

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ASHTON ORR, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 1:25-cv-10313-JEK

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
ON COUNTS SIX AND SEVEN OF THE AMENDED COMPLAINT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and this Court's Order, dated September 15, 2025, *see* ECF No. 142, Plaintiffs, on behalf of themselves and members of the two classes certified under Rule 23 in this Court's June 17, 2025 Order, *see* ECF No. 115, hereby move for summary judgment on Counts Six and Seven of Plaintiffs' Amended Complaint—namely, Plaintiffs' claims that Defendants the Department of State and Secretary of State Marco Rubio (collectively, the "Agency Defendants") violated the Administrative Procedure Act with agency action that is (1) arbitrary, capricious, and an abuse of discretion, and (2) without observance of procedure required by law under the Paperwork Reduction Act. *See* 5 U.S.C. § 706(2)(A), (D).

In support of their Motion, Plaintiffs incorporate their Memorandum of Law in Support of Plaintiffs' Motion for Summary Judgment on Counts Six and Seven of the Amended Complaint, the Declaration of Isaac D. Chaput and the exhibits thereto, Plaintiffs' Local Rule 56.1 Statement of Undisputed Material Facts, and the record in this proceeding.

October 17, 2025

Respectfully submitted,

Isaac D. Chaput
Isaac D. Chaput (*pro hac vice*)
William P. Kasper (*pro hac vice*)
COVINGTON & BURLING LLP
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, CA 94105
Telephone: 415-591-6000
Facsimile: 415-591-6091
ichaput@cov.com
wkasper@cov.com

Jessie J. Rossman (BBO # 670685)
Jennifer M. Herrmann (BBO # 708231)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS,
INC.
One Center Plaza, Suite 850
Boston, MA 02108
Telephone: 617-482-3170
jrossman@aclum.org
jherrmann@aclum.org

Jon W. Davidson (*pro hac vice*)
(admitted only in California)
Li Nowlin-Sohl (*pro hac vice*)
(admitted only in Washington)
Sruti J. Swaminathan (*pro hac vice*)
Malita V. Picasso (*pro hac vice*)
James D. Esseks (*pro hac vice*)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
Telephone: 212-549-2500
Facsimile: 212-549-2650
jondavidson@aclu.org
lnowlin-sohl@aclu.org
sswaminathan@aclu.org
mpicasso@aclu.org
jesseks@aclu.org

Aditi Fruitwala (*pro hac vice*)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
915 15th St. NW
Washington, DC 20005
afruitwala@aclu.org

Ansel F. Carpenter (*pro hac vice*)
Gavin W. Jackson (*pro hac vice*)
COVINGTON & BURLING LLP
1999 Avenue of the Stars
Los Angeles, CA 90067
Telephone: 424-332-4758
Facsimile: 424-332-4749
acarpenter@cov.com
gjackson@cov.com

Jonathan Thompson (*pro hac vice*)
Sean M. Bender (*pro hac vice*)
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
Telephone: 202-662-5891
Facsimile: 202-778-5891
jthompson@cov.com
sbender@cov.com

Robert C. Gianchetti (*pro hac vice*)
Yuval Mor (*pro hac vice*)
Alyssa L. Curcio (*pro hac vice*)
COVINGTON & BURLING LLP
30 Hudson Yards
New York, NY 10001
Telephone: 212-841-1000
Facsimile: 212-841-1010
rgianchetti@cov.com
ymor@cov.com
acurcio@cov.com

Attorneys for Plaintiffs and the Classes

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

I, Isaac D. Chaput, hereby certify that in accordance with Local Rule 7.1(a)(2), counsel for Plaintiffs communicated with counsel at the Department of Justice, Jared Littman, who indicated that Defendants oppose this motion for summary judgment.

/s/ Isaac D. Chaput
Isaac D. Chaput

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2025, a true copy of the foregoing will be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record.

/s/ Isaac D. Chaput
Isaac D. Chaput