

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

AMERICAN OVERSIGHT,

Plaintiff,

v.

PETE HEGSETH, in his official capacity as
Secretary of Defense et al.,

Defendants.

Civil Action No. 25-cv-883-JEB

DEFENDANTS' STATUS REPORT

Pursuant to the Minute Order entered on March 27, 2025, Defendants file this status report with the attached declarations setting forth steps that they have taken to implement preservation of the Signal group chat communications from March 11-15, 2025.

1. After a hearing on the Plaintiff's Motion for Temporary Restraining Order, the Court entered the following Minute Order:

As agreed by the parties in today's TRO hearing, the Court ORDERS that: 1) Defendants shall promptly make best efforts to preserve all Signal communications from March 11-15, 2025; 2) By March 31, 2025, Defendants shall file a Status Report with declarations setting forth the steps that they have taken to implement such preservation; and 3) This Order shall expire on April 10, 2025, in the event that Defendants' measures are satisfactory to the Court.

2. As stated in the Notice filed on March 28, 2025, ECF No. 9, Defendants understand that the Court's order to "preserve all Signal communications from March 11-15, 2025" refers specifically to the group chat on which Plaintiff has centered its lawsuit. *See, e.g.*, Plaintiff's Motion for Temporary Restraining Order at 1, ECF No. 6; Complaint ¶ 28 & n.1, ECF No. 1. Accordingly, the declarations attached to this status report as Exhibits 1-4 set forth steps that the

Department of Defense (“DoD”), Office of the Director of National Intelligence (“ODNI”), the Central Intelligence Agency (“CIA”), and the State Department have taken to preserve that Signal group chat.

3. In addition, the Declaration of Christopher Pilkerton, Acting General Counsel, U.S. Department of the Treasury that was attached to Defendants’ Opposition to Plaintiff’s Motion for a Temporary Restraining Order, ECF No. 8-1, sets forth steps that the Department of Treasury has taken to preserve the Signal group chat. *See also* Declaration of Gerald J. Dziecichowicz, Associate Deputy General Counsel for DoD, attached to Defendants’ Opposition to Plaintiff’s Motion for a Temporary Restraining Order, ECF No. 8-2.

Dated: March 31, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General, Civil Division

MARCIA BERMAN
Assistant Branch Director
Federal Programs Branch

/s/ Amber Richer
AMBER RICHER (CA Bar No. 253918)
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Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN OVERSIGHT,

Plaintiff

v.

PETE HEGSETH, in his official capacity as
Secretary of Defense, *et al.*,

Defendants.

Case No. 1:25-cv-883

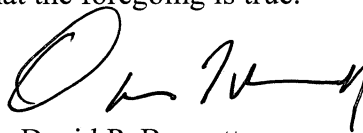
DECLARATION OF DAVID P. BENNETT

I, David P. Bennett, declare as follows:

1. I am the Director of the Office of Information Counsel, Office of General Counsel, United States Department of Defense ("DoD"). I make this declaration in response to the Court's minute order of March 27, 2025, and to supplement DoD's declaration of March 27, 2025. The statements in this declaration are based on information and belief obtained by me in the course of my official duties.
2. A search of Secretary of Defense Hegseth's mobile device has been conducted and available Signal application messages that are at issue in this case have been preserved.
3. The DoD Office of the General Counsel has issued a litigation hold to comply with the Department of Defense's preservation obligations.

I declare under penalty of perjury that the foregoing is true.

March 31, 2025



David P. Bennett
Director, Office of Information Counsel
Office of General Counsel
Department of Defense

Exhibit 2

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

AMERICAN OVERSIGHT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:25-cv-00883-JEB
)	
PETE HEGSETH, in his official capacity as)	
Secretary of Defense, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**DECLARATION OF GREGORY M. KOCH
CHIEF, INFORMATION MANAGEMENT OFFICE,
OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE**

I, Gregory M. Koch, declare as follows:

1. I am the Chief of the Information Management Office (“IMO”), under the Chief Operating Officer for the Office of the Director of National Intelligence (“ODNI”). I have held this position since October 9, 2020. Prior to my current position, I held various senior and supervisory roles in the ODNI, including as Deputy Director and Acting Director of IMO, Chief of Classification Management, as well as Senior Associate General Counsel for litigation in the Office of General Counsel. As part of my current duties, and pursuant to ODNI Instruction 80.06, *The ODNI Information Management Program*, and Instruction 80.10, *Records Management Program*, I am the designated federal Agency Records Officer for ODNI.

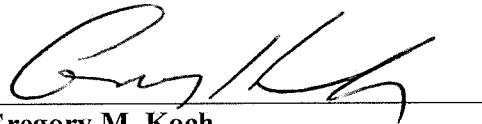
2. Through the exercise of my official duties, I am familiar with the subject of this litigation. I make the following statements based on my personal knowledge and information made available to me in my official capacity.

3. I understand that Plaintiff's claims concern, in part, the disposition of certain messages generated on the Signal platform between March 11 and 15, 2025, which are identified at paragraph 28 of the Complaint.

4. I have been informed that all ODNI officials that were allegedly party to such messages have been advised of the need to comply with agency policies regarding the management and safeguarding of agency records. They have further taken steps to preserve all messages currently in existence that were generated within the timeframe and subject alleged in paragraph 28 of the Complaint. Specifically, they have taken screen shots of the messages currently in existence and transferred said screen shots to an ODNI email address.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 31 day of March 2025.

A handwritten signature in black ink, appearing to read 'Greg Koch', is written over a horizontal line.

Gregory M. Koch
Chief, Information Management Office
Office of the Director of National Intelligence

Exhibit 3

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN OVERSIGHT,

Plaintiff,

v.

No. 25-cv-883

PETE HEGSETH, in his official
capacity as Secretary of
Defense, et al.,

Defendants.

DECLARATION OF HURLEY V. BLANKENSHIP

I, Hurley V. Blankenship, hereby declare as follows:

1. I currently serve as the Chief Data Officer (CDO) and the Director of the Agency Data Office (ADO) at the Central Intelligence Agency ("CIA" or "Agency"). I have held this position since November 21, 2019, and I have served as a CIA officer for over 13 years. In my capacity as CDO, and pursuant to the OPEN Government Data Act of 2019, I am responsible for lifecycle data management of the CIA and carry out various statutory responsibilities pertaining to the maintenance and preservation of CIA data. As CDO, I have been designated by the Director of the Central Intelligence Agency as the Senior Agency Official for Records Management and the CIA Archivist, who is responsible for implementing the Agency's records maintenance and preservation obligations under the Federal Records Act. As

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CDO and Director of the ADO, I oversee information management on behalf of the CIA and work to develop unified strategies, policies, standards, and practices to govern the acquisition, use, management, and protection of CIA data.

2. Through the exercise of my official duties, I have become familiar with the claims asserted against the defendants in this matter, including those against CIA Director John L. Ratcliffe in his official capacity. I make the following statements based upon my personal knowledge and information made available to me in my official capacity.

3. I understand that Director Ratcliffe maintains a personal account on the commercial messaging application known as Signal, through which he was invited to participate in "the Signal chat" referenced in the plaintiff's complaint. See Compl. ¶ 28. I further understand that residual administrative content from "the Signal chat" was retrievable from that account, and that that content has since been transferred to Agency systems.

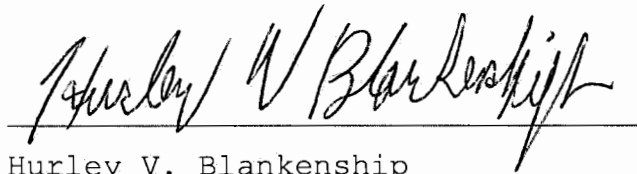
4. I understand that on 27 March 2025, CIA's Office of General Counsel issued a litigation hold notice, which directed relevant offices and officers to preserve documents and information pertaining to this matter.

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* * *

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 31st day of March 2025

A handwritten signature in black ink, reading "Hurley V. Blankenship", is written over a horizontal line.

Hurley V. Blankenship
Chief Data Officer
Central Intelligence Agency

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Exhibit 4

AMERICAN OVERSIGHT,

Plaintiff,

v.

PETE HEGSETH, et al

Civil Action No. 1:25-cv-00883-JEB

DECLARATION OF MALLORY D. ROGOFF

Pursuant to 28 U.S.C. § 1746, I, Mallory D. Rogoff, declare and state as follows:

1. I am the Agency Records Officer for the U.S. Department of State

("Department"), within the Shared Knowledge Services ("A/SKS") office of the Bureau of Administration. I have served in this position since March 24, 2024. I am the Secretary's delegated records officer who is responsible for coordinating and overseeing the implementation of the Department's Federal Records Act program. I also ensure formal training is provided to all Department personnel on the policies for managing records and their recordkeeping responsibilities.

2. I am familiar with the efforts of Department personnel to preserve federal records, and I am in charge of developing policies and procedures that meet the Department's Federal Records Act objectives.

3. As a matter of standard procedure, when a litigation is initiated against the Department or the Secretary of State in his official capacity, the Department sends a litigation hold memorandum to all Department employees who are reasonably likely to have responsive records.

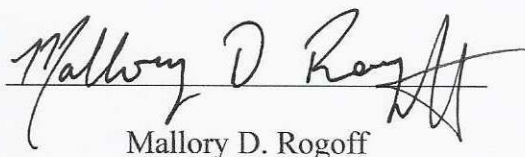
4. The litigation hold memorandum states that the law requires the Department to preserve information relevant to this issue in whatever form it was generated and to maintain that information until the conclusion of the matter. It emphasizes that it is critically important that the recipient not delete or otherwise destroy any information that could potentially be relevant to this matter. The memorandum's instructions have immediate effect.

5. On March 27, 2025, consistent with this practice, a litigation hold memorandum was transmitted to the Office of Secretary of State in relation to this matter. The litigation hold memorandum directed that the recipients preserve all documents and data relating to this matter, including any communications sent or received on or related to "the Signal chat," as defined in the complaint.

6. The Office of the Secretary responded in writing to acknowledge the obligations in the memorandum, and committed to comply with them. They also confirmed that images of the Signal chat in the possession of the Office of the Secretary have been captured and will be preserved. The requirements of the litigation hold memorandum are continuing and apply to all documents and data, in whatever form.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 29th day of March 2025, Washington, D.C.


Mallory D. Rogoff