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*Application *pro hac vice* pending

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

Defendants.

Case No.: 3:25-cv-03070-JD

***EX PARTE* MOTION FOR A
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE**

**EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO
SHOW CAUSE WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

TO DEFENDANTS DONALD J. TRUMP, in his official capacity as President of the United States; U.S. OFFICE OF PERSONNEL MANAGEMENT; CHARLES EZELL, in his official capacity as Acting Director of the U.S. Office of Personnel Management; U.S. DEPARTMENT OF STATE; U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT; MARCO RUBIO, in his official capacities as U.S. Secretary of State and Acting Administrator for the U.S. Agency for International Development; U.S. DEPARTMENT OF DEFENSE; PETER HEGSETH, in his official capacity as U.S. Secretary of Defense; U.S. DEPARTMENT OF THE TREASURY; SCOTT BESSENT, in his official capacity as U.S. Secretary of the Treasury; U.S. DEPARTMENT OF VETERANS AFFAIRS; DOUG COLLINS, in his official capacity as U.S. Secretary of Veterans Affairs; U.S. DEPARTMENT OF JUSTICE; PAMELA BONDI, in her official capacity as U.S. Attorney General; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; ROBERT F. KENNEDY JR., in his official capacity as Secretary of Health and Human Services; U.S. DEPARTMENT OF HOMELAND SECURITY; KRISTI NOEM, in her official capacity as Secretary of Homeland Security; U.S. DEPARTMENT OF THE INTERIOR; DOUG BURGUM, in his official capacity as Secretary of the Interior; U.S. DEPARTMENT OF ENERGY; CHRIS WRIGHT, in his official capacity as Secretary of Energy; U.S. DEPARTMENT OF AGRICULTURE; BROOKE ROLLINS, in her official capacity as Secretary of Agriculture; U.S. ENVIRONMENTAL PROTECTION AGENCY; LEE ZELDIN, in his official capacity as Administrator of the U.S. Environmental Protection Agency; U.S. NATIONAL SCIENCE FOUNDATION; DR. SETHURAMAN PANCHANATHAN, in his official capacity as Director of the U.S. National Science Foundation; U.S. INTERNATIONAL TRADE COMMISSION; AMY A. KARPEL, in her official capacity as Chair of the U.S. International Trade Commission; U.S. GENERAL SERVICES ADMINISTRATION; STEPHEN EHIKIAN, in his official capacity as Acting Administrator of the General Services Administration; U.S. SOCIAL SECURITY ADMINISTRATION; LELAND DUDEK, in his official capacity as Acting Commissioner of the Social Security Administration; U.S. DEPARTMENT OF LABOR; LORI CHAVEZ-DEREMER, in her official capacity as Secretary of Labor; U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SCOTT TURNER, in his official capacity as Secretary of the U.S. Department of Housing and Urban Development; U.S. DEPARTMENT OF TRANSPORTATION; SEAN DUFFY, in his official capacity as Secretary of Transportation; U.S. DEPARTMENT OF EDUCATION; LINDA MCMAHON, in her official capacity as Secretary of Education:

PLEASE TAKE NOTICE that as soon as counsel may be heard in Courtroom 11, San Francisco Courthouse, 19th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102:

For the reasons set forth in the accompanying memorandum of points and authorities in Support of Motion for Temporary Restraining Order and Order to Show Cause; the Declarations listed in the Index of Declarations; the Complaint; and the complete records filed in this case, Plaintiffs American Federation of Government Employees (AFGE), American Federation of State,

1 County, and Municipal Employees (AFSCME), Service Employees International Union (SEIU),
2 National Association of Government Employees (NAGE), National Federation of Federal
3 Employees (NFFE), and National Nurses Organizing Committee/National Nurses United
4 (NNOC/NNU) hereby request, under Federal Rule of Civil Procedure 65(b) and Local Civil Rule
5 65.1(a), that this Court issue a temporary restraining order, to remain in effect until such time as
6 the Court can further consider the merits of Plaintiffs' claims, as follows:
7

8 (1) enjoining Agency Defendants and Agency Head Defendants and their agents and
9 successors from implementing or otherwise giving effect to the March 27 Executive
10 Order entitled "Exclusions From Federal Labor-Management Relations Programs,"
11 ("Exclusion Order") including by:

- 12 a. Refusing to recognize as exclusive representatives of bargaining unit
13 employees unions who were certified exclusive representatives prior to the
14 Exclusion Order;
- 15 b. Terminating or otherwise treating as ineffective collective bargaining
16 agreements (CBAs) that were in effect prior to the Exclusion Order's
17 issuance;
- 18 c. Suspending or terminating voluntary payroll dues deductions for union
19 members or refusing to process dues deduction requests pursuant to 5 U.S.C.
20 § 7115;
- 21 d. Eliminating the use of official time as set forth in Chapter 71 of Title 5 and
22 binding CBAs and reassigning employees who performed official time
23 pursuant to Section 6(a) of the Exclusion Order;
- 24 e. Refusing to participate in proceedings before the Federal Labor Relations
25 Authority; and
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f. Terminating or otherwise refusing to participate in grievance and arbitration procedures set forth in CBAs that were in effect prior to the Exclusion Order's issuance;

(2) enjoining the Secretary of Transportation from issuing orders excluding subdivisions of the Department of Transportation pursuant to Section 5 of the Exclusion Order;

(3) enjoining Defendant agency heads from submitting reports identifying additional subdivisions to be excluded from Chapter 71 pursuant to Section 7 of the Exclusion Order; and

(4) rescinding any and all guidance or direction that has already issued that relates to implementing or enforcing the Exclusion Order, including the March 27 Memorandum from Charles Ezell to Heads and Acting Heads of Departments and Agencies entitled "Guidance on Executive Order *Exclusions from Federal Labor-Management Programs*."

Plaintiffs' notice and service of this Motion on Defendants is set forth in the accompanying Declaration of Plaintiffs' counsel Anne Weis.

Respectfully submitted,

DATED: April 7, 2025

/s/ Leon Dayan
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17 *Federation of State, County and Municipal*
18 *Employees, AFL-CIO; National Nurses Organizing*
19 *Committee/National Nurses United; Service*
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