

AGS COURT WATCH

(as of 3/3/2025)

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.

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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> (consolidated with American Public Health Association, et al. v. Office of Management and Budget, et al. and Lentini, et al. v. Department of Government Efficiency, et al.</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>Prior Actions</p> <ul style="list-style-type: none"> • 1/20/2025: Complaint challenging the legality of DOGE. • 2/18/2025: District Judge Jia Cobb granted defendants’ motion to consolidate this case with American Public Health Association v. Office of Management and Budget and Lentini v. Department of Government Efficiency. 	<p>3/3/2025: Plaintiffs filed a voluntary notice of dismissal.</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>2/26/2025: Joint status report submitted describing defendants’ plan to file a motion to dismiss or for</p>

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	<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 contemporaneous <i>ABC News</i> reporting).</p> <p>Filed in: United States District Court for the District of Columbia</p> <p>Prior Actions</p> <ul style="list-style-type: none"> • 2/6/2025: 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>). • 2/12/2025: Defendants filed opposition to motion for preliminary injunction and requested court 2/6/2025 order be dissolved. • 2/25/2025: Following a hearing on the motion for a preliminary injunction the previous day, the court ordered the defendants to file the administrative record underlying the decisions challenged in the case by 3/11/2025. 	summary judgment and plaintiffs’ plan to file opposition to aforementioned defendants’ motion.
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 contemporaneous coverage from <i>ABC News</i>). • 2/14/2025: Preliminary injunction hearing held before District Judge Jeannette Vargas. 	2/21/2025: Judge Vargas issued a preliminary injunction to block members of DOGE from accessing the Treasury Department’s payment and data systems containing personally identifiable information and/or confidential financial information of payees and continued the TRO already in place.

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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).		
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. 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. • 2/12/2025: Amicus brief filed by American Center for Law and Justice in support of the defendants. • 2/15/2025: Defendants filed a memorandum in opposition to plaintiffs' motion for preliminary injunction. • 2/18/2025: Plaintiffs filed a reply in support of motion for preliminary injunction. • 2/20/2025: During a hearing on the motion for preliminary injunction, Judge AliKhan ordered that the TRO will remain in place and a preliminary injunction ruling will be issued. 	<p>2/25/2025: Judge AliKhan granted the motion for a preliminary injunction, enjoining the Trump Administration "from implementing, giving effect to, or reinstating under a different name" the freeze on federal funds (see contemporaneous CBS News reporting).</p>
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>2/28/2025: Plaintiffs filed second motion for enforcement of the 1/31/2025 TRO or any preliminary injunction and requested that</p>

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	<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. • 2/14/2025: The United States Court of Appeals for the First Circuit issued a voluntary dismissal of defendants’ motion to appeal the decision. • 2/21/2025: During a hearing on the motion for preliminary injunction, Judge McConnell reiterated that the TRO is still in full force and effect and that the Court takes the motion for preliminary injunction under advisement. 	<p>the court order defendant to provide information on compliance given plaintiffs’ continued experience with obstacles to access funds.</p>
<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>Prior Actions</p> <ul style="list-style-type: none"> • 2/10/2025: District Judge Angel Kelley granted an emergency motion for TRO and imposed a reporting requirement to confirm compliance. • 2/18/2025: Plaintiffs filed a reply in support of a TRO. 	<p>2/25/2025: Defendants submitted a status report that confirms the defendants have not implemented, applied, or enforced the IC Guidance and that pending further order of the court, defendants will not implement the IC Guidance.</p>

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	<ul style="list-style-type: none"> 2/21/2025: Judge Kelley ordered an extension of the existing TRO until a further order is issued resolving the request for a preliminary injunction during the motion hearing. 	
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>Prior Actions</p> <ul style="list-style-type: none"> 2/10/2025: Judge Kelley issued a nationwide TRO against the IC Guidance effective until further order of the court (see reporting from Inside Higher Education). 2/14/2025: Defendants filed an opposition to the motion for TRO. 2/18/2025: Plaintiffs filed a reply in support of a TRO. 2/21/2025: Judge Kelley ordered an extension of the existing TRO until further order issued resolving the request for a preliminary injunction during the motion hearing. 	<p>2/26/2025: Defendants submitted a status report that confirms the defendants have not implemented, applied, or enforced the IC Guidance and that pending further order of the court, defendants will not implement the IC Guidance.</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 for preliminary and permanent injunctive relief.</p> <p>Filed in: United States District Court for the District of Massachusetts</p> <p>Prior Actions</p> <ul style="list-style-type: none"> 2/10/2025: 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>2/21/2025: Judge Kelley ordered an extension of the existing TRO until a further order is issued resolving the request for a preliminary injunction during the motion hearing.</p>

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<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 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>		
2/10/2025	<p><i>AIDS Vaccine Advocacy Coalition, Journalism Development Network v. United States Department of State, et al.</i></p> <p>Plaintiffs in this complaint are seeking declaratory and injunctive relief to stop the implementation of the EO and the stop-work order given that the EO exceeds the President's constitutional authority and violates his duty under the Take Care Clause of the Constitution. Plaintiffs allege that the stop-work orders are arbitrary, capricious, and unconstitutional in violation of the Administrative Procedure Act, the Anti-Deficiency Act, and the Impoundment Control Act.</p> <p>Filed in: United States District Court for the District of Columbia</p> <p>Prior Actions</p> <ul style="list-style-type: none"> • 2/12/2025: Plaintiffs filed motion for a TRO blocking the enforcement of the EO and State Department policy, and stop-work orders, as well as reinstating foreign assistance funding. • 2/13/2025: District Judge Amir Ali granted a TRO in this case and <i>Global Health Council v. Trump</i> enjoining the implementation on the foreign aid funding suspension. • 2/19/2025: Plaintiffs filed emergency motion for TRO enforcement and to hold defendants in civil contempt alleging that defendants' compliance "strains credulity." • 2/20/2025: Defendants filed reply to opposition to motion for TRO enforcement and civil contempt. Judge Ali granted in part the motion for TRO enforcement and did not make a finding of contempt for this case and <i>Global Health Council v. Trump</i>. • 2/21/2025: Defendants filed memorandum in opposition to motions for preliminary relief. • 2/25/2025: The court granted the motion for proposed order requiring the defendants to pay all invoices and letter of credit drawdown requests for work completed prior to the TRO mandating that the defendants take no actions to impede and ensure prompt payment of appropriated funds going forward. Defendants submitted a notice of decision to appeal the court's order and a motion to stay the order pending appeal. 	<p>3/3/2025: Judge Ali ordered that preliminary injunction motions hearing planned for 3/4/2025 will be held on 3/6/2025. The expiration for the TRO remains on 3/10/2025 or the date the court resolves the preliminary injunction motions. Defendants filed a reply in support of application to vacate in the Supreme Court.</p>

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	<ul style="list-style-type: none"> • 2/26/2025: Judge Ali denied and the U.S. Court of Appeals for the District of Columbia Circuit dismissed the motion for a stay. Defendants filed an application with the U.S. Supreme Court to vacate the TRO and grant an immediate administrative stay. Chief Justice Roberts granted an administrative stay and ordered plaintiffs to respond by 2/28/2025. • 2/27/2025: Plaintiffs filed reply in support of motion for preliminary relief. • 2/28/2025: Plaintiffs in this case and <i>Global Health Council v. Trump</i> filed an opposition to application to vacate order with the Supreme Court. 	
2/11/2025	<p><i>Global Health Council, et al. v. Donald J. Trump, in his official capacity as President of the United States of America, et al.</i></p> <p>Plaintiffs in this complaint are seeking declaratory and injunctive relief to challenge the defunding of USAID, laying off/furloughing employees, and transferring USAID to be under the State Department.</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: Plaintiffs filed motion for TRO to enjoin the EO and stop-work order. • 2/13/2025: Judge Ali granted a TRO in this case and <i>AIDS Vaccine Advocacy Coalition v. United States Department of State</i> enjoining the implementation of the foreign aid funding suspension. • 2/20/2025: Judge Ali granted in part the motion for TRO enforcement and did not make a finding of contempt for this case and <i>AIDS Vaccine Advocacy Coalition v. United States Department of State</i>. • 2/24/2025: Plaintiffs filed emergency renewed motion to enforce the TRO. • 2/25/2025: The court granted the motion for proposed order requiring the defendants to pay all invoices and letter of credit drawdown requests for work completed prior to the TRO mandating that the defendants take no actions to impede and ensure prompt payment of appropriated funds going forward. Defendants submitted notice of decision to appeal the court's order and a motion to stay the order pending appeal. • 2/26/2025: Judge Ali denied and the U.S. Court of Appeals for the District of Columbia Circuit dismissed the motion for a stay. Defendants filed an application with the U.S. Supreme Court to vacate the TRO and grant and immediate administrative stay. Chief Justice Roberts granted an administrative stay and ordered plaintiffs to respond by 2/28/2025. • 2/27/2025: Plaintiffs filed reply in support of motion for preliminary injunction. • 2/28/2025: Plaintiffs in this case and <i>AIDS Vaccine Advocacy Coalition v. United States Department of State</i> filed an opposition to application to vacate order with the Supreme Court. 	<p>3/3/2025: Judge Ali ordered that preliminary injunction motions hearing planned for 3/4/2025 will be held on 3/6/2025. The expiration for the TRO remains on 3/10/2025 or the date the court resolves the preliminary injunction motions. Defendants filed a reply in support of application to vacate in the Supreme Court.</p>

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<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, the Office of Personnel Management (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 contemporaneous coverage from <i>Reuters</i>).</p>		
2/4/2025	<p><i>Doctors for America; City and County of San Francisco v. Office of Personnel Management, Centers for Disease Control and Prevention, Food and Drug Administration, Department of Health & Human Services.</i></p> <p>Plaintiffs in this complaint are seeking declaratory judgements that the OPM guidance is unlawful and contend that the removal of key webpages and datasets creates a dangerous gap in the scientific data 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. • 2/13/2025: Joint status report submitted describing efforts to comply with the TRO and noting that on or before February 18, • 2/18/2025: Plaintiffs filed an amended complaint that included additional plaintiff, the City and County of San Francisco • 2/21/2025: Joint status report submitted describing defendants compliance with the TRO, the expiration of the TRO on 2/25/2025, and plaintiffs’ position on future proceedings requesting that the Court extend the TRO until resolution of a preliminary injunction and to proceed on an expedited basis. 	<p>2/24/2025: Judge Bates concluded that the irreparable harm justified in the TRO is no longer present and ordered that plaintiffs file any joint motion for preliminary injunction and summary judgment by 3/7/2025.</p>

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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 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. • 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. • 2/14/2025: Defendants submit conditional motion to clarify TRO. • 2/18/2025: Judge Hurson granted defendants' condition motion to clarify TRO. Plaintiffs filed motion for preliminary injunction. • 2/21/2025: Plaintiffs file motion to extend TRO and defendants file opposition to plaintiffs' motion to extend TRO. Joint status report submitted describing positions on plaintiffs' motion for preliminary injunction. 	<p>2/26/2025: Judge Hurson extended the TRO until 3/5/2025 and plaintiffs submitted a reply in support of their motion for a preliminary injunction.</p>
Executive Branch Action: To date, several EOs have been issued around diversity, equity, inclusion, and accessibility (collectively, Anti-DEIA EOs). On January 20 th , the Ending Radical and Wasteful Government DEI Programs and Preferencing EO (Anti-Diversity 1 EO) rescinded DEI mandates that require federal contractors to promote affirmative action and diversity programs. On January 21 st , the Ending Illegal Discrimination and Restoring Merit-Based Opportunity EO (Anti-Diversity 2 EO) revokes any previous orders that required federal contractors to take affirmative action to ensure equal employment opportunity based on race and gender.		

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2/3/2025	<p><i>National Association of Diversity Officers in Higher Education; American Association of University Professors; Restaurant Opportunities Centers United; Mayor and City Council of Baltimore, Maryland v. Donald J. Trump in his official capacity as President of the United States, et al.</i></p> <p>Plaintiffs in this complaint are seeking declaratory and injunctive relief alleging that the Anti-DEIA EOs are unconstitutional and an overreach of presidential authority with a “chilling effect” on free speech.</p> <p>Filed in: United States District Court for the District of Maryland Baltimore Division</p> <p>Prior Actions</p> <ul style="list-style-type: none"> • 2/13/2025: Plaintiffs filed a motion for a TRO and/or preliminary injunction. • 2/18/2025: Defendants filed a memorandum in opposition to the plaintiffs’ 2/13/2025 motion. • 2/19/2025: Plaintiffs filed a supplemental brief to support the motion for a TRO and/or preliminary injunction. • 2/21/2025: District Judge Adam Abelson issued a preliminary injunction to temporarily block the Anti-DEIA EOs provisions around termination of federal grants that are related to equity, certification of contractors and grantees for not operating programs that promote DEIA, and enforcement of deterring DEI programs. See contemporaneous reporting from NPR and this statement from Democracy Forward. • 2/24/2025: Defendants submitted notice of appeal to the Fourth Circuit. • 2/25/2025: Defendants submitted motion to stay injunction pending resolution of the appeal and requested expedited briefing and ruling. • 2/26/2025: The Court granted in part and denied in part the request to expedite the briefing noting that the motion to stay will be ruled on 3/3/2025. • 2/27/2025: Plaintiffs submitted motion to clarify the scope of the 2/21/2025 preliminary injunction order as well as a memorandum of law in opposition to the defendants motion to stay. • 2/28/2025: Judge Abelson ordered the defendants to file their opposition to the motion to clarify by 3/3/2025 and the plaintiffs to file their reply brief for the motion to clarify by 3/4/2025. 	<p>3/3/2025: Judge Abelson denied defendants’ motion to stay injunction pending appeal explaining that the provisions being challenged violate the First Amendment protections for free speech.</p>
2/19/2025	<p><i>National Urban League; National Fair Housing Alliance; AIDS Foundation of Chicago v. Donald J. Trump, in his official capacity as President of the United States, et al.</i></p> <p>Plaintiffs in this complaint challenge three EOs, the Anti-Diversity 1 EO, the Anti-Diversity 2 EO, and the Gender EO described above, and ask the Court to uphold their constitutional rights so they may</p>	<p>3/3/2025: Judge Kelly ordered that the parties appear for a hearing on the motion for preliminary injunction on 3/19/2025.</p>

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	<p>continue their work providing services to the marginalized and underserved communities targeted by these EOs. See contemporaneous reporting from MSN and this article from <i>Nonprofit Quarterly</i>.</p> <p>Filed in: United States District Court for the District of Columbia</p> <p>Prior Actions</p> <ul style="list-style-type: none"> • 2/20/2025: Plaintiffs submitted response to order to show cause contending that the case should be designated as related to the <i>National Council of Nonprofits</i> lawsuit. • 2/21/2025: Judge AliKhan concluded that the case is not related to <i>National Council of Nonprofits</i> and ordered that the case be transferred to the Calendar and Case Management Committee for random assignment. Case was randomly reassigned to Judge Timothy Kelly. • 2/28/2025: Plaintiffs submitted motion for preliminary injunction to prohibit the Defendants from enforcing and implementing provisions of Anti-DEIA EOs and Gender EO and memorandum of law in support of motion. 	
<p>Executive Branch Action: Following a 2/13/2025 phone call with OPM and follow-up OPM memorandum, federal agencies terminated probationary employees using a termination letter template provided by OPM that claimed the decision was due to performance. On 2/22/2025, OPM sent an email, “What did you do last week?” requesting all employees to reply with at least five accomplishments. This was supplemented by an X.com post from Elon Musk that “failure to respond will be taken as a resignation.” See <i>Business Insider’s</i> coverage via MSN and Federal News Network reporting.</p>		
2/19/2025	<p><i>American Federation of Government Employees; American Federation of State, County and Municipal Employees; United Nurses Associations of California/Union of Health Care Professionals v. United States Office of Personnel Management and Charles Ezell, in his official capacity as Acting Director of the U.S. Office of Personnel Management.</i></p> <p>Plaintiffs in this complaint are seeking to enjoin the termination of tens of thousands of federal probationary employees that resulted from the order of OPM alleging that termination notices falsely stated that the terminations are for performance reason and that defendants are in violation of the Administrative Procedure Act and separation of powers principles by overriding statutes that authorize and regulate agency hiring and firing.</p> <p>Filed in: United States District Court for the Northern District of California San Francisco Division</p> <p>Prior Actions</p>	<p>2/28/2025: Court filed Judge Alsup’s memorandum opinion and order amending TRO that includes the NSF and excludes FWS. The order applies to the National Park Service, the Small Business Administration, the Bureau of Land Management, the Department of Veterans Affairs, the Department of Defense, and the U.S. Fish and Wildlife Service. The evidentiary hearing is scheduled for 3/13/2025.</p>

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	<ul style="list-style-type: none"> • 2/23/2025: Amended complaint filed by plaintiffs to include OPM’s “What did you do last week?” email alleging that OPM violated the APA. Plaintiffs submitted motion for TRO and order to show cause why preliminary injunction should not be issued. • 2/26/2025: Defendants filed opposition to plaintiffs’ motion for a TRO and to show cause and plaintiffs filed reply in support of motion for TRO and order to show cause. • 2/27/2025: During the TRO motion hearing, Senior District Judge William Alsup ruled that OPM did not have any authority to direct other agencies to terminate employees and ordered the withdrawal of memoranda issued by OPM on the terminations of probationary employees. Judge Alsup noted that his order applies to employees at the National Park Service, National Science Foundation, Small Business Administration, Bureau of Land Management, and Department of Veterans Affairs, and Department of Defense because of jurisdictional issues. 	
Related Lawsuits and Other Court Actions that AGS is not Tracking		
	<p>Executive Branch Action: The Department of Education Office for Civil Rights (OCR) sent a Dear Colleague Letter on enforcing the 2023 Supreme Court decision, <i>Students for Fair Admissions v. Harvard</i> which held that race-based affirmative action programs is unconstitutional. The letter advised educational institutions to rescind race-based policies, actions, and resources and failure to comply may lead to loss of federal funding.</p> <ul style="list-style-type: none"> • 2/25/2025: The American Federation of Teachers, the American Sociological Association, and the American Federation of Teachers-Maryland filed a complaint in the U.S. District Court for the District of Maryland Baltimore Division against the Department of Education challenging the letter alleging that the letter is unconstitutional and violates the First Amendment’s protections for freedom of speech and association, the Fifth Amendment’s Due Process guarantees, and the Administrative Procedure Act (see coverage from <i>The Hill</i> and release from Democracy Forward). 	You can see status updates for these lawsuits at: Just Security’s Litigation Tracker
	<p>Executive Branch Action: Department of State Notice of Suspension of refugee resettlement programs in response to the Foreign Aid EO, Ending Radical and Wasteful Government DEI Programs and Preferencing EO, and Initial Recissions of Harmful Executive Orders and Actions EO.</p> <ul style="list-style-type: none"> • 2/18/2025: The United States Conference of Catholic Bishops, part of a partnership with the federal government for the U.S. Refugee Admissions Program, filed a complaint in the United States District Court for the District of Columbia for declaratory and injunctive relief to block the suspension (see contemporaneous article from MSNBC). 	

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	<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. 	
	<p>Executive Branch Action: The Foreign Aid EO.</p> <p><i>American Foreign Service Association, American Federation of Government Employees v. Donald Trump, et al.</i></p> <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. • 2/14/2025: Defendants submitted a declaration in response to the Court's questions about government 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 reporting from <i>ABC News</i>). • 2/21/2025: Judge Nichols dissolved the TRO and rejected the preliminary injunction because plaintiffs do not face irreparable harm and the Court likely lacks jurisdiction over the plaintiffs' claims. 	<p>The 2/21/2025 order to dissolve the TRO and denial of preliminary injunction could be appealed by plaintiffs.</p>

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	<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> <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 filed a complaint on 2/4/2025 to seek declaratory and injunctive relief alleging the directive violates the Administrative Procedure Act 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 contemporaneous reporting from NPR). • 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 reporting from <i>Government Executive</i>). 	<p>The 2/12/2025 order to dissolve the TRO and denial for further injunctive relief could be appealed by plaintiffs.</p>