

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK; STATE OF ARIZONA,
STATE OF CALIFORNIA, STATE OF
COLORADO, STATE OF CONNECTICUT, STATE
OF DELAWARE, STATE OF HAWAII, STATE OF
ILLINOIS, STATE OF MAINE, STATE OF
MARYLAND, COMMONWEALTH OF
MASSACHUSETTS, STATE OF MINNESOTA,
STATE OF NEVADA, STATE OF NEW JERSEY,
STATE OF NORTH CAROLINA, STATE OF
OREGON, STATE OF RHODE ISLAND, STATE
OF VERMONT, and STATE OF WISCONSIN,

Plaintiffs,

v.

DONALD J. TRUMP, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF THE UNITED
STATES; U.S. DEPARTMENT OF THE
TREASURY; and SCOTT BESSENT, IN HIS
OFFICIAL CAPACITY AS SECRETARY OF U.S.
DEPARTMENT OF THE TREASURY,

Defendants.

C.A. No. 25-CV-0411

**ORDER TO SHOW CAUSE
REQUEST FOR EMERGENCY
TEMPORARY RESTRAINING
ORDER UNDER FEDERAL RULE
OF CIVIL PROCEDURE 65(B)**

Upon the annexed affirmation of Colleen K. Faherty, dated February 7, 2025 in support of Plaintiff States' Motion for a Temporary Restraining Order; Plaintiff States' Memorandum of Law in Support of Plaintiff States' Motion for a Temporary Restraining Order, dated February 7, 2025, and the annexed complaint and all other papers herein, it is

ORDERED, that the above named defendants show cause before a motion term of this Court, at Room____, United States Courthouse, 500 Pearl Street, in the City, County, and State of New York, on _____, At _____ noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil

Procedure preliminarily enjoining the defendants during the pendency of this action from granting to political appointees, special government employees, and any government employee detailed from an agency outside the Treasury Department access to Treasury Department payment systems or any other data maintained by the Treasury Department containing personal identifying information;

And it is further ORDERED that, sufficient reason having been shown therefor, pending the hearing of Plaintiff States' application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the Defendants are restrained from (i) granting access to any Treasury Department payment record, payment systems, or any other data systems maintained by the Treasury Department containing personally identifiable information and/or confidential financial information of payees only to civil servants with a need for access to perform their job duties within the Bureau of Fiscal Services who have passed all background checks and security clearances and taken all information security training called for in federal statutes and Treasury Department regulations, and otherwise deny access to all political appointees, special government employees, and government employees detailed from an agency outside the Treasury Department, to any Treasury Department payment record, payment systems, or any other data systems maintained by the Treasury Department containing personally identifiable information and/or confidential financial information of payees, and (ii) directing any person who has had access to such information, records, and systems since January 20, 2025, to immediately destroy any and all copies of material downloaded from the Treasury Department's records and systems, if any; and it is further

ORDERED that security in the amount of \$ _____ be posted by the Plaintiff prior to _____, at _____ o'clock in the _____ noon of that day; and it is further

ORDERED that personal service of a copy of this order and annexed affidavit upon the defendant or his counsel on or before _____ o'clock in the _____ noon, _____, _____ shall be deemed good and sufficient service thereof.

By the Court:

Dated

United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF THE UNITED
STATES, *et al.*,

Defendants.

C.A. No. 25-CV-1144

AFFIRMATION OF COLLEEN K. FAHERTY

COLLEEN K. FAHERTY, an attorney duly admitted to practice before the Courts of this State, does hereby state the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am Colleen K. Faherty, Special Trial Counsel in the Office of the Attorney General for the State of New York, who appears on behalf of the State of New York in this action.

2. I submit this declaration in support of Plaintiffs States' Motion for a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65. The facts set forth herein are based upon my personal knowledge and/or a review of the files in my possession.

3. Plaintiffs the State of New York, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, North Carolina, Oregon, Rhode Island, Vermont, and Wisconsin (collectively "States") seek temporary

relief here in order to preserve the status quo until the Court can conduct a hearing on Plaintiff's soon-to-be-filed preliminary injunction motion.

4. As of February 2, 2025, Donald J. Trump, in his official capacity as President of the United States, the United States Department of the Treasury, and Scott Bessent, in his official capacity as Secretary of the U.S. Department of the Treasury ("Defendants"), have directed Treasury to grant expanded access to sensitive payment systems to political appointees and "special government employees" affiliated with the Department of Government Efficiency (DOGE) for reasons that have yet to be provided, although one apparent purpose, upon information and belief, is to allow the DOGE to advance a stated goal to block federal funds from reaching beneficiaries who do not align with the President's political agenda.

5. The States are concerned about the numerous injuries as described in the "Plaintiffs' Motion for a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65" that will occur, absent temporary relief from the requested TRO.

6. On February 7, at 7:32 p.m. ET, I provided via e-mail to (1) Rebecca Tinio, Chief of the Civil Division from the U.S. Attorney's Office for the Southern District of New York; and (2) Bradley Humphrees, Senior Trial Counsel for the U.S. Department of Justice notice of the States concerns about Defendants' harmful conduct and the States intent to seek immediate temporary relief.

Dated: New York, New York
February 7, 2025

/s/ Colleen K. Faherty
Colleen K. Faherty
Special Trial Counsel