

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CABLE NEWS NETWORK, INC. and ABILIO	:	
JAMES ACOSTA,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	NO. 1:18-CV-02610-TJK
	:	
DONALD J. TRUMP, in his official capacity as	:	
President of the United States; JOHN F. KELLY, in	:	
his official capacity as Chief of Staff to the President	:	
of the United States; WILLIAM SHINE, in his	:	
official capacity as Deputy Chief of Staff to the	:	
President of the United States; SARAH	:	
HUCKABEE SANDERS, in her official capacity as	:	
Press Secretary to the President of the United States;	:	
the UNITED STATES SECRET SERVICE;	:	
RANDOLPH ALLES, in his official capacity as	:	
Director of the United States Secret Service; and	:	
JOHN DOE, Secret Service Agent, in his official	:	
Capacity,	:	
	:	
Defendants	:	

**BRIEF OF ONE AMERICA NEWS NETWORK AS AMICUS CURIAE OPPOSING
PLAINTIFFS’ MOTIONS FOR A TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

I. INTEREST OF AMICUS CURIAE

Amicus curiae One America News Network (“OAN”), is a 24/7 national cable news network owned and operated by Herring Networks, Inc., a California corporation. One America News Network reports daily from the White House and generally attends all briefings available to White House press. OAN has an assigned seat in the White House briefing room and the network’s Chief White House Correspondent has traveled to Singapore and Europe to provide live coverage of the President of the United States during key international meetings. One America News Network provides daily live reporting from the White House using multiple reporters and staff videographers.

II. ARGUMENT

One America News Network is passionate and adamantly supportive of an unfettered free press. This is a very simple issue. The repeated, unprofessional conduct by one specific reporter,

namely CNN's Chief White House Correspondent, Plaintiff Jim Acosta, has hindered our free press from functioning effectively during White House briefings. Mr. Acosta has a long history of interrupting White House briefings with his disruptive behavior. Plaintiff Acosta's history of interruptions, unnecessary and excessive consumption of time with his grandstanding, and obstructive conduct toward his colleagues should have been addressed by CNN and the WHCA some time ago. When a reporter is hindering other White House Correspondents, his employer and the WHCA should take reasonable action to prevent such disruptive behavior. Mr. Acosta's behavior in failing to yield to fellow journalists when asked by the President of the United States was no surprise to anyone. It was typical of a pattern of behavior exhibited by Plaintiff Acosta who seems to think his comments are more important than other journalists in the room. The video of Mr. Acosta's unprofessional, aggressive behavior is clear, and the President's words were right on point, Mr. Acosta was nothing short of "rude" and disrespectful. Plaintiff Acosta was rude to his fellow reporters, disrespectful to the President of the United States, and disruptive to our fundamental principle of a free functioning press. CNN has numerous professional and capable reporters. The actions taken by the White House are reasonable and justified to maintain an environment for press to function unhindered and reflect steps which should have been taken long ago by CNN.

Additionally, Plaintiff Acosta does not have a protectible First Amendment interest or right in the context of this dispute. As set forth above and is otherwise obvious, apparent and subject to judicial notice, Mr. Acosta's continual interruptions, unnecessary and excessive consumption of time with narratives of his personal beliefs and viewpoints and otherwise self-serving and obstructive conduct toward his colleagues, the White House and the press briefing process evinces a singular motive and desire to be heard and have his views broadcast. While this narcissistic approach may serve Plaintiffs' self-interests as entertainers or media figures and the network that profits therefrom, they do not serve the interests of the forum or the other participants in the White House briefing

process and are not constitutionally protected. Simply put, Plaintiff Acosta has no constitutional right to appear on television and broadcast his viewpoints on behalf of Plaintiff CNN under the circumstances presented in this case and Plaintiff Acosta's exclusion from participation by this non-public forum is reasonable. *See Arkansas Educ. Television Com'n v. Forbes*, 523 U.S. 666 (1998).

III. CONCLUSION

For all of these reasons, One America News Network requests that the Court deny Plaintiffs CNN and Acosta the relief that each seeks and uphold the reasonable actions by the Defendants and the Administration to restore reasonable conduct during White House press briefings.

Respectfully submitted his 15th day of November 2018.

s/ W. Bruce DelValle

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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2018, I electronically filed the foregoing *Amicus Curiae* Brief of **One America News Network**, in Opposition to Plaintiffs' Motions for a Temporary Restraining Order and Preliminary Injunction in Case No: 18-CV-02610-TJK, with the Clerk of the U.S. District Court for the District of Columbia by using the CM/ECF system, which will serve all registered CM/ECF users.

/s/ W. Bruce DelValle

W. Bruce DelValle, Bar No: 1520906