

AGS COURT WATCH

(as of 2/18/2025)

We created *AGS Court Watch* to update our AGS members on the status of the various court challenges to executive orders and directives issued by the Executive Branch. This resource is updated frequently.

| AGS Court Watch | | |
|---|--|--|
| Original Filing Date | Lawsuits (organized by Executive Branch Action) | Last Update |
| <p>Executive Branch Action: The Establishing And Implementing The President's "Department Of Government Efficiency" Executive Order (DOGE EO) does not establish a new cabinet-level department (which the President does not have the authority to do). Instead, the DOGE EO renamed the United States Digital Service, which had been launched in 2014 by the Obama Administration to improve the federal government's digital capabilities following rollout of HealthCare.gov. DOGE, which is under the leadership of Elon Musk, reports directly to the Executive Office of the President and the EO directs the entity to modernize technology and software across the federal government.</p> | | |
| 1/20/2025 | <p><i>Public Citizen Litigation Group, State Democracy Defenders Fund, American Federation of Government Employees v. Donald J. Trump, in his official capacity as President of the United States</i></p> <p>Plaintiffs in this complaint are seeking declaratory, injunctive, and mandamus relief against Defendants Donald J. Trump, in his official capacity as president of the United States, and the Office of Management and Budget (OMB), an agency of the United States, to ensure that the so-called "Department of Government Efficiency" (DOGE) complies with the requirements established by the Federal Advisory Committee Act (FACA), 5 U.S.C. §§ 1001 et seq.</p> <p>Filed in: United States District Court for the District of Columbia.</p> | <p>1/20/2025: Complaint challenging the legality of DOGE.</p> |
| 2/3/2025 | <p><i>Alliance for Retired Americans, American Federation of Government Employees, Service Employees International Union v. Scott Bessent, in his official capacity as Secretary of the Treasury; Department of the Treasury; Bureau of the Fiscal Service</i></p> <p>Plaintiffs in this complaint are seeking declaratory and injunctive relief on behalf of members whose records may have been transmitted from the Treasury Department to DOGE employees alleging violations of the Administrative Procedure Act (APA) and actions in excess of legal authority under the Privacy Act of 1974 (see this contemporaneous ABC News reporting).</p> <p>Filed in: United States District Court for the District of Columbia</p> | <p>2/12/2025: Defendants filed opposition to motion for preliminary injunction and requested court 2/6/2025 order be dissolved.</p> |

| AGS Court Watch | | |
|--|---|---|
| Original Filing Date | Lawsuits (organized by Executive Branch Action) | Last Update |
| | <p>Prior Actions</p> <ul style="list-style-type: none"> 2/6/2025: The Department of Justice (DOJ) agreed to a court order limiting the number of DOGE employees with access to the payment systems and to “read only” access (see contemporaneous coverage from <i>The Hill</i>). | |
| 2/7/2025 | <p><i>State of New York, et al. v. Donald J. Trump, in his official capacity as President of the United States, et al.</i></p> <p>Led by New York Attorney General Letitia James, 19 states filed a lawsuit against the Trump Administration (including Scott Bessent in his official capacity as Secretary of the Treasury and the Department of the Treasury) to stop unauthorized access to the Treasury Department data on millions of Americans through federal payment systems (see contemporaneous coverage from MSN).</p> <p>Filed in: United States District Court for the Southern District of New York</p> <p>Prior Actions</p> <ul style="list-style-type: none"> 2/8/2025: District Judge Paul Engelmayer issued a temporary restraining order (TRO), writing that the court believed the plaintiffs would face “irreparable harm in the absence of injunctive relief (see this contemporaneous coverage from ABC News). | 2/14/2025: Preliminary injunction hearing held before Judge Jeannette Vargas. |
| <p>Executive Branch Action: On January 27, 2025, OMB issued Memorandum M-25-13, Temporary Pause of Agency Grant, Loan, Other Financial Assistance Programs that directed a freeze in activities related to the obligation or disbursement of all federal grants, loans, and financial assistance, including the issuance of new grants. M-25-13 was intended to provide guidance to federal agencies to ensure all programs and activities are consistent with President Trump’s policies (see recap from National Law Review as of 2/3/2025).</p> | | |
| 1/28/2025 | <p><i>National Council of Nonprofits, American Public Health Association, Main Street Alliance, SAGE v. Office of Management and Budget, Matthew Vaeth, in his official capacity as Acting Director of Office of Management and Budget</i></p> <p>Plaintiffs in this complaint are seeking a TRO to maintain the status quo until the Court has an opportunity to more fully consider the illegality of OMB’s actions.</p> | 2/12/2025: Amicus brief filed by American Center for Law and Justice in support of the defendants. |

| AGS Court Watch | | |
|----------------------|--|--|
| Original Filing Date | Lawsuits (organized by Executive Branch Action) | Last Update |
| | <p>Filed in: United States District Court for the District of Columbia</p> <p>Prior Actions</p> <ul style="list-style-type: none"> • 1/28/2025: The court entered a brief administrative stay to permit the parties to fully brief the TRO motion and buy the court time to deliberate. • 1/29/2025: The defendants submitted a notice that OMB rescinded the M-25-13 memorandum. • 2/3/2025: District Judge Loren AliKhan issued a TRO pausing the M-25-13 directive and denied the defendants' motion for dismissal. The order directed OMB to release the frozen funds by 2/7/2025 and notify agencies of the TRO. • 2/11/2025: The plaintiffs filed a motion for preliminary injunction to block another precipitous blanket freeze that will be difficult to unwind given the slow process by which funds have become unfrozen. | |
| 1/28/2025 | <p><i>New York, et al v. Donald J. Trump, et al.</i></p> <p>Plaintiffs (22 states' attorneys general) in this complaint are seeking declaratory and injunctive relief and vacatur with respect to the OMB's Directive for Heads of Executive Departments and Agencies (M-25-13) against President Trump, all federal agencies, and the heads of each agency.</p> <p>Filed in: United States District Court for the District of Rhode Island</p> <p>Prior Actions</p> <ul style="list-style-type: none"> • 1/31/2025: District Judge John McConnell issued an indefinite TRO. • 2/6/2025: During a virtual court hearing, Judge McConnell noted that state agencies had a "rightful concern" that states were still unable to fully access money. • 2/7/2025: Plaintiff states' filed a motion for enforcement of the TRO that details the ways the defendants are in violation of the TRO. • 2/10/2025: Judge McConnell ordered that the defendants must immediately comply with the existing TRO. | <p>2/14/2025: The United States Court of Appeals for the First Circuit issued a voluntary dismissal of defendants' motion to appeal the decision.</p> |

| AGS Court Watch | | |
|---|--|---|
| Original Filing Date | Lawsuits (organized by Executive Branch Action) | Last Update |
| <p>Executive Branch Action: On February 7, 2025, the National Institutes of Health (NIH) released the Supplemental Guidance to the 2024 NIH Grants Policy Statement: Indirect Cost Rates (IC Guidance) that unilaterally reduced indirect costs (ICs) to 15%. According to NIH, ICs are costs that cannot be easily tied to a specific project, such as the cost of common elements, facilities, operation, maintenance, and administrative expenses that benefit multiple projects.</p> | | |
| 2/10/2025 | <p><i>Commonwealth of Massachusetts, et al. v. National Institutes of Health, et al.</i></p> <p>In this complaint, plaintiffs (22 states' attorneys general) are seeking declaratory and injunctive relief and requesting a TRO that would prevent the new NIH policy from being implemented in the 22 states (see reporting from Roll Call and STATNews).</p> <p>Filed in: United States District Court for the District of Massachusetts</p> | <p>2/10/2025: District Judge Angel Kelley granted an emergency motion for TRO and imposed a reporting requirement to confirm compliance.</p> |
| 2/10/2025 | <p><i>Association of American Medical Colleges, et al. v. National Institutes of Health, et al.</i></p> <p>Plaintiffs (including American Association of Colleges of Pharmacy, Association for Schools and Programs of Public Health, Conference of Boston Teaching Hospitals, Greater New York Hospital Association) in this complaint are seeking declaratory and injunctive relief against the defendants (including NIH Acting Director, the Department of Health and Human Services (HHS), and HHS Acting Secretary) alleging that the Rate Change Notice is invalid under the APA and seek to enjoin any actions taken to implement its directives.</p> <p>Filed in: United States District Court for the District of Massachusetts</p> | <p>2/10/2025: Judge Kelley issued a nationwide TRO against the IC Guidance effective until further order of the court (see this reporting from Inside Higher Education).</p> |
| 2/10/2025 | <p><i>Association of American Universities, et al. v. Department of Health and Human Services, et al.</i></p> <p>Plaintiffs (including American Council on Education (ACE), Association of Public and Land-Grant Universities, and 13 universities) in this complaint are seeking a declaratory judgment that the IC Guidance is unlawful and preliminary and permanent injunctive relief.</p> <p>Filed in: United States District Court for the District of Massachusetts</p> | <p>2/10/2025: Defendants filed motion for TRO. In a statement, ACE noted that a TRO was not needed given that Judge Kelly's order was nationwide.</p> |

| AGS Court Watch | | |
|--|--|---|
| Original Filing Date | Lawsuits (organized by Executive Branch Action) | Last Update |
| <p>Executive Branch Action: On January 28, the Office of Personnel Management (OPM) issued a “Fork in the Road” directive offering federal employees a deferred resignation program that would allow them to resign between January 28 and February 10 (originally February 6) and retain all pay and benefits until September 30, 2025.</p> | | |
| 2/4/2025 | <p><i>American Federation of Government Employees; American Federation of Government Employees; American Federation of State, County and Municipal Employees; and National Association of Government Employees v. Charles Ezell, in his official capacity as Acting Director of the Office of Personnel Management and Office of Personnel Management</i></p> <p>Plaintiffs in this complaint are seeking declaratory and injunctive relief alleging the directive violates the APA because it is “arbitrary and capricious” and not in accordance with the Antideficiency Act.</p> <p>Filed in: United States District Court for the District of Massachusetts</p> <p>Prior Actions</p> <ul style="list-style-type: none"> • 2/5/2025: Plaintiffs requested a TRO. • 2/6/2025: District Judge George O’Toole issued an order to pause the program and extend the deadline until February 10. • 2/10/2025: Judge O’Toole ordered that the pause on the February 6 deadline be further extended until order of the court as outlined in defendants’ Notice of Compliance (see this contemporaneous reporting from NPR). | <p>2/12/2025: Judge O’Toole dissolved the TRO and denied further injunctive relief because plaintiffs (unions) lack Article III standing and the court does not have subject matter jurisdiction over the claims asserted (see this reporting from <i>Government Executive</i>).</p> |
| <p>Executive Branch Action: The Reevaluating and Realigning United States Foreign Aid EO (Foreign Aid EO) directed that no more foreign assistance will be disbursed in a manner that is not consistent with the policy of the President of the United States with an immediate 90-day pause. On January 24, Secretary of State Marco Rubio ordered the pausing all foreign assistance pending a review and issued stop-work orders for the United States Agency for International Development (USAID) (see this contemporaneous coverage from <i>NBC News</i>). On February 4, a message was posted on the USAID website that all directly hired USAID staff would be placed on administrative leave as of 11:59pm ET on Friday, February 7. On February 5, <i>Foreign Policy</i> published an article, "The Chaos at USAID, Explained," that provided a summary of what had been going on at the agency since AGS first reported on this EO (1/29/2025 issue of Last Week in Washington).</p> | | |
| 2/6/2025 | <p><i>American Foreign Service Association, American Federation of Government Employees v. Donald Trump, President of the United States of America; United States Department of State; United States Agency for International Development; United States Treasury Department; Marco Rubio, Secretary of State, and Acting Administrator for United States Agency for International Development.</i></p> | <p>2/14/2025: Defendants submitted a declaration in response to the Court’s questions about government</p> |

| AGS Court Watch | | |
|--|---|---|
| Original Filing Date | Lawsuits (organized by Executive Branch Action) | Last Update |
| | <p>Plaintiffs in this complaint are seeking declaratory and injunctive relief alleging that the Administration took a series of unconstitutional and illegal actions that have systematically dismantled USAID which have generated a global humanitarian crisis with the intention to inflict imminent future harm. Plaintiffs are also seeking permanent injunction barring the Administration from taking action to dissolve USAID absent authorization of Congress.</p> <p>Filed in: United States District Court for the District of Columbia</p> <p>Prior Actions</p> <ul style="list-style-type: none"> • 2/7/2025: District Judge Carl Nichols issued a TRO that reinstated the 500 employees placed on administrative leave and delayed the deadline for the additional 2,200 employees to be placed on leave until February 14, 2025. Judge Nichols noted that a TRO to the funding freeze for USAID contractors is not warranted. • 2/13/2025: Preliminary injunction hearing was held and Judge Nichols extended the TRO to February 21, 2025, and amended the TRO to clarify that no USAID employees shall be involuntarily evacuated from their host countries. | <p>actions to protect the safety of USAID employees who are abroad and will be placed on leave as well as what benefits are accessible to abroad employees if they voluntarily choose to stay beyond the 30-day evacuation period (see this reporting from ABC News).</p> |
| <p>Executive Branch Action: The Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government EO (Gender EO) directed agencies to ensure that federal grant funds are not being used to promote “gender ideology” (see contemporaneous article from <i>The Hill</i>). On January 29, OPM issued guidance outlining steps agency heads should take regarding the Gender EO with requirements for agencies to take down all outward facing media, including websites and social media accounts, that promote gender ideology; terminate any programs, contracts, and grants that promote gender ideology; and withdraw any final or pending documents, directives, orders, regulations, materials, forms, communications, statements, and plans that promote gender ideology by 5:00 pm ET on January 31. On January 31, CDC Chief Science Officer sent, via email, a withdrawal order directing that all papers written or co-written by CDC researchers that are being considered by external medical or scientific journals for publication be withdrawn for review and removal based on a list of prohibited terms (see this contemporaneous coverage from <i>Reuters</i>).</p> | | |
| 2/4/2025 | <p><i>Doctors for America v. Office of Personnel Management, Centers for Disease Control and Prevention, Food and Drug Administration, Department of Health & Human Services.</i></p> <p>Plaintiff in this complaint are seeking declaratory judgements that the OPM guidance is unlawful and contends that the removal of key webpages and datasets creates a dangerous gap in the scientific data</p> | <p>2/13/2025: Joint status report submitted describing efforts to comply with the TRO and noting that on or before February 18, Plaintiff</p> |

| AGS Court Watch | | |
|--|---|---|
| Original Filing Date | Lawsuits (organized by Executive Branch Action) | Last Update |
| | <p>available to monitor and respond to disease outbreaks, deprives physicians of resources that guide clinical practice, and takes away key resources for communicating and engaging with patients.</p> <p>Filed in: United States District Court for the District of Columbia</p> <p>Prior Actions</p> <ul style="list-style-type: none"> • 2/11/2025: District Judge John Bates issued a memorandum opinion and TRO requiring defendants to restore webpages and datasets identified in this memorandum of law to their versions as of January 30, 2025 with a deadline of February 11 and restoration of other resources on providing medical care that were removed or substantially modified to their versions as of January 30, 2025 with a February 14 deadline. | will file an amended complaint. |
| Executive Branch Action: Related to the Gender EO, the Protecting Children from Chemical and Surgical Mutilation EO (Denial of Care EO) directs federal agencies to withhold funds from medical providers and institutions that offer gender-affirming medical treatments to anyone under 19. | | |
| 2/4/2025 | <p><i>PFLAG</i> (previously known as the Parents, Families, and Friends of Lesbians and Gays), <i>et al. v. Donald J. Trump, in his official capacity as President of the United States, et al.</i></p> <p>Plaintiffs (including GLMA: Health Professionals Advancing LGBTQ+ Equality (previously known as the Gay & Lesbian Medical Association), transgender young adults, and families with transgender youth) in this complaint challenge the Gender EO and Denial of Care EO, seeking to have the orders declared as unconstitutional and unlawful and issuance of temporary, preliminary, and permanent injunctive relief enjoining defendants (including HHS, Acting Secretary of HHS Dorothy Fink, the Health Resources and Services Administration (HRSA), HRSA's Principal Deputy Administrator Diana Espinosa, NIH, and Acting NIH Director Matthew Memoli). See this contemporaneous coverage from Roll Call.</p> <p>Filed in: United States District Court for the District of Maryland</p> <p>Prior Actions</p> <ul style="list-style-type: none"> • 2/5/2025: Plaintiffs submitted emergency motion for TRO. | <p>2/14/2025: Defendants submit conditional motion to clarify TRO.</p> |

| AGS Court Watch | | |
|--|--|--|
| Original Filing Date | Lawsuits (organized by Executive Branch Action) | Last Update |
| | <ul style="list-style-type: none"> • 2/13/2025: District Judge Brendan Hurson issued a 14-day TRO blocking the withholding of federal funding based on a healthcare entity or health professional providing gender affirming medical care. | |
| Related Lawsuits and Other Court Actions that AGS is not Tracking | | |
| | <p>Executive Branch Action: The Reevaluating and Realigning United States Foreign Aid EO (Foreign Aid EO)</p> <ul style="list-style-type: none"> • 2/10/2025: AIDS Vaccine Advocacy Coalition and Journalism Development Network filed a complaint in the United States District Court for the District of Columbia for declaratory and injunctive relief to stop the implementation of the EO and the stop-work order. • 2/11/2025: Global Health Council, American Bar Association, and other for-profit and nonprofit organizations that contract with USAID filed a complaint in the United States District Court for the District of Columbia for declaratory and injunctive relief on defunding USAID, laying off/furloughing employees, and transferring USAID to be under the State Department. | You can see status updates for these lawsuits at: Just Security's Litigation Tracker |
| | <p>Executive Branch Action: The Protecting Children from Chemical and Surgical Mutilation EO (Denial of Care EO)</p> <ul style="list-style-type: none"> • 2/7/2025: Attorneys general of Washington state, Minnesota, and Oregon, joined by three physicians, filed a complaint in the United States District Court for the Western District of Washington at Seattle against the Administration to block implementation of the Denial of Care EO. | |