

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

<hr/>)	
LAMBDA LEGAL DEFENSE AND)		
EDUCATION FUND, INC.,)		
)		
)	<i>Plaintiff,</i>	
)		
v.)		Case No. 18-2130
)		
U.S. DEPARTMENT OF HEALTH AND)		
HUMAN SERVICES,)		
)		
)	<i>Defendant.</i>	
<hr/>)	

**PLAINTIFF’S MOTION FOR A TEMPORARY RESTRAINING ORDER OR
PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65.1, Plaintiff Lambda Legal Defense and Education Fund, Inc. (“Lambda Legal”) respectfully moves this Court to issue temporary restraining order, or in the alternative, a preliminary injunction enjoining Defendant the U.S. Department of Health and Human Services (“HHS”) from unlawfully impeding Lambda Legal’s access to records that must be made available under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). Lambda Legal seeks an injunction ordering HHS to search for and produce all documents responsive to Lambda Legal’s FOIA request by such date as the Court deems appropriate. Lambda Legal further seeks injunctive relief ordering HHS to expedite the processing of Lambda Legal’s pending FOIA request. Lambda Legal’s request seeks records related to Supreme Court nominee Brett Kavanaugh’s past work related to government policies and practices affecting LGBTQ people. Such records will allow Lambda Legal to inform the public’s participation in the debate regarding Judge Kavanaugh’s nomination to the U.S. Supreme Court.

The grounds for this motion are set forth in the accompanying Memorandum in Support of Plaintiff's Motion for a Temporary Restraining Order or Preliminary Injunction. Pursuant to Local Rule 65.1(a) and (d), Lambda Legal asks that the Court schedule a hearing on this motion at the Court's earliest convenience.

Dated: September 13, 2018

Respectfully submitted,

/s/ Elizabeth France

Elizabeth France
D.C. Bar No. 999851

/s/ John E. Bies

John E. Bies
D.C. Bar No. 483730

/s/ Austin R. Evers

Austin R. Evers
D.C. Bar No. 1006999

AMERICAN OVERSIGHT
1030 15th Street NW, B255
Washington, DC 20005
(202) 869-5244
beth.france@americanoversight.org
john.bies@americanoversight.org
austin.evers@americanoversight.org

Counsel for Plaintiff

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

<hr/>)	
LAMBDA LEGAL DEFENSE AND))	
EDUCATION FUND, INC.,))	
))	
	<i>Plaintiff,</i>)	
))	
v.))	Case No. 18-2130
))	
U.S. NATIONAL ARCHIVES AND RECORDS))	
ADMINISTRATION,))	
))	
	<i>Defendant.</i>)	
<hr/>)	

PROPOSED ORDER

Upon consideration of Plaintiff’s Motion for a Temporary Restraining Order or Preliminary Injunction, Defendant’s Response thereto, and the entire record, it is hereby

ORDERED that Plaintiff’s Motion for a Temporary Restraining Order or Preliminary Injunction is **GRANTED**; and it is further

ORDERED that Defendant the U.S. Department of Health and Human Services shall process Plaintiff’s FOIA request dated August 10, 2018, on an expedited basis; and it is further

ORDERED that Defendant the U.S. Department of Health and Human Services shall produce all records responsive to Plaintiff’s FOIA request dated August 10, 2018, within ____ days of the date of this order; and it is further

SO ORDERED.

Date: _____

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2018, I caused a copy of the foregoing Memorandum in Support of Plaintiff's Motion for a Temporary Restraining or Order Preliminary Injunction, including notice that the application was made at approximately 1:30 PM on September 13, along with copies of the Complaint and exhibits thereto, to be hand-delivered to defendant at the following addresses:

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

In addition, a courtesy copy will be delivered to:

Jessie K. Liu
U.S. Attorney for the District of Columbia
555 4th Street NW
Washington, DC 20530

Dated: September 13, 2018

/s/ Elizabeth France
Elizabeth France
D.C. Bar No. 999851
AMERICAN OVERSIGHT
1030 15th Street NW, B255
Washington, DC 20005
(202) 897-2465
beth.france@americanoversight.org

Counsel for Plaintiff