

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

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

Plaintiffs,

v.

UNITED STATES OFFICE OF
MANAGEMENT AND BUDGET, et al.,

Defendants.

Case No. 3:25-cv-08302-SI

**[PROPOSED] ORDER GRANTING
SECOND MOTION TO MODIFY
TEMPORARY RESTRAINING ORDER,
AS AMENDED BY THE COURT**

Plaintiffs’ Second Motion to Modify the October 15, 2025 Temporary Restraining Order (“TRO”) (Dkt. No. 56), as once modified by the Court on October 17, 2025 (Dkt. No. 70), seeks to extend the relief granted to extend to the National Treasury Employees Union (“NTEU”), the International Federation of Professional and Technical Engineers, AFL-CIO (“IFPTE”), and the American Federation of Teachers (“AFT”). Plaintiffs’ Motion came before this Court. Dkt. No. 78. The Court finds good cause exists to modify the existing TRO without a written response from defendants due to the emergency nature of this case. *See* Dkt. No. 56 at 4-5; *see also* Dkt. No. 49-2 (“Billy Suppl. Decl.”) ¶ 4 (OMB Senior Advisor declaring that “the situation involving the lapse in appropriations, and RIFs related to that lapse, is fluid and rapidly evolving”). Plaintiffs have provided notice of the present motion to modify the TRO to existing defense counsel. Dkt. No. 78-5 (“Leonard Decl.”) ¶ 2. Defense counsel indicated they oppose the motion. *Id.* ¶ 3. After defense counsel was “not able to confirm either way regarding representation” of five of the proposed new federal agency defendants, on October 21, 2025, plaintiffs’ counsel also sent notice of the motion to general counsel located within those individual agencies. *Id.* ¶¶ 4-8.

Upon consideration of the motion, and for good cause shown, IT IS HEREBY ORDERED that the Motion is GRANTED and the October 15, 2025 TRO (Dkt. No. 56), as modified on October 17, 2025 (Dkt. No. 70), is further modified to read as follows:

TEMPORARY RESTRAINING ORDER

IT IS HEREBY ORDERED that, pending an order by this Court as to whether further injunctive relief should issue,

OMB, OPM, and Federal Defendant Agencies¹ their officers, agents, servants, employees, and attorneys; and all persons acting by, through, under, or in concert with these Defendants are hereby enjoined and/or stayed, until further order of the Court, from:

¹ The “Federal Defendant Agencies” are, for purposes of this modified TRO, the departments of Agriculture (“USDA”), Commerce, Defense (“DoD”), Education, Energy, Health and Human Services (“HHS”), Homeland Security (“DHS”), Housing and Urban Development (“HUD”),

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2 1) taking any action to issue any Reduction in Force (“RIF”) notices to federal

3 employees in any PPA (program, project, or activity) that includes any bargaining

4 unit or member represented by any Plaintiff² during or because of the federal

5 government shutdown, including but not limited to by taking any action to implement

6 or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions

7 of the related OPM Guidance for Shutdown Furloughs (as revised September 28,

8 2025), the related OPM “Special Instructions for Agencies Affected by a Possible

9 Lapse in Appropriations Starting on October 1, 2025” (dated September 28, 2025),

10 or any other decision or directive that purports to authorize or require issuance of RIF

11 notices during a shutdown;

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13 2) taking any further action to administer or implement any RIF notices

14 already issued beginning on October 10, 2025 to federal employees in any PPA that

15 includes any bargaining unit or member represented by any Plaintiff, including but

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17 Justice (“DOJ”), the Interior, Labor (“DOL”), State, Treasury, Transportation (“DOT”), Veterans

18 Affairs (“the VA”), as well as the Consumer Product Safety Commission (“CPSC”), Environmental

19 Protection Agency (“EPA”), Equal Employment Opportunity Commission (“EEOC”), Federal

20 Trade Commission (“FTC”), General Services Administration (“GSA”), Institute of Museum and

21 Library Services (“IMLS”), National Aeronautics and Space Administration (“NASA”), National

22 Archives and Records Administration (“NARA”), National Endowment for the Arts (“NEA”),

23 National Science Foundation (“NSF”), National Transportation Safety Board (“NTSB”), Nuclear Regulatory

Commission (“NRC”), Small Business Administration (“SBA”), Smithsonian Institute

24 (“Smithsonian”), Social Security Administration (“SSA”), the International Development Finance

Corporation (“DFC”), the Peace Corps, Commodity Futures Trading Commission, Federal

Communications Commission, Federal Elections Commission, Securities and Exchange

Commission, and Merit Systems Protection Board.

25 ² Plaintiffs are, for purposes of this modified TRO, the American Federation of Government

26 Employees, AFL-CIO (“AFGE”), American Federation of State County and Municipal Employees,

27 AFL-CIO (“AFSCME”), AFGE Local 1236, AFGE Local 3172, National Federation of Federal

Employees (“NFFE”), Service Employees International Union (“SEIU”), National Association of

Government Employees, Inc. (“NAGE”), National Treasury Employees Union (“NTEU”),

International Federation of Professional and Technical Engineers, AFL-CIO (“IFPTE”), and the

28 American Federation of Teachers (“AFT”).

not limited to by requiring federal employees to perform work to further administer or implement RIF notices and by enforcing or counting any days towards any period of notice with respect to those notices (i.e., the effective date of the RIF shall be stayed and Defendants shall therefore toll the running of all RIF notice periods).³

IT IS SO ORDERED.

Dated: October 22, 2025


The Honorable Susan Illston
United States District Court Judge

³ This revised TRO incorporates Dkt. No. 70, which clarified and defined some of the terms in the original TRO. In particular:

1) The phrase “federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff” includes (a) “federal employees in any PPA” in which Plaintiffs have any members, regardless of whether those members are employed in a bargaining unit that is represented by a Plaintiff; and (b) “federal employees in any PPA” in which any Plaintiff is or was a recognized collective bargaining representative of a bargaining unit prior to or after the issuance of Executive Orders 14251 and 14343, the effect of which is the subject of legal dispute.

2) The reference to issuance of RIF notices “during or because of the federal government shutdown” or “during a shutdown” applies to any RIF notices issued on or after October 1, 2025 and before the end of the federal government shutdown, regardless of whether that RIF was planned to occur independent of or before the shutdown.