



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

October 12, 2026

BY ECF

The Honorable Jennifer L. Rochon
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Common Cause et al. v. Department of Homeland Security et al.*, 26 Civ. 8882 (JLR)

Dear Judge Rochon:

This Office represents the defendants (the “Government”) in the above-referenced matter. Pursuant to the Court’s Order dated October 11, 2026 (the “TRO”), the Government respectfully submits this status report to confirm compliance with the TRO.

As Your Honor is aware, the Court emailed the TRO to the parties yesterday at 6:46 p.m. Counsel for the Government emailed the TRO to agency counsel at 7:58 p.m. Agency counsel did not become aware of Government counsel’s email until this morning. The undersigned apologizes to the Court and the plaintiffs. As required, DHS provided the TRO to the vendor, Lepugh, Inc. doing business as LMD Agency, Inc. (“LMD”), this morning.

The Government is in compliance with the TRO. In addition to the above, the purchase order entered into on or about September 20, 2026 between U.S. Customs Border Protection (“CBP”) and LMD (the “September 20, 2026 purchase order”) is stayed, including all future payments made thereunder; the Office of Management and Budget’s apportionment of \$20 million to fund the development, creation, and/or airing of the advertisements covered by the September 20, 2026 purchase order, including but not limited to The Country He Loves, Celebrating the Enduring Spirit, Final Battle, To the Great Proud People of Iran, and Maduro (collectively, “the challenged advertisements”) is stayed; Defendants understand that they are enjoined from using, disbursing, or transferring funds appropriated to the Department of Homeland Security to develop, create, disseminate, place, distribute, publish, or air the challenged advertisements; Defendants understand that they shall cancel or cause to be cancelled any slot, placement, reservation, or arrangement for the airing or dissemination of the challenged advertisements; Defendants understand that they shall not enter into, renew, or expand any agreement authorizing the development, creation, dissemination, placement, or airing of the challenged advertisements; and Defendants provided a copy of the TRO to LMD and LMD has been notified that it is enjoined from continuing to run or place the challenged advertisements.

Thank you for your attention to this matter.

Respectfully submitted,

JAMIE M. MCDONALD
United States Attorney for the
Southern District of New York

By: /s/ Jeffrey Oestericher
JEFFREY OESTERICH
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
Telephone: (212) 637-2695
E-mail: jeffrey.oestericher@usdoj.gov

RETRIEVED FROM DEMOCRACYDOCKET.COM