

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

SUSMAN GODFREY LLP,

*Plaintiff,*

v.

EXECUTIVE OFFICE OF THE  
PRESIDENT, et al.,

*Defendants.*

No. 1:25-cv-1107

**EMERGENCY HEARING  
RESPECTFULLY REQUESTED**

**PLAINTIFF SUSMAN GODFREY LLP'S MOTION  
FOR A TEMPORARY RESTRAINING ORDER**

Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and Local Civil Rule 65.1, Plaintiff Susman Godfrey LLP, by undersigned counsel, respectfully moves for the immediate issuance of a temporary restraining order (TRO) enjoining Defendants from enforcing or implementing the provisions of Sections 1, 3, and 5 of the President's April 9, 2025 Executive Order entitled "Addressing Risks from Susman Godfrey." Plaintiff respectfully requests a hearing on this motion tomorrow. Undersigned counsel is available to participate in such a hearing at any time. Emergency relief is necessary due to the exigency of the circumstances created by the Executive Order and the irreparable injuries that the requested temporary restraining order is intended to prevent. Plaintiff respectfully requests that the Court dispense with the security referenced in Federal Rule of Civil Procedure 65(c), for the reasons stated in its memorandum in support of this motion.

The grounds for this motion are set forth in the attached memorandum of law and its supporting declarations and exhibits. A proposed order and a certification of compliance with Local Civil Rule 65.1 are also attached.

Dated: April 14, 2025

Respectfully submitted,

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I hereby certify that on April 14, 2025, I filed the foregoing document with the Clerk of Court for the United States District Court for the District of Columbia using the court's CM/ECF filing.

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Civil Case No. 1:25-cv-1107

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S  
MOTION FOR A TEMPORARY RESTRAINING ORDER**

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
INTRODUCTION .....	1
BACKGROUND .....	5
I.    Susman Godfrey LLP .....	5
II.   The Executive Order and Accompanying “Fact Sheet” .....	8
III.  Prior Executive Orders Attacking Law Firms .....	9
IV.  The Order Is Inflicting Irreparable Harm.....	13
ARGUMENT.....	16
I.    SUSMAN GODFREY IS LIKELY TO SUCCEED ON THE MERITS .....	16
A.    The Order Violates the First Amendment.....	17
1.    The Order Retaliates in Violation of the First Amendment.....	17
2.    The Order Constitutes Impermissible Viewpoint Discrimination.....	21
3.    The Order Violates the Petition Clause .....	24
4.    The Order Abridges Freedom of Association.....	24
B.    The Order Violates Susman Godfrey’s Right to Due Process.....	26
1.    The Order Deprives Susman Godfrey of Protected Liberty and Property Interests .....	26
2.    The Order Issued With No Process Whatsoever.....	29
3.    The Order Is Impermissibly Vague.....	31
C.    The Order Violates Susman Godfrey’s Right to Equal Protection of the Laws .....	32
D.    The Order Violates Susman Godfrey’s Clients’ Due Process Right to Counsel .....	34
E.    The Order Exceeds the President’s Statutory and Constitutional Authorities and Violates the Separation of Powers .....	35
II.   SUSMAN GODFREY WILL SUFFER IRREPARABLE HARM WITHOUT A TEMPORARY RESTRAINING ORDER .....	39
A.    The Order Has Impaired Susman Godfrey’s Constitutional Rights .....	39
B.    Susman Godfrey Is Suffering Ongoing and Irreparable Reputational Harm .....	41
C.    Susman Godfrey Is Suffering Irreparable Economic Injuries.....	42

**TABLE OF CONTENTS**  
**(continued)**

	<b><u>Page</u></b>
III. THE EQUITIES AND PUBLIC INTEREST STRONGLY FAVOR A TRO.....	43
IV. THIS COURT SHOULD EXERCISE ITS DISCRETION TO WAIVE THE RULE 65(c) SECURITY REQUIREMENT .....	45
CONCLUSION.....	45

**TABLE OF AUTHORITIES**

	<b><u>Page(s)</u></b>
<b>FEDERAL CASES</b>	
<i>Aamer v. Obama</i> , 742 F.3d 1023 (D.C. Cir. 2014) .....	15
<i>Abdelfattah v. Dep’t Homeland Sec.</i> , 787 F.3d 524 (D.C. Cir. 2015) .....	27
<i>Am. Airways Charters, Inc. v. Regan</i> , 746 F.2d 865 (D.C. Cir. 1984) .....	35
<i>Am. Ass’n of Political Consultants v. SBA</i> , 613 F. Supp. 3d 360 (D.D.C. 2020) .....	43
<i>Am. First Legal Found. v. Becerra</i> , 2024 WL 3741402 (D.D.C. Aug. 9, 2024) .....	18, 45
<i>Ams. for Prosperity Found. v. Bonta</i> , 594 U.S. 595 (2021) .....	25
<i>Aref v. Lynch</i> , 833 F.3d 242 (D.C. Cir. 2016) .....	17, 20
<i>Arnaud v. Odom</i> , 870 F.2d 304 (5th Cir. 1989) .....	24
<i>Bantam Books, Inc. v. Sullivan</i> , 372 U.S. 58 (1963) .....	21
<i>Bd. of Regents of State Colls. v. Roth</i> , 408 U.S. 564 (1972) .....	26
<i>Beacon Assocs., Inc. v. Apprio, Inc.</i> , 308 F. Supp. 3d 277 (D.D.C. 2018) .....	41
<i>Bill Johnson’s Rests., Inc. v. NLRB</i> , 461 U.S. 731 (1983) .....	18
<i>BMW of N. Am., Inc. v. Gore</i> , 517 U.S. 559 (1996) .....	26, 29
<i>Bolling v. Sharpe</i> , 347 U.S. 497 (1954) .....	32

\* Key Authorities

**TABLE OF AUTHORITIES**  
**(continued)**

	<b><u>Page(s)</u></b>
<i>Borough of Duryea v. Guarnieri</i> , 564 U.S. 379 (2011).....	24
<i>Brock v. Roadway Express</i> , 481 U.S. 252 (1987).....	29
<i>Broudy v. Mather</i> , 460 F.3d 106 (D.C. Cir. 2006).....	24
<i>Buckley v. Valeo</i> , 424 U.S. 1 (1976).....	32
<i>Cal. Motor Transp. Co. v. Trucking Unlimited</i> , 404 U.S. 508 (1972).....	24
<i>Campbell v. District of Columbia</i> , 894 F.3d 281 (D.C. Cir. 2018).....	26
<i>Caplin &amp; Drysdale, Chartered v. United States</i> , 491 U.S. 617 (1989).....	34
<i>Chambers v. NASCO, Inc.</i> , 501 U.S. 32 (1991).....	37
* <i>Chaplaincy of Full Gospel Churches v. England</i> , 454 F.3d 290 (D.C. Cir. 2006).....	39, 40
<i>Chrysler Corp. v. Brown</i> , 441 U.S. 281 (1979).....	36
<i>Cigar Ass’n of Am. v. FDA</i> , 317 F. Supp. 3d 555 (D.D.C. 2018).....	39
<i>City &amp; Cnty. of San Francisco v. Trump</i> , 897 F.3d 1225 (9th Cir. 2018) .....	17, 36
<i>City of Cleburne v. Cleburne Living Ctr., Inc.</i> , 473 U.S. 432 (1985).....	34
<i>Cooksey v. Futrell</i> , 721 F.3d 226 (4th Cir. 2013) .....	16
<i>Cordi-Allen v. Conlon</i> , 494 F.3d 245 (1st Cir. 2007).....	33

**TABLE OF AUTHORITIES**  
**(continued)**

	<b><u>Page(s)</u></b>
<i>Costa v. Bazron</i> , 456 F. Supp. 3d 126 (D.D.C. 2020).....	44
<i>D.A.M. v. Barr</i> , 474 F. Supp. 3d 45 (D.D.C. 2020).....	15
<i>Davis v. District of Columbia</i> , 158 F.3d 1342 (D.C. Cir. 1998).....	39, 41
<i>Dep’t of Com. v. New York</i> , 588 U.S. 752 (2019).....	23
<i>Doctors for Am. v. OPM</i> , 2025 WL 452707 (D.D.C. Feb. 11, 2025).....	39
<i>Doe 1 v. Trump</i> , 275 F. Supp. 3d 167 (D.D.C. 2017).....	40
<i>Doe 2 v. Shanahan</i> , 755 F. App’x 19 (D.C. Cir. 2019).....	40
<i>Eng v. Cooley</i> , 552 F.3d 1062 (9th Cir. 2009).....	18
<i>Ex parte Burr</i> , 22 U.S. (9 Wheat.) 529 (1824).....	37
<i>Ex parte Quirin</i> , 317 U.S. 1 (1942).....	37
* <i>FCC v. Fox Television Stations, Inc.</i> , 567 U.S. 239 (2012).....	28, 29, 32
<i>FDIC v. Mallen</i> , 486 U.S. 230 (1988).....	29
<i>Fed. Prescription Serv., Inc. v. Am. Pharm. Ass’n</i> , 636 F.2d 755 (D.C. Cir. 1980).....	45
<i>Franks v. Rubitschun</i> , 312 F. App’x 764 (6th Cir. 2009).....	33
<i>Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.</i> , 561 U.S. 477 (2010).....	37

**TABLE OF AUTHORITIES**  
**(continued)**

	<b><u>Page(s)</u></b>
<i>Fuentes v. Shevin</i> , 407 U.S. 67 (1972).....	29
<i>Goodyear Tire &amp; Rubber Co. v. Haeger</i> , 581 U.S. 101 (2017).....	37
<i>Gordon v. Holder</i> , 721 F.3d 638 (D.C. Cir. 2013).....	39, 41
<i>Goss v. Lopez</i> , 419 U.S. 565 (1975).....	28
<i>Grayned v. City of Rockford</i> , 408 U.S. 104 (1972).....	32
<i>Hamdi v. Rumsfeld</i> , 542 U.S. 507 (2004).....	30
<i>Harris v. Bessent</i> , 2025 WL 521027 (D.D.C. Feb. 18, 2025) .....	15, 42
<i>Heffernan v. City of Paterson, N.J.</i> , 578 U.S. 266 (2016).....	17
<i>Honeywell, Inc. v. Consumer Prod. Safety Comm’n</i> , 582 F. Supp. 1072 (D.D.C. 1984).....	41
<i>Hous. Cmty. Coll. Sys. v. Wilson</i> , 595 U.S. 468 (2022).....	17, 19
<i>Innovation Law Lab v. Nielsen</i> , 310 F. Supp. 3d 1150 (D. Or. 2018) .....	40
<i>Jenner &amp; Block LLP v. Dep’t of Just.</i> , No. 25-cv-00916 (D.D.C. Mar. 28, 2025), ECF No. 9 .....	1, 16
* <i>Joint Anti-Fascist Refugee Comm. v. McGrath</i> , 341 U.S. 123 (1951).....	30, 37, 38
* <i>Karem v. Trump</i> , 960 F.3d 656 (D.C. Cir. 2020).....	26, 39, 40
<i>Kartseva v. Dep’t of State</i> , 37 F.3d 1524 (D.C. Cir. 1994).....	27

**TABLE OF AUTHORITIES**  
**(continued)**

	<b><u>Page(s)</u></b>
<i>Laird v. Tatum</i> , 408 U.S. 1 (1972).....	17
<i>League of Women Voters of U.S. v. Newby</i> , 838 F.3d 1 (D.C. Cir. 2016).....	43, 44
* <i>Legal Servs. Corp. v. Velazquez</i> , 531 U.S. 533 (2001).....	<i>passim</i>
<i>Logan v. Zimmerman Brush Co.</i> , 455 U.S. 422 (1982).....	26
<i>Luokung Tech. Corp. v. Dep’t of Def.</i> , 538 F. Supp. 3d 174 (D.D.C. 2021).....	42
<i>Mann v. Wash. Metro. Area Transit Auth.</i> , 185 F. Supp. 3d 189 (D.D.C. 2016).....	42
<i>McDonald v. Smith</i> , 472 U.S. 479 (1985).....	18
<i>Media Matters for Am. v. Paxton</i> , 732 F. Supp. 3d 1 (D.D.C. 2024).....	40
<i>Minnesota v. Mille Lacs Band of Chippewa Indians</i> , 526 U.S. 172 (1999).....	36
<i>N.S. v. Hughes</i> , 335 F.R.D. 337 (D.D.C. 2020).....	44
<i>NAACP v. Button</i> , 371 U.S. 415 (1963).....	23, 24
<i>Nalco Co. v. EPA</i> , 786 F. Supp. 2d 177 (D.D.C. 2011).....	42
<i>Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump</i> , 2025 WL 573764 (D. Md. Feb. 21, 2025).....	22
<i>Nat’l Counsel of Resistance of Iran v. Dep’t of State</i> , 251 F.3d 192 (D.C. Cir. 2001).....	28, 30
<i>Nat’l Park Hosp. Ass’n v. Dep’t of Interior</i> , 538 U.S. 803 (2003).....	16



**TABLE OF AUTHORITIES**  
**(continued)**

	<b><u>Page(s)</u></b>
<i>Neb. Press Ass’n v. Stuart</i> , 427 U.S. 539 (1976).....	22
<i>News Am. Pub., Inc. v. FCC</i> , 844 F.2d 800 (D.C. Cir. 1988).....	32, 33
<i>Nieves v. Bartlett</i> , 587 U.S. 391 (2019).....	17
<i>Nken v. Holder</i> , 556 U.S. 418 (2009).....	43
<i>NLRB v. Noel Canning</i> , 573 U.S. 513 (2014).....	37
* <i>NRA v. Vullo</i> , 602 U.S. 175 (2024).....	<i>passim</i>
<i>O’Donnell v. Barry</i> , 148 F.3d 1126 (D.C. Cir. 1998).....	27
<i>Patriot, Inc. v. HUD</i> , 963 F. Supp. 1 (D.D.C. 1997).....	41
<i>Penson v. Ohio</i> , 488 U.S. 75 (1988).....	44
<i>Powell v. Alabama</i> , 287 U.S. 45 (1932).....	34, 35
<i>In re Primus</i> , 436 U.S. 412 (1978).....	23
<i>R.I.L.-R v. Johnson</i> , 80 F. Supp. 3d 164 (D.D.C. 2015).....	44
<i>Ramirez v. U.S. ICE</i> , 568 F. Supp. 3d 10 (D.D.C. 2021).....	44
<i>Reed v. Town of Gilbert</i> , 576 U.S. 155 (2015).....	21, 22
<i>Romer v. Evans</i> , 517 U.S. 620 (1996).....	34

**TABLE OF AUTHORITIES**  
**(continued)**

	<b><u>Page(s)</u></b>
<i>Rosenberger v. Rector &amp; Visitors of Univ. of Va.</i> , 515 U.S. 819 (1995).....	21, 22
<i>Saline Parents v. Garland</i> , 88 F.4th 298 (D.C. Cir. 2023).....	16
<i>Schware v. Bd. of Bar Exam.</i> , 353 U.S. 232 (1957).....	27
<i>Seila Law LLC v. CFPB</i> , 591 U.S. 197 (2020).....	37
<i>Sherrill v. Knight</i> , 569 F.2d 124 (D.C. Cir. 1977).....	30
<i>Simms v. District of Columbia</i> , 872 F. Supp. 2d 90 (D.D.C. 2012).....	44
<i>Sioux Tribe of Indians v. United States</i> , 316 U.S. 317 (1942).....	36
<i>Sorrell v. IMS Health Inc.</i> , 564 U.S. 552 (2011).....	22
<i>Stern v. Marshall</i> , 564 U.S. 462 (2011).....	38
<i>Susan B. Anthony List v. Driehaus</i> , 573 U.S. 149 (2014).....	16
<i>Swanson v. City of Chetek</i> , 719 F.3d 780 (7th Cir. 2013) .....	33
<i>TikTok Inc. v. Trump</i> , 490 F. Supp. 3d 73 (D.D.C. 2020).....	42
<i>Toxco Inc. v. Chu</i> , 724 F. Supp. 2d 16 (D.D.C. 2010).....	29
<i>TransUnion LLC v. Ramirez</i> , 594 U.S. 413 (2021).....	35
<i>Trentadue v. Integrity Comm.</i> , 501 F.3d 1215 (10th Cir. 2007) .....	24

**TABLE OF AUTHORITIES**  
**(continued)**

	<b><u>Page(s)</u></b>
<i>Trump v. Hawaii</i> , 585 U.S. 667 (2018).....	36
<i>Trump v. New York</i> , 592 U.S. 125 (2020).....	16
<i>Turner v. Rogers</i> , 564 U.S. 431 (2011).....	35
<i>U.S. Dep’t of Labor v. Triplett</i> , 494 U.S. 715 (1990).....	34
<i>UAW Loc. 737 v. Auto Glass Emps. Fed. Credit Union</i> , 72 F.3d 1243 (6th Cir. 1996) .....	29
<i>Ukrainian-Am. Bar Ass’n, Inc. v. Baker</i> , 893 F.2d 1374 (D.C. Cir. 1990).....	18
<i>United States v. Williams</i> , 553 U.S. 285 (2008).....	31
<i>USAID v. All. for Open Soc’y Int’l, Inc.</i> , 570 U.S. 205 (2013).....	24, 25
<i>Vill. of Hoffman Est. v. Flipside, Hoffman Est., Inc.</i> , 455 U.S. 489 (1982).....	30
* <i>Vill. of Willowbrook v. Olech</i> , 528 U.S. 562 (2000).....	32, 33
<i>Widakusara v. Lake</i> , No. 25-cv-02390 (S.D.N.Y. Mar. 28, 2025), ECF No. 54.....	45
* <i>Wilmer Cutler Pickering Hale and Dorr LLP v. Exec. Office of the President</i> , No. 25-cv-917 (D.D.C. Mar. 28, 2025), ECF No. 10 .....	<i>passim</i>
<i>Winter v. Nat. Res. Def. Council</i> , 555 U.S. 7 (2008).....	43
<i>Wis. Gas Co. v. FERC</i> , 758 F.2d 669 (D.C. Cir. 1985).....	39
<i>Wisconsin v. Constantineau</i> , 400 U.S. 433 (1971).....	28

**TABLE OF AUTHORITIES**  
**(continued)**

	<b><u>Page(s)</u></b>
<i>Wounded Knee Legal Def./Offense Comm. v. FBI</i> , 507 F.2d 1281 (8th Cir. 1974) .....	34
<i>Xiaomi Corp. v. Dep’t of Def.</i> , 2021 WL 950144 (D.D.C. Mar. 12, 2021).....	41, 42
<i>Youngstown Sheet &amp; Tube Co. v. Sawyer</i> , 343 U.S. 579 (1952).....	36
<i>Zivotofsky ex rel. Zivotofsky v. Kerry</i> , 576 U.S. 1 (2015).....	37
 <b>STATE CASES</b>	
<i>US Dominion, Inc. v. Fox News Network</i> , 293 A.3d 1002 (Del. Sup. Ct. 2023) .....	7
 <b>FEDERAL STATUTES</b>	
8 U.S.C. § 1182(f).....	36
 <b>FEDERAL RULES</b>	
Fed. R. Civ. P. 65 .....	45
Fed. R. Civ. P. 65(c) .....	45
 <b>STATE RULES</b>	
D.C. R. Prof’l Conduct 1.3 Comment [1] .....	44
 <b>EXECUTIVE ORDERS</b>	
Executive Order: <i>Addressing Risks from Jenner &amp; Block</i> (Mar. 25, 2025), <a href="https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-jenner-block/">https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-jenner-block/</a> .....	10, 11
Executive Order: <i>Addressing Risks from WilmerHale</i> (Mar. 27, 2025), <a href="https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-wilmerhale/">https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-wilmerhale/</a> .....	11
 <b>CONSTITUTIONAL PROVISIONS</b>	
* U.S. Const. amend. I .....	<i>passim</i>

**TABLE OF AUTHORITIES**  
**(continued)**

	<b><u>Page(s)</u></b>
U.S. Const. amend. V.....	<i>passim</i>
U.S. Const. amend. XIV .....	32
U.S. Const. art. II, § 3 .....	37
* U.S. Const. art. III.....	<i>passim</i>
 <b>OTHER AUTHORITIES</b>	
* Tr. of TRO Hearing at 48:1-5, <i>Jenner &amp; Block LLP v. Dep’t of Just.</i> , No. 25-cv-00916 (D.D.C. Mar. 28, 2025), ECF No. 10.....	19, 40, 43
* Tr. of TRO Hearing at 74:7-21, <i>Perkins Coie LLP v. Dep’t of Just.</i> , No. 1:25-cv-716 (D.D.C. Mar. 12, 2025), ECF No. 22.....	<i>passim</i>
Tr. of TRO Hearing, <i>Wilmer Cutler Pickering Hale and Dorr LLP v. Exec. Office of the President</i> , No. 25-cv-917 (D.D.C. Mar. 28, 2025), ECF No. 11 .....	1
Withdrawal Mem., <i>United States v. Coburn</i> , No. 19-cr-00120 (D.N.J.), ECF No. 1012-1 .....	20

## INTRODUCTION

The President of the United States is engaged in an unprecedented and unconstitutional assault on the independent bar, the independent Judiciary, and the rule of law. In recent weeks, the President has issued a series of executive orders and presidential memoranda targeting law firms for representing clients and causes that the President disfavors. Those activities are, it should go without saying, protected by bedrock constitutional principles, including the First Amendment, which protects the right of attorneys to advocate for clients, petition the courts, and associate with clients of their choosing. And nothing in our Constitution or laws grants a President the power to punish attorneys for engaging in those protected activities; to the contrary, the specific provisions and overall design of our Constitution were adopted in large measure to ensure that presidents cannot exercise arbitrary, absolute power in the way that the President seeks to do in these executive orders.

Unsurprisingly, each executive order that has been challenged by the targeted law firms—so far, the firms of Perkins Coie, Jenner & Block, and WilmerHale—has been immediately restrained by the courts as a blatant violation of the Constitution. As Judge Leon observed in one such case, for each firm, the order is “like a Sword of Damocles hanging over its head.” Tr. of TRO Hearing at 27:23-28:1, *Wilmer Cutler Pickering Hale and Dorr LLP v. Exec. Office of the President*, No. 25-cv-917 (D.D.C. Mar. 28, 2025), ECF No. 11. And “[t]here is no doubt this retaliatory action chills speech and legal advocacy, or that it qualifies as a constitutional harm.” Memorandum Order at 2, *Wilmer Cutler Pickering Hale and Dorr LLP v. Exec. Office of the President*, No. 25-cv-917 (D.D.C. Mar. 28, 2025), ECF No. 10 (“*Wilmer TRO*”); Tr. of TRO Hearing at 74:7-21, *Perkins Coie LLP v. Dep’t of Just.*, No. 1:25-cv-716 (D.D.C. Mar. 12, 2025), ECF No. 22 (“*Perkins Tr.*”); *Jenner & Block LLP v. Dep’t of Just.*, No. 25-cv-00916 (D.D.C. Mar.

28, 2025), ECF No. 9 (“*Jenner TRO*”) (temporarily enjoining Sections 1, 3, and 5 of the Jenner Order).

The most recent Order—which issued the afternoon of April 9, with an accompanying “Fact Sheet”—targets Susman Godfrey LLP (“Susman” or “the Firm”).<sup>1</sup> The Order suffers from the same constitutional flaws as the prior executive orders against law firms and should likewise be immediately enjoined. The Order begins by baselessly accusing Susman of “spearhead[ing] efforts to weaponize the American legal system and degrade the quality of American elections,” “fund[ing] groups that engage in dangerous efforts to undermine the effectiveness of the United States military through the injection of political and radical ideology,” and “support[ing] efforts to discriminate on the basis of race.” Order § 1. It then directs top federal officials to “immediately . . . suspend any active security clearances held by individuals at Susman” and review whether they should be permanently revoked. *Id.* § 2(a). Next, the Order directs federal agencies to “require Government contractors to disclose any business they do with Susman” and instructs agency heads to review these contracts and seek to terminate them. *Id.* § 3. The Order also references a portion of the order targeting Perkins Coie (the “Perkins Order”) that directed federal officials to “investigate” diversity, equity, and inclusion policies at “large, influential, or industry leading law firms.” *Id.* § 4. Finally, the Order directs federal officials to restrict Susman employees’ access to “Federal Government buildings”; stop “engaging with Susman employees”; “refrain from hiring employees of Susman,” absent a special waiver; and “expeditiously cease” providing any “Government goods, property, materials, [or] services” that “benefit” Susman. *Id.* §§ 2(b), 5.

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<sup>1</sup> See *Addressing Risks from Susman Godfrey*, The White House (Apr. 9, 2025), Compl. Ex. A (the “Order” or “EO”); *Fact Sheet: President Donald J. Trump Addresses Risks from Susman Godfrey*, The White House (Apr. 9, 2025), Compl. Ex. B (“Fact Sheet”).

The Order leaves no doubt that it was issued as retaliation for protected advocacy with which the President takes issue. Specifically, the Order targets Susman for its supposed “efforts to weaponize the American legal system and degrade the quality of American elections.” *Id.* § 1. Top White House Advisor Stephen Miller commented that Susman is allegedly “very involved in the election misconduct.” Compl. ¶ 208; Declaration of Ginger D. Anders (“Anders Decl.”) Ex. A. That is an unmistakable reference to Susman’s work in the aftermath of the 2020 election, including its representation of Dominion Voting Systems in connection with Fox News’ broadcasts of unfounded claims that Dominion attempted to influence the 2020 election against President Trump, as well as Susman’s defense of state elections officials in litigation defending the integrity of the 2020 election. Press reports had little trouble making that connection—confirming the Order’s obviously retaliatory motive. *See, e.g.*, Anders Decl. Exs. A, B. The broader context leaves no doubt: the orders targeting Perkins, Jenner, and Wilmer stated that those firms were *persona non grata* based on their representation of disfavored clients and their employment of individuals who had previously investigated the President. And during the 2024 election campaign, the President vowed to inflict severe consequences on political opponents and their “Lawyers.” *E.g.*, Compl. ¶ 98.

The Order and the retaliation campaign it executes are starkly unconstitutional, and this Court should temporarily restrain Sections 1, 3 and 5 of the Order.<sup>2</sup> The First Amendment prohibits the government from “us[ing] the power of the State to punish or suppress disfavored expression,” including legal advocacy on behalf of disfavored clients and causes. *NRA v. Vullo*,

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<sup>2</sup> Susman has no urgent need for the Court to restrain the operation of Section 2 because, to the Firm’s knowledge, none of the Firm’s attorneys maintains a security clearance for purposes of litigating any currently active matters; nor do the Firm’s attorneys receive “Government goods, property, materials, and services, including Sensitive Compartmented Information Facilities” in connection with any currently active matters.



602 U.S. 175, 188 (2024); *see Legal Servs. Corp. v. Velazquez*, 531 U.S. 533, 546-48 (2001). The Order also unconstitutionally discriminates against Susman based on the viewpoints expressed in the Firm's advocacy, including its pro bono advocacy.

The Order violates many other constitutional provisions as well. It blatantly violates due process and equal protection principles, including by imposing severe consequences without notice or any opportunity to be heard; using vague language that does not inform Susman or its clients of what conduct gave rise to the Order's unprecedented sanctions and how those sanctions apply; and singling out Susman based on its representation of disfavored clients and advocacy of disfavored causes. The Order also violates Susman's clients' Fifth Amendment right to counsel. And the Order violates the separation of powers because the President lacked constitutional or statutory authority to issue the Order, and its provisions undermine the Judiciary's independence. For all of those reasons, Susman is highly likely to succeed on the merits of its suit.

Susman easily satisfies the remaining requirements for preliminary relief as well. Susman will suffer irreparable harm absent immediate relief, both because the ongoing violation of its constitutional rights is irreparable and because the Order sets out to tarnish Susman's reputation, permanently damage its relationships with clients, and inflict economic harm. Like Perkins, Jenner, and Wilmer before it, Susman is facing an imminent risk of losing clients, finding the doors to government buildings barred and scheduled meetings with government personnel cancelled, and having its ability to advocate for its clients severely curtailed.

The equities and public interest also tilt decisively in favor of immediate relief. Although Susman faces imminent constitutional, reputational, and economic injuries, the government would suffer no injury if prevented from implementing this unconstitutional order while its constitutionality is litigated. It should be obvious that the public interest is not served by leaving

the Order in place, when its avowed purpose and effect is to vitiate the ability of Susman—and, indirectly, the profession as a whole—to independently advocate for clients before the courts, including clients whom the government disfavors.

Susman respectfully asks this Court to immediately enter a TRO.

## **BACKGROUND**

### **I. Susman Godfrey LLP**

Susman Godfrey is the Nation’s preeminent trial firm. *See* Declaration of Kalpana Srinivasan (“Srinivasan Decl.”) ¶¶ 6, 8-10. The firm’s origins trace back to 1976, when Stephen Susman was approached by a small-business owner who sought representation against powerful manufacturers that were engaged in price fixing. *Id.* ¶ 7. Mr. Susman and his fellow attorney Gary McGowan took on that representation and, in 1980, founded their own firm—now Susman Godfrey. *Id.* That first representation resulted in the Firm recovering \$550 million on behalf of plaintiffs through settlements and after a successful verdict in a three-month jury trial. *Id.* Since then, Susman has grown to employ over 235 of the country’s most talented trial attorneys, spread across offices in Houston, Los Angeles, New York, and Seattle. *Id.* ¶¶ 8, 12.

Susman is a litigation powerhouse. The firm has represented clients in federal and state courts across the Nation, before myriad federal agencies, and in tribunals throughout the world. *Id.* ¶ 8. It is one of the top 100 revenue-generating law firms in the country—one of only a handful of those top 100 firms that do not practice transactional law. *Id.* ¶ 9. The Firm and its lawyers have regularly been recognized for their excellence by a range of respected organizations, including *Chambers USA*, *Law360*, *National Law Journal*, and more. *Id.* ¶ 10. And the *Vault* survey has ranked Susman as the #1 Litigation Boutique in the Nation every year since the survey’s inception. *Id.*

Susman’s lawyers come from all backgrounds and hold diverse political views. *Id.* ¶ 14. All associates complete a federal clerkship before joining the Firm, and the judges for whom current Firm associates have clerked include some nominated by Republican presidents and some nominated by Democratic presidents. *Id.* For example, the current and recent Susman lawyers who clerked for the Supreme Court worked for Justices appointed by presidents of both parties: Justice Sandra Day O’Connor, Justice Anthony Kennedy, Justice Ruth Bader Ginsburg, Justice Stephen Breyer, Chief Justice John Roberts, Justice Samuel Alito, and Justice Elena Kagan. *Id.* Attorneys have joined the Firm after other kinds of government service—some under Republican administrations and some under Democratic ones. *Id.* Many Susman lawyers also go on to careers in public service after their time at the Firm, and the Firm’s alumni have served as federal and state judges and as high-ranking government officials on both sides of the aisle. *Id.* ¶ 15.

Because Susman is first and foremost a litigation firm, its lawyers constantly appear in federal court. Despite the Firm’s relatively small size, it has scores of active matters before the federal courts and federal agencies, which represent more than a third of all active matters at the Firm. *Id.* ¶ 20. Already this year, Susman attorneys have made dozens of in-person appearances in federal court, and the Firm’s attorneys have several in-person appearances in federal court and before federal agencies during the week of April 14, 2025, including an in-person hearing before the Executive Office of Immigration Review. *Id.* And the Firm currently has at least seven cases scheduled to go to trial in federal court within the next six months, with many more awaiting trial dates. *Id.* Because trial litigation is the heart of Susman’s practice, the ability of its attorneys to appear in federal court is critical to the interests of Susman clients and thus vital to the Firm’s reputation and its ability to discharge its duties.

Susman’s service to its clients also requires its lawyers to interact extensively with the federal government in other ways. A number of Susman’s practice areas involve regular contact with federal officials or appearances before federal agencies. *Id.* ¶ 21. For example, Susman does substantial work on behalf of whistleblowers in actions under the federal False Claims Act and analogous state laws, and those representations require extensive contact with U.S. Attorney’s Offices. *Id.* ¶¶ 23-27. Susman also frequently represents parties before the U.S. International Trade Commission or the Patent Trial and Appeal Board. *Id.* ¶ 28. Across its practice areas, Susman has numerous meetings with federal-government personnel scheduled in the next 90 days. *Id.* ¶ 21. Susman cannot effectively fulfill its obligations to its clients in those matters unless it is able to communicate effectively with federal officials and appear in federal agency proceedings.

Susman does not shy away from controversial legal work or from taking on powerful companies and institutions—including the federal government. Susman has taken on well-funded and influential adversaries, including the National Football League, opioid manufacturers, and Fox News. *Id.* ¶¶ 11, 36. The Firm is adverse to the United States in multiple active matters, including in a suit against the U.S. Navy and one against an agency that unlawfully collected user fees. *Id.* ¶ 34.

In connection with the 2020 election, Susman represented various State officers in their official capacities in defending the results of the 2020 election. *Id.* ¶ 35. And culminating in 2023, Susman represented Dominion Voting Systems in defamation actions against Fox News and Fox News Corporation for false statements about Dominion relating to the 2020 election. *Id.* ¶ 36. On March 31, 2023, the trial court granted summary judgment to Dominion on multiple issues, finding, among other things, that it was “CRYSTAL clear that none of the Statements related to Dominion about the 2020 election are true.” *US Dominion, Inc. v. Fox News Network*, 293 A.3d

1002, 1035-39 (Del. Sup. Ct. 2023). Ultimately, that case resulted in a historic \$787 million settlement, which is believed to be the largest defamation settlement in U.S. history. Srinivasan Decl. ¶ 36.

Susman continues to represent Dominion to this day. Susman represents Dominion in defamation lawsuits against Rudy Giuliani, Sidney Powell, Mike Lindell and MyPillow, Patrick Byrne, and One America News Network. *Id.* ¶ 39. The Firm also is currently litigating a case against Newsmax Media for false and defamatory broadcasts accusing Dominion of vote fraud and rigging the 2020 presidential election. *Id.* ¶¶ 37-38. On April 9, 2025, mere hours before the President’s Order targeting Susman issued, the court in that case ruled on summary judgment that Newsmax had made false and defamatory statements. *Id.* ¶ 37.

## **II. The Executive Order and Accompanying “Fact Sheet”**

On April 9, 2025, President Trump issued an Executive Order titled “Addressing Risks From Susman Godfrey,” which cites no statutory or constitutional authority. Compl. Ex. A. Susman did not receive any notice from the Administration prior to being subjected to the Order. Srinivasan Decl. ¶ 60.

Section 1 of the Order asserts that “action is necessary to address the significant risks, egregious conduct, and conflicts of interest associated with Susman Godfrey LLP.” Order § 1. According to Section 1, Susman “spearheads efforts to weaponize the American legal system and degrade the quality of American elections”; “funds groups that engage in dangerous efforts to undermine the effectiveness of the United States military through the injection of political and radical ideology”; and “supports efforts to discriminate on the basis of race,” among other things. *Id.* Section 1 also states that “Susman itself engages in unlawful discrimination” and offers “employment opportunities only to ‘students of color.’” *Id.* The “Fact Sheet” accompanying the Order echoes those allegations, branding Susman a “rogue law firm[]” and declaring that Susman

leads “efforts to weaponize the American legal system and degrade the quality of American elections.” Compl. Ex. B.

Section 3 of the Order is focused on disrupting Susman’s relationships with government contractors. That provision directs federal agencies to “require Government contractors to disclose any business they do with Susman and whether that business is related to the subject of the Government contract.” Order § 3(a). Section 3 further directs federal agencies to “take appropriate steps to terminate any contract . . . for which Susman has been hired to perform any service” and “otherwise align their agency funding decisions” with the “goals and priorities of [the] Administration.” *Id.* § 3(b). Within 30 days of the Order’s issuance, agencies must provide OMB with a report on contract terminations or other actions taken pursuant to Section 3. *Id.*

Section 5 of the Order places a number of restrictions on Firm members’ access to federal buildings, officials, and employment opportunities. Section 5 directs federal agencies to “provide guidance limiting official access from Federal Government buildings to employees of Susman when such access would threaten the national security of or otherwise be inconsistent with the interests of the United States.” *Id.* § 5(a). Section 5 also requires agencies to “provide guidance limiting Government employees acting in their official capacity from engaging with Susman employees to ensure consistency with national security and other interests of the United States.” *Id.* Finally, Section 5 instructs agency officials to “refrain from hiring employees of Susman, absent a waiver . . . that such hire will not threaten the national security of the United States.” *Id.* § 5(b).

### **III. Prior Executive Orders Attacking Law Firms**

The Order follows on the heels of similar executive orders issued by President Trump attacking law firms. In recent months, President Trump has repeatedly stated that he intends to retaliate against his political adversaries and the attorneys who represent them. Compl. ¶¶ 98-101.

After his election victory, the President told Fox News that “[w]e have a lot of law firms that we’re going to be going after, because they were very dishonest people.” *Id.* ¶ 101. And once in office, he made numerous similar statements complaining about supposedly “crooked law firms” and “violent vicious lawyers” who oppose him. *Id.*

Those were not empty threats. On February 25, 2025, the President issued the first of a series of executive orders targeting law firms. That first order took aim at Covington & Burling LLP because the firm had represented Jack Smith, the Special Counsel who brought criminal charges against then-former President Trump in the wake of Trump’s efforts to challenge the 2020 election results. The order stripped security clearances held by “all members, partners, and employees . . . who assisted former Special Counsel Jack Smith during his time as Special Counsel.” *Id.* ¶ 103.

Similarly retaliatory executive orders issued in the weeks that followed. The President imposed a range of penalties on Perkins Coie LLP on the ground that it “represent[ed] failed Presidential candidate Hillary Clinton” and “worked with activist donors” to challenge “election laws.” *Id.* ¶ 104. He imposed similar sanctions on Jenner & Block LLP (“Jenner Order”),<sup>3</sup> asserting that Jenner “abus[es] its pro bono practice” by “support[ing] attacks against women and children based on a refusal to accept the biological reality of sex” and “back[ing] the obstruction of efforts to prevent illegal aliens from committing horrific crimes and trafficking deadly drugs within our borders.” Jenner Order § 1; Compl. ¶ 113. The Jenner Order specifically chastises Jenner for hiring (in the Order’s words) “the unethical Andrew Weissmann,” who worked under Special Counsel Robert Mueller during the 2017 investigation into Russian interference in the

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<sup>3</sup> Executive Order: *Addressing Risks from Jenner & Block* (Mar. 25, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-jenner-block/>.

2016 Presidential election. Jenner Order § 1; Compl. ¶ 113. And most recently, the President issued a similar order as to WilmerHale (“Wilmer Order”),<sup>4</sup> accusing it of supposedly “engag[ing] in obvious partisan representations,” “support[ing] efforts to discriminate on the basis of race,” and “further[ing] the degradation of the quality of American elections, including by supporting efforts designed to enable noncitizens to vote.” Wilmer Order § 1; Compl. ¶ 114. Wilmer, too, has particular associations with lawyers who drew the President’s ire: Robert Mueller, along with two of his colleagues, joined the firm after the conclusion of the 2017 Special Counsel investigation. *See* Compl. ¶ 114.

Where firms have challenged those executive orders, they have invariably succeeded in obtaining TROs. On March 12, 2025, a court in this District (Howell, J.) issued a TRO against the Perkins Order, holding that Perkins is likely to prevail in establishing that the order violates “at least” the First, Fifth, and Sixth Amendments. *Perkins* Tr. at 74:7-21. At the hearing, Judge Howell described the order as an “effort to intimidate” attorneys that “casts a chilling harm . . . of blizzard proportions across the entire legal profession.” *Id.* at 95:22-24, 96:1-2. Courts in this District likewise issued TROs against the Jenner Order (Bates, J.) and the Wilmer Order (Leon, J.). In Wilmer’s case, Judge Leon concluded that “[t]here is no doubt this retaliatory action chills speech and legal advocacy, or that it qualifies as a constitutional harm.” *Wilmer* TRO at 2.

The President also has entered into what he has deemed “settlements” with law firms in order to relieve them of the crushing harms associated with an executive order. On March 20, 2025, the President rescinded an executive order against Paul Weiss similar to the ones described above, stating in a post on social media that he was doing so “in light of a meeting with [the firm’s]

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<sup>4</sup> Executive Order: *Addressing Risks from WilmerHale* (Mar. 27, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-wilmerhale/>.



Chairman, Brad Karp, during which Mr. Karp” allegedly “acknowledged the wrongdoing of former Paul, Weiss partner, Mark Pomerantz, the grave dangers of Weaponization, and the vital need to restore our System of Justice” and made other concessions. Anders Decl. Ex. C. The President also withdrew the threat of executive orders against Skadden Arps, Willkie Farr & Gallagher, and Milbank after those firms each agreed to provide \$100 million in pro bono work for causes selected by the President; to commit to pro bono activities that “represent the full political spectrum, . . . including conservative ideals”; and to “strong[ly] commit[] to ending the Weaponization of the Justice System and the Legal Profession.” *Id.* Ex. D (Skadden agreement); *see id.* Ex. E (Willkie agreement); *id.* Ex. F (Milbank agreement).

Two days after issuing the Order at issue in this case, the President announced that he had reached deals with five more law firms. Compl. ¶ 123. Those deals are similar to the ones that came before, except that several include not only promises of certain pro bono work but also promises of “other free Legal services” for the President. Anders Decl. Ex. G. Four of those firms—Kirkland & Ellis LLP, Allen Overy Shearman Sterling US LLP, Simpson Thacher & Bartlett LLP, and Latham & Watkins LLP—jointly agreed to provide an “aggregate total of at least \$500 Million Dollars in pro bono and other free Legal services . . . to causes that President Trump and the Law Firms both support and agree to work on.” *Id.* The firms also affirmed that they would not “engage in illegal DEI discrimination and preferences.” *Id.* In return, the President announced, the EEOC had “withdrawn” letters seeking information about the firms’ employment practices and would “not pursue any claims related to those issues.” *Id.* The fifth firm, Cadwalader, Wickersham & Taft LLP, made similar “commitments,” agreeing to provide “at least \$100 Million Dollars in pro bono Legal Services . . . to causes that President Trump and Cadwalader both support.” *Id.* Ex. H.

#### IV. The Order Is Inflicting Irreparable Harm

The Order is intended by its terms to disrupt Susman’s existing and potential attorney-client relationships and representations, and to do so immediately, at the expense of the Firm’s attorneys and its clients—all without any notice or an opportunity to be heard. Susman was given no opportunity to respond to the false charges in the Order and Fact Sheet or to explain to the government the Order’s inevitable impact.

The resulting immediate and irreparable harm is clear—even beyond the inherent irreparable harm associated with a violation of First Amendment or other constitutional rights. First, refusals by federal officials to meet or otherwise “engag[e]” with Susman lawyers or to permit them to access federal buildings, Order § 5, will immediately and irreparably harm both the Firm’s legal practice and its clients’ interests, Srinivasan Decl. ¶¶ 64-72. To carry on the practice of law, Susman attorneys need to be able to access federal buildings and interact with federal officials this very week—and every week thereafter. *See id.* ¶¶ 19-21.

There is every reason to think that such refusals are imminent, as firms subject to previous executive orders were quickly excluded from planned meetings with federal officials. *See, e.g., Wilmer TRO* at 4 (“[S]ince the Executive Order issued, the federal government has already cancelled two meetings with plaintiff’s attorneys, at the last minute and without explanation. Should Section 5 be enforced, plaintiff would be thoroughly hamstrung from representing clients because its attorneys could not enter federal courthouses or other buildings, or meet with federal employees regarding cases.”). And even the mere overhanging threat that the Firm’s ability to access federal officials and buildings could be cut off at any moment creates intolerable uncertainty that seriously interferes with the Firm’s existing attorney-client relationships and undermines its ability to enter new ones. Srinivasan Decl. ¶ 66.

Second, even beyond that serious problem, the Order is discouraging clients with federal government contracts from continuing their relationships with Susman or from beginning new relationships. The Order forces government contractors to disclose any relationship they have with the Firm and directs agencies to *terminate contracts* with contractors who have hired Susman to perform any contract-related service. Order § 3. Based on these provisions, Susman clients have already begun to inquire about the effects of the Order and whether the Order affects Susman's ability to access the federal courts or could negatively affect Susman's continued representation. Srinivasan Decl. ¶ 69. By provoking those discussions, the Order has already resulted in harassment and harm to Susman and its clients.

More generally, the Order's directives are intended to, and do, provide clients with a powerful incentive to seek alternate representation. Other targeted firms have already seen that dynamic play out. After the Perkins Order issued, agencies began reaching out to government contractors, directing them to report on their relationship with Perkins. Perkins Tr. at 105:2-4. And Perkins began to experience attrition immediately. *See* Declaration of David J. Burman ¶ 29, *Perkins Coie LLP v. Dep't of Just.*, No. 25-cv-716 (D.D.C. Mar. 11, 2025), ECF No. 2-2. The Order is intended to have the same effect here. Indeed, for many Firm clients, the existence of their relationship with Susman is nonpublic information. Srinivasan Decl. ¶ 69. Now, the mere fact of that association may need to be disclosed, and it could make them a target for reprisal. Defendants have made it crystal clear that they expect to find a way to punish law firms such as Susman, one way or another. *See* Status Report, *Perkins Coie LLP v. Dep't of Just.*, No. 25-cv-716 (D.D.C. Mar. 20, 2025), ECF 32 (explaining in guidance, issued after the Perkins TRO, that the "government reserves the right to take all necessary and legal actions in response to the 'dishonest and dangerous' conduct of Perkins Coie LLP").

Finally, the Order is more broadly harmful to the Firm’s reputation and its business. It contains nakedly false, inflammatory statements about the Firm—ones that come directly from the President of the United States. *See, e.g.*, Order § 1 (accusing Susman of “fund[ing] groups that engage in dangerous efforts to undermine the effectiveness of the United States military”). Those disparaging falsehoods tarnish Susman’s good name, thereby discouraging existing clients from continuing to work with the Firm and dissuading potential clients from retaining the Firm in the first place. Srinivasan Decl. ¶ 75. And the Order’s other provisions only compound the risks for Susman’s business. By impugning the Firm and attempting to interfere with Susman’s ability to provide high-quality representation, the Order disincentivizes clients from choosing Susman over its competitors and threatens the Firm’s bottom line. *Id.* ¶ 72.

#### **LEGAL STANDARD AND REVIEWABILITY**

Susman Godfrey is entitled to a temporary restraining order enjoining implementation of at least Sections 1, 3, and 5 of the Executive Order. “An application for a TRO is analyzed using the same factors applicable to a request for preliminary injunctive relief.” *Harris v. Bessent*, 2025 WL 521027, at \*2 (D.D.C. Feb. 18, 2025). To obtain such relief, a plaintiff must show “(1) that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest.” *Aamer v. Obama*, 742 F.3d 1023, 1038 (D.C. Cir. 2014) (cleaned up). Where “the movant seeks to enjoin the government, the final two TRO factors . . . merge.” *D.A.M. v. Barr*, 474 F. Supp. 3d 45, 67 (D.D.C. 2020).

The Executive Order is immediately reviewable. The Order is immediately effective and already is being implemented, and the Firm is feeling its “effects” in a “concrete way.” *Nat’l Park Hosp. Ass’n v. Dep’t of Interior*, 538 U.S. 803, 807-08 (2003). The issues raised in this motion

are thus “fit[] . . . for judicial decision” now. *Saline Parents v. Garland*, 88 F.4th 298, 306 (D.C. Cir. 2023); see *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 162 (2014) (permitting review where plaintiff’s conduct was “arguably proscribed” by law); *Cooksey v. Futrell*, 721 F.3d 226, 240 (4th Cir. 2013) (First Amendment rights “are particularly apt to be found ripe for immediate protection”). Moreover, “the hardship” to Susman of “withholding court consideration” until some later date would be immense. *Saline Parents*, 88 F.4th at 306. This case is not “dependent on contingent future events that may not occur as anticipated, or indeed may not occur at all,” *Trump v. New York*, 592 U.S. 125, 131 (2020) (cleaned up)—the harm is unfolding in real time. That is no doubt why every court to have been presented with a law firm’s challenge to the executive order issued against it has immediately issued a TRO. *Perkins Tr.* at 74:7-21; *Wilmer TRO* at 4-5; *Jenner TRO* at 1-2.

## **ARGUMENT**

### **I. SUSMAN GODFREY IS LIKELY TO SUCCEED ON THE MERITS**

The Firm is likely to succeed on the merits of its claims. The Executive Order is flagrantly unconstitutional. The Order violates the First Amendment because its punishments against Susman Godfrey constitute unlawful retaliation, viewpoint discrimination, and otherwise unlawful restrictions on basic First Amendment rights to speech, association, and petitioning of the courts; it fails to comport with fundamental principles of due process, including the right to equal protection of the laws; and it violates the right to counsel of Susman’s clients. Those constitutional violations are especially egregious because the President does not have any statutory or constitutional authority to punish a law firm as the Order punishes Susman. That the Order includes boilerplate language stating that agencies should implement it “to the extent permitted by law” (or the like) does nothing to “rescu[e]” the Order from those fatal legal deficiencies. See *City & Cnty. of San Francisco v. Trump*, 897 F.3d 1225, 1239-40 (9th Cir. 2018).

## A. The Order Violates the First Amendment

Susman Godfrey will succeed in demonstrating that the Order violates the First Amendment by (1) retaliating against the Firm and its clients for their actual and perceived exercise of speech and associational rights, (2) discriminating against the Firm on the basis of viewpoint, (3) infringing on the right to petition the government, and (4) violating the right to freedom of association.

### 1. The Order Retaliates in Violation of the First Amendment

It is bedrock law that government officials may not “use the power of the State to punish or suppress disfavored expression.” *Vullo*, 602 U.S. at 188. The First Amendment “prohibits government officials” from retaliating “after the fact” based on “protected speech,” *Hous. Cmty. Coll. Sys. v. Wilson*, 595 U.S. 468, 474 (2022) (quoting *Nieves v. Bartlett*, 587 U.S. 391, 398 (2019)) (cleaned up), as well as from taking actions designed to coerce or chill speech in the future, *Vullo*, 602 U.S. at 189; see *Laird v. Tatum*, 408 U.S. 1, 11 (1972) (“constitutional violations may arise from the deterrent, or ‘chilling,’ effect of governmental regulations” in response to protected expression). That principle applies to retaliation based not only on a target’s actual expressions, but also on its viewpoint as *perceived* by the government—even if that perception is inaccurate. See *Heffernan v. City of Paterson, N.J.*, 578 U.S. 266, 272-73 (2016).

To prevail on its claim for First Amendment retaliation, Susman must establish that it engaged in conduct protected under the First Amendment; that a causal link exists between that exercise of a constitutional right and adverse action; and that the government took adverse action sufficient to deter a person of ordinary firmness from speaking again. *Aref v. Lynch*, 833 F.3d 242, 258 (D.C. Cir. 2016). Susman is very likely to prove each of those three elements because the Order is undisguised retaliation that satisfies every element on its face. It unapologetically—and severely—punishes Susman for its attorneys’ advocacy on behalf of clients and causes that the

President does not like. And it does so for the avowed purpose of deterring Susman and other law firms from engaging in that sort of constitutionally protected conduct.

*First*, it is beyond dispute that Susman’s advocacy on behalf of its clients, advice to its clients, and petitioning of the courts constitute “constitutionally protected expression” that “implicat[es] central First Amendment concerns.” *Velazquez*, 531 U.S. at 547-48; *see McDonald v. Smith*, 472 U.S. 479, 484 (1985); *Bill Johnson’s Rests., Inc. v. NLRB*, 461 U.S. 731, 741 (1983). It is equally beyond dispute that the First Amendment prohibits the government from deeming certain legal positions, otherwise permissible in court, to be off limits or to serve as grounds to punish the lawyers taking those positions. *See Velazquez*, 531 U.S. at 546-48 (First Amendment violation where statute attempted to “exclude from litigation those arguments and theories Congress finds unacceptable but which by their nature are within the province of the courts”); *Ukrainian-Am. Bar Ass’n, Inc. v. Baker*, 893 F.2d 1374, 1380 (D.C. Cir. 1990) (First Amendment “violated if the Government affirmatively interferes with constitutionally protected litigation”); *Eng v. Cooley*, 552 F.3d 1062, 1069 (9th Cir. 2009) (“state action designed to retaliate against and chill an attorney’s advocacy for his or her client strikes at the heart of the First Amendment”).

*Second*, it is unmistakable from the face of the Order that the Order was issued for retaliatory reasons. Unlike in most cases, therefore, there is no need to infer retaliatory motive from circumstantial evidence; the Order itself *announces* that it was issued to punish Susman for its protected advocacy. The Order states that it is animated by Susman’s supposed “efforts to weaponize the American legal system and degrade the quality of American elections” and the Firm’s work on behalf of “clients” whom the President has deemed at odds with unspecified “American interests.” Order § 1. The Order’s assertion that Susman has engaged in representations that “degrade the quality of American elections” is transparently a reference to

Susman’s representation of Dominion Voting Systems in connection with Fox News’ claims that Dominion attempted to influence the 2020 election against President Trump, as well as Susman’s representation of state elections officials in litigation defending the integrity of the 2020 election. *See* Srinivasan Decl. ¶¶ 35-36; *Wilmer* TRO at 2 (“The retaliatory nature of the Executive Order at issue here is clear from its face—not only from Section 1, but also from the Fact Sheet published the same day.”); Tr. of TRO Hearing at 48:1-5, *Jenner & Block LLP v. Dep’t of Just.*, No. 25-cv-00916 (D.D.C. Mar. 28, 2025), ECF No. 10 (“*Jenner* Tr.”) (Jenner order “facially retaliates against Jenner because of its speech and association”).

Context provides further corroboration. The Order is one of several similar orders targeting law firms that have represented the President’s perceived political and personal opponents or have employed lawyers who have undertaken public representations adverse to the President. Srinivasan Decl. ¶¶ 39-47; Compl. ¶¶ 103-123. The President’s rescission of the Paul Weiss Order underscores the retaliatory motive behind these orders, as it was accompanied by a compelled mea culpa and a commitment to spend \$40 million on pro bono work that aligns with the Administration’s views. *See* Anders Decl. Ex. C.

*Third*, the Order plainly “constitutes a sufficiently adverse action” against Susman “to give rise to an actionable First Amendment claim.” *Hous. Cmty. Coll. Sys.*, 595 U.S. at 477. The Order imposes devastating consequences on Susman. It endeavors to drive clients away from the Firm by threatening those clients with disfavored contracting treatment—by branding Susman as an enemy engaging in “activities inconsistent with the interests of the United States,” Order § 1, and then directing all agencies to “assess[]” government contracts with *any* Susman clients and to “align their agency funding decisions with the interests of the citizens of the United States,” *id.* § 3. It restricts Susman from engaging with federal employees—a routine activity that is necessary



for a wide range of Susman’s representations. And it threatens to deny Susman’s personnel access to federal government buildings, including federal courthouses. Such clear retaliation against the Firm and its clients violates the First Amendment.

Those draconian punishments easily meet the standard for “adverse action.” There can be no serious dispute that the Order will—if not restrained—damage Susman’s business prospects, disrupt its relations with current and future clients, and impede its lawyers’ ability to zealously advocate as counsel. *See* Srinivasan Decl. ¶¶ 64-75. Proving the point, on March 19, 2025, Paul Weiss attorneys moved to withdraw from a major criminal case, explaining that the defendant “terminated [the firm]’s representation of him” “[i]n response to the March 14 Executive Order,” out of “concern[] that Paul, Weiss’s ongoing involvement in the matter could in and of itself prejudice the review of his case.” Withdrawal Mem. at 2-3, *United States v. Coburn*, No. 19-cr-00120 (D.N.J.), ECF No. 1012-1. Those grave harms would “deter a [lawyer] of ordinary firmness” from representing the President’s political opponents or advancing positions that are adverse to his interests. *Cf. Aref*, 833 F.3d at 258. Indeed, that is the whole point.

That conclusion is reinforced by the fact that the adverse actions have been taken by the President himself. *Vullo*, 602 U.S. at 191-92. It is hard to imagine a greater and more direct threat than one personally delivered by the President of the United States to be carried out by the heads of all federal agencies. And the Order cannot be “reasonably understood” as anything other than a “threat[ of] adverse action” against those who would follow in Susman’s footsteps, as it directs agency heads to bar Susman attorneys from doing the day-to-day work necessary to represent their clients. *Id.* at 189 (quoting *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 68 (1963)). As Judge Howell concluded with respect to the Perkins Order, “the plain language of [the] Executive Order . . . confirms that . . . government officials are attempting to . . . punish and

suppress views that the government, or at least the current administration, disfavors.” *Perkins Tr.* at 79:15-20.

## 2. The Order Constitutes Impermissible Viewpoint Discrimination

The Executive Order also violates the First Amendment because it discriminates against Susman for the Firm’s viewpoints. The Order’s reference to Susman’s participation in the “legal system” in the context of “elections” can refer to little other than the Firm’s representation of Dominion, state government entities, and other clients in connection with the 2020 election. *See* Srinivasan Decl. ¶¶ 35-37. The Order thus punishes the Firm for the positions it has taken—an “egregious form of content discrimination” that is subject to strict scrutiny. *Reed v. Town of Gilbert*, 576 U.S. 155, 168-71 (2015) (quoting *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995)).

“At the heart of the First Amendment’s Free Speech Clause is the recognition that viewpoint discrimination is uniquely harmful to a free and democratic society.” *Vullo*, 602 U.S. at 187. And viewpoint discrimination in the context of legal advocacy is particularly pernicious. *See Velazquez*, 531 U.S. at 547 (holding unlawful an attempt to “prohibit” certain “advice or argumentation” by lawyers). Government punishment based on petitioning the court on certain grounds or representing particular clients in court, or restrictions on undertaking those activities, “threatens severe impairment of the judicial function.” *Id.* at 546. That is because an “informed, independent judiciary” “presumes an informed, independent bar.” *Id.* at 545. By purporting to punish Susman for taking particular disfavored positions—including positions that are disfavored because they are adverse to the government—the Order not only impermissibly punishes Susman for its viewpoint, but also undermines the rule of law by hindering the courts’ ability to decide cases brought before them. *See id.* at 548 (First Amendment “was fashioned to assure unfettered

interchange of ideas for the bringing about of political and social changes” (citation omitted)); Order § 1 (President is sanctioning Susman because, in his view, Susman has engaged in “egregious conduct” by “fund[ing] groups” that “inject . . . political and radical ideology”).

Such speaker- and viewpoint-based sanctions constitute a “‘blatant’ and ‘egregious form of content discrimination’” subject to strict scrutiny, which means that the government’s action may be sustained “only if the government proves” that the Order is “narrowly tailored to serve compelling state interests.” *Reed*, 576 U.S. at 163, 168-71 (quoting *Rosenberger*, 515 U.S. at 829). But the existence of “viewpoint discrimination is uniquely harmful to a free and democratic society,” *Vullo*, 602 U.S. at 187, which “is ‘all but dispositive’” of the strict-scrutiny test, *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, 2025 WL 573764, at \*15 (D. Md. Feb. 21, 2025) (quoting *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 571 (2011)). As the Supreme Court underscored in *Vullo*, “the First Amendment prohibits government officials *from relying on the ‘threat of invoking legal sanctions and other means of coercion . . . to achieve the suppression’* of disfavored speech.” 602 U.S. at 189 (emphasis added).

The Order does not come close to clearing the high bar of strict scrutiny. It should go without saying that the Executive Branch has no compelling interest in punishing lawyers for, or chilling them from, advocating for clients whose interests are adverse to the government—or whose positions were adverse to those of the Trump campaign during the 2020 election. *See Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 547 (1976) (Bill of Rights was drafted by those “familiar with the historic episode in which John Adams defended British soldiers charged with homicide for firing into a crowd of Boston demonstrators”); *Velazquez*, 531 U.S. at 545-48 (recognizing compelling interest in *permitting* lawyers to challenge constitutionality of statutes). And although the President has in the Order purported to deem certain forms of advocacy contrary to the interests

of the United States, in fact the zealous, ethical representation of those disfavored by the government has long been part of our constitutional tradition and is recognized as essential to reining in abuses of government power. *See NAACP v. Button*, 371 U.S. 415, 440 (1963) (exercise “of First Amendment rights to enforce constitutional rights through litigation” on behalf of unpopular minorities “cannot be deemed malicious” as “a matter of law”).

Nothing in the Order somehow conjures into existence any compelling interest. Although the Order asserts (without basis) vague allegations of misconduct, the government has no compelling interest in broadly punishing law firms for alleged attorney misconduct, given that the courts have well-established mechanisms for addressing any alleged claims of misconduct and the Executive Branch has no history or tradition of taking on that responsibility and no authority to do so. *See infra* pp. 35-38. The Order’s bare invocation of “national security” does not suffice either, as the Order leaves entirely unexplained what particular “national security” interest it intends to serve and contains no particularized findings concerning “national security.” *See Order* § 1; *Dep’t of Com. v. New York*, 588 U.S. 752, 785 (2019) (courts are “not required to exhibit a naiveté from which ordinary citizens are free” (citation omitted)). In particular, the Order’s unexplained reference to supposed “fund[ing]” of “groups that engage in dangerous efforts to undermine the effectiveness of the United States military through the injection of political and radical ideology,” *Order* § 1, is so vague that even Susman has no idea to what it might be referring.

For the same reasons, the Order is not narrowly tailored: it lacks any “precision of regulation,” a fatal defect when “political expression or association is at issue.” *In re Primus*, 436 U.S. 412, 432, 434 (1978). The Order, for example, threatens the termination of *all* government contracts held by *any clients* of Susman—yet the Order is completely silent as to any justification for such a far-reaching and drastic punishment. And the Order punishes Susman attorneys and

staff who have nothing to do with the conduct alleged in the order, including litigation regarding “elections,” Order § 1—extending to, for example, the Firm’s patent lawyers who engage with the Patent Trial and Appeal Board and any firm lawyer who has business with an adjudicative agency.

### **3. The Order Violates the Petition Clause**

The Order independently deprives the Firm of its “liberty interest in [its] First Amendment right to petition the government.” *Trentadue v. Integrity Comm.*, 501 F.3d 1215, 1236-37 (10th Cir. 2007); *Arnaud v. Odom*, 870 F.2d 304, 311 (5th Cir. 1989); *see Button*, 371 U.S. at 429. That protected right to petition “extends to all departments of the Government,” including courts. *Cal. Motor Transp. Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972); *see Broudy v. Mather*, 460 F.3d 106, 117 & n.6 (D.C. Cir. 2006). The Order’s provisions punishing Susman for past petitioning activity and restricting Susman’s ability to petition federal employees and appear before federal agencies on federal property are in themselves a violation of the right to petition. But the Order also purports to restrict access to federal courthouses—a category encompassed within the Order’s sweeping reference to “Federal Government buildings.” Order § 5. Restricting access to federal courthouses is a particularly blatant violation of the right to petition. *See, e.g., Borough of Duryea v. Guarnieri*, 564 U.S. 379, 387 (2011).

### **4. The Order Abridges Freedom of Association**

The Order’s demand that government contractors “disclose any business they do with Susman” violates Susman’s freedom of association under the First Amendment. Order § 3. The Order subjects Susman clients who have government contracts to risks of economic reprisal and other forms of governmental hostility simply because they have chosen to retain and associate with Susman. The Order provides that “[w]ithin 30 days of the date of this order, agencies shall submit to the Director of the Office of Management and Budget an assessment of contracts with Susman

or with entities that do business with Susman effective as of the date of this order and any actions taken with respect to those contracts in accordance with this order.” *Id.* That is a blatant threat that any government contractor who has associated with Susman can expect economic consequences and other repercussions in short order. The Fact Sheet confirms as much, stating that “the Federal Government will terminate contracts that involve Susman,” to “ensure taxpayer dollars no longer go to contractors whose earnings subsidize activities not aligned with American interests.” Compl. Ex. B. The open and acknowledged goal of the demand for disclosure is thus to chill clients from continuing to retain Susman as their counsel.

That chilling effect burdens Susman’s right to associate with its clients, thereby triggering exacting scrutiny, which the Order fails for the reasons stated above. *See Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 607 (2021). The governmental interest underlying the Order—trying to impede the ability of law firms to represent clients in matters that the President does not like—is not remotely legitimate, let alone a “sufficiently important” interest to satisfy exacting scrutiny. *Id.* And the Order is not narrowly tailored to that (illegitimate) interest. Forced “disclos[ure]” of “any business [clients] do with Susman,” Order § 3(a), even if not related to a government contract or to any of the litigation with which the President takes issue, is not narrowly tailored to any professed interest in avoiding subsidizing particular litigation. *See USAID v. All. for Open Soc’y Int’l, Inc.*, 570 U.S. 205, 214-15 (2013). Nor is forced disclosure of “whether that business is related to *the subject of* the Government contract.” Order § 3(a) (emphasis added). Those disclosures are instead simply designed to leverage the government’s control over federal funding to punish Susman. But “Government officials cannot attempt to coerce private parties in order to punish or suppress views that the government disfavors.” *Vullo*, 602 U.S. at 180.

## **B. The Order Violates Susman Godfrey's Right to Due Process**

The Order is an equally blatant violation of Susman Godfrey's due process rights. The safeguards of the Due Process Clause are "'implicated' whenever the government imposes 'civil penalties.'" *Karem v. Trump*, 960 F.3d 656, 664 (D.C. Cir. 2020) (quoting *BMW of N. Am., Inc. v. Gore*, 517 U.S. 559, 574 n.22 (1996)). And the Due Process Clause is violated when the plaintiff (1) faces a deprivation of a protected liberty or property interest, and (2) has not received the process that is due. *E.g.*, *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428 (1982). Susman unquestionably satisfies that test and therefore is likely to succeed on its due process claim. Moreover, the Order's impermissible vagueness creates an independent due process violation.

### **1. The Order Deprives Susman Godfrey of Protected Liberty and Property Interests**

Protected liberty interests "[w]ithout doubt" include "not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life," and, among other things, "generally to enjoy those privileges long recognized as essential to the orderly pursuit of happiness." *Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 572 (1972) (internal quotation marks, ellipsis, and citations omitted). The Order deprives Susman of protected liberty and property interests in at least three ways: it (a) denies Susman and its attorneys the right to follow their chosen profession; (b) harms Susman's reputation; and (c) interferes with Susman's protected contractual relationships with clients.

a. *Right to Chosen Profession.* "One of the liberty interests protected by the Fifth Amendment is the right to 'follow a chosen profession free from unreasonable governmental interference.'" *Campbell v. District of Columbia*, 894 F.3d 281, 288 (D.C. Cir. 2018) (quoting *Abdelfattah v. Dep't Homeland Sec.*, 787 F.3d 524, 538 (D.C. Cir. 2015)); *see Schware v. Bd. of Bar Exam.*, 353 U.S. 232, 238-39 (1957) (due process bars unreasonable government exclusion of

“a person from the practice of law or from any other occupation”). The government denies the right to pursue one’s chosen profession by an act that (1) “formally or automatically exclude[s]” someone from work on government contracts “or from other government employment opportunities,” or (2) has “the broad effect of largely precluding” her “from pursuing her chosen career.” *O’Donnell v. Barry*, 148 F.3d 1126, 1141 (D.C. Cir. 1998) (quoting *Kartseva v. Dep’t of State*, 37 F.3d 1524, 1528 (D.C. Cir. 1994)).

The Order does both. The Order brands Susman as acting “inconsistent with the interests of the United States,” requires all federal contractors to disclose “any business they do with Susman,” and orders agency officials to review those contracts and “align their agency funding decisions with the interests of the citizens of the United States.” Order §§ 1, 3. That is an unmistakable instruction to terminate government contracts with Susman clients. Simply put, the avowed purpose and predictable effect of the Order is to force Susman’s government-contractor clients to end their relationships with Susman. *See* Declaration of Robert E. Hirshon (“Hirshon Decl.”) ¶ 21. That pressure on clients to disassociate from Susman—not to mention the pressure on potential clients to avoid associating with Susman in the first place—is designed to destroy the client relationships that are the sine qua non of legal practice. In addition, the Order’s purpose and “effect” is to preclude Susman from providing effective legal representation to a wide range of clients through limitations on its lawyers’ ability to enter federal facilities and interact with federal officials. *See O’Donnell*, 148 F.3d at 1141. Section 5(a) of the Order gives federal officials broad discretion to limit Susman personnel’s “access [to] Federal Government buildings,” including, it appears, every federal court building in the Nation, as well as Article I courts, administrative agencies, federal prosecutors’ offices, and innumerable other federal buildings that members of the private bar must regularly enter in order to do their jobs. The Order also restricts Susman from



“engaging” with federal “[g]overnmental employees” such as prosecutors, civil enforcement staff, investigators, and court personnel. Order § 5(a). Construed according to its terms, the Order would restrict Susman’s lawyers from arguing motions and appeals or participating in trials in federal cases, engaging with federal regulators, meeting with federal prosecutors, and more. That result is untenable for a law firm whose lifeblood is engaging in precisely that conduct on a daily basis.

b. *Reputational Interest*. The Order deprives Susman of its “good name, reputation, honor, [and] integrity.” *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971); see *Perkins Tr.* at 85:5-9. The Supreme Court has made clear that Executive Branch “findings of wrongdoing” that “could have an adverse impact on [an entity’s] reputation” must be issued in accordance with due process. *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 255-56 (2012); see, e.g., *Goss v. Lopez*, 419 U.S. 565, 574-75 (1975); *Nat’l Counsel of Resistance of Iran v. Dep’t of State*, 251 F.3d 192, 204 (D.C. Cir. 2001). The Order tarnishes the Firm’s reputation in no uncertain terms, announcing that all Susman attorneys are unworthy to work on government contracts (or for government contractors); possess national-security information; enter government buildings; engage with government employees; receive government funds, property, or services; or be hired by government agencies. See Order §§ 1, 2, 3, 5. The Order also contains a long series of stigmatizing assertions about the purportedly “egregious” nature of Susman’s actions, stating (for example) that the Firm has “degrade[d] the quality of American elections” and engaged in “conflicts of interests.” *Id.* § 1.

c. *Protected Contractual Relationships*. Finally, the Order deprives Susman of its constitutionally protected property interest in contracts with its clients. See *FDIC v. Mallen*, 486 U.S. 230, 240 (1988); see also *Toxco Inc. v. Chu*, 724 F. Supp. 2d 16, 27 (D.D.C. 2010)

(“[N]umerous courts have held that contracts between private parties may give rise to property interests sufficient to trigger Fifth Amendment due process protections.”). As discussed, the Order punishes Susman’s clients for contracting with the Firm by, for example, depriving those clients of government contracts. That interferes directly with Susman’s own “private contractual agreements . . . with its clients,” because it effectively penalizes clients for choosing to follow through on their contractual obligations to use the Firm’s services. *Perkins Tr.* at 86:4-8 (citing *UAW Loc. 737 v. Auto Glass Emps. Fed. Credit Union*, 72 F.3d 1243, 1250 (6th Cir. 1996), and *Brock v. Roadway Express*, 481 U.S. 252, 260 (1987) (plurality opinion)).

## **2. The Order Issued With No Process Whatsoever**

Before engaging in a deprivation of liberty or property, the government must provide “fair notice of conduct that is forbidden or required,” *Fox Television*, 567 U.S. at 253, 257, and of “the severity of the penalty that [the government] may impose,” *Gore*, 517 U.S. at 574. And to be “constitutionally sufficient,” notice should be provided “*prior to* [a person’s] being sanctioned.” *Fox Television*, 567 U.S. at 257 (emphasis added).

Susman was not given prior notice that its conduct would trigger executive sanctions, and the Order does not identify any law that the Firm allegedly violated. The Firm learned of the Order’s existence and terms, along with the general public, when the President issued it on April 9 on live television. Susman never received a chance to challenge the imposition of sanctions before the Order took effect. As a result, the Firm was deprived of “an opportunity to speak up in [its] own defense.” *Fuentes v. Shevin*, 407 U.S. 67, 81 (1972). It could not rebut the government’s defamatory assertions—such as the claims that the Firm has taken action to “degrade the quality of American elections,” to “undermine the effectiveness of the United States military,” or

“engage[] in unlawful discrimination,” Order § 1—or explain why, even if any of those false allegations were true, the punishment was inappropriate and disproportionate.

To be clear, the Order’s perfunctory references to “risk[],” the “United States military,” and “national security,” Order § 1, do not absolve the government of its due process obligations. The Order says *nothing* to suggest that any national-security concerns are actually implicated here, and there is no reason to believe that they are. And even where such concerns are implicated, process is still required before the government may impair a protected liberty interest or stigmatize an entity. *See, e.g., Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004) (plurality opinion) (citizen seeking to challenge “classification as an enemy combatant must receive notice of the factual basis for his classification” and “a fair opportunity to rebut” before a “neutral decisionmaker”); *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123, 165-74 (1951) (Frankfurter, J., concurring) (due process requires notice and hearing for an organization slated to be designated as “Communist”); *Nat’l Council of Resistance of Iran*, 251 F.3d at 201, 208-09 (designating an entity a “foreign terrorist organization” without adequate notice or hearing violated due process). Susman received no process at all.

Any invocations of national security cannot ignore the weighty interests that militate against the Order’s severe punishments. When, as here, the government “threatens to inhibit the exercise of constitutionally protected rights,” a “more stringent” fair-notice test applies. *Vill. of Hoffman Est. v. Flipside, Hoffman Est., Inc.*, 455 U.S. 489, 498-99 (1982). Indeed, because heartland “[F]irst [A]mendment guarantee[s]” are implicated, the government’s decision to punish Susman cannot be made “arbitrarily or for less than compelling reasons.” *Sherrill v. Knight*, 569 F.2d 124, 129 (D.C. Cir. 1977). But the Order impermissibly seeks to penalize the Firm for its association with clients that the President perceives to be political adversaries. That arbitrary and

improper justification underscores the Firm’s likelihood of success on the merits of its due process claim.

### 3. The Order Is Impermissibly Vague

The Order’s vagueness is an independent due process flaw. A federal law is unconstitutionally vague and thus violates due process if it “fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.” *United States v. Williams*, 553 U.S. 285, 304 (2008) (citation omitted).

The Order is purposefully drafted to create immediate, irremediable uncertainty about the scope of the disabilities placed on Susman and its clients—and to leverage that vagueness for its in terrorem effect. For example, the Order’s “Personnel” provision definitively directs federal agencies to “limit[]” Susman’s access to federal buildings and its ability to engage with federal employees, both to the extent warranted by the purported “interests of the United States.” Order § 5. Given that the Order also brands Susman as engaging in “activities inconsistent with the interests of the United States,” *id.* § 1, there is no doubt that the effect of the Order is to restrict Susman’s ability to engage in the basic activities of its law practice. But Susman and its clients have no way to know the full *scope* of that restriction. The Order’s reference to “interests of the United States” is so standardless that it gives agencies sweeping discretion to *further* restrict Susman’s access over time, perhaps in retaliation for future Susman representations deemed to be somehow “inconsistent with the interests of the United States.” *Id.* Other aspects of the Order exacerbate that concern. For instance, the reference to “Federal Government buildings” is on its face broad enough to include federal courthouses—an interpretation that the government has not disclaimed in proceedings involving executive orders against other firms. *See Wilmer* TRO at 4

(construing executive order to encompass federal courthouses); *Perkins Tr.* at 88:21-23 (government counsel “concede[d] that we don’t know exactly what [a materially identical provision] means”). The Order’s vagueness is thus designed to give federal agencies sweeping ability to impose severe consequences on Susman for undefined future conduct—and to deter Susman from engaging in representations and advocacy that could be perceived as adverse to the President’s political interests or the government’s interests more broadly. That is a textbook case of unconstitutional vagueness—vagueness that is designed to enable “arbitrary and discriminatory application,” *Grayned v. City of Rockford*, 408 U.S. 104, 108-09 (1972), and that is especially impermissible given that “speech is involved,” *Fox Television*, 567 U.S. at 253-54.

**C. The Order Violates Susman Godfrey’s Right to Equal Protection of the Laws**

Susman Godfrey also will succeed on its equal protection claim.<sup>5</sup> The Order singles out Susman for differential treatment, and the government has no legitimate justification for treating Susman differently than similarly situated entities.

The Supreme Court often has “recognized successful equal protection claims brought by a ‘class of one.’” *Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (per curiam). Such a claim requires the plaintiff to allege that it “has [1] been intentionally treated differently from others similarly situated and [2] that there is no rational basis for the difference in treatment.” *Id.* at 564. Further, when the differential treatment burdens a plaintiff’s First Amendment activity, a standard “appreciably more stringent than ‘minimum rationality’” governs. *News Am. Pub., Inc. v. FCC*, 844 F.2d 800, 802, 814 (D.C. Cir. 1988).

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<sup>5</sup> The Fifth Amendment’s Due Process Clause contains an equal protection component applicable to the federal government. *Bolling v. Sharpe*, 347 U.S. 497, 498 (1954). The “[e]qual protection analysis . . . is the same” as under the Fourteenth Amendment. *Buckley v. Valeo*, 424 U.S. 1, 93 (1976).

Both parts of the equal protection test are readily satisfied here. First, the Order intentionally treats Susman differently from others that are similarly situated. Indeed, the targeted treatment inheres in the Order itself, which singles out Susman by name, airs the President's specific grievances with Susman, and assigns targeted sanctions. Countless other similarly situated law firms have not been subjected to the same—or remotely similar—sanctions. Worse still, unlike in the typical class-of-one claim, in which “improper motive is usually covert,” here the “improper motive” is apparent on the face of the Order and the Administration's related public statements. *Swanson v. City of Chetek*, 719 F.3d 780, 784 (7th Cir. 2013); *supra* p. 18-20. When, as here, “animus is readily obvious,” myopically applying the comparator requirement is inappropriate. *Swanson*, 719 F.3d at 784; *see Cordi-Allen v. Conlon*, 494 F.3d 245, 251 n.4 (1st Cir. 2007).

It is immaterial that several other law firms have previously been subjected to analogous orders. The fact remains that the number of similarly situated firms targeted by the President is dwarfed by the number who have been unaffected. It would defy logic and precedent to conclude that Defendants can avoid an equal protection violation on the ground that they have also targeted several other firms on similarly illegitimate grounds. “Whether the complaint alleges a class of one or of five is of no consequence because . . . the number of individuals in a class is immaterial for equal protection analysis.” *Olech*, 528 U.S. at 564 n.\*; *accord Franks v. Rubitschun*, 312 F. App'x 764, 765 n.2 (6th Cir. 2009) (claims are “typically referred to as class-of-one claims,” but “the challenged government action” need not “single out one solitary person”).

Second, the government lacks even a rational basis for the difference in treatment, much less an “appreciably more” persuasive justification. *News Am. Pub., Inc.*, 844 F.2d at 802. To satisfy even the lower rational-basis standard, the government must identify a “legitimate

governmental purpose,” which cannot be “so attenuated” from the conduct “as to render [it] arbitrary or irrational.” *City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 446 (1985). A “bare . . . desire to harm a politically unpopular group” is not a “legitimate state interest[.]” *Id.* at 447. The Order has *no* legitimate governmental purpose; rather, its objective is to harm a law firm that the President perceives to have supported clients and causes that the President disfavors. In addition, the Order’s means are far too attenuated to justify its punitive provisions. *See id.* at 446; *see also Romer v. Evans*, 517 U.S. 620, 632 (1996) (where a governmental act is “so discontinuous with the reasons offered” that it “seems inexplicable by anything but animus,” it “lacks a rational relationship to legitimate state interests”).

**D. The Order Violates Susman Godfrey’s Clients’ Due Process Right to Counsel**

Susman Godfrey is also likely to succeed on its claims that the Order violates the right to counsel protected by the Fifth Amendment’s Due Process Clause. That right protects litigants in civil and criminal cases alike against arbitrary deprivations of their counsel of choice. *See Powell v. Alabama*, 287 U.S. 45, 53, 68-69 (1932). The Order violates that right by baselessly preventing Susman’s clients from being ably represented by their chosen attorneys.

1. The Firm has constitutional standing to challenge infringement of its clients’ right to counsel. Lawyers have prudential, third-party standing to challenge restrictions on their clients’ access to counsel that interfere with the lawyers’ practice. *See Caplin & Drysdale, Chartered v. United States*, 491 U.S. 617, 623 n.3 (1989); *U.S. Dep’t of Labor v. Triplett*, 494 U.S. 715, 720 (1990). That includes restrictions that interfere with a client’s right to counsel of choice, *Caplin & Drysdale*, 491 U.S. at 623 n.3, as well as restrictions that “interfere[] with [counsel’s] professional obligation to his client,” *Wounded Knee Legal Def./Offense Comm. v. FBI*, 507 F.2d 1281, 1284 (8th Cir. 1974). Here, Defendants’ violations have caused, and will continue to cause,

exactly those kinds of interference. That is “concrete injury” that injunctive relief would redress. *TransUnion LLC v. Ramirez*, 594 U.S. 413, 425 (2021).

2. The Order violates Susman clients’ Fifth Amendment right to counsel. It hardly needs saying that, as a general matter, the Due Process Clause protects a litigant’s right to notice and a hearing. *Powell*, 287 U.S. at 68. But that right to be heard would be “of little avail” if it did not include the right to “the aid of counsel” in the hearing. *Id.* at 69. And the guarantee of an attorney necessarily includes a party’s right “to secure counsel of his own choice.” *Id.* at 53. Accordingly, although a civil litigant may not always have a constitutional right to appointed counsel, *Turner v. Rogers*, 564 U.S. 431, 443-44 (2011), the Supreme Court has recognized that an “arbitrar[y] refus[al]” to allow a party to be heard in a civil case via the arguments of his preferred “counsel, employed by and appearing for him,” constitutes a denial of due process. *Powell*, 287 U.S. at 69; *see Am. Airways Charters, Inc. v. Regan*, 746 F.2d 865, 873-74 (D.C. Cir. 1984).

The Order amounts to exactly that sort of arbitrary and unjustified interference. By denying Susman attorneys the ability to “engag[e] with” government officials or “access[] . . . Federal Government buildings,” Order § 5(a), the Order imposes imminent risk that Susman’s clients will have to go without their chosen counsel in upcoming meetings and hearings. The Order offers no legitimate rationale for that denial, making it a classically arbitrary government action and a denial of due process rights.

**E. The Order Exceeds the President’s Statutory and Constitutional Authorities and Violates the Separation of Powers**

The many constitutional violations described above are all the more egregious because the President lacks even basic authority to issue several of the Order’s mandates. Section 3 of the Order imposes draconian contracting consequences on Susman Godfrey and its clients, and Section 5 restricts Susman’s personnel from engaging with the federal government and presumptively



makes such personnel ineligible for federal employment. Susman is likely to succeed on its claim that those punishments exceed the President's statutory and constitutional authority and otherwise violate the separation of powers.

“The President’s power, if any, to issue” an executive order “must stem either from an act of Congress or from the Constitution itself.” *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 585 (1952). Courts have therefore routinely held that an executive order lacks legal effect if it is not justified by an “express constitutional or statutory authorization.” *Sioux Tribe of Indians v. United States*, 316 U.S. 317, 331 (1942); *see, e.g., Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172, 193-95 (1999) (similar); *City & Cnty. of San Francisco*, 897 F.3d at 1234-35 (similar); *see also Trump v. Hawaii*, 585 U.S. 667, 683 (2018) (upholding presidential action taken pursuant to 8 U.S.C. § 1182(f), which addresses restrictions on entry of noncitizens).

No statute authorizes the President or his executive officers to sanction a law firm for its general representation of clients. The President thus is exacting retribution against a law firm for representing clients he considers his political opponents, or who hold views he disfavors, without even an indication of statutory authority. Put differently, “[t]he President’s order does not direct that a congressional policy be executed in a manner prescribed by Congress—it [improperly] directs that a *presidential policy* be executed in a manner prescribed by the President.” *Youngstown*, 343 U.S. at 588 (emphasis added). In short, there is no “nexus between the” President’s action “and some delegation of the requisite legislative authority by Congress.” *Chrysler Corp. v. Brown*, 441 U.S. 281, 304 (1979).

Lacking any statutory basis, the Order could survive only if supported by some inherent executive power. None applies here. The power to punish disfavored law firms through contracting orders and access restrictions finds no home in Article II of the Constitution; rather,

“officially prepared and proclaimed governmental blacklists possess almost every quality of bills of attainder, the use of which was from the beginning forbidden to both national and state governments.” *McGrath*, 341 U.S. at 143-44 (Black, J., concurring). Such punishment is not an exercise of the President’s power as Commander in Chief, *see, e.g., Ex parte Quirin*, 317 U.S. 1, 26 (1942), or any foreign-policy power vested in the President, *see, e.g., Zivotofsky ex rel. Zivotofsky v. Kerry*, 576 U.S. 1, 32 (2015), and it is not a component of the President’s “executive Power” to oversee certain subordinate officials, *see, e.g., Seila Law LLC v. CFPB*, 591 U.S. 197, 213 (2020). Nor do Sections 3 and 5 of the Order represent an exercise of the President’s responsibility to “take Care that the Laws be faithfully executed,” U.S. Const. art. II, § 3, because the President executes no law whatsoever in imposing those punishments.

The lack of any historical precedent for an executive order targeting a law firm due to its advocacy on behalf of clients is further powerful evidence that the Constitution does not permit, much less affirmatively authorize, the President’s action. *See Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477, 505 (2010); *NLRB v. Noel Canning*, 573 U.S. 513, 524 (2014). Indeed, the historical power to sanction attorneys for alleged professional misconduct in federal court rests with a different, co-equal branch of our government: the Article III judiciary. The Supreme Court has long held that federal courts have inherent power to “discipline attorneys who appear before [them].” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (citing *Ex parte Burr*, 22 U.S. (9 Wheat.) 529, 531 (1824)). That power is integral to federal courts’ ability to adjudicate the “Cases” and “Controversies” assigned to them under Article III, as “the ability to fashion an appropriate sanction” for attorney misconduct ensures that courts may “manage” their “own affairs” and prevent “abuse[]” of the “judicial process.” *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 107 (2017) (citations omitted). The Order intrudes on that inherently judicial role

by imposing blunderbuss sanctions on attorneys based not on a judicial finding of professional wrongdoing but rather on the President's own disagreement with (for example) actions that Susman took in connection with the 2020 election—actions that Susman took in court. Our system of separated powers does not permit that intrusion on the judiciary's role. *See Stern v. Marshall*, 564 U.S. 462, 482-84 (2011).

Nor could Article II reserve any such power to the President, as to do so would empower the President to interfere with “the proper exercise of the judicial power.” *Velazquez*, 531 U.S. at 545. In our adversarial system of litigation, “courts must depend” on attorneys to “present all the reasonable and well-grounded arguments necessary for proper resolution of [a] case.” *Id.* The separation of powers thus precludes either Congress or the Executive from attempting to “exclude from litigation those arguments and theories [it] finds unacceptable but which by their nature are within the province of the courts to consider.” *Id.* at 546. The Order flouts these “accepted separation-of-powers principles,” “threaten[ing] severe impairment of the judicial function.” *Id.* at 544-46.

On top of that, the Order—which effectively functions as a “prepared and proclaimed governmental blacklist[.]”—“possess[es] almost every quality of [an unlawful] bill[.] of attainder.” *McGrath*, 341 U.S. at 143-44 (Black, J., concurring). It punishes Susman—and only Susman—“without any formal investigation, trial, or even informal process.” *Perkins Tr.* at 89:10-22. From the Founding, such measures have been “forbidden to both national and state governments.” *McGrath*, 341 U.S. at 144 (Black, J., concurring). It cannot be “that the authors of the Constitution, who outlawed the bill of attainder, inadvertently endowed the executive with power to engage in the same tyrannical practices that had made the bill such an odious institution.” *Id.*

## II. SUSMAN GODFREY WILL SUFFER IRREPARABLE HARM WITHOUT A TEMPORARY RESTRAINING ORDER

Irreparable harm justifying issuance of a TRO must be “‘certain and great,’ ‘actual . . . not theoretical,’ and ‘of such imminence that there is a clear and present need for equitable relief.’” *Doctors for Am. v. OPM*, 2025 WL 452707, at \*8 (D.D.C. Feb. 11, 2025) (quoting *Wis. Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985)). That “high standard,” *id.*, is more than satisfied here.

### A. The Order Has Impaired Susman Godfrey’s Constitutional Rights

“[T]here is a presumed availability of federal equitable relief against threatened invasions of constitutional interests.” *Davis v. District of Columbia*, 158 F.3d 1342, 1346 (D.C. Cir. 1998) (internal quotation marks and citation omitted). “[A] prospective violation of a constitutional right constitutes irreparable injury for . . . purposes” of such relief. *Karem*, 960 F.3d at 667 (quoting *Gordon v. Holder*, 721 F.3d 638, 653 (D.C. Cir. 2013)). Multiple such invasions and violations have already occurred here.

**First Amendment.** “The loss of First Amendment freedoms, for even minimal periods of time[,] . . . constitute[s] irreparable injury.” *Cigar Ass’n of Am. v. FDA*, 317 F. Supp. 3d 555, 562 (D.D.C. 2018) (quoting *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 301 (D.C. Cir. 2006)). If denied a TRO, Susman will incur an injury that is “certain” and “imminent” because the Order “threatens” and “in fact . . . impair[s]” the Firm’s “First Amendment interests ‘at the time relief is sought.’” *Cigar Ass’n of Am.*, 317 F. Supp. 3d at 562 (quoting *Chaplaincy of Full Gospel Churches*, 454 F.3d at 301). As Judge Leon explained in granting a TRO in *WilmerHale*’s challenge to an analogous order, “[t]here is no doubt this retaliatory action chills speech and legal advocacy,” and “violations of plaintiffs’ constitutional rights constitute irreparable harm, even if the violations occur only for short periods of time.” *Wilmer TRO* at 2-3; *see also Jenner Tr.* at

54:22-24 (“[E]ven more simply, Jenner is suffering irreparable harm because the order likely impinges on the firm’s First Amendment rights.”); *Perkins Tr.* at 95:2-3 (First Amendment violations “in and of themselves lead[] to irreparable harm”).

Moreover, given the Order’s clear retaliatory purpose and effect, there is no question that it is intended to chill Susman’s speech and advocacy going forward. That is why the Order imposes severe sanctions while giving agency heads discretion to tighten those sanctions still further. There is thus at minimum “some likelihood of a chilling effect on” Susman’s rights—that is the Order’s very purpose. *Chaplaincy of Full Gospel Churches*, 454 F.3d at 301; see Hirshon Decl. ¶ 20 (“Lawyers’ zealous advocacy will be hindered if they must fear retribution for advancing arguments with which the President disagrees.”). In addition, Susman “need not show that the government action led [it] to stop speaking altogether, only that it would be likely to deter a person of ordinary firmness from the exercise of First Amendment rights.” *Media Matters for Am. v. Paxton*, 732 F. Supp. 3d 1, 29 (D.D.C. 2024) (internal quotation marks and citations omitted). “Therefore, the fact that” Susman has “defended its work does not mean that [it] ha[s] not suffered irreparable harm.” *Id.*

***Fifth Amendment.*** “[A] violation of Fifth Amendment due process rights,” including unlawful interference with the right to counsel, gives rise to irreparable harm. *Karem*, 960 F.3d at 668; see *Innovation Law Lab v. Nielsen*, 310 F. Supp. 3d 1150, 1163 (D. Or. 2018). So too does a violation of the “right[] to equal protection of the laws under the Fifth Amendment.” *Doe 1 v. Trump*, 275 F. Supp. 3d 167, 216 (D.D.C. 2017), *vacated on other grounds*, *Doe 2 v. Shanahan*, 755 F. App’x 19 (D.C. Cir. 2019). Susman is suffering exactly those forms of irreparable harm here. See *supra* pp. 26-35. The harm inflicted by the Order is ongoing and “do[es] not . . . require

proof of any injury other than the threatened constitutional deprivation itself.” *Gordon v. Holder*, 721 F.3d 638, 653 (D.C. Cir. 2013) (quoting *Davis*, 158 F.3d at 1346).

**B. Susman Godfrey Is Suffering Ongoing and Irreparable Reputational Harm**

Absent emergency relief, Susman will suffer severe and irreparable reputational harm as a result of the Order. *See Xiaomi Corp.*, 2021 WL 950144, at \*9 (“injury to reputation or goodwill” is “irreparable” (citation omitted and alterations accepted)). Not only does the Order disparage the Firm’s work as “dangerous” and “detrimental to critical American interests,” it accuses the Firm of, among other things, “spearhead[ing] efforts to weaponize the American legal system and degrade the quality of American elections.” Order § 1. Allowing these falsehoods to go unrestrained could damage Susman’s “corporate goodwill and reputation.” *Honeywell, Inc. v. Consumer Prod. Safety Comm’n*, 582 F. Supp. 1072, 1078 (D.D.C. 1984); *see* Srinivasan Decl. ¶ 75. More generally, there is a public perception that orders like the one here make law firms less able to do their work effectively. *See, e.g.*, Anders Decl. Ex. I (article discussing impact of earlier executive orders). That perception is amplified by the fact that the Order articulates the grievances of the President, who occupies an office that exerts great influence and to which many people play close attention.

The Order’s (false) suggestion that Susman is so untrustworthy or “dangerous” that it cannot be permitted to represent clients in interactions with the federal government, at federal agencies, and in federal courtrooms poses concrete, here-and-now harm to the Firm’s reputation. Order §§ 1, 3. This Court has found far less reputational damage to be irreparable.<sup>6</sup>

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<sup>6</sup> *See, e.g., Xiaomi Corp.*, 2021 WL 950144, at \*1, 9 (“almost unquestionable” that plaintiff’s designation as “Communist Chinese military company” “damaged its reputation[.]”); *Beacon Assocs., Inc. v. Apprio, Inc.*, 308 F. Supp. 3d 277, 288 (D.D.C. 2018) (“termination for default . . . left a black mark on [plaintiff’s] reputation, irreparable absent an injunction”); *Patriot, Inc. v. HUD*, 963 F. Supp. 1, 5 (D.D.C. 1997) (agency letter characterizing plaintiff as “pressuring” senior citizens into financial decisions was irreparable reputational harm).

### C. Susman Godfrey Is Suffering Irreparable Economic Injuries

Without relief from this Court, the Executive Order will subject Susman to unrecoverable losses. Although economic loss is not always irreparable, *Harris v. Bessent*, 2025 WL 521027, at \*8 (D.D.C. Feb. 18, 2025) (granting TRO), economic injuries justify emergency equitable relief when “legal remedies after the fact [are] inadequate to restore the party seeking a stay to the status quo ante,” *Mann v. Wash. Metro. Area Transit Auth.*, 185 F. Supp. 3d 189, 195 (D.D.C. 2016). Where damages are unrecoverable (for example, due to sovereign immunity), “significant” economic loss constitutes irreparable harm. *Luokung Tech. Corp. v. Dep’t of Def.*, 538 F. Supp. 3d 174, 192 (D.D.C. 2021) (issuing injunction).

That is true here. Defendants’ sovereign immunity limits Susman to nonmonetary equitable relief, and Susman’s unrecoverable revenue losses will be “significant” absent injunctive relief, *Xiaomi Corp. v. Dep’t of Def.*, 2021 WL 950144, at \*10 (D.D.C. Mar. 12, 2021) (citations omitted); *see* Srinivasan Decl. ¶ 71. *See* *Xiaomi Corp.*, 2021 WL 950144, at \*11 (irreparable harm where there was “exodus of lucrative contracts”); *Nalco Co. v. EPA*, 786 F. Supp. 2d 177, 188 (D.D.C. 2011) (irreparable harm where there was “loss of long-standing clients that may be unwilling, or unable, to do business with [plaintiff] hereafter if no injunction is issued” (cleaned up)).

The Order also imminently threatens significant irreparable economic harm by hindering Susman’s ability “to recruit and retain employees to build—or even maintain—its business.” *TikTok Inc. v. Trump*, 490 F. Supp. 3d 73, 84 (D.D.C. 2020); *see also* *Luokung*, 538 F. Supp. 3d at 192-93 (irreparable harm included “difficulty recruiting and retaining talent”). Employees are drawn to Susman in part due to the significant substantive responsibilities the Firm provides, which can make them more compelling candidates for federal employment. Srinivasan Decl. ¶ 76. By directing federal agencies to refrain from hiring Susman employees, the Order impairs the Firm’s

ability to recruit and retain lawyers and professionals who are interest in federal service. *Id.*; see Hirshon Decl. ¶ 22.

### III. THE EQUITIES AND PUBLIC INTEREST STRONGLY FAVOR A TRO

The final two TRO factors—the balancing of the equities and weighing of the public interest—“merge when the [g]overnment is the opposing party.” *Am. Ass’n of Political Consultants v. SBA*, 613 F. Supp. 3d 360, 365 (D.D.C. 2020) (quoting *Nken v. Holder*, 556 U.S. 418, 435 (2009)). Courts “must balance the competing claims of injury and must consider the effect on each party [and the public] of the granting or withholding of the requested relief.” *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 24 (2008).

The injury to Susman Godfrey has been immediate and severe. The Order is *already* inflicting severe and irreparable harm on Susman by actively violating the constitutional rights of the Firm and its clients. Those injuries will only multiply if the Order is not restrained. *See supra* pp. 39-41. Even if there were only a “substantial risk” of a deprivation of “fundamental . . . right[s],” that would be enough to tilt the equities against the government. *See League of Women Voters*, 838 F.3d at 12. Here, it is certain that the Order will have that effect. Further, with each day that goes by, the risk mounts that Susman will suffer unrecoverable economic losses and incurable reputational harm. *See Srinivasan Decl.* ¶¶ 71-72, 75.

Making matters worse, the Order threatens to deter attorneys across the Nation from taking on clients and causes for fear of drawing the ire of an Administration that has laid bare its willingness to impose harsh sanctions on those who express opposition to its policies. *See Hirshon Decl.* ¶¶ 17-20. As Judge Bates stated, “[t]he legal profession as a whole is watching and wondering whether its courtroom activities, in the best tradition of lawyering, will cause the federal government to turn its unwanted attention to them next.” *Jenner Tr.* at 54:25-55:3. That chilling



effect will ultimately make it difficult for lawyers to fulfill their duty to provide their “client and [] the legal system” with “zealous[]” and “vigorous representation” “within the bounds of the law”—a responsibility of “paramount importance” to our “system of justice” and to the public interest. D.C. R. Prof’l Conduct 1.3 cmt. [1]; *Penson v. Ohio*, 488 U.S. 75, 84 (1988). The Order also will deter potential litigants from challenging the Administration’s policies. Indeed, it already has. *See* Anders Decl. Ex. J (“The volunteers and small nonprofits forming the ground troops of the legal resistance to Trump administration actions say that the well-resourced law firms that once would have backed them are now steering clear.”). In short, the “adverse impact” on the public interest “cannot be [over]stated,” *Perkins* Tr. at 102:13-14, as it puts in peril the “informed, independent bar” on which our judicial system depends, *Velazquez*, 531 U.S. at 545. Moreover, “[i]t is always in the public interest to prevent the violation of a party’s constitutional rights.” *Costa v. Bazron*, 456 F. Supp. 3d 126, 137 (D.D.C. 2020) (brackets in original) (quoting *Simms v. District of Columbia*, 872 F. Supp. 2d 90, 105 (D.D.C. 2012)).

In contrast, any purported harm to the Defendants is non-existent. *See Perkins* Tr. at 101:8-10 (“The government . . . would suffer no cognizable injuries from the issuance of a TRO.”). Because the government “cannot suffer harm from an injunction that merely ends an unlawful practice,” “any hardship” the Government might identify is “not legally relevant.” *Ramirez v. U.S. ICE*, 568 F. Supp. 3d 10, 34 (D.D.C. 2021) (quoting *R.I.L.-R v. Johnson*, 80 F. Supp. 3d 164, 191 (D.D.C. 2015)); *see League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016); *N.S. v. Hughes*, 335 F.R.D. 337, 355 (D.D.C. 2020). On the contrary, there is a “substantial public interest” in ensuring that “governmental agencies abide” by the law. *League of Women Voters*, 838 F.3d at 12. The balance of equities and public interest thus weigh decisively in favor of temporarily restraining and enjoining implementation of the Order and preserving the status quo.

**IV. THIS COURT SHOULD EXERCISE ITS DISCRETION TO WAIVE THE RULE 65(c) SECURITY REQUIREMENT**

Susman Godfrey respectfully requests that the Court waive any security under Rule 65(c). *See* Fed. R. Civ. P. 65(c). This Court has “wide discretion” to grant relief under Rule 65 without requiring the movant to post any bond. *Am. First Legal Found. v. Becerra*, 2024 WL 3741402, at \*16 n.11 (D.D.C. Aug. 9, 2024). Here, the requested relief will “do the defendant[s] no material damage”—and that fact counsels strongly in favor of “dispens[ing] with any security requirement whatsoever,” as is typical in cases in which government action is at issue. *Id.* (quoting *Fed. Prescription Serv., Inc. v. Am. Pharm. Ass’n*, 636 F.2d 755, 759 (D.C. Cir. 1980)); *see, e.g.*, Opinion and Order at 21, *Widakusara v. Lake*, No. 25-cv-02390 (S.D.N.Y. Mar. 28, 2025), ECF No. 54 (“[r]equiring that plaintiffs suing the government to vindicate constitutional and statutory rights” post large bonds “would ensure that very few individuals could afford to sue the federal [g]overnment,” and federal defendants “can hardly gripe about” the cost of “abiding by their constitutional role as members of the executive branch”).

**CONCLUSION**

Plaintiff’s motion for a temporary restraining order should be granted.

Dated: April 14, 2025

Respectfully submitted,

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*Attorneys for Susman Godfrey LLP*

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

SUSMAN GODFREY LLP,

*Plaintiff,*

v.

EXECUTIVE OFFICE OF THE PRESIDENT,  
*et al.,*

*Defendants.*

Civil Case No.: 1:25-cv-01107

**DECLARATION OF GINGER D. ANDERS**  
**IN SUPPORT OF PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING**  
**ORDER**

1. I am an attorney in the law firm of Munger, Tolles & Olson LLP and a member of the Bar of this Court. I am one of the counsel of record in the above-captioned action representing Plaintiff, Susman Godfrey LLP. I submit this declaration in support of Plaintiff's Motion for a Temporary Restraining Order.

2. I am over the age of 18 and competent to make this declaration. I have personal knowledge of the facts set forth in this declaration and, if called and sworn as a witness, could and would competently testify to them.

3. Attached hereto as **Exhibit A** is a true and correct copy of an April 9, 2025 article by John Hughes titled "Trump Targets Law Firm Behind \$787.5 Million Fox News Suit" and published by *Bloomberg Law*, as downloaded from *Bloomberg Law's* website at <https://tinyurl.com/tx8upuy9>.

4. Attached hereto as **Exhibit B** is a true and correct copy of an April 9, 2025 article by Sam Levine titled "Trump Signs Order Targeting Law Firm Behind \$787.5M Fox Defamation Suit" and published in *The Guardian*, as downloaded from *The Guardian's* website at <https://tinyurl.com/bdd7t65k>.

5. Attached hereto as **Exhibit C** is a true and correct copy of a Truth Social post on March 20, 2025 at 6:10 p.m. Eastern Time by user @realDonaldTrump, which upon information and belief is an account owned by President Donald J. Trump, as downloaded from Truth Social's website at <https://tinyurl.com/3bj68n4r>.

6. Attached hereto as **Exhibit D** is a true and correct copy of a Truth Social post on March 28, 2025 at 1:57 p.m. Eastern Time by user @realDonaldTrump, which upon information and belief is an account owned by President Donald J. Trump, as downloaded from Truth Social's website at <https://tinyurl.com/bdcvadxk>.

7. Attached hereto as **Exhibit E** is a true and correct copy of a Truth Social post on April 1, 2025 at 4:47 p.m. Eastern Time by user @realDonaldTrump, which upon information and belief is an account owned by President Donald J. Trump, as downloaded from Truth Social's website at <https://tinyurl.com/382dx45m>.

8. Attached hereto as **Exhibit F** is a true and correct copy of a Truth Social post on April 2, 2025 at 2:05 p.m. Eastern Time by user @realDonaldTrump, which upon information and belief is an account owned by President Donald J. Trump, as downloaded from Truth Social's website at <https://tinyurl.com/ycmrsb44>.

9. Attached hereto as **Exhibit G** is a true and correct copy of a Truth Social post on April 11, 2025 at 12:21 p.m. Eastern Time by user @realDonaldTrump, which upon information and belief is an account owned by President Donald J. Trump, as downloaded from Truth Social's website at <https://tinyurl.com/5sehrehk>.

10. Attached hereto as **Exhibit H** is a true and correct copy of a Truth Social post on April 11, 2025 at 12:19 p.m. Eastern Time by user @realDonaldTrump, which upon information and belief is

an account owned by President Donald J. Trump, as downloaded from Truth Social's website at <https://tinyurl.com/3whcpdjd>.

11. Attached hereto as **Exhibit I** is a true and correct copy of an April 8, 2025 article by Matthew Goldstein titled "Two Law Firms File for Permanent Relief from Trump's Executive Orders" and published in the *New York Times*, as downloaded from the *New York Times's* website at <https://tinyurl.com/3nyeh2vf>.

12. Attached hereto as **Exhibit J** is a true and correct copy of a March 11, 2025 article (Updated March 25, 2025) by Michael Birnbaum titled "Law Firms Refuse to Represent Trump Opponents in the Wake of His Attacks" and published in the *Washington Post*, as downloaded from the *Washington Post's* website at <https://tinyurl.com/yn563p6x>.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on April 14, 2025, in Washington, District of Columbia.



---

Ginger D. Anders  
D.C. Bar No. 494471

# **EXHIBIT A**



Business & Practice

April 9, 2025, 4:16 PM EDT; Updated: April 10, 2025, 6:47 AM EDT

## Trump Targets Law Firm Behind \$787.5 Million Fox News Suit (4)

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- Susman Godfrey lawyers are also suing MyPillow's Lindell for defamation
- Trump is nearing \$700 million in pro bono deals with other law firms

President Donald Trump on Wednesday targeted Susman Godfrey with an executive order as an aide said the administration was close to \$1 billion in deals with law firms.

Susman represented Dominion Voting Systems Inc. in a blockbuster defamation lawsuit against Fox Corp. in which the media company agreed to pay a \$787.5 million settlement. The firm is also pursuing a defamation case against Mike Lindell, a well-known Trump advocate and chief executive officer of MyPillow, on behalf of Dominion.

"We signed with many law firms, the ones that we thought were inappropriate, and they've all agreed to pay," Trump said in the Oval Office. "We have another five to go."

While Trump has publicized four agreements with law firms that have promised \$340 million in pro bono services for causes the president supports, aide Stephen Miller said the administration was getting close to \$600 to \$700 million in deals now, including those that haven't been announced.

"The numbers are adding up," Miller said in the Oval Office. "We're going to be close to a billion soon."

Susman will fight “this unconstitutional order,” the firm said in a statement on its website. “We believe in the rule of law, and we take seriously our duty to uphold it.”

Other litigation firms so far have also been choosing to fight Trump’s orders rather than settle with the president. Perkins Coie, WilmerHale, and Jenner & Block secured court orders temporarily blocking large parts of the orders against them. Susman was one of more than 500 law firms that signed on to an amicus brief filed April 4 that backed Perkins Coie.

Trump also leveled an executive order against Paul Weiss, which reached a deal to get the order withdrawn by pledging to commit \$40 million in pro bono legal services to administration-aligned causes. Three other firms—Skadden, Milbank LLP, and Willkie Farr—pledged another \$300 million in preemptive deals with the White House.

Trump also signed a memo that was directed at Covington & Burling, and that firm so far has neither filed suit or settled in response.

The orders, including the one against Susman, instruct agency heads to strip lawyers’ security clearances, restrict firm personnel from accessing federal buildings, and slash federal contracts held by firm clients. Trump also called for an investigation of Susman’s employment practice for possible violations of federal employment discrimination law, according to a White House fact sheet. The Equal Employment Opportunity Commission is already probing 20 top law firms for potential discrimination in their diversity, equity, and inclusion programs.

Susman is home to some of the country’s top trial lawyers and is well-known for taking major contingency fee cases, meaning it only gets paid when it wins. Picking winners has made the firm’s lawyers some of the highest paid in the country. Profits of nearly \$7 million per partner in fiscal 2023 ranked the firm fourth among the 100 largest law operations by revenue, according to American Lawyer data.

The Dominion case stemmed from the network’s reporting tying the company’s voting machines to conspiracy theories about a stolen 2020 election. “This firm is very involved in the election misconduct,” Miller said, without elaborating as to whether he was talking about the Dominion case.

In the Lindell case, a judge ordered the MyPillow founder to pay sanctions for claims he brought against election technology company Smartmatic International Holding. Lawyers for that company said last month Lindell has yet to pay the sanctions.

**(Adds law firm comment in sixth paragraph.)**

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To contact the editor on this story: John Hughes in Washington at [jhughes@bloombergindustry.com](mailto:jhughes@bloombergindustry.com)

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# **EXHIBIT B**

**Trump administration**

# Trump signs order targeting law firm behind \$787.5m Fox defamation suit

Order punishes Susman Godfrey, which helped Dominion Voting Systems get millions from Fox for 2020 election lies



📷 People walk past Fox News signs in New York City, in 2023. Photograph: Mike Segar/Reuters

**Sam Levine in New York**

Wed 9 Apr 2025 17:24 EDT

**Donald Trump** signed an executive order on Wednesday punishing the law firm that helped Dominion Voting Systems obtain a **\$787.5m settlement from Fox** for lies about the 2020 election.

The order against the firm, Susman Godfrey, marks the latest effort by the president to punish attorneys and firms who have opposed his interests.

The order seeks to harm the firm by limiting its attorneys from accessing government buildings, revoking security clearances and essentially making it

impossible for it to represent anyone who has business before the federal government.

Trump's rationale for targeting the firm was not immediately clear.

"There were some very bad things that happened with these law firms," he said in the Oval Office on Wednesday when he signed the order.

Susman Godfrey said in a statement that it would challenge the order.

"Anyone who knows Susman Godfrey knows we believe in the rule of law, and we take seriously our duty to uphold it. This principle guides us now. There is no question that we will fight this unconstitutional order," the firm said.

Susman Godfrey represented Dominion Voting Systems in its lawsuit against Fox, which ended in a **landmark settlement** to avoid a trial. On Wednesday, a Delaware judge ruled in a separate lawsuit that the conservative outlet Newsmax Media defamed Dominion with its false reporting about a rigged 2020 election.

Trump has issued orders punishing five other firms for connections to political rivals: Covington & Burling, Perkins Coie, Paul Weiss, Jenner & Block, and WilmerHale.

**Perkins Coie, Jenner & Block, and WilmerHale** all have filed suit against Trump and successfully earned preliminary court orders blocking the orders. Susman Godfrey on Tuesday **filed an amicus brief** on behalf of several high-ranking government officials supporting Perkins Coie's legal challenge.

"This firm is very involved in the election misconduct," Stephen Miller, a top White House aide, said on Wednesday, according to **Bloomberg**.

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Paul Weiss negotiated a widely criticized settlement with Trump to have the order against it rescinded.

Experts say the orders are blatantly unconstitutional and violate the constitution’s guarantee of freedom of expression and the right to counsel. They also say they are an obvious anti-democratic effort by the president to intimidate lawyers from challenging his administration in court.

Several firms - **Skadden, Arps, Meagher, & Flom**; Milbank LLP; and Willkie, Farr, & Gallagher - have entered into **pre-emptive settlements** with the Trump administration to try to avoid executive orders. Many of the country’s largest and most prominent firms have stayed silent as several firms have been targeted.

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# **EXHIBIT C**





← Truth Details

1162 replies



Donald J. Trump  
@realDonaldTrump

Today, President Donald J. Trump agreed to withdraw his March 14, 2025 Executive Order regarding the Paul, Weiss, Rifkind, Wharton & Garrison LLP law firm ("Paul, Weiss"), which has entered into the following agreement with the President:

1. Paul, Weiss agrees that the bedrock principle of American Justice is that it must be fair and nonpartisan for all. Our Justice System is betrayed when it is misused to achieve political ends.

Lawyers and law firms play a vital role in ensuring that we live up to that standard as a Nation. Law firms should not favor any political party when it comes to choosing their clients. Firms also should not make decisions on whom to hire based on a person's political affiliation. To do otherwise is to deny some Americans an equal opportunity for our services while favoring others.

Lawyers abandon the profession's highest ideals when they engage in partisan decision-making, and betray the ethical obligation to represent those who are unpopular or disfavored in a particular environment.

2. Paul, Weiss affirms its unwavering commitment to these core ideals and principles, and will not deny representation to clients, including in pro bono matters and in support of non-profits, because of the personal political views of individual lawyers.

3. Paul, Weiss will take on a wide range of pro bono matters that represent the full spectrum of political viewpoints of our society, whether "conservative" or "liberal."

4. Paul, Weiss affirms its commitment to merit-based hiring, promotion, and retention, and will not adopt, use, or pursue any DEI policies. As part of its commitment, it will engage experts, to be mutually agreed upon within 14 days, to conduct a comprehensive audit of all of its employment practices.

5. Paul, Weiss will dedicate the equivalent of \$40 million in pro bono legal services over the course of President Trump's term to support the Administration's initiatives, including: assisting our Nation's veterans, fairness in the Justice System, the President's Task Force to Combat Antisemitism, and other mutually agreed projects.

Statement from the White House: "The President is agreeing to this action in light of a meeting with Paul, Weiss Chairman, Brad Karp, during which Mr. Karp acknowledged the wrongdoing of former Paul, Weiss partner, Mark Pomerantz, the grave dangers of Weaponization, and the vital need to restore our System of Justice."

In response to the President's announcement, Paul, Weiss's Chairman Brad Karp said: "We are gratified that the President has agreed to withdraw the Executive Order concerning Paul, Weiss. We look forward to an engaged and constructive relationship with the President and his Administration."

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Mar 20, 2025, 6:10 PM



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# **EXHIBIT D**



← Truth Details

1695 replies



Donald J. Trump  
@realDonaldTrump

Today, President Donald J. Trump and Skadden, Arps, Slate, Meagher & Flom LLP announce the following agreement regarding a series of actions to be taken by Skadden:

1. Skadden will provide a total of at least \$100 Million Dollars in pro bono Legal Services, during the Trump Administration and beyond, to causes that the President and Skadden both support, in relation to the following areas: Assisting Veterans and other Public Servants, including members of the Military, Law Enforcement, First Responders, and Federal, State, and Local Government Officials; ensuring fairness in our Justice System; and combatting Antisemitism. Skadden will change its pro bono policy so that all pro bono moving forward will be done in the Firm name. A pro bono Committee will be constituted to ensure that pro bono matters are consistent with the objectives of the program, and that pro bono activities represent the full political spectrum.

2. The Skadden Foundation will commit to the mission of providing pro bono Legal Services to a wide variety of deserving organizations and individuals. Skadden is committed to funding no fewer than five Skadden Fellows each year dedicated to the following projects: Assisting Veterans; ensuring fairness in our Justice System; combatting Antisemitism, and other similar types of projects. Law Graduates that receive Skadden Fellowships will represent a wide range of political views, including conservative ideals.

3. Skadden affirms its commitment to merit-based hiring, promotion, and retention. Accordingly, the Firm will not engage in illegal DEI discrimination and preferences. Skadden will engage independent outside counsel to advise the Firm to ensure employment practices are fully compliant with Law, including, but not limited to, anti-discrimination Laws.

4. Skadden will not deny representation to clients, such as members of politically disenfranchised groups, who have not historically received legal representation from major National Law Firms, including in pro bono matters, and in support of non-profits, because of the personal political views of individual lawyers.

Statement From the White House: "Skadden, Arps, Slate, Meagher & Flom LLP approached President Trump and his Administration, and declared the Firm's strong commitment to ending the Weaponization of the Justice System and the Legal Profession. The President will never stop fighting to deliver on his promises of eradicating partisan Lawfare in America, and restoring Liberty & Justice for ALL."

Statement From Skadden Executive Partner, Jeremy London: "Skadden is pleased to have achieved a successful agreement with President Trump and his Administration. We engaged proactively with the President and his team in working together constructively to reach this agreement. The Firm looks forward to continuing our productive relationship with President Trump and his Admin. We firmly believe that this outcome is in the best interests of our clients, our people, and our Firm."

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Mar 28, 2025, 1:57 PM



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# **EXHIBIT E**

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624 replies



Donald J. Trump  
@realDonaldTrump

Today, President Donald J. Trump and Willkie Farr & Gallagher LLP (“Willkie”) announce the following agreement regarding a series of actions to be taken by Willkie:

1. Willkie will provide a total of at least \$100 Million Dollars in pro bono Legal Services, during the Trump Administration, and beyond, to causes that President Trump and Willkie both support, in relation to the following areas: Assisting Veterans and other Public Servants including, among others, members of the Military, Gold Star families, Law Enforcement, and First Responders; Ensuring fairness in our Justice System; and Combatting Antisemitism. Willkie’s pro bono Committee will ensure that new pro bono matters are consistent with these objectives, and that pro bono activities represent the full political spectrum, including Conservative ideals.

2. Willkie affirms its commitment to Merit-Based Hiring, Promotion, and Retention. Accordingly, the Firm will not engage in illegal DEI discrimination and preferences. Willkie affirms that it is Willkie’s policy to give Fair and Equal consideration to Job Candidates, irrespective of their political beliefs, including Candidates who have served in the Trump Administration, and any other Republican or Democrat Administration. Willkie will engage independent outside counsel to advise the Firm in confirming that employment practices are fully compliant with Law, including, but not limited to, anti-discrimination Laws.

3. Willkie affirms that it will not deny representation to clients, such as members of politically disenfranchised groups and Government Officials, employees, and advisors, who have not historically received Legal representation from major National Law Firms, including in pro bono matters and in support of non-profits, because of the personal political views of individual lawyers.

Statement from the White House: “Willkie Farr & Gallagher LLP proactively reached out to President Trump and his Administration, offering their decisive commitment to ending the Weaponization of the Justice System and the Legal Profession. The President is delivering on his promises of eradicating Partisan Lawfare in America, and restoring Liberty and Justice FOR ALL.”

Statement from Thomas M. Cerabino, Chairman of Willkie Farr & Gallagher LLP: “We reached an agreement with President Trump and his Administration on matters of great importance to our Firm. The substance of that agreement is consistent with our Firm’s views on access to Legal representation by clients, including pro bono clients, our commitment to complying with the Law as it relates to our employment practices, and our history of working with clients across a wide spectrum of political viewpoints. The Firm looks forward to having a constructive relationship with the Trump Administration, and remains committed to serving the needs of our clients, our employees, and the communities of which we are a part.”

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Apr 01, 2025, 4:47 PM



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# **EXHIBIT F**

## ← Truth Details

734 replies



Donald J. Trump

@realDonaldTrump

Today, President Donald J. Trump and Milbank LLP ("Milbank") announce the following commitments regarding a series of actions to be taken by Milbank:

1. Milbank will perform a total of at least \$100 Million Dollars in pro bono legal services during the Trump Administration, and beyond, on initiatives supported by both the President and Milbank, such as: Assisting Veterans and other Public Servants, including members of the Military, Law Enforcement, and First Responders; Ensuring fairness in our Justice System; and Combatting Antisemitism. In furtherance of, and as part of, these activities, Milbank will continue to grow its work with the Milbank Exoneration and Resentencing Review Unit at the Perlmuter Center for Legal Justice at Cardozo Law School
2. Our pro bono Committee will include Partners at the Firm with diverse political ideologies to ensure that pro bono matters are consistent with the objectives of the Firm, and that our pro bono practices represent the full political spectrum, including Conservative ideals.
3. Milbank will not deny representation to clients, such as members of politically disenfranchised groups and Government Officials, employees, and advisors, who have not historically received Legal representation from major National Law Firms, including in pro bono matters, and in support of non-profits, because of the personal political views of individual lawyers. Milbank shall not deny representation to any clients on the basis of the political affiliation of the prospective client, or because of the opposition of any Government Official.
4. Milbank acknowledges and affirms its commitment to Merit-Based Hiring, Promotion, and Retention. Accordingly, the Firm will not engage in illegal DEI discrimination and preferences. Milbank will continue to give Fair and Equal consideration to Job Candidates who have served in both Republican and Democrat Administrations, including the Trump Administration. Milbank will continue to work with independent outside counsel to advise the Firm to ensure employment practices are fully compliant with Law, including, but not limited to, anti-discrimination laws.

Statement from the White House: "Milbank LLP approached President Donald J. Trump and his Administration, stating their resolve to help end the Weaponization of the Justice System and the Legal Profession. The President continues to build an unrivaled network of Lawyers, who will put a stop to Partisan Lawfare in America, and restore Liberty and Justice FOR ALL."

Statement from Scott A. Edelman, Chairman of Milbank LLP: "After a constructive dialogue with President Trump's Administration, Milbank is pleased that we were so quickly able to find common ground. Our agreement is consistent with Milbank's core values. We are pleased to affirm a commitment to continue to engage in significant pro bono services in areas that are mutually supported by Milbank and the President. Milbank looks forward to continuing its working relationship with President Trump and his Administration."

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Apr 02, 2025, 2:05 PM



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# **EXHIBIT G**





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873 replies



Donald J. Trump  
@realDonaldTrump

Today, President Donald J. Trump and Kirkland & Ellis LLP, Allen Overy Shearman Sterling US LLP, Simpson Thacher & Bartlett LLP, and Latham & Watkins LLP (the "Law Firms") announce the following agreement regarding a series of actions to be taken by the Law Firms:

1. The Law Firms will provide an aggregate total of at least \$500 Million Dollars in pro bono and other free Legal services, during the Trump Administration and beyond, in the respective amounts set forth below, to causes that President Trump and the Law Firms both support and agree to work on, including in the following areas: Assisting Veterans and other Public Servants, including, among others, members of the Military, Gold Star families, Law Enforcement, and First Responders; ensuring fairness in our Justice System; and combatting Antisemitism. The Law Firms will take on a wide range of pro bono matters that represent the full political spectrum, including Conservative ideals.

The Law Firms and their commitments are: Kirkland & Ellis LLP, Allen Overy Shearman Sterling US LLP, Simpson Thacher & Bartlett LLP, and Latham & Watkins LLP: \$125 Million Dollars each.

2. The Law Firms affirm their commitment to Merit-Based Hiring, Promotion, and Retention. Accordingly, the Law Firms will not engage in illegal DEI discrimination and preferences. The Law Firms affirm that it is their policy to give Fair and Equal consideration to Job Candidates, irrespective of their political beliefs, including Candidates who have served in the Trump Administration, and any other Republican or Democrat Administration. The Law Firms will engage outside counsel to advise the Law Firms in confirming their employment practices are fully compliant with Law, including, but not limited to, Anti-Discrimination Laws.

3. The Law Firms affirm that they will not deny representation to clients, such as members of politically disenfranchised groups and Government Officials, employees, and advisors, who have not historically received Legal representation from major National Law Firms, including in pro bono matters, and in support of non-profits, because of the personal political views of individual lawyers.

4. Concurrent with these agreements, the EEOC has withdrawn the March 17, 2025 letters to the Law Firms, and will not pursue any claims related to those issues....

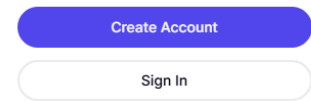
4.37k ReTruths 18.5k Likes

Apr 11, 2025, 12:21 PM



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# **EXHIBIT H**



← Truth Details

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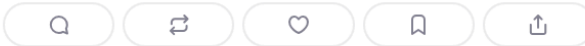
Donald J. Trump  
@realDonaldTrump

Today, President Donald J. Trump and Cadwalader, Wickersham & Taft, LLP (“Cadwalader”) announce the following commitments regarding a series of actions to be taken by Cadwalader:

1. Cadwalader will provide a total of at least \$100 Million Dollars in pro bono Legal Services, during the Trump Administration, and beyond, to causes that President Trump and Cadwalader both support, such as: Assisting Veterans and other Public Servants including, among others, members of the Military, Gold Star families, Law Enforcement, and First Responders; Ensuring fairness in our Justice System; and Combatting Antisemitism. Cadwalader’s pro bono Committee will ensure that pro bono matters are consistent with these objectives, and that pro bono activities represent the full political spectrum, including Conservative ideals.
2. Cadwalader affirms its commitment to Merit-Based Hiring, Promotion, and Retention. Accordingly, the Firm will not engage in illegal DEI discrimination and preferences. Cadwalader affirms that it is Cadwalader’s policy to give Fair and Equal consideration to Job Candidates, irrespective of their political beliefs, including Candidates who have served in the Trump Administration, and any other Republican or Democrat Administration. Cadwalader will engage independent outside counsel to advise the Firm in confirming that employment practices are fully compliant with Law, including, but not limited to, Anti-Discrimination Laws.
3. Cadwalader affirms that it will not deny representation to clients, such as members of politically disenfranchised groups and Government Officials, employees, and advisors, who have not historically received Legal representation from major National Law Firms, including in pro bono matters and in support of non-profits, because of the personal political views of individual lawyers, consistent with our intake and conflicts procedures and capabilities....

3.32k ReTruths 14.6k Likes

Apr 11, 2025, 12:19 PM



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# **EXHIBIT I**

# *Two Law Firms File for Permanent Relief From Trump's Executive Orders*

Jenner & Block and WilmerHale are seeking summary judgments against what one of them called “a plain violation of the First Amendment.”



Listen to this article · 4:20 min [Learn more](#)



By **Matthew Goldstein**

April 8, 2025

Two big law firms that have come under attack by the Trump administration filed court papers on Tuesday seeking to permanently block executive orders that threaten their businesses and ability to represent clients in matters involving the federal government.

The firms, Jenner & Block and WilmerHale, filed the papers in federal court in Washington a little over a week after judges approved temporary restraining orders against most of the provisions in the executive orders.

In its filing, Jenner & Block said that the executive order was “a plain violation of the First Amendment” and that it punished the firm for representing clients President Trump did not like.

The executive orders signed by Mr. Trump treat the law firms as national security risks. They would make it almost impossible for the firms to represent companies with government contracts or in need of regulatory approvals, and would prevent lawyers from even entering federal buildings — including courthouses.

The filings by Jenner & Block and WilmerHale are motions for summary judgment, meaning the firms are asking the judges presiding over their cases to decide, without a trial, whether the orders are constitutional and enforceable.

The Trump administration has focused on firms that were involved in investigations of Mr. Trump and his first administration or that employ lawyers who have been critical of the president.

The executive orders have been widely denounced as fundamentally limiting the ability of companies and individuals to hire any lawyer they please. But the legal profession has been hotly divided over how to respond to Mr. Trump, with several big law firms, including Paul, Weiss, Rifkind, Wharton & Garrison, cutting deals with the White House to avert a court battle. Those that have settled have said it was necessary to prevent big corporate clients from fleeing to other firms.

One provision of the deals is that the firms will perform free legal work for causes the president supports. In effect, those firms are agreeing not to support public interest groups challenging administration policies.

Some have pointed out that there have been no official government proclamations about the White House's deals with Skadden, Arps, Slate, Meagher & Flom; Willkie Farr & Gallagher; and Milbank. Rather, the agreements have been mentioned mainly in posts by Mr. Trump on his social media platform, Truth Social — making it unclear how binding they are and raising the possibility that the president could add new terms.

In its court filing, Jenner & Block said firms that had settled with the president had gone to him on “bended knee,” adding that the deals “advance not the interests of their own clients, but instead the government's chosen agenda.”

WilmerHale said in its filing that Mr. Trump's executive order made no secret of his intent to go after the firm “for representing his political opponents” and “challenging his immigration-enforcement policies.” The law firm said “retaliatory animus and viewpoint discrimination infect every aspect” of the president's order.

At a White House event on Tuesday, Mr. Trump showed no signs of backing down. He suggested that some law firms that settle with the administration could be called on to help negotiate trade deals with countries he hit with tariffs. “We’re going to have to use those, those great law firms, I think, to help us with that,” he said.

The same federal court has also received at least half a dozen amicus briefs in support of Perkins Coie, the first law firm to sue the Trump administration over an executive order that threatened its ability to represent clients. The latest were filed on Monday by a group of professional bar associations and the NAACP Legal Defense and Educational Fund Inc.

Last week, an amicus brief signed by 500 law firms was filed in the matter. But only a handful of the nation’s largest law firms signed on, leading to criticism that Big Law is unwilling to take a public stand against the Trump administration.

The brief filed by the bar associations said Mr. Trump’s executive order against Perkins Coie was intended to “discourage other lawyers from daring to provide legal advocacy of which the president disapproves.”

**Matthew Goldstein** is a Times reporter who covers Wall Street and white-collar crime and housing issues.

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A version of this article appears in print on , Section B, Page 3 of the New York edition with the headline: 2 Law Firms File to Block Trump’s Order

# **EXHIBIT J**



*Democracy Dies in Darkness*

# Law firms refuse to represent Trump opponents in the wake of his attacks

The president issued a new order Tuesday sanctioning yet another law firm, Jenner & Block. The result overall has been called an extraordinary threat to the constitutional rights of due process and legal representation, as well as a far weaker effort to challenge Trump's actions in court than during his first term.

Updated March 25, 2025



By [Michael Birnbaum](#)

President Donald Trump's crackdown on lawyers is having a chilling effect on his opponents' ability to defend themselves or challenge his actions in court, according to people who say they are struggling to find legal representation as a result of his challenges.

Biden-era officials said they're having trouble finding lawyers willing to defend them. The volunteers and small nonprofits forming the ground troops of the legal resistance to Trump administration actions say that the well-resourced law firms that once would have backed them are now steering clear. The result is an extraordinary threat to the fundamental constitutional rights of due process and legal representation, they said — and a far weaker effort to challenge Trump's actions in court than during his first term.

Legal scholars say no previous U.S. administration has taken such concerted action against the legal establishment, with Trump's predecessors in both parties typically respecting the constitutionally enshrined tenet that everyone deserves effective representation in court and that lawyers cannot be targeted simply for the cases and clients they take on.

Trump has used executive orders to target powerful law firms that have challenged him. The latest came Tuesday against Jenner & Block, which employed attorney Andrew Weissmann after he worked as a prosecutor in Robert S. Mueller III's special counsel investigation of Trump in his first term.

The firm "has participated in the weaponization of the legal system against American principles and values. And we believe that the measures in this executive order will help correct that," White House staff secretary Will Scharf said as he handed Trump the order to sign, calling out Weissmann by name.

The orders have sought to strip law firms of their business by banning their lawyers from government buildings and barring companies that have federal contracts from employing the firms.

In a statement, Jenner & Block noted the similarity to an order that “has already been declared unconstitutional by a federal court” and that they “will pursue all appropriate remedies.”

Trump on Friday ordered Attorney General Pam Bondi to expand the campaign beyond individual law firms by sanctioning lawyers who “engage in frivolous, unreasonable, and vexatious litigation” against his administration.

Legal scholars say there is little precedent in modern U.S. history for Trump’s actions. But the president is following a playbook from other countries whose leaders have sought to undermine democratic systems and the rule of law, including Russia, Turkey and Hungary. Leaders in those countries have similarly attacked lawyers with the effect of hollowing out a pillar of justice systems to expand their power without violating existing laws. They have successfully used the strategy to blast away their political opposition and any effort to counter their actions through courts.

“The law firms have to behave themselves,” Trump said at a Cabinet meeting Monday. “They behave very badly, very wrongly.”

Trump’s targets say they are feeling the heat.

“It’s scary,” said a former official in the administration of Joe Biden who has been pulled into Trump-era litigation and needed a lawyer as a result. The former official had lined up a pro bono lawyer from a major law firm that, the day after an executive order this month against the heavyweight law firm Perkins Coie, said that it had discovered a conflict of interest and dropped the person as a client.

Five other firms said they had conflicts, the former official said, including one where “the partner called me livid, furious, saying that he’s not sure how much longer he’s going to stay there,” the former official said, “because the leadership didn’t want to take the risk.”

The person spoke on the condition of anonymity to avoid further difficulties obtaining a lawyer.

“I don’t know how many people are going to end up having to pay a significant amount of money out of pocket to defend themselves for faithfully and ethically executing their public service jobs,” the person said. “It’s really a wild situation to be in.”

The sweeping campaign is targeting the livelihoods of the people best qualified to contest the legality of Trump’s agenda. Lawyers must now contend with the possibility they could face lawsuits, fines and other punishment aimed at them and even their other clients should they contest Trump administration efforts in court.

“You need the legitimacy of law on your side at some level,” said Scott Cummings, a law professor at the UCLA School of Law who has studied challenges to the legal establishment. “This is the autocratic legal idea of claiming a democratic mandate to attack the rule of law by using law to really erode institutional pillars that are supposed to check executive power.”

Trump’s actions toward lawyers, Cummings said, have been “about disabling effective representation of anyone that Trump doesn’t like, and that is the beginning of the end of the adversarial system,” in which both sides of a legal case have equal access to present their views in front of a judge.

The first White House action against lawyers came late last month, when Trump stripped the security clearances of lawyers at a prominent firm, Covington & Burling, who represented former special counsel Jack Smith after he investigated the president's role in the Jan. 6, 2021, attack on the U.S. Capitol.

The following week, he took far harsher action against Perkins Coie, a law firm that had ties to a dossier of opposition research against Trump that circulated during the 2016 campaign. The executive order barred the firm's lawyers from federal buildings and directed the federal government to halt any financial relationship with the firm and its clients. That effectively forced Perkins Coie's clients to pick between their lawyers or any federal government business they might have.

The move could cost Perkins 25 percent of its revenue, the firm said in a court filing contesting the executive order. It said that several clients have already departed the firm, others have said they are thinking about it, and federal agencies were excluding it from key meetings with its clients.

"It sends little chills down my spine," U.S. District Judge Beryl A. Howell said in court as she granted Perkins Coie a temporary restraining order this month and suggested the executive order might have been unconstitutional. Another major law firm, Williams & Connolly, one of the most skillful and aggressive federal litigators, agreed to take the Perkins Coie case.

Howell said she had "enormous respect for them taking this case when not every law firm would."

In a filing last week, the Justice Department sought to remove Howell from the case, accusing her and her court of being "insufficiently impartial."

And even after Howell's ruling, Trump's campaign against lawyers broadened when he issued a nearly identical executive order targeting Paul Weiss, a law firm that employed lawyer Mark Pomerantz for two decades before he joined the Manhattan district attorney's office to help prosecute Trump for hush money payments to a porn star.

Rather than fighting, Paul Weiss cut a deal with the president, even though it had a long track record of aggressive legal action against Trump's agenda during his first term. Paul Weiss Chairman Brad Karp met for three hours with Trump at the White House, then agreed to devote \$40 million worth of pro bono work "to support the administration's initiatives," Trump said in a post on Truth Social, including work for veterans and combating antisemitism.

The president rescinded the order against the firm Thursday.

Paul Weiss has faced significant blowback for its decision to back down, including from some lawyers who said that its settlement emboldened Trump to proceed Friday with the directive for Bondi to pursue the far vaster campaign against all lawyers who might challenge him in federal court.

"Paul Weiss's deal emboldened him to ratchet up his attack on one of the strongest checks on his power: lawyers and the rule of law," Perkins Coie partner David Perez wrote on LinkedIn.

The chilling effect has been quick. Some nonprofits say that major law firms that in Trump's first term would have been quick to assist them with pro bono work now say that they can't risk the cost if Trump goes after them as a result. Many of those same groups are worried that the administration will soon go after their nonprofit tax status — and that they won't be able to find high-powered lawyers to contest it.

Although not every lawyer is likely to be cowed by Trump's actions, the major corporate law firms that the president has targeted have a core role in the U.S. legal system. Complex litigation can require vast resources: experienced lawyers versed in the arcana of case law, platoons of paralegals doing research across thousands of pages of evidence, and the stamina to go toe-to-toe with the unparalleled legal resources of the federal government.

Big law firms, best known for deep-pocketed corporate clients, often lend their assistance free to small nonprofits shepherding public interest cases through the courts. They have also been willing, historically, to take on clients who are facing prosecution that they charge is politically motivated. Much of the litigation against Trump's actions in the first term was driven by the big law firms that he is now targeting.

"If somebody's been deported to Guantánamo, it used to be law firms would support us and work on it," said the director of one nonprofit organization that works on different legal challenges to Trump's agenda. "And now it's a slower process of getting those approvals, versus just doing what would be done before, which is, 'This is wrong, and we're going to represent it.'"

That person and others spoke on the condition of anonymity for fear of retaliation from the administration.

Trump's campaign against the law firms could deprive his opponents of top legal talent, weakening their ability to push back on him, analysts say. And individuals and groups that are taking risks by working against the administration's agenda may also be deeply vulnerable, forcing them to make difficult choices about when to take a stand against him and when to stay silent.

"We're telling [small nongovernmental organizations] with three people on the border to stand strong, and they are standing strong, and then these law firms are folding," said one lawyer at a nonprofit who works on immigration cases.

Trump on Friday said in a memorandum that lawyers aren't supposed to file lawsuits or engage in court action unless there is "a basis in law" that is not "frivolous," suggesting that he and Bondi, not courts, would be in charge of determining what that is.

"Far too many attorneys and law firms have long ignored these requirements when litigating against the Federal Government or in pursuing baseless partisan attacks," Trump said. "To address these concerns, I hereby direct the Attorney General to seek sanctions against attorneys and law firms who engage in frivolous, unreasonable, and vexatious litigation against the United States or in matters before executive departments and agencies of the United States."

Trump's allies have continued to challenge law firms by name: "Skadden, this needs to stop now," Elon Musk [posted](#) over the weekend, taking aim at the law firm Skadden, Arps in response to right-wing commentator Dinesh D'Souza's complaint that lawyers with the firm had worked pro bono to target him.

Skadden lawyers worked pro bono on behalf of plaintiffs who said D’Souza defamed them in a documentary that falsely accused them of ballot fraud in the 2020 election. D’Souza has previously admitted that the movie was “flawed” and apologized to one of the plaintiffs.

Legal experts said Trump’s actions amounted to a broad-based assault on the profession.

“This is the livelihood of these lawyers, and the Trump administration is basically saying we’re going to dictate the terms under which you are going to be able to practice your profession,” said Claire Finkelstein, a law professor and the director of the Center for Ethics and the Rule of Law at the University of Pennsylvania.

*Beth Reinhard contributed to this report.*

### **CORRECTION**

An earlier version of this story incorrectly described the law firm Covington & Burling’s relationship with former special counsel Jack Smith. The firm represented Smith in the wake of his investigations of Donald Trump. The article has been corrected.

### **What readers are saying**

The comments express deep concern over Donald Trump’s actions against law firms, viewing them as a significant threat to the rule of law and democracy. Many commenters liken Trump’s tactics to those of authoritarian regimes, suggesting that his intimidation of legal professionals... [Show more](#)

This summary is AI-generated. AI can make mistakes and this summary is not a replacement for reading the comments.

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

SUSMAN GODFREY LLP,

*Plaintiff,*

v.

EXECUTIVE OFFICE OF THE PRESIDENT,  
*et al.,*

*Defendants.*

Civil Case No. 1:25-cv-01107

**DECLARATION OF ROBERT E. HIRSHON**

I, Robert E. Hirshon, declare as follows:

1. I am a former president of the American Bar Association and, until my retirement last year, I was the Frank G. Millard Professor from Practice and Special Counsel on Developments in the Legal Profession at the University of Michigan Law School. At the University of Michigan Law School, I taught both basic and advanced courses on ethics and professional responsibility. I also taught a seminar called “Law Firm Careers in an Evolving Profession.” My experience includes decades of law practice with private firms, as well as management of large law firms.

2. My qualifications to provide expert opinions on the legal profession and rules of professional responsibility are set forth more fully in Exhibits A and A-1.

3. Plaintiff Susman Godfrey LLP (“Susman”) is paying an hourly fee of \$625 per hour for the time I spend working on this declaration and otherwise assisting counsel on this case. My compensation is not contingent on the outcome in this case. The views expressed herein are my own. I render my opinions in my individual capacity and do not speak on behalf of any of the entities with which I am, or have been, associated.

4. In preparing this declaration, I have considered the April 9, 2025 Executive Order titled “Addressing Risks from Susman Godfrey” (hereafter, the “Executive Order”), the accompanying Fact Sheet explaining the Executive Order, the similar executive orders that have been issued against other law firms, news coverage of the executive orders, and the other materials cited herein.

### **Background and Summary of Opinions**

5. As a longtime practitioner, teacher, and leader within the legal profession, I have been asked by counsel for Susman for my opinions on the Executive Order. Specifically, I have been asked for my opinions on whether the Executive Order will have an effect on lawyers, clients, and the administration of justice.

6. Prior to this engagement, I was retained by counsel for Perkins Coie LLP to opine on the same question with respect to the March 6, 2025 Executive Order titled “Addressing Risks from Perkins Coie LLP.”<sup>1</sup> Between then and now, the Administration has issued executive orders against Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul Weiss”);<sup>2</sup> Jenner & Block LLP;<sup>3</sup> and Wilmer Cutler Pickering Hale and Dorr LLP<sup>4</sup> that impose the same punitive measures as the order against Perkins Coie and the instant order against Susman.

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<sup>1</sup> *Perkins Coie LLP v. U.S. Dep’t of Justice*, No. 1:25-cv-716 (D.D.C. Mar. 11, 2025), ECF No. 2-4.

<sup>2</sup> *Addressing Risks from Paul Weiss*, The White House (Mar. 14, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-paul-weiss/>.

<sup>3</sup> *Addressing Risks from Jenner & Block*, The White House (Mar. 25, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-jenner-block/>.

<sup>4</sup> *Addressing Risks from WilmerHale*, The White House (Mar. 27, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-wilmerhale/>.

7. The Administration has also announced agreements reached with other firms to avert threatened executive orders.<sup>5</sup> According to the President, many of these other law firms have agreed to provide \$100 million in pro bono work on issues the President supports, among other commitments.<sup>6</sup> The firms that have struck preemptive deals with the Administration have followed in the footsteps of Paul Weiss. The White House stated that Paul Weiss “indicated that it will engage in a remarkable change of course” and align with the Administration in exchange for the Administration revoking the executive order that had been issued against it.<sup>7</sup> Most recently, the amount law firms have pledged to causes the Administration favors to avert an executive order has increased to \$125 million.<sup>8</sup> At the signing ceremony for the order against Susman, the President’s aide remarked that “the numbers are adding up” and will be “close to a billion soon.”<sup>9</sup>

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<sup>5</sup> Matthew Goldstein, *Another Big Law Firm Reaches Agreement with Trump*, New York Times (Apr. 2, 2025), available at <https://www.nytimes.com/2025/04/02/business/trump-law-firms-milbank-deal.html>; Justin Henry, *Trump Talks Deal with Three Massive Law Firms as Others Fight*, Bloomberg Law (Apr. 10, 2025), available at <https://news.bloomberglaw.com/business-and-practice/trump-talks-deal-with-three-massive-law-firms-as-others-fight?>

<sup>6</sup> Donald J. Trump, Truth Social (Mar. 28, 2025, 10:57 AM), <https://truthsocial.com/@realDonaldTrump/posts/114241348699704594> (announcing agreement with Skadden, Arps, Slate, Meagher & Flom LLP); Donald J. Trump, Truth Social (Apr. 1, 2025, 1:47 PM), <https://truthsocial.com/@realDonaldTrump/posts/114264667777137553> (announcing agreement with Willkie Farr & Gallagher LLP); Donald J. Trump, Truth Social (Apr. 2, 2025, 11:05 AM), <https://truthsocial.com/@realDonaldTrump/posts/114269692330126501> (announcing agreement with Millbank LLP); Donald J. Trump, Truth Social (Apr. 11, 2025, 9:19 AM), <https://truthsocial.com/@realDonaldTrump/posts/114320237164839938> (announcing agreement with Cadwalader, Wickersham & Taft LLP).

<sup>7</sup> *Addressing Remedial Action by Paul Weiss*, The White House (Mar. 21, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-remedial-action-by-paul-weiss/>.

<sup>8</sup> Donald J. Trump, Truth Social (Apr. 11, 2025, 9:21 AM), <https://truthsocial.com/@realDonaldTrump/posts/114320245355397433> (announcing agreement with Kirkland & Ellis LLP, Allen Overy Shearman Sterling US LLP, Simpson Thacher & Bartlett LLP, and Latham & Watkins LLP).

<sup>9</sup> *President Trump Discusses Tariff Reversal and Signs Executive Order in the Oval Office* (Apr. 9, 2025) at 10:46-12:57, <https://www.youtube.com/watch?v=mYm7kmOC37s&t=646s>.



8. In my opinion, the Executive Order against Susman—like the prior executive orders targeting law firms—will be understood by lawyers and law firms as an extreme, dangerous, and unprecedented effort to intimidate them and prevent them from representing clients whom the President does not wish to have access to legal counsel or to the courts, or whose advocacy the President wishes to punish. If implemented, the Executive Order will have the effect of preventing lawyers from performing their required role in our democracy, and it will inflict grievous harm on the administration of justice in the United States. In my opinion, the gravity of the threat to the rule of law has grown more severe as additional law firms have been targeted, and as the President has extracted “deals” from many of his targets.<sup>10</sup>

**The Executive Order Undermines Bedrock Principles of the Legal Profession**

9. Start with first principles. A key function of a lawyer in the United States is advocacy on behalf of the clients who retain them. In our system, it is the client, not the lawyer, who determines what objectives the lawyer is to pursue on behalf of the client. “A lawyer shall abide by a client’s decisions concerning the objectives of representation, subject to paragraphs (c), (d), and (e)...”<sup>11</sup> “A lawyer’s representation of a client . . . does not constitute an endorsement of the client’s political, economic, social, or moral views or activities.”<sup>12</sup>

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<sup>10</sup> Michael S. Schmidt, Ben Protess, Matthew Goldstein, Jessica Silver-Greenberg, Maureen Farrell, *Skadden, a Top Law Firm, Is in Talks to Avert an Executive Order*, New York Times (Mar. 27, 2025), available at <https://www.nytimes.com/2025/03/27/business/trump-law-firms-skadden-arps.html> (reporting on President Trump boasting about his “track record of bringing big law firms to heel”).

<sup>11</sup> D.C. R. Prof’l C. r. 1.2(a). For convenience, I cite herein the version of the Rules of Professional Conduct enacted in the District of Columbia. All 50 states have enacted substantially similar versions of those Rules, and numerous federal courts have adopted them.

<sup>12</sup> D.C. R. Prof’l C. r. 1.2(b).

10. Moreover, a lawyer has a duty to “represent a client zealously and diligently within the bounds of the law.”<sup>13</sup> “A lawyer shall not intentionally . . . [f]ail to seek the lawful objectives of a client through reasonably available means permitted by law and the disciplinary rules[.]”<sup>14</sup>

11. D.C. R. Prof'l C. r. 1.3, Comment [1] provides:

The duty of a lawyer, both to the client and to the legal system, is to represent the client zealously within the bounds of the law, including the Rules of Professional Conduct and other enforceable professional regulations, such as agency regulations applicable to lawyers practicing before the agency. This duty requires the lawyer to pursue a matter on behalf of a client despite opposition, obstruction, or personal inconvenience to the lawyer, and to take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor.

12. D.C. R. Prof'l C. r. 1.3, Comment [2] provides:

This duty derives from the lawyer's membership in a profession that has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of individuals, each member of our society is entitled to have such member's conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue, or defense.

13. The quality of justice in the United States depends in large measure on lawyers' diligent advocacy of their clients' respective positions. Indeed, the United States Supreme Court has written that “vigorous representation” is of “paramount importance” to “our adversarial system of justice.”<sup>15</sup> This adversarial system of justice distinguishes the United States legal system from that of other countries.

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<sup>13</sup> D.C. R. Prof'l C. r. 1.3(a).

<sup>14</sup> D.C. R. Prof'l C. 1.3(b)(1).

<sup>15</sup> *Penson v. Ohio*, 488 U.S. 75, 84 (1988).

14. “Legal representation should not be denied to people . . . whose cause is controversial or the subject of popular disapproval.”<sup>16</sup> Indeed, lawyers have a “responsibility” to “accept[] a fair share of unpopular matters or . . . unpopular clients.”<sup>17</sup> This fundamental principle has been part of the fabric of the American legal system since the country’s founding, as exemplified by John Adams’ defense of the British soldiers involved in the Boston Massacre—a representation that Adams described as “one of the most gallant, generous, manly and disinterested Actions of [his] whole Life, and one of the best Pieces of Service [he] ever rendered [his] Country.”<sup>18</sup> As the late Theodore B. Olson (solicitor general of the United States from 2001 to 2004) and Georgetown Law School Professor Neal Katyal wrote (about the lawyers representing accused terrorists at Guantanamo Bay, Cuba), “[t]he ethos of the bar is built on the idea that lawyers will represent both the popular and the unpopular, so that everyone has access to justice”; “[i]f lawyers are going to be attacked . . . for trying to help, the best ones won’t lend their talents to the cause”; “ultimately, the public will suffer because the best arguments aren’t being made.”<sup>19</sup> “Patriotism is believing that the American system, not whim and insult, will reach the right results.”<sup>20</sup>

15. The Executive Order is also an unprecedented intrusion of the Executive Branch into the regulation of lawyers. With rare exceptions (e.g., for misconduct in connection with an

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<sup>16</sup> D.C. R. Prof’l C. r. 1.2, Comment [3].

<sup>17</sup> *Id.* at r. 6.2, Comment [1].

<sup>18</sup> John Adams, Diary (Mar. 5, 1773), *available at* <https://www.masshist.org/digitaladams/archive/doc?id=D19#:~:text=I%20have%20Reason%20to%20remember,I%20ever%20rendered%20my%20Country.>

<sup>19</sup> Theodore B. Olson & Neal Katyal, *We Want Tough Arguments: When Top Advocates Stand Up For Uncle Sam and Detainees, America Gets the Best Law*, *The Legal Times* (Jan. 22, 2007).

<sup>20</sup> *Id.*

agency proceeding), it has long been the courts that regulate lawyers, adjudicate claims of attorney wrongdoing, and punish attorney misconduct. Lawyers can be disciplined, held civilly liable, criminally prosecuted, or sanctioned—all in the context of judicial proceedings, and after notice and a hearing to ensure due process of law. In view of the availability of the existing judicial processes to adjudicate claims of lawyer misconduct, lawyers will understand the Executive Order to be an incursion by the President into the power of the judiciary to regulate lawyers and an effort at intimidation of the bar.

16. In sum, the Executive Order, if upheld, would undermine first principles that have long served as the foundation of the legal profession. It would send the message that lawyers and law firms will face dire consequences, at the hands of the executive branch, if they perform their “responsibility” to undertake “unpopular matters . . . or unpopular clients.”<sup>21</sup> This will cause lawyers to worry about their own interests—avoiding retribution from the executive branch—at the expense of the interests of their clients and at the expense of the zealous advocacy on which the justice system depends. And, as discussed further below, it will deter lawyers and law firms from representing clients or causes that they fear the President may oppose.

#### **The Executive Order Threatens to Cast a Debilitating Chill Across the Legal Profession**

17. A law firm subject to an Executive Order such as this one, should it be allowed to stand for any extended period of time, would reasonably fear a tsunami of adverse consequences that would threaten its ability to continue to effectively operate—from clients leaving, to partners and/or practice groups departing, to the pipeline of new lawyers and clients coming to the firm drying up. These adverse impacts would be reasonably feared by any law firm. But the reputational and competitive harms flowing from the stigma of being branded by the federal government as a

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<sup>21</sup> D.C. R. Prof'l C. r. 6.2, Comment [1].

“rogue law firm[] . . . engage[d] in conduct detrimental to critical American interests”<sup>22</sup> may be especially concerning for large and prominent law firms like those that have been targeted by the Administration—such firms typically have many clients who have some form of exposure to the federal government, and there is fierce competition for talent and clients among such firms. This reasonable fear of very consequential adverse effects creates a dangerous chilling effect on the legal profession that threatens to inflict grievous harm on the rule of law.

18. The Administration’s attacks on law firms began chilling lawyers’ advocacy on behalf of clients immediately. As reported by *The Wall Street Journal*, in the aftermath of the executive order against Perkins Coie, law firms across the country were already “fearful of taking on a president who hasn’t shied away from punishing his enemies.”<sup>23</sup> As more and more firms have been targeted, the chill has grown greater. As reported by the *New York Times*, “lawyers at top corporate law firms . . . recently informed some pro bono clients that they could no longer represent them because their firms were scared by Mr. Trump’s executive orders.”<sup>24</sup>

19. Reasonable lawyers will understand the Executive Order to mean not only that lawyers may suffer government retribution for representing clients in matters of which the President disapproves for personal or political reasons, but also that they may be punished for representing clients who challenge the legality of government policies. The “Fact Sheets” that have

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<sup>22</sup> *Fact Sheet: President Donald J. Trump Addresses Risks from Susman Godfrey*, The White House (Apr. 9, 2025), <https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-president-donald-j-trump-addresses-risks-from-susman-godfrey/>.

<sup>23</sup> Erin Mulvaney & C. Ryan Barber, *Fear of Trump Has Elite Law Firms in Retreat*, Wall Street Journal (Mar. 9, 2025), available at <https://www.wsj.com/us-news/law/fear-of-trump-has-elite-law-firms-in-retreat-6f251dec>.

<sup>24</sup> David Enrich, *Trump’s Not-So-Subtle Purpose in Fighting Big Law Firms*, New York Times (Mar. 29, 2025), available at <https://www.nytimes.com/2025/03/29/business/trump-law-firms-lawsuits.html>.

accompanied the executive orders targeting law firms have stated as part of their justification that the firms have “filed lawsuits against the Trump administration,”<sup>25</sup> “degrade[d] the quality of American elections[,]”<sup>26</sup> “pursue[d] partisan goals,”<sup>27</sup> and “abused [their] pro bono practice[s] to engage in activities” that the President believes are adverse to the “interests of the United States.”<sup>28</sup> The implication for lawyers is that representing a client with interests adverse to the President or that contradict administration policies will expose the lawyers, their colleagues, and their law firms to punishment.

20. The Executive Order’s chilling effect also extends to lawyers’ advocacy within existing representations. Lawyers’ zealous advocacy will be hindered if they must fear retribution for advancing arguments with which the President disagrees.

21. This chilling effect will inevitably harm clients. If lawyers are fearful to advocate for causes adverse to the federal government or adverse to the President’s personal and political interests, it will be difficult for clients with such interests to find lawyers to represent them. The Executive Order also will deter clients from exercising their Constitutional right to select the

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<sup>25</sup> *Fact Sheet: President Donald J. Trump Addresses Risks from Perkins Coie LLP*, The White House (Mar. 6, 2025), available at <https://www.whitehouse.gov/fact-sheets/2025/03/fact-sheet-president-donald-j-trump-addresses-risks-from-perkins-coie-llp/>.

<sup>26</sup> *Fact Sheet: President Donald J. Trump Addresses Risks from Susman Godfrey*, The White House (Apr. 9, 2025), available at <https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-president-donald-j-trump-addresses-risks-from-susman-godfrey/>.

<sup>27</sup> *Fact Sheet: President Donald J. Trump Addresses Risks from Jenner & Block*, The White House (Mar. 25, 2025), available at <https://www.whitehouse.gov/fact-sheets/2025/03/fact-sheet-president-donald-j-trump-addresses-risks-from-jenner-block/>; *Fact Sheet: President Donald J. Trump Addresses Risks from WilmerHale*, The White House (Mar. 26, 2025), available at <https://www.whitehouse.gov/fact-sheets/2025/03/fact-sheet-president-donald-j-trump-addresses-risks-from-wilmerhale/>.

<sup>28</sup> *Fact Sheet: President Donald J. Trump Addresses Risks from WilmerHale*, The White House (Mar. 26, 2025); available at <https://www.whitehouse.gov/fact-sheets/2025/03/fact-sheet-president-donald-j-trump-addresses-risks-from-wilmerhale/>.

counsel of their choosing. In our system, clients—not the government—decide which lawyer will represent them. The Executive Order’s threatened limitations on Susman’s ability to practice law (e.g., the prospect of barring Susman lawyers from federal buildings and prohibiting federal employees from “engaging” with Susman lawyers) will, as a practical matter, deprive clients of their right to be represented by their chosen lawyers. Indeed, the Executive Order, if upheld, would punish clients (through cancellation of their government contracts and compelled disclosure of their attorney-client relationships) for seeking advice or other legal services from their chosen lawyer, or from a law firm the President dislikes. The detrimental impact on clients is especially acute because the Executive Order against Susman is not an isolated attack. Weeks ago, the President stated that “we have a lot of law firms we’re going to be going after,”<sup>29</sup> and recent events have confirmed the President’s intent to continue targeting law firms he views as opponents. If the Executive Order is implemented and the Administration’s campaign against large and prominent law firms continues unabated, it will become increasingly difficult for clients to be represented by their chosen counsel.

22. The Executive Order, if enforced, also could deter law school graduates from going to work at law firms that represent clients or advocate causes of which the President disapproves. When I was a law school professor, some of my brightest students went to work at the law firms that have been targeted by the Administration. The Executive Order would impair Susman’s hiring of lawyer and non-lawyer professionals because of the risk that joining a law firm disfavored by

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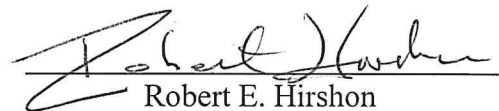
<sup>29</sup> Joe DePaolo, *‘We Have a Lot of Law Firms We’re Going After’: Trump Declares Plan to Target Law Firms He Considers ‘Very, Very Dishonest’*, Mediaite (Mar. 9, 2025), available at <https://www.mediaite.com/news/we-have-a-lot-of-law-firms-were-going-after-trump-declares-plan-to-target-law-firms-he-considers-very-very-dishonest/>.

the President could destroy any possible future in federal government service (e.g., as a federal prosecutor, judicial clerk, or SEC lawyer).

23. In sum, my opinion is that, if allowed to stand, the Executive Order against Susman will have the effect of forcing lawyers to choose between performing their assigned role in our democracy or pleasing the President, all to the detriment of clients and the fair administration of justice.

\* \* \*

I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct to the best of my knowledge, information, and belief. Executed on this 14th day of April, 2025.

  
Robert E. Hirshon



## EXHIBIT A

At the University of Michigan Law School, in addition to teaching both basic and advanced courses on ethics and professional responsibility, I was the law school's "Co-Director" of the State Bar of Michigan's Professionalism in Action Program presented at the law school during 2015-2018. The Program was a half-day seminar developed by the Michigan State Bar. First-year law students discussed hypotheticals based upon the Michigan Rules of Professional Conduct ("MRPC") with experienced practitioners and judges. As co-director, I assisted in the drafting of these hypotheticals and attended to various administrative details.

Additionally, I have volunteered my time to the Michigan Supreme Court Board of Law Examiners and provided them with comments and suggestions to the proposed ethics and professional responsibility questions and model answers for the Michigan Bar Examination.

Prior to the outbreak of the COVID virus, I was an Adjunct Professor at Peking University's School of Transnational Law in Shenzhen, China, and Visiting Professor at Haim Striks School of Law in Israel. Also, I was a consultant to a large law firm located in New England until 2022; I advised the firm on law practice management issues.

My legal experience includes thirty years of practice in a medium-sized Portland, Maine law firm. My management responsibilities at the firm included advising the firm's lawyers on their ethical responsibilities as described in the Maine Code, and, subsequently, the Maine Rules of Professional Responsibility. The Maine rules are based upon the Model Rules adopted by the American Bar Association's House of Delegates.

Additionally, I served as the CEO of a 75-lawyer law firm and the COO of a 370-lawyer regional law firm, both headquartered in Portland, Oregon. In these firms, I confronted and assisted in the resolution of numerous ethical issues.

As a result of my various positions as a practicing lawyer, law firm manager (CEO and COO), law school professor teaching ethics, and a law firm consultant, I have substantial familiarity with the administration of the rules of professional conduct.

During the period of time that I was a practicing lawyer, I was the President of the Maine State Bar Association, the Maine Bar Foundation, and the American Bar Association ("ABA"). While serving as President of the ABA, I appointed a committee to revisit Model Rule 1.6 for consideration of possible amendments. The current version of Rule 1.6 is a result of this Committee's recommendations. Prior to serving as President, I was chair of the ABA's Pro Bono Committee. I was the primary author of and floor manager for Model Rule 6.1.

As a former ABA president, I am a life-long member of the ABA's House of Delegates. I have personally participated in the debates which amended Model Rules.

Presently, I am a member of the American Law Institute, which drafts the various restatements including the Restatement of the Law Governing Lawyers. I recently served a three-year term as a member of the ABA's Standing Committee on Ethics and Professional Responsibility. This committee issues ethics opinions interpreting both the Model Rules of

Professional Conduct and the Model Code of Judicial Conduct. Additionally, the Committee reviews and proposes amendments of the Model Rules to the ABA's House of Delegates. I have prepared, with others, amendments to the Model Rules 1.4 and 5.5.

I have participated in numerous CLE panels and delivered many presentations focused on legal ethics and professional responsibility. I received a B.A. from the University of Michigan in 1970 as well as a J.D. in 1973, before returning to my home state of Maine to practice law.

Attached as Exhibit A-1 is a list of my Honors, Service to the Community, and a few of my more recent presentations.

**EXHIBIT A-1**

***HONORS:***

2014 A.W. Brian Simpson Memorial Award, Student Funded Fellowships (SFF)  
University of Michigan Law School

2005 Distinguished Service Award, The National Judicial College

Muskie Access to Justice Award, The Muskie Fund for Legal Service

Special Award for Support of Military Reservists, Standing Committee of Legal  
Aid to Military

Muskie Award for Public Service, American Bar Association

Honorary Degree, Suffolk University School of Law, Boston, Massachusetts

Honorary Degree, Willamette College of Law, Salem, Oregon

Honorary Degree, University of Denver School of Law

Fellow, Maine Bar Foundation

Howard Dana Pro Bono Award, Maine Bar Foundation

Reece Smith Special Service Award, National Association of Pro Bono  
Coordinators

Fellow and State Chairperson, American Bar Foundation

Joint Legislative Resolution honoring contributions made to community and legal  
profession, Maine Senate and Maine House of Representatives

Award for support of Pro Bono Legal Services, Voluntary Legal Services of  
Northern California

Award of Honor, Armenian Assembly of America

Award for promotion of equal access to justice, American Bar Association Fund  
for Justice and Education

Listed in Who's Who in America

Listed in Who's Who in American Law

***SERVICE TO THE COMMUNITY:***

- Member, Board of Directors of Pine Tree Legal Assistance, Inc.
- President, Maine Jewish Museum Board of Directors
- Member, Board of Visitors, Lewis and Clark Law School
- Member, Campaign Cabinet, United Way of the Columbia-Willamette
- Board of Trustees, Oregon Independent College Foundation, Inc.
- Member, Board of Directors, National Constitution Center
- Member, Dean's Advisory Council, University of Michigan Law School
- Chair, Board of Trustees, Breakwater School
- Member, Vice-Chair, Zoning Board of Appeals, Town of Cape Elizabeth, Maine
- Member, AVVO Advisory Board

***RECENT PRESENTATIONS:***

AFL/CIO Lawyers Conference: Moderator – I Should Have Just Stayed at Home – The Unauthorized Practice of Law

Maine State Bar Association Annual Meeting: Speaker – The Disruption of the Legal Profession

College of Management Academic Studies, Israel: Speaker – The Future of the Legal Profession: A Global View

University of Michigan Law School: Speaker – The Future of the Legal Profession: Scarier than you Think

National Conference of Bar Presidents: Speaker – The Future of the Legal Profession: Why You Should Be Afraid (annual program)

The David Weiner Center for Lawyer's Ethics and Professional Responsibility: Keynote Speaker – The Future of the Legal Profession

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

SUSMAN GODFREY LLP,

*Plaintiff,*

v.

EXECUTIVE OFFICE OF THE PRESIDENT,  
*et al.,*

*Defendants.*

Civil Case No. 1:25-cv-01107

**DECLARATION OF KALPANA SRINIVASAN IN SUPPORT OF  
MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Kalpana Srinivasan, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am one of two Managing Partners and a partner at Susman Godfrey LLP (“Susman Godfrey” or the “Firm”). I submit this Declaration in support of Susman Godfrey’s Motion for a Temporary Restraining Order. I am of the age of majority and I am competent to submit this declaration.

2. I have been an attorney at Susman Godfrey for nearly 20 years, following a clerkship with the Honorable Raymond Fisher on the United States Court of Appeals for the Ninth Circuit. I joined the Firm as an associate in 2005, became a partner in 2009, and was elected co-Managing Parter in 2020. During my time at Susman Godfrey, I have served on the Firm’s executive committee and have chaired the Firm’s practice development, employment, and training committees. I have served as lead trial counsel for numerous clients and in courtrooms across the country. I am a member in good standing of the California bar and have been admitted in many state and federal courts nationwide.

3. Susman Godfrey is a firm that is run by its lawyers. Every partner and associate gets an equal vote on whether to hire a partnership-track associate at the Firm. The same is true for any case requiring an investment of Firm time or resources. Management decisions are made by the equity-only partnership. Those decisions are guided and led by the Firm's Managing Partners and its Executive Committee, which convenes weekly.

4. As a Managing Partner, I am very familiar with the Firm's business and operations and have been involved in Susman Godfrey's efforts to prepare for, assess, and address the April 9, 2025 Executive Order targeting the Firm (the "Order"). As a Managing Partner, I co-chair the Firm's Executive Committee. I help assess potential business, policy, or conflicts concerns raised by the matters the Firm takes on.

5. The facts set forth in this declaration are based on my personal knowledge of the Firm's history and operations or business records and information with which I am familiar.

**I. Susman Godfrey is a firm of civil trial lawyers.**

6. Susman Godfrey is a trial firm that represents both plaintiffs and defendants in a variety of complex, commercial litigation. Trials are our specialty, and we excel at trying all kinds of cases.

7. **History.** The Firm was founded on a simple vision: Hire the best, reward success, and handle every case with a relentless focus on winning at trial. The Firm's origins date back to 1976, when Stephen Susman—then an attorney at a small Houston-based personal-injury and admiralty law firm—was approached by a small-business owner seeking representation against more powerful adversaries. The potential client owned a small business that sold cardboard boxes, and he alerted Susman to the existence of a potential price-fixing conspiracy by manufacturers of corrugated boxes. That conversation planted the seeds of the *Corrugated Container Antitrust Litigation* (S.D. Tex.), a class action brought by Susman on behalf of cardboard-box purchasers

against the manufacturers that made them. Susman and fellow attorney Gary McGowan founded the eight-lawyer firm, Susman & McGowan, in 1980 to pursue the *Corrugated* case, from which the firm recovered \$550 million on behalf of plaintiffs through settlements and obtaining the then-largest verdict in antitrust history after a three-month jury trial. Lee Godfrey joined the Firm in 1983 and the Firm became Susman Godfrey & McGowan. After Gary McGowan left the Firm in 1989, it became Susman Godfrey LLP, which it has been ever since.

8. What began as a one-office firm with a small handful of lawyers has grown to a litigation powerhouse made up of 235 of the country's best trial attorneys spread across four offices in Houston, Los Angeles, New York, and Seattle. Over its 45-year history, Susman Godfrey and its lawyers have represented clients in most if not every state, in federal and state courts across the nation, before myriad federal agencies and regulatory bodies, and in tribunals throughout the world (including the Supreme Court of the United States), and they have helped to establish major precedent in state and federal law. Susman Godfrey is widely recognized as one of the leading litigation firms for bet-the-company cases by companies, and since our founding, Susman Godfrey has proudly represented a wide range of industry leaders throughout the world.

9. **Recognitions.** Susman Godfrey is one of the top-performing firms in the country. The Firm was named as an "Am Law 100" firm on *The American Lawyer 100* list in 2024. Out of those 100 top revenue-generating firms, Susman Godfrey is one of only a few firms that is a litigation law firm and that does not practice transactional law. The Firm's success is also notable because we pioneered success-based fee agreements, for both plaintiffs and defendants, that reward the results we achieve and not the hours we bill. In other words, the Firm's financial success directly corresponds to the success we have achieved for our clients in court.

10. The Firm and its lawyers are regularly recognized for excellence in the legal community by *Chambers USA*, *Law360*, *Lawdragon*, *National Law Journal*, *Super Lawyers*, *American Lawyer*, *Benchmark Litigation*, and other respected publications and organizations, including national and local bar associations. As just a few examples:

- For the past 14 consecutive years, Susman Godfrey has been named as the #1 Litigation Boutique in the nation by the Vault survey—a distinction the Firm has held since the survey's inception.
- For the past 10 consecutive years, Susman Godfrey has had the largest number of lawyers named to *Lawdragon's* annual list of 500 Leading Lawyers in the nation.
- In 2024, Susman Godfrey was named Class Action Firm of the Year and Media & Entertainment Firm of the Year by *Law360*, was a finalist for the *National Law Journal's* Plaintiffs Firm of the Year and Antitrust Firm of the Year awards, was a finalist for *Texas Lawyer's* Firm of the Year and Litigation Department of the Year in General Commercial Litigation awards, and had 32 of its lawyers recognized as *Super Lawyers* in their respective states.
- In 2023, the Firm received the award for Specialty/Boutique Litigation Department of the Year from *The American Lawyer*, and was named the General Commercial Litigation Firm of the Year by *Benchmark Litigation*.
- In 2022, the Firm was named Trial Firm of the Year by *Benchmark Litigation*.

11. **Clients and notable representations.** The Firm represents a wide range of clients across a variety of industries, from small- and medium-sized businesses, families, individuals, and charitable and public service-oriented organizations to Fortune 500 companies. Notably, the Firm



has represented individuals and small companies in disputes against some of the largest and most powerful companies in the world. To offer just a few examples:

- In 2024, Susman Godfrey won a \$266 million verdict on behalf of the City of Baltimore against McKesson and AmerisourceBergen in the city’s nearly seven-year lawsuit against the opioid distributors and manufacturers that fueled the worst opioid epidemic in the nation.
- Susman Godfrey also led class-action efforts on behalf of residents of Flint, Michigan, who pursued claims for personal injuries and property damage arising from widespread lead contamination in the city’s water supply, securing court-approved settlements valued at \$626 million on behalf of the class.
- In 2024, Susman Godfrey achieved a groundbreaking \$418 million joint settlement on behalf of a nationwide class of home sellers with the National Association of Realtors (NAR), resolving antitrust claims that NAR and several of the nation’s largest residential real estate brokerage companies implemented anticompetitive rules requiring real estate agents for home sellers to offer to pay buyer broker fees in addition to their own brokers’ commissions.

12. **Our colleagues.** Susman Godfrey has approximately 382 lawyers and staff members. Of those, 235 are attorneys—including equity partners, of counsel, associates, and staff attorneys—and the remainder are support staff, including paralegals, legal assistants, and information technology specialists.

13. Our employees create community, enrich civic engagement, and serve their country. Susman Godfrey attorneys have served in the Army, Navy, Air Force, and Marines, both in active combat and as members of the JAG corps, and some continue to serve as active or ready

reserves; the Army recognized one current attorney's heroism with the award of a Bronze Star. The Firm's lawyers are leaders and members of national, state, and local bar associations around the country. Susman Godfrey lawyers are members of the American Bar Association, the Federal Bar Council, state bar associations in Texas, New York, California, and Washington, and local bar associations in such cities and counties as Los Angeles County, Harris County, and New York City—among other esteemed professional organizations.

14. Susman Godfrey's lawyers come from all backgrounds and hold diverse political views. Attorneys have joined the Firm after government service under both Democratic and Republican administrations. The Firm requires associates it hires to have completed at least one clerkship for a federal Article III judge; many clerked for two judges and some even three. Susman Godfrey lawyers have joined the Firm after clerking for judges nominated by both Republican and Democratic presidents. Current Susman Godfrey attorneys have clerked for federal appeals court judges in each of the 13 federal circuit courts of appeals, and 10 current and recent Susman Godfrey attorneys have clerked on the United States Supreme Court, for justices appointed by presidents of both parties: Justice Sandra Day O'Connor, Justice Anthony Kennedy, Justice Ruth Bader Ginsburg, Justice Steven Breyer, Justice Elena Kagan, Justice Samuel Alito, and Chief Justice John Roberts.

15. **Alumni.** Susman Godfrey alumni have served or are now serving as federal and state judges, judicial clerks, high-ranking government officials, federal prosecutors, and adjunct professors of law. Republican governors have appointed four former Susman Godfrey lawyers to state court judgeships. Two former Susman Godfrey lawyers currently serve as federal judges: one nominated by President Trump and one by President Biden.

16. **Pro bono.** Susman Godfrey is dedicated to its pro bono practice, even if it means taking on unpopular clients and controversial causes. The Firm is committed to representing those who cannot afford to pay for legal services. We encourage our attorneys to participate in pro bono opportunities and make Firm resources available to ensure our pro bono efforts are meaningful and effective. Since its founding, the Firm has provided thousands of hours of pro bono service by attorneys, paralegals, and other professionals to innumerable clients, including indigent criminal defendants and community-based organizations of all sizes, in matters championing human, civil, electoral, housing, immigration, and reproductive rights. Since 2020, Susman Godfrey lawyers, paralegals, and other professionals have spent over 22,000 hours, valued at nearly \$15 million, on pro bono service. Susman Godfrey has received numerous awards from a wide range of organizations for its pro bono representation, including recognition on the *National Law Journal*'s "Pro Bono Hot List." The Firm's decision whether to take on any particular pro bono representation is driven by the varying interests and passions of its lawyers—not by any ideological or political agenda established by the Firm.

17. Susman Godfrey fosters a work environment in which all lawyers and business professionals are judged on their merit, and has been recognized for its culture of excellence and transparency. For example, in the 2025 *Vault* Rankings, Susman Godfrey was named #1 Best Midsize Law Firm for Career Outlook, Selectivity, and Transparency and #3 Best Midsize Law Firm for Satisfaction and Quality of Work.

18. I am proud to have spent nearly 20 years of my career at the Firm.

**II. Susman Godfrey attorneys frequently interact with the federal government on behalf of the Firm's clients.**

19. As a commercial litigation firm that represents a wide array of clients across numerous industries, Susman Godfrey lawyers necessarily interact with the federal government on

behalf of their clients regularly in innumerable ways. Those interactions are critical to their ability to practice their profession, develop their careers, and serve their clients. Susman Godfrey is constrained by Rule 1.6 of the Model Rules of Professional Conduct and attorney-client privilege, and thus cannot disclose the specifics of client engagements without authorization. No client has authorized Susman Godfrey to disclose its engagement of the Firm (to the extent that engagement is not a matter of public record) in connection with this litigation, and this section therefore contains information about the Firm's practice without revealing confidential details or disclosing client confidences.

20. **Active federal cases.** Our attorneys are all litigators who regularly appear in federal courts across the country, as well as in federal agencies' in-house administrative proceedings, on behalf of their clients. The Firm's lawyers are in federal court and interacting with federal officials every week and nearly every day. Indeed, a team of Susman Godfrey lawyers was in federal court in Northern California at the time the April 9, 2025 Order was issued. As of April 10, 2025, the Firm has scores of active matters before the federal courts and federal agencies, which represent more than a third of all active matters at the Firm. Susman Godfrey attorneys have already made dozens of in-person appearances in federal court in 2025, and the Firm's attorneys have several in-person appearances in federal court and before federal agencies during the week of April 14, 2025, including an in-person hearing before the Executive Office of Immigration Review. Susman Godfrey attorneys currently have at least seven trials scheduled to go forward in federal court in the next six months. The Firm has many more federal court actions presently awaiting trial dates for 2025.

21. **Practice areas interacting with the federal government.** The Firm has no formal practice groups and engages in all forms of commercial litigation, but many of our matters require

frequent interactions with the federal government. While representing their clients, Susman Godfrey lawyers frequently meet with officials from many different federal agencies. Susman Godfrey partners have numerous upcoming meetings scheduled with federal government personnel in the next 90 days, including with officials from the Main Branch and Antitrust Division of the Department of Justice, multiple United States Attorneys' Offices, United States Customs and Border Protection, and the Department of Health and Human Services. At any given time, and consistent with the nature of the Firm's matters as of the date of this declaration, I estimate that no fewer than one third of our active matters require Susman Godfrey lawyers to appear before federal courts or interact with federal agencies in some capacity.

22. Our attorneys also practice in a variety of areas that require extensive interaction with the federal government in order to represent our clients:

23. *Qui tam and False Claims Act.* Susman Godfrey dedicates itself to a significant number of False Claims Act cases in which the firm represents whistleblowers ("relators") in cases brought under the federal False Claims Act and comparable state laws. These laws permit private citizens to file suits on behalf of the government (called "*qui tam*" suits) against those who have defrauded the government. *Qui tam* cases provide a significant benefit to the United States government. In 2022 and 2023, the federal government obtained almost \$5 billion in False Claims Act recoveries on behalf of United States taxpayers.

24. These matters frequently require regular interaction with federal government employees on behalf of the relator-client and often involve in-person contact with the government in federal buildings for important meetings, interviews, and negotiations. Most False Claims Act *qui tam* cases begin with an identification of a responsible attorney in one of the United States Attorneys' Offices. Our practice is to make an initial disclosure to the United States Government

disclosing all material evidence and information in the relator's possession relating to the claim, since this initial disclosure is required by statute in order for the relator to claim "original source" status. This process necessitates engagement with a federal employee—typically an Assistant United States Attorney. Susman Godfrey attorneys who are currently representing clients in pending *qui tam* cases have made contact with dozens of United States Attorneys' Offices across the country as part of the initial disclosure process. Susman Godfrey attorneys and the Assistant United States Attorneys typically engage in further communications via emails and/or phone calls after the initial disclosure.

25. Following the initial disclosure, a *qui tam* case is filed under seal in United States District Court. It is often standard, post-filing, for the Assistant United States Attorney to set up an interview between the government and the relator; Susman Godfrey attorneys participate as the relator's counsel. For smaller cases, the post-filing interviews may be held remotely by phone or videoconference. For larger cases, relator interviews are more likely to be held in-person in federal buildings. The interviews will always include at least one Assistant United States Attorney, and, for larger cases, may include attorneys or investigators from other responsible federal agencies that have an interest in the false claim, including, for instance, individuals from a responsible agency's Office of Inspector General. Susman Godfrey currently has at least one such interview scheduled, and anticipates several more will be scheduled in the near future.

26. After the initial relator interview, the case proceeds to the investigatory phase, during which time the matter remains under seal. During this stage, there are typically three types of routine engagements with government employees:

a. *First*, the Assistant United States Attorney may make contact with Susman Godfrey because the Assistant United States Attorney wishes to enlist Susman Godfrey's

assistance in the investigation. In previous matters, Susman Godfrey attorneys have entered into common-interest agreements with the Department of Justice that allow Susman Godfrey to participate in reviewing documents produced by the defendant(s) during the investigatory stage. Pursuant to that common-interest agreement, Susman Godfrey may help Assistant United States Attorneys with reviewing documents and preparing memoranda to assist the Department of Justice in the investigation. Many of these engagements occur by telephone or videoconference.

b. *Second*, government employees may seek direct assistance from the client-relator him- or herself to assist with the investigation. This may include asking for assistance in deciphering an internal document or record, or providing information or other details about the defendant's internal operations or knowledge. These engagements may occur by telephone or videoconference but have also been held in person.

c. *Third*, the government may wish to engage with Susman Godfrey and the client-relator to facilitate settlement with the defendant. The settlement process frequently involves in-person meetings between the government and the defendant involving detailed presentations of evidence. Although the relator-client is not part of those meetings, Susman Godfrey attorneys may be involved in assisting the government in its presentation and helping the government prepare responses to the defendant's settlement positions.

27. If the government decides to intervene in a *qui tam* case, as it has in current cases handled by the Firm, Susman Godfrey's interactions with the government are frequent and involved, similar to a co-counsel relationship. Susman Godfrey often holds at least weekly phone calls with the government, and may be in contact with government lawyers daily during discovery, for purposes of motions practice, and during trial if the case does not settle. Susman Godfrey and the government typically share extensive amounts of joint work-product necessary for the effective

prosecution of the case. Following a settlement or judgment, the government also engages with Susman Godfrey to reach resolution on the relator-client's share of the recovery. The process for determining what share the relator receives requires additional engagement between Susman Godfrey lawyers and the government, including sharing of information, memoranda, and presentations.

28. *Intellectual property.* Susman Godfrey also handles a large volume of patent-infringement litigation, which often necessitates representing clients before federal agencies with responsibilities over patent validity and patent infringement disputes. For example, Susman Godfrey represents patent owners in the United States International Trade Commission in unfair import proceedings, which involve hearings before administrative law judges and frequent interaction between Susman Godfrey attorneys and investigative staff attorneys for the United States International Trade Commission's Office of Unfair Import Investigations, as well as semi-regular interactions with attorneys from the United States International Trade Commission's Office of the General Counsel. Susman Godfrey attorneys also at times represent patent owners and patent challengers before the U.S. Patent and Trademark Office in administrative post-grant proceedings, including before the Patent Trial and Appeal Board. Susman Godfrey attorneys also interact with attorneys working at the Exclusion Order Enforcement Branch of U.S. Customs and Border Protection to assist them in implementing and enforcing the exclusion orders issued by the United States International Trade Commission.

29. *Environmental.* Susman Godfrey also represents both plaintiffs and defendants in litigation concerning the discharge of hazardous substances into the environment. These actions have included toxic tort actions for personal injuries and property damage, natural resource damages actions, and Superfund remediation. These matters can involve interaction with United



States Attorneys' Offices, the Environmental Protection Agency, and state and local governments that partner with federal agencies in implementing federal environmental programs and statutory mandates.

30. *Pro bono.* In carrying out pro bono work, Susman Godfrey lawyers are frequently before federal agencies and regularly interact with federal government officials. Lawyers at Susman Godfrey are often tapped by trial and appellate courts across the country to assist on precedent-setting pro bono matters. These matters include human rights and anti-discrimination issues, constitutional challenges, and death penalty appeals; much of this litigation is in federal court. For example, Susman Godfrey successfully challenged in federal court Harris County, Texas's practice of holding in jail tens of thousands of people who were arrested for misdemeanors but were financially unable to post bail. The United States Court of Appeals for the Fifth Circuit upheld the ruling on appeal. *See ODonnell v. Harris County*, 892 F.3d 147 (5th Cir. 2018).

31. **Federal agencies.** In representative matters for clients, the Firm has interacted with, and anticipates future interactions with, at least the following federal departments, agencies, and officials:

- a. Attorney General of the United States
- b. Department of Commerce
- c. Department of Defense
- d. Department of Health and Human Services
- e. Department of Homeland Security
- f. Department of Justice
- g. Department of Treasury
- h. Executive Office of Immigration Review

- i. Federal Trade Commission
- j. International Trade Commission
- k. Securities and Exchange Commission
- l. United States Attorneys' Offices
- m. United States Customs and Border Protection
- n. United States Citizenship and Immigration Services
- o. United States Patent and Trademark Office

32. **Government contractor clients.** Among Susman Godfrey's clients, including several of the Firm's biggest clients, are nearly twenty persons and entities that contract with or otherwise do business with the federal government, or have affiliates who are government contractors and subcontractors.

33. In short, the Firm's civil litigation practice—whether at the trial court or appellate level—frequently requires us to interact with the federal government, regularly and repeatedly, on behalf of our clients. This means that much of our work on behalf of our clients requires access to federal government buildings, which house both courthouses and agencies. This is true of every matter pending in federal court or a federal agency at the Firm. Certain practice areas, such as False Claims Act cases, are also heavily reliant on interacting with the federal government. And many of the Firm's clients do, or have done, business with the federal government.

**III. Susman Godfrey has recently pursued litigation against the federal government, in federal court, and related to federal elections.**

34. Susman Godfrey is no stranger to suing the United States Government, in cases against both Democratic and Republican presidential administrations, and in cases that span the ideological spectrum. For example, Susman Godfrey attorneys currently are litigating several Tucker Act cases in the Court of Federal Claims, involving frequent interactions with attorneys at

the Department of Justice. Those cases include a Fifth Amendment takings claims against the United States Navy on behalf of dozens of property owners whose property values and quality of life have decreased on account of a vast expansion of the Navy's flight-training program; a case against a federal agency for inverse condemnation on behalf of property owners; and a suit against a federal agency for user fees that it collected in violation of the agency's statutory and regulatory mandates.

35. Susman Godfrey also has litigated in defense of the United States' democratic electoral system generally and for clients who span the political spectrum. After the November 2020 election, Susman Godfrey represented various State officers in their official capacities defending the results of the 2020 election against unfounded conspiracy theories that the election had been rigged. Among other officials, Susman Godfrey represented the Governor of Wisconsin and the Secretary of State of Arizona. *Feehan v. Wis. Elections Comm'n*, No. 2:20-cv-01771-PP (E.D. Wis. filed Dec. 1, 2020) (counsel for Defendant Tony Evers in his official capacity as Wisconsin Governor); *Bowyer v. Ducey*, No. 2:20-cv-02321-DJH (D. Ariz. filed Dec. 2, 2020) (counsel for Defendant Katie Hobbs in her official capacity as the Arizona Secretary of State). Federal courts rejected the arguments put forth by the Trump campaign and related individuals. *Feehan*, ECF No. 83 (granting defendants' motions to dismiss) *vacated on other grounds by Feehan v. Wis. Elections Commission*, No. 20-3448 (7th Cir. Feb. 1, 2021); *Bowyer*, ECF No. 84 (granting defendants' motions to dismiss). In Arizona, Susman Godfrey presented at a hearing on behalf of all state-official Defendants (including the Democratic Secretary of State and Republican Governor) that had been sued by voters and GOP chairs for various Arizona counties. *Bowyer*, ECF No. 83 (transcript).

36. In recent years, Susman Godfrey represented Dominion Voting Systems in defamation actions against Fox News and Fox News Corporation for false claims relating to the 2020 election. *US Dominion Inc. v. Fox News Network LLC*, No. N21C-03-257 (Del. Super. Ct.); *US Dominion Inc. v. Fox Corp.*, No. N21-C11-082 (Del. Super. Ct.). In legal filings in the months leading up to trial, the team exposed the truth of what went on at Fox in the weeks and months after the 2020 election, when Fox was publicly broadcasting falsehoods about Dominion while privately disparaging those same statements and the individuals promoting them. At summary judgment, the trial court ruled that not a single one of Fox News’ disputed statements about Dominion was true, vindicating the claims advanced by Susman Godfrey and paving the way for a trial focused on whether Fox News acted with actual malice. *US Dominion, Inc. v. Fox News Network, LLC*, 293 A.3d 1002, 1039 (Del. Super. Ct. 2023) (“The evidence developed in this civil proceeding demonstrates that is [sic] **CRYSTAL** clear that none of the Statements relating to Dominion about the 2020 election are true.” (emphasis in original)). Only shortly before trial did the case settle. This case received widespread media attention and resulted in a historic \$787.5 million settlement—believed to be the largest defamation settlement in United States history.

37. At the end of April 2025, Susman Godfrey is trying a case on behalf of Dominion Voting Systems against Newsmax Media for false and defamatory statements that the network broadcast accusing Dominion of voter fraud and rigging the 2020 election to flip votes from President Trump to then-candidate Joe Biden. Siding with arguments made by Susman Godfrey, the court denied the defendant’s motion for summary judgment and partially granted Susman Godfrey’s cross-motion for summary judgment. The court ruled that Newsmax had made false and defamatory statements. *US Dominion, Inc. v. Newsmax Media, Inc.*, No. N21C-08-063, 2025 WL

1092289 (Del. Super. Ct. Apr. 9, 2025). Notably, the Court made this ruling on April 9, 2025, just hours before the Administration announced the Executive Order targeting the Firm.

38. Susman Godfrey continues to serve as counsel for Dominion in related defamation lawsuits against Rudy Giuliani, Sidney Powell, Mike Lindell and MyPillow, Patrick Byrne, and One America News Network (OAN).

**IV. The executive orders targeting other law firms have already inflicted significant harm on those firms and on the industry, including on Susman Godfrey.**

39. On February 25, 2025, President Trump signed a memorandum directed to the heads of various agencies in the intelligence community, titled “Suspension of Security Clearances and Evaluation of Government Contracts,” that targets the law firm Covington & Burling LLP (the “Covington Memo”).<sup>1</sup> The Covington Memo singles out Peter Koski, a partner of Covington & Burling “who assisted former Special Counsel Jack Smith.” The Covington Memo directs the agency heads to “suspend any active security clearances held by” Mr. Koski and “all members, partners, and employees of Covington & Burling LLP who assisted former Special Counsel Jack Smith during his time as Special Counsel” and “to terminate any engagement of Covington & Burling LLP by any agency.”

40. On March 6, 2025, President Trump signed Executive Order 14237, titled “Addressing Risks from Perkins Coie LLP” (the “Perkins Order”).<sup>2</sup> The Perkins Order describes what it calls the “dishonest and dangerous activity of the law firm Perkins Coie LLP,” including

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<sup>1</sup> *Suspension of Security Clearances and Evaluation of Government Contracts*, The White House (Feb. 25, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/suspension-of-security-clearances-and-evaluation-of-government-contracts/>.

<sup>2</sup> *Addressing Risks from Perkins Coie LLP*, The White House (Mar. 6, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-perkins-coie-llp/>.

that firm’s “representing failed Presidential candidate Hillary Clinton,” which the Perkins Order asserts was “part of a pattern” of “egregious activity.” Perkins Order § 1. The Perkins Order also asserts that “Perkins Coie has worked with activist donors including George Soros to judicially overturn popular, necessary, and democratically enacted election laws, including those requiring voter identification.” *Id.* The Perkins Order directs federal agencies to “suspend . . . security clearances held by individuals at Perkins Coie” until further notice; require government contractors to disclose any business they do with Perkins Coie; “terminate any contract” with Perkins Coie “to the maximum extent permitted by applicable law”; issue guidance “limiting [the] official access” of Perkins Coie employees to federal government buildings “when such access would threaten the national security of or otherwise be inconsistent with the interests of the United States”; issue guidance “limiting Government employees acting in their official capacity from engaging with Perkins Coie employees to ensure consistency with the national security and other interests of the United States”; and “refrain from hiring employees of Perkins Coie, absent a waiver.” *Id.* §§ 2-5. The Perkins Order also directs the Chair of the Equal Employment Opportunity Commission to investigate “the practices of representative large, influential, or industry leading law firms” for what that order describes as “discrimination under ‘diversity, equity, and inclusion’ policies.” *Id.* §§ 1, 4.

41. On March 12, 2025, Judge Beryl A. Howell of the U.S. District Court for the District of Columbia issued a temporary restraining order enjoining enforcement of several aspects of the Perkins Order. *See Perkins Coie LLP v. Department of Justice*, No. 25-cv-716 (D.D.C. Mar. 12, 2025), ECF No. 21.

42. On March 14, 2025, President Trump signed Executive Order 14237, titled “Addressing Risks from Paul Weiss” (the “Paul Weiss Order”)<sup>3</sup>—an order that the President subsequently rescinded. That order directed government officials to impose against Paul Weiss and its employees sanctions nearly identical to those imposed under the already-enjoined Perkins Order. *Id.* §§ 2-5. The Paul Weiss Order attacked “[g]lobal law firms,” asserting that they are “engaged in activities that make our communities less safe, increase burdens on local businesses, limit constitutional freedoms, and degrade the quality of American elections.” Paul Weiss Order § 1. The Paul Weiss Order asserted that the supposedly improper litigation brought by “[g]lobal law firms” includes not only work done on behalf of paying clients, but also work done “pro bono” or “for the public good.” *Id.* And the Paul Weiss Order targeted specific Paul Weiss partners, including a partner and “former leading prosecutor in the office of Special Counsel Robert Mueller” who “brought a pro bono suit” “on behalf of the District of Columbia Attorney General” “against individuals alleged to have participated in the events that occurred at or near the United States Capitol on January 6, 2021.” *Id.*

43. On March 20, 2025, on Truth Social, the President announced that, as part of an “agreement” with Paul Weiss, he would withdraw the Paul Weiss Order.<sup>4</sup> The President stated that “Paul, Weiss will dedicate the equivalent of \$40 million in pro bono legal services over the course of President Trump’s term to support the Administration’s initiatives.”<sup>5</sup> He also stated that he was “agreeing to this action in light of a meeting with Paul, Weiss Chairman, Brad Karp, during which

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<sup>3</sup> *Addressing Risks from Paul Weiss*, The White House (Mar. 14, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-paul-weiss/>.

<sup>4</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Mar. 20, 2025, 3:10 PM), <https://truthsocial.com/@realDonaldTrump/posts/114197044617921519>.

<sup>5</sup> *Id.*

Mr. Karp acknowledged the wrongdoing of former Paul, Weiss partner, Mark Pomerantz.”<sup>6</sup> Mr. Karp, Paul, Weiss’s Chairman, stated: “We are gratified that the President has agreed to withdraw the Executive Order concerning Paul, Weiss. We look forward to an engaged and constructive relationship with the President and his Administration.”<sup>7</sup>

44. In a Presidential Memorandum dated March 22, 2025, President Trump directed the Attorney General to assess whether attorneys and law firms currently litigating against the federal government have engaged in “misconduct” and to “seek sanctions” or recommend other disciplinary actions—including “reassess[ing]” security clearances held by the firms’ lawyers and “terminat[ing] . . . any federal contract” under which they provide services—whenever the Attorney General concludes that their conduct warrants such measures.<sup>8</sup> President Trump also instructed the Attorney General to review attorney conduct in litigation against the federal government over the past eight years and to recommend the same range of disciplinary actions “[i]f the Attorney General identifies misconduct that may warrant additional action, such as filing frivolous litigation or engaging in fraudulent practices.”<sup>9</sup>

45. On March 25, 2025, President Trump issued an executive order titled “Addressing Risks from Jenner & Block” (the “Jenner Order”).<sup>10</sup> The Jenner Order directs government officials

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Preventing Abuses of the Legal System and the Federal Court*, The White House (Mar. 22, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/preventing-abuses-of-the-legal-system-and-the-federal-court/>.

<sup>9</sup> *Id.*

<sup>10</sup> *Addressing Risks from Jenner & Block*, The White House (Mar. 25, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-jenner-block/>.



to impose nearly identical sanctions against Jenner and its employees as sanctions set forth in the enjoined Perkins Order and the now-withdrawn Paul Weiss Order. The Jenner Order continues the Administration’s practice of criticizing “so-called ‘Big Law’ firms,” alleging that such firms “regularly conduct . . . harmful activity through their powerful pro bono practices, earmarking hundreds of millions of their clients’ dollars for destructive causes, that often directly or indirectly harm their own clients.” Jenner Order § 1. The Jenner Order specifically criticizes Jenner for purportedly “abus[ing] its pro bono practice” by “engag[ing] in obvious partisan representations to achieve political ends, support[ing] attacks against women and children based on a refusal to accept the biological reality of sex, and back[ing] the obstruction of efforts to prevent illegal aliens from committing horrific crimes and trafficking deadly drugs within our borders.” *Id.* In addition, the Jenner Order singles out the firm’s re-hiring of Andrew Weissmann after he served as part of Special Counsel Robert Mueller’s team to investigate Russian interference in the 2016 election.

46. On March 27, 2025, President Trump issued an executive order titled “Addressing Risks from WilmerHale” (the “WilmerHale Order”).<sup>11</sup> President Trump again described this order as part of his campaign against “so-called ‘Big Law’ firms,” and he again imposed sanctions similar to those set forth in prior orders against other law firms. WilmerHale Order § 1. He stated that he singled out WilmerHale on the ground that the firm “engages in obvious partisan representations to achieve political ends,” including by allegedly “support[ing] efforts to discriminate on the basis of race, back[ing] the obstruction of efforts to prevent illegal aliens from committing horrific crimes and trafficking deadly drugs within our borders, and further[ing] the degradation of the quality of American elections, including by supporting efforts designed to

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<sup>11</sup> *Addressing Risks from WilmerHale*, The White House (Mar. 27, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-wilmerhale/>.

enable noncitizens to vote.” *Id.* President Trump also claimed that WilmerHale demonstrated that it was “bent on employing lawyers who weaponize the prosecutorial power” by hiring Robert Mueller and two of his colleagues from the Mueller investigation, Aaron Zebley and James Quarles. *Id.*

47. On March 28, 2025, Jenner & Block and WilmerHale separately sued to enjoin their respective executive orders. *Jenner & Block LLP v. Department of Justice*, No. 25-cv-916 (D.D.C. Mar. 28, 2025), ECF No. 1; *Wilmer Cutler Pickering Hale and Dorr LLP v. Executive Office of the President*, No. 25-cv-917 (D.D.C. Mar. 28, 2025), ECF No. 1.

48. The same day that those suits were filed, Judge John D. Bates and Judge Richard J. Leon of the United States District Court for the District of Columbia issued temporary restraining orders against the Jenner and WilmerHale Orders, respectively. Those orders rested on the conclusion that each law firm had established a likelihood of success on the merits and made a showing of irreparable harm. *Jenner & Block LLP v. Department of Justice*, No. 25-cv-916 (D.D.C. Mar. 28, 2025), ECF No. 9; *Wilmer Cutler Pickering Hale and Dorr LLP v. Executive Office of the President*, No. 25-cv-917 (D.D.C. Mar. 28, 2025), ECF No. 10.

49. From publicly available information, I understand that the law firms subject to the executive orders described above began to experience irreparable harm as a result of those executive orders. In support of Perkins Coie’s motion for a temporary restraining order, a Perkins Coie attorney stated that the government had informed firm attorneys that they could not attend upcoming scheduled meetings and that numerous clients had terminated engagements with the firm. *Perkins Coie LLP v. Department of Justice*, No. 25-cv-716 (D.D.C. Mar. 11, 2025), ECF No. 2-2 ¶¶ 25–26; *id.*, ECF No. 39-3 ¶¶ 44–45 (D.D.C. Apr. 2, 2025). According to a declaration filed by Jenner & Block, the government informed a firm client that Jenner & Block attorneys could not

attend an upcoming meeting with the Department of Justice, and several clients expressed concern about Jenner & Block’s ongoing representation of them. *Jenner & Block LLP v. Department of Justice*, No. 25-cv-916 (D.D.C. Mar. 28, 2025), ECF No. 2-16 ¶¶ 63–64, 68; *id.*, ECF No. 19-30 ¶¶ 70–72 (D.D.C. Apr. 8, 2025). At least one of Paul Weiss’s clients cited the Paul Weiss Order as the reason for terminating his representation by Paul Weiss attorneys. *See* Mem. in Supp. of Mot. to Withdraw as Counsel for Def. Steven Schwartz at 2, *United States v. Coburn*, No. 19-cr-120 (D.N.J. Mar. 19, 2025), ECF No. 1012.<sup>12</sup> And within 24 hours of the issuance of the WilmerHale Order, at least one of WilmerHale’s government-contractor clients was contacted by a federal agency requesting that the client disclose whether it had any business relationship with WilmerHale, and two meetings between WilmerHale attorneys and a federal agency were abruptly postponed. *Wilmer Cutler Pickering Hale and Dorr LLP v. Executive Office of the President*, No. 25-cv-917 (D.D.C. Apr. 8, 2025), ECF No. 16-3 ¶¶ 4–5. I expect Susman Godfrey to suffer similar irreparable harm, absent emergency relief.

50. In addition to the existing executive orders, President Trump has threatened to target additional law firms. When he signed the Perkins Order, President Trump referenced how his team “was looking at about 15 different law firms” as potential targets for similar sanctions.<sup>13</sup> A few days after he issued the Perkins Order, President Trump said in an interview that “[w]e have

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<sup>12</sup> *See also* Richard Vanderford, *Law Firm in Trump’s Crosshairs Fired by White-Collar Client*, Wall St. J. (Mar. 19, 2025), [https://www.wsj.com/articles/law-firm-in-trumps-crosshairs-fired-by-white-collar-client-082bf6da?st=hRnQCK&reflink=desktopwebshare\\_permalink](https://www.wsj.com/articles/law-firm-in-trumps-crosshairs-fired-by-white-collar-client-082bf6da?st=hRnQCK&reflink=desktopwebshare_permalink).

<sup>13</sup> Ian Schwartz, *Trump Signs Executive Order to Revoke Security Clearances from Perkins Coie: “This Is an Absolute Honor,”* Real Clear Politics (Mar. 6, 2025), [https://www.realclearpolitics.com/video/2025/03/06/trump\\_signs\\_executive\\_order\\_to\\_revoke\\_security\\_clearances\\_from\\_perkins\\_coie\\_this\\_is\\_an\\_absolute\\_honor.html](https://www.realclearpolitics.com/video/2025/03/06/trump_signs_executive_order_to_revoke_security_clearances_from_perkins_coie_this_is_an_absolute_honor.html).

a lot of law firms that we're going to be going after because they were very dishonest people.”<sup>14</sup> The same day that President Trump issued the March 14 Paul Weiss Order, he delivered a speech at the Department of Justice denouncing “crooked law firms,” “violent, vicious lawyers,” and “fake lawyers.”<sup>15</sup> And upon signing the Order targeting Susman Godfrey, the President told the gathered press that he had five more law firms in his sights.<sup>16</sup>

51. Those closely associated with President Trump have made similar comments concerning the intent behind these executive orders targeting law firms. Steve Bannon has stated that President Trump is “going after” law firms “to cut them off.”<sup>17</sup> According to Mr. Bannon, “what we are trying to do is put you [law firms] out of business and bankrupt you.”<sup>18</sup>

52. These threats by the President and his allies have been effective, as law firms have chosen to make costly concessions to the White House rather than face the existential threat that an executive order would pose. First, on March 28, 2025, the President announced another “agreement” similar to the one reached with Paul Weiss—this time with the law firm Skadden,

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<sup>14</sup> Erin Mulvaney & C. Ryan Barber, *Fear of Trump Has Elite Law Firms in Retreat*, Wall St. J. (Mar. 9, 2025), <https://www.wsj.com/us-news/law/fear-of-trump-has-elite-law-firms-in-retreat-6f251dec>.

<sup>15</sup> *See Donald Trump Addresses the Staff at the Department of Justice*, Roll Call (Mar. 14, 2025), <https://rollcall.com/factbase/trump/transcript/donald-trump-speech-department-of-justice-march-14-2025/>.

<sup>16</sup> *President Trump Discusses Tariff Reversal and Signs Executive Order in the Oval Office – 4/9/25*, CNBC Television, at 12:14-12:36, <https://www.youtube.com/watch?v=mYm7kmOC37s&t=646s>.

<sup>17</sup> *Steve Bannon: “There’s Major Law Firms in Washington, D.C.” and “What We Are Trying to Do Is Put You Out of Business and Bankrupt You,”* Media Matters (Mar. 13, 2025), <https://www.mediamatters.org/steve-bannon/steve-bannon-theres-major-law-firms-washington-dc-and-what-we-are-trying-to-put-you>.

<sup>18</sup> *Id.*

Arps, Slate, Meagher & Flom LLP (“Skadden”). That new “agreement” was reached without the President having to issue any executive order against the firm in the first place; the mere threat of such an order was enough. It was publicly reported that, before negotiating this “agreement,” Skadden had learned that the President intended to issue an executive order targeting the firm over its pro bono work and diversity, equity, and inclusion initiatives.<sup>19</sup> In a post on Truth Social, the President announced that Skadden had agreed to “provide a total of at least \$100 Million Dollars in pro bono Legal Services, during the Trump Administration and beyond, to causes that the President and Skadden both support.”<sup>20</sup> The President asserted that he would “never stop fighting to deliver on his promises of eradicating partisan Lawfare in America, and restoring Liberty & Justice for ALL.”<sup>21</sup>

53. On April 1, 2025, the President announced a substantially identical “agreement” to the ones reached with Paul Weiss and Skadden—this time with the law firm Willkie Farr & Gallagher LLP (“Willkie”). Like the Skadden “agreement,” this “agreement” was reached without the President having issued an Executive Order. It was publicly reported that, before negotiating this “agreement,” Willkie learned that the President intended to issue an executive order against the firm.<sup>22</sup> In return for escaping the threat of an order, Willkie committed “at least \$100 Million

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<sup>19</sup> Erik Tucker, *Major Law Firm Reaches Deal With Trump to Avoid White House Order Even as Two Other Firms Sue*, Associated Press (Mar. 28, 2025), <https://apnews.com/article/trump-law-firm-mueller-fc64fcda098b52756294c3d6a3b3d998>.

<sup>20</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Mar. 28, 2025, 10:57 AM), <https://truthsocial.com/@realDonaldTrump/posts/114241348699704594>.

<sup>21</sup> *Id.*

<sup>22</sup> Erik Tucker, *Major International Law Firm Reaches Deal With White House, Becoming The Latest To Do So*, Associated Press (Apr. 1, 2025), <https://apnews.com/article/trump-law-firms-retribution-emhoff-89db97e7f76dd4cbf74d571a648baedb>.

Dollars in pro bono Legal Services, during the Trump Administration, and beyond, to causes that President Trump and Willkie both support.”<sup>23</sup>

54. On April 2, 2025, yet another law firm, Milbank LLP, preemptively reached an “agreement” with the President prior to receiving an executive order targeting the firm. Public reporting based on an internal firm memorandum stated that, before negotiating this “agreement,” President Trump’s administration contacted Milbank with concerns about Milbank’s approach to pro bono and diversity initiatives and suggested that Milbank reach an agreement similar to Skadden’s.<sup>24</sup> The Milbank “agreement,” like the others, committed to provide \$100 million in pro bono services to causes favored by the President.<sup>25</sup>

55. On April 11, 2025, the President announced that he had reached deals with five more law firms. Those deals are similar to the ones that came before, except that several of the latest deals promise not only to provide certain pro bono work but also “other free Legal services.” Four of those firms—Kirkland & Ellis LLP, Allen Overy Shearman Sterling US LLP, Simpson Thacher & Bartlett LLP, and Latham & Watkins LLP—jointly agreed to provide an “aggregate total of at least \$500 Million Dollars in pro bono and other free Legal services . . . to causes that President Trump and the Law Firms both support and agree to work on.”<sup>26</sup> The firms also affirmed

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<sup>23</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 1, 2025, 1:47 PM), <https://truthsocial.com/@realDonaldTrump/posts/114264667777137553>.

<sup>24</sup> ALM Staff, *Milbank ‘Comfortable With All These Provisions,’ Chairman Says in Message to Firm*, *The American Lawyer* (Apr. 2, 2025), <https://www.law.com/americanlawyer/2025/04/02/milbank-comfortable-with-all-these-provisions-chairman-says-in-message-to-firm>.

<sup>25</sup> Matthew Goldstein, *Another Big Law Firm Reaches Agreement With Trump*, *N.Y. Times* (Apr. 2, 2025), <https://www.nytimes.com/2025/04/02/business/trump-law-firms-milbank-deal.html>.

<sup>26</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 11, 2025, 9:21 AM), <https://truthsocial.com/@realDonaldTrump/posts/114320245355397433>.

that they would not “engage in illegal DEI discrimination and preferences.”<sup>27</sup> In return, the President announced, the Equal Employment and Opportunity Commission had “withdrawn” letters seeking information about the firms’ employment practices and would “not pursue any claims related to those issues.”<sup>28</sup> The President also announced “commitments” made by a fifth firm, Cadwalader Wickersham & Taft LLP.<sup>29</sup> Cadwalader agreed to provide “at least \$100 Million Dollars in pro bono Legal Services . . . to causes that President Trump and Cadwalader both support.”<sup>30</sup> Faced with the threat of irreparable harm that an executive order would pose, each of these firms decided to pay the steep price of avoiding one.

56. Susman Godfrey was forced to expend significant resources to address the risk that it would be targeted by an executive order and would suffer similar types of irreparable harm. Susman Godfrey attorneys have devoted hundreds of hours to monitoring and analyzing the Administration’s actions targeting other law firms, preparing Susman Godfrey’s strategy for responding should the Firm be targeted by President Trump, and, now, responding to the Order targeted at Susman Godfrey. Susman Godfrey also engaged outside counsel to represent the Firm in a challenge to the April 9, 2025 Order.

57. Susman Godfrey has also spoken out against the executive orders targeting other law firms. On April 4, 2025, Susman Godfrey was one of more than 500 law firms that filed an amicus brief in support of Perkins Coie in *Perkins Coie LLP v. United States Department of*

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<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 11, 2025, 12:19 PM), <https://truthsocial.com/@realDonaldTrump/posts/114320237164839938>.

<sup>30</sup> *Id.*

*Justice*. No. 25-cv-716 (D.D.C. Apr. 4, 2025), ECF No. 63-1. Susman Godfrey was one of only eight firms in the AmLaw 100 (the top 100 firms by revenue in the United States) that signed the brief. Susman Godfrey was the fifth-largest firm to sign the brief, and two of the larger firms were targets of separate Executive Orders directed against them.

58. On April 8, 2025, Susman Godfrey filed an amicus brief in support of Perkins Coie in *Perkins Coie LLP v. United States Department of Justice*, on behalf of 27 former national security, foreign policy, intelligence, and other public officials who have worked on security matters at the most senior levels of the United States government for both Democratic and Republican administrations. No. 25-cv-716 (D.D.C. Apr. 8, 2025), ECF No. 104. Susman Godfrey informed the Department of Justice that it intended to seek leave to file this amicus brief on April 5. On April 9, 2025—the day after Susman Godfrey filed the amicus brief—President Trump issued the Order targeting Susman Godfrey.

**V. President Trump signs the executive order targeting Susman Godfrey.**

59. On April 9, 2025, President Donald J. Trump signed the Executive Order titled “Addressing Risks from Susman Godfrey.” See <https://www.whitehouse.gov/presidential-actions/2025/04/addressing-risks-from-susman-godfrey/>. The Order was accompanied by a “Fact Sheet” issued the same day that purports to explain and support the Order. See <https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-president-donald-j-trump-addresses-risks-from-susman-godfrey/> (the “Fact Sheet”).

60. Susman Godfrey was given no notice of, nor an opportunity to respond to, the false charges in the Order and Fact Sheet or to explain their inevitable impact on the Firm before they were issued.

61. **Litigation to defend businesses and public officials from false accusations about the conduct of the 2020 election.** The Order attacks Susman Godfrey because it



“spearheads efforts to weaponize the American legal system and degrade the quality of American elections.” The Order and the Fact Sheet make no attempt to identify any specific actions or representations by the Firm that could conceivably fit that description. Consistent with its history of zealous advocacy for its clients, and as described above, Susman Godfrey represented Dominion, the Arizona Secretary of State, and the Governor of Wisconsin (among others) to defend the American election system against false and unsupported attacks on its legitimacy, accuracy, and reliability. Indeed, Susman Godfrey’s handling of the Dominion case earned the Court’s praise for the quality of its lawyering.<sup>31</sup>

62. **Unspecified efforts to “undermine” military effectiveness.** The Order attacks Susman Godfrey based on the assertion that the Firm “also funds groups that engage in dangerous efforts to undermine the effectiveness of the United States military through the injection of political and radical ideology.” The Order and Fact Sheet make no attempt to identify any specific actions or representations by the Firm that could conceivably fit that description. Susman Godfrey is aware of none.

63. **The Firm’s diversity and inclusion efforts.** The Order attacks Susman Godfrey on the ground that the Firm “supports efforts to discriminate on the basis of race” and that the Firm “itself engages in unlawful discrimination, including discrimination on the basis of race.” The sole example cited is an unnamed program alleged to “offer[] financial awards and employment opportunities only to ‘students of color.’” To the extent this refers to the Susman Godfrey Prize, then it is not accurate on multiple levels. The Firm does not have any program that offers employment opportunities only to people of color. The Susman Godfrey Prize is a cash prize that

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<sup>31</sup> See Catherine Thorbecke et al., *Settlement Reached in Dominion Defamation Lawsuit Against Fox News*, CNN Business (Apr. 18, 2023), <https://www.cnn.com/business/live-news/fox-news-dominion-trial-04-18-23/index.html>.

is awarded to up to 20 students of color who are finishing their first or second year at certain law schools. The Susman Godfrey Prize program does not offer any “employment opportunities.”<sup>32</sup> Nor does it constitute unlawful discrimination. Neither the Order nor the Fact Sheet attempts to articulate how such a program constitutes unlawful discrimination.

**VI. Susman Godfrey is suffering ongoing and irreparable harm from the Executive Order.**

64. The Order disrupts existing attorney-client relationships and representations and does so immediately, to the detriment of the Firm, its attorneys, and its clients, without notice or opportunity to be heard. Refusals by federal officials to meet with Susman Godfrey lawyers, or to permit Susman Godfrey lawyers to access federal agencies and buildings, immediately and irreparably harm Susman Godfrey’s legal practice, its clients’ interests, and the careers of its attorneys.

65. **Impact on active matters in federal forums.** The Order broadly limits Susman Godfrey’s access to the federal government. The Order’s prohibition against (or limitations on) Susman Godfrey attorneys or personnel interacting with the federal government has severe effects on the Firm’s practice. As noted, Susman Godfrey has scores of active matters before federal courts and federal agencies that require access to federal government buildings and officials. And Susman Godfrey lawyers have numerous upcoming meetings scheduled with federal government personnel across various matters in the next 90 days, including with officials from the Main Branch and Antitrust Division of the Department of Justice, United States Attorneys’ Offices, United States Customs and Border Protection, and the Department of Health and Human Services. Even mere uncertainty about whether Susman Godfrey attorneys may or may not be allowed to access federal

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<sup>32</sup> See *The Susman Godfrey Prize*, Susman Godfrey, <https://www.susmangodfrey.com/the-susman-godfrey-prize/>.

buildings and interact with federal personnel has wide-ranging negative impacts on the Firm's ability to practice law and on its business.

66. **Interference with attorney-client relationships.** The purpose and only business of the Firm is representing clients—and hiring, retaining, and supporting lawyers representing those clients. These client relationships are the lifeblood of Susman Godfrey's business. The Firm has cultivated these relationships over years by being constantly available to handle its clients' immediate and pressing problems, and providing excellent service to resolve those problems promptly. By limiting Susman Godfrey's access to the federal government and forcing clients to disclose their relationship with the Firm, the Order directly interferes with Susman Godfrey's relationships with its clients, attempting to intimidate and coerce Susman Godfrey's clients to resort to another firm.

67. **Forced disclosure of attorney-client relationships.** The Order mandates that federal agencies (a) require government contractors to disclose any relationship they have with Susman Godfrey, and (b) terminate government contracts for clients as to which Susman Godfrey has been hired to perform any service. A significant number of Susman Godfrey's clients contract with or otherwise do business with the federal government, or have affiliates who are government contractors or subcontractors. Many other Susman Godfrey clients have significant interactions with the federal government. And many of those clients are represented by the Firm for legal matters completely unrelated to government-contracting matters.

68. For many of the Firm's clients, the fact that the Firm gives them legal advice is not public information. Accordingly, the Order seeks to require many of these clients to divulge confidential information regarding their legal representations to the federal government, in addition to risking the termination of those clients' contracts.

69. **Disruption to relationships with current clients.** Firm clients have already begun to inquire about the effects of the Order, and whether it affects Susman's ability to access the federal courts or could negatively affect Susman's continued representation. If the Order is not enjoined, other clients of the Firm will likely experience or express similar reservations or concerns, and some may choose to move their business to other firms as a result of those concerns.

70. **Interference with clients' right to counsel.** In addition to interfering with Susman Godfrey's relationships with its clients, the Order interferes with Susman Godfrey's clients' right to and choice of counsel. Without cause, the Order bars Susman Godfrey attorneys from interacting with federal officials, preventing Susman Godfrey from carrying out key aspects of its representation of certain of its clients, and forcing those clients to obtain other counsel, in wholly unjustified violation of their Fifth Amendment rights.

71. **Financial impact to the Firm.** By interfering with Susman Godfrey's attorney-client relationships and by limiting Susman Godfrey's ability to advocate on behalf of its clients before the federal government, the Order also threatens to cause significant economic harm to the Firm. As discussed above, a substantial portion of the Firm's active matters—no less than one third—are in federal court or require interaction with the federal government in some way. And a significant number of Susman Godfrey clients have contracts or subcontracts with the federal government. The very purpose of the Order is to force clients with government contracts to terminate their relationships with Susman Godfrey and not to hire Susman Godfrey for future work.

72. **Financial harm regarding future opportunities.** We are proud of the trust that clients place in us and value their loyalty, but the Order disrupts both existing client relationships and potential future client relationships. Now that the Firm has been targeted by the federal

government in this Order and restricted from providing the full breadth and depth of professional services within our capabilities, potential future clients have an incentive to retain other law firms, not targeted by the federal government, that do not face those restrictions. Likewise, existing clients deciding which firm to retain for new matters now have incentives to choose competitor firms that are not saddled with the restrictions imposed by the Order and have not suffered the reputational harm that the Order inflicts on Susman Godfrey. The legal industry is competitive, and the existence of competitors able to offer a broader suite of professional services (including unfettered interactions with the federal government) adversely affects our ability to attract new clients and new matters.

73. **Attorneys' ability to practice chosen profession.** The Order targets Susman Godfrey attorneys' right to practice their chosen profession: providing lawful representation to clients in need of legal services. That poses a threat not only to the Firm's revenue-generating practice, but also to its attorneys' professional development and careers. It also threatens the Firm's pro bono practice, which frequently requires us to appear in federal court or before federal agencies on behalf of clients.

74. **Immediate chilling effect and effect on exercise of profession.** The Order has had an immediate chilling effect on Susman Godfrey attorneys, the exercise of their chosen profession, and the expression of their own viewpoints. The Order retaliates against the Firm on the stated basis of causes and clients that the President dislikes or finds to be in opposition to the Administration's priorities. The Firm's attorneys must immediately reconsider how they approach current matters requiring appearances in federal forums or requiring interactions with federal officials, counsel, and personnel. The Firm's lawyers also already have felt a chilling effect as they

decide whether to take on future representations that may lead to further baseless ire and punitive action from the federal government due to potentially disfavored viewpoints or identities.

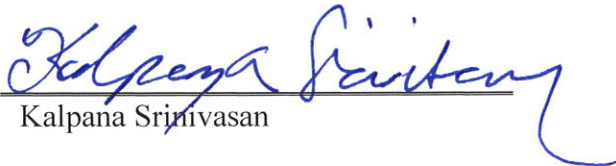
75. **Harm to Susman Godfrey's reputation.** The Order has harmed Susman Godfrey's reputation in the markets for clients, lawyers, and staff through its false and disparaging characterizations of the Firm and its attorneys. The Order says many things that are not only inflammatory—for instance, branding the Firm as “detrimental to critical American interests” and accusing it of “fund[ing] groups that engage in dangerous efforts to undermine the effectiveness of the United States military”—but also false, as described above.

76. **Harm to recruitment and retention of attorneys interested in future federal service.** The Order directs federal agencies to refrain from hiring any “employees” of the Firm, absent a pre-hire waiver from an agency head made in consultation with the Director of the Office of Personnel Management following determination that such a hire will not “threaten the national security of the United States.” The Firm prides itself on a commitment to public service that is often reflected in lawyers leaving the firm for federal service. In my experience, many law students and currently practicing attorneys are drawn to our firm and stay at our firm due to the significant substantive responsibility we give to associates, which helps make them more compelling candidates for federal employment. Moreover, it is increasingly common for lawyers to begin their careers at private law firms such as ours before then departing for clerkships for federal judges or employment at United States Attorneys' Offices. Directing federal agencies to refrain from hiring our employees—including non-lawyers—notwithstanding the potential for a waiver through an opaque and undisclosed process, impairs our ability to recruit and retain lawyers and employees who are interested in future federal employment.

77. **Employees' ability to perform their civic duties.** The Order also impairs Susman Godfrey employees' ability to perform their civic duties, including Susman Godfrey employees who have been called for federal jury duty and Susman Godfrey employees who proudly serve our nation in the military reserves and must access government facilities and interact with government employees when called to serve.

78. The Order is designed to disrupt and injure Susman Godfrey's representation of its clients, is doing so now, and will continue to do so unless and until it is properly stayed by a court of law.

79. I declare under penalty of perjury, on this 14th day of April, 2025, that the foregoing is true and correct to the best of my knowledge, information and belief.

  
Kalpana Srinivasan

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

SUSMAN GODFREY LLP,

*Plaintiff,*

v.

EXECUTIVE OFFICE OF THE PRESIDENT, et  
al.,

*Defendants.*

No. 1:25-cv-1107

**CERTIFICATE OF COUNSEL IN COMPLIANCE WITH LOCAL CIVIL RULE 65.1**

Pursuant to Local Civil Rule 65.1(a), undersigned counsel hereby certifies that at 5:28 pm on April 14, 2025, Counsel for Plaintiff Susman Godfrey LLP (Susman) emailed the Chief of the Civil Division for the United States Attorney’s Office for the District of Columbia, the Directors of the Federal Programs Branch of the Department of Justice, and the Deputy Associate Attorney General to provide them with notice that Susman would be filing the accompanying Motion for a Temporary Restraining Order (the “Motion”), and Counsel for Susman attached to the email electronic copies of the Complaint and the Motion and its accompanying memorandum, declarations, exhibits, and proposed order.

To provide further notice of the filing of Plaintiff’s Complaint, the Motion, and the documents accompanying the Motion, Counsel for Susman also telephoned Department of Justice Federal Programs Branch Director Alex Haas at 5:30 pm on April 14, 2025, and left a voice mail about the filing of the TRO Motion.

Undersigned counsel will send physical copies of the relevant papers by certified mail to Defendants, the United States Attorney’s Office for the District of Columbia, and the Office of the United States Attorney General.



Dated: April 14, 2025

Respectfully submitted,

/s/ Donald B. Verrilli, Jr.

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\* Admission pending

\*\**Pro hac vice* application forthcoming

*Attorneys for Susman Godfrey LLP*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SUSMAN GODFREY LLP,

*Plaintiff,*

v.

EXECUTIVE OFFICE OF THE  
PRESIDENT, et al.,

*Defendants.*

No. 1:25-cv-1107

**[PROPOSED] ORDER GRANTING PLAINTIFF SUSMAN GODFREY’S MOTION FOR  
A TEMPORARY RESTRAINING ORDER**

Upon consideration of Plaintiff Susman Godfrey’s Motion for a Temporary Restraining Order; the memorandum, declarations, and exhibits submitted in support; and arguments in support and in opposition, it is hereby:

(1) ORDERED that Plaintiff’s Motion for a Temporary Restraining Order is GRANTED; it is further

(2) ORDERED that Defendants are ENJOINED from implementing or giving effect to Sections 1, 3, and 5 of the executive order of April 9, 2025, entitled *Addressing Risks From Susman Godfrey* (the “Executive Order”), including by relying on any of the statements in Section 1; it is further

(3) ORDERED that Defendants are DIRECTED to rescind any and all guidance or direction that has already issued that relates to implementing or enforcing Section 1, 3, and 5 of the Executive Order; it is further

(4) ORDERED that Defendants are DIRECTED to immediately issue guidance to their officers, staff, employees, and contractors to disregard Sections 1, 3, and 5 of the Executive Order and carry on as if those sections of the Executive Order had never issued; it is further

(5) ORDERED that Defendants U.S. Department of Justice; Pamela Bondi, in her official capacity as U.S. Attorney General; the Office of Management and Budget; and Russell Vought, in his official capacity as Director of the Office of Management and Budget, are DIRECTED to immediately issue guidance to all other agencies subject to the Executive Order to suspend and rescind any implementation or enforcement of Sections 1, 3, and 5; it is further

(6) ORDERED that Defendants are DIRECTED immediately to (a) communicate to every recipient of a request for disclosure of any relationship with Susman Godfrey or any person associated with the Firm, made pursuant to Section 3(a) of the Executive Order, that such request is rescinded until further order of the Court; and (b) cease making such requests for disclosure pursuant to Section 3(a) of the Executive Order, until further order of the Court; it is further

(7) ORDERED that Defendants are DIRECTED to take, in good faith, any other steps that are necessary to prevent the implementation or enforcement of Sections 1, 3, and 5 of the Executive Order.

SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

This order shall be served upon:

EXECUTIVE OFFICE OF THE PRESIDENT  
1600 Pennsylvania Avenue NW, Washington, DC 20500

U.S. DEPARTMENT OF JUSTICE  
950 Pennsylvania Avenue NW, Washington, DC 20530

OFFICE OF MANAGEMENT AND BUDGET  
725 17th Street NW, Washington, DC 20503

SECURITIES AND EXCHANGE COMMISSION  
100 F Street NE, Washington, DC 20549

UNITED STATES INTERNATIONAL TRADE COMMISSION  
500 E Street SW, Washington, DC 20436

FEDERAL TRADE COMMISSION,  
600 Pennsylvania Avenue NW, Washington, DC 20580

UNITED STATES PATENT AND TRADEMARK OFFICE  
600 Dulany Street, Alexandria, VA 22314

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
131 M Street NE, Washington, DC 20507

DEPARTMENT OF THE TREASURY  
1500 Pennsylvania Avenue NW, Washington, DC 20220

THE UNITED STATES OF AMERICA  
U.S. Attorney's Office for the District of Columbia  
601 D Street NW, Washington, DC 20530

U.S. DEPARTMENT OF DEFENSE  
1000 Defense Pentagon, Washington, DC 20301

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
200 Independence Avenue SW, Washington, DC 20201

U.S. DEPARTMENT OF EDUCATION  
400 Maryland Avenue SW, Washington, DC 20202

U.S. DEPARTMENT OF VETERANS AFFAIRS  
810 Vermont Avenue NW, Washington, DC 20420

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
Office of General Counsel, Washington, DC 20511

CENTRAL INTELLIGENCE AGENCY  
Litigation Division, Office of General Counsel, Washington, DC 20505

ENVIRONMENTAL PROTECTION AGENCY  
1200 Pennsylvania Avenue NW, Washington, DC 20460

DEPARTMENT OF HOMELAND SECURITY  
2707 Martin Luther King Jr Avenue SW, Mail Stop 0485, Washington, DC 20528

DEPARTMENT OF STATE  
Suite 5.600, 600 19th Street NW, Washington, DC 20522

DEPARTMENT OF ENERGY  
1000 Independence Avenue SW, Washington, DC 20585

DEPARTMENT OF LABOR  
200 Constitution Avenue NW, Washington, DC 20210

DEPARTMENT OF AGRICULTURE  
1400 Independence Avenue SW, Washington, DC 20250

DEPARTMENT OF COMMERCE  
1401 Constitution Avenue NW, Washington, DC 20230

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
451 Seventh Street NW, Washington, DC 20410

SMALL BUSINESS ADMINISTRATION  
409 Third Street SW, Washington, DC 20416

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE  
600 17th Street NW, Washington, DC 20508

DEPARTMENT OF THE INTERIOR  
1849 C Street NW, Washington, DC 20240

DEPARTMENT OF TRANSPORTATION  
1200 New Jersey Avenue SE, Washington, DC 20590

PAMELA J. BONDI, in her official capacity as Attorney General of the United States  
950 Pennsylvania Avenue NW, Washington, DC 20530

RUSSELL T. VOUGHT, in his official capacity as Director of The U.S. Office of Management and Budget  
725 17th Street NW, Washington, DC 20503

MARK T. UYEDA, in his official capacity as Acting Chairman of the Securities and Exchange Commission  
100 F Street NE, Washington, DC 20549

AMY A. KARPEL, in her official capacity as Chair of the U.S. International Trade Commission  
500 E Street SW, Washington, DC 20436

ANDREW N. FERGUSON, in his official capacity as Chairman of the Federal Trade Commission  
600 Pennsylvania Avenue NW, Washington, DC 20580

COKE MORGAN STEWART, in her official capacity as Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office  
600 Dulany Street, Alexandria, VA 22314

ANDREA R. LUCAS, in her official capacity as Acting Chair of the Equal Employment Opportunity Commission  
131 M Street NE, Washington, DC 20507

SCOTT BESSENT, in his official capacity as Secretary of the Treasury  
1500 Pennsylvania Avenue NW, Washington, DC 20220

PETER B. HEGSETH, in his official capacity as the Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon, Washington, DC 20301

ROBERT F. KENNEDY, JR., in his official capacity as Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
200 Independence Avenue SW, Washington, DC 20201

LINDA M. MCMAHON, in her official capacity as Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue SW, Washington, DC 20202

DOUGLAS A. COLLINS, in his official capacity as Secretary of Veterans Affairs  
Department of Veterans Affairs  
810 Vermont Avenue NW, Washington, DC 20420

TULSI GABBARD, in her official capacity as U.S. Director of National Intelligence  
Office of the Director of National Intelligence, Office of General Counsel, Washington, DC 20511

JOHN L. RATCLIFFE, in his official capacity as Director of the Central Intelligence Agency Litigation Division, Office of General Counsel, Central Intelligence Agency, Washington, DC 20505

LEE M. ZELDIN, in his official capacity as Administrator of the Environmental Protection Agency  
1200 Pennsylvania Avenue NW, Washington, DC 20460

KRISTI NOEM, in her official capacity as Secretary of Homeland Security  
2707 Martin Luther King Jr Avenue SW, Mail Stop 0485, Washington, DC 20528

MARCO RUBIO, in his official capacity as Secretary of State  
Suite 5.600, 600 19th Street NW, Washington DC 20522

CHRIS WRIGHT, in his official capacity as Secretary of Energy  
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