

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CITY OF BOSTON, CITY OF CHICAGO, CITY
OF NEW YORK, MAYOR AND CITY COUNCIL
OF BALTIMORE, CITY AND COUNTY OF
DENVER, CITY OF MINNEAPOLIS, CITY OF
NEW HAVEN, CITY OF SAINT PAUL, and
RAMSEY COUNTY,

Plaintiffs,

v.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, DEPARTMENT
OF HOMELAND SECURITY, FEDERAL
EMERGENCY MANAGEMENT AGENCY, and
DAVID RICHARDSON, in his official capacity as
Senior Official Performing the Duties of FEMA
Administrator,

Defendants.

Case No. 25-cv-12765

Hon. Manish S. Shah

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs City of Chicago, City of Boston, City of New York, Mayor and City Council of Baltimore, City and County of Denver, City of Minneapolis, City of New Haven, City of Saint Paul, and Ramsey County, through undersigned counsel, move the Court for a preliminary injunction pursuant to Federal Rule of Civil Procedure 65(a). For the reasons explained in Plaintiffs' Memorandum in Support of Motion for Preliminary Injunction and Stay of Agency Action, Plaintiffs seek the following injunctive relief, pending a final hearing and determination of the merits in this action:

1. An order preliminarily enjoining Defendants, their officers, agents, employees, attorneys, and all those in active concert or participation with Defendants from:

- a. attaching, incorporating, imposing, or enforcing, or requiring Plaintiffs or their subrecipients to certify compliance with, the Discrimination Condition, the Executive Order Condition, the DEI Disclosure Requirement (as those conditions are defined in the Complaint) or any materially similar terms or conditions, with respect to any applications submitted by Plaintiffs, and any DHS/FEMA funds awarded to or received by Plaintiffs or their subrecipients, whether directly or indirectly, including through new grant applications, applications for continuation funding, notices of funding availability or opportunity, certifications, grant agreements, post-award submissions, or reimbursement requests;
- a. attaching, incorporating, imposing, or enforcing the Civil Rights Conditions (as those conditions are defined in the Complaint), to the extent that Defendants construe any of the Civil Rights Conditions to require anything other than compliance with the statutes cited in the Civil Rights Conditions as they have been enacted by Congress and interpreted by the Judiciary;
- b. rescinding, withholding, cancelling, or otherwise not processing any DHS/FEMA grant agreements, or pausing, freezing, impeding, blocking, cancelling, terminating, delaying, withholding, or conditioning DHS/FEMA funds, based on such terms or conditions, including without limitation failing or refusing to process and otherwise implement grants signed with changes or other objections to conditions enjoined by this preliminary injunction.

2. An order pursuant to 5 U.S.C. § 705:

- a. postponing the effective date of any action by any Defendants, their officers, agents, employees, attorneys, and all those in active concert or participation with Defendants, to adopt, issue, or enforce the Discrimination Condition, Executive Order Condition, and DEI Disclosure Requirement pending conclusion of this litigation;
- b. declaring the Challenged DHS Conditions and DEI Disclosure Requirement void and enforceable, with respect to any application, award, agreement or other document executed by Plaintiffs; and
- c. declaring that the Civil Rights Conditions require only compliance with the statutes cited therein as to those statutes have been enacted by Congress and interpreted by the Judiciary.

3. An order requiring Defendants, their officers, agents, employees, attorneys, and all those in active concert or participation with Defendants, to immediately treat any actions taken to implement or enforce the Challenged DHS Conditions and DEI Disclosure Requirement or any materially similar terms or conditions as to the Plaintiffs or their subrecipients, including but not limited to any delays or withholding of funds based on such conditions, as null, void, and rescinded; while this preliminary injunction is in effect, to treat as null and void any such conditions included in any grant agreement executed by any of the Plaintiffs or their subrecipients; and forbidding the retroactive application of such conditions to grant agreements during the effective period of this preliminary injunction;

4. An order preliminarily enjoining Defendants, their officers, agents, employees, attorneys, and all those in active concert or participation with Defendants, from retaliating against

any Plaintiff for participating in this lawsuit or taking any adverse action based on any Plaintiff's participation in this lawsuit, including reducing the amount of a grant award to that Plaintiff or to any state agency through which Plaintiff may receive grant funding; refusing to issue, process, sign, or approve grant applications, grant agreements, or subgrant agreements; and refusing to issue, process, sign, or approve any invoice or request for payment, or reducing the amount of such approval or payment;

5. An order requiring Defendants' counsel to provide written notice of this Order to all Defendants and their officers, agents, servants, employees, and attorneys, and any other persons who are in active concert or participation with them by the end of the second day after issuance of this Order; and

6. An order requiring Defendants, by the end of the second day after issuance of this Order, to file on the Court's electronic docket and serve upon Plaintiffs a Status Report documenting the actions that they have taken to comply with this Order, including a copy of the notice and an explanation as to whom the notice was sent; and

7. Any other relief that this Court deems proper and just.

Dated: October 24, 2025

Respectfully submitted,

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