

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

American Foreign Service Association, et
al.,

Plaintiffs,

v.

President Donald J. Trump, et al.,

Defendants.

Case No. 1:25-cv-00352

PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER

Pursuant to Local Civil Rule 65.1(a), Plaintiffs American Foreign Service Association and the American Federation of Government Employees hereby move for a temporary restraining order directing Defendants to immediately cease actions to shut down USAID's operations in a manner not authorized by Congress until the Court can further consider the merits. Plaintiffs request that the Court issue this order before 11:59 PM on February 7, 2025, the time by which virtually all USAID direct hire personnel will be placed on administrative leave globally. Plaintiffs further request that the Court order Defendants to file a status report within twenty-four hours of the issuance of any temporary restraining order, and at regular intervals thereafter, confirming compliance with these orders. As set forth in more detail in the accompanying brief, Defendants' actions violate the U.S. Constitutional principle of the separation of powers and the Take Care Clause. They also violate the Administrative Procedure Act because they are in excess of Agency Defendants' statutory authority and are arbitrary and capricious. Plaintiffs will suffer

imminent injury if this Court does not immediately intervene to enjoin Defendants' ongoing, illegal scheme to gut USAID.

Pursuant to Local Civil Rule 65.1(a), at 11:37 PM on February 6, 2025 counsel for Plaintiffs emailed the three Assistant Directors for the Federal Programs Branch of the Department of Justice a copy of the complaint and to provide actual notice that they would file a motion for a temporary restraining order in the morning, seeking immediate relief. At 7:02 AM on February 7, 2025, Department of Justice attorney Diane Kelleher acknowledged receipt of the email. Immediately prior to making this application to the Court, Plaintiffs electronic copies of the motion for temporary restraining order, and accompanying brief, declarations, and proposed order via e-mail before completing this electronic filing.

Dated: February 7, 2025

Respectfully submitted,

/s/ Kristen Miller

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*motion to appear *pro hac vice* forthcoming