

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

DC PRESERVATION LEAGUE, et al.,

Plaintiffs,

v.

**BOARD OF TRUSTEES OF THE JOHN F.
KENNEDY CENTER FOR THE
PERFORMING ARTS**, et al.,

Defendants.

Civil Action No. 1:26-cv-00981

[PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY INJUNCTION

This matter is before the Court on the motion of plaintiffs DC Preservation League, National Trust for Historic Preservation in the United States, The American Institute of Architects, American Society of Landscape Architects, Docomomo US, Society of Architectural Historians, The Committee of 100 on the Federal City, and The Cultural Landscape Foundation (collectively, “Plaintiffs”) for a preliminary injunction against defendants the Board of Trustees of the John F. Kennedy Center for the Performing Arts; Donald J. Trump, in his official capacity as Chair of the Board of the Trustees of the Kennedy Center; Smithsonian Institution; National Park Service; United States Department of the Interior; Douglas J. Burgum, in his official capacity as Secretary of the Interior; United States Army Corps of Engineers; and National Capital Planning Commission (collectively, “Defendants”). Having considered the motion, the memorandum in support, other papers filed in connection therewith, and the record in this case, and having otherwise been fully advised, it is hereby **ORDERED** that Plaintiffs’ motion for a preliminary injunction is **GRANTED**. It is further

ORDERED that the Defendants, and any agents of the Defendants or any other persons working at their direction or in active concert therewith, or subject to the Defendants’ control, are

ENJOINED from taking any and all actions in furtherance of any proposed demolition, new construction, major reconstruction, major renovation, or major aesthetic transformation of the John F. Kennedy Center for the Performing Arts buildings or grounds (the “Project”), which shall include but not be limited to (1) any removal, demolition, dismantling, relocation, material alteration, defacement, or destruction of character-defining exterior features of either the Kennedy Center or the REACH addition, including (a) the marble curtain façade walls and the marble-paneled fascia of the roof and River Terrace overhangs; (b) the peristyle of narrow columns; (c) the projecting rooflines, penthouse roof, and cantilevered terraces; (d) the glass curtain wall systems, (e) the original bronze wall signage on any façade and the engraved quotations on the west façade; (f) the River Terrace and its cantilevered structure, including its planting boxes and water features; (g) the entrance plaza, including its water features and public art; (h) any other feature contributing to the bilateral symmetry, long low horizontality, organized hierarchical façades, or clear geometric form of the Kennedy Center buildings and grounds as identified in the DC State Historic Preservation Office’s Determination of Eligibility for listing in the National Register of Historic Places; (2) any closure of the Kennedy Center public grounds, landscape alteration, grading, excavation, or removal of soil or debris; or (3) any laying of foundations or utilities, filling, blasting, boring, pile driving, trenching, site preparation, erection of scaffolding or staging, construction equipment installation, or other construction-related work at the Kennedy Center buildings or grounds;

ORDERED that the Defendants, and any agents of the Defendants or any other persons working at their direction or in active concert therewith, or subject to the Defendants’ control, may, notwithstanding the previous paragraph, take (i) actions to restore the columns to their original color, (ii) actions to restore the façade signage to its original state, or (iii) specific limited actions

necessary to maintain the functionality of the existing buildings and site at current standards of life, safety, security, and accessibility, as authorized under 20 U.S.C. § 76j(a)(1)(G), for which the Defendants must request and receive written advance approval of this Court;

ORDERED that, subject to the exception set forth above, no such work shall proceed on the Project until:

- (1) Defendants initiate and complete the Section 106 review process under the National Historic Preservation Act, 54 U.S.C. § 306108, and 36 C.F.R. pt. 800, including consultation with the D.C. State Historic Preservation Officer, the Advisory Council on Historic Preservation, and consulting parties, and including the process required by 54 U.S.C. § 306113 and 36 C.F.R. § 800.9(c) in light of intentional significant adverse effects already inflicted on the Kennedy Center;
- (2) Defendants submit the Project to the National Capital Planning Commission (“NCPC”) for review and receive NCPC approval, *see* 40 U.S.C. §§ 8721-8722;
- (3) Defendants submit the Project to the Commission of Fine Arts for review, *see* 40 U.S.C. § 9102; 45 C.F.R. §§ 2101.1-2101.2;
- (4) Defendants prepare and publish an adequate environmental assessment and, if required, an adequate environmental impact statement under the National Environmental Policy Act, 42 U.S.C. § 4332 *et seq.*, and complete all public comment and all review processes and procedures required thereunder;
- (5) Congress grants Defendants statutory authority to proceed with the Project, where the Project exceeds their existing statutory authority for capital projects “necessary” to “maintain the functionality of the building and site,” *see* 20 U.S.C. § 76j(a)(1)(G);

(6) Congress expressly authorizes the erection of any building or structure on the Kennedy Center grounds, *see* 40 U.S.C. § 8106; and

(7) Congress and the Secretary of the Interior expressly authorize any change in the management and operation of the Kennedy Center grounds, *see* 20 U.S.C. § 76j(a)(2)(F);

ORDERED that the Defendants’ counsel shall provide written notice of this Order to all officers, agents, successors, servants, employees, and attorneys of the Defendants, and any other persons working at their direction or in active concert therewith, or subject to the Defendants’ control, and shall file a copy of the notice on the docket at the same time;

ORDERED that the Defendants shall file a weekly status report apprising the Court of the status of their compliance with this Order; and

ORDERED that the security requirement is hereby waived, *see* Fed. R. Civ. P. 65(c); *Nat’l Council of Nonprofits v. OMB*, 775 F. Supp. 3d 100, 130 (D.D.C. 2025).

Dated this _____ day of _____, 2026

BY THE COURT:

United States District Judge

ATTORNEYS AND PARTIES TO BE NOTIFIED

Pursuant to Local Rule 7(k)

Gregory B. Craig (164640)
FOLEY HOAG LLP
1717 K Street N.W.
Washington, DC 20006
Tel: (202) 223-1200
gcraig@foleyhoag.com

Thaddeus A. Heuer (*pro hac vice*)
Kevin Y. Chen (*pro hac vice*)
Matthew F. Casassa (*pro hac vice*)
Marilyn Icsman (*pro hac vice*)
FOLEY HOAG LLP
155 Seaport Boulevard, Suite 1600
Boston, MA 02210
Tel: (617) 832-1000
theuer@foleyhoag.com
kchen@foleyhoag.com
mcasassa@foleyhoag.com
micsman@foleyhoag.com

Gregory Alan Werkheiser (VA210)
Marion Forsyth Werkheiser (486465)
Lydia Dexter (OR0032)
Jessie Barrington (VA224)
Caitlin McCurdy (NH0004)
Katherine Lee Sorrell (TX0109)
CULTURAL HERITAGE PARTNERS, PLLC
1717 Pennsylvania Avenue NW, Suite 1025
Washington, DC 20006
Tel: (202) 567-7594
greg@culturalheritagepartners.com
marion@culturalheritagepartners.com
lydia@culturalheritagepartners.com
jessie@culturalheritagepartners.com
caitlin@culturalheritagepartners.com
katherine@culturalheritagepartners.com

Abbe David Lowell (358651)
Caleb Hayes-Deats (1643213)
Isabella M. Oishi (90018056)
Angela Reilly (*pro hac vice*)
LOWELL & ASSOCIATES, PLLC
1250 H Street N.W., Suite 250
Washington, DC 20005
T: (202) 964-6110
F: (202) 964-6116
alowellpublicoutreach@lowellandassociates.com
chayes-deats@lowellandassociates.com
ioishi@lowellandassociates.com
areilly@lowellandassociates.com

Attorneys for DC Preservation League, National Trust for Historic Preservation in the United States, The American Institute of Architects, American Society of Landscape Architects, Docomomo US, Society of Architectural Historians, The Committee of 100 on the Federal City, and The Cultural Landscape Foundation

Pierce Anon
U.S. Department of Justice
Civil Division
1100 L Street
Washington, DC 20005
Tel: (202) 305-7573
pierce.anon@usdoj.gov

Attorney for Board of Trustees of the John F. Kennedy Center for the Performing Arts; Donald J. Trump, in his official capacity as Chair of the Board of the Trustees of the Kennedy Center; Smithsonian Institution; National Park Service; United States Department of the Interior; Douglas J. Burgum, in his official capacity as Secretary of the Interior; United States Army Corps of Engineers; and National Capital Planning Commission