

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

JUDICIAL WATCH, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

Case No. 1:24-cv-00700-TJK
(Consolidated Cases)

HERITAGE FOUNDATION, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

CABLE NEWS NETWORK, INC., et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

**DEFENDANT U.S. DEPARTMENT OF JUSTICE'S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, Defendant United States Department of Justice (“Defendant”) moves this Court to enter summary judgment in its favor. Attached in support of Defendant’s motion are (1) a memorandum of law, (2) a declaration and accompanying exhibits, (3) a statement of undisputed facts, and (4) a proposed order.

DATED: May 31, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

ELIZABETH J. SHAPIRO
Deputy Director

/s/ Joshua C. Abbuhl
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13. After the interview, SCO created written transcripts of the audio recording with the assistance of a trained professional court reporter – one transcript for each day of the interview. I have read the entirety of the written transcripts of the interview. As I listened to the audio recording, I compared it to the transcripts of the audio recording and specifically listened for differences between the transcripts and audio recording. In a few instances, the transcripts indicate that some words from the audio recording are indiscernible. In listening to the audio recording and reviewing the transcripts, I agree that in those instances the words are indiscernible.

14. The interview transcripts are accurate transcriptions of the words of the interview contained in the audio recording, except for minor instances such as the use of filler words (such as “um” or “uh”) when speaking that are not always reflected on the transcripts, or when words may have been repeated when spoken (such as “I, I” or “and, and”) but sometimes was only listed a single time in the transcripts. Besides these exceedingly minor differences, based on my simultaneous review of the transcripts while listening to the audio recording, the transcripts accurately capture the words spoken during the interview on the audio recording with no material differences between the audio recording and transcripts. None of the minor differences include any audible substantive exchanges – that is, based on my review, there is no material omission of words between the audio recording and transcripts. Special Counsel Hur and FBI personnel who attended the interview and compared the audio recording to the transcripts also informed me of their determination that the transcripts accurately reflect the words spoken on the audio recording aside from the minor instances I described above. Special Counsel Hur emphasized to me that it was important for purposes of his investigation that the interview transcripts be accurate.

15. The audio files and transcripts were marked, maintained, and stored by SCO as Top Secret classified material. After the President’s interview, a copy of both written transcripts and a copy of the audio recording were made available to representatives of the White House Counsel’s Office, which made them available as appropriate to President Biden’s personal counsel. This enabled counsel to determine the accuracy of the transcripts.