

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

_____)	
AMERICAN FEDERATION OF)	
GOVERNMENT EMPLOYEES, AFL-CIO,)	
)	
Plaintiff,)	
)	
v.)	No. 18-cv-1261 (KBJ)
)	
DONALD J. TRUMP, <i>in his official</i>)	
<i>capacity as President of the United States,</i>)	
<i>et al.,</i>)	
)	
Defendants.)	
_____)	

PLAINTIFF AFGE’S MOTION FOR A PRELIMINARY INJUNCTION

The American Federation of Government Employees (“AFGE”) hereby moves for a preliminary injunction enjoining the implementation of Sections 2(j), 3(a), 4(a)(i), 4(a)(ii), (4)(a)(iii), and 4(a)(v), of Executive Order 13837, Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use.

AFGE satisfies all the prerequisites for preliminary injunctive relief. AFGE has a substantial likelihood of success on the merits because the order violates AFGE’s right to expressive association under the First Amendment, and because the order plainly conflicts with the Congressionally-enacted framework that governs labor-management relations for executive agencies, federal employees, and their labor organizations. AFGE will also be irreparably harmed, in that AFGE’s constitutional injury will be immediate and will not be remediable after the fact. Federal agencies have also begun implementing Executive Order 13837 to collective bargaining that is presently underway. Implementation of the order will drastically and irreparably impact the course of these negotiations by limiting the union’s rights at the

bargaining table, contrary to the statutory labor-management relations scheme set forth in 5 U.S.C. Chapter 71. Even if AFGE were to be successful at the conclusion of this action, without injunctive relief collective bargaining agreements executed under the executive order would persist notwithstanding a subsequent invalidation of the order's terms by this court. The same is true with respect to individual and institutional cases that would immediately be impacted by the order but that would conclude prior to its invalidation.

The balance of the equities and the public interest also support injunctive relief. Maintaining the status quo pending the resolution of this action will not adversely affect defendants. It will merely require defendants to continue to follow the law, and to abide by agreements and practices that are already in place. The public interest could also not be more clearly in AFGE's favor. Congress has explicitly determined that labor organizations, like AFGE, and collective bargaining in the civil service are in the public interest. 5 U.S.C. § 7101(a).

For all these reasons, and the reasons explained in AFGE's memorandum in support of this motion, AFGE respectfully asks that the Court grant this motion.

Respectfully submitted,

/s/ Andres M. Grajales
Andres M. Grajales
Deputy General Counsel, AFGE
D.C. Bar No. 476894
80 F Street, N.W.
Washington, D.C. 20001
Tel.: (202) 639-6426/ Fx. (202) 379-2928
Email: Grajaa@afge.org

/s/ Matthew W. Milledge
Matthew W. Milledge*
Assistant General Counsel
D.C. Bar No. 496262
AFGE, Office of the General Counsel

80 F Street, N.W.
Washington, D.C. 20001
Tel.: (202) 639-6424
Fax.: (202) 379-2928
Email: matthew.milledge@afge.org
*Lead Counsel