

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALLIANCE FOR RETIRED
AMERICANS, *et al.*,

Plaintiffs,

v.

SCOTT BESSENT, *in his official capacity*
as Secretary of the Treasury, et al.,

Defendants.

Case No. 1:25-cv-00313-CKK

CONSENT MOTION

By mutual agreement, the parties respectfully ask the Court to enter the proposed order attached as Exhibit 1 to this Consent Motion.

Dated: February 5, 2025

Respectfully submitted,

/s/ Nandan M. Joshi

Nandan M. Joshi (DC Bar No. 456750)
Nicolas Sansone (DC Bar No. 1686810)
Allison M. Zieve (DC Bar No. 424786)
Public Citizen Litigation Group
1600 20th Street NW
Washington, DC 20009
(202) 588-1000

Norman L. Eisen (DC Bar No. 435051)
State Democracy Defenders Fund
600 Pennsylvania Avenue SE
#15180
Washington, DC 20003

Counsel for Plaintiffs

BRETT A. SHUMATE
Acting Assistant Attorney General
Civil Division

MARCIA BERMAN
Assistant Director, Federal Programs Branch

/s/ Bradley P. Humphreys

BRADLEY P. HUMPHREYS
(D.C. Bar No. 988057)
Senior Trial Counsel
Federal Programs Branch
Civil Division, Department of Justice
1100 L Street NW
Washington, DC 20005
Telephone: (202) 305-0878
Bradley.Humphreys@usdoj.gov

Counsel for Defendants

Exhibit 1

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

ALLIANCE FOR RETIRED
AMERICANS, *et al.*,

Plaintiffs,

v.

SCOTT BESSENT, *in his official capacity
as Secretary of the Treasury, et al.*,

Defendants.

Case No. 1:25-cv-00313-CKK

[PROPOSED] ORDER

With the consent of the parties, the Court **DEFERS RULING** on the Plaintiffs' [8] Motion for a Temporary Restraining Order and **ORDERS** as follows:

- The Defendants will not provide access to any payment record or payment system of records maintained by or within the Bureau of the Fiscal Service, except that the Defendants may provide access to any of the following people:
 - Mr. Tom Krause, a Special Government Employee in the Department of the Treasury, as needed for the performance of his duties, provided that such access to payment records will be “read only”;
 - Mr. Marko Elez, a Special Government Employee in the Department of the Treasury, as needed for the performance of his duties, provided that such access to payment records will be “read only”;
 - Any person who is an employee (but not a Special Government Employee) of the Department of the Treasury and who has a need for the record or system of records in the performance of their duties;

- Any person who is entitled to access the record or system of records under 5 U.S.C. § 552a(b)(2)–(13); and
- Any person who is entitled to access the relevant record or system of records under the Internal Revenue Code.

In agreeing to the entry of this Order, the parties expressly reserve all legal and factual arguments relevant to the Plaintiffs’ claims.

This Order shall remain in effect until such time as the Court rules on the Plaintiffs’ forthcoming Preliminary Injunction Motion.

SO ORDERED.

Dated: _____

Hon. Colleen Kollar-Kotelly
U.S. District Judge