

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL TREASURY
EMPLOYEES' UNION, *et al.*,

Plaintiffs,

v.

RUSSELL VOUGHT, in his official capacity
as Acting Director of the Consumer Financial
Protection Bureau, *et al.*,

Defendants.

Case No. 25-cv-381-ABJ

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
LIMITED ADMINISTRATIVE STAY**

Under Local Civil Rule 65.1(a), plaintiffs National Treasury Employees' Union, National Consumer Law Center, National Association for the Advancement of Colored People, Virginia Poverty Law Center, Pastor Eva Steege, and the CFPB Employee Association move for an administrative stay and temporary restraining order. As alleged in the amended complaint and demonstrated in the forthcoming memorandum of law in support of this motion and accompanying declarations, the CFPB is planning mass—unconstitutional—firings of its workforce. Earlier this week, more than 70 employees were fired in indiscriminatory fashion after close of business, and Defendant Vought has indicated that he plans to return CFPB's operational funding. The plaintiffs expect massive layoffs of CFPB staff, as soon as tonight—first to term employees and then categorically to employees across all of the CFPB's statutorily required functions. In addition, defendants have issued an across-the-board stop-work order that has harmed and is continuing to harm scores of consumers and those who support them, including the plaintiffs here.

These unprecedented actions are illegal. Defendant Vought's actions to shut down the CFPB are ultra vires because he is acting as CFPB Director despite not going through Senate confirmation or being eligible for appointment under the Federal Vacancies Reform Act, and he therefore lacks any lawful authority to carry out these actions. Additionally, Defendants have shuttered CFPB operations in direct defiance of statutory commands—violating both separation-of-powers principles and the Administrative Procedure Act.

The plaintiffs accordingly request a limited administrative stay to prevent any action to categorically fire CFPB employees before the Court has a chance to assess the merits of this case. A mass layoff would work incalculable harm on employees, their families, the union of which they are members, and the American consumers who depend on their work.

The plaintiffs further request a temporary restraining order (1) enjoining Defendant Vought from taking any action to terminate the employment of CFPB staff; (2) requiring the agency to lift Defendant Vought's directives to cease work at CFPB, including by restoring its statutorily mandated functions and reinstating any cancelled contracts; and (3) enjoining Defendants from taking any further action to suspend the operations of the CFPB.

As required by Local Civil Rule 65.1(a), at 5:55 p.m. on February 13, 2025, counsel for the plaintiffs emailed the Chief of the Civil Division for the United States Attorney's Office for the District of Columbia, three Assistant Directors for the Federal Programs Branch of the Department of Justice, and three assigned attorneys in the Federal Programs Branch of the Department of Justice to provide actual notice that the plaintiffs would be filing this motion for a temporary restraining order. The plaintiffs attached to that email electronic copies of the First Amended Complaint, motion for temporary restraining order, and proposed orders before completing this electronic filing.

The plaintiffs will be filing a memorandum in support and declarations in short order. They will complete the same process for those materials and file a notice with the Court that actual notice has been effectuated at the time of filing.

Dated: February 13, 2025

Respectfully submitted,

/s/ Deepak Gupta

Deepak Gupta (DC Bar No. 495451)
Robert Friedman (D.C. Bar. 1046738)
Gabriel Chess (DC Bar No. 90019245)
Gupta Wessler LLP
2001 K Street, NW
North Tower, Suite 850
Washington, DC 20006
(202) 888-1741

Jennifer D. Bennett*
Gupta Wessler LLP
505 Montgomery Street
San Francisco, CA 94111
(415) 573-0335

* motion for *pro hac vice*
admission forthcoming

Counsel for Plaintiffs

Julie Wilson
General Counsel
National Treasury Employees Union
800 K Street, NW, Suite 1000
Washington, DC 20001
(202) 572-5500

Counsel for Plaintiff National Treasury Employees Union

/s/ Wendy Liu

Wendy Liu (DC Bar No. 1600942)
Adam R. Pulver (DC Bar No. 1020475)
Allison M. Zieve (DC Bar No. 424786)
Public Citizen Litigation Group
1600 20th Street NW
Washington, DC 20009
(202) 588-1000

Counsel for Plaintiffs