

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

CABLE NEWS NETWORK, INC. and ABILIO  
JAMES ACOSTA,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States; JOHN F. KELLY, in  
his official capacity as Chief of Staff to the President  
of the United States; WILLIAM SHINE, in his  
official capacity as Deputy Chief of Staff to the  
President of the United States; SARAH HUCKABEE  
SANDERS, in her official capacity as Press Secretary  
to the President of the United States; the UNITED  
STATES SECRET SERVICE; RANDOLPH D.  
ALLES, in his official capacity as Director of the  
United States Secret Service; and JOHN DOE, Secret  
Service Agent,

Defendants.

**Case No.**

**DECLARATION OF THEODORE J. BOUTROUS, JR. IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

I, THEODORE J. BOUTROUS, JR., hereby declare under penalty of perjury the following:

1. My name is Theodore J. Boutrous, Jr. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and a member of the bar of this Court. I represent Plaintiffs Cable News Network, Inc. ("CNN") and Abilio James Acosta ("Jim Acosta") in the above-captioned action. By virtue of my direct involvement in this matter, I have personal knowledge of the content of this declaration, and I could and would competently testify to the truth of the matters stated herein.

2. Attached as **Exhibit 1** is a true and correct copy of an article by Brian Stelter of CNN entitled “Donald Trump: I won’t kick reporters out of White House press briefing room,” dated June 14, 2016, available at <https://money.cnn.com/2016/06/14/media/donald-trump-press-credentials-access/index.html>.

3. Attached as **Exhibit 2** is a true and correct copy of an article by Jim Rutenberg of *The New York Times* entitled “In Revoking Press Credentials, Trump Casts Himself as Punisher in Chief,” dated June 14, 2016, available at <https://www.nytimes.com/2016/06/15/business/media/donald-trump-washington-post.html>.

4. Attached as **Exhibit 3** is a true and correct copy of an article by Michael M. Grynbaum of *The New York Times* entitled “Donald Trump’s News Session Starts War With and Within Media,” dated January 11, 2017, available at <https://www.nytimes.com/2017/01/11/business/media/donald-trump-buzzfeed-cnn.html>.

5. Attached as **Exhibit 4** is a true and correct copy of a Tweet by President Donald J. Trump (@realDonaldTrump), dated January 24, 2017 at 9:16 p.m., available at <https://twitter.com/realdonaldtrump/status/824078417213747200?lang=en>.

6. Attached as **Exhibit 5** is a true and correct copy of a Tweet by President Donald J. Trump (@realDonaldTrump), dated February 15, 2017 at 6:40 a.m., available at <https://twitter.com/realdonaldtrump/status/831830548565852160?lang=en>.

7. Attached as **Exhibit 6** is a true and correct copy of a Tweet by President Donald J. Trump (@realDonaldTrump), dated February 17, 2017 at 4:48 p.m., available at <https://twitter.com/realDonaldTrump/status/832708293516632065>.

8. Attached as **Exhibit 7** is a true and correct copy of a Tweet by President Donald J. Trump (@realDonaldTrump), dated July 2, 2017 at 9:21 a.m., available at

<https://twitter.com/realDonaldTrump/status/881503147168071680>. Embedded in the Tweet is video depicting President Trump tackling and punching a man with a CNN logo superimposed on the man's face.

9. Attached as **Exhibit 8** is a true and correct copy of a Tweet by President Donald J. Trump (@realDonaldTrump), dated November 15, 2017 at 5:45 a.m., available at <https://twitter.com/realdonaldtrump/status/930748627642998784?lang=en>.

10. Attached as **Exhibit 9** is a true and correct copy of a Tweet by President Donald J. Trump (@realDonaldTrump), dated November 29, 2017 at 6:49 a.m., available at <https://twitter.com/realDonaldTrump/status/935838073618870272>.

11. Attached as **Exhibit 10** is a true and correct copy of an article by Maggie Haberman, Michael S. Schmidt, and Michael D. Shear of *The New York Times* entitled "Trump Says He Fired Michael Flynn 'Because He Lied' to F.B.I.," dated December 2, 2017, available at <https://www.nytimes.com/2017/12/02/us/politics/trump-michael-flynn.html>.

12. Attached as **Exhibit 11** is a true and correct copy of an article by Chas Danner of *New York Magazine* entitled "Did Trump Just Incriminate Himself by Saying He Knew Flynn Lied to the FBI?," dated December 3, 2017, available at <http://nymag.com/intelligencer/2017/12/did-trump-just-incriminate-himself-with-a-tweet-about-flynn.html>.

13. Attached as **Exhibit 12** is a true and correct copy of an article by Kristen Welker and Max Burman of NBC News entitled "Trump's lawyer claims responsibility for president's problematic tweet," dated December 3, 2017, available at <https://www.nbcnews.com/politics/white-house/trump-s-lawyer-claims-responsibility-trump-s-problematic-tweet-n826036>.

14. Attached as **Exhibit 13** is a true and correct copy of a Tweet by President Donald J. Trump (@realDonaldTrump), dated December 11, 2017 at 9:17 a.m., available at <https://twitter.com/realDonaldTrump/status/940223974985871360>.

15. Attached as **Exhibit 14** is a true and correct copy of a Tweet by President Donald J. Trump (@realDonaldTrump), dated January 23, 2018 at 6:31 a.m., available at <https://twitter.com/realDonaldTrump/status/955764970590961665>.

16. Attached as **Exhibit 15** is a true and correct copy of an article by Louis Nelson of *Politico* entitled “Trump claims he didn’t fire Comey over Russia investigation,” dated April 18, 2018, available at <https://www.politico.com/story/2018/04/18/trump-fire-comey-russia-531538>.

17. Attached as **Exhibit 16** is a true and correct copy of an article published by CBS News entitled “Lesley Stahl: Trump admitted mission to ‘discredit’ press,” dated May 23, 2018, available at <https://www.cbsnews.com/news/lesley-stahl-donald-trump-said-attacking-press-to-discredit-negative-stories/>.

18. Attached as **Exhibit 17** is a true and correct copy of a Tweet by President Donald J. Trump (@realDonaldTrump), dated June 2, 2018 at 12:46 p.m., available at <https://twitter.com/realdonaldtrump/status/1002954515941941249?lang=en>.

19. Attached as **Exhibit 18** is an article by Kevin Breuninger of CNBC entitled “Trump says former Fox News exec Bill Shine joins White House staff,” dated July 5, 2018, available at <https://www.cnn.com/2018/07/05/trump-says-former-fox-news-exec-bill-shine-joins-white-house-staff.html>.

20. Attached as **Exhibit 19** is a true and correct copy of an article by Patrick Smith of *Buzzfeed News* entitled “Trump Refused to Answer a Question from a CNN Reporter in a Press Conference with Theresa May,” dated July 13, 2018, available at

<https://www.buzzfeed.com/patricksmith/trump-refused-to-answer-a-question-from-a-cnn-reporter-in-a>.

21. Attached as **Exhibit 20** is a true and correct copy of a Tweet by President Donald J. Trump (@realDonaldTrump), dated July 14, 2018 at 7:24 a.m., available at <https://twitter.com/realDonaldTrump/status/1018093807060045824>.

22. Attached as **Exhibit 21** is a true and correct copy of a Tweet by President Donald J. Trump (@realDonaldTrump), dated August 2, 2018 at 7:04 a.m., available at <https://twitter.com/realdonaldtrump/status/1024974107337781248?lang=en>.

23. Attached as **Exhibit 22** is a true and correct copy of an article by Tamara Keith of NPR entitled “Trump Revokes Clearance Of Ex-CIA Boss Brennan, Puts Other Critics On Notice,” dated August 15, 2018, available at <https://www.npr.org/2018/08/15/638988643/trump-revokes-security-clearance-of-former-cia-head-puts-other-critics-on-notice>.

24. Attached as **Exhibit 23** is a true and correct copy of an article by Chris Cillizza of CNN entitled “The 43 most staggering lines from Donald Trump’s Indiana speech,” dated August 31, 2018, available at <https://www.cnn.com/2018/08/31/politics/donald-trump-evansville-speech/index.html>.

25. Attached as **Exhibit 24** is a true and correct copy of an article by Margaret Sullivan of *The Washington Post* entitled “Dishing up lies while proclaiming the love of facts, Trump and Sarah Sanders gaslight America,” dated October 4, 2018, available at [https://www.washingtonpost.com/lifestyle/style/dishing-up-lies-while-proclaiming-the-love-of-facts-trump-and-sarah-sanders-gaslight-america/2018/10/04/c6505d62-c7cc-11e8-9b1c-a90f1daae309\\_story.html?utm\\_term=.3cbb6e4cd3d7](https://www.washingtonpost.com/lifestyle/style/dishing-up-lies-while-proclaiming-the-love-of-facts-trump-and-sarah-sanders-gaslight-america/2018/10/04/c6505d62-c7cc-11e8-9b1c-a90f1daae309_story.html?utm_term=.3cbb6e4cd3d7).

26. Attached as **Exhibit 25** is a true and correct copy of an article by Peter Baker and Linda Qiu of *The New York Times* entitled “Inside What Even an Ally Calls Trump’s ‘Reality Distortion Field,’” dated October 31, 2018, available at <https://www.nytimes.com/2018/10/31/us/politics/fact-check-trump-distortion-campaign.html>.

27. Attached as **Exhibit 26** is a true and correct copy of an article by Glenn Kessler, Salvador Rizzo, and Meg Kelly of *The Washington Post* entitled “President Trump has made 6,420 false or misleading claims over 649 days,” dated November 2, 2018, available at [https://www.washingtonpost.com/politics/2018/11/02/president-trump-has-made-false-or-misleading-claims-over-days/?utm\\_term=.1d3e82044c2e](https://www.washingtonpost.com/politics/2018/11/02/president-trump-has-made-false-or-misleading-claims-over-days/?utm_term=.1d3e82044c2e).

28. Attached as **Exhibit 27**, contained on electronic media, is a true and correct copy of video published by C-SPAN of President Donald J. Trump’s November 7, 2018 press conference. The exchange between President Donald J. Trump and Jim Acosta can be viewed at 27:31 to 30:13.

29. Attached as **Exhibit 28**, contained on electronic media, is a true and correct copy of video published by the Associated Press capturing the exchange between President Donald J. Trump and Jim Acosta at President Donald J. Trump’s November 7, 2018 press conference.

30. Attached as **Exhibit 29** is a true and correct copy of a Tweet by Jim Acosta (@Acosta), dated November 7, 2018 at 7:46 p.m., available at <https://twitter.com/Acosta/status/1060332691143491584>.

31. Attached as **Exhibit 30** is a true and correct copy of a Tweet by White House Press Secretary Sarah Sanders (@PressSec), dated November 7, 2018 at 7:48 p.m., available at <https://twitter.com/PressSec/status/1060333176252448768>.

32. Attached as **Exhibit 31** is a true and correct copy of a Tweet by White House Press Secretary Sarah Sanders (@PressSec), dated November 7, 2018 at 7:50 p.m., available at <https://twitter.com/PressSec/status/1060333619728801792>.

33. Attached as **Exhibit 32** is a true and correct copy of a Tweet by Rob Elgas of ABC7 Chicago (@RobElgasABC7), dated November 7, 2018 at 7:50 p.m., available at <https://twitter.com/RobElgasABC7/status/1060333805989519360>.

34. Attached as **Exhibit 33** is a true and correct copy of a Tweet by Jim Acosta (@Acosta), dated November 7, 2018 at 7:52 p.m., available at <https://twitter.com/Acosta/status/1060334166083059712>. Embedded in this Tweet is a video filmed by Jim Acosta in which Acosta relinquishes his “hard pass” to a Secret Service Agent.

35. Attached as **Exhibit 34**, contained on electronic media, is a true and correct copy of the video embedded in Jim Acosta’s November, 7, 2018 7:52 p.m. Tweet (**Exhibit 33**) filmed by Jim Acosta in which Acosta relinquishes his “hard pass” to a Secret Service Agent.

36. Attached as **Exhibit 35** is a true and correct copy of a Tweet by Katie Rogers of *The New York Times* (@KatieRogers), dated November 7, 2018 at 7:57 p.m., available at <https://twitter.com/katierogers/status/1060335490518474755>.

37. Attached as **Exhibit 36** is a true and correct copy of a Tweet by Jeff Mason of Reuters (@jeffmason1), dated November 7, 2018 at 8:25 p.m., available at <https://twitter.com/jeffmason1/status/1060342568024711169>.

38. Attached as **Exhibit 37** is a true and correct copy of a Tweet by White House Press Secretary Sarah Sanders (@PressSec), dated November 7, 2018, at 10:33 p.m., available at <https://twitter.com/PressSec/status/1060374680991883265>. Embedded in this Tweet is a video

purporting to capture the exchange between President Donald J. Trump and Jim Acosta at President Donald J. Trump's November 7, 2018 press conference.

39. Attached as **Exhibit 38**, contained on electronic media, is a true and correct copy of the video embedded in Press Secretary Sarah Sanders's November 7, 2018 10:33 p.m. Tweet (**Exhibit 37**) purporting to capture the exchange between President Donald J. Trump and Jim Acosta at President Donald J. Trump's November 7, 2018 press conference.

40. Attached as **Exhibit 39** is a true and correct copy of a Tweet by Rafael Shimunov (@rafaelshimunov), dated November 8, 2018 at 3:34 a.m., available at <https://twitter.com/rafaelshimunov/status/1060450557817708544>.

41. Attached as **Exhibit 40** is a true and correct copy of an article by Molly Roberts of *The Washington Post* entitled "Sarah Sanders's diabolically clever attack on Jim Acosta," dated November 8, 2018, available at [https://www.washingtonpost.com/blogs/post-partisan/wp/2018/11/08/sarah-sanderss-diabolically-clever-attack-on-jim-acosta/?utm\\_term=.c98bc77d04fd](https://www.washingtonpost.com/blogs/post-partisan/wp/2018/11/08/sarah-sanderss-diabolically-clever-attack-on-jim-acosta/?utm_term=.c98bc77d04fd).

42. Attached as **Exhibit 41** is a true and correct copy of two Tweets by the White House News Photographers Association (@whnpa), dated November 8, 2018 at 4:57 p.m., available at <https://twitter.com/whnpa/status/1060652598607405056>.

43. Attached as **Exhibit 42** is a true and correct copy of an article by Oliver Darcy of CNN Business entitled "White House press secretary tweets misleading video from InfoWars personality to justify revoking CNN reporter's credentials," dated November 8, 2018, available at <https://www.cnn.com/2018/11/08/media/sarah-sanders-jim-acosta-infowars-video/index.html>.

44. Attached as **Exhibit 43** is a true and correct copy of an article by David Bauder and Calvin Woodward of the Associated Press entitled "Expert: Acosta video distributed by



White House was doctored,” dated November 8, 2018, available at <https://www.apnews.com/c575bd1cc3b1456cb3057ef670c7fe2a>.

45. Attached as **Exhibit 44** is a true and correct copy of an article by Drew Harwell of *The Washington Post* entitled “White House Shares Doctored Video to Support Punishment of Journalist Jim Acosta,” dated November 8, 2018, available at [https://www.washingtonpost.com/technology/2018/11/08/white-house-shares-doctored-video-support-punishment-journalist-jim-acosta/?utm\\_term=.9f8e9b4858a2](https://www.washingtonpost.com/technology/2018/11/08/white-house-shares-doctored-video-support-punishment-journalist-jim-acosta/?utm_term=.9f8e9b4858a2).

46. Attached as **Exhibit 45** is a true and correct copy of a letter from Jeff Zucker of CNN to President Donald J. Trump’s Chief of Staff, John F. Kelly, dated November 8, 2018.

47. Attached as **Exhibit 46** is a true and correct copy of an article by Christopher Brito of CBS News entitled “White House accused of sharing ‘doctored’ video of CNN reporter, intern exchange,” dated November 8, 2018, available at <https://www.cbsnews.com/news/jim-acosta-sarah-sanders-cnn-reporter-white-house-intern-video-doctored/>.

48. Attached as **Exhibit 47** is a true and correct copy of an article by Brian Stelter of CNN entitled “Reporters condemn White House decision to bar CNN’s Acosta,” dated November 8, 2018, available at <https://www.cnn.com/2018/11/08/media/trump-acosta-pass-reaction/index.html>.

49. Attached as **Exhibit 48** is a true and correct copy of an article by Michael M. Grynbaum and Elizabeth Williamson of *The New York Times* entitled “Trump Administration Uses Misleading Video to Justify Barring of CNN’s Jim Acosta,” dated November 8, 2018, available at <https://www.nytimes.com/2018/11/08/business/media/infowars-white-house-jim-acosta-cnn.html>.

50. Attached as **Exhibit 49** is a true and correct copy of an article by Tom Embury-Dennis of *The Independent* entitled “Jim Acosta: White House shares apparently doctored video posted by conspiracy site InfoWars to justify suspending CNN reporter’s press pass,” dated November 8, 2018, available at <https://www.independent.co.uk/news/world/americas/jim-acosta-trump-cnn-press-conference-pass-white-house-infowars-sarah-sanders-a8623441.html>.

51. Attached as **Exhibit 50** is a true and correct copy of an article by Paul Farhi of *The Washington Post* entitled “Sarah Sanders promotes an altered video of CNN reporter, sparking allegations of visual propaganda,” dated November 8, 2018, available at [https://www.washingtonpost.com/lifestyle/style/sarah-sanders-promotes-an-altered-video-of-cnn-reporter-sparking-allegations-of-visual-propaganda/2018/11/08/33210126-e375-11e8-b759-3d88a5ce9e19\\_story.html?utm\\_term=.973c04a31292](https://www.washingtonpost.com/lifestyle/style/sarah-sanders-promotes-an-altered-video-of-cnn-reporter-sparking-allegations-of-visual-propaganda/2018/11/08/33210126-e375-11e8-b759-3d88a5ce9e19_story.html?utm_term=.973c04a31292).

52. Attached as **Exhibit 51** is a true and correct copy of a briefing statement published by the White House entitled “Remarks by President Trump Before Marine One Departure,” dated November 9, 2018, available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-23/>.

53. Attached as **Exhibit 52** is a true and correct copy of an article by Brent D. Griffiths of *Politico* entitled “Conway: White House didn’t alter video of Jim Acosta,” dated November 11, 2018, available at <https://www.politico.com/story/2018/11/11/acosta-video-kellyanne-conway-982951>.

54. Attached as **Exhibit 53** is a true and correct copy of press credentials issued by the French government to Jim Acosta in connection with President Donald J. Trump’s November 11, 2018 visit to Paris, France.

55. Attached as **Exhibit 54** is a true and correct copy of an article by Ayesha Rascoe of Reuters entitled “White House bars some news organizations from briefing,” dated February 24, 2017, available at <https://www.reuters.com/article/us-usa-trump-media-idUSKBN1632JG>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13th day of November 2018 in Washington, D.C.

A handwritten signature in blue ink, appearing to read "Theodore J. Boutros, Jr.", written over a horizontal line.

Theodore J. Boutros, Jr.