

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

**PLAINTIFFS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL DECLARATIONS
IN SUPPORT OF THEIR MOTION FOR A PRELIMINARY INJUNCTION**

Under Local Civil Rule 65.1(c), the plaintiffs seek leave to file supplemental declarations to (1) inform the Court of critical new facts that post-date the filing of the plaintiffs' emergency TRO motion, (2) to respond to assertions of fact in the defendants' opposition and accompanying declaration, and (3) to respond to defendants' arguments concerning standing.

Local Rule 65.1(c) gives this Court the "discretion to allow parties to supplement the record." *Marsh v. Johnson*, 263 F. Supp. 2d 49, 53 (D.D.C. 2003). The Court should exercise that discretion here because the additional declarations will enable this Court to resolve the important constitutional issues raised in the pending motion—which not only affect the plaintiffs but also have sweeping nationwide ramifications—on a complete record. As we noted in our TRO motion and discussed with the Court at the February 14 scheduling conference, "the facts on the ground [we]re changing rapidly" at the time that the emergency TRO papers (since converted into a request for a preliminary injunction) were filed just past midnight on February 13. ECF 14 at 1. That has continued to remain true, and the supplemental declarations, from plaintiffs and current and former employees, will present critical new facts, including the current status of the CFPB's

operations and the impact that that has had on the public interest since the filing of the plaintiffs' motion.

In addition, the declarations offer evidence responsive to assertions in the Martinez Declaration accompanying the opposition. That declaration recounts events that occurred both after the plaintiffs' filing and just days before, and its veracity has already been questioned in the press. See Kate Berry, *Justice Dept. insists 'there will continue to be a CFPB*, American Banker, Feb. 25, 2025. And finally, the declarations respond to assertions about standing. See *Am. Library Ass'n v. F.C.C.*, 401 F.3d 489 (D.C. Cir 2005) (“[T]he court may allow petitioners to support their standing in their reply brief” or “affidavits submitted along with the reply.”).

The defendants state that they “lack sufficient information to determine their position on plaintiffs' motion and will file a response, including either a statement of non-opposition or an opposition, by the end of the day on February 28.” A proposed order is attached.

Dated: February 27, 2025

/s/ Deepak Gupta

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