

1 Stacey M. Leyton (SBN 203827)
2 Barbara J. Chisholm (SBN 224656)
3 Danielle Leonard (SBN 218201)
4 ALTSHULER BERZON LLP
5 177 Post Street, Suite 300
6 San Francisco, CA 94108
7 Tel: (415) 421-7151
8 Fax: (415) 362-8064
9 sleyton@altber.com
10 bchisholm@altber.com
11 dleonard@altber.com

12 Elena Goldstein (pro hac vice)
13 Skye Perryman (pro hac vice)
14 Tsuki Hoshijima (pro hac vice)
15 DEMOCRACY FORWARD FOUNDATION
16 P.O. Box 34553
17 Washington, DC 20043
18 Tel: (202) 448-9090
19 Fax: (202) 796-4426
20 egoldstein@democracyforward.org
21 sperryman@democracyforward.org
22 thoshijima@democracyforward.org

23 *Attorneys for Plaintiffs*

24 [Additional counsel and affiliations listed on signature page]

25 UNITED STATES DISTRICT COURT
26 FOR THE NORTHERN DISTRICT OF CALIFORNIA
27 SAN FRANCISCO DIVISION

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

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No. 3:25-cv-03698-SI

**PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

1 **MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE**

2 TO ALL DEFENDANTS: PLEASE TAKE NOTICE that Plaintiffs hereby move the Court
3 pursuant to Rule 65 of the Federal Rules of Civil Procedure, Rule 65-1 of the Civil Local Rules and
4 this Court’s authority to “issue all necessary and appropriate process to postpone the effective date
5 of an agency action or to preserve status or rights,” 5 U.S.C. §705, for a temporary restraining
6 order (“TRO”) and an order to show cause.¹ Plaintiffs request immediate and interim relief as soon
7 as possible and by no later than February 13, 2026, in light of ongoing and imminent actions by
8 Defendants Department of Homeland Security (“DHS”), DHS Secretary Kristi Noem, Federal
9 Emergency Management Agency (“FEMA”) and Senior Official Performing the Duties of FEMA
10 Administrator Karen Evans. Specifically, Plaintiffs ask that the Court order that Defendants DHS,
11 FEMA, and their agency heads named in their official capacities as Defendants in this lawsuit, their
12 officers, agents, servants, employees, and attorneys, and all persons acting by, through, under, or in
13 concert with these Defendants are enjoined as follows:

14 1. From taking any action to implement, carry out, or effectuate DHS directives that
15 remove FEMA authority over personnel decisions with respect to FEMA employees, including but
16 not limited to Cadre of On-Call Response/Recovery (CORE) employees;

17 2. From taking any action to separate CORE employees from federal employment by
18 disapproving term renewals;

19 3. From taking any action to implement, carry out, or effectuate any further reduction
20 of any FEMA employee positions, including permanent civil service, CORE, and reservists;

21 4. To rescind all notices of non-renewal separating CORE employees from FEMA
22 employment since January 1, 2026, including as follows:

23 a. FEMA shall immediately notify (by email to all known email addresses for those
24 individuals, and by U.S. Mail), all CORE employees separated from federal employment by non-

25 _____
26 ¹ For purposes of this Motion the moving Plaintiffs are the Union Plaintiffs (including American
27 Federation of Government Employees (AFGE); American Federation of State County and Municipal
28 Plaintiffs (including County of Santa Clara, California; City of Chicago, Illinois; Martin Luther King,
Jr. County, Washington; Harris County, Texas; City of Baltimore, Maryland; and City and County
of San Francisco, California).

1 renewal of their positions on or after January 1, 2026 that the disapproval of FEMA’s
2 recommended renewal of their position by DHS is null and void, that they are reinstated and
3 renewed according to the terms recommended for their renewal by FEMA, and that they are
4 reinstated to federal employment with all prior benefits retroactive to the date of their non-renewal
5 notice, according to the terms of renewal recommended by FEMA;

6 b. FEMA shall revise and re-issue the appropriate personnel notices (including Form
7 SF-52) that include the new NTE dates recommended by FEMA for the affected CORE employees;

8 c. FEMA shall restore the affected CORE employees to compensation including pay
9 and benefits according to the terms of renewal included in the recommendations by FEMA.

10 This motion for a TRO is made on the following grounds:

11 (1) Plaintiffs are likely to prevail on their claims that DHS, FEMA and their agency heads
12 have exceeded statutory authority, acted contrary to law and constitutional powers, and engaged in
13 arbitrary and capricious action by removing FEMA authority with respect to CORE renewals,
14 directing FEMA to separate CORE employees by NTE dates and otherwise implementing a
15 workforce reduction plan, and reducing positions of employees prohibited by Section 120(a) of the
16 CR; and that therefore the actions of Defendants are *ultra vires* and violate the Administrative
17 Procedure Act (“APA”), 5 U.S.C. §706(2)(A), (B), (C);

18 (2) Plaintiffs will suffer irreparable injury unless the relief requested is granted; and

19 (3) The balance of equities and public interest favor injunctive relief.

20 This motion is supported by the accompanying Plaintiffs’ Memorandum in Support of
21 Motion for TRO; the accompanying declarations; and the entire record in this case. Plaintiffs have
22 provided notice of this Motion as set forth in the accompanying Declaration of Plaintiffs’ counsel
23 Danielle Leonard in support of Plaintiffs’ Motion for TRO.

1 DATED: February 10, 2026

2 Stacey M. Leyton
3 Barbara J. Chisholm
4 Danielle E. Leonard
5 Robin S. Tholin
6 Elizabeth Eshleman
7 ALTSHULER BERZON LLP
8 177 Post St., Suite 300
9 San Francisco, CA 94108
10 Tel.: (415) 421-7151
11 Fax: (415) 362-8064
12 sleyton@altshulerberzon.com
13 bchisholm@altshulerberzon.com
14 dleonard@altshulerberzon.com

15 By: /s/ Danielle Leonard

16 *Attorneys for All Union and Non-Profit Organization*
17 *Plaintiffs*

18 Elena Goldstein (pro hac vice)
19 Skye Perryman (pro hac vice)
20 Tsuki Hoshijima (pro hac vice)
21 DEMOCRACY FORWARD FOUNDATION
22 P.O. Box 34553
23 Washington, D.C. 20043
24 Tel: (202) 448-9090
25 Fax: (202) 796-4426
26 egoldstein@democracyforward.org
27 sperryman@democracyforward.org
28 thoshijima@democracyforward.org

By: /s/ Elena Goldstein

Attorneys for All Union and Non-Profit Organization
Plaintiffs (except NRDC) and for Plaintiffs City of
Chicago, IL; Martin Luther King, Jr. County, WA;
Harris County, TX; and City of Baltimore, MD

Jules Torti (pro hac vice)
PROTECT DEMOCRACY PROJECT
82 Nassau St., #601
New York, NY 10038

Erica J. Newland (pro hac vice)
Jacek Pruski (pro hac vice)
PROTECT DEMOCRACY PROJECT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2020 Pennsylvania Ave., N.W., Suite 163
Washington, D.C. 20006
Tel: 202-579-4582
jules.torti@protectdemocracy.org
erica.newland@protectdemocracy.org
jacek.pruski@protectdemocracy.org

By: /s/ Jules Torti

*Attorneys for All Union and Non-Profit Organization
Plaintiffs (except NRDC)*

Norman L. Eisen (pro hac vice)
Spencer W. Klein (pro hac vice app. forthcoming)
STATE DEMOCRACY DEFENDERS FUND
600 Pennsylvania Avenue SE #15180
Washington, D.C. 20003
Tel: (202) 594-9958
Norman@statedemocracydefenders.org
Spencer@statedemocracydefenders.org

By: /s/ Norman L. Eisen

*Attorneys for All Union and Non-Profit Organization
Plaintiffs (except NRDC)*

Rushab Sanghvi (SBN 302809)
AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, AFL-CIO
80 F Street, NW
Washington, D.C. 20001
Tel: (202) 639-6426
Sanghr@afge.org

By: /s/ Rushab Sanghvi

*Attorney for Plaintiffs American Federation of
Government Employees, AFL-CIO (AFGE) and AFGE
locals*

Teague Paterson (SBN 226659)
Matthew Blumin (pro hac vice)
AMERICAN FEDERATION OF STATE, COUNTY,
AND MUNICIPAL EMPLOYEES, AFL-CIO
1625 L Street, N.W.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Washington, D.C. 20036
Tel: (202) 775-5900
TPaterson@afscme.org
MBlumin@afscme.org

By: /s/ Teague Paterson

*Attorneys for Plaintiff American Federation of State
County and Municipal Employees, AFL-CIO
(AFSCME)*

Steven K. Ury (SBN 199499)
SERVICE EMPLOYEES INTERNATIONAL
UNION, AFL-CIO
1800 Massachusetts Ave., N.W.
Washington, D.C. 20036
Tel: (202) 730-7428
steven.ury@seiu.org

By: /s/ Steven K. Ury

*Attorney for Plaintiff Service Employees International
Union, AFL-CIO (SEIU)*

David Chiu (SBN 189542)
City Attorney
Yvonne R. Meré (SBN 175394)
Chief Deputy City Attorney
Mollie M. Lee (SBN 251404)
Chief of Strategic Advocacy
Sara J. Eisenberg (SBN 269303)
Chief of Complex and Affirmative Litigation
Molly J. Alarcon (SBN 315244)
Alexander J. Holtzman (SBN 311813)
Deputy City Attorneys
OFFICE OF THE CITY ATTORNEY FOR THE
CITY AND COUNTY OF SAN FRANCISCO
1390 Market Street, 7th Floor
San Francisco, CA 94102
molly.alarcon@sfcityatty.org
alexander.holtzman@sfcityatty.org

By: /s/ David Chiu

*Attorneys for Plaintiff City and County of San
Francisco*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Tony LoPresti (SBN 289269)
COUNTY COUNSEL
Kavita Narayan (SBN 264191)
Meredith A. Johnson (SBN 291018)
Raphael N. Rajendra (SBN 255096)
Hannah M. Godbey (SBN 334475)
OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA
70 West Hedding Street, East Wing, 9th Floor
San José, CA 95110
Tel: (408) 299-5900

By: /s/ Tony LoPresti

Attorneys for Plaintiff County of Santa Clara, Calif.

General Counsel
Erin King-Clancy (SBN 249197)
Senior Deputy Prosecuting Attorney
OFFICE OF KING COUNTY PROSECUTING
ATTORNEY LEESA MANION
401 5th Avenue, Suite 800
Seattle, WA 98104
(206) 477-9483
chrsanders@kingcounty.gov
eclancy@kingcounty.gov

By: /s/ Erin King-Clancy

Attorneys for Plaintiff Martin Luther King, Jr. County

Sharanya Mohan (SBN 350675)
Eliana Greenberg (SBN 366319)
Toby Merrill (pro hac vice app. forthcoming)
PUBLIC RIGHTS PROJECT
490 43rd Street, Unit #115
Oakland, CA 94609
Tel: (510) 738-6788
sai@publicrightsproject.org

By: /s/ Eliana Greenberg

*Attorneys for Plaintiffs Baltimore, MD, Chicago, IL,
Harris County, TX, and Martin Luther King, Jr.
County, WA*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jonathan G.C. Fombonne
Harris County Attorney

Sarah Utley (pro hac vice app. forthcoming)
Managing Counsel
Bethany Dwyer (pro hac vice app. forthcoming)
Deputy Division Director - Environmental Division
R. Chan Tysor (pro hac vice)
Senior Assistant County Attorney
Alexandra "Alex" Keiser (pro hac vice)
Assistant County Attorney
1019 Congress, 15th Floor
Houston, Texas 77002
Tel.: (713) 274-5102
Fax: (713) 437-4211

jonathan.fombonne@harriscountytexas.gov
sarah.utley@harriscountytexas.gov
bethany.dwyer@harriscountytexas.gov
chan.tysor@harriscountytexas.gov
alex.keiser@harriscountytexas.gov

By: /s/ Jonathan G.C. Fombonne

Attorneys for Plaintiff Harris County, Texas

Mary B. Richardson-Lowry,
Corporation Counsel of the City of Chicago

Rebecca A. Hirsch (pro hac vice)
Lucy Prather (pro hac vice)
City of Chicago Department of Law,
Affirmative Litigation Division
121 N LaSalle Street, Suite 600
Chicago, Illinois 60602
Tel: (312) 744-6934
Rebecca.Hirsch2@cityofchicago.org
Lucy.Prather@cityofchicago.org

By: /s/ Rebecca Hirsch

Attorneys for Plaintiff City of Chicago

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Ebony M. Thompson
Baltimore City Solicitor

Christopher Sousa (SBN 264874)
Chief Solicitor
Baltimore City Department of Law
100 N. Holliday Street
Baltimore, Maryland 21202
Tel: (410) 396-3947
christopher.sousa@baltimorecity.gov

By: /s/ Christopher Sousa

Attorneys for Plaintiff City of Baltimore