

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ELLIOTT J. SCHUCHARDT,
individually and doing business as
the Schuchardt Law Firm,

CIVIL DIVISION

Case No. 2:14-cv-00705-CB

Plaintiff,

v.

BARACK H. OBAMA, as President of
the United States, et al.,

Defendants.

MOTION FOR PRELIMINARY INJUNCTION

The Plaintiff, Elliott Schuchardt, files this motion for a preliminary injunction. In support hereof, the Plaintiff states as follows:

Relief Requested

1. The Plaintiff respectfully moves for a preliminary injunction for the reasons set forth in the Plaintiff's accompanying memorandum of law. A copy of such brief is incorporated by reference herein.

2. As explained in such brief, at least one other federal court has granted a preliminary injunction in a case challenging the government's bulk collection of telephony metadata. See Klayman v. Obama, 957 F. Supp. 2d 1, 27, 2013 U.S. Dist. LEXIS 176925, 67-68, 2013 WL 6571596 (D.D.C. 2013).

3. The facts of *this case* are far more egregious. In this case, the Plaintiff contends that the Defendants are collecting not just "call detail" records, but the actual intimate content contained in the nation's e-mail.

4. The Defendants are -- by definition -- incapable of policing their own use of such vast information. This is because one branch of government cannot effectively review, or check, its own conduct. The key to the data must be held by a third party, such as the courts.

5. If the executive branch continues to hold the key to this massive database of private information, the consequences are foreseeable and disastrous: Political leaders will want to search the database for information about their political opponents. Employees of the NSA will access the records of major law firms and investment banks for inside information concerning investments. Government employees will use the database to "cyberstalk" the objects of their affection. The trade secrets of the Fortune 500 are at risk.

6. The dangers posed by the Defendants' conduct are real. This is why political wiretapping was taken so seriously a generation ago, during the Watergate scandal. This is why some of our highest-ranking public employees have sacrificed their careers, and risked their liberty, to bring this matter to the attention of the Court.

WHEREFORE, for the reasons set forth above, the Plaintiff respectfully requests that the Court approve the accompanying order (a) barring the Defendants from collecting the Plaintiff's e-mail, web queries, and phone metadata, (b) directing the Defendants to destroy any such information about the Plaintiff in their possession, and (c) prohibiting the Defendants from querying data currently in their possession using e-mail addresses or phone numbers associated with the Plaintiff.

Respectfully submitted,

By: /s/ Elliott J. Schuchardt
Elliott Schuchardt
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CERTIFICATE OF SERVICE

I, Elliott Schuchardt, hereby certify that I served a true and correct copy of the foregoing motion on the following person on this 7th day of January 2015 by means of the Court's CM / ECF electronic filing system:

Marcia Berman, Esq.
United States Dept. of Justice
marcia.berman@usdoj.gov
Counsel for the Defendants

/s/ Elliott Schuchardt
Elliott Schuchardt