

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

PATSY WIDAKUSWARA, JESSICA JERREAT,
KATHRYN NEEPER, JOHN DOES 1-4,
REPORTERS SANS FRONTIÈRES,
REPORTERS WITHOUT BORDERS, INC.,
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES
(AFSCME), AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES (AFGE),
AMERICAN FOREIGN SERVICE
ASSOCIATION (AFSA), and THE NEWSGUILD-
CWA,

Plaintiffs,

-against-

KARI LAKE, in her official capacity as Senior
Advisor to the Acting CEO of the U.S. Agency for
Global Media; VICTOR MORALES, in his official
capacity as Acting CEO of the U.S. Agency for
Global Media; and U.S. AGENCY FOR GLOBAL
MEDIA,

Defendants.

Case No. 1:25-cv-01015-RCL

**PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

Oral Argument Requested

Pursuant to Fed. R. Civ. P. 56, Plaintiffs request that this Court enter partial summary judgment for Plaintiffs on their Appointments Clause and Federal Vacancies Reform Act (FVRA) claims that Defendant Kari Lake, the Deputy CEO/Acting CEO of the U.S. Agency for Global Media (USAGM), lacked constitutional and statutory authority to perform any function or duty of the office of USAGM CEO including, but not limited to directing and approving a widespread reduction in force (RIF) announced by Defendants on August 29, 2025.

President Trump appointed Defendant Kari Lake to serve as Deputy CEO in July 2025 and, days later, Lake became Acting CEO. Because the Deputy CEO exercises significant authority and is an “Officer of the United States” within the meaning of the Appointments Clause, the Deputy CEO must be properly appointed. However, Lake has not been confirmed by the Senate, which is the exclusive method of appointment for principal officers. Indeed, because Defendant Lake has been exercising significant authority without supervision since the start of her tenure as Senior Advisor, she has been a principal officer since March. Thus, the only constitutionally valid way for her to exercise the authority she has exercised since March was upon appointment by the President and confirmation by the Senate. That has not happened. Even if she were an inferior officer, Congress vested the authority to appoint USAGM personnel in the CEO, not the President; but the USAGM CEO never appointed Defendant Lake as Deputy CEO, rather the President did—at Lake’s request. Thus, her appointment violates the Appointments Clause.

Lake’s appointment also violates the FVRA. Because her appointment as Deputy CEO is constitutionally infirm, she is not the “first assistant” to the CEO. *See* 5 U.S.C. § 3345(a)(1). Furthermore, she was not an “assistant” because, as her testimony reveals, Defendant Lake has never been subordinate to the CEO during her time at USAGM, including in particular her few short days as Deputy CEO (while the Acting CEO was on vacation). Since shortly after joining the

agency, she has exercised virtually all of the CEO's power (except writing reports), orchestrated her promotion to Deputy CEO while the previous Acting CEO was on vacation, and, within days, sidelined him and became Acting CEO herself. Finally, the FVRA is best interpreted as requiring the individual serving as first assistant to have been in place at the time the principal office became vacant in order for the first assistant to serve in an acting capacity as the principal officer. Otherwise, allowing the President to freely appoint post-vacancy first assistants to run agencies without Senate confirmation creates an end-run around the Appointments Clause; the President can simply fire or demote the principal officer or acting official (as happened here) immediately and elevate the brand new "first assistant" to the top job without Senate consent. Lake was not Deputy CEO when the last Senate-confirmed CEO resigned, and therefore she is not eligible to serve as Acting CEO now.

Because Lake's appointment as Senior Advisor, Deputy CEO, and Acting CEO is invalid, her actions are also invalid and must be vacated. For these reasons, the Court should grant Plaintiffs' motion for partial summary judgment.

November 17, 2025

GOVERNMENT
ACCOUNTABILITY PROJECT

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¹ The views expressed herein do not purport to represent the institutional views of Yale Law School, if any.