

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Somerville Public Schools, et al.,

Plaintiffs,

v.

Donald J. Trump, et al.,

Defendants.

Civil Case No. 1:25-cv-10677

MOTION FOR PRELIMINARY INJUNCTION

REQUEST FOR ORAL ARGUMENT

Pursuant to Federal Rule of Civil Procedure Rule 65 and Local Rule 7.1, Plaintiffs Somerville Public Schools, Easthampton Public Schools, American Federation of Teachers, American Federation of Teachers Massachusetts, American Federation of State, County, and Municipal Employees, Council 93, American Association of University Professors, and Service Employees International Union (together, “Plaintiffs”) hereby move the Court to enjoin preliminarily the Mass Termination Order at the Department of Education (“Department”) dated March 11, 2025. The Mass Termination Order has caused, is causing, and will continue to cause irreparable harm to the Plaintiffs and their members in violation of federal law.

As explained in this motion’s accompanying memorandum, Defendants issued a Mass Termination Order, in violation of federal law, as a step toward closing the Department of Education. The Mass Termination Order is arbitrary and capricious; it exceeds the Secretary of Education’s statutory authority; it is contrary to constitutional right because it usurps Congress’

exclusive power to establish and fund federal agencies and programs; and it is contrary to law. Therefore, the Mass Termination Order violates the Administrative Procedure Act.

Plaintiffs therefore seek a preliminary injunction to avoid the ongoing and future irreparable harm from the Mass Termination Order. Plaintiffs meet all the requirements for the issuance of a preliminary injunction: through this motion's accompanying memorandum of law, the Plaintiffs show a likelihood of success on the merits; the possibility that, without an injunction, they will suffer irreparable harm; and that the balance of hardships and the public interest favor an injunction.

WHEREFORE, Plaintiffs respectfully request that the Court:

- i. enter a preliminary injunction enjoining Agency Defendants, and their officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with any of them (collectively, the "Enjoined Parties"), from proceeding with the mass termination order announced by the Agency Defendants on March 11, 2025 ("Mass Termination Order");
- ii. enter a preliminary injunction ordering that Enjoined Parties are enjoined from implementing, giving effect to, or reinstating the Mass Termination Order under a different name;
- iii. enter a preliminary injunction directing the Agency Defendants to reinstate federal employees whose employment was terminated or otherwise eliminated on or after March 11, 2025 as part of the Mass Termination Order, including ensuring that those employees are placed on active duty status, effective no later than 48 hours of entry of this Order;

- v. order the Agency Defendants to provide notice of the preliminary injunction within 24 hours of entry of this Order to the employees subject to the Mass Termination Order, in the form attached to the Proposed Order as Exhibit A;
- vi. direct the Agency Defendants to file a status report with this Court within 72 hours, and weekly thereafter until otherwise ordered by this Court, describing all steps the Agency Defendants have taken to comply with the Court's Order;
- vii. order that to the extent Defendants seek to take additional steps to effectuate the closing of the Department of Education, including but not limited to transferring statutorily mandated offices or functions from the Department of Education to other government agencies, Defendants shall provide at least ten (10) days prior notice to Plaintiffs and the Court; and
- vi. order that the preliminary injunction shall apply to the maximum extent provided for by Fed. R. Civ. P. 65(d)(2) and shall persist until further order of this Court.

Dated: April 1, 2025

Respectfully submitted,

/s/ Rachel F. Homer

Counsel for Plaintiffs

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CERTIFICATE OF COMPLIANCE WITH L.R. 7.1

I hereby certify that I have made a good faith attempt to confer with counsel for the Defendants in this matter as follows:

On Friday, March 31, 2025, at 3:54 PM, I emailed the following individuals regarding Plaintiffs' intention to file a motion for a preliminary injunction and requesting information on the attorney assigned to this matter:

Alex Haas
Director
Federal Programs Branch

Diane Kelleher
Assistant Director
U.S. Department of Justice

John Griffiths,
Director
Federal Programs Branch

I asked to confer on both the motion and on a joint proposed briefing schedule for the motion. Ms. Kelleher subsequently directed me to Bradley Rosenberg, Special Counsel, Federal Programs Branch. On April 1, 2025, at 8:51 AM, Mr. Rosenberg and I conferred regarding Plaintiffs' motion and service. Given the related case, the parties are continuing to confer regarding a proposed briefing schedule and anticipate proposing a schedule expeditiously.

/s/ Elena Goldstein
Elena Goldstein

CERTIFICATE OF SERVICE

I certify that this document was filed through the CM/ECF system and will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF), and will be provided to the following counsel for the defendants by email:

Brad Rosenberg
Special Counsel
Federal Programs Branch
U.S. Department of Justice
Brad.Rosenberg@usdoj.gov

/s/ Rachel F. Homer
Rachel F. Homer