U.S. District Court District of Columbia (Washington, DC) CIVIL DOCKET FOR CASE #: 1:18-cv-02610-T.JK

CABLE NEWS NETWORK, INC. et al v. TRUMP et al Date Filed: 11/13/2018 Assigned to: Judge Timothy J. Kelly Jury Demand: Plaintiff

Cause: 28:2201 Constitutionality of State Statute(s)

Nature of Suit: 890 Other Statutory

Actions

Jurisdiction: U.S. Government

Defendant

Plaintiff

CABLE NEWS NETWORK, INC. represented by Theodore J. Boutrous, Jr.

GIBSON, DUNN & CRUTCHER

LLP

333 South Grand Avenue Los Angeles, CA 90071

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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PRO HAC VICE

ATTORNEY TO BE NOTICED

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PRO HAC VICE

ATTORNEY TO BE NOTICED

Theodore B. Olson

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Plaintiff

ABILIO JAMES ACOSTA

represented by Theodore J. Boutrous, Jr.

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Anne M. Champion

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Joshua S. Lipshutz

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Theodore B. Olson

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant

DONALD J. TRUMP

in his official capacity as President of the United States

represented by James Mahoney Burnham

U.S. DEPARTMENT OF JUSTICE Civil Division 950 Pennsylvania Avenue, NW Washington, DC 20530 (202) 353-5049 Email: james.m.burnham@usdoj.gov LEAD ATTORNEY ATTORNEY TO BE NOTICED

Joseph Evan Borson

U.S. DEPARTMENT OF JUSTICE Civil Division, Federal Programs Branch 1100 L Street NW Washington, DC 20005 (202) 514-1944 Fax: (202) 616-8460 Email: joseph.borson@usdoj.gov

LEAD ATTORNEY ATTORNEY TO BE NOTICED

Michael Hendry Baer

U.S. DEPARTMENT OF JUSTICE Civil Division, Federal Programs Branch 1100 L Street, NW Washington, DC 20530 (202) 305-8573 Fax: (202) 616-8470 Email: michael.h.baer@usdoj.gov LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant

JOHN F. KELLY

in his official capacity as Chief of Staff to the President of the United States

represented by James Mahoney Burnham

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joseph Evan Borson

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael Hendry Baer

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

WILLIAM SHINE

in his official capacity as Deputy Chief of Staff to the President of the United States

represented by James Mahoney Burnham

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joseph Evan Borson

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael Hendry Baer

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

SARAH HUCKABEE SANDERS

in her official capacity as Press Secretary to the President of the United States

represented by James Mahoney Burnham

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joseph Evan Borson

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael Hendry Baer

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

UNITED STATES SECRET SERVICE

represented by James Mahoney Burnham

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joseph Evan Borson

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael Hendry Baer

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

RANDOLPH D. ALLES

in his official capacity as Director of the United States Secret Service

represented by James Mahoney Burnham

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joseph Evan Borson

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael Hendry Baer

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

JOHN DOE

Secret Service Agent, in his official capacity

represented by James Mahoney Burnham

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joseph Evan Borson

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael Hendry Baer

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Movant

WHITE HOUSE CORRESPONDENTS' ASSOCIATION

represented by George Alexander Lehner

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Amicus

REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS

represented by Joshua Geltzer

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PRO HAC VICE
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Amicus

One America News Network 4757 Morena Blvd. San Diego, CA 92117 (858) 270-6900 represented by Bruce Fein

FEIN & DEVALLE PLLC 300 New Jersey Avenue, NW Suite 900 Washington, DC 20001 (202) 463-8727 Email: bruce@feinpoints.com LEAD ATTORNEY ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/13/2018	1	COMPLAINT against RANDOLPH D. ALLES, JOHN DOE, SARAH HUCKABEE SANDERS, JOHN F. KELLY, WILLIAM SHINE, DONALD J. TRUMP, UNITED STATES SECRET SERVICE (Filing fee \$ 400, receipt number 4616095426) with Jury Demand filed by ABILIO JAMES ACOSTA, CABLE NEWS NETWORK, INC (Attachments: # 1 Civil Cover Sheet)(jf) (Entered: 11/13/2018)
11/13/2018		Summons (6) Issued as to RANDOLPH D. ALLES, SARAH HUCKABEE SANDERS, JOHN F. KELLY, WILLIAM SHINE, DONALD J. TRUMP, UNITED STATES SECRET SERVICE. (jf) (Entered: 11/13/2018)
11/13/2018	2	MOTION for Temporary Restraining Order by ABILIO JAMES ACOSTA, CABLE NEWS NETWORK, INC. (Attachments: # 1 Memorandum in Support, # 2 65.1 Statement, # 3 Declaration of Sam Donaldson, # 4 Declaration of Same Feist, # 5 Declaration of Todd Joseph Gillman, # 6 Declaration of Jim Acosta, # 7 Declaration of Theodore J. Boutrous, # 8 Exhibit 1, # 9 Exhibit 2, # 10 Exhibit 3,

		# <u>11</u> Exhibit 4, # <u>12</u> Exhibit 5, # <u>13</u> Text of Proposed Order) (jf) (Entered: 11/13/2018)
11/13/2018	3	LARGE ADDITIONAL ATTACHMENT(S) re 2 MOTION for Temporary Restraining Order filed by CABLE NEWS NETWORK, INC., ABILIO JAMES ACOSTA. (Attachments: # 1 Exhibit 7, # 2 Exhibit 8, # 3 Exhibit 9, # 4 Exhibit 10, # 5 Exhibit 11, # 6 Exhibit 12, # 7 Exhibit 13, # 8 Exhibit 14, # 9 Exhibit 15, # 10 Exhibit 16, # 11 Exhibit 17, # 12 Exhibit 18, # 13 Exhibit 19, # 14 Exhibit 20, # 15 Exhibit 21, # 16 Exhibit 22, # 17 Exhibit 23, # 18 Exhibit 24, # 19 Exhibit 25, # 20 Exhibit 30, # 25 Exhibit 27, # 22 Exhibit 32, # 23 Exhibit 29, # 24 Exhibit 30, # 25 Exhibit 31, # 26 Exhibit 32, # 27 Exhibit 33, # 28 Exhibit 34, # 29 Exhibit 35, # 30 Exhibit 36, # 31 Exhibit 37, # 32 Exhibit 38, # 33 Exhibit 39, # 34 Exhibit 40, # 35 Exhibit 41, # 36 Exhibit 42, # 37 Exhibit 43, # 38 Exhibit 44, # 39 Exhibit 45, # 40 Exhibit 46, # 41 Exhibit 47, # 42 Exhibit 48, # 43 Exhibit 49, # 44 Exhibit 50, # 45 Exhibit 51, # 46 Exhibit 52, # 47 Exhibit 53, # 48 Exhibit 54)(jf) (Entered: 11/13/2018)
11/13/2018	4	MOTION for Preliminary Injunction by ABILIO JAMES ACOSTA, CABLE NEWS NETWORK, INC. (Attachments: # 1 Memorandum in Support, # 2 Text of Proposed Order) (See Docket Entries 2 3 for Exhibits)(jf) (Entered: 11/13/2018)
11/13/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Jonathan L. Backer, :Firm- Institute for Constitutional Advocacy and Protection, :Address- 600 New Jersey Ave NW Washington, DC 20001. Phone No202-662-9042. Filing fee \$ 100, receipt number 0090-5788455. Fee Status: Fee Paid. by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS (Attachments: # 1 Declaration, # 2 Text of Proposed Order)(Geltzer, Joshua) (Entered: 11/13/2018)
11/13/2018	<u>6</u>	MOTION for Leave to File <i>Amicus Curiae Brief</i> by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS (Attachments: # 1 Exhibit Proposed Amicus Curiae Brief, # 2 Text of Proposed Order)(Geltzer, Joshua) (Entered: 11/13/2018)
11/13/2018	7	NOTICE of Appearance by Theodore B. Olson on behalf of ABILIO JAMES ACOSTA, CABLE NEWS NETWORK, INC. (jf) (Entered: 11/13/2018)
11/13/2018	8	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CABLE NEWS NETWORK, INC. identifying Other Affiliate AT&T INC. for CABLE NEWS NETWORK, INC. (jf) (Entered: 11/13/2018)
11/13/2018	9	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Joshua S. Lipshutz, :Firm- Gibson, Dunn & Crutcher LLP, :Address- 1050

		Connecticut Avenue, NW. Phone No 202-955-8217. Fax No 202-530-9614 Filing fee \$ 100, receipt number 0090-5788597. Fee Status: Fee Paid. by ABILIO JAMES ACOSTA, CABLE NEWS NETWORK, INC. (Attachments: # 1 Exhibit Declaration in Support of Motion for Admission Pro Hac Vice, # 2 Text of Proposed Order Proposed Order)(Boutrous, Theodore) (Entered: 11/13/2018)
11/13/2018	10	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Anne M. Champion, :Firm- Gibson, Dunn & Crutcher LLP, :Address- 200 Park Avenue, New York, New York 10166. Phone No 212-351-5361. Fax No 212-351-5281 Filing fee \$ 100, receipt number 0090-5788637. Fee Status: Fee Paid. by ABILIO JAMES ACOSTA, CABLE NEWS NETWORK, INC. (Attachments: # 1 Exhibit Declaration in Support of Motion for Admission Pro Hac Vice, # 2 Text of Proposed Order Proposed Order)(Boutrous, Theodore) (Entered: 11/13/2018)
11/13/2018		MINUTE ORDER granting Plaintiffs' <u>9</u> Motion for Leave to Appear Pro Hac Vice. Attorney Joshua S. Lipshutz is hereby admitted pro hac vice to appear in this matter. Signed by Judge Timothy J. Kelly on 11/13/2018. (lctjk3) (Entered: 11/13/2018)
11/13/2018		MINUTE ORDER granting Plaintiffs' 10 Motion for Leave to Appear Pro Hac Vice. Attorney Anne M. Champion is hereby admitted pro hac vice to appear in this matter. Signed by Judge Timothy J. Kelly on 11/13/2018. (lctjk3) (Entered: 11/13/2018)
11/13/2018	11	ERRATA by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS 5 MOTION for Leave to Appear Pro Hac Vice: Attorney Name-Jonathan L. Backer,: Firm- Institute for Constitutional Advocacy and Protection,: Address- 600 New Jersey Ave NW Washington, DC 20001. Phone No 202-662-9042. Filing fee \$ filed by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS. (Attachments: # 1 Errata Corrected Declaration)(Geltzer, Joshua) (Entered: 11/13/2018)
11/13/2018		MINUTE ORDER: It is hereby ORDERED that Defendants shall file any response to Plaintiffs' 2 Motion for a Temporary Restraining Order by 11:00 a.m. on November 14, 2018. Defendants shall also file their opposition, if any, to the Reporters Committee for Freedom of the Press's 6 Motion for Leave to File Amicus Curiae Brief by that time. It is further ORDERED that a hearing on Plaintiffs' 2 Motion for a Temporary Restraining Order will be held at 3:30 p.m. on November 14, 2018, in Courtroom 28A. Signed by Judge Timothy J. Kelly on 11/13/2018. (lctjk3) (Entered: 11/13/2018)
11/14/2018	12	Memorandum in opposition to re 2 MOTION for Temporary Restraining Order filed by RANDOLPH D. ALLES, JOHN DOE, SARAH HUCKABEE SANDERS, JOHN F. KELLY, WILLIAM SHINE,

		DONALD J. TRUMP, UNITED STATES SECRET SERVICE. (Baer, Michael) (Entered: 11/14/2018)
11/14/2018	13	NOTICE of Appearance by Joseph Evan Borson on behalf of RANDOLPH D. ALLES, JOHN DOE, SARAH HUCKABEE SANDERS, JOHN F. KELLY, WILLIAM SHINE, DONALD J. TRUMP, UNITED STATES SECRET SERVICE (Borson, Joseph) (Entered: 11/14/2018)
11/14/2018	<u>14</u>	NOTICE of Appearance by James Mahoney Burnham on behalf of All Defendants (Burnham, James) (Entered: 11/14/2018)
11/14/2018	<u>15</u>	NOTICE of Appearance by Michael Hendry Baer on behalf of All Defendants (Baer, Michael) (Entered: 11/14/2018)
11/14/2018		MINUTE ORDER granting 5 Motion for Leave to Appear Pro Hac Vice. Attorney Jonathan L. Backer is hereby admitted pro hac vice to appear in this matter. Signed by Judge Timothy J. Kelly on 11/14/2018. (lctjk3) (Entered: 11/14/2018)
11/14/2018		MINUTE ORDER granting 6 Motion for Leave to File Amicus Curiae Brief by Reporters Committee for Freedom of the Press. Defendants have not opposed this motion within the time set by the Court, and the Court finds that the motion complies with LCivR 7(o)(2). The Reporters Committee for Freedom of the Press may file its brief as Amicus Curiae Supporting Plaintiffs' Motions for a Temporary Restraining Order and Preliminary Injunction. Signed by Judge Timothy J. Kelly on 11/14/2018. (lctjk3) (Entered: 11/14/2018)
11/14/2018		Minute Entry for proceedings held before Judge Timothy J. Kelly: Motion Hearing held on 11/14/2018 re 2 MOTION for Temporary Restraining Order. Oral argument heard and taken under advisement. Oral Ruling on Motion continued to 11/15/2018 at 3:00 PM in Courtroom 28A before Judge Timothy J. Kelly. (Court Reporter: Timothy Miller) (kh) (Entered: 11/14/2018)
11/14/2018	<u>17</u>	Plaintiff's Exhibit List in Motion Hearing held on 11/14/2018 re 2 MOTION for Temporary Restraining Order. (kh) (Entered: 11/15/2018)
11/14/2018	21	AMICUS BRIEF by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS. (tth) (Entered: 11/16/2018)
11/15/2018	16	MOTION for Leave to File <i>Amicus Curiae Brief</i> by WHITE HOUSE CORRESPONDENTS' ASSOCIATION (Attachments: # 1 Exhibit / Proposed Amicus Curiae Brief, # 2 Text of Proposed Order)(Lehner, George) (Entered: 11/15/2018)

11/15/2018		MINUTE ORDER: The Oral Ruling on Plaintiffs' 2 Motion for a Temporary Restraining Order scheduled for 3:00 p.m. on November 15, 2018, is hereby CONTINUED until 10:00 a.m. on November 16, 2018, in Courtroom 28A. Signed by Judge Timothy J. Kelly on 11/15/2018. (lctjk3) (Entered: 11/15/2018)
11/15/2018	18	MOTION for Leave to File AMICUS CURIAE OPPOSING PLAINTIFFS MOTIONS FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION by One America News Network (Fein, Bruce) (Entered: 11/15/2018)
11/15/2018	<u>19</u>	Memorandum in opposition to re <u>4</u> MOTION for Preliminary Injunction, <u>2</u> MOTION for Temporary Restraining Order <i>Amicus Curiae Brief in Opposition</i> filed by One America News Network. (Fein, Bruce) (Entered: 11/15/2018)
11/16/2018	20	TRANSCRIPT OF MOTION HEARING before Judge Timothy J. Kelly held on 11-14-18; Page Numbers: 1-102; Date of Issuance: 11-16-18; Court Reporter: Timothy R. Miller, Telephone number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u> For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.
		NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.
		Redaction Request due 12/7/2018. Redacted Transcript Deadline set for 12/17/2018. Release of Transcript Restriction set for 2/14/2019.(Miller, Timothy) (Entered: 11/16/2018)
11/16/2018		Minute Entry and Order for proceedings held before Judge Timothy J. Kelly: Motion Hearing continued and held on 11/16/2018. Oral Ruling GRANTING 2 MOTION for Temporary Restraining Order, for the reasons stated on the record in open court. Order forthcoming. (Court Reporter: Timothy Miller) (kh) (Entered: 11/16/2018)
11/16/2018		MINUTE ORDER: In light of this morning's Oral Ruling on Plaintiffs' 2 Motion for a Temporary Restraining Order, it is hereby ORDERED that the parties shall file a joint status report proposing how

they would like to proceed in this case by 3:00 p.m. on November 19, 2018. The status report shall include any request to set a status conference during the week of November 19, 2018, and any briefing schedule to which the parties have agreed. The parties shall also indicate in the status report whether they agree to consolidate briefing on the motion for a preliminary injunction with the merits. Signed by Judge Timothy J. Kelly on 11/16/2018. (lctjk3) (Entered: 11/16/2018)

11/16/2018

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TRANSCRIPT OF MOTION HEARING before Judge Timothy J. Kelly held on 11-16-18; Page Numbers: 1-19; Date of Issuance: 11-16-18; Court Reporter: Timothy R. Miller, Telephone number (202) 354-3111. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.

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Redaction Request due 12/7/2018. Redacted Transcript Deadline set for 12/17/2018. Release of Transcript Restriction set for 2/14/2019.(Miller, Timothy) (Entered: 11/16/2018)