

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL TREASURY EMPLOYEES
UNION,

Plaintiff,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States of America,
et al.,

Defendants.

Civil Action No. 1:25-cv-170

CONSENT MOTION FOR STAY OR EXTENSION AND ENTRY OF SCHEDULE

Defendants respectfully move with the consent of Plaintiff for a stay, or an extension of time of 120 days, as well as the entry of a briefing schedule. In support of this motion, Defendants state as follows:

1. Plaintiff filed its Complaint on January 20, 2025, alleging that planned policy changes to the federal civil service, *see* Executive Order No. 14,171, “Restoring Accountability to Policy-Influencing Positions within the Federal Workforce,” are unlawful. The U.S. Attorney for the District of Columbia was served on April 18, 2025, and Defendants’ deadline to respond to the Complaint was June 17, 2025, *see* Fed. R. Civ. P. 12(a)(2). This Court subsequently granted Defendants’ consent motion for an extension of time to set the deadline to respond to the Complaint on July 7, 2025. *See* June 13, 2025 Minute Order.

2. Undersigned counsel represents the Federal Government in other similar litigation challenging Executive Order No. 14,171 and related policies. *See Public Employees For Environmental Responsibility v. Trump et al*, No. 8:25-cv-260 (D. Md.) (Jan. 28, 2025); *Am. Fed’n*

of *Gov't Emps. v. Trump*, No. 1:25-cv-00264 (D.D.C.) (Jan. 29, 2025); *Gov't Accountability Project v. OPM*, No. 1:25-cv-00347 (D.D.C.) (Feb. 6, 2025).

3. Defendants are in the process of reviewing and responding to comments received in response to their proposed rule, “Improving Performance, Accountability and Responsiveness in the Civil Service,” 90 Fed. Reg. 17182 (April 23, 2025), and anticipate publishing a final rule later this year. Defendants originally opposed stays and extensions in the related cases because Defendants decided that they had good grounds to move to dismiss the challenges for a host of reasons. However, in response to the government’s motion to dismiss in *Government Accountability Project*, the Court instead granted an extension of time permitting an amended complaint “within 21 days after the publication of [the] final rule.” *Gov’t Accountability Project*, No. 1:25-cv-347 (D.D.C.), ECF No. 32 at 3. On further reflection, Defendants now conclude that it would conserve the parties’ resources and promote judicial economy to litigate all challenges to Defendants’ actions on the same timeline and to focus all litigation on the anticipated final rule.

4. There is good cause for a stay or extension. Setting challenges related to Schedule Policy/Career on the same timeline would promote judicial economy. Furthermore, litigating challenges after a final rule will permit a more focused inquiry. The requested extension will not delay the proceedings or prejudice any party.

5. Because the Court indicated that it would not grant an indefinite extension or stay in the related case *American Federation of Government Employees*, Defendants propose a stay of this matter, or 120-day extension of their deadline to respond to the complaint. After 120 days have expired, the parties will then file a joint status report advising the Court on the expected timeline for issuance of a final rule and otherwise inform the Court of how the parties propose to proceed.

6. Defendants sought the view of Plaintiff on this Motion, and on June 26, 2025, Plaintiff consented. Plaintiff also agreed that, following the issuance of a final rule, the following briefing schedule would best structure post-rule litigation here.

- a. 30 days following the issuance of a final rule, Plaintiff files an amended complaint.
- b. 60 days following the issuance of an amended complaint, Defendants move to dismiss.
- c. 60 days following the motion to dismiss, Plaintiff responds.
- d. 30 days after Plaintiff responds, Defendants reply.

For the foregoing reasons, good cause exists for the Court to grant this motion, and Defendants respectfully request that the Court grant the requested stay or extension of time and an operative briefing schedule for post-rule litigation. A proposed order is attached.

Dated: June 26, 2025

Respectfully submitted,

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/s/ Jason Altabet
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CERTIFICATE OF SERVICE

On June 26, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court for the District of Columbia, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically as authorized by Fed. R. Civ. P. 5(b)(2).

/s/ Jason Altabet

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