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

23 AMERICAN FEDERATION OF
 24 GOVERNMENT EMPLOYEES, AFL-CIO;
 25 AMERICAN FEDERATION OF STATE
 26 COUNTY AND MUNICIPAL EMPLOYEES,
 27 AFL-CIO, et al.,

28 Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
 MANAGEMENT, et al.,

Defendants.

Case No. 3:25-cv-01780-WHA

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

1 **EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW**
2 **CAUSE WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

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

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

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

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

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

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

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

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