IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON, Plaintiff, v. U.S. DOGE SERVICE, *et al.*, Defendants.	Case No. 1:25-cv-00511-CRC

PLAINTIFF'S MOTION FOR EXPEDITED DISCOVERY

Pursuant to Federal Rules of Civil Procedure 56(d) and 26, and the Court's March 19 Order, ECF No. 23, Plaintiff Citizens for Responsibility of Ethics ("CREW") respectfully moves for limited, expedited discovery from Defendants U.S. DOGE Service ("DOGE") and the DOGE Administrator. The requested discovery seeks information on DOGE's authority and operations for purposes of determining whether it is subject to the Freedom of Information Act ("FOIA") and Federal Records Act ("FRA"). CREW's proposed discovery requests are submitted as Exhibit 1, and its entitlement to Rule 56(d) discovery is supported by the attached Declaration of Jonathan Maier, attached as Exhibit 2.

Counsel for CREW conferred with Defendants' counsel. Defendants oppose the relief requested in this motion.

INTRODUCTION

The Court and the parties agree: "it would be preferable for the Court (and the D.C. Circuit on any appeal) to review the question of whether" DOGE is subject to FOIA and the FRA "based on a more complete record following expedited summary judgment proceedings." 3/19/25 Op. & Order at 4, ECF No. 23. To develop that "more complete record," CREW needs

an opportunity to conduct limited discovery on the fact-dependent question of whether DOGE wields "substantial independent authority." Courts have permitted such discovery to aid the analysis of whether components of the Executive Office of the President ("EOP")—including DOGE—are subject to FOIA and other federal laws.[1] This Court should do the same.

Defendants acknowledge that DOGE's agency status is a "threshold" question that is both "novel and significant." Defs.' Recons. Mem. at 2, 3, ECF No. 20-1. Yet they seek to deprive CREW of any opportunity to develop the factual record on the issue. Without having answered CREW's complaint or allowed any opportunity for discovery, Defendants immediately moved for summary judgment on the applicability of FOIA and the FRA to DOGE and on all claims against Defendant Elon Musk, DOGE's de facto leader. Defendants' motion rests on counter-textual readings of the executive orders chartering DOGE and disregards a voluminous public record—detailed in this Court's preliminary injunction opinion—showing that DOGE is, in fact, wielding "unprecedented" authority "over vast swaths of the federal government." 3/10/25 Mem. Op. at 23-28, 34, ECF No. 18.

By way of evidence, Defendants offer only a cursory declaration of DOGE's purported Acting Administrator, Amy Gleason. But the Court has already found that Ms. Gleason's representations about DOGE's operations are "called into question by contradictory evidence in the record." 3/19/25 Op. & Order at 10 (quoting *Jud. Watch, Inc. v. U.S. Secret Serv.*, 726 F.3d 208, 215 (D.C. Cir. 2013)). Because Ms. Gleason's dubious declaration raises more questions than it answers, it only *confirms* the need to develop "a more fulsome summary-judgment record." *Id.* at 15.

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[1] *See, e.g.*, *CREW v. Off. of Admin.*, 566 F.3d 219, 224 (D.C. Cir. 2009) [hereinafter *OA*]; *EPIC v. Off. of Homeland Sec.*, No. 02-cv-00620-CKK, ECF No. 11 (D.D.C. Dec. 26, 2002); *AFL-CIO v. Dep't of Labor*, No. 25-cv-339, ECF No. 48 (D.D.C. Feb. 27, 2025); *AFL-CIO v. Dep't of Labor*, No. 25-cv-339, ECF No. 71 (D.D.C. Mar. 19, 2025).

Accordingly, CREW seeks to serve a narrow set of discovery requests (consisting of 13 interrogatories, 11 requests for admission, and 14 requests for production) and to conduct three depositions regarding the fact-bound question of whether DOGE wields substantial independent authority. *See* Ex. 1. CREW requires such discovery to meaningfully oppose Defendants' early summary judgment motion, test Defendants' flimsy factual assertions, and develop an adequate factual record for Defendants' proposed "highly expedited summary judgment process." Defs.' Recons. Mem. at 18; *see also* Defs.' Recons. Reply at 3, ECF No. 22 (stating desire to "complete briefing expeditiously" and "tee up the issue for the D.C. Circuit with all dispatch").

The proposed discovery is narrowly tailored to seek directly relevant, non-privileged information on an expedited basis. Prompt compliance should cause Defendants minimal burden, and expedition is indeed necessitated by Defendants' own proposed accelerated schedule.

BACKGROUND

CREW filed this action on February 20, 2025, asserting FOIA and FRA claims against DOGE (among other claims). On the same day, CREW moved for a preliminary injunction to compel immediate processing of CREW's FOIA request to DOGE and for a document preservation order. *See generally* CREW PI Mem., ECF No. 2-1. Central to CREW's complaint and motion was the assertion, established by a voluminous public record that included public statements from Defendants, demonstrating that DOGE exercises substantial authority independent of the President, bringing it within the definition of an "agency" subject to both FOIA and the FRA. *Id.* at 8-12, 18-25. DOGE chose not to dispute the "important threshold legal issue" of its substantial independent authority, which had been briefed "at length" by CREW. Defs.' Recons. Mem. at 3, 12; 3/19/25 Op. & Order at 6, 14.

On March 10, 2025, the Court partially granted CREW's motion and ordered Defendants to provide an estimate of the total volume of documents responsive to a previously-narrowed set of CREW's FOIA requests by March 20, the parties to meet and confer on a processing and rolling production schedule, and the parties to submit a joint status report on the same by March 27. 3/10/25 Mem. Op. at 37, ECF No. 18. The Court determined that DOGE "is likely exercising substantial independent authority much greater than other EOP components held to be covered by FOIA" based on three sources of information: (1) the text of applicable executive orders, (2) Defendant Elon Musk's and the President's public statements, and (3) reports of DOGE's actions "demonstrat[ing] its substantial authority over vast swathes of the federal government." *Id.* at 23-28. In determining that FOIA required expedited processing, the Court also noted "the rapid pace of [DOGE's] actions," its "unusual secrecy," and the "unprecedented" nature of the "authority exercised by [DOGE] across the federal government and the dramatic cuts it has apparently made with no congressional input." *Id.* at 34, 36.

On March 14, DOGE filed a scattershot motion for reconsideration of the Court's preliminary injunction ruling and a stay based on arguments and evidence it chose to withhold in opposing CREW's motion. *See* 3/19/25 Op. & Order at 8-14. In that motion, DOGE promised to soon file a pre-answer motion for partial summary judgment on its agency status and sought an expedited briefing schedule. Defs.' Recons. Mem. at 1.

DOGE also asserted that the Court would commit a manifest injustice if it did not consider "new evidence," which was actually a declaration by DOGE's purported Acting Administrator Amy Gleason that DOGE could have offered before the Court granted CREW's motion. 3/19/25 Op. & Order at 9-12. Ms. Gleason's March 14 declaration attested that she "currently serve[s] as the Acting Administrator" of DOGE, that she joined DOGE "on December

30, 2024, and that she is a "full-time, government employee at [DOGE]." 1st Gleason Decl. at 1, ECF No. 20-2. The declaration did not specify *when* Ms. Gleason became DOGE's Acting Administrator, however. The declaration otherwise offered conclusory characterizations about DOGE's purported legal authorities and operations, and exaggerated claims about the burden to DOGE if it were required to comply with the Court's narrow order on March 10. *See id*.

On March 18, after CREW filed its opposition to DOGE's motion for reconsideration, the government was forced to publicly file (after losing a motion to seal) a document in another case that revealed Ms. Gleason's March 14 declaration in this case omitted material facts. *See infra* Part I.B. Specifically, the unsealed document was a Form 61 Office of Personnel Management Appointment Affidavit for Ms. Gleason, attached as Exhibit 3, that showed she was appointed as an "Expert/Consultant" in the Office of the Secretary of the Department of Health and Human Services on March 4, 2025, when she also swore in this case that was a "full-time" DOGE employee.

On March 19, the Court denied DOGE's motion for reconsideration. *See* 3/19/25 Op. & Order. The Court held that Ms. Gleason's declaration was not only untimely, but "contradicted" by the vast public record of DOGE's conduct and public statements by both Defendant Musk and the President. *Id.* at 10-12, 15-17. The Court further indicated it would entertain expedited summary judgment briefing on the issue of DOGE's agency status, as well as a motion for limited discovery by CREW, to ensure that "expedited resolution of this question [is] based on a more fulsome summary judgment record." *Id.* at 14-15.

Also on March 19, Defendants filed their promised motion for partial summary judgment. Defs.' SJ Mem., EFC No. 24. Defendants rely almost entirely on counter-textual readings of various executive orders and presidential memoranda chartering DOGE. *Id.* Their motion does

not address any of the widely-reported instances of DOGE wielding substantial authority. Instead, Defendants offer a second cursory declaration by Ms. Gleason, which again omits *when* she became DOGE's Acting Administrator and fails to acknowledge her simultaneous employment at HHS. *See* Gleason 2d Decl., ECF No. 24-2. Yet this time, Ms. Gleason states only that she is a "full-time, government employee"—and not a "full-time, government employee *at [DOGE]*," as sworn in her March 14 declaration. *Compare* Gleason 2d Decl. 3, *with* 1st Gleason Decl. 3 (emphasis added). Defendants also offer a February 17, 2025 declaration (filed in another case) by the Director of the White House Office Administration, stating that Defendant Musk is not the DOGE Administrator. *See* Fischer Decl. 6, ECF No. 24-3.

LEGAL STANDARDS

"When the party opposing a summary judgment motion shows that it 'cannot present facts essential to justify its opposition,' a court may (a) defer consideration of or deny the motion, (b) allow time for discovery, or (c) grant any other appropriate relief." *United States v. Bolton*, 514 F. Supp. 3d 158, 165 (D.D.C. 2021) (Cooper, J.) (citing Fed. R. Civ. P. 56(d)). "A Rule 56(d) motion requires (1) a specific affidavit about why additional discovery is necessary, (2) an explanation of why the evidence could not be obtained before the motion for summary judgment, and (3) a showing that the information sought can be obtained through additional discovery." *Id*. at 165 (citing *Convertino v. Dept. of Justice*, 684 F.3d 93, 99-100 (D.C. Cir. 2012)). Because "summary judgment is premature unless all parties have 'had a full opportunity to conduct discovery,'" the D.C. Circuit "directs trial courts to grant 56(d) motions 'as a matter of course.'" *Id*. at 164-65 (quoting *Convertino*, 684 F.3d at 99 (D.C. Cir. 2012)).

Beyond the Rule 56(d) context, district courts have "broad discretion over the structure, timing, and scope of discovery." *Strike 3 Holdings, LLC v. Doe*, 964 F.3d 1203, 1208 (D.C. Cir. 2020). The Federal Rules of Civil Procedure typically provide for discovery pursuant to a discovery plan, developed after the parties confer prior to a scheduling conference. *See* Fed. R. Civ. P. 26(f). However, courts may in their discretion grant expedited discovery without a Rule 26(f) conference, where the court concludes such discovery is reasonable. *Guttenberg v. Emery*, 26 F. Supp. 3d 88, 97-98 (D.D.C. 2014). Reasonableness is a discretionary inquiry, to be considered "in light of all of the surrounding circumstances," including "(1) whether a preliminary injunction is pending; (2) the breadth of the discovery requests; (3) the purpose for requesting the expedited discovery; (4) the burden on the defendants to comply with the requests; and (5) how far in advance of the typical discovery process the request was made." *Id.*

ARGUMENT

The parties and Court agree that whether DOGE wields substantial independent authority and is thus an "agency" under FOIA and the FRA is an "important threshold legal issue" that must be resolved expeditiously. *See* Defs.' Recons. Mem. at 3; 3/19/25 Op. & Order at 4. Any determination of that fact-intensive issue requires a functional analysis of the activities DOGE actually "performs or is authorized to perform." *OA*, 566 F.3d at 224. But while Defendants moved for summary judgment on that issue based on purported facts available to them alone (prior to filing an answer),[2] CREW indisputably has had no opportunity to conduct discovery on

[2] Pre-answer motions for summary judgment are disfavored in this District. *See* Minute Order, *United States v. Navarro*, No. 22-cv-2292-CKK (D.D.C. Sept. 27, 2022) (summarily denying a pre-answer summary judgment motion and explaining that "the longstanding practice of this jurisdiction" is to "defer consideration of any motion for summary judgment until after the filing of Defendant's answer") (citing *First Am. Bank, N.A. v. United Equity, Corp.*, 89 F.R.D. 81, 87 (D.D.C. 1981); Wright & Miller, 10A Fed. Prac. & Proc. Civ. § 2717 (West 2022)). And Defendants previously acknowledged that the subject matter of its motion for summary judgment is "a question for the merits . . . *once Defendants have had an opportunity to answer the complaint in the ordinary course*." Defs.' PI Opp'n at 20 n.4, EFC No. 10 (emphasis added).

that (or any) issue in this case, which was filed merely one month ago. Expedited discovery is thus necessary not only for CREW to meaningfully oppose Defendants' motion for summary judgment, *see* Rule 56(d); *Bolton*, 514 F. Supp. 3d at 164-65, but also for the Court to expeditiously determine, as requested by Defendants, whether DOGE wields substantial independent authority based on an appropriately robust factual record, *see Strike 3 Holdings*, 964 F.3d at 1208; *Guttenberg*, 26 F. Supp. 3d at 97-98.

I. CREW is entitled to discovery on the fact-bound question of whether DOGE wields substantial independent authority, especially given Defendants' unreliable and contradicted evidence.

A. Expedited discovery is necessary given the issue in dispute and the posture of the case.

The D.C. Circuit has made clear that whether an EOP component wields substantial independent authority raises questions of fact that require a functional analysis of the activities the component actually "performs *or* is authorized to perform." *OA*, 566 F.3d at 224 (emphasis added). An understanding of both the EOP component's "authority *and* operations" are "critical for determining whether [it] is subject to FOIA." *Id.* at 225 (emphasis added); *see also Armstrong v. EOP*, 90 F.3d 553, 560 (D.C. Cir. 1996) (court must evaluate whether the EOP component "*could* exercise substantial independent authority" and whether it "*does in fact* exercise such authority") (emphasis added).

Judges in this District have thus granted discovery into EOP components' authority and operations to determine whether they wield substantial independent authority in multiple contexts similar to this one. *See, e.g.*, *OA*, 566 F.3d at 221, 225-26 (describing court-ordered discovery, including 1,300 pages of documents and a deposition of OA's Director declarant, "to explore 'the authority delegated to [OA] in its charter documents and any functions that OA in fact carries out" to determine "whether 'OA acts with the type of substantial independent

authority that has been found sufficient to make' other EOP units 'subject to FOIA"); *EPIC*, No. 02-cv-00620-CKK, ECF No. 11 at 12 (ordering discovery to determine the Office of Homeland Security's FOIA agency status partly because "the language" of the executive order "establishing the entity's power [was] broad and lacking in firm parameters"); *AFL-CIO*, No. 25-cv-339, ECF No. 48 (D.D.C. Feb. 27, 2025) (ordering discovery on DOGE's structure, authority, and operations for purposes of determining whether "it is an agency within the meaning of the Economy Act of 1933"); *see also Armstrong*, 90 F.3d 553 (considering National Security Council staff testimony and declarations regarding its interactions with agencies and structure to determine its FOIA agency status); *Meyer v. Bush*, No. 88-cv-3112-JHG 1991 WL 212215 (D.D.C. Sept. 30, 1991), *rev'd on other grounds*, 981 F.2d 1288 (D.C. Cir. 1993) (relying on letters, memoranda, and Vice President's public statements in considering FOIA's applicability to Presidential Task Force on Regulatory Relief).

Discovery into DOGE's authority and operations is equally necessary here. As in other cases where discovery was granted, Defendants' motion for summary judgment relies entirely on its slanted reading of broad delegations of authority across multiple executive orders and memoranda, tethered to a declaration consisting of equally broad and conclusory factual assertions by DOGE's purported Acting Administrator, Ms. Gleason. *See OA*, 566 F.3d at 221, 225-26; *EPIC*, No. 02-cv-00620-CKK, ECF No. 11 at 9-12. That would entitle CREW to discovery under the best circumstances, but it makes discovery all-the-more important here, where Defendants' answer does not meaningfully respond to the issue, CREW does not have the benefit of even initial disclosures, and, as discussed below, Defendants' declaration is utterly unreliable.

Expedited discovery is also eminently reasonable, even outside the context of Rule 56(d), "in light of all of the surrounding circumstances" in which DOGE's substantial independent authority has come before the Court. *See Guttenberg*, 26 F. Supp. 3d at 97-98 (noting that whether a preliminary injunction is pending, the purpose of requesting discovery, and the timing of discovery are factors for the reasonableness of expedited discovery); *see also infra* Part I.C (discussing scope of the requested discovery and burden to DOGE). First, CREW seeks expedited discovery not in aid of a forthcoming motion for preliminary injunction, but after winning one that is effectively being held in abeyance pending Defendants' proposed expedited summary judgment briefing. *See* 3/19/25 Op. & Order at 14-15; *Guttenberg*, 26 F. Supp. 3d at 97. Second, the purpose of requesting expedited discovery is not only to fairly resolve Defendants' summary judgment motion, but to reach the ultimate conclusion of FOIA and the FRA's applicability to DOGE as soon as possible, at Defendants' own request. *See* Defs.' Recons. Mem. at 1, 11-12; *Guttenberg*, 26 F. Supp. 3d at 97-98.

B. Substantial factual uncertainty about DOGE's authority and operations heightens the need for the requested discovery.

Factual uncertainty about DOGE's authority and operations—which is directly attributable to the government's incomplete disclosures, shifting positions, and unprecedented secrecy—further underscores the need for the requested discovery. Ms. Gleason's declaration, which puts the full breadth of DOGE's operations squarely at issue, is both facially incomplete and contradicts known facts about DOGE's operations. As a starting point, the Court has already noted that a substantially similar (though, as discussed below, notably different) declaration by Ms. Gleason in support of DOGE's motion for reconsideration did "not establish without question that [DOGE] is not exercising substantial independent authority" because, among other things, her assertions about DOGE leadership are "contradicted by President Trump's and

Musk's own statements," her assertions that DOGE does not exercise decision-making authority over agencies are "at odds with other cases finding that [DOGE] 'has taken numerous actions without any apparent advanced approval by agency leadership,'" and her declaration was inconsistent with still-undisputed news reports about DOGE's conduct about which Ms. Gleason remains silent. 3/19/25 Op. & Order at 10-12.

Ms. Gleason's new declaration makes the same contradictory assertions, each of which goes directly to the operational issues on which courts have granted discovery to determine FOIA's applicability. *See OA*, 566 F.3d at 225-26; *EPIC*, 02-cv-00620-CKK, ECF No. 11 at 12. It claims to address who functionally leads DOGE, the nature of their leadership, and the nature of Mr. Musk's association with DOGE. Gleason 2d Decl. ¶¶ 4, 6, 11, but repeats the assertions that the Court has observed are contradicted by Mr. Musk and the President, 3/19/25 Op. & Order at 10. It purports to address the balance of authority between DOGE and federal agencies, including whether agency heads have "ultimate decisionmaking authority with respect to the members of" the DOGE Teams embedded in their agency, the functional reporting lines and supervision of members of the agency DOGE Teams, and the nature of their "coordination" with DOGE, Gleason 2d Decl. ¶¶ 12-16, but repeats the assertions that the Court has observed are contradicted by the public record and findings about DOGE's authority in other cases. 3/19/25 Op. & Order at 11. And it takes pains to portray DOGE as merely a consultant to agencies on technological improvements, Gleason 2d Decl. ¶¶ 19-24, which, as the Court has noted, is contradicted by extensive (and undisputed) public reports. 3/19/25 Op. & Order at 11-12.

In granting expedited discovery against DOGE in another case, Judge Bates identified numerous unresolved questions and evidentiary inconsistencies regarding DOGE's reporting structure and operations, all of which gave reason "to be cautious of concluding what defendants

put forward [in opposing discovery] is the whole story." Mem. Op. and Order, *AFL-CIO v. Dept. of Labor*, No. 25-cv-339 at 13 (D.D.C. Mar. 19, 2025), ECF No. 71. For example, he noted incomplete information about DOGE's structure, including the reporting lines and chain of command for Ms. Gleason and other DOGE employees who work at other agencies for the purpose of "*carrying out the DOGE agenda* at those agencies," as well as, as DOGE has urged that court to consider, the "subject matter and purpose of [their] work, *their supervision*, and their physical worksite." *Id.* at 12 (emphasis in original). He further noted inconsistencies about the number of DOGE employees at agencies in a declaration submitted by the defendants and testimony by that declarant in another case, *id.* at 13-14, shifting and contradictory representations about whether DOGE employees were detailed to agencies, *id.* at 14, and the insufficiency of the averments by DOGE given its evolving nature, *id.* at 14-15. In the end, Judge Bates determined that "the consistent alterations and trickle of information caution[ed] the Court against accepting as certain" DOGE and the other defendants' assertions in opposing discovery. *Id*. at 15.

As Judge Bates indicated, facts concerning DOGE's functional control of agency DOGE Teams bear directly on whether DOGE wields substantial independent authority. If, as it appears, officials at DOGE's EOP headquarters wield control over agency DOGE Teams, then any authority of those agency teams actually belongs to DOGE. *See, e.g.*, 3/19/25 Op. & Order at 11 (citing court findings and reports indicating that DOGE has directed agency actions); Exec. Order No. 14158 (Jan. 20, 2025), 90 Fed. Reg. 8441 (Jan. 29, 2025) (establishing DOGE "to implement the President's DOGE Agenda" and requiring "DOGE Team Leads" at each agency to "coordinate their work with" DOGE); Exec. Order No. 14210 (Feb. 11, 2025), 90 Fed. Reg. 9669

(Feb. 14, 2025) (requiring each "DOGE Team Lead" to provide the DOGE Administrator "a monthly hiring report for the agency").

Ms. Gleason's revised declaration also breaks new ground that must be tested through discovery. For example, it offers crumbs of information about DOGE's composition and structure by describing a purported sophisticated technological operation that "consults" with agencies throughout the executive branch, but meekly asserts it has no "front office" or "organizational chart[s]." Gleason 2d Decl. ¶¶ 12-13. Those assertions necessarily raise the question of what structure DOGE *does* have, which can only be ascertained through discovery.

Similarly, Ms. Gleason insists that DOGE lacks sufficient "budget" and "resources" to respond to CREW's FOIA request. *Id.* 30. Yet she does not dispute the evidence cited by CREW that the Office of Management and Budget has apportioned more than $39 million in taxpayer funds to DOGE. *See* CREW PI Mem. at 2 & n.1 (citing government apportionment records). Given her sworn representations to the Court, Ms. Gleason should be required to answer clarifying questions about DOGE's budget, including why it cannot utilize some portion of that $39 million to respond to a single FOIA request.

Ms. Gleason's declaration's facial insufficiency reinforces the need for discovery in several other respects. First, the declaration asserts in passing that DOGE "advises the President" and "works closely with other Senior White House advisors on a regular basis" without any detail at all, contradicting the description of DOGE's operations Ms. Gleason provides elsewhere in her declaration. *Compare* Gleason 2d Decl. ¶¶ 30-31, *with* Gleason 2d Decl. ¶¶ 7-25. Equally important, Ms. Gleason's declaration does not even establish that she is qualified to make it. Although it purports to rely solely on Ms. Gleason's personal knowledge to describe the full scope of what DOGE does, has done, does not do, and has not done, it conspicuously omits the

date on which Ms. Gleason was appointed DOGE Acting Administrator (despite the fact that the White House confirmed that she was the Administrator on February 25, 2025), what role she had before that undisclosed date, the manner in which she oversees DOGE, and, as described further below, the fact that she is an employee of HHS. *See generally* Gleason 2d Decl.

The need for thorough discovery both to test Ms. Gleason's vague declaration and to obtain accurate information about DOGE's operations is heightened by the government's broader pattern of obfuscation about DOGE. CREW made its FOIA request and filed suit specifically because DOGE has assiduously thwarted public disclosure of the most basic details of its internal operations, the facts of which are entirely in DOGE's possession and control. *See* CREW PI Reply at 4-10, ECF No. 13. This "unusual secrecy," has included, in addition to withholding information from the public and Congress, *see id.*, DOGE employees "reportedly declin[ing] to identify themselves to career officials on request," Defendant Musk's statement "that posters who released the names of [DOGE] employees online 'committed a crime,'" "using auto-deleting messaging apps like Signal," and "not even releas[ing]" the name of the DOGE Administrator "until February 25, more than a month into the new administration." 3/10/25 Mem. Op. at 8-9, 34-35.

And when pressed to identify the DOGE Administrator (and Defendants' sole declarant) the Administration first reveled in treating the inquiry like a game of cat-and-mouse rather than a serious question of public administration, only to then make repeated statements that Mr. Musk, and not Ms. Gleason, actually runs DOGE. CREW PI Reply at 10-11; CREW PI Mem. at 22-25. Most recently, Defendant Musk argued in a lawsuit against one of his companies that he should not be compelled to sit for a deposition because "[t]he White House has designated Musk a 'special government employee' *in charge of Establishing and Implementing the President's*

Department of Government Efficiency ('DOGE')" and he is too busy performing that "official task." Letter to Hon. Todd M. Hughes at 3, *Arnold v. X Corp.*, No. 23-cv-528 (D. Del. Mar. 19, 2025), ECF No. 144 (emphasis added) (attached as Exhibit 4). Ms. Gleason, meanwhile, has been kept conspicuously out of public view by the Defendants as DOGE has incessantly touted its work and Mr. Musk and the President have touted Mr. Musk's leadership of DOGE. Defendants' representations to this Court that Mr. Musk is *not* running DOGE are tantamount to legal gaslighting. At a minimum, they provide further grounds for discovery.

Defendants have also shown a stark lack of candor in this and other cases. In her March 14, 2025 declaration in support of DOGE's motion for reconsideration, Ms. Gleason swore, among other things, that she was a "full-time, government employee at USDS." 1st Gleason Decl. 3. She omitted that, unbeknownst to the Court and CREW, Ms. Gleason had, on March 4, accepted an appointment at HHS.

The timeline of Defendants' and Ms. Gleason's half-truths and material omissions is troubling in the extreme. On February 27, 2025, the court in *AFL-CIO*, No. 25-cv-339 (D.D.C. 2025), EFC No. 48, ordered expedited discovery because DOGE employees had apparently gained access to sensitive systems at various agencies, including HHS, in violation of federal law limiting such access to agency employees. On March 4, Ms. Gleason was officially appointed to HHS, and other DOGE members were appointed to other agencies at issue in that litigation. Ex. 3. On March 11, DOGE used those hirings to try to convince the court, in a sealed filing, to rescind its discovery order. Order at 6, *AFL-CIO*, No. 25-cv-339 (D.D.C. Mar. 19, 2025), ECF No. 71. DOGE requested that if the court did permit the filing under seal, that it permit DOGE to redact the names of the DOGE employees who were appointed to the agencies and those who administered their oaths. *Id.* at 8 n.7.

On March 14, while DOGE was using Ms. Gleason's appointment at HHS—temporarily under seal—to avoid its discovery obligations in *AFL-CIO*, DOGE was simultaneously using her sworn statement that she is a "full-time, government employee at USDS" to avoid its disclosure obligations pursuant to the Court's March 10 order, going so far as to accuse the Court of manifest injustice if it did not credit her inaccurate declaration. Defs.' Recons. Mem. at 13-19. Neither CREW nor the Court would have been aware of Defendants' and Ms. Gleason's double-dealing had the court in *AFL-CIO* not denied the government's motion to seal on March 18. Order, *AFL-CIO*, No. 25-cv-339, ECF No. 59. In so doing, that court also unsealed plaintiff's Notice of New Evidence, which made clear that Defendants and Ms. Gleason had withheld her sworn statement that she was a full-time employee of DOGE. Sealed Notice of New Evidence, *AFL-CIO*, No. 25-cv-00339, ECF No. 69. Their game exposed, Ms. Gleason's new declaration, while still omitting the material fact of her role at HHS, notably has changed her sworn description of her role from "full-time, government employee at USDS" to simply "full-time, government employee." Gleason 2d Decl. 3.

In sum, discovery is necessary to permit the Court to properly examine DOGE's operations, fairly probe the full scope of issues put forth by Defendants and Ms. Gleason, test the veracity and basis of Ms. Gleason's incomplete declaration, and protect against Defendants' further concealment of the facts.

C. The proposed discovery is narrowly tailored to seek non-privileged information directly relevant to DOGE's agency status.

As described in the attached declaration of Jonathan Maier, the requested expedited discovery is necessary to oppose Defendants' motion for summary judgment and to obtain sufficient information to resolve the larger issue of DOGE's substantial independent authority and, thus, the applicability of FOIA and the FRA. *See* Fed. R. Civ. P. 56(d); *see generally* Maier

Disc. Decl. CREW's narrowly tailored discovery requests target information necessary for those purposes, *Bolton*, 514 F. Supp. 3d at 165 (noting that Rule 56(d) requires a showing that discovery will provide the necessary information), while avoiding information that is privileged, unnecessary to determine DOGE's substantial independent authority, and likely to unreasonably burden DOGE, *see* Fed. R. Civ. P. 56(d); *Guttenberg*, 26 F. Supp. 3d at 97-98 (identifying breadth and burden of production as factors in assessing reasonableness of expedited discovery requests).

CREW seeks discovery on four aspects of DOGE's operations that relate directly to whether it wields substantial independent authority and the assertions in Ms. Gleason's second declaration. The first area is DOGE's structure and leadership, which will simultaneously provide clarity into the scope of DOGE's work, Ms. Gleason's role within DOGE, and the veracity of her declaration. The second area is how DOGE interacts with and directs actions by federal agencies, through agency DOGE Teams or otherwise. The third area is the scope of DOGE's work, including the contradictions between DOGE's widely reported actions and Ms. Gleason's characterizations of its work and whether DOGE actually advises the President. And the fourth area is, to the extent not made clear otherwise, whether Ms. Gleason was qualified to have made the sworn statements she did in her declaration. CREW's proposed discovery requests are well-tailored to those issue areas.

The attached declaration describes in detail why each interrogatory, Maier Disc. Decl. ¶¶ 13-18, request for production, *id.* ¶¶ 19-26, request for admission, *id.* 15, and depositions of DOGE's designee, Ms. Gleason, and Steven Davis, *id.* ¶¶ 27-29, are necessary to allow CREW to respond to DOGE's motion and for the Court to expeditiously determine whether DOGE wields substantial independent authority. CREW's declaration further confirms the obvious fact

that CREW is unable to, without the requested discovery, obtain or produce any of those facts on its own, *id.* ¶¶ 30-31, and that the information that CREW is seeking is discoverable, *id.* ¶¶ 32-34. Rather than repeating the contents of the declaration in full here, CREW highlights several factors that, in addition to the necessity of the facts to resolve FOIA's and the FRA's applicability to DOGE, make discovery particularly important here.

First, as noted, CREW is being forced to seek expedited discovery without the benefit of initial disclosures to guide it or an answer by Defendants that meaningfully narrows or frames the factual disputes at issue. *See supra* note 2. Up until Defendants' motion for partial summary judgment, CREW's detailed allegations regarding DOGE's exercise of substantial independent authority were met first by a blanket and legally insufficient claim that DOGE's placement in the EOP exempts it from FOIA's plain text, Defs.' PI Opp'n at 8 n.2, and now CREW faces a summary judgment motion that relies on, but barely discusses, a facially incomplete and dubious declaration.[3] *See supra* Part I.B.

Defendants' answer, filed one week later, provides no clarity on whether DOGE wields substantial independent authority. While Defendants' answer generally denies that numerous actions taken at federal agencies were "activities of" or actions taken "by USDS," *see, e.g.*, Answer ¶¶ 60, 63-70, 74, 76, 82, EFC No. 26, that narrow denial does not, even if true, speak to the likelihood that DOGE was directing or otherwise controlling the activities of federal agencies. Similarly, Defendants' answer does not deny the accuracy of the many press reports underlying CREW's allegations about DOGE's control over government operations, instead merely referring the Court back to them. *See, e.g.*, *id.* ¶¶ 2-3, 41-45, 60-65, 71, 79-82, 84-88, 90,

[3] Defendants' motion only cites Ms. Gleason's declaration a handful of times, namely to offer legal characterizations of executive orders, Defs.' SJ Mem. at 3, ECF No. 24-1, insist that Mr. Musk is not a part of DOGE, *id.* at 24, 28, and claim that DOGE has a small staff and no "front office," *id.* at 27.

97. DOGE also claims to lack sufficient information about its own operations, including if DOGE caused the U.S. Marshals to pressure federal judges to speed up the release of persons pardoned for crimes related to the attack on the U.S. Capitol, *id.* 73, if DOGE representatives appeared at the offices of USAID and threatened to call the U.S. Marshals in the course of obtaining access to a sensitive compartmented information facility over the objections of federal agency personnel, *id.* 74, or if DOGE personnel have refused to identify themselves to federal agency employees from whom they have demanded information, *id.* 76. CREW's proposed discovery seeks to facilitate expedited summary judgment briefing on these unanswered questions. Rule 56(d) and principles of equity require that CREW be given a meaningful opportunity to conduct expedited discovery now and to seek additional discovery at a later date, if needed.

Second, and relatedly, any burden on DOGE in responding to CREW's expedited discovery requests is a problem of its own making. DOGE *insisted on* taking the disfavored route of seeking summary judgment before filing an answer or allowing discovery to begin, specifically to accelerate a final determination on whether it is subject to FOIA and the FRA. *See supra* Part Note 2. And it presumably did so with full knowledge that the likely outcome of its filing would be expedited discovery that would potentially be more burdensome than discovery that would proceed in the normal course of litigation. Not only did counsel for CREW inform counsel for DOGE in a conferral email that it would seek discovery under Rule 56(d) if DOGE sought summary judgment at this point, but the Court also indicated that it would likely permit such discovery if DOGE did so. 3/19/25 Op. & Order at 14-15. DOGE cannot now claim undue burden in responding to discovery that it brought upon itself. And the Court should be skeptical of any claim of burden by DOGE, given its prior dubious claims that making a narrow, one-time

production ordered by the Court on March 10 would require it to create an entire permanent FOIA function. *Id.* at 16. The Court should continue to have "faith that the employees of a government organization charged with 'modernizing Federal technology and software' . . . are technologically sophisticated enough" to promptly and efficiently respond to CREW's targeted discovery requests. *Id.*

Third, CREW has narrowly tailored its discovery requests despite DOGE's total failure to narrow the scope of the facts at issue. As described above, determining whether DOGE wields substantial independent authority is a fact-intensive exercise that requires an examination of both what DOGE is authorized to do and what it actually does. *See supra* Part 1.A. Defendants, through Ms. Gleason's solitary declaration, have disputed virtually every aspect of DOGE's operations, including its administrative capabilities, its relationship to DOGE Teams, its leadership and oversight structure, and even the basic nature of its work. *See generally* Gleason 2d Decl. Despite this, CREW is seeking limited discovery that excludes, for example, all but a small number of email communications, depositions of numerous DOGE personnel identified in public reports as dictating the conduct of federal agencies, and communications or testimony of Defendant Musk, DOGE's self-identified leader. CREW's proposed discovery also specifically excludes communications with the President.

Finally, CREW's proposed expedited discovery requests seek to protect against, and CREW urges the Court to account for, DOGE and the wider government's track record of dilatory tactics and perfidy when faced with the possibility of public disclosure of information about DOGE. As described above, DOGE and Ms. Gleason have already submitted misleading sworn statements to the Court and Judge Bates has noted that there was reason to believe that the government was not providing his court with the "whole story" as it argued that he should

modify a modest order for expedited discovery in a separate case. *See supra* Part I.B. These are just the latest examples of the government's pattern of obfuscation whenever challenged about DOGE's operations. *See* CREW PI Reply at 9-10.

CONCLUSION

For the reasons stated above, CREW respectfully requests that the Court grant its Motion for Expedited Discovery and issue an order: (1) requiring DOGE and the DOGE Administrator to serve written responses and any objections to CREW's written discovery requests within 7 days of the Court's order, produce documents responsive to CREW's request for production of documents within 14 days of the Court's order, and thereafter complete the depositions of Ms. Gleason, Mr. Davis, and DOGE's Rule 30(b)(6) designee within 10 days from the deadline for producing documents; (2) permitting additional discovery as needed, with leave of the Court; and (3) staying all briefing on Defendants' motion for partial summary judgment, ECF No. 24, pending completion of expedited discovery.

Dated: March 27, 2025

Respectfully submitted,

/s/ Nikhel S. Sus

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Counsel for Plaintiff

Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON, Plaintiff, v. U.S. DOGE SERVICE, *et al.*, Defendants.	Civil Action No. 1:25-cv-511

PLAINTIFF'S [PROPOSED] FIRST DISCOVERY REQUESTS

Pursuant to Federal Rule of Civil Procedure 26, 33, 34, and 36, and Local Civil Rule 26.2, Defendants U.S. DOGE Service and the Administrator of the U.S. DOGE Service are requested to answer and respond to the following interrogatories, requests for admission, and requests for production (collectively, the "Discovery Requests") propounded by undersigned counsel for Plaintiff Citizens of Responsibility and Ethics in Washington ("CREW") separately and fully, in writing, under oath, to the best of your ability from knowledge you are able to obtain from any and all sources available to you, your agents, or your attorneys, and respond to these discovery requests as follows:

- Serve written responses and any objections to these Discovery Requests within 7 days of the Court's order granting discovery;
- Produce all responsive documents to Plaintiffs' request for production within 14 days of the Court's order granting discovery; and
- Complete all depositions within 10 days from the deadline for producing documents.

INSTRUCTIONS

1. These instructions and definitions apply to each of the Discovery Requests and should be construed to require answers based upon the knowledge of, and information available to, the responding party as well as its agents, representatives, and, unless privileged, attorneys.

2. It is intended that the following Discovery Requests will not solicit any information protected either by the attorney/client privilege or work product doctrine which was created or developed by counsel for the responding party after the date on which this litigation was commenced.

3. These Discovery Requests are continuing in character, so as to require that supplemental answers be filed if further or different information is obtained with respect to any request, and documents and tangible things sought by these requests that you obtain or discover after you serve your answers must be produced to counsel for Plaintiff by supplementary answers or productions.

4. No part of a Discovery Request should be left unanswered merely because an objection is interposed to another part of the request. If a partial or incomplete answer is provided, the responding party shall state that the answer is partial or incomplete.

5. With respect to document requests, requests extend to all documents in your possession, custody or control, or of anyone acting on your behalf. A document is in your possession, custody or control if it is in your physical custody or if it is in the physical custody of any other person and you:

    a. own such document in whole or in part;

    b. have a right, by contract, statute or otherwise, to use, inspect, examine, or copy such document on any terms;

    c. have an understanding, express or implied, that you may use, inspect, examine or copy such document on any terms; or

    d. have, as a practical matter, been able to use, inspect, examine, or copy such document when you sought to do so.

6. The documents produced in response to these requests shall be (i) organized and designated to correspond to the categories in these requests, or (ii) produced as they are maintained in the normal course of business.

7. If a document called for by these requests has been destroyed, lost, discarded, or otherwise disposed of, identify such document as completely as possible including, without limitation, the following information: author(s), recipient(s), sender(s), subject matter, date prepared or received, date of disposal, manner of disposal, reason for disposal, person(s) authorizing the disposal, person(s) having knowledge of the disposal and person(s) disposing of the document.

8. In the event that more than one copy of a document exists, produce every copy on which there appears any notation or marking of any sort not appearing on any other copy, or any copy containing attachments different from any other copy.

9. Produce all documents in their entirety, without abbreviation or redaction, including both front and back thereof and all attachments or other matters affixed thereto.

10. Pursuant to Rule 33(b)(2)(B), Rule 34(b)(2)(B), and Rule 36(a)(5), if you object to a request, the grounds for each objection must be stated with specificity. Also pursuant to Rule 33 and Rule 34, if you intended to produce copies of documents or of ESI instead of permitting inspection, you must so state.

11. Pursuant to Rule 33(b)(2)(B), Rule 34(b)(2)(C), and Rule 36(a)(5) an objection must state whether any responsive information or materials are being withheld on the basis of that objection.

12. Whenever in these requests you are asked to identify or produce a document which is deemed by you to be properly withheld from production for inspection or copying:

    a. If you are withholding the document under claim of privilege (including, but not limited to, the work product doctrine), please provide the information set forth in Fed. R. Civ. P. 26(b)(5). For electronically stored information, a privilege log (in searchable and sortable form, such as a spreadsheet, matrix, or table) generated by litigation review software, containing metadata fields that generally correspond to the above paragraph is permissible, provided that it also discloses whether transmitting, attached or subsidiary ("parent-child") documents exist and whether those documents have been produced or withheld.

    b. If you are withholding the document for any reason other than an objection that it is beyond the scope of discovery, identify as to each document and, in addition to the information requested in paragraph 4.A, above, please state the reason for withholding the document. If you are withholding production on the basis that ESI is not reasonably accessible because of undue burden or cost.

13. When a document contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible without thereby disclosing the privileged material. If a privilege is asserted with regard to part of the material contained in a document, the party claiming the privilege must clearly indicate the portions as to which the privilege is claimed. When a document has been redacted or altered in any fashion, identify as to each document the reason for the redaction or alteration, the date of the redaction or alteration, and the person performing the redaction or alteration. Any redaction must be clearly visible on the redacted document.

14. In accordance with Fed. R. Civ. P. 26(b)(5), where a claim of privilege is asserted in objecting to any interrogatory or request for admission or part thereof, and information is not provided on the basis of such assertion:

a. In asserting the privilege, the responding party shall, in the objection to the interrogatory or request for admission, or part thereof, identify with specificity the nature of the privilege (including work product) that is being claimed.

b. The following information should be provided in the objection, if known or reasonably available, unless divulging such information would cause disclosure of the allegedly privileged information:

i. For oral communications:

1. the name of the person making the communication and the names of persons present while the communication was made, and, where not apparent, the relationship of the persons present to the person making the communication;

2. the date and place of the communication; and

3. the general subject matter of the communication.

ii. For documents:

1. the type of document,

2. the general subject matter of the document,

3. the date of the document, and such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.

15. If, in answering these Discovery Requests, the responding party encounters any ambiguities when construing a question, instruction, or definition, the responding party's answer shall set forth the matter deemed ambiguous and the construction used in answering.

16. Nothing in these Discovery Requests should be construed to apply to the President of the United States or direct communications with the President.

DEFINITIONS

Notwithstanding any definition below, each word, term, or phrase used in these Discovery Requests is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure.

1. *DOGE*: The term "DOGE" refers collectively to (1) Defendant United States DOGE Service, established by Executive Order 14158, "Establishing and Implementing the President's 'Department of Government Efficiency,'" on January 20, 2025; (3) the U.S. DOGE Service Temporary Organization ("DOGE Temporary Organization") described in Executive Order 14158; and (3) any agent, unit, or component of the foregoing.

2. *Administrator:* The term "Administrator" means any person appointed to be the Administrator of the United States DOGE Service as established in Executive Order 14158, including any person appointed to that position on a temporary, interim, or acting basis.

3. *Federal agency*: The term "federal agency" refers to any entity of the United States government, whether executive, legislative, or judicial.

4. *Communication:* The term "communication" means the transmittal of information by any means.

5. *Document:* The terms "document" and "documents" are synonymous in meaning and equal in scope to the term "items" in Fed. R. Civ. P. 34(a)(1) and include, but are not limited to, electronically stored information. The terms "writings," "recordings," and "photographs" are defined to be synonymous in meaning and equal in scope to the usage of those terms in Fed. R. Evid. 1001. A draft or non-identical copy is a separate document within the meaning of the term "document." *However*, for purposes of these requests only, while the term "document" includes electronically stored information, it does not, unless the specific request indicates otherwise, include emails, text messages, or any similar electronically exchanged communication, except that documents should not be excluded from your response merely because they may be otherwise attached to such communications.

6. *DOGE Team*: The term "DOGE Team" is synonymous in meaning and equal in scope to the term "DOGE Team" in Executive Order 14158.

7. *Employee*: The term "employee" means any person who is authorized to perform or actually performs work on behalf of any entity or agency–including, for the avoidance of doubt, DOGE–regardless of their formal employment classification, whether they are a detailee from another agency, or are providing services on a volunteer basis. The term includes any employee who is detailed or employed elsewhere, so long as that employee continues in any role in the agency in which they are an employee. The term also includes the actual or de facto leader of an entity or agency (e.g., the DOGE Administrator is an "employee" of DOGE).

8. *Federal record:* The term "federal record" is synonymous in meaning and equal in scope to the term "record" in 44 U.S.C. § 3301.

9. *Identify (with respect to persons)*: When referring to a person, to "identify" means to state the person's full name, present or last known address, and, when referring to a natural person, the present or last known place of employment. If telephone numbers are known to the answering party, and if the person is not a party or present employee of a party, said telephone numbers shall be provided. Once a person has been identified in accordance with this subparagraph, only the name of the person need be listed in response to subsequent discovery requesting the identification of that person.

10. *Identify (with respect to documents):* When referring to documents, to "identify" means to state the: (i) type of document; (ii) general subject matter; (iii) date of the document;

and, (iv) author(s), addressee(s), and recipient(s) or, alternatively, to produce the document.

11. *Location*: The term "location" means, for electronic documents and communications, the device, server, or medium on which those documents and communications are stored or maintained, as well as where any such device, server, or medium can be found. For documents in non-electronic form, the term "location" means where and in whose possession the documents can be found.

12. *Person*: The term "person" means any natural person or any business, legal or governmental entity or association, or their agents. Requests seeking the identification of a "person" seek the person's name.

13. *Relating to:* The term "relating to" means concerning, referring to, describing, evidencing, or constituting.

14. *You/Your:* The terms "You" or "Your" include the person(s) to whom these requests are addressed, and all of that person's agents, representatives, and attorneys.

15. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all;" "any" means "any and all." "Including" means "including but not limited to." "And" and "or" encompass both "and" and "or." Words in the masculine, feminine, or neuter form include each of the other genders.

16. If the requested documents are maintained in a file, the file folder is included in the request for production of those documents.

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS U.S. DOGE SERVICE AND ADMINISTRATOR OF THE U.S. DOGE SERVICE

INTERROGATORY NO. 1: Identify all current and former employees of DOGE and members of DOGE Teams and, for each such person, the dates of their employment, their positions, whether they are paid, to whom they directly report, whether they are employed by DOGE, the DOGE Temporary Organization, or a federal agency, under whose authority they were hired or their volunteer services accepted, and whether they have independent access to DOGE office space in the Eisenhower Executive Office Building.

RESPONSE:

INTERROGATORY NO. 2: Identify any current or former employees of DOGE who have been detailed to other federal agencies or have simultaneously been employees of DOGE and a federal agency, and, for each such employee, the agencies to which they have been detailed or by which they have simultaneously been employed, their positions and duties at those agencies, and any duties they have retained at DOGE during their detail or simultaneous employment.

RESPONSE:

INTERROGATORY NO. 3: Identify each Administrator since January 20, 2025, the dates during which each person held that position, whether they interviewed for that position, with whom they interviewed, and who first informed them that they had been appointed to that position.

RESPONSE:

INTERROGATORY NO. 4: Identify all persons who oversee, supervise, or exercise authority over the conduct of DOGE employees, DOGE Teams, or any affiliates thereof, and how they do so, including any dedicated staff or systems to facilitate such oversight, any recurring reports that DOGE employees and DOGE Team members are required to submit, and any DOGE employees who are exempt from those systems or reports. As part of this response, identify all persons who have the authority to hire, terminate, or detail DOGE employees, or who have actually taken such actions, since January 20, 2025.

RESPONSE:

INTERROGATORY NO. 5: Identify each federal agency contract, grant, lease, or similar instrument that any DOGE employee or DOGE Team member directed federal agencies to cancel or rescind since January 20, 2025.

RESPONSE:

INTERROGATORY NO. 6: Identify each federal agency contract, grant, lease, or similar instrument that any DOGE employee or DOGE Team member recommended that federal agencies cancel or rescind since January 20, 2025, and whether that recommendation was followed.

RESPONSE:

INTERROGATORY NO. 7: Identify each federal agency employee or position that any DOGE employee or DOGE Team member directed federal agencies to terminate or place on administrative leave since January 20, 2025.

RESPONSE:

INTERROGATORY NO. 8: Identify each federal agency employee or position that any DOGE employee or DOGE Team member recommended federal agencies terminate or place on administrative leave since January 20, 2025 and whether that recommendation was followed.

RESPONSE:

INTERROGATORY NO. 9: Identify each federal agency database or data management system to which, since January 20, 2025, any DOGE employee has attempted to gain, has planned to gain, or plans to gain access, and whether access was obtained.

RESPONSE:

INTERROGATORY NO. 10: Describe all instances in which any DOGE employee told an employee of a federal agency that the DOGE employee would or could call law enforcement in response to the other employee's conduct, including who made such statement, the federal agency and conduct of the federal agency employee at issue, the law enforcement entity referenced, and, if the law enforcement was called, who made the call and law enforcement's response.

RESPONSE:

INTERROGATORY NO. 11: Identify whether any DOGE employee or DOGE Team member has used or presently uses non-official messaging systems or applications with auto-delete functionality, including but not limited to Signal, to conduct government business.

RESPONSE:

INTERROGATORY NO. 12: Identify all persons who are or who have posted or authored posts to the @DOGE X account since January 20, 2025.

RESPONSE:

INTERROGATORY NO. 13: For each Request for Admission served concurrently with these interrogatories, explain the basis for Defendants' response, including the basis of any partial or full denial, for any request not fully admitted.

RESPONSE:

PLAINTIFF'S FIRST REQUESTS FOR ADMISSION TO DEFENDANTS U.S. DOGE SERVICE AND ADMINISTRATOR OF THE U.S. DOGE SERVICE

REQUEST FOR ADMISSION NO. 1: Admit that since January 20, 2025, DOGE employees have directed federal agencies to cancel contracts, grants, or leases.

Admit: _____ Deny: _____

REQUEST FOR ADMISSION NO. 2: Admit that since January 20, 2025, DOGE employees have recommended that federal agencies cancel contracts, grants, or leases.

Admit: _____ Deny: _____

REQUEST FOR ADMISSION NO. 3: Admit that since January 20, 2025, DOGE Team members have directed federal agencies to cancel contracts, grants, or leases.

Admit: _____ Deny: _____

REQUEST FOR ADMISSION NO. 4: Admit that since January 20, 2025, DOGE Team members have recommended that federal agencies cancel contracts, grants, or leases.

Admit: _____ Deny: _____

REQUEST FOR ADMISSION NO. 5: Admit that since January 20, 2025, DOGE employees have directed changes in the employment status of employees of federal agencies.

Admit: _____ Deny: _____

REQUEST FOR ADMISSION NO. 6: Admit that since January 20, 2025, DOGE employees have recommended changes in the employment status of employees of federal agencies.

Admit: _____ Deny: _____

REQUEST FOR ADMISSION NO. 7: Admit that since January 20, 2025, DOGE Team members have directed changes in the employment status of employees of federal agencies.

Admit: _____ Deny: _____

REQUEST FOR ADMISSION NO. 8: Admit that since January 20, 2025, DOGE Team members have recommended changes in the employment status of employees of federal agencies.

Admit: _____ Deny: _____

REQUEST FOR ADMISSION NO. 9: Admit that since January 20, 2025, DOGE Team members have directed federal agencies to keep open vacancies in career positions.

Admit: _____ Deny: _____

REQUEST FOR ADMISSION NO. 10: Admit that since January 20, 2025, DOGE Team members have recommended that federal agencies keep open vacancies in career positions.

Admit: _____ Deny: _____

REQUEST FOR ADMISSION NO. 11: Admit that since January 20, 2025, the Office of Management and Budget has apportioned over $41 million to the "United States DOGE Service" account.

Admit: _____ Deny: _____

PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION TO DEFENDANTS U.S. DOGE SERVICE AND ADMINISTRATOR OF THE U.S. DOGE SERVICE

REQUEST NO. 1: All Interagency Agreements or Memoranda of Understanding, from January 20, 2025 to the present, between DOGE and federal agencies.

REQUEST NO. 2: All Visitor Access Requests, from January 20, 2025 to the present, concerning any DOGE employee detailed to, otherwise working at, or accessing the offices of, federal agencies.

REQUEST NO. 3: All general terms and conditions invoices, commonly referred to as G-invoices, concerning DOGE-related work performed from January 20, 2025 to the present.

REQUEST NO. 4: All timekeeping records for any DOGE employee or DOGE Team member reflecting DOGE-related work.

REQUEST NO. 5: All final directives, or announcements of final directives, from any DOGE employee to any DOGE Team or federal agency, including such directives or announcements made by electronic messages such as email, signal message, X direct message, or text message.

REQUEST NO. 6: All final directives, or announcements of final directives, from any DOGE Team to any federal agency, including such directives or announcements made by electronic messages such as email, signal message, X direct message, or text message.

REQUEST NO. 7: All entity-wide final directives, or announcements of final directives, sent by any current or former Administrator to any DOGE employee or DOGE Team member since January 20, 2025, including such directives or announcements made by electronic messages such as email, signal message, X direct message, or text message.

REQUEST NO. 8: Any documents formalizing DOGE's organization, structure, reporting lines, operational units or divisions, or authority with respect to federal agencies.

REQUEST NO. 9: Any mission statement, memorandum, guidance, or other final records delineating the scope of DOGE's or any DOGE Team's authorities, functions, or operations.

REQUEST NO. 10: All announcements to any DOGE employee or DOGE Team regarding the appointment or departure of any Administrator from January 20, 2025 to the present, including such announcements made by electronic messages such as email, signal message, X direct message, or text message.

REQUEST NO. 11: All documents, including responses, produced in response to Plaintiff States' First Set of Written Discovery in *New Mexico v. Musk*, No. 1:25-cv-429 (D.D.C. filed February 13, 2025), and the consolidated case *Japanese American Citizens League v. Musk*, 1:25-cv-643 (D.D.C. filed Mar. 5, 2025), including copies of Defendants' answers to all requests for production, interrogatories, and requests for admission, including objections, as well as any exhibits, attachments, logs, files, or other things produced in response to Plaintiff States' requests in that case, as well as any deposition transcripts produced.

REQUEST NO. 12: All documents, including responses, produced in response to Plaintiff States' First Set of Written Discovery in *AFL-CIO v. Department of Labor*, No. 1:15-cv-339 (D.D.C. filed Feb. 5, 2025), including copies of Defendants' answers to all requests for production, interrogatories, and requests for admission, including objections, as well as any exhibits, attachments, logs, files, or other things produced in response to Plaintiffs' requests in that case, as well as any deposition transcripts produced.

REQUEST NO. 13: All "direct messages" sent by the @DOGE X account relaying any final directives to a federal agency from January 20, 2025 to the present.

REQUEST NO. 14: All documents describing DOGE's record retention and preservation policies, including those relating to the @DOGE X account.

DEPOSITIONS

Plaintiff seeks the depositions of the following DOGE employees:

- Amy Gleason
- Steven Davis

Plaintiff also seeks a deposition of DOGE under Fed. R. Civ. P. 30(b)(6) on the following topics:

1. DOGE's establishment, mission, responsibilities, personnel, leadership structure, authorities, and decision-making and reporting structure (including the relationship of DOGE to DOGE Teams and DOGE employees detailed to or otherwise working at or with federal agencies and the relationship of DOGE Teams to federal agencies) between January 20, 2025 and the date of deposition.

2. The scope of DOGE's and DOGE Teams' authority with regard to federal agencies, and actions DOGE or DOGE Teams have actually undertaken with regard to federal agencies, between January 20, 2025 and the date of deposition.

3. The role and responsibilities of all DOGE employees detailed to or otherwise working at or with federal agencies, or having supervisory authority over DOGE employees detailed to or otherwise working at or with federal agencies, between January 20, 2025 and the date of deposition, including their titles at DOGE and any federal government entity; their responsibilities at federal agencies, DOGE, and any other federal government entities to which they have been detailed and/or otherwise assigned; their authority with regard to other federal agency staff; the supervision of said DOGE employees; and the policies, procedures, and protocols pertaining to their detailing to and activities at other federal agencies.

4. DOGE's budget, resources, funding, and expenditure of federal funds.

5. DOGE's recordkeeping and retention policies and practices.

Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON, Plaintiff, v. U.S. DOGE SERVICE, *et al.*, Defendants.	Case No. 1:25-cv-00511

DECLARATION OF JONATHAN E. MAIER

I, JONATHAN E. MAIER, hereby declare as follows:

1. I am Senior Litigation Counsel at Citizens for Responsibility and Ethics in Washington ("CREW") and counsel for CREW in the above-captioned action. I make this declaration based on my personal knowledge.

2. I submit this declaration in support of *Plaintiff's Motion for Expedited Discovery* in the above-captioned action, and in compliance with Federal Rule of Civil Procedure 56(d) and the Court's March 19, 2025 Opinion and Order, ECF No. 23 at 23 (citing *U.S. ex rel. Folliard v. Gov't Acquisitions, Inc.*, 764 F. 3d. 19, 26 (D.C. Cir. 2014) (internal quotations omitted), which directed that "any such declaration should 'outline the particular facts [CREW] intends to discover and why those facts are necessary to the litigation,' 'explain why [CREW] could not produce the facts in opposition to the motion for summary judgment,' and 'show the information is in fact discoverable.'"

Background

3. On January 24, 2025, CREW submitted an expedited FOIA request to the United States DOGE Service ("DOGE") seeking, among other things, records related to changes to the operations of USDS, organizational charts, financial disclosures, communications involving the USDS Administrator, OMB, agencies outside of the Executive Office of the President, and Congress, and budget information and other information relevant to the newly-formed USDS. CREW submitted the USDS Request through OMB's FOIA office. On January 29, 2025, OMB granted expedited treatment of CREW's FOIA request but did not guarantee that the requested documents would be produced by a date certain. 3/10/25 Mem. Op. at 10-11, ECF No. 18.

4. CREW initiated this litigation on February 20, 2025, asserting claims against Defendants under the Freedom of Information Act ("FOIA") and the Federal Records Act ("FRA"). *See generally* Compl., ECF No. 1. CREW simultaneously filed a motion for preliminary injunction that sought, among other things, processing and production of CREW's FOIA request to DOGE by March 10 and an order to DOGE, Defendant Administrator of the U.S. DOGE Service, and Defendant Elon Musk to preserve all documents until the case was resolved. *See generally* CREW PI Mem., ECF No. 2-1. Both CREW's complaint and motion alleged that DOGE is an "agency" under FOIA and the FRA because it is a component of the Executive Office of the President ("EOP") that exercises substantial authority independent of the President. Compl. at 13-27; CREW PI Mem. at 18-25.

5. CREW based its claim that DOGE exercised substantial independent authority on an extensive record of press reports, public statements by Defendant Musk and the President, and the text of various executive orders and presidential memoranda establishing DOGE's

authority and giving it power over the operations of the executive branch. Compl. at 13-27; CREW PI Mem. at 18-25.

6. DOGE opposed that motion but did not dispute that DOGE exercised substantial independent authority, instead asserting that because DOGE is a stand-alone component of the EOP, it is not subject to FOIA or the FRA. 3/10/25 Mem. Op. at 27-28. DOGE offered no evidence in opposition to CREW's motion. In CREW's reply, it narrowed the specific documents from its FOIA request for which it was seeking preliminary injunctive relief. CREW PI Reply at 15-16, ECF No. 13.

7. On March 10, the Court partially granted CREW's motion and issued a preliminary injunction requiring DOGE to begin expedited processing of CREW's FOIA request, DOGE to provide an estimate the number of responsive documents by March 20, and the parties to meet and confer and submit a joint status report by March 27 with a proposed processing and rolling production schedule for the narrowed set of documents sought by CREW. 3/10/25 Mem. Op. at 37.

8. On March 14, DOGE filed a motion for reconsideration of the Court's March 10 order. Defs.' *See generally* Defs.' Recons. Mem., ECF No. 20-1. In support of that motion, it submitted a declaration from DOGE's purported Acting Administrator Amy Gleason that made various conclusory statements about her role and DOGE's operations, but that did not indicate when she became Administrator, provide details or evidence to support her factual assertions, or address any of the reported actions taken by DOGE cited in CREW's complaint and motion for preliminary injunction. *See generally* 1st Gleason Decl., ECF No. 20-2. Ms. Gleason's declaration also stated that she was a "full-time, government employee at" DOGE. *Id.* ¶ 3.

9. On March 18, CREW opposed DOGE's motion. CREW Recons. Opp., ECF No. 21. Also on March 18, CREW learned through a public filing in another case that Ms. Gleason had been appointed to a position at the Department of Health and Human Services (HHS) on March 4, 2025, contradicting her sworn statement that a "full-time, government employee at [DOGE]." 1st Gleason Decl. ¶ 3.

10. On March 19, the Court denied DOGE's motion for reconsideration. *See generally* 3/19/25 Op. & Order, ECF No. 23. In so doing, it found that DOGE's submission of Ms. Gleason's declaration was untimely and that her sworn statements about DOGE's operations and leadership were contradicted by statements by Mr. Musk and the President, the observations of other courts that have evaluated DOGE's conduct, and public reports of its conduct. *Id.* at 9-12.

11. Also on March 19, Defendants DOGE, its Administrator, Mr. Musk filed a motion for partial summary judgment asserting that DOGE was not an agency under FOIA or the FRA because it does not wield substantial independent authority. *See generally* Defs.' SJ Mem., ECF No. 24-1. To support their motion, Defendants attached a second declaration by Ms. Gleason that repeated the conclusory factual assertions that the Court noted on March 19 contradicted known facts. *See generally* 2d Gleason Decl., ECF No. 24-2. Ms. Gleason also revised the description of her employment to say only that she was a "full-time, government employee." *Id.* ¶ 3. Ms. Gleason's second declaration, like the first, provided no detail and attached nothing to support her assertions.

The Particular Facts Sought by CREW and Why They Are Necessary

12. All of the facts sought by CREW are necessary to the determination of whether DOGE exercises substantial independent authority.

13. Interrogatory Nos. 1 and 2 seek facts regarding the DOGE employees and DOGE Teams discussed in Ms. Gleason's second declaration, including information on the nature of their positions, to whom they report, with what DOGE entity they are employed, under whose authority they were hired, their physical locations, and the extent to which they also work with other federal agencies. Each of these facts are necessary to determine the extent to which DOGE has a defined structure, the extent to which Ms. Gleason or others actually supervise DOGE employees to ensure that their work is within DOGE's authority, who is making personnel decisions, and the extent to which DOGE personnel are also working for other agencies. Each of these facts relates directly to the scope and nature of DOGE's work and the extent to which it actually exercises substantial independent authority.

14. Interrogatory Nos. 3 and 4 seek facts regarding the identity of each DOGE Administrator, the manner in which DOGE Administrators have been selected, the contours of DOGE's management and leadership, and how DOGE employees and DOGE Teams are selected and overseen. These facts are necessary to ascertain the veracity of and basis for the factual assertions in Ms. Gleason's second declaration, the extent to which the DOGE Administrator is free to actually influence the operations of DOGE and how the Administrator might be influenced, the extent to which DOGE operations might be influenced in a manner not reflected in its formal structure, how DOGE leadership monitors and influences the work of DOGE employees, and whether DOGE leadership would be aware of efforts by DOGE employees to control the actions of federal agencies.

15. Interrogatory Nos. 5, 6, 7, and 8 and Request for Admission Nos. 1 through 10 seek facts regarding which federal agency contracts, grants, leases, or similar instruments DOGE or DOGE Teams have directed or recommended to be cancelled or rescinded, which federal

agency employees or positions DOGE or DOGE Teams have directed or recommended to be terminated, placed on leave, changed, or left open, and the extent to which federal agencies follow DOGE's recommendations. These facts are necessary because of the extensive public record of such terminations, cancellations, and adverse employment decisions reportedly undertaken by DOGE in CREW's complaint, Compl. 3, 19, which Ms. Gleason's second declaration does not address. Contract administration, grant administration, real property management, reducing the size of the federal workforce, and influencing individual employment decisions are also areas in which DOGE has been granted specific authority by executive order and presidential memorandum. *See*, *e.g.* Establishing and Implementing the President's "Department of Government Efficiency," Exec. Order No. 14158 (Jan. 20, 2025), 90 Fed. Reg. 8441 (Jan. 29, 2025); Hiring Freeze, Presidential Mem. (Jan. 20, 2025), 90 Fed. Reg. 8247 (Jan. 28, 2025); Reforming the Federal Hiring Process and Restoring Merit to Government Service, Exec. Order No. 14170 (Jan. 20, 2025), 90 Fed. Reg. 8621 (Jan. 30, 2025); Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative, Exec. Order. No. 14210 (Feb. 11, 2025), 90 Fed. Reg. 9669 (Feb. 14, 2025); Implementing the President's Department of Government Efficiency" Cost Efficiency Initiative, Exec. Order 14222 (Feb. 26, 2025), 90 Fed. Reg. 11095 (Mar. 3, 2025). The extent and nature of DOGE's directives and recommendations relate directly to both its substantial independent authority, specifically its interactions with federal agencies, and the assertions in Ms. Gleason's second declaration about the nature of DOGE's work.

16. Interrogatory Nos. 9 and 10 seek the identification of each federal agency database or data management system to which DOGE employees have obtained or planned to obtain access since January 20, 2025 and facts about DOGE's use or threatened use of federal

law enforcement authority against federal agency employees. These facts are necessary because of an extensive public record of DOGE's access to sensitive agency systems and its invocation of federal law enforcement authority when gaining access to those systems and government offices cited in CREW's complaint, Compl. at 2-3, 19-23, which Ms. Gleason's second declaration does not address. These facts relate directly to DOGE's control of federal agency systems and facilities and the extent to which DOGE has invoked law enforcement to assert its authority in the face of agency resistance, both of which are central to whether DOGE wields substantial independent authority and the veracity of the characterizations of DOGE's work in Ms. Gleason's second declaration.

17. Interrogatory Nos. 11 and 12 seek facts regarding the use of non-governmental systems by DOGE employees and DOGE Team members to conduct government business. These facts are necessary to test the veracity of Ms. Gleason's representations about DOGE's record retention practices, to determine the extent to which DOGE employee conduct is even subject to the supervision of DOGE leadership, who is speaking on behalf of DOGE, and whether these modalities could be used by DOGE employees to direct the conduct of federal agencies, particularly given the fact that CREW's complaint contains allegations based on a public record of DOGE's use of X and Signal to conduct official business, Compl. at 24-27, that Ms. Gleason's second declaration does not address.

18. Interrogatory No. 13 seeks facts regarding the basis for Defendants' responses to CREW's Requests for Admission. These facts are necessary to determine the scope and true meaning of the Defendants' admissions and denials, particularly because CREW has not received Defendants' initial disclosures or been able to propound initial discovery before now.

19. Request for Admission No. 11 seeks information regarding the $41 million that the Office of Management and Budget has apportioned to the "United States DOGE Service" account since January 20, 2025. This fact is necessary because apportionments to DOGE relate directly to the likelihood that DOGE is engaged in work beyond merely advising the President and different in nature than providing reimbursable consulting services to federal agencies, the basis on which the apportionments were made, the resources available to DOGE in the course of responding to CREW's discovery requests, and to test the veracity of assertions in Ms. Gleason's first and second declarations regarding DOGE's resources and the extent of burdens that it claims.

20. Request for Production No. 1 seeks Interagency Agreements and Memoranda of Understanding between DOGE and other federal agencies. These documents are necessary to test the veracity of the characterizations of DOGE's work and relationships to federal agencies in Ms. Gleason's second declaration, to determine the extent to which formal agreements exist between DOGE and the federal agencies with which it interacts, and to determine the scope of any such agreements, each of which relates directly to DOGE's role with, and direction of, federal agencies and thus its independent authority.

21. Request for Production Nos. 2, 3, and 4 seek DOGE's Visitor Access Requests and General Terms and Conditions Invoices, commonly referred to as G-invoices, and timekeeping records of DOGE employees and DOGE Team members reflecting DOGE-related work. These documents are necessary to test the veracity of the characterizations of DOGE's work in Ms. Gleason's second declaration and because they reflect the extent to which DOGE employees are working at or otherwise accessing the facilities of federal agencies. They also reflect the extent and nature of the work performed by DOGE employees and DOGE Teams,

which is of particular importance because even Ms. Gleason, DOGE's purported Administrator, also holds a position at another federal agency. They are particularly important given the fact that CREW's complaint contains numerous allegations regarding specific instances of DOGE directing federal agency decisions, Compl. at 17-25, that Ms. Gleason's second declaration does not address.

22. Request for Production Nos. 5, 6, and 7 seek directives or announcements of them from DOGE to DOGE Teams or federal agencies, DOGE Teams to federal agencies, and the DOGE Administrator to DOGE or DOGE Teams. They are necessary to test the veracity of the characterizations of DOGE's work and its scope in Ms. Gleason's second declaration and because they reflect how directives pass from DOGE leadership to DOGE components and from DOGE to federal agencies, which is crucial to determining the extent to which DOGE directs federal agency decisions. They are particularly important given the fact that CREW's complaint contains numerous allegations regarding specific instances of DOGE directing federal agency decisions, Compl. at 17-25, that Ms. Gleason's second declaration does not address.

23. Request for Production Nos. 8 and 9 seek documents formalizing DOGE's structure and authority and describing what it understands to be the scope of its and the DOGE Teams' authority, functions, and operations. These documents are necessary to establish DOGE's organization, oversight structure, and understanding of its own authority and the authority of DOGE Teams, and whether that authority has been made clear to DOGE leadership or rank-and-file employees as they have worked with federal agencies. These issues relate directly to the extent to which DOGE personnel do, or believe they can, exert control of federal agencies. They are also necessary to ascertain the extent to which DOGE has made any effort to formalize its operations or their scope, which is particularly significant because Defendants'

motion for partial summary judgment and Ms. Gleason's second declaration cite executive orders and presidential memoranda as the only guideposts for DOGE's conduct. They are particularly important given the fact that CREW's complaint contains numerous allegations regarding specific instances of DOGE directing federal agency decisions, Compl. at 17-25, that Ms. Gleason's second declaration does not address.

24. Request for Production No. 10 seeks announcements to DOGE employees and DOGE Team members regarding the appointment of the DOGE Administrator. These documents are necessary to determine the extent to which the DOGE Administrator was even identified to DOGE employees and whether any such announcement described the role of the Administrator, how to reach the Administrator, or the extent of Administrator's oversight of their work. These facts relate directly to the veracity of the characterizations of DOGE's operations in Ms. Gleason's second declaration, whether DOGE adheres to the authority provided to it by executive order, and whether any person other than the DOGE Administrator is actually administering it. They are also particularly important given the facts that press reports from shortly before Ms. Gleason became DOGE Administrator indicated that DOGE employees did not know who the Administrator was and DOGE was unable to identify the Administrator who preceded her when asked by the court in other litigation, CREW PI Reply at 10, and Ms. Gleason's second declaration does not indicate when she became Acting Administrator.

25. Request for Production Nos. 11 and 12 seek copies of documents that are ultimately produced by DOGE in other litigation regarding the scope of its work and the legal authority of its employees. These documents are necessary because they bear on DOGE's structure, authority, and interactions with federal agencies and CREW must ensure that the information provided by DOGE in response to CREW's discovery requests is accurate and

consistent with its statements in other litigation. As described in CREW's motion for expedited discovery, DOGE and Ms. Gleason have already made misleading statements to the Court in an effort to convince it to reconsider its March 10 order requiring DOGE to begin processing requested documents for production. As also noted in CREW's Motion for Expedited Discovery, in at least one other DOGE-related case, the court learned that a government declarant made a sworn statement that conflicted with that declarant's live testimony in another case and held that there was reason "to be cautious of concluding what defendants put forward [in opposing discovery] is the whole story." Mem. Op. and Order, *AFL-CIO v. Dept. of Labor,* No. 25-cv-339 at 13 (D.D.C. Mar. 19, 2025), ECF No. 71.

26. Request for Production No. 13 seeks all direct messages sent by the @DOGE X account relaying any final directives to a federal agency since January 20, 2025. These messages are necessary because the public record cited in CREW's complaint, Compl. at 24-27, establishes that DOGE is conducting official business on its X account, and its directives to federal agencies on that platform are direct evidence of its control of federal agencies.

27. Request for Production No. 15 seeks all documents describing DOGE's record retention and preservation policies. These documents are necessary to test the veracity of assertions regarding DOGE's record retention in Ms. Gleason's second declaration and to ascertain whether records potentially responsive to CREW's discovery requests have been lost, and are particularly important given the DOGE's "unusual secrecy." 3/10/25 Mem. Op. at 8-9, 34-35.

28. The deposition of DOGE pursuant to Fed. R. Civ. P. 30(b)(6) is necessary to obtain DOGE's binding testimony regarding its substantial independent authority, which is both fact-intensive and has been placed squarely at issue by Defendants in their motion for partial

summary judgment and Ms. Gleason's second declaration. That deposition is also necessary to test the veracity of Ms. Gleason's second declaration, which is on its face incomplete and inconsistent.

29. The deposition of Ms. Gleason is necessary to allow CREW to test the veracity of her second declaration and understand her cursory assertions in it, particularly because she is DOGE's only declarant regarding its substantial independent authority. As Defendants' sole declarant and the purported leader of DOGE, her deposition will establish the factual basis, or lack thereof, for her declaration's assertions about DOGE's operations and Mr. Musk's DOGE role and, if she is in fact knowledgeable, will provide additional information regarding all manner of DOGE's operations.

30. The deposition of Steven Davis is the most efficient vehicle to discover the details of DOGE's operations and Mr. Musk's DOGE role, and is made a necessity by Ms. Gleason's lack of candor. Mr. Davis is a DOGE employee who has been widely reported to be the day-to-day manager of DOGE's operations and a close associate of Mr. Musk,[1] and former DOGE staff have reported that he "has always been articulated [by managers at DOGE] as the leader" and that managers at DOGE have said that he "is serving in chief of staff role."[2] Mr. Davis will thus have unique insight into DOGE's operations, particularly those relevant to whether it wields substantial independent authority, and Defendants Musk's role. Mr. Davis's deposition is also

[1] *See, e.g.*, Ryan Mac *et al.*, *Meet Elon Musk's Top Lieutenant Who Oversees DOGE*, NY Times (Mar. 20, 2025), https://www.nytimes.com/2025/03/20/technology/elon-musk-steve-davis-doge.html; Ken Thomas *et al.*, *The Musk Deputy Running DOGE's Huge Cost-Cutting Drive*, Wall Street Journal (Feb. 10, 2025), https://www.wsj.com/politics/policy/steve-davis-elon-musk-cost-cutting-cc1dc7c9); Sarah McBride, *Elon Musk's Go-To Cost-Cutter is Working for DOGE*, Bloomberg (Dec. 26, 2024), https://www.bloomberg.com/news/articles/2024-12-26/who-is-steve-davis-elon-musk-s-go-to-cost-cutter-at-doge.

[2] Markena Kelly, *Not Even DOGE Employees Know Who's Legally Running DOGE*, Wired (Feb. 18, 2025), https://www.wired.com/story/doge-elon-musk-leadership-administrator/.

necessary to fill the factual gaps that will very likely emerge from Ms. Gleason's testimony, including with respect to any time period during which Ms. Gleason was not serving as DOGE's Acting Administrator.

CREW Cannot Produce the Facts in Opposition to Defendants' Motion for Partial Summary Judgment

31. CREW is unable to produce the facts above in opposition to defendants' motion for summary judgment. Each of the facts and documents for which CREW seeks discovery is nonpublic and internal to DOGE and in DOGE's custody, control, and possession.

32. To date, CREW has had no opportunity for discovery in this case or any other matter in which those documents might be produced. CREW has also conducted diligent, repeated, and ongoing searches to identify if any of the information or documents described above, or other information or documents that may allow CREW to meaningfully respond to Defendants' motion for summary judgment, have been released by DOGE and are publicly available. To the best of my knowledge, DOGE has not provided to CREW or otherwise made publicly available any such facts or documents.

The Information Sought by CREW is Discoverable

33. All of the information sought by CREW is discoverable. In accordance with Federal Rule of Civil Procedure 26(b)(1), each of its discovery requests seek non-privileged information or documents relevant to both CREW's FOIA and FRA claims against DOGE and Defendants' defense, raised in their pending motion for partial summary judgment, that DOGE is not an "agency" under FOIA and the FRA because it does not exercise substantial independent authority. Defendants have acknowledged that the issue is an "important threshold legal issue" in the litigation.

34. CREW's requests do not seek information or documents that it expects will unreasonably interfere with any government function or have any impact on the overall operations of DOGE or other EOP components.

35. CREW's requests direct that nothing in them "should be construed to apply to the President of the United States or direct communications with the President."

36. All of the information and documents sought by CREW are within the custody, control, and possession of DOGE and its agents.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 27, 2025

Respectfully submitted,

/s/ Jonathan E. Maier

Jonathan E. Maier

Exhibit 3

APPOINTMENT AFFIDAVITS

Expert / Consultant — (Position to which Appointed)

3/4/25 — (Date Appointed)

Dept. of HHS — (Department or Agency)

Office of the Secretary — (Bureau or Division)

(Place of Employment)

I, Amy Gleason, do solemnly swear (or affirm) that--

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 4 day of March, 2025

at Washington (City) DC [redacted]

(SEAL)

Commission expires_____
(If by a Notary Public, the date of his/her Commission should be shown)

Supervisory HR Specialist (Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.

Exhibit 4

Morgan Lewis

Jody C. Barillare
Partner
+1.302.574.7294
jody.barillare@morganlewis.com

March 19, 2025

VIA ECF

Hon. Todd M. Hughes
U.S. District Court for the District of Delaware

Re: *Arnold v. X Corp.*, No. 1:23-cv-528
Discovery Dispute re: Deposition of Elon Musk

Your Honor:

Consistent with this Court's standing discovery order involving discovery disputes § (g)(iii) and instructions from chambers, Respondents X Corp., X Holdings Corp., and Elon Musk respectfully submit the following three-page letter outlining the issues in dispute and Respondents' position on those issues.

Respectfully submitted,

/s/ Jody C. Barillare

Jody C. Barillare (#5107)

Respondents submit this letter opposing Plaintiffs' request to depose Elon Musk and seeking a protective order. Plaintiffs cannot satisfy the requirements to justify an "apex deposition" of X Corp.'s highest-ranking corporate executive, who is also a high-ranking government official. They have not identified any relevant, unique, non-repetitive personal knowledge they seek from Musk. Plaintiffs' counsel already possesses a transcript of a full-day deposition of Musk covering the layoffs that are the subject of this case. And Plaintiffs' counsel will himself depose Musk in the next two weeks in related arbitrations about issues relevant to this case. In addition to showing no need for Mr. Musk to be deposed a third time, Plaintiffs have not completed less intrusive discovery, *e.g.*, written requests to Musk or depositions of lower-ranking officials. Their failure to exhaust non-apex discovery and their counsel's public statements suggest Plaintiffs do not seek to depose Musk to develop new, relevant facts but to harass him—an abuse of the discovery process. Respondents request that the Court issue a protective order precluding this cumulative apex deposition or, at the very least: (i) delay decision on the protective order until after the pending motion to dismiss and motions to quash and (ii) strictly limit any deposition to defined, necessary topics and two hours at most.

I. Background

As the Court knows, this case is proceeding in parallel with other cases and arbitrations arising from the same reorganization and layoffs beginning in November 2022. Many former employees are represented by Lichten & Liss-Riordan, P.C. ("LLR"), which deposed Musk for a full day on May 9, 2024, covering all relevant topics here: including layoffs, severance, alleged promises and contracts, the Merger Agreement, and alleged discrimination. By agreement, that transcript is being used in all LLR cases, and has been provided to Plaintiffs' counsel Mr. Cohen for use in his cases.

Nevertheless, Plaintiffs' counsel sought to depose Musk for seven hours on the same topics in his clients' bellwether arbitrations. An arbitration panel permitted only a two-hour deposition limited to non-cumulative topics. *See* Exhibit A (Panel Order). Then, Plaintiffs served a seven-hour deposition notice on Musk in this litigation—effectively seeking 16 hours of testimony total. *See* Exhibit B (Notice).

This extraordinary request is in keeping with Mr. Cohen's public letter to Musk posted on Twitter on December 1, 2022, which addressed Musk as "Chief Twit," accused Musk of "breaking [his] word and screwing over [his] ex-employees," threatened personal liability, and stated: "deposing you will be a joy." Exhibit C (Cohen Letter) at 1-2.

Sure enough, this case named Musk as a defendant. Musk moved to dismiss, and Magistrate Judge Burke recommended dismissal of seven claims in full and an eighth in part, including because the complaint does "not plead that *Musk himself* made a false representation." ECF No. 121 at 8. Musk has objected to the aspect of the R&R recommending not to dismiss Plaintiffs' veil-piercing claim, ECF No. 134, and this Court has scheduled argument for next month. *See* ECF Nos. 141, 142.

Despite having access to two Musk depositions and not yet deposing *any* other X Corp. witnesses, Plaintiffs' counsel now seeks the "joy" of deposing Musk multiple times. Ex. C at 2.

II. The Court Should Issue A Protective Order.

Under the apex doctrine, "courts have held that depositions of high-ranking corporate and governmental officers will be allowed only upon a showing that those officers have particularly relevant information to offer that is not equally available from other, less burdensome sources." *Brit. Telecomms. PLC v. IAC*, 2020 WL 1043974, at *8-9 (D. Del. 2020) (citing cases) (quashing deposition of CEO given alternative source of information); *United Therapeutics Corp. v. Liquida Techs., Inc.*, 2024 WL 4791943, at *2 (D. Del. 2024) (doctrine "generally bars the deposition of a high-ranking official" if the official has no unique first-hand knowledge *or* there is an alternative source). The apex doctrine "recognizes that depositions of high-level officers severely burden[] those officers and the entities they represent, and that adversaries might use this severe burden to their unfair advantage." *Jessen v. Model N, Inc.*, 2024 WL 3371433, at *2 (D.N.J. 2024). The party seeking the deposition

must show (1) that the executive has direct, unique, relevant knowledge and (2) the information cannot "be obtained from lower-level employees or through less burdensome means, such as interrogatories." *Ford Motor Co. v. Edgewood Props., Inc.*, 2011 WL 677331, at *2. (D.N.J. 2011); *United States v. Medtronic, Inc.*, 2018 WL 11145993, at *1 n.1 (E.D. Pa. 2018) (both factors "must be satisfied to justify the deposition of an apex witness"). Courts also consider whether the deposition is sought "for an improper purpose, such as harassment." *LivePerson, Inc. v. [24]7.Ai, Inc.*, 2018 WL 1319424, at *2 (N.D. Cal. 2018). In making these inquiries, courts in this circuit apply "a rebuttable presumption that a high-level official's deposition represents a significant [and undue] burden." *U.S. ex rel. Galmines v. Novartis Pharms. Corp.*, 2015 WL 4973626, at 82 (E.D. Pa. 2015).

Plaintiffs here cannot overcome the presumption, so the Court should not "depart from the general rule against permitting the [apex] deposition." *United Therapeutics*, 2024 WL 4791943, at *3.

A. Claimants have not shown that Musk has unique, non-duplicative knowledge of relevant facts. A party seeking an apex deposition first must show that the executive's testimony would not be "duplicative" of information the party already possesses. *Koken v. Lexington Ins. Co.*, 2005 WL 6051364, at *1 (E.D. Pa. 2005) (barring apex deposition as "duplicative, harassing, and unduly burdensome"). An apex deponent's knowledge must not only be relevant and firsthand, but "unique." *Medtronic*, 2018 WL 11145993, at *1 n.1. Any deposition here would be plainly duplicative because Plaintiffs possess a 377-page transcript of Musk's prior seven-hour deposition covering all potentially relevant information known to Musk. Plaintiffs' counsel also was granted leave to depose Musk for an additional two hours by a panel of three arbitrators in connection with employee layoff and severance-related issues. *See* Ex. A. No more testimony is needed.[1]

Plaintiffs have indicated they seek information from Musk to support a veil-piercing claim. A motion to dismiss that claim is currently pending before this court, with oral argument scheduled for April 2025. At the very least, the Court should wait until it resolves that motion before resolving the Musk deposition issue—since a dismissed claim can provide no basis for a third apex deposition. Even if not dismissed, there is no indication that Musk has *unique* knowledge regarding veil-piercing, which depends on whether the corporation is essentially "a sham entity designed to defraud investors and creditors." *Crosse v. BCBSD, Inc.*, 836 A.2d 492, 497 (Del. 2003). It is patently absurd to contend that X Corp., which runs one of the most prominent social media platforms and is backed by some of the most sophisticated venture capital firms, is such a "sham entity designed to defraud investors and creditors." *Id.* In any event, the relevant factors concern the maintenance of separate corporate formalities and records, capitalization, commingling of assets, and so on, none of which is uniquely within Musk's knowledge. *E.g.*, *Trevino v. Merscorp, Inc.*, 583 F. Supp. 2d 521, 529-30 (D. Del. 2008).

Setting aside the veil-piercing claim, Plaintiffs' counsel has identified no relevant topic about which Musk has not already testified or that counsel could not discover elsewhere. That is reason enough to deny this apex deposition.[2]

B. Plaintiffs have not completed less intrusive means of discovery, much less shown they cannot obtain needed information from other witnesses. When the information being sought "could have been obtained from other available witnesses," or through interrogatories, plaintiffs "will not be permitted to depose [the] highest ranking executive[]." *Jessen*, 2024 WL 3371433, at *6 (quoting *Younes v. 7-Eleven, Inc.*, 2015 WL 12844446, at *2 (D.N.J. 2015)) (granting protective order); *Reif v. CNA*, 248 F.R.D. 448, 452-54 (E.D. Pa. 2008) (plaintiff "must demonstrate the information can only be obtained from" the CEO and must "first depose lower level employees" and show they "could not provide the necessary information"). Here, Plaintiffs are seeking to depose

[1] Even without reference to the apex doctrine, the deposition would be "unreasonably cumulative or duplicative," and the information "can be obtained from some other … less burdensome" source. Fed. R. Civ. P. 26(b)(2)(C)(i).

[2] Nor is Plaintiffs' counsel's claim that he would have deposed Musk better than LLR did persuasive. He has already been granted two additional hours to cure any alleged deficiencies. *See* Ex. A.

X Corp.'s highest ranking official first—before they depose any lower-level employees, and before submitting interrogatories to Musk. They clearly have not exhausted other, less intrusive means of discovery.[3] And again, simply using the 9 hours of Musk deposition testimony they already have access to is clearly less intrusive than ordering another deposition. *See Reif*, 248 F.R.D. at 452 (citing case denying deposition where plaintiff already had copy of "prepared statement" from the apex witness).

And the presumed undue burden from a deposition is heightened because Musk is not only X Corp.'s (and other companies') highest executive, but he is a high-ranking government official. *Cf. Apple v. Samsung*, 282 F.R.D. 259, 263 (N.D. Cal. 2012) (weighing "a person's degree of 'apex-ness' in relation to these factors"). The White House has designated Musk a "special government employee" in charge of Establishing and Implementing the President's Department of Government Efficiency ("DOGE"). 90 FR 8441, https://tinyurl.com/26vey9vr. Such "high level government officials [must be] permitted to perform their official tasks without disruption" by depositions, given their "greater duties and time constraints than other witnesses." *Johnson v. Att'y Gen. of N.J.*, 2015 WL 4915611, at *3 (D.N.J. 2015). This rule raises Plaintiffs' bar under the apex doctrine, which they clearly have not met.

C. There is palpable risk of harassment here. Plaintiffs have not satisfied either requirement necessary to justify an apex deposition. Both requirements ultimately serve to deter depositions that would harass or unjustifiably burden executives and government officials. *See, e.g.*, *In re Transpac. Passenger*, 2014 WL 939287, at *5 (N.D. Cal. 2014). All available evidence suggests that Plaintiffs seek to depose Musk for an improper purpose, which the Court should not indulge.

At the meet and confer, Plaintiffs' counsel would not agree to limit the topics of the deposition, no matter whether information is available elsewhere or whether *Musk already testified on a topic*. That is evidence of an intent to harass. *See Schneider v. Chipotle Mexican Grill, Inc.*, 2017 WL 4127992, at *3 n.3 (N.D. Cal. 2017). Counsel also indicated that he seeks to ask Musk about such irrelevant topics as DOGE employees. And Counsel failed to agree to a meaningful time limit, conceding his goal to circumvent the arbitration panel's 2-hour limit (Ex. A) to obtain a full additional day.

Moreover, counsel is a prolific Twitter user who has a personal axe to grind with Musk—which was profiled in the New York Times. *See* John Leland, *How a Profane Joke on Twitter Spawned a Legal Army*, N.Y. Times (May 26, 2024), https://tinyurl.com/3kvr4fxs ("[Mr. Cohen] blames Mr. Musk for what he considers the deterioration of a platform that had once allowed his group of square pegs to find one another and to thrive. 'In a very large sense, he broke our home,' Mr. Cohen said. 'So there would be a certain poetic justice,' he added, 'to get a victory for these clients.'"). And Mr. Cohen's public letter tweeted at Musk states a desire to depose Musk for the "joy" of it—an improper purpose. Ex. C at 2; *see* Cohen Dec. 1, 2022 Tweet, https://tinyurl.com/yx7mxuwt (suing Musk "[wi]ll be fun as hell"). It is difficult to imagine a case where the apex doctrine more clearly applies.

III. Any Decision On This Deposition Should Come After Other Pending Decisions.

This deposition is not only premature because Plaintiffs have not exhausted other discovery, but it should await the Court's decision on (i) pending motions to quash third-party subpoenas and (ii) the motion to dismiss, which could make veil-piercing irrelevant and thus improper for discovery from anyone. There is no reason to rush to depose Musk before these decisions. *See* ECF No. 50.

IV. Conclusion

Respondents respectfully request a protective order as discussed above.

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[3] Plaintiffs may respond that they have sought depositions from certain third-party "Musk advisors" but their motions to quash are pending before this Court. At most, that shows the Court should resolve those motions *before* considering whether to order Musk's deposition. But that argument is also misdirection, given that Plaintiffs have not exhausted information-gathering from X Corp. employees. *See First Fid. Bancorp. v. Nat'l Union Fire Ins. Co.*, 1992 WL 46881, at *4 (E.D. Pa. 1992) (must depose other employees first).

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WOLFRAM ARNOLD, ERIK FROESE, TRACY HAWKINS, JOSEPH KILLIAN, LAURA CHAN PYTLARZ, and ANDREW SCHLAIKJER, Plaintiffs, v. X CORP. f/k/a TWITTER, INC., X HOLDINGS CORP. f/k/a X HOLDINGS I, INC. and ELON MUSK, Defendants.	Case No. 1:23-cv-528-JLH

NOTICE OF DEPOSITION OF ELON MUSK

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, Plaintiffs Wolfram Arnold, Erik Froese, Tracy Hawkins, Joseph Killian, Laura Chan Pytlarz, and Andrew Schlaikjer ("Plaintiffs") by and through their undersigned counsel, will take the deposition upon oral examination of Defendant Elon Musk ("Musk") on March 20, 2025 at 9:30 Eastern time at 1201 North Market Street, Wilmington, DE 19801. The testimony will be recorded by stenographic means, and may also be recorded by audio, video, or real-time transcription means before a notary public or other officer authorized to administer oaths. Plaintiffs may seek to use the testimony and the videotape at the time of trial.

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Dated: February 25, 2025

EXHIBIT C

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December 1, 2022

Via Email
Elon Musk
Chief Twit
Twitter, Inc.
Market Square
1355 Market St #900
San Francisco, CA

Alex Spiro
Acting General Counsel

Elon, Alex,

I am a Partner at Kamerman, Uncyk, Soniker, & Klein, P.C., counsel to many of the employees you recently laid off from Twitter, Inc. ("Twitter"),[1] and I'm sure you've been expecting this. Ever since you took over Twitter, you've been attempting to tap-dance your way out of Twitter's binding obligations to its employees, which include paying the agreed severance to the thousands of people you laid off just in time for the holidays. If basic human decency and honor isn't enough to make you want to keep your word, maybe this will:

If you don't unequivocally confirm by **Wednesday, December 7** that you intend to provide our clients with the full severance Twitter promised them, we will commence an arbitration campaign on their behalf, with each employee filing a separate individual arbitration, as required by the terms of your arbitration agreement. Under both California law and the JAMS arbitration rules, Twitter will be responsible to pay the arbitration costs for each individual arbitrator and arbitration. Consistent with the terms of Twitter's arbitration agreement, those arbitrations will be held in jurisdictions across the country – no more than 45 miles from where each employee worked. Not only will you lose on the merits, but even if you somehow won the victory would be pyrrhic: Twitter will pay far more in attorneys' fees and arbitration costs than it could possibly "save" in severance due our clients.

And to be clear, Elon, you *will* lose, and you know it. As you know, in Section 6.9(a) of the Agreement and Plan of Merger between X Holdings I & II and Twitter (the "Merger Agreement:"), you and Twitter each agreed to provide Twitter's Continuing Employees with severance payments and benefits no "less favorable than those applicable to [them]" immediately prior to the merger if they were terminated within a year from the date of the merger. Twitter then communicated that promise to each of its employees by email and in its Acquisition FAQ, and detailed in writing what they could expect in severance if they stayed through the merger and were laid off: a minimum of two months of salary, accelerated vesting of their RSUs (paid in cash at $54.20 a share), payment of their pro-rated bonuses,

[1] We currently represent 22, and are in discussions with several hundred more who are still choosing among the various firms that have offered to represent them.

and continued contribution to their healthcare. Instead, the severance and benefits you've since offered, in various iterations – in your first communication to the laid off employees, and in your FAQ communications to employees who didn't "click the button" in your second round of layoffs – falls far, far short of your promises: one month of salary, no bonus, no accelerated vest, and no contribution to healthcare.

And I know, I know, you're going to argue that my clients aren't entitled to what you promised them, for reasons that don't bear scrutiny. (We both know you're grasping at straws at this point). You're going to point to Section 6.9(e) of the Merger Agreement and argue that it says the employees aren't intended third party beneficiaries and therefore can't enforce Section 6.9(a) of the Merger Agreement, but that would be a mistake for so many reasons. Delaware law doesn't treat those sort of recitals as dispositive, and running through the three factor test for third party beneficiary status is going to favor my clients, not you. Twitter decided to include an arbitration clause in its employment agreements, and arbitration with JAMS specifically allows the Arbitrator to award any relief that is "just and equitable" and to be "guided by" the rules of law they "deem most appropriate." Under the circumstances, coming in and arguing "yeah, I promised this, but lol you can't make me actually do it" is unlikely to end well for Twitter.

But even were that somehow a viable strategy, you'd still lose. The doctrine of promissory estoppel means that Twitter can't promise its employees a severance package to get them to stay at the company through the merger, and then renege on that promise once they do. Your insistence on including that "no third party beneficiaries" clause in Section 6.9(e) suggests that you were always planning on playing this game, so we'll be including a cause of action for fraud in our arbitration demands – and seeking punitive damages on top of pre- and post-judgment interest. Worse, we've received anecdotal information from our clients and others that indicates the layoff was conducted in violation of FEHA and other anti-discrimination laws. Please provide us by Wednesday the 7th with a demographic breakdown of the individuals Twitter laid off.

Last, we've received information from our clients that you have not been providing the employees you laid off on November 4, 2022 with their full benefits, even though you placed them on months of non-working leave in an attempt to comply with the WARN Act. Clients are reporting that Twitter is not providing their 401k deductions and company matches, and that issues are arising as they attempt to take advantage of other company benefits. I'm sure I don't need to warn you that's a bad idea.

Look, you have time to avoid all this. You can still choose to keep your word, and Twitter's, and pay your ex-employees what you owe them. For whatever it's worth to you, you should know that if you do, what you pay will actually flow to them, not us as their attorneys; we've agreed not to take any contingency fee if Twitter does what it agreed to do without requiring litigation.

Or you can double down on breaking your word and screwing over your ex-employees as they head into the holidays. If so, deposing you will be a joy, and you should be aware that Washington law, among others that will apply, will allow us to obtain an award against you, personally, and not just Twitter the company.

Elon Musk
Alex Spiro
December 1, 2022

We're not holding our breath, but we hope you'll do what's right and keep your word. Either way, we'll be ready. If you'd like to reach me to discuss, you have my contact information.

All the best,

/s/ Akiva M. Cohen

Akiva M. Cohen

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON, Plaintiff, v. U.S. DOGE SERVICE, *et al.*, Defendants.	Case No. 1:25-cv-00511-CRC

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR EXPEDITED DISCOVERY

Upon consideration of Plaintiff's motion for expedited discovery, Defendants' response, and Plaintiff's reply, it is hereby:

ORDERED that Plaintiff's Motion for Expedited Discovery is **GRANTED**; and

Defendants must:

Serve responses and objections to Plaintiff's Discovery Requests within 7 days of the date of this order;

Produce all responsive documents within 14 days of the date of this order; and

Complete all depositions within 10 days from the deadline for producing documents.

It is further **ORDERED** that all briefing on Defendants' pending motion for partial summary judgment, ECF No. 24, is **STAYED** pending completion of expedited discovery.

SO ORDERED.

Date: _____

_____
Hon. Christopher R. Cooper
United States District Judge