

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

CATHY A. HARRIS, in her personal capacity
and in her official capacity as Member of the
Merit Systems Protection Board,

Plaintiff,

-against-

SCOTT BESSENT, in his official capacity as
Secretary of the Treasury, TRENT MORSE,
in his official capacity as Deputy Assistant to
the President and Deputy Director of the
White House Presidential Personnel Office,
SERGIO GOR, in his official capacity as
Director of the White House Presidential
Personnel Office, HENRY J. KERNER, in his
official capacity as Acting Chairman of the
Merit Systems Protection Board, DONALD J.
TRUMP, in his official capacity as President
of the United States of America, RUSSELL
VOUGHT, in his official capacity as Director
of the Office of Management and Budget,

Defendants.

Civil Case No. _____

PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER

Plaintiff Cathy A. Harris hereby requests, under Federal Rule of Civil Procedure 65(b) and Local Rule 65.1, that this Court issue a temporary restraining order, to remain in effect until such time as the Court can further consider the merits of Plaintiff's claims, (1) declaring on an interim basis that President Trump's removal of Ms. Harris from office, and any action taken by the Merit Systems Protection Board without Ms. Harris as a Member, is unlawful, and that Ms. Harris is a Member of the Merit Systems Protection Board; and (2) enjoining the remaining Defendants from removing Ms. Harris from her office or in any way treating her as having been removed, denying or obstructing Ms. Harris access to any of the benefits or resources of her office, or having the

Merit Systems Protection Board conduct business without her in place as a Member, pending further order of the Court. Plaintiff requests emergency relief due to the exigency of the circumstances and the irreparable nature of the injury the TRO would prevent.

As set forth in the accompanying Memorandum of Law in Support of Plaintiff's Motion for a Temporary Restraining Order, Plaintiff Cathy A. Harris has served as a Member of the Merit Systems Protection Board since June 1, 2022, following her nomination by the President and confirmation by the Senate, for a seven-year term. She may be removed from that office "by the President only for inefficiency, neglect of duty, or malfeasance in office." 5 U.S.C. § 1202(d). On February 10, 2025, the President purported to remove Ms. Harris from her office in violation of the statute.

Pursuant to Local Rule 65.1(a), at approximately 2:20 PM on February 11, 2025, counsel for Plaintiff called Alex Haas, Director of the Federal Programs Branch of the U.S. Department of Justice Federal Programs. Counsel for Plaintiff provided notice of Plaintiff's complaint and motion for an emergency temporary restraining order to be filed in the U.S. District Court for the District of Columbia.

Respectfully submitted,

/s/ Michael J. Kator

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Dated: February 11, 2025
Washington, D.C.