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13		DISTRICT COURT
14		STRICT OF CALIFORNIA
15	SAN FRANCIS	SCO DIVISION
16	AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, et	Case No. 3:25-cv-08302-SI
17	al.,	PLAINTIFFS AFGE, AFSA, AND NFFE'S NOTICE OF AND MOTION
18	Plaintiffs,	FOR PRELIMINARY INJUNCTION AND FOR RELIEF PURSUANT TO 5
19	V.	U.S.C. §705
20	UNITED STATES OFFICE OF	Date/Time: December 17, 2025 at 10:30am
21	MANAGEMENT AND BUDGET, et al.,	Location: Courtroom 1, 17th Floor
22	Defendants.	
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NOTICE OF AND MOTION FOR PRELIMINARY INJUNCTION AND FOR RELIEF PURSUANT TO 5 U.S.C. §705

a.m. in Courtroom 1, 17th Floor, United States District Court, Northern District of California, located at 450 Golden Gate Avenue, San Francisco, CA, Plaintiffs American Federation of Government Employees ("AFGE"), American Foreign Service Association ("AFSA"), and National Federation of Federal Employees ("NFFE") will move the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure, 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 preliminary injunction order and §705 relief that includes the following:

- 1. Orders Defendants Office of Management and Budget ("OMB"), Office of Personnel Management ("OPM"), the U.S. Department of Education ("Education"), and the U.S. Department of State ("State"); 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, to refrain from taking any action to implement, carry out, or effectuate reductions in force ("RIFs") of employees of the Education and State Departments, including any actions to separate employees from federal employment, through at least January 30, 2026.
- 2. Orders Defendants OMB, OPM, the Education and State Departments, and their agency heads named in their official capacities as Defendants in this lawsuit to give individual notice of this injunction to all employees of the Education and State Departments who were previously sent any communication informing them of a RIF or an intent to complete a RIF after November 12, 2025. Such notice shall be sent by both e-mail and U.S. mail, and shall include the following information:

The U.S. District Court for the Northern District of California has approved this message. No agency, including the Department of [State/Education], may separate employees by implementing a reduction-in-force (RIF) prior to January 30, 2026, in light of the enactment in law on November 12, 2025 of Section 120(a) of H.R. 5371, the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions

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Act, 2026. You will therefore not be separated from federal employment pursuant to any RIF notice issued to you to date.

- 3. Orders Defendants OMB, OPM, the Education and State Departments, the U.S. Department of Defense ("Defense"), the General Services Administration ("GSA"), and the Small Business Administration ("SBA"); 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, to comply with Section 120 of Public Law No. 119-37 by rescinding RIFs that were implemented or executed between October 1 and November 12, 2025, including by ordering that:
- Any RIF "noticed, initiated, executed, implemented, or otherwise taken by an a. Executive Agency between October 1, 2025" and November 12, 2025, shall "have no force or effect."1
- b. Any employee who was separated from federal employment by the Departments of Defense or State, GSA, or SBA pursuant to a RIF on any date between October 1, 2025 and November 12, 2025 shall "be returned to employment status as of September 30, 2025, without interruption," and "shall receive all pay to which they otherwise would have been entitled in the absence of receiving such notice, including backpay in accordance with section 116" of Public Law No. 119-37.
- "Within 5 days" of the date of the preliminary injunction order, the Departments of c. Defense and State, GSA, and SBA shall send notice to any employee separated from federal employment pursuant to a RIF on any date between October 1, 2025 and November 12, 2025, and to the chairs and ranking members of the Appropriations Committees of the Senate and House of Representatives, "of the withdrawal of the reduction in force notice and the affected employee's reinstatement." Those "[n]otices must include reinstatement date and the amount of back pay."

¹ All quotations in paragraph 3 are from Section 120(e) of Public Law No. 119-37.

² Section 120(e) required these actions to be taken "[w]ithin 5 days" of the enactment of Public Law No. 119-37.

4. Orders that, within seven (7) business days of the date of the preliminary injunction, each enjoined Defendant shall file a declaration(s) verifying that the Defendant has complied with the Order and the steps taken to do so.

This Motion is made on the grounds that (1) Plaintiffs AFGE, NFFE, and AFSA are likely to prevail on their claims that OMB and OPM have exceeded statutory authority and 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 and Education Departments have and will imminently have exceeded statutory authority and acted contrary to law and constitutional powers by implementing and executing RIFs in violation of Congress's express prohibition; and OMB, OPM, the Defense and State Departments, GSA, and SBA have exceeded statutory authority and acted contrary to law in executing RIFs by separating employees from federal employment between October 1, 2025 and November 12, 2025 and refusing to rescind those separations in compliance with Section 120 of Public Law No 119-37; and therefore the actions of Defendants are *ultra vires* and violate the Administrative Procedure Act ("APA"), 5 U.S.C. \$706(2)(A), (B), (C), and the Appropriations Clause; (2) that Plaintiffs will suffer irreparable injury unless the relief requested is granted; and (3) that the balance of equities and public interest favor injunctive relief.

This motion is supported by the accompanying Plaintiffs' Memorandum in Support of Motion for Preliminary Injunction; the accompanying declarations; the declarations previously filed in support of Plaintiffs' Motion for Temporary Restraining Order; the Second Amended Complaint; the Supplemental Complaint; and the entire record in this case.

Respectfully submitted,

DATED: December 9, 2025

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