

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
BALTIMORE DIVISION**

National Association of Diversity Officers in  
Higher Education, et al.,

Plaintiffs,

v.

Donald J. Trump, in his official capacity as  
President of the United States, et al.,

Defendants.

Civil Action No. 1:25-cv-333-ABA

**PLAINTIFFS' MOTION TO CLARIFY PRELIMINARY INJUNCTION ORDER**

On February 13, 2025, Plaintiffs moved for a temporary restraining order and/or a preliminary injunction against Defendants' enforcement of several provisions of two executive orders. *See* ECF No. 27. On February 21, 2025, this Court issued an Order granting in part and denying in part Plaintiffs' motion for preliminary injunction. *See* ECF No. 45. In its Order, the Court enjoined "Defendants other than the President, and other persons who are in active concert or participation with Defendants" from taking certain actions pursuant to challenged provisions of the executive orders. *Id.* at 3.

The Parties disagree as to what it means for a person, including non-named agencies, to be "in active concert or participation with Defendants." Counsel for the Government notified Plaintiffs' counsel that the Government will instruct only named agency Defendants to comply with the Order. But Plaintiffs' view is that every federal agency is in "active concert or

participation” with Defendants here, including the President, the Department of Justice, and the Office of Management and Budget.

In order to aid the appeal of the Court’s Order by relieving the Fourth Circuit from considering the substance of an issue that is purely the result of uncertainty generated by the parties, Plaintiffs respectfully move the Court to clarify the scope of its Order. Given the urgent need for relief and clarity, Plaintiffs respectfully request expedited briefing on this motion. Counsel will confer regarding a briefing schedule and inform the Court.

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system and all attachments will be sent electronically on February 27, 2025, to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Ananda V. Burra

Ananda V. Burra

Counsel for Plaintiffs