IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CABLE NEWS NETWORK, INC., MS NOW CABLE, LLC, POLITICO LLC, ET AL., *Plaintiffs,* v. DONALD J. TRUMP, ET AL., *Defendants.*	Civil Case No. 1:26-cv-03287-TJK **DECLARATION OF THEODORE J. BOUTROUS, JR.**

DECLARATION OF THEODORE J. BOUTROUS, JR.

I, Theodore J. Boutrous, Jr., hereby declare as follows:

1. I am over 18 years of age and make this declaration based upon my own personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

2. I am a member of the bar of this Court and a partner in the Los Angeles office of Gibson, Dunn & Crutcher LLP ("Gibson Dunn"). I represent the Plaintiffs in the above-captioned case. I make this declaration in support of Plaintiffs' Motion for a Further Preliminary Injunction.

3. Attached as **Exhibit A** are true and correct copies of the weekly press pool rotation announcements issued by the White House Office of Communications for the weeks of March 2–9, March 30–April 5, April 27–May 3, May 11–17, June 29–July 5, July 20–26, August 10–16, and August 24–30, 2026, as archived by The American Presidency Project at the University of California, Santa Barbara, available at https://www.presidency.ucsb.edu/documents/app-categories/pool-reports.

4. Attached as **Exhibit B** is a true and correct copy of a press release distributed by Fox News Network, LLC through PR Newswire, entitled "Joint Network Statement on White

House Press Ban," dated September 21, 2026, setting out the joint statement of the White House television pool members FOX News Media, ABC News, CBS News, CNN, and NBC News that "[t]he public has a vital interest in receiving accurate, independent information about its government. No administration should restrict a news organization because it objects to its reporting," available at https://www.prnewswire.com/news-releases/joint-network-statement-on-white-house-press-ban-302884835.html.

5. Attached as **Exhibit C** is a true and correct copy of an article by Dominick Mastrangelo published by The Hill, entitled "Networks pull out of White House TV pool in solidarity with CNN," dated September 21, 2026, which reports the White House television pool's note to subscribers that "effective today, the TV pool will not be covering events designated as pool coverage of the President," that "[t]his follows the White House's position preventing CNN from fulfilling its assigned pool duties," and that "[t]here will be no replacement pool put in place," available at https://thehill.com/homenews/media/6101588-tv-networks-donald-trump-pool-disruption-msnow-cnn-politico-white-house-ban/.

6. Attached as **Exhibit D** is a true and correct copy of an article by Zachary Leeman published by Mediaite, entitled "Trump Claims He 'Loves an Open, Free Press' While Calling Out Reporter and Telling Her to Be 'Quiet' in Tense Exchange," dated September 26, 2026, which sets out a transcript of the exchange between President Donald J. Trump and MS NOW's Akayla Gardner on the South Lawn of the White House on September 26, 2026, available at https://www.mediaite.com/media/trump-claims-he-loves-an-open-free-press-while-calling-out-reporter-and-telling-her-to-be-quiet-in-tense-exchange.

7. Attached as **Exhibit E** is a true and correct copy of an X post by CNN Chief Media Analyst Brian Stelter, dated October 14, 2026, reporting the statement of a White House official,

in response to this Court's October 13, 2026 preliminary injunction order, that "[t]he Fake News has no place demanding a spot in the President's Oval Office. The lies they smear are a disservice to the American public and tear at the very fabric of our Democracy. They're completely capable of reporting from directly outside. We intend to appeal this misguided decision," available at https://x.com/brianstelter/status/2110392870700040510.

8. Attached as **Exhibit F** is a true and correct copy of a letter I sent on behalf of CNN to counsel for Defendants, dated October 19, 2026, copying White House Counsel William Scharf, demanding that the White House abandon any policy of excluding CNN from the Oval Office and Air Force One, refrain from preventing CNN from performing its assigned pool duties as it did before September 18, 2026, and confirm in writing by 5:00 p.m. Eastern Time on October 22, 2026 that it would do so.

9. Attached as **Exhibit G** is a true and correct copy of an article by Evgenia Anastasakos published by The Daily Beast, entitled "CNN Turns Up Heat on Trump With Bombshell Threat," dated October 20, 2026, which reports the statement of the White House, in response to my October 19, 2026 letter, that "[n]o person and no journalist has a constitutional right to access to the President's Oval Office, Air Force One, or other sensitive and private facilities. When publications lie, fabricate, and ignore the truth, proximity matters less, and they can write their fiction from outside of these secure facilities," available at https://www.thedailybeast.com/cnn-threatens-further-legal-action-if-white-house-doesnt-restore-air-force-one-access.

10. Attached as **Exhibit H** is a true and correct copy of an X post by CNN Chief Media Analyst Brian Stelter, dated October 21, 2026 at 3:16 p.m. Eastern Time, reporting that the White House Press Office had left CNN off the list for the out-of-town television pool for the President's

trip to South Carolina on the day CNN was scheduled to serve as the designated television network pooler, available at https://x.com/brianstelter/status/2112986503676907705.

11. Attached as **Exhibit I** is a true and correct copy of an article by Ayah Ali-Ahmad published by The Washington Sun, entitled "Trump's Battle With the Media Ramps Up," dated October 23, 2026, available at https://www.washingtonsun.com/whitehouse/trump-battle-with-media.

12. On or about January 4, 2026, the White House published a video of remarks made by the President aboard Air Force One. That video is available at https://www.whitehouse.gov/videos/president-trump-gaggles-with-press-on-air-force-one-jan-4-2026/.

13. On January 22, 2026, the White House published a video capturing the President's remarks aboard Air Force One. That video is available at https://www.whitehouse.gov/videos/president-trump-gaggles-with-press-on-air-force-one-en-route-joint-base-andrews-jan-22-2026/.

14. On January 31, 2026, the White House published a video capturing the President's remarks aboard Air Force One. That video is available at https://www.whitehouse.gov/videos/president-trump-gaggles-with-press-on-air-force-one-en-route-palm-beach-fl-jan-31-2026/.

15. On February 16, 2026, the White House published a capturing the President's remarks aboard Air Force One. That video is available at https://www.whitehouse.gov/videos/president-trump-gaggles-with-press-on-air-force-one-en-route-joint-base-andrews-md-feb-16-2026/.

16. On March 7, 2026, the White House published a video capturing the President's remarks aboard Air Force One. That video is available at https://www.whitehouse.gov/videos/president-trump-gaggles-with-press-on-air-force-one-en-route-miami-fl-mar-7-2026/.

17. On March 15, 2026, the White House published a video capturing the President's remarks aboard Air Force One. That video is available at https://www.whitehouse.gov/videos/president-trump-gaggles-with-press-on-air-force-one-en-route-joint-base-andrews-mar-15-2026/.

18. On March 29, 2026, the White House published a video capturing the President's remarks aboard Air Force One. That video is available at https://www.whitehouse.gov/videos/president-trump-gaggles-with-press-on-air-force-one-en-route-joint-base-andrews-mar-29-2026/.

19. On May 15, 2026, the White House published a video capturing the President's remarks aboard Air Force One. That video is available at https://www.whitehouse.gov/videos/president-trump-gaggles-with-press-on-air-force-one-en-route-anchorage-ak-may-15-2026/.

20. On June 5, 2026, the White House published a video capturing the President's remarks aboard Air Force One. That video is available at https://www.whitehouse.gov/videos/president-trump-gaggles-with-press-on-air-force-one-en-route-chippewa-falls-wi-jun-5-2026-2/.

21. On July 27, 2026, the White House published a video capturing the President's remarks aboard Air Force One. That video is available at

https://www.whitehouse.gov/videos/president-trump-gaggles-with-press-on-air-force-one-en-route-waterford-township-mi-jul-27-2026/.

22. On August 2, 2026, the White House published a video capturing the President's remarks aboard Air Force One. That video is available at https://www.whitehouse.gov/videos/president-trump-gaggles-with-press-on-air-force-one-en-route-joint-base-andrews-aug-2-2026-2/.

23. On September 13, 2026, C-SPAN published a video capturing the President's remarks to reporters aboard Air Force One. That video is available at https://www.c-span.org/program/white-house-event/president-trump-speaks-to-reporters-aboard-air-force-one/685141.

24. On September 21, the White House published a video capturing the inaudible audio of President Trump's ribbon-cutting ceremony. That video is available at https://www.youtube.com/watch?v=KVC_nOngJw0&t=3s.

25. On October 7, 2026, the White House published a video of President Trump taking questions from reporters in the Oval Office. That video is available at https://www.youtube.com/watch?v=KFHqevUWLWE&t=1511s.

26. On October 20, 2026, the White House published a video published of President Trump taking questions from reporters in the Oval Office. That video is available at https://www.youtube.com/watch?v=IQKChHxD9e8.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 3rd day of November 2026 in Washington, D.C.

/s/ Theodore J. Boutrous, Jr.
Theodore J. Boutrous, Jr.