

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

LISA D. COOK, in her official capacity as a member of the Board of Governors of the Federal Reserve System and her personal capacity,

Plaintiff,

v.

DONALD J. TRUMP, in his official capacity as President of the United States, *et al.*

Defendants.

Civil Action No. 25-cv-02903-JMC

**PLAINTIFF’S MOTION FOR LEAVE TO FILE A SUR-REPLY
IN FURTHER SUPPORT OF HER MOTION FOR A
TEMPORARY RESTRAINING ORDER**

Plaintiff Lisa D. Cook, through her undersigned counsel, respectfully requests leave of this Court to file a short Sur-Reply brief in further support of her Motion for a Temporary Restraining Order. As good cause, Plaintiff states:

1. Plaintiff filed a Complaint on August 28, 2025, naming Defendants Donald J. Trump in his official capacity; the Board of Governors of the Federal Reserve System, both collectively and in their individual official capacities; and Jerome H. Powell, in his official capacity as Chair of the Board of Governors of the Federal Reserve System. ECF 1.

2. On the same day, Plaintiff filed a Motion for a Temporary Restraining Order in support of her Complaint. ECF 2 & 2-1. Defendant Donald J. Trump (“the Government”) submitted his Opposition to Plaintiff’s Motion for a Temporary Restraining Order on August 29, 2025 (ECF 13), and a hearing on the Motion was held the same day. Plaintiff filed a Reply brief in support of her Motion on September 2, 2025 (ECF 17).

3. Pursuant to the Minute Order dated September 2, 2025, and with Plaintiff's consent, the Government filed a supplemental memorandum of law in opposition to Plaintiff's Motion for a Temporary Restraining Order on September 4, 2025 (ECF 23).

4. In between the filing of Plaintiff's Reply and the Government's supplemental brief, two key decisions emerged that are relevant to, and warrant, a Sur-Reply in this instance. In addition, the Government's supplemental brief raised certain legal arguments for the first time. (*See* ECF 23 at 10 n.2, 12.) Those two decisions are the Circuit Court's order in *Slaughter v. Trump*, No. 25-5261 (D.C. Cir. Sept. 2, 2025) (denial of stay), and the Memorandum Opinion in *President and Fellows of Harvard College v. HHS*, 2025 WL 2528380 (D. Mass. Sept. 3, 2025).

5. Because of the scope, breadth, complexities, and significance of the constitutional and statutory issues involved in this case—which are raised in the Government's Supplemental Memorandum filed on September 4, 2025—Plaintiff respectfully requests leave of this Court to file a limited Sur-Reply brief to address and present these issues and to aid the Court in its deliberations.

6. On September 4, 2025, pursuant to Local Civil Rule 7(m), Plaintiff's counsel conferred with Yaakov M. Roth, Principal Deputy Assistant Attorney General, DOJ Civil Division, Programs Branch, who opposed this Motion for Leave.

WHEREFORE, Plaintiff requests that this Court grant leave for Plaintiff to file a limited Sur-Reply in further support of her Motion for Temporary Restraining Order, attached hereto as **Exhibit A**.

Dated: September 4, 2025

Respectfully Submitted,

/s/ Abbe David Lowell

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* Application for admission or admission pro hac vice forthcoming.

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on this 4th day of September, 2025, a copy of the foregoing Motion for Leave to File a Sur-Reply and all accompanying documents and exhibits were served electronically on all parties receiving service via CM/ECF in this case.

/s/ Abbe David Lowell
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