

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

LAWYERS' COMMITTEE FOR CIVIL
RIGHTS UNDER LAW,

Appellant,

v.

PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY; GENERAL SERVICES
ADMINISTRATION; EXECUTIVE
OFFICE OF THE PRESIDENT; OFFICE
OF THE VICE PRESIDENT; OFFICE OF
ADMINISTRATION; MICHAEL R.
PENCE, IN HIS OFFICIAL CAPACITY
AS CHAIR OF THE PRESIDENTIAL
ADVISORY COMMISSION ON
ELECTION INTEGRITY; KRIS W.
KOBACH, IN HIS OFFICIAL
CAPACITY AS VICE CHAIR OF THE
PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY; ANDREW KOSSACK, IN
HIS OFFICIAL CAPACITY AS
DESIGNATED FEDERAL OFFICER
FOR THE PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY; TIMOTHY R. HORNE, IN
HIS OFFICIAL CAPACITY AS ACTING
ADMINISTRATOR OF THE GENERAL
SERVICES ADMINISTRATION; Marcia
L. Kelly, in her official capacity as
director of the office of administration,

Appellees.

Case No: 17-5167

STATEMENT OF ISSUES TO BE RAISED

Pursuant to the Court's July 21, 2017 Order, Appellant Lawyers' Committee for Civil Rights Under Law hereby submits its statement of issues to be raised in the appeal. In this appeal, Appellant is requesting review of the District Court's July 18, 2017 order denying Appellant's Motion for Temporary Restraining Order and Preliminary Injunction. The following issues are raised on appeal:

1. Whether the District Court erred in holding that the Federal Advisory Committee Act, 5 U.S.C. app. II, does not provide a private right of action.
2. Whether the District Court erred in holding that the Federal Advisory Committee Act, 5 U.S.C. app. II § 10(a), does not require an advisory committee to allow members of the public to attend committee meetings in person.
3. Whether the District Court erred in holding that Defendants satisfied their disclosure obligations under the Federal Advisory Committee Act, 5 U.S.C. app. II § 10(b), as of the date of the District Court's decision.
4. Whether the District Court erred in holding that Appellant did not suffer irreparable harm from Appellees' failure to disclose additional

records, as of the date of the District Court's decision, that are subject to Section 10(b)'s mandatory disclosure requirements.

5. Whether the District Court erred in holding that "the equitable and public interest factors are in equipoise" where Appellees failed to disclose additional records, as of the date of the District Court's decision, that are subject to Section 10(b)'s mandatory disclosure requirements.
6. Whether the District Court erred in holding that the mandatory language in the Federal Advisory Committee Act, 5 U.S.C. app. II § 10(b), did not give Appellant a "clear and indisputable right" to the relief sought by Appellant as of the date of the District Court's decision, and thereby declining to grant mandamus relief at that time.

Dated: August 21, 2017

Respectfully submitted,

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Counsel for Plaintiff Lawyers' Committee
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Counsel for Appellant

CERTIFICATE OF SERVICE

I, R. Stanton Jones, hereby certify that on this 21st day of August 2017, I caused a true and correct copy of the foregoing to be filed electronically using the Court's CM/ECF system, causing a true and correct copy to be served on all counsel of record.

/s/ R. Stanton Jones

R. Stanton Jones

Counsel for Appellant