

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

American Federation of Teachers, *et al.*,

Plaintiffs,

v.

U.S. Department of Education, *et al.*,

Defendants.

Civil Case No. 1:25-cv-00628

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs American Federation of Teachers, American Sociological Association, American Federation of Teachers-Maryland, and Eugene School District 4J hereby move for a preliminary injunction to prevent Defendants from causing irreparable harm to Plaintiffs, their members, and educators and students around the country before this Court can resolve the merits of this case. As set forth in more detail in Plaintiffs' Amended Complaint and the memorandum accompanying this motion, Defendants' actions violate the First and Fifth Amendments of the U.S. Constitution, and numerous provisions of the Administrative Procedure Act.

WHEREFORE, Plaintiffs respectfully request that the Court:

- (i) enter a preliminary injunction ordering that Defendants, and their officers, agents, servants, employees, attorneys (whether employed by the Department of Education or the Department of Justice), and other persons who are in active

concert or participation with any of them (collectively, the “Enjoined Parties”), shall take no steps to initiate, against any educational institution: any investigations under the authority of; any assessment of compliance under the authority of; or, pause, freeze, impede, block, cancel, or terminate any federal awards, contracts, or obligations on the basis of: 1) Dear Colleague Letter of February 14, 2025, U.S. Department of Education (the “Letter”), 2) “Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act” (February 28, 2025);

- (ii) enter a preliminary injunction ordering that Enjoined Parties are enjoined from implementing, giving effect to, or reinstating the Letter under a different name;
- (iii) enter a preliminary injunction ordering that the End DEI Portal be inactivated and removed from the Department of Education website;
- (iv) enter a preliminary injunction ordering that to the extent Enjoined Parties exercise any investigation or enforcement authority with respect to alleged discrimination on the basis of race, color, or national origin under Title VI, such investigation or enforcement, must be consistent with the Departments’ guidance in the following:
 - 1) *Dear Colleague Letter re: Students For Fair Admissions, Inc. v. Harvard College And University Of North Carolina* (Aug. 14, 2023); 2) *Questions And Answers Regarding The Supreme Court’s Decision In Students For Fair Admissions, Inc. v. Harvard College And University Of North Carolina* (Aug. 14, 2023); 3) *Dear Colleague Letter re: Race and School Programming* (August 24, 2023); 4) *Strategies for Increasing Diversity and Opportunity in Higher Education* (Sept. 28, 2023); 5) *Fact Sheet: Ensuring Educational Opportunities*

for All Students on Equal Terms 70 Years After Brown v. Board of Education (May 2024); and 6) *Fact Sheet: Harassment based on Race, Color, or National Origin on School Campuses* (July 2, 2024);

- (v) enter a preliminary injunction ordering that the Department restore public website access to all guidances related to Title VI removed from the Department of Education website after January 20, 2025; and
- (vi) and 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: March 28, 2025

Respectfully submitted,

/s/ Victoria S. Nugent

Victoria S. Nugent
Madeline H. Gitomer +
Brooke Menschel
Rachel F. Homer
Andrew Bookbinder
Kali Schellenberg* *
Democracy Forward Foundation
P.O. Box 34553
Washington, DC 20043
(202) 448-9090
vnugent@democracyforward.org
mgitomer@democracyforward.org
bmenschel@democracyforward.org
rhomer@democracyforward.org
abookbinder@democracyforward.org
kschellenberg@democracyforward.org

Counsel for Plaintiffs

+ Application for full admission pending

** Admitted *Pro hac vice*

CERTIFICATION OF SERVICE

I hereby certify that on March 28, 2025, I electronically filed this document with the Court by using the CM/ECF system, and that this document was distributed via the Court's CM/ECF system.

/s/ Victoria S. Nugent
Victoria S. Nugent (Bar No. 15039)
Counsel for Plaintiffs