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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, et al.,

Plaintiffs,

vs.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 3:25-cv-04737-RL

DECLARATION OF KYLE A. MCLORG IN SUPPORT OF PLAINTIFFS' SUPPLEMENTAL BRIEFING IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Judge: The Honorable Rita F. Lin

Hearing Date: November 17, 2026
Hearing Time: 1:30 PM
Courtroom: 4 – 17th Floor

I, Kyle A. McLorg, declare:

1. I am an attorney duly admitted to practice law in this Court. I am a senior associate at Farella Braun + Martel LLP, counsel of record for Plaintiffs in the above-captioned action. I have personal knowledge of the facts set forth herein, and if called to testify, I could and would competently testify to those facts. I make this declaration in support of Plaintiffs' Supplemental Briefing supporting their Motion for Summary Judgment.

2. Attached as **Exhibit A** to this Declaration is a copy of an email exchange between counsel for Plaintiffs and counsel for the government regarding the statutory authority cited in the funding opportunity announcements for the Department of Energy grants in this case. Included in Exhibit A is a PDF printout of the excel spreadsheet that the government's counsel attached to the October 21, 2026 email, which lists the program, award number, name/organization, researchers, funding opportunity announcement, and authority cited in the funding opportunity announcement for each grant.

3. Attached as **Exhibit B** to this Declaration is a table that Plaintiffs' counsel put together, which sets forth each statute listed in the spreadsheet provided by the government's counsel in Exhibit A, along with the applicable grants and researchers, and a summary of the statutory considerations provided by those statutes.

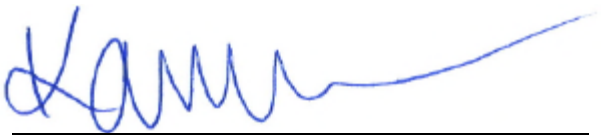
4. Attached as **Exhibit C** to this Declaration is a copy of an October 26, 2026 letter from Frank Pallone, Jr., Kathy Castor, and Yvette D. Clarke to Energy Secretary Christopher Wright regarding this litigation and the Court's supplemental questions to the Parties.

5. Attached as **Exhibit D** to this Declaration is a copy of the transcript from the House Appropriations / Energy and Water Development on FY27 Energy Department Budget hearing on April 15, 2026, including questioning and sworn testimony from Energy Secretary Wright.

6. Attached as **Exhibit E** to this Declaration is a list that the Department of Energy reportedly sent to Congress containing nearly 2,000 awards the agency plans to "retain or modify." This list is publicly available on the Latitude Media article "Scoop: DOE sends a list of 'retained' projects to Congress" by Maeve Allsup, available at https://www.latitudemedia.com/news/scoop-doe-sends-a-list-of-retained-projects-to-congress/?nab=0.

7. Attached as **Exhibit F** to this Declaration is a redacted copy of an April 14, 2026 letter sent by the Department of Energy to a grant recipient announcing that the program office "has determined to retain this award."

I declare under penalty of perjury under the laws of the state of California and the United States that the foregoing is true and correct. Executed on this 27th day of October, 2026 in San Rafael, California.



Kyle A. McLorg