

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

SUSAN TSUI GRUNDMANN,

*Plaintiff,*

vs.

DONALD J. TRUMP, in his official capacity as  
President,

and

COLLEEN DUFFY KIKO, in her official capacity  
as chairman of the Federal Labor Relations Authority,

*Defendants.*

Case No. 1:25-cv-00425-SLS

**MOTION FOR PRELIMINARY  
INJUNCTION AND SUMMARY  
JUDGMENT**

Expedited Consideration Requested

**PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION AND SUMMARY  
JUDGMENT**

Plaintiff, Susan Grundmann, respectfully requests, under Federal Rule of Civil Procedure 65(a) and Local Rule 65.1(c), that this Court issue a preliminary injunction enjoining Defendant Kiko from altering the status quo of Ms. Grundmann’s occupying her lawful office, reinstating Ms. Grundmann to her position, and further refraining from taking any further action to obstruct Ms. Grundmann’s ability to carry out her duties.

Ms. Grundmann requests preliminary relief on an expedited basis due to the exigency of the circumstances and the irreparable nature of the injury that a preliminary injunction would prevent. As set forth in the accompanying Memorandum, Plaintiff Grundmann was nominated by President Biden and confirmed by the U.S. Senate on May 12, 2022, to serve a five-year term set to expire on July 1, 2025. She “may be removed by the President only upon notice and hearing and only for inefficiency, neglect of duty, or malfeasance in office.” 5 U.S.C. § 7104(b).” On February 10, 2025, Ms. Grundmann received an email on behalf of Defendant Trump, from Defendant Trent Morse, Deputy Director of the White House Office of Presidential Personnel, which removed her from office and did not specify a cause.

In addition, Ms. Grundmann respectfully moves under Federal Rule of Civil Procedure 56 for an order granting summary judgment in her favor. As set forth in detail in the accompanying Memorandum, Ms. Grundmann’s removal violates the unambiguous language of 5 U.S.C. § 7104 and 5 U.S.C. § 7104 is constitutional. Because there can be no genuine dispute about the material facts here—that the President removed Ms. Grundmann from the Authority in violation of the 5 U.S.C. § 7104 and that Ms. Grundmann has been deprived of her statutorily created right to fulfill her duties—Plaintiff is entitled to summary judgment.

Plaintiff respectfully requests that the Court consider the Motion on an expedited basis because there is no genuine issue of material fact, there is a clear violation of law, Plaintiff is suffering irreparable injury, and there is a strong public interest in a speedy resolution. Plaintiff notes that two cases are being considered on an expedited schedule in this district court, involving the similar issue of the removal of independent agency heads by President Trump. *Dellinger v. Bessent* (Case No. 1:25-cv-00385), involves the removal of Hampton Dellinger, Special Counsel of the Office of Special Counsel and *Wilcox v. Trump* (Case No. 1:25-cv-00334), involves the removal of Gwynne Wilcox, a Commissioner of the National Labor Relations Board. In *Dellinger*, the plaintiff moved for a temporary restraining order and a preliminary injunction, and the court granted the temporary restraining order. The court has further set a hearing date on the motion for preliminary injunction for February 26, 2025, invited the parties to consider filing and briefing cross-motions for summary judgment as part of that hearing, and stated it is considering consolidating the motion for a preliminary injunction with a hearing on the merits under Rule 65(b) of the Federal Rules of Civil Procedure. In *Wilcox*, the plaintiff moved for summary judgment on an expedited basis. The district court has set a briefing schedule for cross-motions for summary judgment and scheduled a hearing for March 5.

Plaintiff respectfully requests that this Court set a schedule and hearing on a similarly expedited basis and consider a Rule 65(b) consolidation.

Pursuant to Local Rule 65.1(a), at approximately 7:11 PM on February 14, 2025, counsel for Plaintiff called the phone number listed on the U.S. Department of Justice Federal Programs Branch's website, (202) 514-1259, and left a voicemail for Alex Haas, Director of the Federal Programs Branch, providing notice of Ms. Grundmann's Motion for Preliminary Injunction and

Summary Judgment to be filed before midnight on February 14, 2025, in the U.S. District Court for the District of Columbia, and providing Plaintiff's counsel's contact information.

The Motion is based on this document and the Plaintiff's Memorandum of Points and Authorities, Plaintiff's Statement of Material Facts as to Which there is no Genuine Issue (concerning only the Motion for Summary Judgment), Declaration of Susan Tsui Grundmann, and [Proposed] Order, all of which are attached hereto, and any further documents and argument submitted in support of the Motion.

Dated: February 14, 2025

Respectfully submitted,

/s/ Jon M. Greenbaum

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2025, I electronically filed the foregoing motion with the Clerk of the Court for the U.S. District Court for the District of Columbia by using the CM/ECF system. All participants not served by the CM/ECF system have been served in accordance with FRCP 5 and Local Rule 5.4(d). A paper copy of the foregoing motion and all accompanying documents are being served on each defendant, the Attorney General, and the U.S. Attorney for the District of Columbia. In addition, the motion and all accompanying documents have been emailed to the service email provided by the U.S. Attorney for the District of Columbia, the Civil Chief of the U.S. Attorney's Office of the District of Columbia, and the Assistant Directors for the Federal Programs Branch of the Department of Justice.

February 14, 2025

/s/ Jon M. Greenbaum  
Jon M. Greenbaum  
(D.C. Bar #489887)