

1 Stacey M. Leyton (SBN 203827)  
2 Barbara J. Chisholm (SBN 224656)  
3 Danielle Leonard (SBN 218201)  
4 Alice X. Wang (SBN 335224)  
5 Robin S. Tholin (SBN 344845)  
6 Talia Stender (SBN 341654)  
7 ALTSHULER BERZON LLP  
8 177 Post Street, Suite 300  
9 San Francisco, CA 94108  
10 Tel.: (415) 421-7151  
11 sleyton@altber.com  
12 bchisholm@altber.com  
13 dleonard@altber.com  
14 awang@altber.com  
15 rtholin@altber.com  
16 tstender@altber.com

*Attorneys for Plaintiffs*

[Additional counsel and affiliations listed on signature page]

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO, et  
al.,

Plaintiffs,

v.

UNITED STATES OFFICE OF  
MANAGEMENT AND BUDGET, et al.,

Defendants.

Case No. 3:25-cv-08302-SI

**MOTION OF PLAINTIFFS AFGE AND  
AFSA FOR TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW CAUSE**

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

TO ALL DEFENDANTS: PLEASE TAKE NOTICE that American Federation of Government Employees, AFL-CIO (“AFGE”) and American Foreign Service Association (“AFSA”)<sup>1</sup> hereby move the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure and Rule 65-1 of the Civil Local Rules and this Court’s authority to “issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights,” 5 U.S.C. §705, for a temporary restraining order (“TRO”) and an order to show cause. Specifically, Plaintiffs ask the Court to order the following immediate and interim relief before **December 5, 2025 at 9 a.m. Eastern Time**, in light of the imminent separation of employees scheduled to be effectuated that day by Defendant U.S. Department of State (“State Department”):

1. Enjoin Defendants OPM, OMB and the State Department, their agency heads named in their official capacities as Defendants in this lawsuit, their officers, agents, servants, employees, and attorneys, and all persons acting by, through, under, or in concert with these Defendants, from taking any action to implement, carry out, or effectuate RIFs of employees of the State Department, including any actions to separate employees from federal employment.

2. Order that, within two (2) business days, each enjoined Defendant file a declaration(s) verifying that the Defendant has complied with this Order and the steps taken to do so.

3. Order Defendants to show cause why a preliminary injunction should not issue and set a hearing at the earliest possible time and date on which the Court is available to hear argument on that issue.

This motion for a TRO is made on the grounds that (1) Plaintiffs are likely to prevail on their claims that OMB and OPM have exceeded statutory authority, acted contrary to law and constitutional powers in issuing memoranda and instructions interpreting Section 120 of the CR to cover only newly noticed RIFs; that OMB, OPM, and the State Department have and will imminently exceed statutory authority, act contrary to law, and act contrary to the Appropriations Clause by executing RIFs of State Department employees in violation of Congress’s express prohibition; and

---

<sup>1</sup> Plaintiffs have filed herewith an unopposed Motion for Leave to File Supplemental Complaint that adds AFSA as a plaintiff to this action.

1 that therefore the actions of Defendants are *ultra vires* and violate the Administrative Procedure Act  
 2 (“APA”), 5 U.S.C. §706(2)(A), (B), (C); (2) that Plaintiffs will suffer irreparable injury unless the  
 3 relief requested is granted; and (3) that the balance of equities and public interest favor injunctive  
 4 relief.

5 This motion is supported by the accompanying Plaintiffs’ Memorandum in Support of Motion  
 6 for TRO; the accompanying declarations; the accompanying Supplemental Complaint; and the entire  
 7 record in this case. Plaintiffs have provided notice of this Motion as set forth in the accompanying  
 8 Declaration of Plaintiffs’ counsel Danielle Leonard in support of Plaintiffs’ Motion for TRO.

9  
 10 Respectfully submitted,

11 DATED: December 3, 2025

12 Stacey M. Leyton  
 13 Barbara J. Chisholm  
 14 Danielle E. Leonard  
 15 Alice X. Wang  
 16 Robin S. Tholin  
 17 Talia Stender  
 18 ALTSHULER BERZON LLP  
 19 177 Post St., Suite 300  
 20 San Francisco, CA 94108  
 21 Tel.: (415) 421-7151  
 22 Fax: (415) 362-8064  
 23 sleyton@altshulerberzon.com  
 24 bchisholm@altshulerberzon.com  
 25 dleonard@altshulerberzon.com  
 26 awang@altshulerberzon.com  
 27 rtholin@altshulerberzon.com  
 28 tstender@altshulerberzon.com

By: /s/ Danielle Leonard

*Attorneys for All Plaintiffs*

24 Elena Goldstein (pro hac vice)  
 25 Jennie L. Kneedler (pro hac vice)  
 26 DEMOCRACY FORWARD FOUNDATION  
 27 P.O. Box 34553  
 28 Washington, DC 20043  
 Tel: (202) 322-1959  
 egoldstein@democracyforward.org  
 jkneedler@democracyforward.org

*Attorneys for All Plaintiffs*

Norman L. Eisen (pro hac vice)  
Craig Becker (pro hac vice)  
STATE DEMOCRACY DEFENDERS FUND  
600 Pennsylvania Avenue SE #15180  
Washington, D.C. 20003  
Tel: (202) 594-9958  
Norman@democracydefenders.org  
Craig@democracydefenders.org

*Attorneys for All Plaintiffs*

Rushab Sanghvi (SBN 302809)  
AMERICAN FEDERATION OF GOVERNMENT  
EMPLOYEES, AFL-CIO  
80 F Street, NW  
Washington, D.C. 20001  
Tel: (202) 639-6426  
Sanghr@afge.org

*Attorneys for Plaintiffs American Federation of  
Government Employees, AFL-CIO (AFGE) and AFGE  
locals*