

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KNIGHT FIRST AMENDMENT INSTITUTE
AT COLUMBIA UNIVERSITY, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United
States, *et al.*,

Defendants.

No. 17-cv-5205 (NRB)

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' STATEMENT
OF MATERIAL FACTS PURSUANT
TO LOCAL RULE 56.1**

Pursuant to Local Civil Rule 56.1 of the United States District Court for the Southern District of New York, Defendants Donald J. Trump, Hope Hicks, Sarah Huckabee Sanders, and Daniel Scavino, sued in their official capacities, hereby submit this Response to the Statement of Material Facts in Support of Plaintiffs' Cross-Motion for Summary Judgment Pursuant to Local Rule 56.1, ECF No. 45. Defendants respond as follows:

1.-60. **Defendants' response:** Undisputed for purposes of this litigation, pursuant to the parties' jointly filed Stipulation ("Stip."), ECF No. 30-1.

61. A true and correct copy of all of the tweets posted to the @realDonaldTrump account between January 20, 2017 and September 24, 2017, with the possible exception of tweets that were subsequently deleted from the @realDonaldTrump account, is contained in Exhibit A to the parties' Stipulation and filed with the Court on October 13, 2017. Stip. ¶ 33.

Defendants' response: Undisputed to the extent that this exhibit "was collected by Plaintiffs and represents all such tweets and replies that Plaintiffs are aware of" and "Defendants

have no reason to doubt the accuracy of the tweets [and] replies . . . collected by Plaintiffs for the purposes of this exhibit.” Notice of Filing at 1, 3, ECF No. 33.

62. A true and correct copy of all available header images and profile photos used on the @realDonaldTrump Twitter web page between January 20, 2017 and September 24, 2017 is contained in Exhibit B to the parties’ Stipulation and filed with the Court on October 13, 2017. Stip. ¶ 34.

Defendants’ response: Undisputed to the extent that this exhibit “was collected by Plaintiffs and represents all such images that Plaintiffs are aware of” and “Defendants have no reason to doubt the accuracy of the . . . header and profile images collected by Plaintiffs for the purposes of this exhibit.” Notice of Filing at 1, 3, ECF No. 33.

63. True and correct copies of selected tweets and replies posted to the Individual Plaintiffs’ Twitter accounts, for selected periods of time between May 2017 and September 2017, are contained in Exhibits C-I to the parties’ Stipulation and filed with the Court on October 13, 2017. Stip. ¶ 63.

Defendants’ response: Undisputed to the extent that this exhibit “was collected by Plaintiffs and represents all such tweets and replies that Plaintiffs are aware of” and “Defendants have no reason to doubt the accuracy of the tweets [and] replies . . . collected by Plaintiffs for the purposes of this exhibit.” Notice of Filing at 1, 3, ECF No. 33.

Dated: November 17, 2017
Washington, D.C.

Respectfully submitted,

CHAD A. READLER
Principal Deputy Assistant Attorney General

BRETT A. SHUMATE
Deputy Assistant Attorney General

ERIC R. WOMACK
Assistant Branch Director

/s/ Michael H. Baer

MICHAEL H. BAER

DANIEL HALAINEN

Trial Attorneys

U.S. Department of Justice,

Civil Division, Federal Programs Branch

20 Massachusetts Avenue, NW

Washington, DC 20530

Telephone: (202) 305-8573

Facsimile: (202) 616-8460

E-mail: Michael.H.Baer@usdoj.gov

Counsel for Defendants