

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

THE PROTECT DEMOCRACY PROJECT,
INC.,

Plaintiff,

v.

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.

Case No. _____

**DECLARATION OF ARTHUR E. ROTHROCK IN SUPPORT OF
PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION**

I, Arthur E. Rothrock, declare as follows:

1. I am the founder and Chief Executive Officer of Legion LegalTech Corp. (“Legion”), a legal-technology company that builds AI-powered litigation software for attorneys. I submit this declaration in support of Plaintiff Protect Democracy Project’s motion for a preliminary injunction seeking expedited processing of its Freedom of Information Act (“FOIA”) requests concerning the federal government’s framework for reviewing frontier artificial-intelligence models before their release and the GOLD EAGLE clearinghouse. I am not a party to this action, I am not being compensated for this declaration, and neither Legion nor I have any financial interest in its outcome. Except where I state that a matter is on information and belief, the facts set forth below are based on my own personal knowledge, and if called as a witness I

could and would testify competently to them; as to matters stated on information and belief, I believe them to be true.

2. This declaration explains (a) my background and the basis for my knowledge and opinions; (b) what Legion is and how its business depends on continued access to frontier AI models; (c) Legion's direct experience in June 2026, when the government ordered the suspension of the models Legion builds with – without notice, without disclosed criteria, and without any process for restoration; and (d) why, from a business perspective, prompt disclosure of the records Plaintiff seeks is urgent: the decisions that information would inform are being made now, and a disclosure that arrives months from now will arrive too late to inform them.

3. My principal point is that the government's new, largely undisclosed AI regulatory regime bears directly on business decisions Legion must make in the coming weeks and months, not at some indefinite point in the future. Whether an AI model has been reviewed under the government's framework, whether its developer is participating, and whether the model could be suspended on a moment's notice, under criteria I cannot read, are material to my day-to-day business decisions. Without the disclosure Protect Democracy is seeking, each commitment we make in the meantime is a bet placed blind, and once the engineering investment is made, it cannot easily be unwound.

BACKGROUND AND BASIS FOR KNOWLEDGE

4. I am a practicing litigator and have been for nearly ten years. I graduated from Santa Clara University School of Law in 2016, was admitted to the California Bar that year, and have practiced in the San Jose and greater San Francisco Bay Area exclusively as a litigator. Before founding Legion, I practiced at Hopkins & Carley (now Lathrop GPM LLP). I also founded my own litigation firm, Rothrock Legal, where I maintain an active, AI-forward litigation practice. I

have been recognized as a Northern California “Rising Star” by Super Lawyers each year from 2020 through 2026 and named to Best Lawyers “Ones to Watch” from 2024 through 2027.

5. I am unusually positioned to describe the matters in this declaration because I occupy three roles at once: I am a practicing litigator who uses these tools on real cases; I am the founder and CEO of a company built on them; and I am one of the engineers who personally designs and builds the software. I still practice and litigate, which means I use Legion’s tools in my own cases, see where they fall short, and improve them directly. That combination – lawyer, builder, and daily user of frontier AI – is the foundation for the opinions I give below.

6. I have used frontier artificial-intelligence tools intensively since December 2022. I have worked daily across the leading frontier systems, including Anthropic’s Claude, OpenAI’s ChatGPT, Google’s Gemini, and xAI’s Grok, as well as a range of locally run models. I use these tools every day, both in my law practice and in building Legion. I personally test frontier models for their fitness for specific legal tasks and select the best-performing model for each function in our platform – extraction, synthesis, research, and drafting. The amount of time and resources that Legion and I have spent on applied-AI research and development is substantial.

7. I am deeply engaged in the professional community at the intersection of AI and law. I serve as a Vice Chair for the American Bar Association’s AI & Robotics National Institute. I have presented continuing-legal-education programs on the practical uses and pitfalls of AI in legal practice for the Silicon Valley Bar Association, the Monterey County Bar Association, the INCBA, the American Inns of Court, CEB, and others. I have been an invited speaker and panelist at the University of California, Berkeley School of Law, and at Santa Clara University School of Law, including its Kasner Symposium. I also host the Litigator’s Path podcast, where I speak with litigators across the country about their practices and their use of AI. Through this work I am

closely familiar with the legal-technology industry and the capabilities and competitive dynamics of frontier AI models.

8. I am also very familiar with the government's response to FOIA requests, including requests for information like Protect Democracy seeks here. In mid-June 2026, I submitted several FOIA requests concerning the Department of Commerce's export limitations on frontier AI models, seeking expedited processing. Some of the recipient agencies still have not responded at all; the first to respond denied expedited processing *fifty-eight days* after receiving the request.

LEGION AND ITS DEPENDENCE ON FRONTIER AI MODELS

9. Legion builds AI-powered litigation and drafting software for attorneys. Our mission is to expand access to justice by making high-quality legal work faster and more affordable. We formed the company in April 2024 and began building the current platform in January 2025. Today the platform supports drafting along the litigation lifecycle – pleadings, written discovery, discovery responses and objections, and full motion practice. An exceptionally small, senior team builds and operates the platform: a multi-model AI document-generation pipeline that produces more than two dozen distinct litigation document and workflow types, jurisdiction-specific legal logic, a real-time collaborative document editor, and the full cloud infrastructure and automated testing that support a legal product used daily by our customers. These products are designed to support licensed and admitted attorneys who exercise their professional judgment, careful review, and strategic advocacy approach for their clients. Legion products are possible only because we have integrated frontier AI into every function of the business, including software development itself.

10. Frontier AI models advance on a timescale of weeks. New model generations arrive several times a year, and the difference between the current frontier and the prior generation is, in

my direct experience, the difference between shipping a production workflow in days and shipping it in weeks or even months. Frontier model access is the force multiplier that lets a small, senior team like ours out-build far larger and better-funded engineering organizations. For an AI-native company like Legion, the choice of which models to build on is therefore among the most consequential business decisions we make, and we make it continuously.

11. Committing to a model is not like flipping a switch. Each model Legion adopts is integrated into document-generation pipelines, prompt layers, evaluation suites, and jurisdiction-specific logic that are tuned to that model's particular behavior. Adopting a model is a substantial engineering investment, and changing models mid-course sets development back by weeks. A decision to build on a model is in substance a bet that the model will remain available; when a model becomes unavailable without warning, the investment built on it is stranded.

LEGION'S EXPERIENCE: THE JUNE 2026 SUSPENSION

12. Legion has direct experience with what happens when the government decides, under undisclosed criteria, that a model may no longer be offered. On June 12, 2026, the United States Department of Commerce issued a directive ordering Anthropic, PBC ("Anthropic") to suspend access to its Fable 5 and Mythos 5 models by any foreign national worldwide, on ninety minutes' notice. Anthropic complied by disabling both models for every user worldwide, including Legion, a paying commercial customer. Legion received no notice. I learned of the directive only when I discovered, in the middle of active development work, that Legion's access to Fable 5 had been terminated. At the time access was cut, two of Legion's software engineers were using Fable 5 in active development, and my own use was intensive – with four large projects mid development. If our access to Fable had been cut off after we had launched a product dependent

on it, the government's un-explained actions would have immediately taken our product offline, with immediate and substantial damage to our business and our customers.

13. Neither the directive nor any public statement disclosed the criteria behind the decision. Anthropic's public statement reported that the government's letter "did not provide specific details of its national security concern." The capability reportedly at issue remained available in a competing model, OpenAI's GPT-5.5, which the directive did not restrict. The directive stated no expiration date and provided no process by which a customer like Legion could seek restoration of access.

14. Legion sued. On June 23, 2026, Legion filed *Legion LegalTech, Corp. v. United States*, No. 1:26-cv-02225 (D.D.C.), challenging the directive, together with a motion for a preliminary injunction. On June 30, 2026, the government withdrew the directive and Legion's access was restored; Legion thereafter voluntarily dismissed the case.

15. At no point in that sequence – before the suspension, during it, or after – did the government disclose the criteria on which it acted: the criteria for suspending the models, the criteria for restoring them, or the criteria by which, according to public reporting, access to Mythos 5 was restored during the suspension for a select, undisclosed list of "trusted partner" organizations. Legion was not among them; our access to both models remained cut off until the directive was withdrawn, and to this day I do not know how that list was composed or what separated the organizations on it from Legion. I state the fact of the interim "trusted partner" restoration on information and belief, based on public reporting; that Legion's own access remained suspended throughout, I know personally.

16. Eighteen days without our most capable development model was a compounding competitive injury. But the lasting business lesson of June 2026 concerns information rather than

downtime. A business can plan around rules it can see, however strict they may be. It cannot plan around rules it cannot see. Legion now knows that the government asserts the power to switch off a frontier model, worldwide, on ninety minutes' notice, under criteria it declines to publish. Every planning decision we make now carries that risk, and nothing publicly available allows us to price it.

**THE UNDISCLOSED REVIEW FRAMEWORK GOVERNS
DECISIONS THAT LEGION MUST MAKE NOW**

17. I understand from public reporting that on August 1, 2026, the White House stated that it had finalized a framework for reviewing advanced AI models before their release, while declining to disclose the framework's contents or the companies participating; that on July 14, 2026, the White House, the Department of the Treasury, the Department of Homeland Security, and the Department of Defense launched the GOLD EAGLE clearinghouse, a standing industry-coordination structure whose terms of participation are likewise undisclosed; and that at least one major model developer, OpenAI, has agreed to limit distribution of its forthcoming models to government-vetted partners. I state these matters on information and belief based on public reporting. Taken together, they mean that access to the frontier models on which Legion's business depends is now conditioned, at least in part, on a government review process whose criteria, participants, and legal basis are secret.

18. That regime bears directly on decisions Legion must make in the coming weeks and months, not at some indefinite point in the future. Legion is continuously evaluating which frontier models to commit its product and its development to for the coming product cycle, as new model generations are released. Whether a model has been reviewed under the framework, whether its developer is participating, and whether the model could be suspended tomorrow under criteria I cannot read are now material to every one of those decisions – and unknowable. Each

commitment we make in the meantime is a bet placed blind, and once the engineering investment is made, it cannot easily be unwound.

19. The same is true of our infrastructure planning. Since June, I have had to consider whether Legion should divert part of its small engineering team from product development to redundancy – multi-vendor fallbacks and locally run models on our own hardware – as insurance against another no-notice suspension. That is a significant investment for a company our size, and whether it is prudent or wasteful depends almost entirely on what the review framework actually says: what conduct or capabilities trigger intervention, whether suspension without notice remains part of the government’s toolkit, and whether the business customers of a reviewed model have any voice or protection in the process. I must make that judgment in the current development cycle as we are actively testing frontier models most vulnerable to this criterion for incorporation into our customer facing legal workflows. If the records Plaintiff seeks are produced months from now, that decision, like the model commitments described above, will already have been made without them.

20. The secrecy also reaches our customers and our people. Attorneys who adopt Legion’s platform rely on it in live litigation, against court-imposed deadlines. An eighteen-day suspension of Legion’s services, like we nearly experienced, would be unacceptable to our customers and is on par with losing access to their legal research platform or document management system. After June 12, the question “can this be shut off overnight?” is not hypothetical, and when customers ask it, I cannot answer it, because the conditions under which a model may be pulled are secret. Similarly, other than myself, Legion’s software developers are based in Canada, and the June directive barred foreign nationals categorically – drawing no distinction between nationals of a close ally and nationals of an adversary. Whether the current

framework contemplates nationality-based access restrictions bears directly on how I staff the company, and I am making staffing decisions now without any way to know.

21. Finally, the value of the requested records is a function of time, in the way market information generally is. The review framework was reportedly finalized on August 1, 2026, and is governing pre-release decisions now, during the very release cycle in which Legion must place its bets. Public reporting also indicates that the liability protections underlying GOLD EAGLE's information-sharing function expire on September 30, 2026, absent congressional reauthorization, which means the public debate over whether and in what form that structure should continue is happening in the coming weeks. Disclosure on FOIA's ordinary timetable – commonly measured in many months, as both public reporting and Legion's own experience described above confirm – would deliver the records after the framework's first generation of decisions has been made, after the reauthorization debate has concluded, and after businesses like mine have committed their resources. Disclosure then would be a historical record. Disclosure now would inform decisions.

A BUSINESS PERSPECTIVE ON WHY DISCLOSURE MATTERS

22. I take no position in this declaration on what the substance of federal AI policy should be, and I do not oppose careful review of powerful models. I evaluate frontier models professionally, and I know that rigorous evaluation criteria can be written down and published. What I can attest to from direct experience is what secrecy does to the businesses downstream. Published rules – whatever their content – let a company assess its exposure, structure its investments, screen the models it builds on, and compete on an equal informational footing. Secret rules do none of this. They also create a two-tier market: companies inside the framework know the rules, and companies outside it do not. According to public reporting, a set of approved organizations – reportedly numbering around one hundred – receives pre-release access to covered

models under criteria that have not been published. Legion does not know whether its competitors are among them, and it has no way to find out, much less to apply. If participants know the criteria and outsiders do not, the information asymmetry is itself a competitive distortion, and it operates continuously for as long as the criteria stay secret.

23. Secrecy also makes it impossible, for a business or for anyone else, to distinguish neutral security judgment from arbitrary or selective action. In Legion's own experience, a model we depended on was switched off with no stated criteria while the same capability remained available from a competitor; access was restored first, per public reporting, for a select list of organizations and then for everyone, again with no stated criteria. From the outside, that sequence is indistinguishable from arbitrary action. Perhaps the withheld records would show considered, even-handed criteria applied uniformly. If so, disclosure costs the government little and gives businesses like mine the certainty we currently lack. Either way, the public record to date gives companies in my position no basis for confidence, and no way to plan.

24. For these reasons, from the perspective of a working business that builds on frontier AI models – and that has already experienced, from the receiving end, what decisions made under undisclosed criteria mean in practice – expedited processing of Plaintiff's requests matters. The decisions this information would inform are being made now. I respectfully submit that the records should be produced while they can still make a difference.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 31, 2026, at San Jose, California.



Arthur E. Rothrock