

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AFL-CIO, *et al.*,

Plaintiffs,

v.

Case No. 1:25-cv-00339-JDB

DEPARTMENT OF LABOR, *et al.*,

Defendants.

PLAINTIFF’S MOTION FOR A RENEWED TEMPORARY RESTRAINING ORDER

Pursuant to Local Civil Rule 65.1(a), Plaintiffs American Federation of Labor and Congress of Industrial Organizations (“AFL-CIO”), American Federation of Government Employees (“AFGE”), American Federation of State, County & Municipal Employees, AFL CIO (“AFSCME”), Service Employees International Union, AFL-CIO (“SEIU”), Communication Workers of America, AFL-CIO (“CWA”), Economic Policy Institute (“EPI”), Virginia Poverty Law Center (“VPLC”), Economic Action Maryland Fund (“EAMF”), and American Federation of Teachers (“AFT”) hereby move for a temporary restraining order and state as follows:

1. Plaintiffs challenge policies adopted by Defendants the Department of Labor, the Department of Health and Human Services, and the Consumer Financial Protection Bureau (collectively “Agency Defendants”), which grant personnel affiliated with the U.S. DOGE Service or the U.S. DOGE Service Temporary Organization (collectively, “DOGE”) sweeping access to sensitive systems of records in violation of federal law.

2. Plaintiffs are suffering irreparable injury as a result of Defendants’ unlawful conduct and, accordingly, seek a temporary restraining order: (1) enjoining the Department of Labor, the Department of Health and Human Services, and the Consumer Financial Protection

Bureau (collectively “Agency Defendants”) from granting, or continuing to grant, personnel affiliated with DOGE access to their systems of records, except as consistent with applicable federal law; or otherwise allowing DOGE-affiliated personnel to take action in excess of statutory authority; (2) directing DOGE personnel to immediately return or destroy all copies of material downloaded from Agency Defendants’ systems and records; (3) directing Agency Defendants to remove any software installed by DOGE personnel on agency systems; (4) enjoining DOGE personnel from exercising *ultra vires* authority with respect to Agency Defendants; and (5) requiring all Defendants to file a status report within 24 hours of the issuance of this order confirming compliance with this order and identifying (a) all DOGE personnel who have been granted access to any Agency Defendant systems, (b) whether all DOGE personnel’s system access have been revoked, (c) all material copied or downloaded by DOGE personnel from Agency Defendants’ systems, (d) whether such all copies have been returned or destroyed; (e) all software installed by DOGE personnel on Agency Defendants’ systems; (f) whether Agency Defendants have removed all such software, with additional status reports providing any updates to the above information every two weeks thereafter for 12 weeks.

3. As set forth in Plaintiffs’ accompanying brief, Defendants’ conduct violates the Administrative Procedure Act, the Privacy Act, and is *ultra vires*.

4. In support of their motion, Plaintiffs attach the following Declarations:

- a. **Exhibit A**, Declaration of Matthew Ginsburg, General Counsel, AFL-CIO;
- b. **Exhibit B**, Declaration of Brian Hannon, Member and retired Safety Chair, Utility Workers Union of America Local 369;
- c. **Exhibit C**, Declaration of AFL-CIO Affiliate Member No. 1, Member, United Steelworkers;

- d. **Exhibit D**, Declaration of AFL-CIO Affiliate Member No. 2, Member, United Steelworkers;
- e. **Exhibit E**, Declaration of Joseph L. Paller, Jr., Principal, Gilbert & Sackman;
- f. **Exhibit F**, Declaration of Rushab Sanghvi, General Counsel, AFGE;
- g. **Exhibit G**, Declaration of Courtney King, Member, AFGE;
- h. **Exhibit H**, Declaration of Ariel Ness, Member, AFGE;
- i. **Exhibit I**, Declaration of Nancy L. Smith, Member, AFGE;
- j. **Exhibit J**, Declaration of AFGE Member No. 1, Member, AFGE;
- k. **Exhibit K**, Declaration of AFGE Member No. 2, Member, AFGE;
- l. **Exhibit L**, Declaration of Steven K. Ury, General Counsel, SEIU;
- m. **Exhibit M**, Declaration of Heather Anne Pfrimmer, Deputy Director, Healthcare Division, SEIU;
- n. **Exhibit N**, Declaration of SEIU Member No. 1, Member, SEIU;
- o. **Exhibit O**, Declaration of SEIU Member No. 2, Member, SEIU;
- p. **Exhibit P**, Declaration of Ingela Dahlgren, Member, SEIU;
- q. **Exhibit Q**, Declaration of Laneta Dickerson, SEIU Affiliate Member, SEIU Texas;
- r. **Exhibit R**, Declaration of Eliseo Medina, Member and former Secretary-Treasurer, SEIU;
- s. **Exhibit S**, Declaration of Genevieve Sanford, SEIU Affiliate Member and former SEIU Affiliate Board Member, SEIU Healthcare 1199NW;
- t. **Exhibit T**, Declaration of Diane Sosne, SEIU Affiliate Member and former SEIU Affiliate President Emeritus, SEIU Healthcare 1199NW;

- u. **Exhibit U**, Declaration of John Alexander Van Schaick, Counsel, CWA;
 - v. **Exhibit V**, Declaration of CWA Member No. 1, CWA;
 - w. **Exhibit W**, Declaration of CWA Member No. 2, CWA;
 - x. **Exhibit X**, Declaration of Jay Speer, Chief Executive Officer, Virginia Poverty Law Center;
 - y. **Exhibit Y**, Declaration of Marceline White, Executive Director, Economic Action Maryland Fund;
 - z. **Exhibit Z**, Declaration of AFSCME Affiliate Member No. 1, Member, United Nurses Associations of California/Union of Health Care Professionals; and
 - aa. **Exhibit AA**, Declaration of ASFSCME Affiliate Member No. 2, Member, United Nurses Associations of California/Union of Health Care Professionals.
5. Pursuant to Local Civil Rule 65.1(a), prior to making this application to the Court, counsel for Plaintiffs notified counsel for Defendants, Michael J. Gerardi and Benjamin S. Kurland, via email and provided them with electronic copies of the Amended Complaint (ECF No. 21), this motion for temporary restraining order, and the accompanying brief, declarations, and proposed order.
6. Plaintiffs had previously indicated their intention to file an amended complaint and motion for temporary restraining order during the February 5, 2025 hearing and reiterated that intention during the telephonic conference with the Court on February 10, 2025.
7. **Plaintiffs respectfully request that the Court grant the requested relief on or before Friday, February 14, 2025.**

Dated: February 12, 2025

Respectfully submitted,

/s/ Aman T. George

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