IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON, *et al.*,

Plaintiffs,

v.

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

Defendants.

Civil Action No. 26-cv-3856-ABJ

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION FOR EXPEDITED SUMMARY JUDGMENT AND A PRELIMINARY INJUNCTION TO PRESERVE RECORDS

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii
INTRODUCTION 1
BACKGROUND 3
I. The Federal Advisory Committee Act 3
II. Defendants Unlawfully Create and Operate Project Meridian 7
III. Defendants Ignore Plaintiffs' Demands for FACA Compliance 11
IV. This Lawsuit 14
LEGAL STANDARDS 14
ARGUMENT 15
I. Plaintiffs Are Entitled to Expedited Summary Judgment. 15
A. Plaintiffs Have Standing. 15
B. Project Meridian is an Advisory Committee Created and Operating in Violation of FACA. 16
1. Project Meridian Constitutes an Advisory Committee under FACA. 16
2. Defendants Created and Launched Project Meridian Without Complying with FACA's and DoD's Procedural Requirements. 18
3. Defendants are Operating Project Meridian in Defiance of FACA's Public Access Requirements. 21
4. Project Meridian Fails to Comply with FACA's Fair Balance Requirement. 24
i. FACA Fair Balance Claims are Justiciable. 24
ii. Project Meridian Lacks the Fair Balance Required by FACA. 26
C. Expedited Summary Judgment is Appropriate. 30
II. Plaintiffs are Entitled to a Preliminary Injunction Requiring Preservation of Project Meridian's Records 31
A. Plaintiffs Are Likely to Prevail in Establishing that they are Entitled Under FACA to Records Produced or Relied Upon by Project Meridian. 32
B. The Loss of Project Meridian's Records Would Irreparably Harm Plaintiffs. 33
C. The Balance of the Equities and the Public Interest Weigh Heavily in Plaintiffs' Favor. 34
CONCLUSION 36

TABLE OF AUTHORITIES*

Cases

United States ex rel. Accardi v. Shaughnessy,
347 U.S. 260 (1954) 16

Am. Acad. of Pediatrics v. Kennedy,
814 F. Supp. 3d 150 (D. Mass. 2026) 24

Am. Bankers Ass'n v. Nat'l Credit Union Admin.,
271 F.3d 262 (D.C. Cir. 2001) 15

Am. Bioscience, Inc. v. Thompson,
269 F.3d 1077 (D.C. Cir. 2001) 15

Am. First Legal Found. v. Becerra,
2024 WL 3741402 (D.D.C. Aug. 9, 2024) 33

Am. First Legal Found. v. Cardona,
630 F. Supp. 3d 170 (D.D.C. 2022) 24, 30

Am. Hist. Ass'n v. Trump,
835 F. Supp. 3d 1 (D.D.C. 2026) 33

Am. Oversight v. Hegseth,
788 F. Supp. 3d 14 (D.D.C. 2025) 33

Am. Vanguard Corp. v. Jackson,
803 F. Supp. 2d 8 (D.D.C. 2011) 16

Amica Ctr. for Immigr. Rts. v. Exec. Off. for Immigr. Rev.,
2026 WL 662323 (D.D.C. Mar. 2, 2026) 15

Armstrong v. Bush,
807 F. Supp. 816 (D.D.C. 1992) 33

Bean v. Perdue,
316 F. Supp. 3d 220 (D.D.C. 2018) 16

Byrd v. EPA,
174 F.3d 239 (D.C. Cir. 1999) 15

Cargill, Inc. v. United States,
173 F.2d 323 (5th Cir. 1999) 19

CREW v. Cheney,
577 F. Supp. 2d at 339 ..... 32, 33

CREW v. Off. of Admin.,
565 F. Supp. 2d at 29 33

CREW v. OMB,
791 F. Supp. 3d 29 (D.D.C. 2025) 15

Ctr. for Auto Safety v. Dole,
846 F.2d 1532 (D.C. Cir. 1988) 25

Cummock v. Gore,
180 F.3d 282 (D.C. Cir. 1999) 3

* Authorities marked with an asterisk are those on which counsel chiefly relies.

Cases—continued

United States ex rel. Dow v. HC2, Inc.,
2026 WL 657173 (D.D.C. Mar. 9, 2026).....30
Drake v. FAA,
291 F.3d 59 (D.C. Cir. 2002).....25
Elec. Frontier Found. v. Off. of Dir. of Nat. Intel.,
2007 WL 4208311 (N.D. Cal. Nov. 27, 2007).....33
Escobar Molina v. U.S. Dep't of Homeland Sec.,
811 F. Supp. 3d 1 (D.D.C. 2025).....16
In re Fannie Mae Secs. Litig.,
552 F.3d 814 (D.C. Cir. 2009).....30
Food Chem. News v. Dep't of Health & Hum. Servs.,
980 F.2d 1468 (D.C. Cir. 1992).....6, 22
Freedom Watch, Inc. v. Obama,
930 F. Supp. 2d 98 (D.D.C. 2013), *aff'd*, 559 F. App'x 1 (D.C. Cir. 2014).....17
Joe Hand Promotions, Inc. v. Molly Malone's LLC,
2020 WL 5816219 (D.D.C. Sept. 30, 2020).....14
League of Women Voters of U.S. v. Newby,
838 F.3d 1, 12 (D.C. Cir. 2020).....35
Link v. Wabash R. Co.,
360 U.S. 626 (1962).....30
M.O. v. Helland,
2026 WL 3218694 (D.D.C. Oct. 27, 2026).....30
**NAACP Legal Def. & Educ. Fund, Inc. v. Barr*,
496 F. Supp. 3d 116 (D.D.C. 2020).....16, 24, 25
Nken v. Holder,
556 U.S. 418 (2009).....32
Open Cmtys. All. v. Carson,
286 F. Supp. 3d 148 (D.D.C. 2017).....35
Physicians for Soc. Responsibility v. Wheeler,
359 F. Supp. 3d 27 (D.D.C. 2019).....25
Protect Democracy Project, Inc. v. U.S. Dep't of Def.,
263 F. Supp. 3d 293 (D.D.C. 2017).....33, 35
**Pub. Citizen v. DOJ*,
491 U.S. 440 (1989).....15, 19, 24
Pub. Citizen v. Nat'l Advisory Comm. on Microbiological Criteria for Foods,
886 F.2d 419 (D.C. Cir. 1989).....25, 30
Rodriguez v. Robbins,
715 F.3d 1127 (9th Cir. 2013).....35
Singh v. Berger,
56 F.4th 88 (D.C. Cir. 2022).....15

Cases—continued

Steenholdt v. FAA,
314 F.3d 633 (D.C. Cir. 2003) 25

Union of Concerned Scientists v. Wheeler,
954 F.3d 11 (1st Cir. 2020) 25

**VoteVets Action Fund v. U.S. Dep't of Veterans Affs.*,
992 F.3d 1097 (D.C. Cir. 2021) 3, 15, 21

Winter v. Nat. Res. Def. Council,
555 U.S. 7 (2008) 34

Statutes, Rules & Regulations

*5 U.S.C.
§ 108(c)(2) 19
§ 552b(c) 6, 23
§ 706(2)(A) 16
§ 706(2)(D) 16
§ 1001(2)(A) 3, 16, 32
§ 1001(b)(i) 3, 16, 32
§ 1002(b) 33
§ 1002(b)(2) 4
§ 1004(b)(1) 4
§ 1004(b)(2) 4, 24, 31
§ 1004(b)(3) 4
§ 1004(c) 4, 24, 31
§ 1008(a) 5, 18
§ 1008(a)(2) 31
§ 1008(c) 5, 31
§ 1008(c)(1) 19
§ 1008(c)(2) 5
§ 1008(c)(3) 19
§ 1009(a)(1) 6, 22, 31
§ 1009(a)(2) 6, 21
§ 1009(a)(3) 6, 22, 31
§ 1009(b) 6, 22, 32
§ 1009(d) 6, 23
§ 1009(e) 20

28 U.S.C. § 1657(a) 30

*41 C.F.R.
§ 102-3.60(a) 5, 18
§ 102-3.60(a)(3) 4
§ 102-3.60(b) 4, 28
§ 102-3.60(b)(1) 4, 25, 27, 29
§ 102-3.60(b)(2) 4, 25
§ 102-3.65(a) 5

Statutes, Rules & Regulations—continued

41 C.F.R.
§ 102-3.70 19
§ 102-3.105(g) 4
§ 102-3.120 20
§ 102-3.120(b) 5, 19
§ 102-3.150(a) 21
§ 102-3.150(a)(8) 20
§ 102-3.150(c) 23
§ 102-3.170 ..... 6, 22
§ 102-3.175(e) 7
91 Fed. Reg. 7978 (Feb. 19, 2026) 35
Fed. R. Civ. P. 56(a) 14
Fed. R. Civ. P. 56(b) 14

Other Authorities

10A Charles Alan Wright *et al.*, Fed. Prac. & Proc. Civ. § 2718 (4th ed. 2008) 14
*DoD Instruction 5105.04, *Dep't of Defense Federal Advisory Committee Management Program* (Aug. 6, 2007) ..... *passim*
H.R. Rep. No. 92-1017 (1972) 3, 24, 30

INTRODUCTION

On September 30, 2026, Secretary of Defense Pete Hegseth created an advisory committee to tell the Department of Defense ("DoD") how to conduct war in the technological age. He directed that advisory committee—which he named "Project Meridian: The Future of Warfare"—to submit its final recommendations to DoD by January 28, 2027, and to propose "actionable solutions" to which "[t]he Joint Staff and all services should be prepared to connect their future warfare efforts and research." Project Meridian is comprised of two billionaire DoD contractors, leaders and representatives of more than a dozen other DoD contractors and for-profit companies with financial interests in the committee's work, a representative of defense industry trade group, a handful of former DoD staff, and one close political ally of the President. It is meeting behind closed doors and offering no public view into its work or deliberations.

Project Meridian is patently illegal. The Federal Advisory Committee Act ("FACA") constrains federal agencies from receiving advice from advisory committees like Project Meridian that are marred by conflicts of interest, operate in secret, and lack the objectivity required to advise the government in the public interest. It does this by requiring agencies who utilize advisory committees to keep the public and Congress well-informed about their composition and operations from start to finish. And it does this by ensuring that every advisory committee has sufficiently broad membership to consider the range of interests, points of view, and expertise required to make the committee's advice reliable for government use.

Defendants have violated *every* applicable provision of FACA and DoD's own policy to ensure that its advisory committees are operated legally and responsibly. They have unlawfully kept the public in the dark by failing to (i) publish DoD's reasons for determining that Project Meridian is necessary and in the public interest, (ii) publish Project Meridian's charter, (iii) appoint a designated public official to ensure Project Meridian operates lawfully, (iv) give adequate public

notice and facilitate public participation in Project Meridian's meetings, (v) make Project Meridian's records publicly available, and (vi) ensure that Project Meridian's records are preserved, all of which are required by law.

Defendants have also unlawfully ignored the procedural and substantive requirement for fair balance in Project Meridian's membership, such that a committee tasked with "mapping the trajectory of future" war is dominated by for-profit, advanced technology defense companies who stand to financially benefit from increased military spending on advanced technologies. Project Meridian lacks *any* representation from independent experts or non-profit groups that pose an alternative viewpoint; it has no experts in human rights or international law, in the ethical use of advanced technologies for military purposes, in safeguarding against threats posed by weapons proliferation, in mitigating harm to civilians in theaters of war, or in reining in military spending and avoiding government waste. The result of Defendants' total failure to follow the law is that Project Meridian poses the exact concerns that FACA is meant to prevent. It is poised to provide dangerously unreliable advice from self-interested special interest groups that, if Defendants have their way, will dictate national defense policy and Pentagon spending for years to come.

Plaintiffs are government watchdogs who seek to understand and inform the public about Project Meridian's creation and operations and an organization with expertise directly relevant to the Project's mission and a point of view not represented by the Project's announced members. They now seek expedited summary judgment on all claims and a preliminary injunction requiring preservation of Project Meridian's records during the pendency of this litigation. The indisputable facts show that Plaintiffs are entitled to judgment as a matter of law, that expedition is necessary given the fast-approaching January 28 deadline for the Project's final report, and that immediate injunctive relief is necessary to prevent the irreparable loss of critical federal records.

BACKGROUND

I. The Federal Advisory Committee Act

Congress enacted FACA in 1972 as a "sunshine law" to curb the Executive Branch's reliance on superfluous and secretive "advisory committees": ad hoc, non-federal bodies that counsel governmental decisionmakers on federal policy. Congress was particularly concerned that advisory committees "were often dominated by representatives of industry and other special interests seeking to advance their own agendas." *Cummock v. Gore*, 180 F.3d 282, 284 (D.C. Cir. 1999) (citing H.R. Rep. No. 92-1017 (1972), *reprinted in* 1972 U.S.C.C.A.N. 3491, 3496). To address those concerns, FACA establishes strict requirements for the creation and conduct of advisory committees that are designed to "promote transparency, accountability, and open public participation in executive branch decisions and prevent informal advisory committees from exerting improper or one-sided influence." *VoteVets Action Fund v. U.S. Dep't of Veterans Affs.*, 992 F.3d 1097, 1101 (D.C. Cir. 2021).

FACA broadly defines "advisory committee" to include any "committee, board, commission, council, conference, panel, task force, or other similar group . . . established or utilized to obtain advice or recommendations for . . . one or more agencies or officers of the Federal Government" that is not "composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government." 5 U.S.C. §§ 1001(2)(A), (b)(i). FACA requires each advisory committee to have (i) "a clearly defined purpose"; (ii) a membership that is "fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee"; and (iii) "appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory

committee's independent judgment." 5 U.S.C. §§ 1004(b)(1)-(3), (c); 41 C.F.R. §§ 102-3.60(a)(3), (b), 102-3.105(g).

A. With respect to the fair balance requirement, FACA regulations direct agencies to "ensure that they fully consider and understand the potential implications or anticipated impacts of the advisory committee's potential recommendations," including "the groups and entities potentially affected or interested . . . so that the agency can make informed decisions on the areas of expertise or perspectives that would advance the work of the advisory committee" 41 C.F.R. § 102-3.60(b)(1), and, once the agency has "identified the points of view that would promote a fairly balanced advisory committee membership," "conduct broad outreach." *Id.* § 102-3.60(b)(2).

DoD policy similarly requires that "Committee membership, as a whole, shall be balanced in terms of the points of view and the functions to be performed." DoD Instruction ("DoD-I") 5105.04, *Dep't of Defense Federal Advisory Committee Management Program*, ¶ 4.6 (Aug. 6, 2007) ("DoD FACA Policy").[1] Declaration of Jonathan Maier, Ex. A ("CREW Decl.") at Ex. 83. "[T]o ensure that Committee members provide independent and balanced advice to the Federal government," DoD requires that "[i]ndividual Committee members shall be free from significant conflicts of interest." DoD FACA Policy ¶ E3.5.1.

B. Because FACA was enacted to protect the public interest by constraining agencies' use of advisory committees and holding that utilization "to the minimum necessary," agencies must follow strict procedures to establish one. 5 U.S.C. § 1002(b)(2). To start, heads of agencies can only establish advisory committees if such "establishment is . . . determined as a matter of formal

[1] A DoD Instruction is an agency issuance that formally "[e]stablishes policy and assigns responsibilities within a functional area[.]" *See* DoD-I 5025.01, DoD Issuances Program, Table 1 (Jan. 20, 2026) (describing the purpose and content of various of DoD issuances). A DoD-I can be used to "defin[e] the authorities and responsibilities" of DoD officials and "provide general procedures for implementing policy." *Id.*

record," after consulting with the Administrator of the General Services Administration ("GSA"), "to be in the public interest in connection with the performance of duties imposed on that agency by law." *Id.* § 1008(a). In its consultation with GSA, the agency head creating the advisory committee must "provide a written public interest determination" that it "is essential to the conduct of agency" business, and that the information the agency seeks from the committee "is not already available through another advisory committee or source within the Federal Government." 41 C.F.R. § 102-3.60(a). That public interest statement must "demonstrate that establishing the committee is in the public interest by including, among other things, "[c]riteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership." *Id.* And, once GSA has had an opportunity to assess that public interest statement, the agency must publish the public interest statement it provided to GSA in the Federal Register along with a timely notice of the creation of the advisory. 5 U.S.C. § 1008(a); 41 C.F.R. § 102-3.65(a).

Even if all these requirements are met, FACA prohibits advisory committees from "meet[ing] or tak[ing] any action until an advisory committee charter has been filed" with "the head of the agency to whom the advisory committee reports" and the relevant Senate and House Committees. *See* 5 U.S.C. § 1008(c). FACA's implementing regulations also require the advisory committee's charter to be published on the advisory committee's "public-facing website." 41 C.F.R. § 102-3.120(b); *accord* DoD FACA Policy ¶ E3.4.1. The charter must contain, among other things, the advisory committee's official designation, its objectives and the scope of its authority, a description of the duties for which the committee is responsible, its estimated operating costs, and the estimated number and frequency of committee meetings. 5 U.S.C. § 1008(c)(2). The DoD FACA Policy requires DoD-supported advisory committee charters to also "provide details on the selection process for Committee members and the Committee Chairperson, provide a

description of the required expertise and/or represented groups necessary to achieve balanced membership, and list the Committee members' appointment categories . . . and whether or not they are compensated for their duties." DoD FACA Policy ¶ E3.A2.3.

C. Once in operation, advisory committees must facilitate public comment and participation by keeping their meetings "open to the public" and publishing "timely notice of each meeting" in the Federal Register. 5 U.S.C. §§ 1009(a)(1)-(2). The DoD FACA Policy requires that notices for DoD-supported advisory committees must "appear[] in the Federal Register for at least 15 calendar days prior to the actual date of the meeting." DoD FACA Policy ¶ E3.12.9.

"Each advisory committee meeting shall be open to the public." 5 U.S.C. § 1009(a)(1). And, within reason, interested members of the public must "be permitted to attend, appear before, or file statements with any advisory committee." *Id.* § 1009(a)(3). While FACA permits agencies to hold closed meetings or to otherwise restrict full public participation in limited circumstances prescribed by the Government in the Sunshine Act, 5 U.S.C. § 552b(c), any such determination must "be in writing and shall contain the reasons for the determination," *id.* § 1009(d); *see also* DoD FACA Policy ¶ E3.12.3.2 (imposing a 15 calendar-day Federal Register publication requirement to notify the public of a determination to hold a closed meeting).

FACA also requires disclosure of "the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, [and] other documents . . . made available to or prepared for" the committee, subject to the exemptions of the Freedom of Information Act ("FOIA"). 5 U.S.C. § 1009(b). That obligation requires advisory committees to affirmatively publish their records, 41 C.F.R. § 102-3.170, and to do so well *before* the relevant advisory committee meeting, so that the public can "follow the substance of the [committee's] discussions," *Food Chem. News v. Dep't of Health & Hum. Servs.*, 980 F.2d 1468, 1472 (D.C. Cir. 1992); *see also* 41 C.F.R.

§ 102-3.170 (requiring "contemporaneous availability" of records); DoD FACA Policy ¶ E3.14 (setting forth additional records management policies for DoD-supported advisory committees).

Advisory committees are also subject to federal records retention laws. When an advisory committee advises an agency, its records must be retained for the committee's duration, 41 C.F.R. § 102-3.175(e), and at its termination, those "records must be processed in accordance with the Federal Records Act . . . regulations issued by the National Archives and Records Administration . . . or in accordance with the Presidential Records Act," *id.*, and are subject to access under FOIA.

II. Defendants Unlawfully Create and Operate Project Meridian

On September 30, 2026, Secretary Hegseth issued a one-page memorandum commissioning Project Meridian under the direction of Defendant Emil Michael, the Under Secretary of Defense for Research and Engineering and Chief Technology Officer of the DoD ("Hegseth Memorandum"). Plaintiffs' Statement of Material Facts Not in Dispute ("SOMF") ¶ 1; CREW Decl. Ex. 1. The Hegseth Memorandum directs Project Meridian to "study the battlefields of the future, identify which weapons and technologies warfighters will need to harness to dominate in these environments, and propose actionable solutions to start developing, testing and fielding th[o]se capabilities" and "to map the trajectory of future warfare, identify critical capability gaps, and propose actionable solutions in furtherance of the identified goals in the 2026 National Security Science and Technology Strategy." SOMF ¶ 1; CREW Decl. Ex. 1. The Hegseth Memorandum further directs that "Project Meridian's finalized findings and recommendations shall be submitted to [the Secretary of Defense's] office no later than 120 days after this announcement, or on January 28, 2027." *Id.*

The Hegseth Memorandum establishes Project Meridian as a vehicle for a single set of recommendations from government outsiders to which "[t]he Joint Staff and all services should be

prepared to connect their future warfare efforts and research." SOMF ¶ 1; CREW Decl. Ex. 1. It directs Project Meridian to, through a "partner organization," "leverage critical perspectives from outside the Pentagon, drawing upon a group of top technologists, innovators, business leaders, policy makers, and national security experts." SOMF ¶ 1; CREW Decl. Ex. 1. And it contains no provisions for records retention, management and mitigation of conflicts of interest, fair balance, or public notice of or access to Project Meridian's meetings or records. *See* SOMF ¶ 1; CREW Decl. Ex. 1.

Also on September 30, the same day he issued the Hegseth Memorandum, Secretary Hegseth announced during a speech that "under [Defendant Michael's] leadership," Project Meridian would be co-led by billionaire DoD contractors Elon Musk and Palmer Luckey and by Newt Gingrich, a staunch supporter of President Trump and an election denialist whose wife has been appointed to multiple ambassadorships by President Trump. *See* SOMF ¶ 2; CREW Decl. Ex. 3. Secretary Hegseth further announced that immediately after his speech concluded, Project Meridian's first meeting would be held in a sensitive compartmented information facility ("SCIF") nearby. *See* SOMF ¶ 2; CREW Decl. Ex. 3. On October 1, Project Meridian held its second meeting, again with Secretary Hegseth and closed to the public. SOMF ¶ 4, CREW Decl. Ex. 4. The meeting included Senators Tim Sheehy and Tom Cotton.[2] SOMF ¶ 4, CREW Decl. Ex. 4. On October 1, 2026 DoD published photographs of both meetings. SOMF ¶ 5; CREW Decl. Ex. 4.

On October 2, the MITRE Corporation, a nonprofit corporation that operates federally funded research and development centers, announced that DoD had selected it to "lead Project

[2] While Senators Sheehy and Cotton, like Secretary Hegseth, have attended Project Meridian meetings and appear to be participating in the Project in some fashion, neither DoD nor MITRE have explicitly identified them as committee members; accordingly, Plaintiffs do not treat them as such for purposes of this motion.

Meridian." SOMF ¶ 6; CREW Decl. Ex. 5. MITRE's announcement included a link to a DoD announcement on LinkedIn that DoD had commissioned MITRE to "execute" Project Meridian and to "author and deliver an independent, unclassified final report, not to exceed 30 pages, with classified annex(es) at the conclusion of the 120-day period." SOMF ¶ 7; CREW Decl. Ex. 5.1.

MITRE has also announced the remainder of Project Meridian's membership. SOMF ¶ 7; CREW Decl. Ex. 5. MITRE's October 2 announcement identified 20 total committee members, not including Defendant Michael. CREW Decl. ¶ 13. MITRE subsequently amended the announcement to identify two additional members, bringing the total number, including Defendant Michael, to 23. SOMF ¶ 7; CREW Decl. ¶13, Ex. 5.

At least 18 of the 23 members of Project Meridian have financial conflicts of interest. Including Musk and Luckey, 15 members of Project Meridian (2 of whom are co-directors) own, lead, or work at for-profit companies with direct financial interests in the recommendations of Project Meridian. SOMF ¶¶ 20-37; CREW Decl. Ex. 5, 7-63. Those companies consist of some of DoD's largest contractors, including SpaceX, Anduril, Oracle, and Parsons Corporation; other DoD contractors and companies seeking to do business with DoD that sell AI, advanced robotics, battlefield software, autonomous and unmanned weaponry, satellite and communications systems, automated manufacturing, surveillance technology, defense systems, and other advanced goods and services to DoD; and private equity firms, venture capital firms, and entrepreneurs who invest in them. SOMF ¶¶ 20-37; CREW Decl., Ex. 5, 7-63; Compl. ¶ 70.

Three members are not directly employed by defense contractors or tech companies but have business relationships with companies with financial interests in the committee's recommendations. Retired General James Rainey is an advisor to DoD contractors Air (formerly Govini) and Overland AI and to Bain Capital, a private equity firm that invests in the defense

industry. SOMF ¶¶ 38-40; CREW Decl. Ex. 5, 64-70. Nadia Schadlow—a former DoD employee who has served on DoD's Defense Policy Board and as Deputy National Security Advisor for Strategy and Assistant to the President in the Trump-Pence administration—is a senior advisor for Marlinspike Partners, a venture capital and private equity firm with a portfolio that includes intelligence and defense companies. *See* SOMF ¶ 41; CREW Decl. Ex. 5, 71-74; Compl. ¶ 70. And Dr. Arun Seraphin is the Director of the Emerging Technologies Institute for the National Defense Industrial Association ("NDIA"), a trade group that advocates for the interests of 1,500 institutional participants in the defense industry, the vast majority of which are for-profit companies. SOMF ¶ 42; CREW Decl. ¶ 85, Ex. 5, 75-76. Several of NDIA's corporate members are already represented on Project Meridian, including Space X, xAI, Anduril Industries, Oracle, Saronic Technologies, and GRVTY. SOMF ¶¶ 20-21, 23, 29, 32 42; CREW Decl. ¶ 85, Ex. 7, 10, 17, 35, 45, 76.

The remaining five members of Project Meridian consist of Defendant Michael, a current DoD official who reports to Secretary Hegseth, SOMF ¶¶ 1, 46; CREW Decl. Ex. 1, 82; three former DoD employees—former Air Force Chief Scientist Victoria Coleman,[3] Retired Marine Colonel Frances "Bing" West, and longtime staffer to Senator Cotton and former Navy Lieutenant Kristen Trindle, SOMF ¶¶ 43-45; CREW Decl. Ex. 5, 77-82; and former Speaker of the House Newt Gingrich, who remains a close political ally of the President. SOMF ¶ 22; CREW Decl. Ex. 3, 5, 14-16; Compl. ¶ 70.

Despite the purpose of FACA, the DoD FACA Policy, and Project Meridian's remit to "map the trajectory of war," Project Meridian has no members with expertise or interests in many

[3] Plaintiffs erroneously alleged in the Complaint that Coleman was still employed by the Air Force.

areas implicated by its work. For example, it has no representation from any person or entity with a record of advocating for restraint in the proliferation and use of military assets; that specializes in minimizing human rights abuses and harm to civilian populations and resources or addressing the fallout from them; with expertise in foreign relations or the likely geopolitical effect of the military use of these technologies abroad; that specializes in identifying and addressing the ethical constraints that may limit the development and use of AI and other autonomous mechanisms for national defense; that operates or represents those that operate as civilians in theatres of war and military conflict whose safety and interests might be impacted by the future conduct of DoD as recommended by Project Meridian; that has expertise in the development and administration of DoD budget; that has expertise in government ethics; or that has expertise in international law.

And Defendants have created and jump-started Project Meridian without following *any* of the legal requirements to do so. Among other things, they have not: created a public record that Project Meridian is in the public interest; filed its charter with Congress or GSA or made it publicly available on Project Merdian's website; required its members to file financial disclosure reports, complete foreign activities questionnaires, or comply with standards of ethical conduct; provided any advanced public notice of its past or future meetings; made any provision for public participation and input; made any of its records available to the public, or provided any indication or assurance that is preserving those records as required by law. *See* SOMF ¶¶ 9-17; CREW Decl. ¶¶ 9-10.

III. Defendants Ignore Plaintiffs' Demands for FACA Compliance

On October 22, 2026, Plaintiff Citizens for Responsibility and Ethics in Washington ("CREW") submitted a letter to Secretary Hegseth, Defendant Michael, and James D. Freeman, Management Officer of DoD's Office of the Director of Administration and Management requesting all records regarding Project Meridian that DoD is required by FACA to disclose,

Project Meridian's charter, and notice of any past or future meetings of Project Meridian. SOMF ¶ 47; CREW Decl. ¶ 8, Ex. 2. On October 23, 2026, Plaintiff Public Citizen submitted to Secretary Hegseth, Defendant Michael, and Freeman a request for the same records and notice of public meetings. SOMF ¶ 48; Declaration of Robert Weissman, Ex. B ("PC Decl.") at ¶¶ 13-14. As of the date of this filing, neither CREW nor Public Citizen has received responses to their requests. SOMF ¶¶ 47-48; CREW Decl. ¶ 8; PC Decl. ¶ 13. Separately, Public Citizen submitted a FOIA request to DoD on October 6 seeking records regarding Project Meridian. SOMF ¶ 49; PC Decl. ¶¶ 11-12, Ex. A, B. As of the date of this filing, Public Citizen has not received any responsive records. SOMF ¶ 49; PC ¶ Decl. 11.

On October 29, 2026, Plaintiff Project On Government Oversight ("POGO") submitted a letter to Secretary Hegseth, Defendant Michael, and Freeman requesting membership on Project Meridian. Declaration of Scott Amey, Ex. C. ("POGO Decl.") at ¶ 23, Att. A. That letter explained POGO's expertise and interests in the purpose of Project Meridian, POGO's belief that its expertise and interests were not adequately represented, and the qualifications and expertise that POGO's own expert, William Hartung, could add to the committee. *See id.*; *see generally* Declaration of William Hartung, Ex. D. As of the date of this filing, POGO has received no response. POGO Decl. ¶ 27.

Also on October 29, MITRE posted on its website an invitation to "industry leaders, innovators, technologists, and warfighting experts," to submit "bold ideas, potential breakthrough technologies on the horizon, and unconventional concepts" to Project Meridian by November 12, 2026. SOMF ¶¶ 18-19; CREW Decl. Ex. 6. Its invitation stated that it "welcomes contributions from across industry, including established defense companies, emerging technology firms, startups, research organizations, and innovators working beyond the defense sector, as well as

individuals with deep expertise in warfare and emerging technologies." SOMF ¶ 18; CREW Decl. Ex. 6. MITRE's invitation, which required that submissions be unclassified to align with Project Meridian as "an open, unclassified effort," stated that based on MITRE's assessment, some submitters "may be invited to participate in follow-up activities to expand on their ideas, clarify key concepts, or provide supporting evidence." SOMF ¶ 19; CREW Decl. Ex. 6. MITRE's invitation did not solicit input from anyone outside of industry or offer any path to public participation in any way other than through the limited solicitation it described. SOMF ¶ 18; CREW Decl. Ex. 6. Nor has MITRE posted a call for membership applications, provided for public access to any Project Meridian records, or disclosed when Project Meridian would meet. SOMF ¶¶ 13-15, 17; CREW Decl. Ex. 6.

Defendants' unlawful creation and operation of Project Meridian directly harms Plaintiffs. Each Plaintiff has a statutory right and particularized interest in obtaining information regarding Project Meridian that FACA requires to be public, including DoD's prior notice of the creation of and public interest justification for the creation of Project Meridian, Project Meridian's charter, prior notice of its meetings, an opportunity to participate in or observe those meetings, and access to the materials relied on and generated by Project Meridian. *See* CREW Decl. ¶¶ 2-6; PC Decl. ¶¶ 4-14; POGO Decl. ¶¶ 14-20.

By failing to lawfully establish and operate Project Meridian in accordance with FACA, Defendants are depriving Plaintiffs of those statutory rights. As detailed in Plaintiffs' declarations, Defendants' conduct injures each Plaintiff by depriving them of information regarding the genesis, purpose, function, governance, and public interest protections of Project Meridian and the opportunity to meaningfully participate in it as either a member of Project Meridian or as a member of the public. *See* CREW Decl. ¶¶ 4-5; PC Decl. ¶ 15; POGO Decl. ¶ 19.

IV. This Lawsuit

Plaintiffs initiated this lawsuit on November 2, asserting claims under the Administrative Procedure Act ("APA") that Defendants violated FACA by establishing and utilizing Project Meridian (Count I), failing to make its records publicly available (Count II), failing to provide notice and public access to its meetings (Count III), and failing to ensure its membership is fairly balanced (Count IV). *See* Compl. ¶¶ 87-120. Plaintiffs seek an order setting aside and vacating Secretary Hegseth's September 30 memo, and enjoining Defendants from allowing Project Meridian to continue operating or from relying on its recommendations so long as it is operating in violation of FACA. *See id.* at 35, Request for Relief.

Because there is no material factual dispute and Plaintiffs are presently entitled to judgment as a matter of law, Plaintiffs now move for summary judgment. Plaintiffs also seek a preliminary injunction to prevent the irreparable loss of Project Meridian's records.

LEGAL STANDARDS

"A party may move 'for summary judgment at any time,' including at the beginning of a case." *Joe Hand Promotions, Inc. v. Molly Malone's LLC*, 2020 WL 5816219, at *3 (D.D.C. Sept. 30, 2020) (cleaned up); *accord* 10A Charles Alan Wright *et al.*, Fed. Prac. & Proc. Civ. § 2718 (4th ed. 2008) ("A defending party is not required by the rule to file an answer before moving for summary judgment."); Fed. R. Civ. P. 56(b) ("[A] party may file a motion for summary judgment at any time until 30 days after the close of all discovery."). Under Rule 56(a), summary judgment should be granted if the movant "shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). "In APA cases, however, the summary judgment standard functions slightly differently, because the reviewing court generally reviews the agency's decision as an appellate court addressing issues of law." *CREW v. OMB*, 791 F. Supp. 3d 29, 44 (D.D.C. 2025) (cleaned up). "[T]he district judge sits as

an appellate tribunal[] [and] [t]he 'entire case' on review is a question of law." *Am. Bioscience, Inc. v. Thompson*, 269 F.3d 1077, 1083 (D.C. Cir. 2001) (cleaned up).

Although district courts typically resolve APA claims upon an administrative record, where, as here, plaintiffs assert APA contrary-to-law claims that "can be resolved with nothing more than the statute" and other legal authorities, courts can adjudicate merits of the claims without an administrative record. *Am. Bankers Ass'n v. Nat'l Credit Union Admin.*, 271 F.3d 262, 266 (D.C. Cir. 2001); *accord Amica Ctr. for Immigr. Rts. v. Exec. Off. for Immigr. Rev.*, 2026 WL 662323, at *3 (D.D.C. Mar. 2, 2026).

To obtain a preliminary injunction, the moving party must show that "(1) it has a likelihood of success on the merits, (2) the balance of equities favors preliminary relief, (3) an injunction is in the public interest, and (4) it will likely suffer irreparable harm before the district court can resolve the merits of the case." *Singh v. Berger*, 56 F.4th 88, 95 (D.C. Cir. 2022).

ARGUMENT

I. Plaintiffs Are Entitled to Expedited Summary Judgment.

A. Plaintiffs Have Standing.

Plaintiffs have standing to assert Counts I, II, and III of the Complaint because each of them is suffering an "informational injury under FACA" due to Defendants' "fail[ure] to comply with the statute's disclosure and transparency requirements." *VoteVets*, 992 F.3d at 1103; *accord Pub. Citizen v. DOJ*, 491 U.S. 440, 449 (1989); *Byrd v. EPA*, 174 F.3d 239, 243 (D.C. Cir. 1999); *see* CREW Decl. ¶¶ 2-6; PC Decl. ¶¶ 2-15; POGO Decl. ¶¶ 15-20. Moreover, POGO has standing to assert Count IV, challenging Project Meridian's lack of fair balance, because Defendants have "denied [POGO] access to a representative voice on" Project Meridian, and the "denial of access to representation on an advisory committee is a sufficiently concrete harm to constitute an injury

in fact." *NAACP Legal Def. & Educ. Fund, Inc. v. Barr*, 496 F. Supp. 3d 116, 128-29 (D.D.C. 2020) ("*NAACP LDF*") (citing cases); *see* POGO Decl. ¶¶ 21-26.

B. Project Meridian is an Advisory Committee Created and Operating in Violation of FACA.

The material facts surrounding Defendants' creation and operation of Project Meridian are matters of public record and not subject to genuine dispute. *See generally* CREW Decl. ¶¶ 7, 10-97; Compl. Defendants have failed to take *any* of the steps required by FACA and DoD's FACA Policy to properly create or operate Project Meridian as an advisory committee. Because it is undisputed that Defendants have not complied with FACA's strict procedural and substantive requirements, Plaintiffs are entitled to summary judgment on all counts and the Court should set aside, vacate, and enjoin Defendants' actions as "not in accordance with law," "arbitrary" and "capricious," and "without observance of procedure required by law." 5 U.S.C. §§ 706(2)(A), (D).[4]

1. Project Meridian Constitutes an Advisory Committee under FACA.

Project Meridian is a quintessential advisory committee. FACA's definition of an advisory committee encompasses any "committee, board, commission, council, conference, panel, task force, or other similar group . . . established or utilized to obtain advice or recommendations for . . . one or more agencies or officers of the Federal Government" that is not "composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government." 5 U.S.C. § 1001(2)(A), (b)(i). Within this statutory framework, courts evaluate whether a group is an advisory committee by reference to whether it has: "1) an organized structure, 2) a fixed membership, and 3) a specific purpose." *Freedom Watch, Inc. v. Obama*, 930 F. Supp. 2d 98, 101 (D.D.C. 2013),

[4] "[A]n agency action must comply with" both the "governing statutes" *and* "regulations"; if it does not, it "shall" be set aside under the APA. *Bean v. Perdue*, 316 F. Supp. 3d 220, 227 (D.D.C. 2018); *accord Escobar Molina v. U.S. Dep't of Homeland Sec.*, 811 F. Supp. 3d 1, 50 (D.D.C. 2025); *Am. Vanguard Corp. v. Jackson*, 803 F. Supp. 2d 8, 13-14 (D.D.C. 2011) (relying on, inter alia, *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954)).

aff'd, 559 F. App'x 1 (D.C. Cir. 2014) (cleaned up). In line with Congressional intent, the bar to qualify as an advisory committee is low. *See, e.g.*, *Freedom Watch*, 807 F. Supp. 2d 28, 34-35 (D.D.C. 2011) (finding that fixed membership and general issue areas of focus satisfied statutory definition).

The Hegseth Memorandum and evidence in the public record easily satisfies these standards. Secretary Hegseth chartered Project Meridian in a document he made public, and it has a defined structure: Defendant Michael is the senior government official responsible for coordinating the committee, and the remainder of the committee is comprised of individuals who are not officers or employees of the federal government. SOMF ¶¶ 1, 20-47; CREW Decl. Ex. 1, 5, 7, 10, 14-15, 17, 21, 27-28, 30-32, 38, 41, 45, 48, 51, 54, 57, 61, 64, 71-72, 75, 77, 80, 81. It also has a clear purpose: 1) to "study the battlefields of the future, identify which weapons and technologies warfighters will need to harness to dominate these environments, and propose actionable solutions to start developing, testing and fielding those capabilities such that America will have overmatch for the 21st century and beyond," 2) "to map the trajectory of future warfare, identify critical capability gaps, and propose actionable solutions in furtherance of the identified goals in the 2026 National Security Science and Technology Strategy," and 3) to provide "finalized findings and recommendations" to the Secretary of Defense "no later than 120 days after this announcement, or on January 28, 2027." SOMF ¶ 1, CREW Decl. Ex. 1. These findings and recommendations are intended to result in policy outcomes: Secretary Hegseth directed that "[t]he Joint Staff and all services should be prepared to connect to their future warfare efforts and research" to recommendations generated by the committee. SOMF ¶ 1, CREW Decl. Ex. 1.

2. Defendants Created and Launched Project Meridian Without Complying with FACA's and DoD's Procedural Requirements.

Defendants have not taken even the preliminary steps to lawfully establish Project Meridian under FACA. To start, heads of agencies can only establish advisory committees if such "establishment is . . . determined as a matter of formal record," after consulting with the GSA Administrator, "to be in the public interest in connection with the performance of duties imposed on that agency by law." 5 U.S.C. § 1008(a). As part of that consultation, the agency head creating the advisory committee must "provide a written public interest determination" that it "is essential to the conduct of agency" business, and that the information the agency seeks from the committee "is not already available through another advisory committee or source within the Federal Government." 41 C.F.R. § 102-3.60(a). That public interest statement must "demonstrate that establishing the committee is in the public interest by including, among other things, "[c]riteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership." *Id.*

Once the agency provides with the public interest statement, GSA has the option of providing an assessment of the agency's determination that the advisory committee is in the public interest. After GSA provides its assessment or informs the agency that it will not conduct one, "the agency must publish a notice in the Federal Register announcing that the advisory committee is being established[,] which "must include the written public interest determination" that was provided to GSA. DoD's FACA Policy also requires DoD to publish an announcement of the establishment of an advisory committee 15 days prior to filing its charter, as discussed below. Defendants have not published any notice in the Federal Register regarding Project Meridian, and certainly not its written public interest determination.

Defendants have also not complied with FACA's chartering requirement. FACA provides that "[a]n advisory committee shall not meet or take any action until an advisory committee charter has been filed . . . ." 5 U.S.C. § 1008(c)(1). FACA further requires charters to be filed with the GSA, the head of the agency, and the congressional committees of jurisdiction and for a copy to be provided to the Library of Congress. 5 U.S.C. § 1008(c)(3); 41 C.F.R. § 102-3.70. The DoD FACA Policy not only requires the charter to be filed with GSA, but requires DoD to "upload a PDF copy of the Charter to the GSA's FACA Database" "[a]t the same time the [charter] is filed." DoD FACA Policy ¶ E3.4.3.1. Each committee is also required to maintain a "public-facing website" which includes a copy of the charter. 41 C.F.R. § 102-3.120(b).[5] The charter provisions of FACA and associated regulations are central to the act's purpose. They ensure "that Congress and the public remain apprised of [committees'] existence [and] activities . . . ." *Pub. Citizen*, 491 U.S. at 446*; see also Cargill, Inc. v. United States*, 173 F.2d 323, 328-29, 341 (5th Cir. 1999) (holding advisory committee meetings unlawful when charter was filed with GSA and Library of Congress, but not Congressional committees).

FACA prescribes the information required in the charter, which includes information regarding the committee's objectives, the scope of its activities, and its duties, *see* 5 U.S.C. § 108(c)(2), and the DoD FACA Policy requires additional information, including "details on the selection process for Committee members and the Committee Chairperson" and "a description of the required expertise and/or represented groups necessary to achieve balanced membership," DoD

[5] DoD, as it must, routinely complies with this requirement. *See e.g.*, *Science, Technology and Innovation Board Charter*, Sci., Tech. & Innovation Bd. (Feb. 25, 2026), CREW Decl. Ex. 84; Def. Advisory Comm. for the Prevention of Sexual Misconduct, *Charter*, Pers. Readiness Mgmt. Agency, U.S. Dept. of Def. (Nov. 30, 2022), *id.* Ex. 85; *Charter*, Def. Advisory Comm. on Mil. Pers. Testing (Apr. 22, 2024), *id.* Ex. 86; *Charter*, Def. Bus. Bd. (Jul. 1, 2024), *id.* Ex. 87.

FACA Policy ¶ E3.A.2.3. This information is crucial to FACA's purpose because without a charter, the contours of any particular committee would be unclear.

Defendants have not posted Project Meridian's charter on a public-facing website dedicated to Project Meridian or otherwise. CREW Decl. ¶ 9. Nor is Project Meridian listed on the GSA FACA database, as the DoD FACA Policy requires. That database lists 141 DoD-sponsored advisory committees going back to 1997, 37 of which are classified as "Chartered" and have links to their charters (the remainder are classified as "Terminated" or "Administratively Inactive"). CREW Decl. ¶ 10. Indeed, there is no reason to believe a charter for Project Meridian that complies with FACA exists at all.

Defendants have also failed to appoint a Designated Federal Officer ("DFO") for Project Meridian. *Id.* Although the Hegseth Memo directs Defendant Michael to coordinate the committee, DoD has not formally designated Defendant Michael as the DFO. Agencies must designate a DFO for each advisory committee, 5 U.S.C. § 1009(e); 41 C.F.R. § 102-3.120, and an advisory committee may not meet without its DFO present, 5 U.S.C. § 1009(e); *see* DoD FACA Policy ¶ E3.12.1 (stating that "[o]nly the DFO can call a Committee or Subcommittee meeting" and the DFO must attend all meetings). The DoD FACA Policy recognizes that a "[f]ailure to appoint a DFO in a timely manner will adversely affect the Committee's ability to comply with the legal provisions of [FACA and FACA regulations]." *Id.* ¶ E.3.3.1.1. The DFO ensures that DoD complies with FACA and ethics laws in the operation the advisory committee, *id*. ¶¶ 5.6, E2.10, facilitates public input for the advisory committee, *id*. ¶ E3.1.3.1-3, and screens for conflicts of interest among its membership, *id*. at E3.8.2. The DFO is also responsible for publishing Federal Register notices for meetings. *Id*. at E3.12.9. Those notices must include "contact information for the DFO or other responsible agency official, or agency electronic mailbox for the committee." 41

C.F.R. § 102-3.150(a)(8). Nevertheless, no notice of a Project Meridian meeting has been published in the Federal Register, with or without a DFO listed. CREW Decl. ¶¶ 9-10.

3. Defendants are Operating Project Meridian in Defiance of FACA's Public Access Requirements.

FACA establishes strict requirements for the creation and conduct of advisory committees that are designed to "promote transparency, accountability, and open public participation in executive branch decisions and prevent informal advisory committees from exerting improper or one-sided influence." *VoteVets*, 992 F.3d at 1101. Defendants have complied with none of them, effectively barring Plaintiffs and the public any opportunity to participate or even to monitor and report on them. SOMF ¶¶ 9-16; CREW Decl. ¶¶ 3-6; PC Decl. ¶¶ 9-15; POGO Decl. ¶¶ 14-20.

First, FACA mandates that "timely notice of each [advisory committee] meeting shall be published in the Federal Register[.]" 5 U.S.C. § 1009(a)(2). FACA's implementing regulations require such notice to occur "at least 7 calendar days prior" to each meeting and to include various information to facilitate public participation, including the time, location, purpose, and agenda of the meeting, as well as information regarding if registration is required, instructions on how to submit or provide comments, and a contact for additional information. 41 C.F.R. § 102-3.150(a). The DoD FACA Policy is even more stringent—requiring that public notice of every advisory committee "appears in the Federal Register for at least 15 calendar days prior to the actual date of the meeting," DoD FACA Policy ¶ E3.12.9. In further alignment with FACA's purpose of avoiding self-interested and one-sided committees operating in the dark, FACA's implementing regulations further state that "consistent with standard agency practice, agencies should announce meetings through additional notification methods, such as websites and social media, considering the most appropriate methods to reach committee stakeholders, and with as much advance notice as possible." 41 C.F.R. § 102-3.150(a).

Defendants have provided no prior public notice of any of Project Meridian's meetings in the Federal Register, let alone one with the required information. SOMF ¶ 12; CREW Decl. ¶ 9. The only instance in which they have provided *any* advance notice of a Project Meridian meeting was in Secretary Hegseth's September 30 speech announcing the creation of the committee and stating that the first meeting would take place immediately after the speech concluded. SOMF ¶ 2, CREW Decl. Ex. 3.

Second, FACA requires that "[e]ach advisory committee shall be open to the public," 5 U.S.C. § 1009(a)(1), and that, within reason, interested members of the public must "be permitted to attend, appear before, or file statements with any advisory committee." *Id.* § 1009(a)(3). No meeting of Project Meridian has been open to the public nor have Defendants provided any opportunity for public participation. The committee's first meeting took place in the highly controlled and publicly inaccessible SCIF mere minutes after Secretary Hegseth announced the creation of the committee. SOMF ¶¶ 2-3; CREW Decl. Ex. 3, 4. And the committee's second meeting was kept secret from the public altogether until DoD later published photographs of it. SOMF ¶¶ 4-5; CREW Decl. Ex. 4.

Third, FACA requires that Project Meridian's "records, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, [and] other documents . . . made available to or prepared for the committee . . . be available for public inspection," subject to the exemptions in FOIA. 5 U.S.C. § 1009(b). That availability must be "contemporaneous" to ensure that Plaintiffs and other interested members of the public have "a meaningful opportunity to comprehend fully the work undertaken by the advisory committee." 41 C.F.R. § 102-3.170; *accord Food Chemical News v. Dep't of Health & Hum. Servs.*, 980 F.2d 1468, 1472 (D.C. Cir. 1993) ("In order for interested parties to present their views, and for the public to be informed with respect to the subject matter,

it is essential that, wherever practicable, parties have access to the relevant materials before or at the meeting at which the materials are used and discussed."). Defendants have made *none* of Project Meridian's records available to the public, have ignored Plaintiffs' specific requests for them, and have made no indication that anything other than a short final report, without its annexes, will ever become public. SOMF ¶ 7; CREW Decl. Ex. 5.1.

Nothing excuses Defendants' refusal to follow FACA's public disclosure and participation provisions. FACA provides no exception to the requirement that prior notice of public meetings be published in the Federal Register. And while agencies are permitted to "give less than 7 calendar days notice," they may only do so only "if the President determines this is necessary for reasons of national security, or if the head of an agency determines this is necessary due to exceptional circumstances," and, in either event, "the reasons for doing so are included in the advisory committee meeting notice published in the Federal Register." 41 C.F.R. § 102-3.150(c). Yet DoD has provided no such notices. FACA similarly allows public access to meetings to be restricted for limited circumstances prescribed by Government in the Sunshine Act, 5 U.S.C. § 552b(c), but the invocation of that statute, even if appropriate, must "be in writing and shall contain the reasons for the determination, *id.* § 1009(d). And the DoD FACA Policy similarly requires that DoD announce the closure to the public of any advisory committee meeting 15 calendar days in advance of that closed meeting. DoD FACA Policy ¶ E3.12.9. Defendants have not even announced Project Meridian's meetings, much less complied with laws that require public justifications for access to them to be restricted.

MITRE's public request for information for Project Meridian underscores the needlessness of Project Meridian's secrecy. It confirms that Project Meridian is being conducted "at the unclassified" level and instructs those "industry" participants who can submit information that

their submissions should not include "classified information, Controlled Unclassified Information (CUI), export-controlled information, or information whose disclosure is restricted by law or contract" or "trade secrets, proprietary information, or confidential information belonging to the submitter or any third party." SOMF ¶ 18-19; CREW Decl. Ex. 6.

4. Project Meridian Fails to Comply with FACA's Fair Balance Requirement.

i. FACA Fair Balance Claims are Justiciable.

FACA requires that committee membership be "fairly balanced in terms of the points of view represented and the functions to be performed." 5 U.S.C. §§ 1004(b)(2), (c). The fair balance requirement ensures "that persons or groups directly affected by the work of a particular advisory committee . . . have some representation on the committee." *Am. First Legal Found. v. Cardona*, 630 F. Supp. 3d 170, 180 (D.D.C. 2022). It also serves to effectuate "one of FACA's 'principal purpose[s] . . . to enhance the public accountability of advisory committees.'" *Am. Acad. of Pediatrics v. Kennedy*, 814 F. Supp. 3d 150, 165 (D. Mass. 2026) (citing *Pub. Citizen*, 491 U.S. at 459) (cleaned up). FACA's legislative history reveals that the fair balance requirement was "[p]articularly important" in addressing "[o]ne of the great dangers" posed by the use of advisory committees—"that special interest groups may use their membership on such bodies to promote their private concerns." H.R. Rep. No. 92-1017 (1972), *reprinted in* 1972 U.S.C.C.A.N. 3491, 3496. The requirement thus prohibits "the heavy representation of parties whose private interests could influence their recommendations." *Id.*

To effectuate FACA's text and purpose, courts in this Circuit—and in the majority of Circuits that have addressed the issue—have upheld the justiciability of fair balance claims. *See NAACP LDF*, 496 F. Supp. 3d at 128-29 (gathering cases). In a *per curiam* decision, two judges of the D.C. Circuit upheld such a claim, indicating that "the Circuit [has] deemed FACA's fair

balance requirement . . . justiciable." *Id.* (citing *Pub. Citizen v. Nat'l Advisory Comm. on Microbiological Criteria for Foods* ("*Microbiological*"), 886 F.2d 419 (D.C. Cir. 1989)); *but see Physicians for Soc. Responsibility v. Wheeler*, 359 F. Supp. 3d 27, 44 (D.D.C. 2019) (interpreting *Microbiological* and dismissing a FACA fair balance claim due to the purported lack of a "meaningful standard for review"). As one court explained, "both the statutory language . . . and FACA's implementing regulations establish a meaningful standard for review" of fair balance claims. *NAACP LDF*, 496 F. Supp. 3d at 133–34; *see also Drake v. FAA*, 291 F.3d 59, 71 (D.C. Cir. 2002) (judicial review is generally available where there are "meaningful standards to cabin the agency's otherwise plenary discretion").

With respect to FACA's text, "[t]he concepts of fairness, balance, and influence are not foreign to courts," and courts "are certainly capable of reviewing agency actions with reference to those concepts[.]" *Union of Concerned Scientists v. Wheeler*, 954 F.3d 11, 19 (1st Cir. 2020). FACA's implementing regulations and DoD's FACA Policy also provide meaningful standards for reviewing fair balance claims. *See Steenholdt v. FAA*, 314 F.3d 633, 638 (D.C. Cir. 2003) ("[J]udicially manageable standards may be found in formal and informal policy statements and regulations as well as in statutes.") (cleaned up); *accord Ctr. for Auto Safety v. Dole*, 846 F.2d 1532, 1534 (D.C. Cir. 1988). FACA's implementing regulations direct convening officials to "consider[] . . . the groups and entities potentially affected or interested in [the committee's] recommendations . . . so that the agency can make informed decisions on the areas of expertise or perspectives that would advance the work of the advisory committee." 41 C.F.R. § 102-3.60(b)(1). They also direct convening officials to "conduct broad outreach" to ensure "promot[ion of] a fairly balanced advisory committee membership." *Id.* § 102-3.60(b)(2).

Agency policy governing DoD-supported advisory committees also requires that "Committee membership, as a whole, shall be balanced in terms of the points of view and the functions to be performed." *See* DoD FACA Policy ¶ 4.6. DoD's FACA Policy provides multiple standards for reviewing the question of fair balance: individual committee members must be "free from significant conflicts of interest," *id.* ¶ E3.5.1; in selecting members, DoD must consider "the points of view of prospective candidates . . . sources of funding for research and other similar activities, and interests of their employers or clients in specific areas," *id.* ¶ E3.5.2; and to ensure fair balance, DoD must provide a written "description of the required expertise and/or represented groups necessary to achieve balanced membership, and list the Committee members' appointment categories," *id.* ¶ E3.A2.3.

ii. Project Meridian Lacks the Fair Balance Required by FACA.

DoD has failed to meet *any* of the statutory, regulatory, or policy standards for ensuring that Project Meridian's membership is fairly balanced. As explained above, Project Meridian's remit involves anticipating the future of warfare and recommending technologies, capabilities, and actions for the Pentagon to take to ensure future American military dominance. *See supra* Background Part II. And Secretary Hegseth has directed military leadership to "be prepared to connect their future warfare efforts and research" with its recommendations. SOMF ¶ 1, CREW Decl. Ex. 1. Project Meridian's recommendations will implicate billions of dollars in military spending; will guide the development, acquisition, and use of advanced military technologies, including the involvement of those technologies in making decisions about the use lethal force; and will directly influence the structure, funding, and resources of the largest department in the federal government.

Plaintiffs POGO and Public Citizen—entities with expertise in assessing military spending, procurement, investment, and effective and efficient use of weaponry and technology—are directly "affected or interested in [the] recommendations" that Project Meridian will make. 41 C.F.R. § 102-3.60(b)(1). So too are a host of other potential committee participants, including other persons or entities that specialize in guarding against ineffective uses of taxpayer money for military activities; in countering threats posed by unnecessary weapons proliferation; in defending human rights and ensuring compliance with international law; in promoting ethical uses of AI and related technologies in warfare; and in advocating for the safety and security of civilians living or working in theatres of war.

Project Meridian includes *no* members who represent these interests. No committee member represents nonprofit federal budgetary and military watchdog groups, like Plaintiffs. Nor are any members independent federal budgetary experts, weapons proliferation experts, human rights or international law attorneys, foreign relations experts, experts on the parts of the world where this technology is likely to be deployed, academics or other experts on the ethical use of advanced technologies for military purposes, or representatives of civilians operating in war zones. Instead, Project Meridian is dominated by individuals with direct and enormous financial interests in the adoption, proliferation, and use of advanced technologies for military purposes. *See supra* Background Part II. Of its 23 announced members, 15 own, lead, or work at for-profit, private sector defense contractors or technology companies that stand to directly profit from the military's broad and rapid adoption of the very technologies about which Project Meridian is making recommendations. SOMF ¶¶ 20-37; CREW Decl. Ex. 5, 7-63; Compl. ¶ 62. These include people like Elon Musk and Palmer Luckey, leaders of technology companies that currently hold billions

in defense contracts and that stand to gain even more through the military's increased reliance on AI and other advanced technology. SOMF ¶¶ 20-37; CREW Decl. Ex. 5, 7-63; Compl. ¶ 70.

Two other members of Project Meridian—Retired General Rainey and Nadia Schadlow—advise government contractors and a private equity firm that invests in the defense industry. SOMF ¶¶ 38-41; CREW Decl. Ex. 5, 64-74. And one member—Dr. Seraphin—is a senior executive at a trade association that represents numerous for-profit defense contractors, including companies like xAI, Oracle, Anduril, Saronic, and GRVTY, whose executives are already participating in Project Meridian. SOMF ¶ 42; CREW Decl. ¶ 84, Ex. 75-76.

Defendant Michael is a current DoD employee. SOMF ¶ 46, CREW Decl. Ex. 82. He reports directly to Secretary Hegseth and does not represent groups that would meaningfully balance the weight of the committee's private sector members. The remaining four members lack an apparent financial interest in the outcome of Project Meridian, but they nevertheless provide no meaningful counterweight to the committee's makeup. Retired Marine Colonel Frances "Bing" West is a former military officer. SOMF ¶ 45; CREW Decl. Ex. 81; Compl. ¶ 76. Kristen Trindle is former military officer and former advisor to Senator Cotton. SOMF ¶ 44; CREW Decl. Ex. 78-80. Victoria Coleman is the former Chief Scientist of the United States Air Force. SOMF ¶ 43, CREW Decl. Ex. 77. And Newt Gingrich is the former Speaker of the House and is a close political ally of the President. SOMF ¶ 22; CREW Decl. Ex. 14-16; Compl. ¶ 78.

That Project Meridian is so glaringly imbalanced is unsurprising, given Defendants' failure to "conduct broad outreach" to the full array of "groups and entities potentially affected or interested in [Project Meridian's] recommendations." 41 C.F.R. § 102-3.60(b). Moreover, Defendants did not comply with DoD's own, mandatory policy for ensuring fair balance. Defendants did not publish a charter for Project Meridian containing a "description of the required

expertise and/or represented groups necessary to achieve balanced membership, and list the Committee members' appointment categories." DoD FACA Policy ¶ E3.A2.3; *see* SOMF ¶ 11; CREW Decl. ¶ 9. Defendants did not properly consider the "points of view" of committee members or the "interests of their employers or clients," as is evident from the fact that the majority of Project Meridian's members represent defense contractors and technology companies. *Id.* ¶ E3.5.2. And Defendants clearly failed to ensure that Project Meridian's members were "free from significant conflicts of interest," given that the majority of members have a direct financial stake in Project Meridian's recommendations. *Id.* ¶ E3.5.1. Moreover, given that Project Meridian held its first meeting immediately after its formation was announced, Defendants could not possibly have complied with numerous other safeguards called for under DoD's FACA Policy that are designed to ensure fair balance and impartiality. *See, e.g.*, DoD FACA Policy ¶ E3.5.5.2 (requiring committee members to file financial disclosure reports); *id.* ¶ E3.8.4 (requiring committee members to complete foreign activities questionnaires); *id.* ¶ E3.8.1 (imposing multiple requirements to ensure that committee members comply with standards of ethical conduct).

MITRE's October 29th request for information, *see* SOMF ¶¶ 18-19; CREW Decl. Ex. 6, further confirms that Project Meridian focuses on a narrow set of viewpoints, to the exclusion of others. MITRE solicited responses only from a defined class of persons, namely "industry leaders, innovators, technologists, and warfighting experts"—the very same groups that existing committee members already represent. SOMF ¶¶ 18-19; CREW Decl. Ex. 6. MITRE's solicitation is consistent with Project Meridian's broader failure to include the perspectives of all "groups and entities potentially affected or interested in [Project Meridian's] recommendations." 41 C.F.R. § 102-3.60(b)(1).

While in some cases the "difficulty of determining what precisely constitutes a 'fair balance' may incline courts to be deferential in reviewing the composition of advisory committees," *Microbiological*, 886 F.2d at 434 (Edwards, J., concurring in part and dissenting in part), here, even under the most deferential standard of review, Project Meridian's composition is not fairly balanced. The committee is dominated by special interest groups that have a direct financial stake in its recommendations. This type of one-sided and financially conflicted committee makeup poses the exact harm that Congress sought to prevent through FACA's balance requirement, *i.e.*, that special interests will "use their membership on [an advisory committee] to promote their private concerns." H.R. Rep. No. 92-1017 (1972), *reprinted in 1*972 U.S.C.C.A.N. 3491, 3496. To prevent that harm from occurring, the Court should reject Project Meridian's existing composition and require Defendants to comply with FACA's fair balance requirement.

C. Expedited Summary Judgment is Appropriate.

Plaintiffs respectfully request that the Court expedite summary judgment proceedings and issue an order prior to Project Meridian's reporting deadline of January 28, 2027. "District courts possess inherent authority to manage their dockets 'so as to achieve the orderly and expeditious disposition of cases.'" *United States ex rel. Dow v. HC2, Inc.*, 2026 WL 657173, at *1 (D.D.C. Mar. 9, 2026) (quoting *Link v. Wabash R. Co.*, 360 U.S. 626, 630-31 (1962)). This includes the authority to "set and enforce deadlines." *M.O. v. Helland*, 2026 WL 3218694, at *3 (D.D.C. Oct. 27, 2026) (citing *In re Fannie Mae Secs. Litig.*, 552 F.3d 814, 822 (D.C. Cir. 2009)). Expedited relief is especially appropriate in time-sensitive FACA cases. *See Am. First Legal Found. v. Cardona*, 630 F. Supp. 3d at 177 (recognizing the need for expedited summary judgment briefing in a FACA case "in hopes that [the Court] could resolve the case before the [committee's] first meeting"); *see also* 28 U.S.C. § 1657(a) (stating that "each court of the United States … shall expedite the consideration of any action … if good cause therefor is shown").

Good cause exists to expedite summary judgment proceedings. First, as explained above, *see supra* Background, the facts in this case are straightforward and undisputed. The public record makes clear that Defendants have created and utilized Project Meridian without following the procedural or substantive requirements of FACA, including the requirement to publish a public interest determination, 5 U.S.C. § 1008(a)(2); to draft and file a charter, *id.* § 1008(c); to make Project Meridian's records and meetings open to the public *id.* §§ 1009(a)(1), (3); or to take any of the steps necessary to ensure the committee's membership is "fairly balanced," *id.* §§ 1004(b)(2), (c).

Second, expedited consideration is necessary to ensure that Plaintiffs can obtain the relief to which they are entitled. Project Meridian is scheduled to conclude its work and provide "finalized findings and recommendations" to the Office of the Secretary of Defense by January 28, 2027. *See* SOMF ¶ 1; CREW Decl. Ex. 1. Once this information is submitted, DoD will begin to incorporate and rely on Project Meridian's work, and the opportunity for Plaintiffs or the public to influence the committee's recommendations will be closed.

Third, Defendants will not be unduly prejudiced by Plaintiffs' proposed schedule. Plaintiffs' proposed schedule (*see infra*, Conclusion) only minimally deviates from the standard summary judgment briefing deadlines envisioned by Local Rule 7 and includes accommodations for the Thanksgiving holiday. FACA's requirements are straightforward, the universe of facts is narrow, and Defendants will have the opportunity to file a cross-dispositive-motion under the proposed schedule. Thus, expediting summary judgment will not materially burden Defendants.

II. Plaintiffs are Entitled to a Preliminary Injunction Requiring Preservation of Project Meridian's Records.

Defendants' manifest failure to comply with FACA's transparency provisions invites serious questions as to whether Defendants are complying with FACA's records retention

provisions. To preserve Plaintiffs' statutory rights of access to public records, the Court should enter a preliminary injunction directing Defendants to preserve all records created and relied upon by the committee. Such an order is warranted because: (1) Plaintiffs are likely to prevail in establishing that they are entitled under FACA to records produced or relied upon by the Project Meridian; (2) Plaintiffs will suffer irreparable harm if the committee's records are not preserved; and (3) the balance of the equities and public interest tip exclusively in Plaintiffs' favor. *See Nken v. Holder*, 556 U.S. 418, 435 (2009) (outlining the preliminary injunction factors where the government is the opposing party).

A. Plaintiffs Are Likely to Prevail in Establishing that they are Entitled Under FACA to Records Produced or Relied Upon by Project Meridian.

Project Meridian is an advisory committee under FACA, bringing it within the scope of FACA's records retention and disclosure provisions. *Supra* Argument Part I.B. As explained above, Project Meridian qualifies as an advisory committee because is not composed entirely of federal employees, and it was established to provide advice or recommendations to DoD. *Id.* (citing 5 U.S.C. §§ 1001(2)(A), (b)(i)). It has an organized structure, led by a senior government official and three co-directors; a fixed membership of individually identified committee members; and a specific purpose of "study[ing] the battlefields of the future," "map[ping] the trajectory of future warfare," and providing actionable "findings and recommendations" to the Secretary of Defense. *Id.* Because Project Meridian qualifies as an advisory committee, Plaintiffs are entitled to all "records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, [and] other documents" that are not exempt under FOIA and that have been "made available to or prepared for" the committee. 5 U.S.C. § 1009(b).

B. The Loss of Project Meridian's Records Would Irreparably Harm Plaintiffs.

When the government fails to preserve documents that it is statutorily required to preserve, "the damage is inherently irreparable; once documentary material is gone, it cannot be retrieved." *CREW v. Cheney*, 577 F. Supp. 2d at 339. That principle cuts across federal records preservation regimes, makes no distinction between records that are intentionally destroyed, unpreserved, or otherwise beyond reach, and routinely impels courts to issue preliminary injunctive and other interim relief. *See, e.g.*, *id.* (issuing preliminary injunction and requiring preservation of records while court determined if they were subject to the Federal Records Act or FOIA because "documents could be transferred to other entities, destroyed, or not preserved" and such "damage is inherently irreparable"); *Am. Hist. Ass'n v. Trump*, 835 F. Supp. 3d 1, 33-34 (D.D.C. 2026) (issuing preliminary injunction and noting that "[u]npreserved or improperly destroyed documents are 'lost forever to history'" in action to enforce the Presidential Records Act (quoting *Am. Oversight v. Hegseth*, 788 F. Supp. 3d 14, 29 (D.D.C. 2025))); *Am. First Legal Found. v. Becerra*, 2024 WL 3741402, at *14 (D.D.C. Aug. 9, 2024) (issuing preliminary injunction and noting that "the loss or destruction of federal records is a significant harm to both Plaintiff and the public, and . . . it is a harm that cannot be cured once the records are lost or destroyed"); *Armstrong v. Bush*, 807 F. Supp. 816, 820-23 (D.D.C. 1992) (issuing temporary restraining order in case alleging violations of FOIA, FRA, and the PRA to prevent the "immediate and irreparable harm" of records being erased); *CREW v. Off. of Admin.*, 565 F. Supp. 2d at 29 (granting stay pending appeal of decision that records were Presidential Records because "CREW convincingly argues [] it will suffer irreparable harm if the records . . . are not preserved").

Further, Congress enacted FACA to keep "Congress and the public informed" of the "purpose, membership, [and] activities" of advisory committees working on matters of pressing public interest, like AI-powered weaponry. *See* 5 U.S.C. § 1002(b). And where documents could

inform "ongoing public and congressional debates" over the use of military force, there are particularly powerful public interests in transparency. *Protect Democracy Project, Inc. v. U.S. Dep't of Def.,* 263 F. Supp. 3d 293, 301 (D.D.C. 2017) (quoting *Elec. Frontier Found. v. Off. of Dir. of Nat. Intel.*, 2007 WL 4208311, at *7 (N.D. Cal. Nov. 27, 2007)) (finding that depriving plaintiffs of information inflicts irreparable harm "especially . . . where the use of military force is implicated").

The harm to Plaintiffs is especially acute. Project Meridian's records go to the heart of each Plaintiffs' mission. The loss of Project Meridian's records would prevent CREW from publicly disseminating information regarding how Project Meridian deliberated and how it mitigated or failed to mitigate the influence of its financially interested members. CREW Decl. ¶¶ 3-5. It would prevent Public Citizen from conducting research and advocacy about the merits of Project Meridian's work and its impact on Pentagon spending on and utilization of advanced technologies for national defense. PC Decl. ¶¶ 3-15. And it would prevent POGO from evaluating the soundness of Project Meridian's conclusions and what it must do to meaningfully impact how DoD approaches the multitude of policy issues relevant to POGO's work that will be implicated by Project Meridian. POGO Decl. ¶¶ 14-20.

C. The Balance of the Equities and the Public Interest Weigh Heavily in Plaintiffs' Favor.

The balance-of-equities and public-interest factors likewise weigh strongly in favor of issuing a preliminary injunction. These factors require courts to "balance the competing claims of injury and . . . consider the effect on each party of the granting or withholding of the requested relief," with "particular regard for the public consequences in employing the extraordinary remedy of injunction." *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 24 (2008).

There is a powerful public interest in the preservation of Project Meridian's records as required by FACA. As described above, the loss of any records to which Plaintiffs are statutorily entitled constitutes irreparable harm precisely because of the impact of such harm on the public interests underpinning those rights. *Supra* Argument Part II.B. Those interests—and the need for preliminary injunctive relief to protect it—are especially powerful here, where Project Meridian's recommendations are poised to have enormous implications for America's national security posture and the use of taxpayer funds for defense, *Protect Democracy Project, Inc.,* 263 F. Supp. 3d at 301, and Defendants' failure to adhere to FACA's legal requirements have created the type of opaque, unbalanced, and self-interested advisory committee that the statute was meant to prevent, *supra* Argument Part I.B.

As against the certain and irreparable injury to Plaintiffs (and to the public) were Project Meridian's records not preserved, Defendants would suffer no cognizable harm from a document preservation order. Whether or not Plaintiffs prevail on their claim that FACA requires such preservation, Defendants are independently subject to other federal records retention laws, such as the Federal Records Act. Just as Defendants cannot assert any meaningful countervailing interest in allowing Project Meridian not to affirmatively preserve its records. FACA requires such preservation, and Defendants cannot "suffer harm from an injunction that merely ends an unlawful practice." *Open Cmtys. All. v. Carson*, 286 F. Supp. 3d 148, 179 (D.D.C. 2017) (quoting *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013)); *see also League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2020) ("There is generally no public interest in the perpetuation of unlawful agency action. To the contrary, there is a substantial public interest 'in having governmental agencies abide by the federal laws that govern their existence and operations.'") (cleaned up). And the narrow scope of the requested preliminary injunction makes compliance

with it straightforward and would require Defendants to expend only minimal resources. And DoD has demonstrated, through its continued use of advisory committees that cover the same ground as Project Meridian, that it is perfectly capable of complying with FACA's preservation requirements. *See supra* Argument Part I.B.2; CREW Decl. ¶ 10, Ex. 84-87; Compl. ¶¶ 62-64; 91 Fed. Reg. 7978 (Feb. 19, 2026) (merging two advisory committees to create DoD's Science, Technology, and Innovation Board).

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs' motion for expedited summary judgment and for a preliminary injunction requiring preservation of Project Meridian's records. To facilitate expedition, the Court should order that Defendants' opposition and any cross-motions (either for summary judgment or for dismissal) be due on December 1, 2026, Plaintiffs' reply and/or opposition be due on December 8, 2026, and Defendants' reply in support of their motion be due, if any, by December 15, 2026.

Dated: November 16, 2026

Respectfully submitted,

/s/Jonathan E. Maier
Jonathan E. Maier (D.C. Bar No. 1013857)
Stephen J. Buckingham (D.C. Bar No. 1562756)
Nikhel S. Sus (D.C. Bar No. 1017937)
Haley Y. Florsheim (D.C. Bar No. 90041575)*
CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON
[redacted]
Washington, DC 20044
[redacted]

Lauren Bateman (D.C. Bar No. 1047285)
Nandan Joshi (D.C. Bar No. 456750)
PUBLIC CITIZEN LITIGATION GROUP
[redacted]

**pro hac vice*

Counsel for Plaintiffs