

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
AMERICAN FOREIGN SERVICE)	
ASSOCIATION, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	Case No. 1:25-cv-00352
v.)	
)	
DONALD TRUMP, et al.,)	
)	
<i>Defendants.</i>)	
_____)	

**PLAINTIFFS’ NOTICE OF DEFENDANTS’ NON-COMPLIANCE
WITH COURT ORDER AND EMERGENCY MOTION
FOR SHOW CAUSE HEARING**

Plaintiffs American Foreign Service Association (AFSA) and the American Federation of Government Employees (AFGE) hereby notify this Court of Defendants’ non-compliance with this Court’s Temporary Restraining Order, ECF No. 15, and move for a hearing to show cause as to the basis for non-compliance.

Factual Background

On February 7, 2025, this Court granted in part Plaintiffs’ Motion for Temporary Restraining Order (TRO), ECF No. 9, and entered a TRO that provided:

All USAID employees currently on administrative leave shall be reinstated until that date, and shall be given complete access to email, payment, and security notification systems until that date, and no additional employees shall be placed on administrative

leave before that date. No USAID employees shall be evacuated from their host countries before February 14, 2025 at 11:59 PM.

ECF No. 15.

Plaintiffs have since become aware that Defendants have not fully complied with the terms of this Court's order. Plaintiffs' members report the following:

- Patricia Doe was placed on administrative leave on January 31, 2025, and lost systems access that same day. As of 10:52 am this morning, systems access has not been restored. She has no ability to assess whether she has been reinstated from administrative leave. Ex. A.
- Quinn Doe was locked out of USAID systems on January 31. As of 10:48 this morning, systems access has not been restored. She has no ability to assess whether she has been reinstated from administrative leave. Ex. B.
- Rebecca Doe was also placed on administrative leave on January 31, and as of 10:33 am today, lacks access to systems and cannot tell whether she has been reinstated. Ex. C.

Plaintiffs understand that, in some cases, members have had systems access restored consistent with this Court's order. But Plaintiffs and their attorneys understand that access has not been restored to many others. Those members, therefore, cannot assess whether they have been reinstated from leave.

Further, Plaintiffs believe this Court's order should cover Personal Services Contractors (PSCs), who are "USAID employees." PSCs, including those in extremely dangerous areas of the world, report that access to their computer systems has not been restored as of 12:27 pm today. Ex. D (Declaration of Ursula Doe).

Further, some USAID employees report that they were told that access to systems could not be restored until “political leadership signed off.” *Id.*

Beyond non-compliance with the TRO, factual developments that occurred immediately before and in the wake of the February 7 hearing also suggest that the government intends to continue taking potentially irreversible actions to dismantle the agency before the Court can adjudicate the lawfulness of those actions on the merits. Those factual developments include the following:

- At 9:31 am on Friday, February 7, Defendant Trump posted on Truth Social, “USAID IS DRIVING THE RADICAL LEFT CRAZY . . . CLOSE IT DOWN!”¹
- USAID signage at the Ronald Reagan Building and International Trade Center—USAID’s headquarters—has been taken down.² Press reports suggest that Customs and Border Protection has taken over the lease of the office space that had been allocated to USAID.³
- Reports indicate that contracts and awards are being terminated en masse, and that the procurement team at USAID is being subject to hourly targets regarding execution of these terminations.⁴

¹ @realDonaldTrump, Truth Social (Feb. 7, 2025, 9:31 am), <https://truthsocial.com/@realDonaldTrump/posts/113963085497636545>.

² Laura Barrón-López, *PHOTOS: USAID signs covered with black tape or removed at Washington headquarters*, PBS (Feb. 7, 2025), <https://www.pbs.org/newshour/nation/usaid-signs-covered-with-black-tape-or-removed-at-washington-headquarters>.

³ Garrett Haake, Customs and Border Protection takes over USAID headquarters lease, NBC News (Feb.7, 2025), <https://www.nbcnews.com/politics/donald-trump/live-blog/live-updates-trumps-cabinet-picks-continue-advance-rcna190380/rcrd72493?canonicalCard=true>.

⁴ @Atul_Gawande, X (Feb. 10, 2025, 9:25 am), https://x.com/Atul_Gawande/status/1888957407725867205.

- Officials turned away USAID staffers that arrived at work this morning at its Washington offices. At least some USAID employees received messages that the “former USAID headquarters” were closed until further notice, and were instructed to telework.⁵

Request for Relief

In light of evidence suggesting that Defendants have not complied with this Court’s TRO and factual developments suggesting that Defendants continue to take immediate, irreparable action to dismantle the agency, Plaintiffs hereby respectfully request the Court schedule a show cause hearing today, directing the government to show why they have not fully complied with this Court’s order granting emergency relief. Plaintiffs also request any further relief that this Court deems just and proper.

Dated: February 10, 2025

Respectfully submitted,

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⁵ Ellen Knickmeyer, *USAID staffers turned away from offices even after court suspends leave order*, AP News (Feb. 10, 2025), <https://apnews.com/article/usaid-trump-musk-leave-staffers-9099c61b33aa7e4bfd40e849853be3b6>.

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Counsel for Plaintiffs

Certification Regarding Local Rule 7(m)

As required by Local Rule 7(m), counsel for Plaintiffs and counsel for Defendants met and conferred about this motion. Defendants oppose.

/s/ Lauren Bateman

Lauren Bateman