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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

**PLAINTIFFS AFGE, AFSA, AND
NFFE'S NOTICE OF AND MOTION
FOR PRELIMINARY INJUNCTION
AND FOR RELIEF PURSUANT TO 5
U.S.C. §705**

Date/Time: December 17, 2025 at 10:30am
Location: Courtroom 1, 17th Floor

**NOTICE OF AND MOTION FOR PRELIMINARY INJUNCTION
AND FOR RELIEF PURSUANT TO 5 U.S.C. §705**

TO ALL DEFENDANTS: PLEASE TAKE NOTICE that on December 17, 2025, at 10:30 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

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

3 3. Orders Defendants OMB, OPM, the Education and State Departments, the U.S.
4 Department of Defense (“Defense”), the General Services Administration (“GSA”), and the Small
5 Business Administration (“SBA”); their agency heads named in their official capacities as
6 Defendants in this lawsuit; their officers, agents, servants, employees, and attorneys; and all persons
7 acting by, through, under, or in concert with these Defendants, to comply with Section 120 of Public
8 Law No. 119-37 by rescinding RIFs that were implemented or executed between October 1 and
9 November 12, 2025, including by ordering that:

10 a. Any RIF “noticed, initiated, executed, implemented, or otherwise taken by an
11 Executive Agency between October 1, 2025” and November 12, 2025, shall “have no force or
12 effect.”¹

13 b. Any employee who was separated from federal employment by the Departments of
14 Defense or State, GSA, or SBA pursuant to a RIF on any date between October 1, 2025 and
15 November 12, 2025 shall “be returned to employment status as of September 30, 2025, without
16 interruption,” and “shall receive all pay to which they otherwise would have been entitled in the
17 absence of receiving such notice, including backpay in accordance with section 116” of Public Law
18 No. 119-37.

19 c. “Within 5 days” of the date of the preliminary injunction order,² the Departments of
20 Defense and State, GSA, and SBA shall send notice to any employee separated from federal
21 employment pursuant to a RIF on any date between October 1, 2025 and November 12, 2025, and to
22 the chairs and ranking members of the Appropriations Committees of the Senate and House of
23 Representatives, “of the withdrawal of the reduction in force notice and the affected employee’s
24 reinstatement.” Those “[n]otices must include reinstatement date and the amount of back pay.”

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

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

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