

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

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO,  
AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL  
EMPLOYEES, AFL-CIO, and NATIONAL  
ASSOCIATION OF GOVERNMENT  
EMPLOYEES, INC.,

Plaintiffs,

v.

SCOTT KUPOR, in his official capacity as  
Director of the Office of Personnel  
Management, OFFICE OF PERSONNEL  
MANAGEMENT, and THE UNITED  
STATES OF AMERICA,

Defendants.

Case No. 1:25-cv-13305-GAO

**PLAINTIFFS' REQUEST FOR STATUS CONFERENCE**

Plaintiffs American Federation of Government Employees, AFL-CIO, American Federation of State, County and Municipal Employees, AFL-CIO, and National Association of Government Employees, Inc. (collectively “Plaintiffs”) respectfully request that the Court set a status conference in this matter.

*First*, Defendants Scott Kupor, Office of Personnel Management, and the United States of America failed to timely respond to the Complaint. The deadline to respond to the Complaint was January 9, 2026. *See* Dkt. No. 51. As of today’s date, January 14, 2026, no answer or responsive pleading has been filed. Given the serious constitutional harm alleged in the Complaint—namely, Defendants’ action requiring that federal job applications include a “Loyalty Question” violates the First Amendment in numerous ways—Plaintiffs wish to discuss the implications of Defendants’ failure to respond to the allegations of the Complaint. Plaintiffs are prepared to apply for default if necessary.

*Second*, Plaintiffs write to apprise the Court of continuing harms caused by Defendants’ conduct. Plaintiffs’ Motion for Stay under 5 U.S.C. § 705 and for Preliminary Injunction was filed on November 19, 2025, and has been fully briefed for more than a month. Plaintiffs requested a hearing on the motion; as of this time, no hearing date has been set. Since November 6, when the Complaint was filed, another **5,000** federal job postings that include the Loyalty Question have been posted to the USAJobs platform. *Compare* Dkt. No. 40 (“more than 5,800 job postings” listed with the Loyalty Question), *with* “Merit Hiring Plan” Essay Tracker, <https://usajobsloyaltytests.netlify.app> (last visited January 12, 2026) (10,982 job postings with Loyalty Question). Indeed, December 2025 and January 2026 – the two months since the filing of the Complaint and Plaintiffs’ Motion for Stay under 5 U.S.C. § 705 and for Preliminary Injunction – are the months with the highest percentage of federal job postings that include the

Loyalty Question.<sup>1</sup> Because every posting generates a new constitutional injury, as more and more potential job applicants are confronted with the decision to speak against their will (compelled speech) or be silenced (chilled speech), the irreparable harm from Defendants' policy is only growing.

Therefore, Plaintiffs respectfully request that the Court set a status conference at the Court's convenience, preferably in conjunction with a hearing on the pending motion for injunctive relief.

DATED: January 14, 2026

By: /s/ Warren A. Braunig

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<sup>1</sup> See <https://usajobsloyaltytests.netlify.app/> (filter by "Timeline").

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**CERTIFICATE OF SERVICE**

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail.

*/s/ Warren A. Braunig*  
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