

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-
CIO et al.,

Plaintiffs,

vs.

CHARLES EZZELL, ACTING
DIRECTOR, OFFICE OF PERSONNEL
MANAGEMENT, et al..

Defendants.

Civil Action No. 25-cv-10276

REQUEST FOR ORAL ARGUMENT

ON AN EMERGENCY BASIS

MOTION FOR A TEMPORARY RESTRAINING ORDER

Plaintiffs respectfully move the Court, pursuant to Fed. R. Civ. P 65(b), to enter a Temporary Restraining Order against Defendants Office of Personnel Management (OPM) and Acting OPM Director Charles Ezzell staying the February 6, 2025 deadline for acceptance of the Fork in the Road Directive, pending submission and resolution of Plaintiffs' upcoming motion for preliminary injunction.

Plaintiffs request the Court promptly hold a hearing, by video conference, regarding this motion, **no later than tomorrow February 6, 2025**, as that is the Defendants' deadline for Fork in the Road Directive resignation.

As set forth in greater detail in the accompanying memorandum of points and authorities, Plaintiffs have established that they will likely succeed on the merits of their claim under the Administrative Procedure Act that the Fork in the Road Directive is arbitrary, capricious, and not in accordance with law, that they suffer irreparable harm absent relief, and that the balance of

equities and the public interest weigh in favor of a Temporary Restraining Order. The Court should set the bond at zero dollars.

Plaintiffs further request that within 24 hours of the Temporary Restraining Order, Defendants provide written notice of the Order to all federal employees who have received the Directive and that further, they notify the Court that they have done so within 48 hours of this Order.

CERTIFICATE OF COMPLIANCE

[Local Rule 7.1]

Pursuant to Local Rule 7.1(a) and Federal Rule of Civil Procedure 65, counsel for Plaintiffs certify that they have sent—through Defendants’ counsel Christopher Hall at the U.S. Department of Justice Federal Programs Branch¹—notice of this motion and conferred in good faith with Defendants’ counsel concerning this motion in an effort to narrow or resolve the issues here before filing.

Respectfully submitted,

DATED this 5th day of February, 2025.

By: /s/ Michael T. Anderson
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¹ For the Court’s information, Plaintiffs counsel has sent the verified complaint and will immediately send this motion and accompanying filings to Christopher Hall at the Department of Justice’s Federal Programs Branch (Christopher.hall@usdoj.gov) following his supervisors’ instructions.

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**pro hac vice pending*

CERTIFICATE OF SERVICE

Counsel for Plaintiffs certify that they have sent—through Defendants’ counsel Christopher Hall at the U.S. Department of Justice Federal Programs Branch —notice of this motion after conferred in good faith with Defendants’ counsel concerning this motion before filing. Plaintiffs’ counsel will immediately send electronically copies of the filing to Defendants’ counsel and will serve subsequent registered participants electronically and paper copies will be sent to any non-registered participants.

Dated: February 5, 2025

/s/ Michael T. Anderson

Michael T. Anderson