

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
SOUTHERN DIVISION**

AMERICAN FEDERATION OF  
TEACHERS, *et al.*,

Plaintiffs,

v.

SCOTT BESSENT, *et al.*,

Defendants.

Case No. 8:25-cv-430-DLB

**NOTICE OF RECENT DECISION**

Defendants, by undersigned counsel, respectfully provide notice to the Court of a pertinent decision that was not available at the time Defendants filed their opposition to Plaintiffs' motion for a temporary restraining order ("TRO"). The attached decision categorically denies a motion for a TRO in a case nearly identical to this one. *See* Memorandum Opinion and Order, *University of California Student Association v. Carter, et al.*, Civil Action No. 25-354 (RDM), ECF #20, (D.D.C. February 17, 2025) (Mem. Op.) (attached).

In *University of California*, Plaintiff sought an emergency order seeking to restrain the Acting Secretary of the U.S. Department of Education (ED). The Court found that the Plaintiff failed to establish irreparable harm, relying on the same two declarations presented to this Court. *See* Ramada Declarations at ECF #27-5, #27-6. Plaintiff contended that its members were "suffering, and will continue to suffer, irreparable injury" due to ED making their data "accessible" to DOGE staffers." Mem.Op. at 10. However, the Court found that dissemination of information is only an irreparable injury "where, for example, highly sensitive information will be made *public*,

or ends up in the hands of someone with no obligation to keep it confidential.” *Id.* Because the declarant, Ramada, attested to the fact that the six employees at issue would follow all laws and conditionality rules governing access to data, and because those laws “impose strict limits on the use and disclosure of Privacy Act protected records and tax return information, and they impose criminal penalties and potential civil liability on those who willfully ignore their obligations,” *id.*, at 11, the Court found that the Plaintiff could not establish irreparable harm. The Court also found the risk of a *future* data breach or lawful dissemination was “entirely conjectural.” *Id.* at 12. Since the feared future injuries were “far from likely, let alone “certain” and “great” they similarly failed to establish irreparable harm. *Id.* citing *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006).

Defendants respectfully submit this recent opinion in further support of their Opposition to the Plaintiffs’ motion for TRO.

Dated: February 18, 2025

Respectfully submitted,

BRETT A. SHUMATE  
Acting Assistant Attorney General  
Civil Division

ELIZABETH J. SHAPIRO  
*Special Admission Pending*  
Deputy Branch Director  
Civil Division, Federal Programs Branch  
United States Department of Justice  
1100 L Street, N.W., Twelfth Floor  
Washington, D.C. 20005  
Tel: (202) 514-2705  
Fax: (202) 616-8470  
Elizabeth.Shapiro@usdoj.gov

EMILY HALL  
*Special Admission Pending*  
Counsel to the Assistant Attorney General  
Civil Division  
United States Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530  
Tel: (202) 307-6482  
emily.hall@usdoj.gov  
*Attorneys for Defendants*

PHILIP L. SELDEN  
Acting United States Attorney  
District of Maryland

/s/ Ariana Wright Arnold  
ARIANA WRIGHT ARNOLD  
USDC Md Bar No. 23000  
Assistant United States Attorney  
District of Maryland  
36 S. Charles St., 4th Floor  
Baltimore, Maryland 21201  
Tel: (410) 209-4813  
Fax: (410) 962-2310  
Ariana.Arnold@usdoj.gov

**CERTIFICATE OF SERVICE**

I certify that on February 18, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and thereby served all counsel of record.

/s/ Ariana Wright Arnold  
ARIANA WRIGHT ARNOLD  
USDC Md Bar No. 23000  
Assistant United States Attorney  
36 S. Charles St., 4th Floor  
Baltimore, Maryland 21201  
Tel: (410) 209-4813  
Fax: (410) 962-2310  
Ariana.Arnold@usdoj.gov