

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

THE AUTHORS GUILD, et al.,

Plaintiffs,

-against-

NATIONAL ENDOWMENT FOR THE
HUMANITIES, et al.,

Defendants.

x

AMERICAN COUNCIL OF LEARNED
SOCIETIES, et al.,

Plaintiffs,

-against-

MICHAEL MCDONALD, in his official capacity
as Acting Chairman of the National Endowment
for the Humanities, et al.,

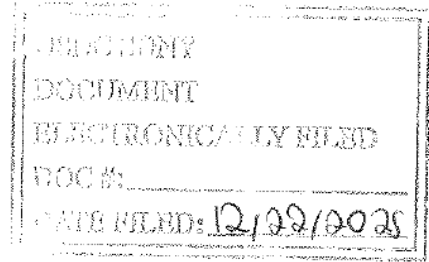
Defendants.

x

ORDER

McMahon, J.:

The Plaintiffs having established that the so-called “administrative record” produced in this case is far from complete, and that the Government has not undertaken a good faith review of the files of all persons and agencies that were involved in the process of deciding to terminate the NEH grants at issue in these cases, as per the decision and order of this court dated December 18, 2025 (Dkt. # 168 in 25 Civ. 3657 and Dkt. # 76 in 25 Civ. 3923):



25 Civ. 3923 (CM)

25 Civ. 3657 (CM)

1. The Government's objections to the Plaintiffs' discovery requests on the ground that they ostensibly seek material beyond the administrative record without the plaintiffs having made any showing that they are entitled to such materials are OVERRULED.

2. The Government's objections to the Plaintiffs' discovery requests insofar as they seek material from the U.S. DOGE Service, the General Services Administration, or any other Executive Branch agency that had input into the termination decisions challenged in these lawsuits are OVERRULED.

3. The Government's objections to producing for deposition the following individuals – Adam Wolfson, Michael McDonald, Nate Cavanaugh and Justin Fox – on the ground that Plaintiffs had not established that information is missing from the administrative record are OVERRULED.

4. The Government shall conduct a thorough good faith search of the files of any Executive Branch agency that, through its employees and agents or otherwise, played any role in the decision to terminate the grants at issue in these lawsuits – including but not limited to DOGE and GSA as well as NEH – as well as the files of any and all individuals who contributed in any manner, whether by making decisions, advising on the making of decisions, or otherwise, to the making of the decision to terminate the grants at issue in this lawsuit, including but not limited to their intra-or-interagency communications by email or by text using any messaging application whatsoever, and shall produce responsive documents to the Plaintiffs no later than January 16, 2026.

5. The Government shall produce the witnesses listed in Paragraph 3 for deposition at a mutually convenient time prior to January 30, 2026.

6. The court will not entertain requests for extension of time.

Dated: December 22, 2025

A handwritten signature in black ink, appearing to read "Robert M. Kelly", written in a cursive style. The signature is positioned above a horizontal line.

U.S.D.J.

BY ECF TO ALL COUNSEL