

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
4 ERIC J. HAMILTON  
Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG (D.C. Bar No. 467513)  
Special Counsel  
10 R. CHARLIE MERRITT  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
1100 L Street, NW  
13 Washington, DC 20005  
Phone: (202) 514-3374  
14 Email: brad.rosenberg@usdoj.gov  
15 *Attorneys for Defendants*

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

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

20 Plaintiffs,

21 v.

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

24 Defendants.  
25  
26  
27  
28

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

**DEFENDANTS' NOTICE OF FILING  
OF AGENCY DECLARATIONS**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse  
Courtroom 01

On October 15, 2025, this Court entered a Temporary Restraining Order requiring Defendants to, *inter alia*, file “an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF[;]” and further ordered that “each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.” *See* Dkt. No. 56 at 6. In response, Defendants hereby submit the attached declarations from the Defendant agencies.<sup>1</sup>

Dated: October 17, 2025

Respectfully submitted,

STANLEY E. WOODWARD, JR.  
Associate Attorney General

BRETT A. SHUMATE  
Assistant Attorney General  
Civil Division

ERIC J. HAMILTON  
Deputy Assistant Attorney General

EMILY M. HALL  
TIBERIUS DAVIS  
ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
Civil Division

CHRISTOPHER R. HALL  
Assistant Branch Director

/s/ Brad P. Rosenberg  
BRAD P. ROSENBERG  
(D.C. Bar No. 467513)  
Special Counsel  
R. CHARLIE MERRITT  
Senior Counsel  
U.S. Department of Justice  
Civil Division, Federal Programs Branch

<sup>1</sup> Undersigned counsel is still awaiting a declaration from the Department of Energy. Counsel also anticipates filing a supplemental declaration from the Department of Interior. Counsel for Defendants will file those declarations as soon as they are available.

1100 L Street, NW  
Washington, DC 20005  
Phone: (202) 514-3374  
Email: brad.rosenberg@usdoj.gov

*Attorneys for Defendants*

STANLEY E. WOODWARD, JR.  
Associate Attorney General  
BRETT A. SHUMATE  
Assistant Attorney General  
Civil Division  
ERIC J. HAMILTON  
Deputy Assistant Attorney General  
EMILY M. HALL  
TIBERIUS DAVIS  
ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
Civil Division  
CHRISTOPHER R. HALL  
Assistant Branch Director  
BRAD P. ROSENBERG  
Special Counsel  
R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov

*Attorneys for Defendants*

**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

**DECLARATION OF SARAH  
SPOONER**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

Pursuant to 28 U.S.C. § 1746, I, Sarah Spooner, declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the Assistant Director for Management and Operations at the Office of Management and Budget (OMB), located in Washington, D.C. I have served in this position for approximately eight years.
2. In my role at OMB, I am responsible for personnel management. I have the responsibility for tracking and recording personnel actions, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court's TRO, which granted Plaintiffs temporary injunctive relief and restrained certain Defendants from taking specified actions related to RIFs.
6. The Court's TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any Reduction in Force ("RIF") notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM "Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025" (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;
  - 2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA

(program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court's Order, as modified by a subsequent order, also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.
  - a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.
  - b. Each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.
8. On October 16, 2025, shortly after the issuance of the Court's written order the previous evening, OMB counsel circulated to all OMB employees a copy of the TRO. The TRO makes clear that OMB employees may not take any action to: (1) bring about the issuance of RIF notices in any program, project, or activity that includes any bargaining unit or member represented by any plaintiff during or because of the current ongoing lapse in appropriations; or (2) administer or implement RIF notices previously issued in such a program, project, or activity during or because of the lapse in appropriations.
9. OMB has not issued any RIF notices implicated by the Court's TRO. OMB will not proceed with any RIFs prohibited by the Court's TRO while this matter is being litigated before the Court, absent an order from a higher court providing relief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

SARAH  
SPOONER

Digitally signed by  
SARAH SPOONER  
Date: 2025.10.17  
12:31:33 -04'00'

---

SARAH SPOONER  
Assistant Director for Management and Operations  
Office of Management and Budget

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

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

19  
20 AMERICAN FEDERATION OF  
21 GOVERNMENT EMPLOYEES, AFL-CIO,  
et al.,

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF CARMEN**  
**GARCIA-WHITESIDE**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse

Courtroom 01

Pursuant to 28 U.S.C. § 1746, I, Carmen Garcia-Whiteside, declare as follows:

1. I am the Chief Human Capital Officer at the United States Office of Personnel Management (“OPM”), headquartered in Washington, D.C. I have served in this position since December 2022. I have been employed at OPM since 2009.
2. In my role at OPM, I oversee the Office of the Chief Human Capital Officer (OCHCO), which is responsible for the agency’s operational human resources functions, including staffing, classification, employee relations, labor relations, benefits, performance management, workforce development, and workforce policy. My office also ensures that all personnel actions, including Reductions-in-Force (“RIFs”), comply with applicable statutes, regulations, and court orders.
3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court’s Order of October 15, 2025, which granted Plaintiffs temporary injunctive relief and restrained certain Defendants from taking specified actions related to RIFs.
6. The Court’s TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any Reduction in Force (“RIF”) notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM “Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025” (dated September 28, 2025), or any other

1 decision or directive that purports to authorize or require issuance of RIF  
2 notices during a shutdown;

- 3 2) taking any further action to administer or implement any RIF notices already  
4 issued beginning on October 10, 2025 to federal employees in any PPA  
5 (program, project, or activity) that includes any bargaining unit or member  
6 represented by any Plaintiff, including but not limited to by requiring federal  
7 employees to perform work to further administer or implement RIF notices  
8 and by enforcing or counting any days towards any period of notice with  
9 respect to those notices (i.e., the effective date of the RIF shall be stayed and  
10 Defendants shall therefore toll the running of all RIF notice periods).

- 11 7. The Court's Order also requires Defendants to report certain information by 11:00 A.M.  
12 PDT on October 17, 2025.

13 a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
14 are enjoined by this TRO, including but not limited to a description of the agency  
15 that imposed or is planning to impose the enjoined RIF, the number of employees  
16 included in the enjoined RIF, and description of the PPAs that Defendants  
17 included in the enjoined RIF.

18 b. each Defendant shall file a declaration(s) verifying that they have complied with  
19 this Order and the steps they have taken to do so.

- 20 8. OPM has not issued any RIF notices implicated by the Court's TRO. The agency will not  
21 proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force,  
22 absent an order from a higher court providing relief.

- 23 9. OPM sent notice of the TRO to my organization, the Office of the Chief Human Capital  
24 Officer, on October 15, 2025.

25 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
26 and correct.

27 Dated: October 17, 2025

  
CARMEN GARCIA-WHITESIDE

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF MARY  
PLETCHER RICE**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

1 I, Mary Pletcher Rice, declare, pursuant to 28 U.S.C. § 1746, as follows:

- 2
- 3 1. I am the Acting Principal Deputy Assistant Secretary for Administration within
- 4 Departmental Administration at the United States Department of Agriculture (“USDA”),
- 5 headquartered in Washington, D.C. I have served in this position since January 31, 2025,
- 6 and I have been employed at USDA since 2018.
- 7
- 8 2. In my role at USDA, I currently oversee the Department’s Office of Human Resources
- 9 Management, and I have purview of USDA subagencies’ Chief Operating Officers and
- 10 Human Resources Offices. I have the responsibility for tracking and recording personnel
- 11 actions, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel
- 12 actions comply with court orders and federal law.
- 13
- 14 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local
- 15 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 16
- 17 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order
- 18 (TRO) issued by the Court in this action.
- 19
- 20 5. I make this declaration in response to the Court’s Order of October 15, 2025, which
- 21 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from
- 22 taking specified actions related to RIFs.
- 23
- 24 6. The Court’s TRO provides that Defendants are restrained from:
- 25 1) taking any action to issue any Reduction in Force (“RIF”) notices to federal
- 26 employees in any PPA (program, project, or activity) that includes any
- 27 bargaining unit or member represented by any Plaintiff during or because of
- 28 the federal government shutdown, including but not limited to by taking any
- action to implement or enforce the OMB Lapse Memorandum (dated
- September 24, 2025), the portions of the related OPM Guidance for Shutdown
- Furloughs (as revised September 28, 2025), the related OPM “Special
- Instructions for Agencies Affected by a Possible Lapse in Appropriations
- Starting on October 1, 2025” (dated September 28, 2025), or any other

1 decision or directive that purports to authorize or require issuance of RIF  
2 notices during a shutdown;

- 3 2) taking any further action to administer or implement any RIF notices already  
4 issued beginning on October 10, 2025 to federal employees in any PPA  
5 (program, project, or activity) that includes any bargaining unit or member  
6 represented by any Plaintiff, including but not limited to by requiring federal  
7 employees to perform work to further administer or implement RIF notices  
8 and by enforcing or counting any days towards any period of notice with  
9 respect to those notices (i.e., the effective date of the RIF shall be stayed and  
10 Defendants shall therefore toll the running of all RIF notice periods).

- 11 7. The Court's Order also requires Defendants to report certain information by 5:00 P.M.  
12 PDT on October 17, 2025.

13 a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
14 are enjoined by this TRO, including but not limited to a description of the agency  
15 that imposed or is planning to impose the enjoined RIF, the number of employees  
16 included in the enjoined RIF, and description of the PPAs that Defendants  
17 included in the enjoined RIF.

18 b. each Defendant shall file a declaration(s) verifying that they have complied with  
19 this Order and the steps they have taken to do so.

- 20 8. USDA has not issued any RIF notices implicated by the Court's TRO. USDA will not  
21 proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force,  
22 absent an order from a higher court providing relief .

- 23 9. The agency sent notice of the TRO to our agency human resources offices on October 16,  
24 2025.

25 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
26 and correct.

27 Dated: October 17, 2025

28  Digitally signed  
by MARY RICE  
Date: 2025.10.17  
12:34:35 -04'00'  
/s/ [ ]  
MARY PLETCHER RICE

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

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

19  
20 AMERICAN FEDERATION OF  
21 GOVERNMENT EMPLOYEES, AFL-CIO,  
et al.,

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF CRYSTAL  
TAYLOR**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

Pursuant to 28 U.S.C. § 1746, I, Crystal Taylor, declare as follows:

1. I am the Acting Chief Human Capital Officer and Director, Office of Human Resources Management at the Department of Commerce (Commerce), headquartered in Washington, D.C. I have served in this position since September 25, 2025.
2. In my role at Commerce, I am responsible for personnel management. I have the responsibility for tracking and recording personnel actions, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. I understand that Plaintiffs in this lawsuit include two national unions, AFGE and AFSCME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court's Order of October 15, 2025, which granted Plaintiffs temporary injunctive relief and restrained Defendants from taking certain actions related to RIFs.
6. The Court's TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any Reduction in Force ("RIF") notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM "Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025" (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;

- 2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

- a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.
- b. Each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. Between October 1 and October 14, 2025, Commerce issued specific 60-day RIF notices to 282 people informing them that their positions would be abolished and they would be separated at the conclusion of the 60-day period. Between October 1 and 15, 2025, Commerce issued general RIF notices to 159 people informing them that Commerce was conducting a RIF, there was a possibility of separation as a result of the RIF, and that they would be provided specific notice in the future if it was determined that they would be separated as part of a RIF. I have noted below the specific number of RIF notices the agency sent out, and the relevant projects, programs, and activities (PPAs) involved, for offices in which Plaintiffs represent agency employees.

9. The U.S. Census Bureau, which has employees represented by AFGE, issued 108 RIF notices. The actual number of impacted employees is 102, as the U.S. Census

1 Bureau erroneously sent out notices to six individuals who had recently separated from  
2 the agency. The PPAs involved are Census Bureau PPAs: (a) Current Surveys and  
3 Programs and (b) Periodic Censuses and Programs.

4 10. Commerce has taken the following actions to comply with the TRO.

- 5 a. On October 15, 2025, we informed leadership at the Census Bureau of the  
6 TRO, and we sent notice of the TRO to Commerce human resources offices  
7 on October 17, 2025.
- 8 b. We posted information about the issuance of the TRO on our main agency  
9 website, commerce.gov, on October 17, 2025. That information included  
notice that the TRO stayed the effective date of the RIF.

10 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
11 and correct.

12 Dated: October 17, 2025

13  
14 /s/ CRYSTAL  
TAYLOR Digitally signed by  
CRYSTAL TAYLOR  
Date: 2025.10.17  
13:30:19 -04'00'

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
Civil Division, Federal Programs Branch  
12 1100 L Street, NW  
Washington, DC 20005  
13 Phone: (202) 616-8098  
14 E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF MICHAEL A.**  
**COGAR**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

Pursuant to 28 U.S.C. § 1746, I, Michael A. Cogar, declare as follows:

1. I am the Deputy Assistant Secretary of Defense for Civilian Personnel Policy at the Department of Defense (“DoD” or the “Department”), headquartered in Washington, D.C. I have served in this position since May 19, 2025.
2. In my current role, I am responsible for civilian personnel matters. In this capacity, I am responsible for tracking and recording personnel actions, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court’s Order of October 15, 2025, which granted Plaintiffs temporary injunctive relief and restrained certain Defendants from taking specified actions related to RIFs.
6. The Court’s TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any Reduction in Force (“RIF”) notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM “Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025” (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;

1           2) taking any further action to administer or implement any RIF notices already  
2           issued beginning on October 10, 2025 to federal employees in any PPA  
3           (program, project, or activity) that includes any bargaining unit or member  
4           represented by any Plaintiff, including but not limited to by requiring federal  
5           employees to perform work to further administer or implement RIF notices  
6           and by enforcing or counting any days towards any period of notice with  
7           respect to those notices (i.e., the effective date of the RIF shall be stayed and  
8           Defendants shall therefore toll the running of all RIF notice periods).

9           7. The Court's Order also requires Defendants to report certain information by 11:00 A.M.  
10           PDT on October 17, 2025.

11           a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
12           are enjoined by this TRO, including but not limited to a description of the agency  
13           that imposed or is planning to impose the enjoined RIF, the number of employees  
14           included in the enjoined RIF, and description of the PPAs that Defendants  
15           included in the enjoined RIF.

16           b. each Defendant shall file a declaration(s) verifying that they have complied with  
17           this Order and the steps they have taken to do so.

18           8. DoD has not issued any RIF notices implicated by the Court's TRO. The Department  
19           will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in  
20           force, absent an order from a higher court providing relief.

21           9. A preexisting RIF in which notices were issued to employees prior to the lapse in  
22           appropriations is scheduled to conclude on October 24, following the end of a 60-day  
23           notice period to employees, with previously noticed removals becoming final. Because  
24           that RIF encompasses employees represented by an AFGE local affiliate, the Department  
25           timely notified the AFGE local affiliate, which did not respond. That preexisting RIF is  
26           unrelated to the current lapse in appropriations and was not issued in anticipation of any  
27           potential lapse in appropriations.

28           10. The Department sent notice of the TRO to DoD human resources offices on October 15,  
2025.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
2 and correct.

3 Dated: October 17, 2025

4 COGAR.MICHAEL.A  
5 NTHONY.11571117  
6 16 <sup>S/</sup>  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Digitally signed by  
COGAR.MICHAEL.ANTHONY.1157  
111716  
Date: 2025.10.17 12:17:03 -04'00'

Michael A. Cogar

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF JACQUELINE  
CLAY**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

Pursuant to 28 U.S.C. § 1746, I, Jacqueline Clay, declare as follows:

1. I am the Chief Human Capital Officer at the U.S. Department of Education (“ED” or “agency”), headquartered in Washington, D.C. I have served in this position since June 19, 2022.
2. In my role at the ED, I am responsible for personnel management. I have the responsibility for tracking and recording personnel actions, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSCME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court’s Order of October 15, 2025 (the “TRO”), which granted Plaintiffs temporary injunctive relief and restrained Defendants from taking certain actions related to RIFs.
6. The Court’s TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any Reduction in Force (“RIF”) notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM “Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025” (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;

2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court's TRO also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.

b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. On October 10, 2025, ED issued RIF notices to 465 people. I have noted below the specific number of RIF notices the agency sent out, and the relevant projects, programs, and activities (PPAs) involved, for offices in which Plaintiffs represent agency employees. Each of the following involve AFGE representation.

a. Office of the Secretary (4)

b. Office for Civil Rights (137)

c. Office of Special Education and Rehabilitative Services (121)

d. Office of Communications (7)

e. Office of Postsecondary Education (64)

f. Office of Elementary and Secondary Education (132)

9. The agency has taken the following actions to comply with the TRO:

- a. Notice of, and a copy of, the TRO was sent to me and distributed to my human resources staff, on October 15, 2025.
- b. On October 16, 2025, I sent notice of the TRO to ED employees to whom October 10, 2025, RIF notices had been sent, which communication included stating that the effective date of the RIF was stayed by the TRO.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

JACQUELINE  
CLAY

Digitally signed by JACQUELINE  
CLAY  
Date: 2025.10.17 08:08:46 -04'00'

Jacqueline Clay

1 STANLEY WOODWARD  
Associate Attorney General

2  
3 BRETT A. SHUMATE  
Assistant Attorney General  
4 Civil Division

5 ERIC J. HAMILTON  
6 Deputy Assistant Attorney General

7 EMILY M. HALL  
8 TIBERIUS DAVIS  
9 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
10 Civil Division

11 CHRISTOPHER R. HALL  
Assistant Branch Director  
12 BRAD P. ROSENBERG  
Special Counsel  
13 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
14 Civil Division, Federal Programs Branch  
15 U.S. Department of Justice  
950 Pennsylvania Ave NW  
16 Washington, DC 20530  
17 Phone: (202) 616-0929  
E-mail: elizabeth.t.hedges@usdoj.gov  
18 *Attorneys for Defendants*

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

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

23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF THOMAS J.  
NAGY JR.**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

1 I, Thomas J. Nagy Jr., declare as follows pursuant to 28 U.S.C. § 1746:

2 1. I am the Deputy Assistant Secretary for Human Resources/Chief Human Capital  
3 Officer at the U.S. Department of Health and Human Services (HHS), headquartered in  
4 Washington, DC. I have served in this position since 3/27/2025.

5 2. In my role at HHS, I am responsible for personnel management. I have the  
6 responsibility for overseeing the tracking and recording of personnel actions, including  
7 Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court  
8 orders and federal law.

9 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSCME, and  
10 two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.

11 4. I am aware of and have reviewed the October 15, 2025, temporary restraining  
12 order (TRO) issued by the Court in this action.

13 5. I make this declaration in response to the Court's Order of October 15, 2025,  
14 which granted Plaintiffs temporary injunctive relief and restrained Defendants from taking  
15 certain actions related to RIFs.

16 6. The Court's TRO provides that Defendants are restrained from:

- 17 a. taking any action to issue any Reduction in Force ("RIF") notices to federal  
18 employees in any PPA (program, project, or activity) that includes any  
19 bargaining unit or member represented by any Plaintiff during or because of  
20 the federal government shutdown, including but not limited to by taking any  
21 action to implement or enforce the OMB Lapse Memorandum (dated  
22 September 24, 2025), the portions of the related OPM Guidance for Shutdown  
23 Furloughs (as revised September 28, 2025), the related OPM "Special  
24 Instructions for Agencies Affected by a Possible Lapse in Appropriations  
25 Starting on October 1, 2025" (dated September 28, 2025), or any other  
26 decision or directive that purports to authorize or require issuance of RIF  
27 notices during a shutdown;
- 28 b. taking any further action to administer or implement any RIF notices already  
issued beginning on October 10, 2025 to federal employees in any PPA  
(program, project, or activity) that includes any bargaining unit or member  
represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025:

- a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.
- b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. On October 10, 2025, HHS issued 982 RIF notices to employees.<sup>1</sup> HHS did not issue RIF notices according to "programs, projects, or activities" (PPAs). Instead, it issued RIF notices to certain competitive areas within certain HHS Operating and Staff Divisions. The Operating and Staff Divisions involved are the Administration for Children and Families, the Administration for Strategic Preparedness and Response, the Assistant Secretary for Administration, the Assistant Secretary for Public Affairs, the Centers for Disease Control and Prevention (CDC), the Health Resources & Services Administration, the Office of the Assistant Secretary for Health, and the Substance Abuse and Mental Health Services Administration.

9. HHS and its Operating and Staff Divisions have no AFSCME representation. Although CDC did previously have AFGE bargaining units, HHS terminated the relevant Collective Bargaining Agreements on August 26, 2025, pursuant to Executive Order 14251, *Exclusions from Federal Labor-Management Relations Programs*. CDC no longer has (and did not have, at the time of the RIF notices referenced in this paragraph) any bargaining unit employees represented by Plaintiffs.<sup>2</sup> The remaining Operating and Staff Divisions also do not have bargaining unit employees represented by Plaintiffs. Thus, HHS has not issued any RIF

---

<sup>1</sup> As noted in my declaration of October 14, 2025, HHS initially issued approximately 1,760 RIF notices on October 10, 2025, but it only intended to issue 982. The notices that were issued in error have been rescinded.

<sup>2</sup> AFGE challenged Executive Order 14,251 and sought a preliminary injunction barring the defendants in that action, including HHS, from implementing the Executive Order, including by terminating CBAs with AFGE. *See AFGE v. Trump*, No. 3:25-cv—03070 (N.D. Cal.). The district court entered a preliminary injunction in that case, but the injunction was stayed by the Ninth Circuit, allowing HHS to terminate CBAs. *See AFGE v. Trump*, 148 F.4th 648 (9th Cir. 2025). Plaintiffs filed a petition for rehearing en banc of that stay decision; the petition has not been granted.

1 notices implicated by the Court's TRO. HHS will not proceed with any RIFs prohibited by the  
2 TRO for as long as the TRO remains in force, absent an order from a higher court providing  
3 relief.

4 10. HHS has taken the following actions to comply with the TRO. On October 15,  
5 2025, notice of the TRO was provided to the HHS human resources office. On October 17, 2025,  
6 a copy of the TRO was provided to the heads of all HHS Operating Divisions, as well as to the  
7 human resources offices of all HHS Operating Divisions.

8 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
9 and correct.

10 Dated: October 17, 2025

11  
12 **THOMAS J.**  
13 **NAGY JR -S**

Digitally signed by  
THOMAS J. NAGY JR -S  
Date: 2025.10.17 13:44:30  
-04'00'

14 Thomas J. Nagy Jr.  
15 Deputy Assistant Secretary for Human Resources/Chief Human  
16 Capital Officer  
17 U.S. Department of Health and Human Services  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

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

19  
20 AMERICAN FEDERATION OF  
21 GOVERNMENT EMPLOYEES, AFL-CIO,  
et al.,

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF ROLAND  
EDWARDS**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

1 Pursuant to 28 U.S.C. § 1746, I, Roland Edwards, declare, pursuant to 28 U.S.C. § 1746,  
2 as follows:

- 3 1. I am the Chief Human Capital Officer at the Department of Homeland Security,  
4 headquartered in Washington, D.C. I have served in this position since 2023.
- 5 2. In my role at the Department of Homeland Security, I am responsible for personnel  
6 management. I have the responsibility for tracking and recording personnel actions,  
7 including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions  
8 comply with court orders and federal law.
- 9 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local  
10 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 11 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
12 (TRO) issued by the Court in this action.
- 13 5. I make this declaration in response to the Court's Order of October 15, 2025, which  
14 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from  
15 taking specified actions related to RIFs.
- 16 6. The Court's TRO provides that Defendants are restrained from:
  - 17 1) taking any action to issue any Reduction in Force ("RIF") notices to federal  
18 employees in any PPA (program, project, or activity) that includes any  
19 bargaining unit or member represented by any Plaintiff during or because of  
20 the federal government shutdown, including but not limited to by taking any  
21 action to implement or enforce the OMB Lapse Memorandum (dated  
22 September 24, 2025), the portions of the related OPM Guidance for Shutdown  
23 Furloughs (as revised September 28, 2025), the related OPM "Special  
24 Instructions for Agencies Affected by a Possible Lapse in Appropriations  
25 Starting on October 1, 2025" (dated September 28, 2025), or any other  
26 decision or directive that purports to authorize or require issuance of RIF  
27 notices during a shutdown;

1           2) taking any further action to administer or implement any RIF notices already  
2           issued beginning on October 10, 2025 to federal employees in any PPA  
3           (program, project, or activity) that includes any bargaining unit or member  
4           represented by any Plaintiff, including but not limited to by requiring federal  
5           employees to perform work to further administer or implement RIF notices  
6           and by enforcing or counting any days towards any period of notice with  
7           respect to those notices (i.e., the effective date of the RIF shall be stayed and  
8           Defendants shall therefore toll the running of all RIF notice periods).

9           7. The Court's Order also requires Defendants to report certain information by 11:00 A.M.  
10           PDT on October 17, 2025.

11           a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
12           are enjoined by this TRO, including but not limited to a description of the agency  
13           that imposed or is planning to impose the enjoined RIF, the number of employees  
14           included in the enjoined RIF, and description of the PPAs that Defendants  
15           included in the enjoined RIF.

16           b. each Defendant shall file a declaration(s) verifying that they have complied with  
17           this Order and the steps they have taken to do so.

18           8. The Department of Homeland Security has not issued any RIF notices implicated by the  
19           Court's TRO. The Department of Homeland Security will not proceed with any RIFs  
20           prohibited by the TRO for as long as the TRO remains in force, absent an order from a  
21           higher court providing relief.

22           9. The agency sent notice of the TRO to our agency human resources offices on October 15,  
23           2025. None of the RIF notices that were previously issued by the Department during the  
24           current lapse in appropriations were issued to federal employees in any PPA (program,  
25           project, or activity) that includes any bargaining unit or member represented by any  
26           Plaintiff.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
2 and correct.

3 Dated: October 17, 2025

4 BENJAMIN R EDWARDS  
5  Digitally signed by  
BENJAMIN R EDWARDS  
Date: 2025.10.17  
12:46:28 -04'00'

6 Roland Edwards  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
Civil Division, Federal Programs Branch  
12 1100 L Street, NW  
13 Washington, DC 20005  
14 Phone: (202) 616-8098  
15 E-mail: robert.c.merritt@usdoj.gov

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF LORI  
MICHALSKI**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

1 I, Lori Michalski, declare, pursuant to 28 U.S.C. § 1746, as follows:

- 2
- 3 1. I am the General Deputy Assistant Secretary, Office of Administration, at the U.S.
- 4 Department of Housing and Urban Development, headquartered in Washington, D.C. I have
- 5 served in this position since October 5, 2025. In my role as the General Deputy Assistant
- 6 Secretary, Office of Administration, I am responsible for personnel management. I have the
- 7 responsibility for tracking and recording personnel actions, including Reductions-in-Force
- 8 (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
- 9
- 10 2. Plaintiffs in this lawsuit include two national unions, AFGE and AFSCME, and two local
- 11 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 12
- 13 3. I am aware of and have reviewed the October 15, 2025, temporary restraining order
- 14 (TRO) issued by the Court in this action.
- 15
- 16 4. I make this declaration in response to the Court's Order of October 15, 2025, which
- 17 granted Plaintiffs temporary injunctive relief and restrained Defendants from taking
- 18 certain actions related to RIFs.
- 19
- 20 5. The Court's TRO provides that Defendants are restrained from:
- 21 1) taking any action to issue any Reduction in Force ("RIF") notices to federal
- 22 employees in any PPA (program, project, or activity) that includes any
- 23 bargaining unit or member represented by any Plaintiff during or because of
- 24 the federal government shutdown, including but not limited to by taking any
- 25 action to implement or enforce the OMB Lapse Memorandum (dated
- 26 September 24, 2025), the portions of the related OPM Guidance for Shutdown
- 27 Furloughs (as revised September 28, 2025), the related OPM "Special
- 28 Instructions for Agencies Affected by a Possible Lapse in Appropriations
- Starting on October 1, 2025" (dated September 28, 2025), or any other
- decision or directive that purports to authorize or require issuance of RIF
- notices during a shutdown;
- 2) taking any further action to administer or implement any RIF notices already
- issued beginning on October 10, 2025 to federal employees in any PPA
- (program, project, or activity) that includes any bargaining unit or member

represented by any Plaintiff, including but 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).

6. The Court's Order also requires Defendants to report certain information by 5:00 P.M.

PDT on October 17, 2025.

a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.

b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

7. On October 10, 2025, the agency issued RIF notices to 442 people. I have noted below the specific number of RIF notices the agency sent out, and the relevant projects, programs, and activities (PPAs) involved, for offices in which Plaintiffs represent agency employees.

| <b>RIF Group</b> | <b>Competitive Area</b>          | <b>AFGE</b> | <b>INELIGIBLE</b> | <b>NFFE</b> | <b>NOT COVERED</b> | <b>Grand Total</b> |
|------------------|----------------------------------|-------------|-------------------|-------------|--------------------|--------------------|
| Furlough RIF     | CPD Grant Programs               | 21          | 2                 | 1           |                    | 24                 |
| Furlough RIF     | CPD Operations                   | 9           | 1                 |             |                    | 10                 |
| Furlough RIF     | FHEO Operations                  | 16          | 5                 |             |                    | 21                 |
| Furlough RIF     | FHEO Regions 1 3, 4, 6, 7, 8 & 9 | 98          | 41                | 10          |                    | 149                |
| Furlough RIF     | HSNG Housing Counseling          | 36          | 13                | 4           |                    | 53                 |
| Furlough RIF     | HSNG Operations                  | 50          | 18                | 1           |                    | 69                 |
| Furlough RIF     | PIH Operations                   | 12          | 6                 |             |                    | 18                 |

|                 |                                            |    |  |   |   |    |
|-----------------|--------------------------------------------|----|--|---|---|----|
| Furlough<br>RIF | PIH Real<br>Estate<br>Assessment<br>Center | 91 |  | 4 | 3 | 98 |
|-----------------|--------------------------------------------|----|--|---|---|----|

8. The agency has taken the following actions to comply with the TRO.

- a. We sent notice of the TRO to our agency human resources offices on October 15, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

*Lori A. Michalski*  
/s/ [ ]

STANLEY E. WOODWARD, JR.  
Associate Attorney General  
BRETT A. SHUMATE  
Assistant Attorney General  
Civil Division  
ERIC J. HAMILTON  
Deputy Assistant Attorney General  
EMILY M. HALL  
TIBERIUS DAVIS  
ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
Civil Division  
CHRISTOPHER R. HALL  
Assistant Branch Director  
BRAD P. ROSENBERG  
Special Counsel  
R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov

*Attorneys for Defendants*

**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

**DECLARATION OF JOLENE ANN  
LAURIA**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

I, Jolene Ann Lauria, declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the Assistant Attorney General for Administration at the United States Department of Justice, headquartered in Washington, D.C. This position functions as the head of the Justice Management Division. I have served in this position since December 21, 2023. I was also Acting Assistant Attorney General for Administration from June 2022 to December 2023.
2. In my role at the Department of Justice, I am responsible for personnel management. I have the responsibility for tracking and recording personnel actions, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court's Order of October 15, 2025, which granted Plaintiffs temporary injunctive relief and restrained certain Defendants from taking specified actions related to RIFs.
6. The Court's TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any Reduction in Force ("RIF") notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM "Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025" (dated September 28, 2025), or any other

1 decision or directive that purports to authorize or require issuance of RIF  
2 notices during a shutdown;

- 3 2) taking any further action to administer or implement any RIF notices already  
4 issued beginning on October 10, 2025 to federal employees in any PPA  
5 (program, project, or activity) that includes any bargaining unit or member  
6 represented by any Plaintiff, including but not limited to by requiring federal  
7 employees to perform work to further administer or implement RIF notices  
8 and by enforcing or counting any days towards any period of notice with  
9 respect to those notices (i.e., the effective date of the RIF shall be stayed and  
10 Defendants shall therefore toll the running of all RIF notice periods).

- 11 7. The Court's Order also requires Defendants to report certain information by 11:00 A.M.  
12 PT on October 17, 2025.

13 a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
14 are enjoined by this TRO, including but not limited to a description of the agency  
15 that imposed or is planning to impose the enjoined RIF, the number of employees  
16 included in the enjoined RIF, and description of the PPAs that Defendants  
17 included in the enjoined RIF.

18 b. each Defendant shall file a declaration(s) verifying that they have complied with  
19 this Order and the steps they have taken to do so.

- 20 8. The Department of Justice has not issued any RIF notices implicated by the Court's TRO.  
21 The agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO  
22 remains in force, absent an order from a higher court providing relief.

- 23 9. The Department of Justice sent notice of the TRO to our agency human resources office  
24 on October 15, 2025.

25 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
26 and correct.

27 Dated: October 17, 2025

28 JOLENE  
LAURIA

Digitally signed by  
JOLENE LAURIA  
Date: 2025.10.17  
11:51:11 -04'00'

Jolene Ann Lauria

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF RACHEL BORRA**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

1 Pursuant to 28 U.S.C. § 1746, I, Rachel Borra, declare, pursuant to 28 U.S.C. § 1746, as  
2 follows:  
3

- 4 1. I am the Chief Human Capital Officer at the Department of the Interior, headquartered in  
5 Washington, D.C. I have served in this position since September 29, 2025.  
6
- 7 2. In my role at Interior, I am responsible for personnel management. I have the  
8 responsibility for tracking and recording personnel actions, including Reductions-in-  
9 Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and  
10 federal law.  
11
- 12 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSCME, and two local  
13 California-based chapters, AFGE Local 1236 and AFGE Local 3172.  
14
- 15 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
16 (TRO) issued by the Court in this action.  
17
- 18 5. I make this declaration in response to the Court's Order of October 15, 2025, which  
19 granted Plaintiffs temporary injunctive relief and restrained Defendants from taking  
20 certain actions related to RIFs.  
21
- 22 6. The Court's TRO provides that Defendants are restrained from:  
23 1) taking any action to issue any Reduction in Force ("RIF") notices to federal  
24 employees in any PPA (program, project, or activity) that includes any  
25 bargaining unit or member represented by any Plaintiff during or because of  
26 the federal government shutdown, including but not limited to by taking any  
27 action to implement or enforce the OMB Lapse Memorandum (dated  
28 September 24, 2025), the portions of the related OPM Guidance for Shutdown  
Furloughs (as revised September 28, 2025), the related OPM "Special  
Instructions for Agencies Affected by a Possible Lapse in Appropriations  
Starting on October 1, 2025" (dated September 28, 2025), or any other  
decision or directive that purports to authorize or require issuance of RIF  
notices during a shutdown;

1           2) taking any further action to administer or implement any RIF notices already  
2           issued beginning on October 10, 2025 to federal employees in any PPA  
3           (program, project, or activity) that includes any bargaining unit or member  
4           represented by any Plaintiff, including but not limited to by requiring federal  
5           employees to perform work to further administer or implement RIF notices  
6           and by enforcing or counting any days towards any period of notice with  
7           respect to those notices (i.e., the effective date of the RIF shall be stayed and  
8           Defendants shall therefore toll the running of all RIF notice periods).

9           7. The Court's Order also requires Defendants to report certain information by 11:00 A.M.  
10           PDT on October 17, 2025.

11           a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
12           are enjoined by this TRO, including but not limited to a description of the agency  
13           that imposed or is planning to impose the enjoined RIF, the number of employees  
14           included in the enjoined RIF, and description of the PPAs that Defendants  
15           included in the enjoined RIF.

16           b. each Defendant shall file a declaration(s) verifying that they have complied with  
17           this Order and the steps they have taken to do so.

18           8. Since the current Administration took office in January 2025, Interior has been taking  
19           steps to implement Administration priorities, including by seeking to streamline functions  
20           and personnel as appropriate to promote efficiency. Among those streamlining efforts,  
21           Interior has been working on potential RIF plans since early this year. These planning  
22           efforts were begun long before the current lapse in appropriations and had nothing to do  
23           with the lapse in appropriations.

24           9. Because of the duration of the lapse in appropriations, it has become clear that RIF  
25           notices, if finalized on a timeline consistent with the preexisting planning process, might  
26           be issued during the lapse in appropriations for competitive areas that do not include any  
27           bargaining units or members represented by Plaintiffs. Interior had intended on  
28           imminently abolishing positions in 68 competitive areas that include Plaintiff bargaining  
            unit employees. However, Interior has stopped work on RIF notices for competitive areas

1 that include bargaining unit members represented by Plaintiffs and it will not proceed  
2 with any RIFs for competitive areas that include bargaining unit members represented by  
3 Plaintiffs for as long as the TRO remains in force, absent an order from a higher court  
4 providing relief.

5 10. Additionally, the agency has taken the following actions to comply with the TRO.  
6

- 7 a. We sent notice of the TRO to our agency human resources leadership on October  
8 15, 2025.

9 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
10 and correct.

11 Dated: October 17, 2025

12  
13 *Rachel Borra*

14 Rachel Borra  
15 Chief Human Capital Officer  
16 U.S. Department of the Interior  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF DEAN HEYL**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse

Courtroom 01

1 I, Dean Heyl, declare, pursuant to 28 U.S.C. § 1746, as follows:

- 2
- 3 1. I am the Chief Human Capital Officer at the U.S. Department of Labor (Department),
- 4 headquartered in Washington, D.C. I have served in this position since July 29, 2025.
- 5
- 6 2. In my role at the Department, I am responsible for personnel management. I have the
- 7 responsibility for overseeing the human resources enterprise and tracking and recording
- 8 personnel actions, including Reductions-in-Force (RIFs). I assist in ensuring that all
- 9 personnel actions comply with court orders and federal law.
- 10
- 11 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local
- 12 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 13
- 14 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order
- 15 (TRO) issued by the Court in this action.
- 16
- 17 5. I make this declaration in response to the Court's Order of October 15, 2025, which
- 18 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from
- 19 taking specified actions related to RIFs.
- 20
- 21 6. The Court's TRO provides that Defendants are restrained from:
- 22
- 23 1) taking any action to issue any Reduction in Force ("RIF") notices to federal
- 24 employees in any PPA (program, project, or activity) that includes any
- 25 bargaining unit or member represented by any Plaintiff during or because of
- 26 the federal government shutdown, including but not limited to by taking any
- 27 action to implement or enforce the OMB Lapse Memorandum (dated
- 28 September 24, 2025), the portions of the related OPM Guidance for Shutdown
- Furloughs (as revised September 28, 2025), the related OPM "Special
- Instructions for Agencies Affected by a Possible Lapse in Appropriations
- Starting on October 1, 2025" (dated September 28, 2025), or any other
- decision or directive that purports to authorize or require issuance of RIF
- notices during a shutdown;
- 2) taking any further action to administer or implement any RIF notices already
- issued beginning on October 10, 2025 to federal employees in any PPA
- (program, project, or activity) that includes any bargaining unit or member

represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.

b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. The Department has not issued any RIF notices implicated by the Court's TRO. The Department will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in effect, absent an order from a higher court providing relief.

9. The Department sent notice of the TRO to our agency human resources offices on October 15, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

/s/ DEAN HEYL Digitally signed by DEAN HEYL  
Date: 2025.10.17  
10:57:17 -04'00'  
DEAN HEYL  
CHIEF HUMAN CAPITAL OFFICER  
U.S. DEPARTMENT OF LABOR

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

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

19  
20 AMERICAN FEDERATION OF  
21 GOVERNMENT EMPLOYEES, AFL-CIO,  
et al.,

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF LEW OLOWSKI**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse  
Courtroom 01

1 Pursuant to 28 U.S.C. § 1746, I, Lew Olowski, declare, pursuant to 28 U.S.C. § 1746, as  
2 follows:  
3

- 4 1. I am the Chief Human Capital Officer at the Department of State, headquartered in  
5 Washington, D.C. I have served in this position since April 2025.  
6
- 7 2. In my role at the Department of State, I am responsible for personnel management. I have  
8 the responsibility for tracking and recording personnel actions, including Reductions-in-  
9 Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and  
10 federal law.  
11
- 12 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local  
13 California-based chapters, AFGE Local 1236 and AFGE Local 3172.  
14
- 15 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
16 (TRO) issued by the Court in this action.  
17
- 18 5. I make this declaration in response to the Court's Order of October 15, 2025, which  
19 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from  
20 taking specified actions related to RIFs.  
21
- 22 6. The Court's TRO provides that Defendants are restrained from:  
23 1) taking any action to issue any Reduction in Force ("RIF") notices to federal  
24 employees in any PPA (program, project, or activity) that includes any  
25 bargaining unit or member represented by any Plaintiff during or because of  
26 the federal government shutdown, including but not limited to by taking any  
27 action to implement or enforce the OMB Lapse Memorandum (dated  
28 September 24, 2025), the portions of the related OPM Guidance for Shutdown  
Furloughs (as revised September 28, 2025), the related OPM "Special  
Instructions for Agencies Affected by a Possible Lapse in Appropriations  
Starting on October 1, 2025" (dated September 28, 2025), or any other  
decision or directive that purports to authorize or require issuance of RIF  
notices during a shutdown;

1 2) taking any further action to administer or implement any RIF notices already  
2 issued beginning on October 10, 2025 to federal employees in any PPA  
3 (program, project, or activity) that includes any bargaining unit or member  
4 represented by any Plaintiff, including but not limited to by requiring federal  
5 employees to perform work to further administer or implement RIF notices  
6 and by enforcing or counting any days towards any period of notice with  
7 respect to those notices (i.e., the effective date of the RIF shall be stayed and  
8 Defendants shall therefore toll the running of all RIF notice periods).

9 7. The Court's Order also requires Defendants to report certain information by 11:00 A.M.  
10 PDT on October 17, 2025.

11 a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
12 are enjoined by this TRO, including but not limited to a description of the agency  
13 that imposed or is planning to impose the enjoined RIF, the number of employees  
14 included in the enjoined RIF, and description of the PPAs that Defendants  
15 included in the enjoined RIF.

16 b. each Defendant shall file a declaration(s) verifying that they have complied with  
17 this Order and the steps they have taken to do so.

18 8. The Department of State has not issued any RIF notices implicated by the Court's TRO.  
19 The Department of State will not proceed with any RIFs prohibited by the TRO for as  
20 long as the TRO remains in force without leave of this court, absent an order from a  
21 higher court providing relief, and will proceed with RIFs for which notice was issued  
22 prior to October 10, 2025.

23 9. The agency sent notice of the TRO to our agency human resources offices on October 15,  
24 2025.

25 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
26 and correct.

27 Dated: October 17, 2025

28 /s/

Lew Olowski

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

Declaration of [ ]  
3:25-cv-08302-SI

STANLEY E. WOODWARD, JR.  
Associate Attorney General  
BRETT A. SHUMATE  
Assistant Attorney General  
Civil Division  
ERIC J. HAMILTON  
Deputy Assistant Attorney General  
EMILY M. HALL  
TIBERIUS DAVIS  
ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
Civil Division  
CHRISTOPHER R. HALL  
Assistant Branch Director  
BRAD P. ROSENBERG  
Special Counsel  
R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov

*Attorneys for Defendants*

**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

**DECLARATION OF TREVOR NORRIS**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

1 I, Trevor Norris, declare, pursuant to 28 U.S.C. § 1746, as follows:

- 2
- 3 1. I am the Deputy Assistant Secretary (DAS) for Human Resources (HR) at the United
- 4 States Department of the Treasury, headquartered in Washington, D.C. I have served in
- 5 this position since September 3, 2017.
- 6
- 7 2. In my role at the Department of the Treasury, I am responsible for personnel
- 8 management. I have the responsibility for tracking and recording personnel actions,
- 9 including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions
- 10 comply with court orders and federal law.
- 11
- 12 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local
- 13 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 14
- 15 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order
- 16 (TRO) issued by the Court in this action.
- 17
- 18 5. I make this declaration in response to the Court's Order of October 15, 2025, which
- 19 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from
- 20 taking specified actions related to RIFs.
- 21
- 22 6. The Court's TRO provides that Defendants are restrained from:
- 23 1) taking any action to issue any Reduction in Force ("RIF") notices to federal
- 24 employees in any PPA (program, project, or activity) that includes any
- 25 bargaining unit or member represented by any Plaintiff during or because of
- 26 the federal government shutdown, including but not limited to by taking any
- 27 action to implement or enforce the OMB Lapse Memorandum (dated
- 28 September 24, 2025), the portions of the related OPM Guidance for Shutdown
- Furloughs (as revised September 28, 2025), the related OPM "Special
- Instructions for Agencies Affected by a Possible Lapse in Appropriations
- Starting on October 1, 2025" (dated September 28, 2025), or any other
- decision or directive that purports to authorize or require issuance of RIF
- notices during a shutdown;

1           2) taking any further action to administer or implement any RIF notices already  
2           issued beginning on October 10, 2025 to federal employees in any PPA  
3           (program, project, or activity) that includes any bargaining unit or member  
4           represented by any Plaintiff, including but not limited to by requiring federal  
5           employees to perform work to further administer or implement RIF notices  
6           and by enforcing or counting any days towards any period of notice with  
7           respect to those notices (i.e., the effective date of the RIF shall be stayed and  
8           Defendants shall therefore toll the running of all RIF notice periods).

9           7. The Court's Order also requires Defendants to report certain information by 5:00 P.M.  
10           PDT on October 17, 2025.

11           a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
12           are enjoined by this TRO, including but not limited to a description of the agency  
13           that imposed or is planning to impose the enjoined RIF, the number of employees  
14           included in the enjoined RIF, and description of the PPAs that Defendants  
15           included in the enjoined RIF.

16           b. each Defendant shall file a declaration(s) verifying that they have complied with  
17           this Order and the steps they have taken to do so.

18           8. The Department of the Treasury has not issued any RIF notices implicated by the Court's  
19           TRO. The agency will not proceed with any RIFs prohibited by the TRO for as long as  
20           the TRO remains in force.

21           9. On October 15, 2025, the agency sent notice of the TRO to our agency human resources  
22           offices that had issued RIF notices during the current lapse in appropriations. None of  
23           the RIF notices issued by Department of the Treasury during the current lapse in  
24           appropriations were issued to federal employees in any PPA (program, project, or  
25  
26  
27  
28

activity) that includes any bargaining unit or member represented by any Plaintiff.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

**John T.  
Norris** Digitally signed  
by John T. Norris  
Date: 2025.10.17  
09:45:56 -04'00'

Trevor Norris

STANLEY E. WOODWARD, JR.  
Associate Attorney General  
BRETT A. SHUMATE  
Assistant Attorney General  
Civil Division  
ERIC J. HAMILTON  
Deputy Assistant Attorney General  
EMILY M. HALL  
TIBERIUS DAVIS  
ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
Civil Division  
CHRISTOPHER R. HALL  
Assistant Branch Director  
BRAD P. ROSENBERG  
Special Counsel  
R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov

*Attorneys for Defendants*

**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

**DECLARATION OF ANNE BYRD**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

Pursuant to 28 U.S.C. § 1746, I, Anne Byrd, declare as follows:

1. I am the Assistant Secretary for Administration for the United States Department of Transportation (“DOT”), which is headquartered in Washington, D.C. I make this Declaration based on my own personal knowledge, on information contained in DOT records, or on information provided to me by DOT employees.

2. I have served in this position since February 25, 2025. In my role at DOT, I serve as DOT’s Chief Human Capital Officer pursuant to Secretarial delegation. 49 C.F.R. § 1.38. I am responsible for personnel management. I have the responsibility for tracking and recording personnel actions, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law. Prior to my appointment, I served as a Senior Advisor to the Secretary of Transportation since February 3, 2025.

3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.

4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.

5. I make this declaration in response to the Court’s Order of October 15, 2025, which granted Plaintiffs temporary injunctive relief and restrained certain Defendants from taking specified actions related to RIFs.

6. The Court’s TRO provides that Defendants are restrained from:

- 1) taking any action to issue any Reduction in Force (“RIF”) notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM “Special

Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025” (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;

- 2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court’s Order also requires Defendants to report certain information on October 17, 2025.

- a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.
- b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. DOT has not issued any RIF notices implicated by the Court’s TRO. The agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

Anne Byrd  
ANNE BYRD

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
Civil Division, Federal Programs Branch  
12 1100 L Street, NW  
13 Washington, DC 20005  
14 Phone: (202) 616-8098  
15 E-mail: robert.c.merritt@usdoj.gov

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF MARK R.  
ENGELBAUM**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse

Courtroom 01

1 I, Mark R. Engelbaum, declare, pursuant to 28 U.S.C. § 1746, as follows:

- 2 1. I am the Assistant Secretary of Human Resources Administration (HRA), at the  
3 Department of Veterans Affairs (VA), headquartered in Washington, D.C. I have served  
4 in this position since February 13, 2025.
- 5 2. In my role at the VA, I am responsible for personnel management. I have the  
6 responsibility for tracking and recording personnel actions, including Reductions-in-  
7 Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and  
8 federal law.
- 9 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local  
10 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 11 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
12 (TRO) issued by the Court in this action.
- 13 5. I make this declaration in response to the Court's Order of October 15, 2025, which  
14 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from  
15 taking specified actions related to RIFs.
- 16 6. The Court's TRO provides that Defendants are restrained from:
  - 17 1) taking any action to issue any Reduction in Force ("RIF") notices to federal  
18 employees in any PPA (program, project, or activity) that includes any  
19 bargaining unit or member represented by any Plaintiff during or because of  
20 the federal government shutdown, including but not limited to by taking any  
21 action to implement or enforce the OMB Lapse Memorandum (dated  
22 September 24, 2025), the portions of the related OPM Guidance for Shutdown  
23 Furloughs (as revised September 28, 2025), the related OPM "Special  
24 Instructions for Agencies Affected by a Possible Lapse in Appropriations  
25 Starting on October 1, 2025" (dated September 28, 2025), or any other  
26 decision or directive that purports to authorize or require issuance of RIF  
27 notices during a shutdown;
  - 28 2) taking any further action to administer or implement any RIF notices already  
issued beginning on October 10, 2025 to federal employees in any PPA

(program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.

b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. The VA has not issued any RIF notices implicated by the Court's TRO. The VA will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. The agency sent notice of the TRO to our agency human resources offices on October 15, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025



1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

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

19  
20 AMERICAN FEDERATION OF  
21 GOVERNMENT EMPLOYEES, AFL-CIO,  
et al.,

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF PETER A  
FELDMAN**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse

Courtroom 01

1 Pursuant to 28 U.S.C. § 1746, I, Peter A. Feldman, declare, pursuant to 28 U.S.C. § 1746,  
2  
3 as follows:

- 4 1. I am the Acting Chairman of the U.S. Consumer Product Safety Commission (“CPSC”),  
5 headquartered in Bethesda, Maryland. I have served in this position since January, 2025.  
6
- 7 2. In my role at the CPSC, I am responsible for overseeing personnel management matters.  
8 As a part of my duties, I oversee personnel actions including Reductions-in-Force (RIFs).  
9 I also take care to ensure that all personnel actions comply with court orders and federal  
10 law.  
11
- 12 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local  
13 California-based chapters, AFGE Local 1236 and AFGE Local 3172.  
14
- 15 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
16 (TRO) issued by the Court in this action.  
17
- 18 5. I make this declaration in response to the Court’s Order of October 15, 2025, which  
19 granted Plaintiff’s temporary injunctive relief and restrained certain Defendants from  
20 taking specified actions related to RIFs.
- 21 6. The Court’s TRO provides that Defendants are restrained from:
  - 22 1) taking any action to issue any Reduction in Force (“RIF”) notices to federal  
23 employees in any PPA (program, project, or activity) that includes any  
24 bargaining unit or member represented by any Plaintiff during or because of  
25 the federal government shutdown, including but not limited to by taking any  
26 action to implement or enforce the OMB Lapse Memorandum (dated  
27 September 24, 2025), the portions of the related OPM Guidance for Shutdown  
28 Furloughs (as revised September 28, 2025), the related OPM “Special  
Instructions for Agencies Affected by a Possible Lapse in Appropriations  
Starting on October 1, 2025” (dated September 28, 2025), or any other  
decision or directive that purports to authorize or require issuance of RIF  
notices during a shutdown;

2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025, to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.

b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. The CPSC has not issued any RIF notices implicated by the Court's TRO. The agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. The CPSC received notice of the TRO on October 15, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025



Peter A. Feldman

Acting Chairman

U.S. Consumer Product Safety Commission

STANLEY E. WOODWARD, JR.  
Associate Attorney General  
BRETT A. SHUMATE  
Assistant Attorney General  
Civil Division  
ERIC J. HAMILTON  
Deputy Assistant Attorney General  
EMILY M. HALL  
TIBERIUS DAVIS  
ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
Civil Division  
CHRISTOPHER R. HALL  
Assistant Branch Director  
BRAD P. ROSENBERG  
Special Counsel  
R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov

*Attorneys for Defendants*

**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

**DECLARATION OF KRYSTI WELLS**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

1 Pursuant to 28 U.S.C. § 1746, I, Krysti Wells, declare, pursuant to 28 U.S.C. § 1746, as  
2 follows:

- 3 1. I am the Acting Chief Human Capital Officer at the Environmental Protection Agency  
4 (EPA), headquartered in Washington, D.C. I have served in this position since  
5 September 27, 2025.
- 6 2. In my role at the EPA, I am responsible for personnel management. I have the  
7 responsibility for tracking and recording personnel actions, including Reductions-in-  
8 Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and  
9 federal law.
- 10 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSCME, and two local  
11 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 12 4. On March 27, 2025, President Trump issued Executive Order 14,251, “Exclusions from  
13 Federal-Labor Management Relations Programs,” (“E.O. 14,251”). In part, E.O. 14,251  
14 reads that the President “determined that Chapter 71 of title 5, United States Code, cannot  
15 be applied to [the EPA] in a manner consistent with national security requirements and  
16 considerations.”
- 17 5. On August 8, 2025, EPA notified AFGE, Council 238 that their collective bargaining  
18 agreement with EPA was terminated pursuant to E.O. 14,251.
- 19 6. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
20 (TRO) issued by the Court in this action.
- 21 7. I make this declaration in response to the Court’s Order of October 15, 2025, which  
22 granted Plaintiffs temporary injunctive relief and restrained Defendants from taking  
23 certain actions related to RIFs.
- 24 8. The Court’s TRO provides that Defendants are restrained from:
- 25
- 26
- 27
- 28

- 1) taking any action to issue any Reduction in Force (“RIF”) notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM “Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025” (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;
- 2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

9. The Court’s Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

- a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.
- b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

10. On October 10, 2025, the Agency issued preliminary Notices of Intent to Conduct a RIF that advised employees that formal RIF notices, if any, would be issued at least 60 days prior to the effective date, as required under Title 5 C.F.R., Part 351. I have noted below the specific number of Notices of Intent to Conduct a RIF the Agency sent out, and the

relevant projects, programs, and activities (PPAs) involved, for offices in which Plaintiffs may represent<sup>1</sup> Agency employees.

- a. Office of Chemical Safety and Pollution Prevention, Office of Pollution Prevention and Toxics, Sustainability, Prevention, and Right to Know Division, P2 (Pollution Prevention) Grants Branch: 6 employees.
- b. Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Resource Conservation and Sustainability Division: 21 employees.

11. The Agency has taken the following actions to comply with the TRO.

- a. The Agency sent notice of the TRO to Agency human resources leaders on October 16, 2025.
- b. The Agency posted a copy of the TRO on our Agency website on October 17, 2025.
- c. The Agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, including the proposed RIFs identified in Paragraph 10, above, absent an order from a higher court providing relief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

KRYSTI  
WELLS

Krysti Wells

Digitally signed by  
KRYSTI WELLS  
Date: 2025.10.17  
13:34:27 -04'00'

---

<sup>1</sup> While EPA no longer recognizes AFGE as the sole legal representative of former bargaining unit employees, upon information and belief, individual EPA employees may still be members of AFGE. EPA is complying with the TRO.

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

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

19  
20 AMERICAN FEDERATION OF  
21 GOVERNMENT EMPLOYEES, AFL-CIO,  
et al.,

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF EVIN L  
RICHARDSON**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse  
Courtroom 01

1 Pursuant to 28 U.S.C. § 1746, I, Devin L. Richardson, declare, pursuant to 28 U.S.C. §  
2 1746, as follows:

- 3 1. I am the Chief Human Capital Officer at the U.S. Equal Employment Opportunity  
4 Commission (EEOC), headquartered in Washington, D.C. I have served in this position  
5 since June 24, 2018.  
6
- 7 2. In my role at the EEOC, I am responsible for personnel management. I have the  
8 responsibility for tracking and recording personnel actions, including Reductions-in-  
9 Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and  
10 federal law.  
11
- 12 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local  
13 California-based chapters, AFGE Local 1236 and AFGE Local 3172.  
14
- 15 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
16 (TRO) issued by the Court in this action.  
17
- 18 5. I make this declaration in response to the Court's Order of October 15, 2025, which  
19 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from  
20 taking specified actions related to RIFs.  
21
- 22 6. The Court's TRO provides that Defendants are restrained from:
  - 23 1) taking any action to issue any Reduction in Force ("RIF") notices to federal  
24 employees in any PPA (program, project, or activity) that includes any  
25 bargaining unit or member represented by any Plaintiff during or because of  
26 the federal government shutdown, including but not limited to by taking any  
27 action to implement or enforce the OMB Lapse Memorandum (dated  
28 September 24, 2025), the portions of the related OPM Guidance for Shutdown  
Furloughs (as revised September 28, 2025), the related OPM "Special  
Instructions for Agencies Affected by a Possible Lapse in Appropriations  
Starting on October 1, 2025" (dated September 28, 2025), or any other  
decision or directive that purports to authorize or require issuance of RIF  
notices during a shutdown;

2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.

b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. The EEOC has not issued any RIF notices implicated by the Court's TRO. The agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. The agency sent notice of the TRO to our agency human resources office on October 16, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

/s/evin L. Richardson  
Chief Human Capital Officer  
U.S. Equal Employment Opportunity  
Commission

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF STEPHANIE F.  
SMITH**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

**Declaration of Stephanie F. Smith**

Pursuant to 28 U.S.C. § 1746, I, Stephanie F. Smith, declare under penalty of perjury the following:

1. I am the Director of Human Capital Operations at the Federal Trade Commission, headquartered in Washington, D.C. I have served in this position since 2016.
2. In my role at the Federal Trade Commission, I am responsible for personnel management. I have the responsibility for tracking and recording personnel actions, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court's Order of October 15, 2025, which granted Plaintiffs temporary injunctive relief and restrained certain Defendants from taking specified actions related to RIFs.
6. The Court's TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any Reduction in Force ("RIF") notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM "Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025" (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;

2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

- a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.
- b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. The Federal Trade Commission has not issued any RIF notices implicated by the Court's TRO. The agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. The Federal Trade Commission sent notice of the TRO to the Federal Trade Commission's Human Capital Management Office on October 16, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

STEPHANIE  
SMITH

Digitally signed by  
STEPHANIE SMITH  
Date: 2025.10.17 10:36:06  
-04'00'

Stephanie F. Smith  
Director  
Human Capital Operations  
Human Capital Management Office  
Federal Trade Commission

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
EMILY M. HALL  
5 TIBERIUS DAVIS  
ELIZABETH HEDGES  
6 Counsel to the Assistant Attorney General  
Civil Division  
7 CHRISTOPHER R. HALL  
Assistant Branch Director  
8 BRAD P. ROSENBERG  
Special Counsel  
9 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
10 U.S. Department of Justice  
Civil Division, Federal Programs Branch  
11 1100 L Street, NW  
12 Washington, DC 20005  
Phone: (202) 616-8098  
13 E-mail: robert.c.merritt@usdoj.gov

14 *Attorneys for Defendants*

15 **UNITED STATES DISTRICT COURT FOR THE**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **SAN FRANCISCO DIVISION**

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

20  
21 Plaintiffs,

22 v.

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

24 Defendants.  
25

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

**DECLARATION OF JEREMY  
TAYLOR SA**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse

Courtroom 01

1  
2 Pursuant to 28 U.S.C. § 1746, I, Jeremy Taylor, declare, pursuant to 28 U.S.C. § 1746, as  
3 follows:

- 4 1. I am the Deputy Chief Human Capital Officer at the U.S. General Services  
5 Administration (GSA), headquartered in Washington, D.C. I have served in this position  
6 since July 2024.
- 7 2. In my role at the GSA, I am responsible for personnel management. I have the  
8 responsibility for tracking and recording personnel actions, including Reductions-in-  
9 Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and  
10 federal law.
- 11 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local  
12 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 13 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
14 (TRO) issued by the Court in this action.
- 15 5. I make this declaration in response to the Court's Order of October 15, 2025, which  
16 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from  
17 taking specified actions related to RIFs.
- 18 6. The Court's TRO provides that Defendants are restrained from:
- 19 1) taking any action to issue any Reduction in Force ("RIF") notices to federal  
20 employees in any PPA (program, project, or activity) that includes any  
21 bargaining unit or member represented by any Plaintiff during or because of  
22 the federal government shutdown, including but not limited to by taking any  
23 action to implement or enforce the OMB Lapse Memorandum (dated  
24 September 24, 2025), the portions of the related OPM Guidance for Shutdown  
25 Furloughs (as revised September 28, 2025), the related OPM "Special  
Instructions for Agencies Affected by a Possible Lapse in Appropriations  
Starting on October 1, 2025" (dated September 28, 2025), or any other  
decision or directive that purports to authorize or require issuance of RIF  
notices during a shutdown;

2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.

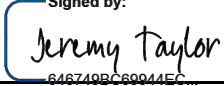
b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. The GSA has not issued any RIF notices implicated by the Court's TRO. The agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. The agency sent notice of the TRO to our agency human resources offices on October 15, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

Signed by:  
  
 /s/ Jeremy Taylor  
646749BC69944EC

Jeremy Taylor  
 GSA , Deputy CHCO

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF ANTOINE L.  
DOTSON**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse

Courtroom 01

I, Antoine L. Dotson, declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the Director of Human Resources at the Institute of Museum and Library Services (IMLS), headquartered in Washington, D.C. I have served in this position since December 2011.
2. In my role at IMLS, I am responsible for personnel management. I have the responsibility for tracking and recording personnel actions, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court's Order of October 15, 2025, which granted Plaintiffs temporary injunctive relief and restrained certain Defendants from taking specified actions related to RIFs.
6. The Court's TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any Reduction in Force ("RIF") notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM "Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025" (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;
  - 2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member

represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.

b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. IMLS has not issued any RIF notices implicated by the Court's TRO. The agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. The agency sent notice of the TRO to our agency human resources offices on October 15, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

ANTOINE  
DOTSON

Digitally signed by  
ANTOINE DOTSON  
Date: 2025.10.17  
12:20:56 -04'00'

Antoine L. Dotson

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

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

19  
20 AMERICAN FEDERATION OF  
21 GOVERNMENT EMPLOYEES, AFL-CIO,  
et al.,

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF ELLY ELLIOTT**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

1 Pursuant to 28 U.S.C. § 1746, I, elly Elliott, declare, pursuant to 28 U.S.C. § 1746, as  
2 follows:

- 3 1. I am the Chief Human Capital Officer at the National Aeronautics and Space  
4 Administration (NASA). I have held that position since December 2023, after being  
5 named as NASA's Acting Chief Human Capital Officer in February 2023. I have worked  
6 at NASA since 2005, and the principal responsibilities of each of my NASA roles during  
7 that time have related to human capital and or human resources.
- 8 2. In my role as the Chief Human Capital Officer at NASA, I am responsible for leading the  
9 human capital practices that support NASA's workforce. The office I lead has  
10 responsibility for tracking and recording personnel actions at NASA, as well as  
11 overseeing Reductions-in-Force (RIFs), RIF policies, and RIF planning. My office also  
12 assists in ensuring that all personnel actions comply with court orders and federal law.
- 13 3. I understand that Plaintiffs in this lawsuit include two national unions, American  
14 Federation of Government Employees, AFL-CIO (AFGE); American Federation of State  
15 County and Municipal Employees, AFL-CIO, and two local California-based chapters,  
16 AFGE Local 1236 and AFGE Local 3172.
- 17 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
18 (TRO) issued by the Court in this action.
- 19 5. I make this declaration in response to the TRO, which granted Plaintiffs temporary  
20 injunctive relief and restrained certain Defendants from taking specified actions related to  
21 RIFs.
- 22 6. The Court's TRO provides that Defendants are restrained from:  
23 1) taking any action to issue any Reduction in Force ("RIF") notices to federal  
24 employees in any PPA (program, project, or activity) that includes any  
25  
26  
27  
28

bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM “Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025” (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;

- 2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The TRO also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

- a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.
- b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. NASA has not issued and has not planned to issue any RIF notices implicated by the Court’s TRO. In other words, NASA has no actual or imminent RIFs that the TRO enjoins. Moreover, NASA will not proceed to issue, administer, or implement any RIFs or RIF notices prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. Below I describe the steps that NASA has taken to comply with the TRO. I received notice of the TRO on October 15, 2025, and I have reviewed the TRO carefully. In

1 addition, I have circulated a copy of the TRO to my direct reports and to relevant NASA  
2 leadership.

3 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
4 and correct to the best of my knowledge.  
5

Dated: October 17, 2025

6 **Kelly**  
7  
8 **Elliott**

Digitally signed by  
Kelly Elliott  
Date: 2025.10.17  
10:15:26 -04'00'

9 Kelly Elliott  
10 Chief Human Capital Officer  
National Aeronautics and Space Administration  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
Deputy Assistant Attorney General  
4 EMILY M. HALL  
TIBERIUS DAVIS  
5 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
6 Civil Division  
CHRISTOPHER R. HALL  
7 Assistant Branch Director  
BRAD P. ROSENBERG  
8 Special Counsel  
R. CHARLIE MERRITT (VA Bar No. 89400)  
9 Senior Counsel  
U.S. Department of Justice  
10 Civil Division, Federal Programs Branch  
11 1100 L Street, NW  
Washington, DC 20005  
Phone: (202) 616-8098  
12 E-mail: robert.c.merritt@usdoj.gov

13 *Attorneys for Defendants*

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

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

18 Plaintiffs,

19 v.

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

22 Defendants.

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

**DECLARATION OF OVNELLE  
MILLWORD**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

I, Ovnelles Millwood, declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the Chief Human Capital Officer at the National Archives and Records Administration, headquartered in Washington, D.C. I have served in this position since September 22, 2025.
2. In my role at the National Archives and Records Administration, I am responsible for personnel management. I have the responsibility for tracking and recording personnel actions, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court's Order of October 15, 2025, which granted Plaintiffs temporary injunctive relief and restrained certain Defendants from taking specified actions related to RIFs.
6. The Court's TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any Reduction in Force ("RIF") notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM "Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025" (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;

1           2) taking any further action to administer or implement any RIF notices already  
2           issued beginning on October 10, 2025 to federal employees in any PPA  
3           (program, project, or activity) that includes any bargaining unit or member  
4           represented by any Plaintiff, including but not limited to by requiring federal  
5           employees to perform work to further administer or implement RIF notices  
6           and by enforcing or counting any days towards any period of notice with  
7           respect to those notices (i.e., the effective date of the RIF shall be stayed and  
8           Defendants shall therefore toll the running of all RIF notice periods).

9           7. The Court's Order also requires Defendants to report certain information by 5:00 P.M.  
10          PDT on October 17, 2025.

11           a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
12           are enjoined by this TRO, including but not limited to a description of the agency  
13           that imposed or is planning to impose the enjoined RIF, the number of employees  
14           included in the enjoined RIF, and description of the PPAs that Defendants  
15           included in the enjoined RIF.

16           b. each Defendant shall file a declaration(s) verifying that they have complied with  
17           this Order and the steps they have taken to do so.

18           8. The National Archives and Records Administration has not issued any RIF notices  
19           implicated by the Court's TRO. The agency will not proceed with any RIFs prohibited  
20           by the TRO for as long as the TRO remains in force, absent an order from a higher court  
21           providing relief.

22           9. The agency sent notice of the TRO to our agency human resources offices on October 15,  
23           2025.

24           Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
25           and correct.

26           Dated: October 17, 2025

27           

28           Ovnelle Millwood

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
EMILY M. HALL  
5 TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
15 E-mail: robert.c.merritt@usdoj.gov

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF WILLIAM WIGGINS**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse  
Courtroom 01

1 Pursuant to 28 U.S.C. § 1746, I, William Wiggins, declare, pursuant to 28 U.S.C. § 1746,  
2 as follows:  
3

- 4 1. I am the Director (Acting) of the Office of Management and Budget at the National  
5 Endowment for the Arts (NEA), headquartered in Washington, D.C. I have served in this  
6 position since July 1, 2025.  
7
- 8 2. In my role at the NEA, I oversee the agency's Office of Human Resources (OHR), which  
9 is responsible for personnel management. Under my oversight, OHR has the  
10 responsibility for tracking and recording personnel actions, including Reductions-in-  
11 Force (RIFs). The head of OHR reports directly to me, and therefore I assist OHR in  
12 ensuring that all personnel actions comply with court orders and federal law.  
13
- 14 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local  
15 California-based chapters, AFGE Local 1236 and AFGE Local 3172.  
16
- 17 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
18 (TRO) issued by the Court in this action.  
19
- 20 5. I make this declaration in response to the Court's Order of October 15, 2025, which  
21 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from  
22 taking specified actions related to RIFs.  
23
- 24 6. The Court's TRO provides that Defendants are restrained from:  
25 1) taking any action to issue any Reduction in Force ("RIF") notices to federal  
26 employees in any PPA (program, project, or activity) that includes any  
27 bargaining unit or member represented by any Plaintiff during or because of  
28 the federal government shutdown, including but not limited to by taking any  
action to implement or enforce the OMB Lapse Memorandum (dated  
September 24, 2025), the portions of the related OPM Guidance for Shutdown  
Furloughs (as revised September 28, 2025), the related OPM "Special  
Instructions for Agencies Affected by a Possible Lapse in Appropriations  
Starting on October 1, 2025" (dated September 28, 2025), or any other

1 decision or directive that purports to authorize or require issuance of RIF  
2 notices during a shutdown;

- 3 2) taking any further action to administer or implement any RIF notices already  
4 issued beginning on October 10, 2025 to federal employees in any PPA  
5 (program, project, or activity) that includes any bargaining unit or member  
6 represented by any Plaintiff, including but not limited to by requiring federal  
7 employees to perform work to further administer or implement RIF notices  
8 and by enforcing or counting any days towards any period of notice with  
9 respect to those notices (i.e., the effective date of the RIF shall be stayed and  
10 Defendants shall therefore toll the running of all RIF notice periods).

- 11 7. The Court's Order also requires Defendants to report certain information by 5:00 P.M.  
12 PDT on October 17, 2025.

- 13 a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
14 are enjoined by this TRO, including but not limited to a description of the agency  
15 that imposed or is planning to impose the enjoined RIF, the number of employees  
16 included in the enjoined RIF, and description of the PPAs that Defendants  
17 included in the enjoined RIF.  
18 b. each Defendant shall file a declaration(s) verifying that they have complied with  
19 this Order and the steps they have taken to do so.

- 20 8. The NEA has not issued any RIF notices implicated by the Court's TRO. The agency  
21 will not proceed with any RIFs while this matter is being litigated before the Court,  
22 absent an order from a higher court providing relief.

- 23 9. The agency sent notice of the TRO to our agency human resources offices on October 16,  
24 2025.

25 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
26 and correct.

27 Dated: October 17, 2025

28 /s/ William Wiggins

William Wiggins  
Director (Acting), Office of Management and Budget  
National Endowment for the Arts

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
Civil Division, Federal Programs Branch  
12 1100 L Street, NW  
13 Washington, DC 20005  
14 Phone: (202) 616-8098  
15 E-mail: robert.c.merritt@usdoj.gov

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF MICHAEL  
MCDONALD**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

1 I, Michael McDonald, declare, pursuant to 28 U.S.C. § 1746, as follows:

- 2 1. I am the Acting Chairman of the National Endowment for the Humanities (“NEH”),  
3 headquartered in Washington, D.C. I have served in this position since March 10, 2025.
- 4 2. As Acting Chairman, I am responsible for all functions of the agency, including  
5 personnel management.
- 6 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local  
7 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 8 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
9 (TRO) issued by the Court in this action.
- 10 5. I make this declaration in response to the Court’s Order of October 15, 2025, which  
11 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from  
12 taking specified actions related to RIFs.
- 13 6. The Court’s TRO provides that Defendants are restrained from:
- 14
- 15 1) taking any action to issue any Reduction in Force (“RIF”) notices to federal  
16 employees in any PPA (program, project, or activity) that includes any  
17 bargaining unit or member represented by any Plaintiff during or because of  
18 the federal government shutdown, including but not limited to by taking any  
19 action to implement or enforce the OMB Lapse Memorandum (dated  
20 September 24, 2025), the portions of the related OPM Guidance for Shutdown  
21 Furloughs (as revised September 28, 2025), the related OPM “Special  
22 Instructions for Agencies Affected by a Possible Lapse in Appropriations  
23 Starting on October 1, 2025” (dated September 28, 2025), or any other  
24 decision or directive that purports to authorize or require issuance of RIF  
25 notices during a shutdown;
- 26 2) taking any further action to administer or implement any RIF notices already  
27 issued beginning on October 10, 2025 to federal employees in any PPA  
28 (program, project, or activity) that includes any bargaining unit or member  
represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 5:00 P.M. PDT on October 17, 2025.

a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.

b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. The NEH has not issued any RIF notices implicated by the Court's TRO. The agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. The agency sent notice of the TRO to our agency human resources offices on October 15, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

Michael P.  
McDonald

Digitally signed by Michael  
P. McDonald  
Date: 2025.10.17 09:08:28  
-04'00'

MICHAEL MCDONALD  
Acting Chairman  
National Endowment for the  
Humanities

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF EFFERY  
ANO A**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse

Courtroom 01

1 I, Jeffery Anoka, declare, pursuant to 28 U.S.C. § 1746, as follows:

- 2
- 3 1. I am the Administrator and Chief Operating Officer at the National Gallery of Art in
- 4 Washington, D.C. I have served in this position since April 7, 2025.
- 5
- 6 2. In my role at the National Gallery of Art, I am responsible for personnel management. I
- 7 have the responsibility for tracking and recording personnel actions, including
- 8 Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with
- 9 court orders and federal law.
- 10
- 11 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local
- 12 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 13
- 14 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order
- 15 (TRO) issued by the Court in this action.
- 16
- 17 5. I make this declaration in response to the Court's Order of October 15, 2025, which
- 18 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from
- 19 taking specified actions related to RIFs.
- 20
- 21 6. The Court's TRO provides that Defendants are restrained from:
- 22
- 23 1) taking any action to issue any Reduction in Force ("RIF") notices to federal
- 24 employees in any PPA (program, project, or activity) that includes any
- 25 bargaining unit or member represented by any Plaintiff during or because of
- 26 the federal government shutdown, including but not limited to by taking any
- 27 action to implement or enforce the OMB Lapse Memorandum (dated
- 28 September 24, 2025), the portions of the related OPM Guidance for Shutdown
- Furloughs (as revised September 28, 2025), the related OPM "Special
- Instructions for Agencies Affected by a Possible Lapse in Appropriations
- Starting on October 1, 2025" (dated September 28, 2025), or any other
- decision or directive that purports to authorize or require issuance of RIF
- notices during a shutdown;
- 2) taking any further action to administer or implement any RIF notices already
- issued beginning on October 10, 2025 to federal employees in any PPA
- (program, project, or activity) that includes any bargaining unit or member

represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 5:00 P.M.

PDT on October 17, 2025.

a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.

b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. The National Gallery of Art has not issued any RIF notices implicated by the Court's TRO. The National Gallery of Art will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. The National Gallery of Art sent notice of the TRO to our agency human resources offices on October 16, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2025

JEFFERY ANOKA

Digitally signed by JEFFERY  
ANOKA  
Date: 2025.10.17 12:13:52 -04'00'

/s/ Jeffery Anoka

Jeffery Anoka

Administrator and Chief Operating  
Officer

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF RE ECCA  
EISER**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse

Courtroom 01

Pursuant to 28 U.S.C. § 1746, I, Rebecca Geiser, declare as follows:

1. I am the Chief of Staff (Acting), Office of the Director (OD), and Chief of Research Security, Strategy, and Policy, at the U.S. National Science Foundation (NSF), headquartered in Alexandria, Virginia. I have held the position of Chief of Staff (Acting) since April 27, 2025, and I have served as the Chief of Research Security, Strategy, and Policy since March 2020.
2. In my role as Chief of Staff (Acting) at NSF, I am a member of a team of senior level officials who oversee personnel management for the agency. This group of senior agency officials has the responsibility for overseeing NSF's human resources, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court's Order of October 15, 2025, which granted Plaintiffs temporary injunctive relief and restrained certain Defendants from taking specified actions related to RIFs.
6. The Court's TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any Reduction in Force ("RIF") notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM "Special

Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025” (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;

- 2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court’s Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

- a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.
- b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. The NSF has not issued any RIF notices implicated by the Court’s TRO. The agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. In May 2025, NSF conducted a reduction in force among two tiers of its Senior Executive Service. NSF issued 45-day RIF notices to approximately 41 career SES employees within the National Capital Region. NSF’s SES employees are not union members. As a result of various judicial proceedings, including a TRO and preliminary injunction that were lifted, NSF’s RIF was not effectuated until October 4, 2025. Specifically, the RIF was not initiated or enforced based on, or in reliance on, the OMB Lapse Memorandum

1 (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown  
2 Furloughs (as revised September 28, 2025), the related OPM “Special Instructions for  
3 Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025”  
4 (dated September 28, 2025), or any other decision or directive that purports to authorize  
5 or require issuance of RIF notices during a lapse in appropriations. The agency therefore  
6 understands the RIF to not be affected by the Court’s injunction.  
7

8 10. The agency sent notice of the TRO to our agency human resources offices on October 15,  
9 2025.

10 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
11 and correct.  
12

13 Dated: October 17, 2025

14 *Rebecca Keiser*

15 Rebecca Keiser  
16 Chief of Staff (Acting) and Chief of  
17 Research Security, Strategy, and Policy  
18 U.S. National Science Foundation  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF  
VERONICA MARSHALL**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

Pursuant to 28 U.S.C. § 1746, I, Veronica Marshall, declare as follows:

1. I am the Chief Human Capital Officer and the Director, Office of Human Capital Management and Training, at the National Transportation Safety Board (NTSB), headquartered in Washington, D.C. I have served in this position since October 2022.
2. In my role at the NTSB, I am responsible for personnel management. I have the responsibility for tracking and recording personnel actions, including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court's Order of October 15, 2025, which granted Plaintiffs temporary injunctive relief and restrained certain Defendants from taking specified actions related to RIFs.
6. The Court's TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any Reduction in Force ("RIF") notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM "Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025" (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;

1           2) taking any further action to administer or implement any RIF notices already  
2           issued beginning on October 10, 2025 to federal employees in any PPA  
3           (program, project, or activity) that includes any bargaining unit or member  
4           represented by any Plaintiff, including but not limited to by requiring federal  
5           employees to perform work to further administer or implement RIF notices  
6           and by enforcing or counting any days towards any period of notice with  
7           respect to those notices ( e , the effective date of the RIF shall be stayed and  
8           Defendants shall therefore toll the running of all RIF notice periods).

9           7. The Court's Order also requires Defendants to report certain information by 11:00 A.M.  
10           PDT on October 17, 2025.

11           a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
12           are enjoined by this TRO, including but not limited to a description of the agency  
13           that imposed or is planning to impose the enjoined RIF, the number of employees  
14           included in the enjoined RIF, and description of the PPAs that Defendants  
15           included in the enjoined RIF.

16           b. Each Defendant shall file a declaration(s) verifying that they have complied with  
17           this Order and the steps they have taken to do so.

18           8. The NTSB has not issued any RIF notices implicated by the Court's TRO. The agency  
19           will not proceed with any RIFs implicated by the Court's TRO during or because of the  
20           federal government shutdown while this matter is being litigated before the Court, absent  
21           an order from a higher court providing relief.

22           9. The agency sent notice of the TRO to our agency human resources office on October 15,  
23           2025.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
2 and correct.

3 Dated: October 17, 2025

4 VERONICA MARSHALL  
5 Digitally signed by  
VERONICA MARSHALL  
Date: 2025.10.17  
09:01:23 -04'00'

6 Veronica Marshall  
7 Chief Human Capital Officer and  
8 Director, Office of Human Capital  
9 Management and Training  
10 National Transportation Safety Board  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
15 E-mail: robert.c.merritt@usdoj.gov

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF JENNIFER  
GOLDER**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse

Courtroom 01

1 Pursuant to 28 U.S.C. § 1746, I, Jennifer Golder, declare, pursuant to 28 U.S.C. § 1746,  
2  
3 as follows:

- 4 1. I am the Chief Human Capital Officer at the United States Nuclear Regulatory  
5 Commission (NRC), headquartered in Rockville, Maryland. I have served in this position  
6 since September 2024.  
7
- 8 2. In my role at the NRC, I am responsible for personnel management. I have the  
9 responsibility for tracking and recording personnel actions, including any Reductions-in-  
10 Force (RIFs) that would be implemented at the NRC. I assist in ensuring that all  
11 personnel actions comply with court orders and federal law.  
12
- 13 3. It is my understanding that Plaintiffs in this lawsuit include two national unions, AFGE  
14 and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE  
15 Local 3172.  
16
- 17 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
18 (TRO) issued by the Court in this action.  
19
- 20 5. I make this declaration in response to the Court's Order of October 15, 2025, which  
21 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from  
22 taking specified actions related to RIFs.  
23
- 24 6. The Court's TRO provides that Defendants, one of which is the NRC, are restrained  
25 from:  
26
  - 27 1) taking any action to issue any Reduction in Force ("RIF") notices to federal  
28 employees in any PPA (program, project, or activity) that includes any  
bargaining unit or member represented by any Plaintiff during or because of  
the federal government shutdown, including but not limited to by taking any  
action to implement or enforce the OMB Lapse Memorandum (dated  
September 24, 2025), the portions of the related OPM Guidance for Shutdown  
Furloughs (as revised September 28, 2025), the related OPM "Special

Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025” (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;

- 2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court’s Order, as modified by the Court’s Order entered October 16, 2025 (Dkt. 60) also requires Defendants to report certain information by 11 A.M. PDT on October 17, 2025.

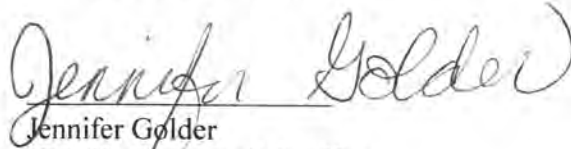
- a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.
- b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. The NRC has not issued any RIF notices implicated by the Court’s TRO. The agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. On Wednesday October 15, 2025 at 3:44 p.m. Eastern time, I (along with other NRC management) received notice of the TRO and a copy of the TRO from the NRC’s acting General Counsel.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
2 and correct.

3 Dated: October 17, 2025

4   
5

6 Jennifer Golder  
7 Chief Human Capital Officer  
8 U.S. Nuclear Regulatory Commission  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

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

19  
20 AMERICAN FEDERATION OF  
21 GOVERNMENT EMPLOYEES, AFL-CIO,  
et al.,

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF OHN SERPA**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse

Courtroom 01

1 Pursuant to 28 U.S.C. § 1746, I, John Serpa, declare, pursuant to 28 U.S.C. § 1746, as  
2 follows:  
3

- 4 1. I am the Chief Human Capital Officer at the Small Business Administration,  
5 headquartered in Washington, D.C. I have served in this position since March of this  
6 year.  
7
- 8 2. In my role at the Small Business Administration, I am responsible for personnel  
9 management. I have the responsibility for tracking and recording personnel actions,  
10 including Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions  
11 comply with court orders and federal law.  
12
- 13 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local  
14 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 15 4. I make this declaration in response to the Court's Order of October 15, 2025, which  
16 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from  
17 taking specified actions related to RIFs.  
18
- 19 5. On October 15, 2025 I received the Court's temporary restraining order (TRO) issued in  
20 this action. I have reviewed the TRO.
- 21 6. The Court's TRO provides that Defendants are restrained from:
  - 22 1) taking any action to issue any Reduction in Force ("RIF") notices to federal  
23 employees in any PPA (program, project, or activity) that includes any  
24 bargaining unit or member represented by any Plaintiff during or because of  
25 the federal government shutdown, including but not limited to by taking any  
26 action to implement or enforce the OMB Lapse Memorandum (dated  
27 September 24, 2025), the portions of the related OPM Guidance for Shutdown  
28 Furloughs (as revised September 28, 2025), the related OPM "Special  
Instructions for Agencies Affected by a Possible Lapse in Appropriations  
Starting on October 1, 2025" (dated September 28, 2025), or any other  
decision or directive that purports to authorize or require issuance of RIF  
notices during a shutdown;

2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but 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).

7. The Court's Order also requires Defendants to report certain information by 11:00 A.M. PDT on October 17, 2025.

a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that are enjoined by this TRO, including but not limited to a description of the agency that imposed or is planning to impose the enjoined RIF, the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF.

b. each Defendant shall file a declaration(s) verifying that they have complied with this Order and the steps they have taken to do so.

8. The Small Business Administration has not issued any RIF notices implicated by the Court's TRO. The agency will not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in force, absent an order from a higher court providing relief.

9. On September 29, the Small Business Administration initiated a RIF with a waiver from OPM to provide a 30-day notice period instead of 60-days. The RIF impacts 73 employees who will be terminated on October 29th. A RIF for a majority of the 73 employees was originally issued on various dates between April 3, 2025 and April 29, 2025 but was later rescinded. The September 29<sup>th</sup> RIF was initiated before the lapse in appropriations and was not because of the lapse in appropriations. Specifically, the RIF was not initiated or enforced based on, or in reliance on, the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown

1 Furloughs (as revised September 28, 2025), the related OPM “Special Instructions for  
2 Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025”  
3 (dated September 28, 2025), or any other decision or directive that purports to authorize  
4 or require issuance of RIF notices during a lapse in appropriations. The Small Business  
5 Administration therefore understands the RIF to not be affected by the Court’s injunction.  
6

7 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
8 and correct.

9 Dated: October 17, 2025

10  
11 /s/ o n e r a  
12 Chief Human Capital Officer  
13 Small Business Administration  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

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

19  
20 AMERICAN FEDERATION OF  
21 GOVERNMENT EMPLOYEES, AFL-CIO,  
et al.,

22  
23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF**  
**ANTONIO GUZMÁN**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01S

Pursuant to 28 U.S.C. § 1746, I, Antonio Guzmán, declare as follows:

1. I am the Director of the Office of Human Resources at the Smithsonian Institution, headquartered in Washington, D.C. I have served in this position since March 2021.
2. In my role at the Smithsonian, I am responsible for personnel management. I oversee tracking and recording personnel actions, including any potential Reductions-in-Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local California-based chapters, AFGE Local 1236 and AFGE Local 3172.
4. I am aware of and have reviewed the October 15, 2025, temporary restraining order (TRO) issued by the Court in this action.
5. I make this declaration in response to the Court's Order of October 15, 2025, which granted Plaintiffs temporary injunctive relief and restrained certain Defendants from taking specified actions related to RIFs.
6. The Court's TRO provides that Defendants are restrained from:
  - 1) taking any action to issue any RIF notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM "Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025" (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;
  - 2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but not limited to by requiring federal employees to perform work to further administer or implement RIF notices and

1 by enforcing or counting any days towards any period of notice with respect to  
2 those notices (i.e., the effective date of the RIF shall be stayed and Defendants  
3 shall therefore toll the running of all RIF notice periods).

4 7. The Court's Order also requires Defendants to report certain information by 5:00 P.M.  
5 PDT on October 17, 2025.

6 a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
7 are enjoined by this TRO, including but not limited to a description of the agency  
8 that imposed or is planning to impose the enjoined RIF, the number of employees  
9 included in the enjoined RIF, and description of the PPAs that Defendants included  
10 in the enjoined RIF.

11 b. each Defendant shall file a declaration(s) verifying that they have complied with  
12 this Order and the steps they have taken to do so.

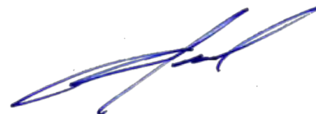
13 8. The Smithsonian closed beginning on October 12, 2025, due to the federal government  
14 shutdown. The Smithsonian did not plan to issue RIF notices during or because of federal  
15 government shutdown.

16 9. The Smithsonian has not issued any RIF notices implicated by the Court's TRO. The  
17 Smithsonian will not issue any RIFs prohibited by the TRO for as long as the TRO remains  
18 in force, absent an order from a higher court providing relief.

19 10. The Smithsonian sent notice of the TRO to its human resources office on October 15, 2025.

20 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
21 and correct.

22 Dated: October 17, 2025

23  
24 

25  
26 \_\_\_\_\_  
27 Antonio Guzmán  
28

1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
Civil Division, Federal Programs Branch  
12 1100 L Street, NW  
Washington, DC 20005  
13 Phone: (202) 616-8098  
14 E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

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

27 Defendants.  
28

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

**DECLARATION OF FLORENCE  
FELIX-LAWSON**

Hearing Date: October 28, 2025  
Time: 10:30 a.m.  
Judge: Hon. Susan Illston  
Place: San Francisco Courthouse  
Courtroom 01

1 I, Florence Felix-Lawson, declare, pursuant to 28 U.S.C. § 1746, as follows:

- 2
- 3 1. I am the Chief Human Capital Officer at the Social Security Administration (“SSA”),
- 4 headquartered in Woodlawn, Maryland. I have served in this position since November
- 5 17, 2024.
- 6
- 7 2. In my role at SSA, I am responsible for personnel management. My office has the
- 8 responsibility for tracking and recording personnel actions, including Reductions-in-
- 9 Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and
- 10 federal law.
- 11
- 12 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local
- 13 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 14
- 15 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order
- 16 (TRO) issued by the Court in this action.
- 17
- 18 5. I make this declaration in response to the Court’s Order of October 15, 2025, which
- 19 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from
- 20 taking specified actions related to RIFs.
- 21
- 22 6. The Court’s TRO provides that Defendants are restrained from:
- 23 1) taking any action to issue any Reduction in Force (“RIF”) notices to federal
- 24 employees in any PPA (program, project, or activity) that includes any
- 25 bargaining unit or member represented by any Plaintiff during or because of
- 26 the federal government shutdown, including but not limited to by taking any
- 27 action to implement or enforce the OMB Lapse Memorandum (dated
- 28 September 24, 2025), the portions of the related OPM Guidance for Shutdown
- Furloughs (as revised September 28, 2025), the related OPM “Special
- Instructions for Agencies Affected by a Possible Lapse in Appropriations
- Starting on October 1, 2025” (dated September 28, 2025), or any other
- decision or directive that purports to authorize or require issuance of RIF
- notices during a shutdown;



1 STANLEY E. WOODWARD, JR.  
Associate Attorney General  
2 BRETT A. SHUMATE  
Assistant Attorney General  
3 Civil Division  
ERIC J. HAMILTON  
4 Deputy Assistant Attorney General  
5 EMILY M. HALL  
TIBERIUS DAVIS  
6 ELIZABETH HEDGES  
Counsel to the Assistant Attorney General  
7 Civil Division  
8 CHRISTOPHER R. HALL  
Assistant Branch Director  
9 BRAD P. ROSENBERG  
Special Counsel  
10 R. CHARLIE MERRITT (VA Bar No. 89400)  
Senior Counsel  
11 U.S. Department of Justice  
12 Civil Division, Federal Programs Branch  
13 1100 L Street, NW  
Washington, DC 20005  
14 Phone: (202) 616-8098  
E-mail: robert.c.merritt@usdoj.gov  
15

16 *Attorneys for Defendants*

17 **UNITED STATES DISTRICT COURT FOR THE**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

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

22 Plaintiffs,

23 v.

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

26 Defendants.  
27  
28

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

**DECLARATION OF JAMESA  
HUNTER**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

Place: San Francisco Courthouse

Courtroom 01

1 Pursuant to 28 U.S.C. § 1746, I, Jamesa Hunter, declare, pursuant to 28 U.S.C. § 1746, as  
2 follows:  
3

- 4 1. I am the Vice President and Chief Human Capital Officer at the U.S. International  
5 Development Finance Corporation (DFC), headquartered in Washington, D.C. I have  
6 served in this position since November 4, 2024.  
7
- 8 2. In my role at the DFC, I am responsible for personnel management. I have the  
9 responsibility for tracking and recording personnel actions, including Reductions-in-  
10 Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and  
11 federal law.  
12
- 13 3. Plaintiffs in this lawsuit include two national unions, AFGE and AFSME, and two local  
14 California-based chapters, AFGE Local 1236 and AFGE Local 3172.
- 15 4. I am aware of and have reviewed the October 15, 2025, temporary restraining order  
16 (TRO) issued by the Court in this action.  
17
- 18 5. I make this declaration in response to the Court's Order of October 15, 2025, which  
19 granted Plaintiffs temporary injunctive relief and restrained certain Defendants from  
20 taking specified actions related to RIFs.
- 21 6. The Court's TRO provides that Defendants are restrained from:  
22
  - 23 1) taking any action to issue any Reduction in Force ("RIF") notices to federal  
24 employees in any PPA (program, project, or activity) that includes any  
25 bargaining unit or member represented by any Plaintiff during or because of  
26 the federal government shutdown, including but not limited to by taking any  
27 action to implement or enforce the OMB Lapse Memorandum (dated  
28 September 24, 2025), the portions of the related OPM Guidance for Shutdown  
Furloughs (as revised September 28, 2025), the related OPM "Special  
Instructions for Agencies Affected by a Possible Lapse in Appropriations  
Starting on October 1, 2025" (dated September 28, 2025), or any other  
decision or directive that purports to authorize or require issuance of RIF  
notices during a shutdown;

1 2) taking any further action to administer or implement any RIF notices already  
2 issued beginning on October 10, 2025 to federal employees in any PPA  
3 (program, project, or activity) that includes any bargaining unit or member  
4 represented by any Plaintiff, including but not limited to by requiring federal  
5 employees to perform work to further administer or implement RIF notices  
6 and by enforcing or counting any days towards any period of notice with  
7 respect to those notices (i.e., the effective date of the RIF shall be stayed and  
8 Defendants shall therefore toll the running of all RIF notice periods).

9 7. The Court's Order also requires Defendants to report certain information by 11:00 A.M.  
10 PDT on October 17, 2025.

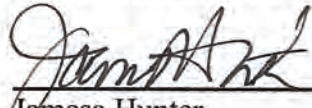
- 11 a. Defendants shall serve and file an accounting of all RIFs, actual or imminent, that  
12 are enjoined by this TRO, including but not limited to a description of the agency  
13 that imposed or is planning to impose the enjoined RIF, the number of employees  
14 included in the enjoined RIF, and description of the PPAs that Defendants  
15 included in the enjoined RIF.
- 16 b. each Defendant shall file a declaration(s) verifying that they have complied with  
17 this Order and the steps they have taken to do so.

18 8. The DFC has not issued any RIF notices implicated by the Court's TRO. The DFC will  
19 not proceed with any RIFs prohibited by the TRO for as long as the TRO remains in  
20 force, absent an order from a higher court providing relief.

21 9. The agency sent notice of the TRO to our agency human resources offices on October 15,  
22 2025.

23 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
24 and correct.

25 Dated: October 17, 2025

26   
27 Jamesa Hunter  
28 Vice President and Chief Human  
Capital Officer  
U.S. International Development  
Finance Corporation