THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

STATE OF MARYLAND, *et al.*, *Plaintiffs*,	*	
v.	*	No. 1:25-cv-00748-JKB
UNITED STATES DEPARTMENT OF AGRICULTURE, *et al.*, *Defendants*.	*	

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PLAINTIFFS' SECOND SUPPLEMENTAL BRIEF ON SCOPE OF RELIEF

The Court asked the parties to outline "the contours of a preliminary injunction that is not national in scope yet still redresses the alleged irreparable harms to the Plaintiff States." ECF No. 114. Respectfully, Plaintiff States maintain that on the facts of this case, a uniform, nationwide preliminary injunction remains "necessary to provide complete relief" to Plaintiffs and is "no more burdensome" than required to ensure they are not irreparably harmed during the course of this litigation. *Madsen v. Women's Health Ctr., Inc.*, 512 U.S. 753, 765 (1994) (quoting *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979)). In particular, the Defendants have announced their intentions to conduct additional reductions in force ("RIFs") during the course of this litigation. If the Court only reinstates probationary employees in the Plaintiff States, employees in the Plaintiff States will face a greater likelihood of being subject to the upcoming RIFs than they would if all probationary employees were reinstated. *See* 5 U.S.C. § 3502(a) (establishing various retention preferences); 5 C.F.R. §§ 351.501-351.504 (explaining the order in which groups of employees are released, with probationary employees being released before permanent employees). This will impose additional burdens on the Plaintiff States—such as additional rapid response burdens—

that they should not have to endure as a result of the Defendants' unlawful actions. *See generally* ECF No. 102 at 3-4.

That said, in the event that this Court disagrees, at a minimum the Court must stay or enjoin Defendants' unlawful RIFs as applied to federal probationary employees with duty stations or residence in each Plaintiff State. That is because the Plaintiff States would have to expend resources in either situation that could have been mitigated with proper notice.

To give a concrete example, an employee who resides in Virginia (a non-Plaintiff State) but works in Maryland would generally have to file their unemployment claim in Maryland, their state of employment. That is so because generally an unemployment insurance claim "shall be assigned to the State in which [a terminated employee] had his last official station in Federal service before the filing of his first claim for compensation for the benefit year." 5 U.S.C. § 8504. As this has been unfolding on the ground, Plaintiff States have seen tangible increases in the number of unemployment claims by federal employees compared to the same period last year. *See, e.g.*, MD DOL Decl. ECF No. 4-5 ¶¶ 18, 50, 52 (30-60 claims per day, equating to a 330% increase); NJ DOL Decl. ECF No. 4-11 ¶¶ 14-15 (273% increase); CA EDD Decl. ECF No. 4-7 ¶ 30 (149% increase).

But an employee who resides in Maryland and works in Virginia would generally seek any other social services aimed at mitigating the harms of unemployment from Maryland, their state of residence. *See, e.g.*, COMAR 10.09.24.05-3A ("To be eligible for the Maryland Medical Assistance Program, an applicant or recipient shall be a Maryland resident."); COMAR 07.03.17.08A(2) (requiring applicants for Supplemental Nutrition Assistance Program ("SNAP") to "reside[] in the political subdivision served by the local department where the household is applying").

As a result, a terminated federal worker who lives in one jurisdiction and works in another would file for different services in different jurisdictions. *Cf., e.g.*, Redacted Declaration, ECF No. 33-6 (Ex. R) ¶¶ 7, 9 (Maryland resident, who pays income tax to Maryland, setting out plans to apply for unemployment insurance benefits with the D.C. government and considering applying to Medicaid and SNAP); Redacted Declaration, ECF No. 33-8 (Ex. T) ¶¶ 7, 10 (similar). The same is true of many part-time remote federal workers whose official worksite may be the office location, not their home location. *See* 5 C.F.R. § 531.605(d)(1) (the agency office is the official worksite of a typically remote employee who is scheduled to work in office at least two days per biweekly pay period). If one of these workers is terminated, he would apply for unemployment insurance benefits in the state where his agency office is located, but would apply for Medicaid, SNAP, and other resources in his home jurisdiction.

Whether a terminated employee works or resides in a Plaintiff State, notice could have mitigated these burdens. The need for a stay or injunction as applied to terminated employees with duty stations in Plaintiff States is obvious. Plaintiff States should have received notice of these separations within their borders, which would have triggered their rapid response efforts and reduced the need for unemployment assistance, among other things. For similar reasons, a stay or injunction is also appropriate as to terminated employees who work in non-Plaintiff States but reside in Plaintiff States. Ultimately, had Defendants followed the law and provided *all* States with notice prior to conducting their RIFs, it would have triggered federally mandated rapid responses in *any* state where the threshold number of terminations was met. *See* 29 U.S.C. § 2864(a)(2)(A)(i)(II); 20 C.F.R. §§ 682.302, 682.305. And had non-Plaintiff States performed those federally mandated duties, employees residing in Plaintiff States may have avoided

unemployment altogether—thereby eliminating the need for social services like Medicaid or supplemental nutrition assistance.

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