

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

CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

No. 1:19-cv-1333 ABJ

**NOTICE**

Pursuant to the Court's Minute Entry of October 1, 2019, Defendants hereby state the following: Without waiving Defendants' arguments that the Court lacks subject matter jurisdiction over this action, or Defendants' arguments regarding privileged legal advice and lack of risk of spoliation, and without conceding that the categories of information identified in Plaintiffs' Motion for Temporary Restraining Order are relevant to the claims and defenses in this action, Defendants voluntarily agree, solely in the interest of acceding to the Court's request to moot Plaintiffs' Motion, to preserve the material at issue pending the Court's resolution of Defendants' Motion to Dismiss.

To that end, Defendants today instructed relevant personnel to preserve the information in the six categories identified in Plaintiffs' Motion. This preservation instruction is consistent with and supplements the litigation hold already in effect in this action, which instructed relevant personnel to preserve all evidence relevant to the claims and defenses in this case. It further supplements pre-existing instructions to all White House personnel to preserve *all* presidential records, whether in hard-copy or electronic form. *See* Memorandum for All Personnel Regarding

Presidential Records Act Obligations (Feb. 22, 2017), <https://go.usa.gov/xEckn> (National Archives).

October 2, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General  
MARCIA BERMAN  
Assistant Director, Federal Programs Branch

/s/ Kathryn L. Wyer

---

KATHRYN L. WYER  
Federal Programs Branch  
U.S. Department of Justice, Civil Division  
1100 L Street, N.W., Room 12014  
Washington, DC 20005  
Tel. (202) 616-8475  
[kathryn.wyer@usdoj.gov](mailto:kathryn.wyer@usdoj.gov)  
*Attorneys for Defendants*