

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

MARYLAND, *et al.*,

*

Plaintiffs,

*

v.

*

UNITED STATES DEPARTMENT OF
AGRICULTURE, *et al.*,

*

Case No. 1:25-cv-00748-JKB

*

Defendants.

*

*

* * * * *

MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiffs, through counsel, move for a temporary restraining order as set forth below and for the reasons set forth in the accompanying Memorandum of Law in Support of Plaintiffs’ Motion for a Temporary Restraining Order. Fed. R. Civ. P. 65(a), (b). Plaintiffs seek to restrain and enjoin Defendants, from terminating federal probationary employees without making specific, individualized determinations regarding the inadequacy of the employee’s conduct or performance, or without complying with requirements applicable to Reductions in Force procedures. Plaintiffs further seek an order reinstating probationary employees unlawfully fired by Defendants, and an order compelling Defendants to file a status report with the Court within 48 hours, and at regular intervals thereafter, identifying terminated probationary employees and describing the steps Defendants have taken to comply with the Court’s Order.

The requested relief is warranted because Plaintiffs are likely to show that the Defendants' actions violate the Administrative Procedure Act and are *ultra vires*; Defendants' ongoing, unlawful mass firings of federal probationary employees are causing Plaintiff States irreparable injury in multiple ways; and the balance of hardships and the public interest are both in Plaintiffs' favor.

WHEREFORE, Plaintiffs request that the Court enter an order:

- A. Temporarily restraining Defendants from terminating federal probationary employees without making specific, individualized determinations regarding the inadequacy of the employee's conduct or performance;
- B. Compelling Defendants to reinstate federal probationary employees fired on or after January 20, 2025, as part of mass terminations that did not comply with RIF procedures and were not based on individual determinations of conduct or performance;
- C. Requiring Defendants to file a status report with the Court within 48 hours, and at regular intervals thereafter, identifying under seal all probationary employees terminated on or after January 20, 2025 (including the following information for each employee: agency, name, position title, grade, termination date, whether the probationary employee has been reinstated, and the date of any reinstatement) and describing all steps Defendants have taken to comply with the Court's Order.

Respectfully submitted,

ANTHONY G. BROWN

*Attorney General
State of Maryland*

/s/ James D. Handley

James D. Handley, Bar No.
20299

Virginia A. Williamson**
Assistant Attorneys General

200 St. Paul Place, 20th Floor
Baltimore, Maryland 21202
Phone: 410-576-6993
Fax: 410-576-6955
jhandley@oag.state.md.us

BRIAN SCHWALB

*Attorney General
District of Columbia*

Emma Simson
Senior Counsel to the Attorney
General

/s/ Ryan Wilson

Ryan Wilson**
Senior Counsel

Hannah Cole-Chu, Bar No.
20747

Anne Deng*
Pamela Disney**

Tessa Gellerson, Bar No. 21271
Charles Sinks, Bar No. 21185
Cara Spencer, Bar No. 20171
Assistant Attorneys General

Office of the Attorney General
for the District of Columbia
400 6th Street N.W., 10th Floor
Washington, D.C. 20001

KEITH ELLISON

*Attorney General
State of Minnesota*

/s/ Liz Kramer

Liz Kramer*
Solicitor General

445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
Phone: 651-757-1059
Fax: 651-282-5832
liz.kramer@ag.state.mn.us

KRISTIN K. MAYES

*Attorney General
State of Arizona*

/s/ Hayleigh S. Crawford

Hayleigh S. Crawford*
Deputy Solicitor General
2005 North Central Avenue
Phoenix, Arizona 85004
Phone: (602) 542-3333
Hayleigh.Crawford@azag.gov
ACL@azag.gov

(202) 230-2342
Ryan.Wilson@dc.gov

ROB BONTA
Attorney General
State of California

/s/ Satoshi Yanai
Satoshi Yanai*
Senior Assistant Attorney
General

300 S. Spring Street, Suite 1702
Los Angeles, California 90013
Phone: 213-269-6400
satoshi.yanai@doj.ca.gov

KATHLEEN JENNINGS
Attorney General
State of Delaware

By: /s/ Vanessa L. Kassab
Ian R. Liston
Director of Impact Litigation

Vanessa L. Kassab*
Deputy Attorney General
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 683-8899
vanessa.kassab@delaware.gov

WILLIAM TONG
Attorney General
State of Connecticut

/s/ Michael Skold
Michael Skold*
Solicitor General
165 Capitol Avenue
Hartford, CT 06106
Phone: (860) 808 5020
michael.skold@ct.gov

ANNE E. LOPEZ
Attorney General
State of Hawai'i

/s/ Kaliko 'onālani D. Fernandes
David D. Day*
Special Assistant to the Attorney General
Kaliko 'onālani D. Fernandes*
Solicitor General
425 Queen Street
Honolulu, HI 96813
(808) 586-1360
kaliko.d.fernandes@hawaii.gov

KWAME RAOUL

*Attorney General
State of Illinois*

/s/ Gretchen Helfrich

Gretchen Helfrich, ARDC
#6300004*
Deputy Chief
Special Litigation Bureau
Office of the Illinois Attorney
General
115 South LaSalle Street, 35th
Floor
Chicago, IL 60603
Tel. (312) 814-3000
Gretchen.helfrich@ilag.gov

ANDREA JOY CAMPBELL

*Attorney General
Commonwealth of Massachusetts*

/s/ Katherine Dirks

Katherine Dirks*
Chief State Trial Counsel
Office of the Attorney General
1 Ashburton Pl.
Boston, MA 02108
617.963.2277
katherine.dirks@mass.gov

DANA NESSEL

*Attorney General
State of Michigan*

/s/ Bryan Davis, Jr.

Bryan Davis, Jr. (P84206)*
Debbie Taylor (P59382)*
Assistant Attorneys General
Department of Attorney General
Labor Division
3030 W. Grand Blvd., Ste. 9-600
Detroit, MI 48202
davisb47@michigan.gov
taylord8@michigan.gov
(313) 456-2200

MATTHEW J. PLATKIN

*Attorney General
State of New Jersey*

/s/ Shankar Duraiswamy

Shankar Duraiswamy*
Deputy Solicitor General
25 Market Street
Trenton, NJ 08625
Phone: (862) 350-5800
Shankar.Duraiswamy@njoag.gov

RAÚL TORREZ

*Attorney General
State of New Mexico*

/s/ Anjana Samant

Anjana Samant*
Deputy Counsel for Impact
Litigation
New Mexico Department of
Justice
P.O. Drawer 1508
Santa Fe, NM 87504-1508

LETITIA JAMES

*Attorney General
State of New York*

By: /s/ Rabia Muqaddam

Rabia Muqaddam*
Special Counsel for Federal Initiatives
New York Office of the Attorney General
28 Liberty St.
New York, NY 10005
(929) 638-0447
rabia.muqaddam@ag.ny.gov

(505) 490-4060
asamant@nmdoj.gov

DAN RAYFIELD
Attorney General
State of Oregon

By: /s/ Deanna J. Chang
Deanna J. Chang**
Senior Assistant Attorney
General
100 SW Market Street
Portland, OR 97201
(971) 673-1880
Deanna.J.Chang@doj.oregon.gov

CHARITY R. CLARK
Attorney General
State of Vermont

/s/ Jonathan T. Rose
Jonathan T. Rose*
Solicitor General
109 State Street
Montpelier, VT 05609
(802) 828-3171
Jonathan.rose@vermont.gov

PHIL WEISER
Attorney General of Colorado

/s/ David Moskowitz
David Moskowitz
Deputy Solicitor General
Office of the Colorado Attorney
General
1300 Broadway, #10
Denver, CO 80203
(720) 508-6000
David.Moskowitz@coag.gov

PETER F. NERONHA
Attorney General for the State of Rhode Island

By: /s/ Natalya A. Buckler
Natalya A. Buckler (RI Bar No. 8415)*
Assistant Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400, Ext. 2022
nbuckler@riag.ri.gov

JOSHUA L. KAUL
Attorney General of Wisconsin

Brian P. Keenan
BRIAN P. KEENAN*
Assistant Attorney General
State Bar #1056525
Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-0020
(608) 294-2907 (Fax)
keenanbp@doj.state.wi.us

AARON D. FORD
Attorney General of Nevada

By: /s/ Heidi Parry Stern
Heidi Parry Stern (Bar. No. 8873)*
Solicitor General
Office of the Nevada Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
HStern@ag.nv.gov

** Pro hac vice application
forthcoming
**Application for admission
pending*

March 7, 2025

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that, on this 7th day of March, 2025 the motion for temporary restraining order, supporting memorandum of law and proposed order were served by CM/ECF on all registered CMF users and by first-class mail on the following:

UNITED STATES DEPARTMENT OF
AGRICULTURE,
1400 Independence Avenue, S.W.,
Washington, DC 20250

BROOKE ROLLINS, *in her official Capacity
as Secretary of Agriculture*,
1400 Independence Avenue, S.W.
Room 214W, Whitten Building
Washington, DC 20250

UNITED STATES DEPARTMENT OF
COMMERCE,
1401 Constitution Avenue, N.W.
Washington, DC 20230

HOWARD LUTNICK, *in his Official Capacity
as Secretary of Commerce*,
1401 Constitution Avenue, N.W.
Washington, DC 20230

UNITED STATES DEPARTMENT OF
DEFENSE,
1000 Defense Pentagon
Washington, DC 20301-1400

PETER HEGSETH, *in his Official Capacity as
Secretary of Defense*,
1000 Defense Pentagon
Washington, DC 20301-1400

UNITED STATES DEPARTMENT OF
EDUCATION,

400 Maryland Avenue, S.W.
Washington, DC 20202

LINDA MCMAHON, *in her Official Capacity
as Secretary of Education,*
400 Maryland Avenue, S.W.
Washington, DC 20202

UNITED STATES DEPARTMENT OF
ENERGY,
1000 Independence Avenue, S.W.
Washington, DC 20024

CHRISTOPHER WRIGHT, *in his Official
Capacity as Secretary of Energy,*
1000 Independence Avenue, S.W.
Washington, DC 20024

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
200 Independence Avenue, S.W.
Washington, D.C. 20201

ROBERT F. KENNEDY, JR., *in his Official
Capacity as Secretary of Health and Human
Services,*
200 Independence Avenue, S.W.
Washington, DC 20201

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,
300 7th Street, S.W.
Washington, DC 20201

KRISTI NOEM, *in her Official Capacity as
Secretary of Homeland Security,*
300 7th Street, S.W.
Washington, DC 20201

UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT,
451 7th Street, S.W.
Washington, DC 20410

SCOTT TURNER, *in his Official Capacity as Secretary of Housing and Urban Development*,
451 7th Street, S.W.
Washington, DC 20410

UNITED STATES DEPARTMENT OF
INTERIOR,
1849 C Street, N.W.
Washington, DC 20240

DOUGLAS BURGUM, *in his Official Capacity as Secretary of the Interior*,
1849 C Street, N.W.
Washington, DC 20240

UNITED STATES DEPARTMENT OF
LABOR,
200 Constitution Avenue, N.W.
Washington, DC 20210

VINCE MICONE, *in his Official Capacity as Acting Secretary of Labor*,
200 Constitution Avenue, N.W.
Washington, DC 20210

UNITED STATES DEPARTMENT OF
TRANSPORTATION,
1200 New Jersey Avenue, S.E.
Washington, DC 20590

SEAN DUFFY, *in his Official Capacity as Secretary of the Transportation*,
1200 New Jersey Avenue, S.E.
Washington, DC 20590

UNITED STATES DEPARTMENT OF
TREASURY,
1500 Pennsylvania Avenue, N.W.
Washington, DC 20220

SCOTT BESSENT, *in his Official Capacity as Secretary of the Treasury*,

1500 Pennsylvania Avenue, N.W.
Washington, DC 20220

UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS,
810 Vermont Avenue, N.W.
Washington, DC 20420

DOUGLAS A. COLLINS, *in his Official
Capacity as Secretary of the Veterans Affairs*,
810 Vermont Avenue, N.W.
Washington, DC 20420

CONSUMER FINANCIAL PROTECTION
BUREAU,
1700 G Street, N.W.
Washington, DC 20520

RUSSELL VOUGHT, *in his Official Capacity
as Acting Director of the Consumer Financial
Protection Bureau*,
1700 G Street, N.W.
Washington, DC 20520

ENVIRONMENTAL PROTECTION
AGENCY,
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

LEE ZELDIN, *in his Official Capacity as
Administrator of the Environmental Protection
Agency*,
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

FEDERAL DEPOSIT INSURANCE
CORPORATION,
550 17th Street, NW
Washington, DC 20429

TRAVIS HILL, *in his Official Capacity as
Acting Chairman of the Federal Deposit
Insurance Corporation*,

550 17th Street, NW
Washington, DC 20429

GENERAL SERVICES ADMINISTRATION,
1800 F Street, NW
Washington, DC 20405

STEPHEN EHIKIAN, *in his Official Capacity
as Acting Administrator of the General Services
Administration,*
1800 F Street, NW
Washington, DC 20405

NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION,
700 Pennsylvania Avenue, N.W.
Washington, DC 20001

OFFICE OF PERSONNEL MANAGEMENT
1900 E Street, N.W.
Washington, DC 20415

CHARLES EZELL, *in his Official Capacity as
Acting Director of the Office of Personnel
Management*
1900 E Street, N.W.
Washington, DC 20415

SMALL BUSINESS ADMINISTRATION,
409 3rd Street, SW
Washington, DC 20416

KELLY LOEFLER, *in her Official Capacity as
Administrator of the Small Business
Administration,*
409 3rd Street, SW
Washington, DC 20416

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT,
1300 Pennsylvania Avenue, NW
Washington, DC 20004

MARCO RUBIO, *in his Official Capacities as
Acting Administrator of the United States
Agency for International Development and
Archivist for the National Archives and Records
Administration,*
1300 Pennsylvania Avenue, NW
Washington, DC 20004,

/s/ James D. Handley
James D. Handley, Bar No. 20299