

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

HAMPTON DELLINGER, in his personal capacity and in his official capacity as Special Counsel of the Office of Special Counsel,

Plaintiff,

-against-

SCOTT BESSENT, in his official capacity as Secretary of the Treasury, SERGIO GOR, in his official capacity as Director of the White House Presidential Personnel Office, KAREN GORMAN, in her official capacity as Principal Deputy Special Counsel and, upon the purported removal of the Special Counsel, the Acting Special Counsel of the Office of Special Counsel, KARL KAMMANN, in his official capacity as the Chief Operating Officer of the Office of Special Counsel, DONALD J. TRUMP, in his official capacity as President of the United States of America, and RUSSELL VOUGHT, in his official capacity as Director of the Office of Management and Budget,

Defendants.

Civil Case No. 25-cv-000385 (ABJ)

MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION TO STAY

Kate L. Doniger*
HECKER FINK LLP
350 Fifth Avenue, 63rd Floor
New York, New York 10118
(212) 763-0883
kdoniger@heckerfink.com

Joshua A. Matz, Bar No. 1045064
Amy Jeffress, Bar No. 449258
Jackson Erpenbach, Bar No. 1735493
Benjamin Stern*
HECKER FINK LLP
1050 K Street NW
Suite 1040
Washington, DC 20001
(212) 763-0883
jmatz@heckerfink.com
ajeffress@heckerfink.com
jerpenbach@heckerfink.com
bstern@heckerfink.com

**Admitted pro hac vice*

Attorneys for Plaintiff Hampton Dellinger

We write on behalf of Special Counsel Hampton Dellinger in response to the government's motion to stay the Court's order granting judgment and awarding declaratory and injunctive relief to Special Counsel Dellinger. *See* ECF 32, 33, 36. The government's motion should be denied because it satisfies none of the requirements for a stay. *See Nken v. Holder*, 556 U.S. 418, 434 (2009). As the Court has explained, most recently in its opinion granting summary judgment, the government is not likely to succeed on the merits. ECF 32 at 32-59. And for reasons the Court has provided in denying the government's prior stay motions, the government is similarly unable to satisfy any of the remaining stay factors. *See* ECF 14 at 16-25; ECF 19 at 2; ECF 32 at 60-66.

In connection with this motion, there is one factual clarification that the Special Counsel respectfully notes. The Court's summary judgment opinion observes that the Special Counsel is nonpartisan. ECF 32 at 65-66. That is correct and Special Counsel Dellinger conducts himself in a nonpartisan manner. *See, e.g.,* Tom Devine, *Group Praises Federal Whistleblower Agency for Nuts and Bolts Reforms*, Gov't Accountability Proj. (Sept. 17, 2024); Oren Liebermann, *Navy Secretary Violated Hatch Act by Endorsing Biden for Reelection, Watchdog Finds*, CNN (Sept. 5, 2024); Stephen Dinan, *Top Biden Aide Faces Hatch Act Complaint Over Illegal Fundraising Solicitations*, Wash. Times (Nov. 7, 2024); Rebecca Beitsch & Zack Budryk, *FEMA Employee Violated Hatch Act with Directive to Skip Homes with Trump Signs, OSC Says*, The Hill (Feb. 11, 2025); @SenTedCruz, X (June 6, 2024, 12:40 PM) ("Thank you to Special Counsel Dellinger for your attention to this issue."); *see also* Compl. ¶ 32 n.7, ECF 1. As one example of the Special Counsel's nonpartisan work, the Court referred to a matter involving Hunter Biden. ECF 32 at 66. Special Counsel Dellinger recused himself from that matter and had no involvement with it.

Respectfully submitted,

Kate L. Doniger*
HECKER FINK LLP
350 Fifth Avenue, 63rd Floor
New York, New York 10118
(212) 763-0883
kdoniger@heckerfink.com

/s/ Joshua A. Matz
Joshua A. Matz, Bar No. 1045064
Amy Jeffress, Bar No. 449258
Jackson Erpenbach, Bar No. 1735493
Benjamin Stern*
HECKER FINK LLP
1050 K Street NW
Suite 1040
Washington, DC 20001
(212) 763-0883
jmatz@heckerfink.com
ajeffress@heckerfink.com
jermenbach@heckerfink.com
bstern@heckerfink.com

**Admitted pro hac vice*

Attorneys for Plaintiff Hampton Dellinger

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