

Notice to Hon. Jennifer L. Rochon
Common Cause v. Department of Homeland Security, No. 1:26-cv-08882
October 12, 2026
Page 1

VIA ECF

Hon. Jennifer L. Rochon
United States District Court for the Southern District of New York
500 Pearl Street, Room 1920
New York, NY 10007

Re: *Common Cause v. Department of Homeland Security*, No. 1:26-cv-08882

Dear Judge Rochon:

Plaintiffs respectfully submit this letter to bring to the Court's attention information relevant to Defendants' compliance with the Court's Temporary Restraining Order, which was entered on October 11, 2026, at 6:46 p.m. and was effective immediately.

The Court's Order requires Defendants to submit a declaration regarding compliance by 6:46 p.m. today, October 12. Plaintiffs do not yet know what representations Defendants will make in that filing. Plaintiffs nevertheless believe the Court should be aware of developments suggesting that the conduct addressed by the Order may be continuing. Plaintiffs also made Defendants' counsel broadly aware of these developments via email at 3:32 p.m.

Specifically:

1. On October 12, at 1:31 p.m. Eastern, the Washington Post reported that two ads continued airing after the Court issued the Order and into the early hours of Monday, October 12, on multiple programs, including "60 Minutes," "ABC World News Tonight," and "America's Funniest Home Videos." Ex. A.
2. According to AdImpact data retrieved at 2:45 p.m. Eastern today, Defendants' ads ran in nearly 400 spots on programs that began airing at 7 p.m. Eastern last night—that is, after this Court's order was in effect. Ex. B.
3. Specifically, "Final Battle" ran in 193 spots during "60 Minutes," which aired on CBS starting at 7 p.m. Eastern. Ex. B.
4. And "Maduro" ran in 198 spots during "America's Funniest Home Videos," which aired on ABC starting at 7 p.m. Eastern. Ex. B.
5. According to the same data, the government's ads have continued to air today, Monday, October 12. Ex. B. Specifically, as of 2:45 p.m. Eastern, "Maduro" has

Notice to Hon. Jennifer L. Rochon

Common Cause v. Department of Homeland Security, No. 1:26-cv-08882

October 12, 2026

Page 2

aired in 20 spots, “Final Battle” has aired in 11 spots, and “The Country He Loves”—which had not previously aired since October 6—has aired in one spot.
Id.

Plaintiffs do not presently seek contempt sanctions. But given that the ads have continued to run on October 12—the day after Defendants insisted the ad-buy was no longer effective—Plaintiffs request a status conference to determine Defendants’ compliance.

October 12, 2026

Respectfully submitted,

Bruce V. Spiva*
Tara Malloy*
Brent Ferguson*
Sejal Jhaveri
Renata O’Donnell
Katherine Hamilton*
Campaign Legal Center Action
1333 New Hampshire Ave. NW
Washington, DC 20036
(202) 736-2200

/s/ Bradley Girard
Bradley Girard
Sean Ouellette
Michael J. Gaffney*
Anashua Dutta*
Paul R.Q. Wolfson*
Robin F. Thurston*
Democracy Forward
P.O. Box 34553
Washington, DC 20043
(202) 448-9090
egoldstein@democracyforward.org

Brendan Ballou*
Samuel T. Ward-Packard*
Public Integrity Project Action, Inc.
1763 Columbia Rd. NW, Suite 175
Washington, DC 20009
(917) 684-3900

*Pro Hac Vice Application Forthcoming