	Case 3:25-cv-01780-WHA	Document 18	Filed 02/23/25	Page 1 of 4				
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13								
14	UNITED STATES DISTRICT COURT							
15	FOR THE NORTHERN DISTRICT OF CALIFORNIA							
16		SAN FRANCIS	CO DIVISION					
17	AMERICAN FEDERATION OF		Case No. 3:25-cv-	01780-WHA				
18	GOVERNMENT EMPLOYEES AMERICAN FEDERATION OF	/ /	<i>EX PARTE</i> MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE					
19	COUNTY AND MUNICIPAL E AFL-CIO, et al.,	MPLOYEES,						
20	Plaintiffs,							
21	V.							
22		DEDGONNIEL						
23	UNITED STATES OFFICE OF MANAGEMENT, et al.,	reksunnel						
24	Defendants.							
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28								
	<i>Ex Parte</i> Motion for TRO and OSC, No. 3:25-cv-01780-WHA							

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EX PARTE MOTION FOR TEMPORARY RESTAINING ORDER AND ORDER TO SHOW CAUSE WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE

TO DEFENDANTS UNITED STATES OFFICE OF PERSONNEL MANAGEMENT and CHARLES EZELL, in his capacity as Acting Director of the U.S. Office of Personnel Management: PLEASE TAKE NOTICE that as soon as counsel may be heard in Courtroom 12, 19th Floor, United States District Court, Northern District of California, located at 450 Golden Gate Avenue, San Francisco, CA, Plaintiffs will move the Court pursuant to Rule 65 of the Federal Reules of Civil Procedure and Rule 65-1 of the Civil Local Rules for a temporary restraining order to:

1. Enjoin Defendants, their officers, agents, servants, employees, and attorneys, and all persons acting by, through, under, or in concert with Defendants (referred to collectively hereinafter as "Defendants") are enjoined from taking any actions to implement or effectuate OPM's directive to terminate probationary federal employees;

2. Order Defendants within two (2) business days to file a complete accounting of all probationary employees, listed by federal agency, who have been terminated pursuant to OPM's termination program;

3. Order Defendants to rescind OPM's unlawful directive to terminate probationary employees and take all necessary steps to return federal agencies and their employees to their status prior to this unlawful directive, pending further order of this Court, including by reinstating probationary employees fired after February 13, 2025 based on OPM's unlawful directive;

4. Order Defendants within two (2) business days to give notice of the TRO and of their reinstatement to all probationary employees terminated after February 13, 2025 as a result of OPM's unlawful directive.

The Motion will be made on the grounds that Plaintiffs will suffer irreparable injury unless the relief described above is granted; that OPM's directive to terminate probationary federal employees is *ultra vires* and unlawful because it exceeds OPM's constitutional and statutory authority, in violation of the Constitution's separation of powers principles, and violates the Administrative Procedure Act, 5 U.S.C. §§706(2)(A), (C), and (D); and that the balance of equities and public interest favor injunctive relief.

Ex Parte Motion for TRO and OSC No. 3:25-cv-01780-WHA

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1	This Motion is supported by the accompanying Plaintiffs' Memorandum in Support of Motion					
2	for Temporary Restraining Order and Order to Show Cause; the Declarations of Oscar Arbulu,					
3	Katherine Archuleta, Liliana Caetano Bachelder, Kory Blake, Paul Eaton, Thomas Evans, Andrew					
4	Frassetto, Yolanda Jacobs, Jonathan B. Jarvis, Everett Kelley, Erik Molvar, Denise Nemeth-					
5	Greenleaf, Don L. Neubacher, Shawn Phetteplace, Daniel T. Ronneberg, Elizabeth Turner-Nichols,					
6	Milana Walls, and Eileen B. Goldsmith; the First Amended Complaint; and the complete records					
7	filed in this case. Plaintiffs' notice and service of this Motion on Defendants is set forth in the					
8	accompanying Declaration of Plaintiffs' counsel Eileen Goldsmith.					
9						
10	DATED: February 23, 2025 Scott A. Kronland					
11	Stacey M. Leyton Eileen B. Goldsmith					
12	Danielle E. Leonard					
13	Robin S. Tholin James Baltzer					
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25	Norman@statedemocracydefenders.org Pooja@statedemocracydefenders.org					
26						
27	By: <u>/s/ Norman L. Eisen</u>					
28	Attorneys for Plaintiffs					
	<i>Ex Parte</i> Motion for TRO and OSC No. 3:25-cv-01780-WHA 2					

	Case 3:25-cv-01780-WHA Do	ocument 18	Filed 02/23/25	Page 4 of 4					
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7	By: <u>/s/ Rushab Sanghvi</u>								
8	Attorneys for Plaintiff American Federation of Government Employees (AFGE)								
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19		County and Municipal Employees (AFSCME)							
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