

**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
FURTHER PRELIMINARY
INJUNCTIVE RELIEF**

The Court previously granted Plaintiff Open Technology Fund preliminary injunctive relief requiring Defendants to disburse congressionally appropriated Fiscal Year 2024 funds equal to OTF’s operating expenses for the months of April, May, June, July, August, and September 2025. ECF 35 at 11. Since the Preliminary Injunction Order, the parties have fully briefed cross-motions for summary judgment. *See* ECF 33, 36, 40, & 41.

As the month of October begins, OTF seeks additional preliminary injunctive relief to require Defendants to disburse the Fiscal Year 2025 funds appropriated by Congress to OTF necessary to cover expenses and obligations.

Despite the court’s order requiring Defendants to disburse congressionally appropriated Fiscal Year 2024 funds to OTF, the Defendants have continued to withhold—for over six months—\$25,128,645 in congressionally appropriated Fiscal Year 2025 funds from OTF. These funds are essential for OTF to carry out its congressionally mandated mission to develop, implement, and maintain technologies to circumvent authoritarian government censorship and secure communication tools that enable users to safely access information censored by authoritarian regimes and to “maintain the technological advantage of the United States Government over authoritarian governments.” 22 U.S.C. § 6208a(b)(3).

In keeping with its congressional mandate, since March 2025, OTF has received over 1,030 applications to support the research, development, implementation, and maintenance of internet freedom technologies that fall within OTF's congressional mandate under 22 U.S.C. § 6208a(b)(1). However, OTF has been prevented from funding any of these applications due to USAGM's unlawful withholding of OTF's Fiscal Year 2025 funds. OTF is currently prepared to obligate over \$19 million in new contracts to support critical projects to further OTF's congressionally mandated mission to advance internet freedom, including projects that will provide censorship circumvention technologies to over 25 million monthly users in China, Cuba, Iran, and Russia; projects that will maintain the United States' technological advantage over authoritarian censorship; and projects to conduct critical security audits to identify and patch vulnerabilities in core internet freedom infrastructure. In addition to these programmatic obligations, OTF requires ongoing operational funding to maintain its status quo operations.

Without this appropriated funding, OTF programs, which allow tens of millions of people in authoritarian states to evade repressive censorship; communicate safely and securely in the presence of sophisticated government surveillance; and access objective, uncensored news and information from the United States and the rest of the free world, will be shut down. Without funding, OTF's congressionally mandated mission will go unfulfilled, cutting off these tens of millions of people living in authoritarian countries from the uncensored internet.

As set forth in the accompanying Memorandum in Support of OTF's Motion for Further Preliminary Injunctive Relief, OTF is entitled to further preliminary injunctive relief because it is likely to succeed on the merits of its claims that USAGM has failed, and is continuing to fail, 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 requiring USAGM to disburse to OTF congressionally appropriated funds that are past due, and prospectively on the schedule set forth in OTF's revised FY2025 financial plan to wit:

- \$19,063,013 in programmatic funds to support OTF's congressionally mandated mission, including OTF's Internet Freedom Fund, Surge and Sustain Fund, Rapid Response Fund, FOSS Sustainability Fund, Research Fellowships, Labs contracts, and other authorized programs; and
- \$788,875 in October 2025 operating funds.

Alternatively, a decision by this Court granting OTF's pending motion for summary judgment would likely render this motion moot.

Dated this 10th day of October, 2025.

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