendants' schedule for producing an administrative record; (2) Plaintiffs' requests for limited discovery; and (3) a briefing schedule for a preliminary injunction motion. We are available any time after 4pm ET today.

Best,

April

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