

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

CABLE NEWS NETWORK, INC. and ABILIO
JAMES ACOSTA,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; JOHN F. KELLY, in
his official capacity as Chief of Staff to the President
of the United States; WILLIAM SHINE, in his
official capacity as Deputy Chief of Staff to the
President of the United States; SARAH HUCKABEE
SANDERS, in her official capacity as Press Secretary
to the President of the United States; the UNITED
STATES SECRET SERVICE; RANDOLPH ALLES,
in his official capacity as Director of the United
States Secret Service; and JOHN DOE, Secret
Service Agent, in his official capacity,

Defendants.

Case No. 1:18-cv-02610

**PLAINTIFFS' STATUS REPORT AND REQUEST FOR AN
EMERGENCY BRIEFING SCHEDULE AND HEARING ON PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

Plaintiffs Cable News Network, Inc. ("CNN") and James Abilio Acosta respectfully submit this status report on the underlying matter. Ex. 57 at 17:7-10.

Following this Court's TRO decision, Plaintiffs offered to resolve this dispute amicably by working with Defendants and the White House Correspondents' Association to establish protocols for White House press conferences on a going forward basis. Defendants did not respond to this offer to cooperate; instead, after 9 p.m. on Friday, just hours after this Court's

order requiring the restoration of Acosta's White House press pass, Defendants Sarah Huckabee Sanders and William Shine sent the attached letter, stating, among other things, that they had made the "preliminary decision to suspend [Acosta's] hard pass due to [his] conduct at the President's November 7, 2018 press conference." Ex. 58 at 1. They demanded a response by 5:00 p.m. on Sunday and arbitrarily set a deadline of 3:00 p.m. Monday for their determination as to whether the "preliminary decision" becomes "final." Ex. 58 at 1.

In response, as set forth in the attached letter, Plaintiffs objected to Defendant's attempt to provide retroactive due process, and have requested that Defendants refrain from — yet again — violating the constitutional rights of CNN and Acosta. Ex. 59.

Plaintiffs remain hopeful that the parties can resolve this dispute without further court intervention. But in light of Defendants' stated intentions, Plaintiffs respectfully request that the Court enter an order requiring Defendants to file their opposition to Plaintiffs' motion for a preliminary injunction on Tuesday, November 20, 2018, as required by Local Rule 65.1(c), with Plaintiffs' reply due Tuesday, November 27, 2018, or according to an expedited schedule the Court deems appropriate. Plaintiffs further request that the Court schedule a hearing on the motion for the week of November 26, 2018, or as soon thereafter as possible. Finally, Plaintiffs respectfully suggest, in response to the Court's inquiry, that briefing on the merits and the preliminary injunction should not be combined, as discovery may be necessary to resolve Plaintiffs' claims.

Dated: November 19, 2018

Respectfully submitted,



Theodore J. Boutrous, Jr., (D.C. Bar No. 420440)

GIBSON, DUNN & CRUTCHER LLP
333 South Grand Ave.,
Los Angeles, California 90071

Tel: (213) 229-7804
tboutrous@gibsondunn.com

Theodore B. Olson (D.C. Bar No. 367456)
Joshua S. Lipshutz (D.C. Bar No. 1033391)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Tel: (202) 955-8668
tolson@gibsondunn.com
jlipshutz@gibsondunn.com

Anne Champion (*pro hac vice pending*)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, New York 10166-0193
Tel: (212) 351-5361
achampion@gibsondunn.com

*Counsel for Plaintiffs Cable News Network, Inc.
and Abilio James Acosta*