

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

STATE OF NEW YORK, *et al.*;

Plaintiffs,

v.

LINDA McMAHON, *et al.*;

Defendants.

C.A. No. 1:25-cv-10601-MJJ

**MOTION FOR A PRELIMINARY INJUNCTION**

Plaintiffs New York, Massachusetts, Hawai'i, California, Arizona, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Maine, Maryland, Attorney General Dana Nessel for the People of Michigan, Minnesota, Nevada, New Jersey, Oregon, Rhode Island, Washington, Wisconsin, and Vermont (together, "Plaintiffs"), hereby respectfully move, pursuant to Fed. R. Civ. P. 65 and L.R. 7.1, for a preliminary injunction to restrain and enjoin defendants Secretary Linda McMahan and the U.S. Department of Education ("Agency Defendants") from implementing the mass termination of employees announced on March 11, 2025 and President Trump's March 21, 2025 directive to immediately transfer the federal student loan portfolio and special education programs out of the Department ("March 21 Directive"). The Plaintiffs further seek an order reinstating all Department of Education employees whose employment was terminated or otherwise eliminated by the Agency Defendants as part of the mass terminations announced on March 11, 2025 ("Mass Termination").

As described at length in the Plaintiffs' accompanying memorandum of law in support of this motion, Plaintiffs' requested relief is warranted in light of the Agency Defendants' unprecedented efforts to dismantle a cabinet-level congressionally created federal agency. First,

Plaintiffs are likely to succeed on the merits of their claims. They are likely to prevail in showing that the Agency Defendants' so-called reduction in force violates the Administrative Procedure Act in multiple respects, including that the Mass Termination is arbitrary and capricious and contrary to the laws governing the creation and administration of the Department of Education and its functions; they are likely to prevail in showing that the Mass Termination and immediate transfer of functions are a violation of the separation of powers, by usurping Congress's legislative authority and violating the Constitution's Take Care Clause; and they are likely to prevail in showing that the Agency Defendants' actions are *ultra vires*. Second, Plaintiffs demonstrate that without a preliminary injunction, Plaintiffs will suffer irreparable harm. Third, the balance of harms and the balance of equities lie in favor of a preliminary injunction in these extraordinary circumstances.

WHEREFORE, Plaintiffs respectfully request that the Court: (i) enter a preliminary injunction enjoining the Agency Defendants from proceeding with the mass termination announced by the Agency Defendants on March 11, 2025 and implementing President Trump's March 21 Directive; (ii) enter a preliminary injunction directing the Agency Defendants to reinstate federal employees whose employment was terminated or otherwise eliminated on or after January 20, 2025, as part of the mass terminations announced on March 11, 2025; (iii) order the Agency Defendants to provide notice of the preliminary injunction within 24 hours of entry to all defendants, their employees, and anyone acting in concert with them; and (iv) 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, in the form attached hereto as **Exhibit A**.

Dated: March 24, 2025

Respectfully submitted,

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\*Admitted *Pro Hac Vice*

\*\* Motion for *Pro Hac Vice* pending or forthcoming

**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:

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/s/ Katherine Dirks  
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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 21, 2025, 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:

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

Lisa Foley  
United States Attorney  
District of Massachusetts

Abraham George  
Chief, Civil Division  
District of Massachusetts

On Monday, March 24, 2025, I again emailed the above individuals and informed them that Plaintiffs intended to file a motion for a preliminary injunction that evening. I asked to confer on both the motion and on a joint proposed briefing schedule for the motion. At 4:49pm, Attorney George informed me that Assistant United States Attorney Michael Fitzgerald was assigned to this matter. At 5:04pm, I emailed Attorney Fitzgerald regarding the anticipated motion for a preliminary injunction and proposing a briefing schedule for the motion. At 5:08pm, Attorney Fitzgerald responded that Attorney Rosenberg would confer with counsel for Plaintiffs on a briefing schedule. Shortly thereafter, at approximately 5:18 pm, Attorney Rosenberg, copying colleagues Lee Reeves and Michael Bruns of the Department of Justice, requested that the Plaintiff States provide the DOJ attorneys with courtesy copies of the Plaintiffs' motion papers, and that the DOJ attorneys wished to review the motion papers prior to conferencing a potential briefing schedule. Counsel for the Plaintiffs will endeavor to conduct this conference, per the Court's order, as expeditiously as possible after serving the motion papers, and will file a status report with the Court regarding same.

/s/ Katherine Dirks  
Katherine Dirks



# **EXHIBIT A**

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

STATE OF NEW YORK; COMMONWEALTH OF MASSACHUSETTS; STATE OF HAWAII; STATE OF CALIFORNIA; STATE OF ARIZONA; STATE OF COLORADO; STATE OF CONNECTICUT; STATE OF DELAWARE; THE DISTRICT OF COLUMBIA; STATE OF ILLINOIS; STATE OF MAINE; STATE OF MARYLAND; ATTORNEY GENERAL DANA NESSEL FOR THE PEOPLE OF MICHIGAN; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF WASHINGTON; and STATE OF WISCONSIN;

Plaintiffs,

v.

LINDA McMAHON, in her official capacity as Secretary of Education; U.S. DEPARTMENT OF EDUCATION; and DONALD J. TRUMP, in his official capacity as President of the United States;

Defendants.

Case No. 1:25-cv-10601

**[PROPOSED] ORDER OF PRELIMINARY INJUNCTION**

After consideration of the Plaintiff States' memorandum of law, and for good cause shown, it is hereby **ORDERED** this \_\_\_\_ day of March, 2025 at \_\_\_\_\_ o'clock \_\_.m. that the Plaintiffs' motion for a preliminary injunction is **GRANTED**. The Court finds that the Plaintiffs will continue to suffer irreparable injuries in the form described in Plaintiffs' memorandum of law in support of their motion unless Secretary Linda McMahon and the U.S. Department of Education (together, the "Agency Defendants") are enjoined from implementing the mass termination of employees announced on March 11, 2025 and President Trump's March 21, 2025 directive to

transfer management of federal student loans and special education functions out of the Department, and ordered to reinstate employees whose employment was terminated or otherwise eliminated on or after January 20, 2025, as part of the mass terminations announced on March 11, 2025.

It is **FURTHER ORDERED** that:

1. The Agency Defendants are and until further order of this Court shall remain enjoined from carrying out the mass termination announced on March 11, 2025 and implementing President Trump's March 21, 2025 directive to transfer management of federal student loans and special education functions out of the Department;

2. The Agency Defendants shall reinstate federal employees whose employment was terminated or otherwise eliminated on or after January 20, 2025, as part of the mass terminations announced on March 11, 2025;

3. The Agency Defendants shall provide notice of this Order of Preliminary Injunction within 24 hours of entry to all Agency Defendants, their employees, and anyone acting in concert with them;

4. The Agency Defendants shall file a status report with this Court within 72 hours of the entry of this Order, and every week thereafter until otherwise ordered by this Court, describing all steps the Agency Defendants have taken to comply with this Order; and

5. This Order shall become effective immediately upon entry by this Court. The Order shall expire at \_\_\_\_\_ on \_\_\_\_\_, 2025, subject to further order of this Court.

**SO ORDERED.**

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Hon. Myong J. Joun  
U.S. District Court Judge