

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

OPEN TECHNOLOGY FUND,

Plaintiff,

v.

KARI LAKE et al.,

Defendants.

Civil Action No. 1:25-cv-840-RCL

**PLAINTIFF’S MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiff Open Technology Fund (“OTF”) respectfully moves under Federal Rule of Civil Procedure 65 for a preliminary injunction requiring that the U.S. Agency for Global Media as well as Kari Lake and Victor Morales in their official capacities (collectively, “USAGM”) and the Office of Management and Budget halt their unlawful efforts to, in effect, terminate, impound, interfere, or otherwise prevent OTF from obtaining its congressionally appropriated funds.

As set forth in the accompanying Memorandum in Support of OTF’s Motion for Preliminary Injunction, OTF is entitled to a preliminary injunction because it is likely to succeed on the merits of its claims that USAGM failed to comply with the requirements of the Administrative Procedure Act when it withheld funds appropriated specifically for OTF. OTF also brings alternative claims that USAGM’s actions violate constitutional provisions and are *ultra vires*, and that OTF is entitled to mandamus relief. OTF is suffering and will continue to suffer irreparable harm in the absence of the requested relief; and the balance of equities and public interest are in OTF’s favor.

Specifically, OTF requests that the Court enter an order:

- Finding USAGM's decision to withhold congressionally appropriated funds due under the fiscal year 2024 grant agreement to be unlawful;
- Requiring USAGM to immediately obligate and disburse to OTF the amount of OTF's congressionally appropriated funds of approximately \$780,508 in fiscal year 2024 funds for the period covering April 1-30, 2025;
- Requiring USAGM to obligate and disburse to OTF congressionally appropriated funds on the schedule agreed to by USAGM in OTF's approved fiscal year 2024 financial plan, to wit:
 - \$655,508 in May 2025 operating funds no later than May 5, 2025 or as promptly thereafter as possible if the motion for a preliminary injunction is heard and granted after that date;
 - \$655,508 in June 2025 operating funds no later than June 5, 2025;
 - \$780,508 in July 2025 operating funds no later than July 5, 2025;
 - \$655,508 in August 2025 operating funds no later than August 5, 2025;
 - \$655,511 in September 2025 operating funds no later than September 5, 2025;
- Requiring USAGM to provide monthly status reports on the 6th day of each month apprising the Court of USAGM's compliance with the Order of the Court, including documentation sufficient to show the disbursement to OTF of the funds Congress appropriated.

Dated this 29th day of April, 2025.

VAN NESS FELDMAN, LLP

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