

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN FEDERATION OF  
TEACHERS, AFL-CIO; UNITED  
FEDERATION OF TEACHERS; SERVICE  
EMPLOYEES INTERNATIONAL UNION,  
AFL-CIO; SEIU HEALTHCARE  
MINNESOTA & IOWA; SEIU  
COMMITTEE OF INTERNS AND  
RESIDENTS; UNITED FOOD AND  
COMMERCIAL WORKERS  
INTERNATIONAL UNION, AFL-CIO;  
UFCW LOCAL 135; INTERNATIONAL  
ASSOCIATION OF MACHINISTS AND  
AEROSPACE WORKERS, AFL-CIO;  
AMERICAN FEDERATION OF STATE,  
COUNTY & MUNICIPAL EMPLOYEES,  
AFL-CIO; AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO;  
UNITED NURSES ASSOCIATIONS OF  
CALIFORNIA/UNION OF HEALTH CARE  
PROFESSIONALS; and AMERICAN  
FEDERATION OF LABOR AND  
CONGRESS OF INDUSTRIAL  
ORGANIZATIONS,

PLAINTIFFS,

v.

GREGORY GOLDSTEIN, in his official  
capacity as Acting Director of the Federal  
Mediation and Conciliation Service;  
FEDERAL MEDIATION AND  
CONCILIATION SERVICE; UNITED  
STATES OF AMERICA; UNITED STATES  
OFFICE OF MANAGEMENT AND  
BUDGET; and RUSSELL T. VOUGHT, in  
his official capacity as the Director of the  
Office of Management and Budget,

DEFENDANTS.

Case No. 1:25-cv-03072-AS

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR PRELIMINARY  
INJUNCTION**

**ORAL ARGUMENT REQUESTED**

PLEASE TAKE NOTICE THAT on a date and time to be set by the Court, in Courtroom 15A of the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street, New York, NY 10007-1312, Plaintiffs will and hereby do move the Court pursuant to Rule 65(a) of the Federal Rules of Civil Procedure for a preliminary injunction requiring Defendants to restore the status quo *ante* by:

- (1) Immediately ceasing all actions designed to implement or otherwise effectuate Executive Order 14238 entitled, “Continuing the Reduction of the Federal Bureaucracy” (Mar. 14, 2025), as it applies to FMCS;
- (2) Immediately taking all necessary steps to return FMCS and its employees to their status prior to the March 14, 2025 Executive Order, including but not limited to, rescinding all specific notices of a Reduction-in-Force (RIF) at FMCS, and returning all affected FMCS employees from administrative leave to active duty status;
- (3) Immediately taking all necessary steps to resume all active FMCS cases and mediation services that were being provided and scheduled to be provided as of March 25, 2025;
- (4) Immediately rescinding any formal or informal guidance, rule, or directive that FMCS will only provide mediation services to bargaining units of 1,000 or more members (or bargaining units of 250 or more members in the health care industry), and taking all necessary steps to provide mediation services to parties without regard to such formal or informal guidance, rule, or directive;
- (5) Immediately resume providing all statutorily required services, including:

- a. Mediating disputes that “threaten to cause a substantial interruption of commerce,” as required by the Taft-Hartley Labor Management Relations Act of 1947, Pub. L. No. 80-101, 29 U.S.C. § 173(b);
- b. Mediating all disputes in the health care sector upon notice of a dispute from a party, as required by the Health Care Amendments of 1974, Pub. L. No. 93-360, 29 U.S.C. § 158(d)(C);
- c. Providing assistance to “plant, area and industrywide labor management committees,” as required by the Labor Management Cooperation Act of 1978, Pub. L. No. 95-524, 29 U.S.C. § 175a(a)(1);
- d. Providing services and assistance to federal agencies and unions representing federal employees “in the resolution of negotiation impasses,” as required by the Civil Service Reform Act of 1978, Pub. L. No. 95-454, 5 U.S.C. § 7119(a)–(b);
- e. “[M]aintaining rosters of neutrals and arbitrators” from which parties may select an arbitrator to adjudicate contract-based disputes, as required by 29 U.S.C. § 173(f).

This Motion for a Preliminary Injunction is brought pursuant to Federal Rule of Civil Procedure 65(a). Plaintiffs are likely to succeed on the merits of their claims that Executive Order 14238, as it applies to FMCS, and Defendants’ actions to implement the Executive Order violate the Administrative Procedure Act (Counts I and II) and the separation of powers (Count III). Plaintiffs and their members have suffered and will continue to suffer irreparable harm in the absence of preliminary injunctive relief. The balance of the equities and the public interest weigh in favor of the requested preliminary injunction.

This Motion is based on this Notice of Motion, the accompanying Memorandum of Law, and the declarations of Miles Trager, Jamie Gulley, David Dashefsky, Bruce Todd Walters, Paul Shepherd, Brandon Hemming, Dalia Thornton, Joe Guzynski, Amelia Glymph, Maneesh Sharma, and former FMCS Mediators Javier Ramirez and Joseph Kelleher, including the exhibits attached thereto; any reply memorandum or other memorandum Plaintiffs may file; all pleadings and filings in this action; and such other filings and arguments as may be presented to the Court.

Dated: April 16, 2025

/s/ Elisabeth Oppenheimer  
Elisabeth Oppenheimer\*  
(Lead Trial Counsel)  
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\*\**Pro Hac Vice* Application Pending