

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Case No. 26-cv-1789-RJL

HEARING REQUESTED

**PLAINTIFF’S MOTION FOR A TEMPORARY RESTRAINING ORDER, OR, IN THE
ALTERNATIVE, A STAY UNDER 5 U.S.C. § 705 AND PRELIMINARY INJUNCTION**

Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully moves for a temporary restraining order, or, in the alternative, a stay under 5 U.S.C. § 705 and preliminary injunction. The requested order would halt the operations of Defendant “Anti-Weaponization Fund” (“the Fund”), restrain Defendants from taking any action to implement the May 18 agreement purporting to settle *Trump v. IRS*, No. 26-cv-20609 (S.D. Fla.), Compl. Ex. 1, ECF No. 1-1, and the incorporated May 18 order of the Acting Attorney General, Compl. Ex. 2, ECF No. 1-2 (together, “the May 18 Order”), and require Defendants to preserve all records concerning the Fund in accordance with the Federal Records Act (“FRA”). In support of this motion, Plaintiff submits the attached memorandum of points and authorities, the Declaration of Donald K. Sherman and accompanying exhibits, and a proposed order.

As explained in the attached memorandum, immediate relief is essential to prevent CREW from suffering imminent and irreparable harm. The Department of the Treasury is set to illegally transfer nearly \$1.8 billion in taxpayer dollars to the Fund by no later than July 17, 2026, but could do so at any time before then. And the Fund could begin disbursing payments at

any point after the transfer. All the while, Defendants refuse to confirm whether the Fund is subject to the FRA, whether the Fund is preserving records as required by law, and whether the government will retain control over the assets after the transfer. If Defendants are allowed to continue these activities unchecked, CREW will lose time-sensitive opportunities to participate in notice-and-comment rulemaking which Defendants have unlawfully bypassed, to obtain information necessary to offer timely public analysis and commentary, and to ever access federal records about the Fund in the future. CREW will also suffer irreparable constitutional harms. Emergency relief is necessary to prevent these injuries and preserve the status quo ante as this case proceeds.

Prior to filing this motion, counsel for the parties conferred in an effort to narrow the issues in dispute and obviate the need for seeking emergency relief. Counsel for CREW contacted counsel for Defendants on Tuesday, May 26, provided them a copy of the Complaint, and requested basic information about the Fund's secretive structure and operations. However, counsel for Defendants could not provide CREW with that basic information, or any assurances that would mitigate the threat of irreparable harm. For instance, Defendants' counsel could not clarify *when* the nearly \$1.8 billion will be transferred outside of the Treasury, whether the "Designated Account" in which the nearly \$1.8 billion will be deposited is a private or government account, whether the Fund has started operating and accepting claims, and whether it is creating and preserving records as required by the FRA.

CREW requests a hearing on this motion by June 5, 2026, or at the Court's earliest convenience.

Pursuant to Local Civil Rule 65.1(a), undersigned counsel certify that they have notified counsel for Defendants from the Department of Justice of this motion and provided them with

copies of this filing and all other pleadings and papers filed in this action to date. Counsel emailed the filings to John Adams (john.adams5@usdoj.gov) and Micah Fielden (micah.fielden@usdoj.gov) at approximately 5:46 p.m. on May 28, 2026.

Dated: May 28, 2026

Respectfully Submitted,

/s/ Nikhel S. Sus

Kayvan Farchadi (D.C. Bar No. 1672753)

Nikhel S. Sus (D.C. Bar No. 1017937)

Stuart C. McPhail (D.C. Bar No. 1032529)

Stephen J. Buckingham (D.C. Bar No.
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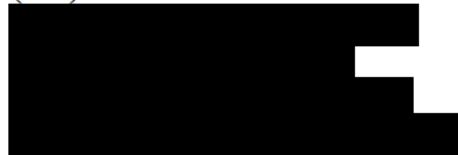
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* Admitted *pro hac vice*