

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN FEDERATION OF
TEACHERS, AFL-CIO, *et al.*,

Plaintiffs,

v.

ANNA DAVIS, in her official capacity as
Agency Head – General Counsel Performing
the Duties of the Director of the Federal
Mediation and Conciliation Service, *et al.*,

Defendants.

No. 25 Civ. 3072 (AS)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, defendants Anna Davis, in her official capacity as Agency Head – General Counsel Performing the Duties of the Director of the Federal Mediation and Conciliation Service (“FMCS”),¹ the United States of America, the United States Office of Management and Budget (“OMB”), and Russell T. Vought, in his official capacity as the Director of the OMB (collectively, “Defendants”), by their attorney, Jay Clayton, United States Attorney for the Southern District of New York, hereby move this Court for an order dismissing the Amended Complaint in the above-captioned matter pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, or alternatively, Rule 56 of the Federal Rules of Civil Procedure.

¹ Plaintiffs named Gregory Goldstein, Acting Director of FMCS, as a defendant. However, Mr. Goldstein is no longer the Acting Director of FMCS as of June 28, 2025. Anna Davis is now the Agency Head - General Counsel Performing the Duties of the Director of FMCS. Ms. Davis is therefore automatically substituted as a defendant in this action pursuant to Federal Rule of Civil Procedure 25(d).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's order, Plaintiffs' opposition is due to be served by July 18, 2025; and Defendants' papers in reply are to be served by July 28, 2025. Dkt. No. 65.

Dated: July 3, 2025
New York, New York

Respectfully submitted,

JAY CLAYTON
United States Attorney for the
Southern District of New York

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