**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

American Federation of Teachers, *et al.*,   Plaintiffs,   **v.**   **U.S. Department of Education,** *et al.*,   Defendants.

Civil Case No. 1:25-cv-00628

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
AND APA § 705 STAY OF CERTIFICATION**

Pursuant to Federal Rule of Civil Procedure 65, and Section 705 of the Administrative Procedure Act, Plaintiffs American Federation of Teachers, American Sociological Association, American Federation of Teachers-Maryland, and Eugene School District 4J hereby move for an expedited preliminary injunction and stay of final agency action under 5 U.S.C. § 705 to prevent Defendants from causing further irreparable harm to Plaintiffs, their members, and educators and students around the country before this Court can resolve the merits of this case. As set forth in more detail in the memorandum of law in support of this motion, Defendants' actions violate the First and Fifth Amendments of the U.S. Constitution, and numerous provisions of the Administrative Procedure Act.

WHEREFORE, Plaintiffs respectfully request that the Court:

(i)   enter a preliminary injunction ordering that Defendants and their officers, agents, servants, employees, attorneys (whether employed by the Department of

Education or the Department of Justice); and other persons who are in active concert or participation with any of them (collectively, the "Enjoined Parties"), shall hold in abeyance the deadline for state education agencies and local education agencies to respond to the Reminder of Legal Obligations Undertaken In Exchange for Receiving Federal Financial Assistance and Request for Certification under Title VI and *SFFA v. Harvard,* dated April 3, 2025 (the "Certification");[1] and

(ii)   enter a preliminary injunction ordering that Enjoined Parties shall take no steps to initiate, against any educational institution: any investigations under the authority of; any assessment of compliance under the authority of; or, pause, freeze, impede, block, cancel, or terminate any federal awards, contracts, or obligations on the basis of the Certification, either signed or unsigned; and

(iii)   enter a preliminary injunction ordering that Enjoined Parties are enjoined from implementing, giving effect to, or reinstating the Certification under a different name; and

(iv)   enter a preliminary injunction ordering any signed Certifications null and void until further order of the Court; and

(v)   enter a preliminary injunction ordering that Enjoined Parties notify all state education agencies of the preliminary injunction as soon as is possible and prior to April 24, 2025;

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[1] Plaintiffs will also file today a motion for expedited briefing schedule, as the deadline for state education agencies and local education agencies to sign and submit the Certification is April 24, 2025. Thus, Plaintiffs seek relief in advance of that deadline.

(vi)   and order that the preliminary injunction shall apply to the maximum extent

provided for by Fed. R. Civ. P. 65(d)(2) and shall persist until further order of this

Court.

Dated: April 9, 2025   Respectfully submitted,
                                              /s/ Madeline H. Gitomer
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CERTIFICATE OF SERVICE

I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court of the United States Court of the District of Maryland by using the CM/ECF system. I also certify that the foregoing document is being served on Defendant's counsel of record and that service will be accomplished by the CM/ECF system.

This 9th day of April 2025

/s/ Madeline H. Gitomer
Madeline H. Gitomer (Bar No. 31518)
Counsel for Plaintiffs