

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TIKTOK INC., et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No. 20-cv-02658 (CJN)

**PLAINTIFFS' RENEWED MOTION FOR A PRELIMINARY INJUNCTION
AGAINST COMMERCE DEPARTMENT PROHIBITIONS 2-5**

Plaintiffs TikTok, Inc. and ByteDance Ltd. (collectively "Plaintiffs"), by and through their undersigned counsel, hereby move this Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure and Local Rule 65.1, for a preliminary injunction against Defendants Donald J. Trump, in his official capacity as President of the United States; Wilbur L. Ross, Jr., in his official capacity as Secretary of Commerce; and the U.S. Department of Commerce.

For the reasons set forth in the accompanying Memorandum in Support, the declarations attached hereto, and the declarations and exhibits attached to Plaintiffs' previous motion for preliminary injunction (ECF No. 15), Plaintiffs are entitled to preliminary injunctive relief enjoining the implementation or enforcement of Prohibitions 2–5 on the list of prohibited transactions published in the Federal Register on September 24, 2020. *See Identification of Prohibited Transactions to Implement Executive Order 13942 and Address the Threat Posed by TikTok and the National Emergency with Respect to the Information and Communications Technology and Services Supply Chain*, 85 Fed. Reg. 60061–63 (Sept. 24, 2020).

Like the first Prohibition that this Court enjoined on September 27, 2020, Plaintiffs are likely to succeed on their claim that Prohibitions 2–5 violate the International Emergency Economics Powers Act, 50 U.S.C. §§ 1701–1706. Plaintiffs also are likely to succeed on their claims that the Prohibitions violate the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*, the First and Fifth Amendments to the U.S. Constitution, and constitute *ultra vires* executive action. In the absence of preliminary injunctive relief, Prohibitions 2–5 will cause Plaintiffs irreparable harm, and the equities and public interest weigh in Plaintiffs’ favor. Accordingly, Plaintiffs are entitled to relief. A proposed Order accompanies the motion.

DATED: October 14, 2020

Respectfully submitted,

/s/ John E. Hall

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