

Erwin Chemerinsky (*pro hac vice* forthcoming)
 echemerinsky@law.berkeley.edu
 Claudia Polsky (CA Bar No. 185505)
 cpolsky@law.berkeley.edu
 U.C. BERKELEY SCHOOL OF LAW
 Law Building
 Berkeley, CA 94720-7200
 Telephone: 510.642.6483

Elizabeth J. Cabraser (CA Bar No. 83151)
 ecabraser@lchb.com
 Richard M. Heimann (CA Bar No. 63607)
 rheimann@lchb.com
 LIEFF CABRASER HEIMANN &
 BERNSTEIN, LLP
 275 Battery Street, 29th Floor
 San Francisco, CA 94111
 Telephone: 415.956.1000

Anthony P. Schoenberg (CA Bar No. 203714)
 tschoenberg@fbm.com
 FARELLA BRAUN + MARTEL LLP
 One Bush Street, Suite 900
 San Francisco, CA 94104
 Telephone: 415. 954.4400

Attorneys for Plaintiffs and the Proposed Class
 [Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, KEN ALEX, NELL
 GREEN NYLEN, ROBERT HIRST,
 CHRISTINE PHILLIOU, and JEDDA
 FOREMAN, on behalf of themselves and all
 others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
 President of the United States;
 DEPARTMENT OF GOVERNMENT
 EFFICIENCY (“DOGE”);
 AMY GLEASON, in her official capacity as
 Acting Administrator of the Department of
 Government Efficiency;
 NATIONAL SCIENCE FOUNDATION;

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Case No. 3:25-cv-04737-RL

**MOTION FOR TEMPORARY
 RESTRAINING ORDER AND
 ORDER TO SHOW CAUSE**

The Honorable Rita F. Lin

1 BRIAN STONE, in his official capacity as
2 Acting Director of the National Science
Foundation;
3 NATIONAL ENDOWMENT FOR THE
HUMANITIES;
4 MICHAEL MCDONALD, in his official
capacity as Acting Chairman of the National
5 Endowment for the Humanities;
UNITED STATES ENVIRONMENTAL
6 PROTECTION AGENCY;
LEE ZELDIN, in his official capacity as
7 Administrator of the U.S. Environmental
Protection Agency;
8 UNITED STATES DEPARTMENT OF
AGRICULTURE;
9 BROOKE ROLLINS, in her official capacity as
Secretary of the U.S. Department of Agriculture;
10 AMERICORPS (a.k.a. the CORPORATION
FOR NATIONAL AND COMMUNITY
11 SERVICE);
JENNIFER BASTRESS TAHMASEBI, in her
12 official capacity as Interim Agency Head of
AmeriCorps;
13 UNITED STATES DEPARTMENT OF
DEFENSE;
14 PETE HEGSETH, in his official capacity as
Secretary of the U.S. Department of Defense;
15 UNITED STATES DEPARTMENT OF
EDUCATION;
16 LINDA MCMAHON, in her official capacity as
Secretary of the U.S. Department of Education;
17 UNITED STATES DEPARTMENT OF
ENERGY;
18 CHRIS WRIGHT, in his official capacity as
Secretary of Energy;
19 UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
20 ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the U.S. Department of
21 Health and Human Services;
UNITED STATES CENTERS FOR DISEASE
22 CONTROL;
MATTHEW BUZZELLI, in his official capacity
23 as Acting Director of the Centers for Disease
Control;
24 UNITED STATES FOOD AND DRUG
ADMINISTRATION;
25 MARTIN A. MAKARY, in his official capacity
as Commissioner of the Food and Drug
26 Administration;
UNITED STATES NATIONAL INSTITUTES
27 OF HEALTH;
JAYANTA BHATTACHARYA, in his official
28 capacity as Director of the National Institutes of

1 Health;
2 INSTITUTE OF MUSEUM AND LIBRARY
3 SERVICES;
4 KEITH SONDERLING, in his official capacity
5 as Acting Director of the Institute of Museum
6 and Library Services;
7 UNITED STATES DEPARTMENT OF THE
8 INTERIOR;
9 DOUG BURGUM, in his official capacity as
10 Secretary of the Interior;
11 UNITED STATES DEPARTMENT OF STATE;
12 MARCO RUBIO, in his official capacity as
13 Secretary of the U.S. Department of State;
14 DEPARTMENT OF TRANSPORTATION;
15 SEAN DUFFY, in his official capacity as
16 Secretary for the U.S. Department of
17 Transportation,
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Defendants.

1 **MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE**

2 TO ALL DEFENDANTS: PLEASE TAKE NOTICE that as soon as counsel may be heard
 3 in Courtroom 15, 18th Floor, United States District Court, Northern District of California, located
 4 at 450 Golden Gate Avenue, San Francisco, CA, Plaintiffs will move the Court pursuant to Rule 65
 5 of the Federal Rules of Civil Procedure and Rule 65-1 of the Civil Local Rules and this Court's
 6 authority to "issue all necessary and appropriate process to postpone the effective date of an
 7 agency action or to preserve status or rights," 5 U.S.C. § 705, for a temporary restraining order as
 8 follows:

9 1. Enjoin Federal Defendant Agencies identified above; their officers, agents, servants,
 10 employees, and attorneys; and all persons acting by, through, under or in concert with these
 11 Defendants (collectively, "TRO Defendants") from taking any actions to implement or enforce
 12 Defendant Trump and Defendant DOGE's directives to unlawfully terminate federal research
 13 grants previously awarded to Plaintiffs and the Proposed Class, including but not limited to:

- 14 (a) cutting off agency and grantee access to congressionally appropriated funding,
 15 and
 16 (b) giving effect to the violative terminations, or undertaking any similar violative
 17 action to terminate additional duly awarded agency grants.

18 2. Enjoin TRO defendants to:

- 19 (a) restore Plaintiffs' and Proposed Class members' previously awarded grants
 20 terminated through unlawful processes, and
 21 (b) provide no-cost extensions to Plaintiffs and Proposed Class members for the
 22 time necessary to resume and complete interrupted work.

23 3. Enjoin TRO Defendants to return to the lawful and orderly grant procedures they
 24 employed prior to January 20, 2025, including but not limited to:

- 25 (a) providing Plaintiffs and Proposed Class members reasonable notice and an
 26 opportunity to be heard prior to terminating already awarded grants, and
 27 (b) providing Plaintiffs and Proposed Class members a meaningfully
 28 individualized explanation of the reason(s) for any proposed grant

1 termination, rather than a barely customized form letter.

2 4. Order each and all Defendants to file and serve declarations verifying that they have
3 complied with this Order, and detailing the steps they have taken to do so.

4 The Motion is made on the grounds that (1) Plaintiffs are likely to prevail on their claims
5 that Defendants' decisions to unilaterally cancel duly awarded grants and withhold funding that
6 Congress has appropriated to fund such grants violates the separation of powers; that Defendants'
7 termination of grants en masse to disadvantage or promote particular political and ideological ideas
8 is unlawful viewpoint discrimination in violation of the First Amendment; that Defendants' abrupt
9 cancellation or imminent cancellation of federal grant and contract funding violates Plaintiffs'
10 Fifth Amendment right to due process; that Defendants' actions are contrary to law under the
11 Administrative Procedure Act, because they violate the Impoundment Control Act, agencies'
12 enabling statutes, and agency regulations; and that Defendants' mass termination of grants
13 previously awarded to Plaintiffs and the Class was also arbitrary and capricious under the
14 Administrative Procedure Act; (2) Plaintiffs will suffer irreparable injury unless the relief
15 requested is granted; and (3) the balance of equities and the public interest favor injunctive relief.

16 This Motion is supported by the accompanying Plaintiffs' Memorandum in Support of
17 Motion for Temporary Restraining Order and Appendices; the Declarations of Named Plaintiffs
18 and additional Class members; the Complaint; and the entire record in this case. Plaintiffs have
19 provided notice of this Motion and are serving it through the Court's electronic filing service, as
20 set forth in the accompanying Declaration of Plaintiffs' counsel Anthony P. Schoenberg.

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1 Dated: June 5, 2025

2 By: 

3 Anthony P. Schoenberg (CA Bar No. 203714)
4 tschoenberg@fbm.com
5 John J. Darin (CA Bar No. 323730)
6 jdarin@fmb.com
7 Katherine T. Balkoski (CA Bar No. 353366)
8 kbalkoski@fbm.com
9 FARELLA BRAUN + MARTEL LLP
10 One Bush Street, Suite 900
11 San Francisco, CA 94104
12 Telephone: 415. 954.4400

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21 Elizabeth J. Cabraser (CA Bar No. 83151)
22 ecabraser@lchb.com
23 Richard M. Heimann (CA Bar No. 63607)
24 rheimann@lchb.com
25 Kevin R. Budner (CA Bar No. 287271)
26 kbudner@lchb.com
27 Annie M. Wanless
28 awanless@lchb.com (CA Bar No. 339635)
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: 415.956.1000

Attorneys for Plaintiffs and the Proposed Class