

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

THE PROTECT DEMOCRACY
PROJECT, INC.,

Plaintiff,

v.

Civil Action No. 1:26-cv-03064

OFFICE OF THE NATIONAL CYBER
DIRECTOR, OFFICE OF SCIENCE AND
TECHNOLOGY POLICY, U.S.
DEPARTMENT OF COMMERCE, BUREAU
OF INDUSTRY AND SECURITY, and U.S.
DEPARTMENT OF THE TREASURY,

Defendants.

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65, Plaintiff The Protect Democracy Project, Inc. (“Protect Democracy”) respectfully moves for entry of a preliminary injunction to enjoin Defendants Office of the National Cyber Director, Office of Science and Technology Policy, U.S. Department of Commerce, Bureau of Industry and Security, and U.S. Department of the Treasury (together, “Defendants”) from unlawfully impeding Protect Democracy’s access to agency records that must be made available under the Freedom of Information Act (“FOIA”).

Protect Democracy seeks injunctive relief ordering Defendants to grant expedited processing of its pending FOIA requests, which concern the federal government's oversight of frontier artificial intelligence models: the voluntary pre-release review framework established under Executive Order 14409, and the “GOLD EAGLE” AI-cybersecurity clearinghouse. Protect Democracy also asks the Court to order Defendants to conduct an

adequate search and produce all responsive records as soon as practicable and, in any event, before September 30, 2026.

The grounds for this motion are set forth in the accompanying Memorandum of Points and Authorities in Support of Plaintiff's Motion for a Preliminary Injunction. Protect Democracy asks the Court, pursuant to Local Rule 65.1(d), to schedule a hearing on this application at the Court's earliest convenience.

Plaintiff Protect Democracy is awaiting issuance of the Court's summonses and will promptly serve Defendants and the U.S. Attorney's Office for the District of Columbia. The conferral required by Local Rule 7(m) will be completed as soon as Defense counsel is identified, consistent with the practice this Court has permitted in comparable FOIA PI motions filed concurrently with the complaint.

Dated: September 1, 2026

Respectfully submitted,

By: /s/ Michael P Abate

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Counsel for Plaintiff

** Motion for pro hac vice forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2026, I filed the foregoing with the Court through the CM/ECF system. A copy of the Motion and accompanying memorandum and exhibits will be served with the summons, once issued, on counsel of record for the Defendants.

s/ Michael P. Abate
Counsel for Plaintiff

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Defendants.

PROPOSED ORDER

Upon consideration of Plaintiffs' Motion for a Preliminary Injunction, any opposition thereto, and the entire record, it is hereby

ORDERED that Plaintiff's Motion for a Preliminary Injunction is **GRANTED**; and it is further

ORDERED that Defendants Office of the National Cyber Director, Office of Science and Technology Policy, U.S. Department of Commerce, Bureau of Industry and Security, and U.S. Department of the Treasury shall each grant expedited processing of Plaintiff's FOIA request dated August 7, 2026; and it is further

ORDERED that, no later than **September 15, 2026**, each Defendant shall complete an adequate search for records responsive to Plaintiff's request and shall so certify to Plaintiff and the Court; and it is further

ORDERED that each Defendant shall produce to Plaintiff all non-exempt records responsive to Plaintiff's request, together with a *Vaughn* index identifying and justifying any withholdings, no later than September 30, 2026; and it is further

ORDERED that Defendants are enjoined from improperly withholding records responsive to Plaintiff's request pending compliance with the foregoing.

SO ORDERED.

Date: _____

United States District Judge