

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES LOCAL  
2018, AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES  
COUNCIL OF PRISON LOCALS 33**

**Plaintiffs,**

v.

**KIRAN AHUJA IN HER OFFICIAL  
CAPACITY AS DIRECTOR OF THE  
UNITED STATES OFFICE OF  
PERSONNEL MANAGEMENT;  
MERRICK GARLAND IN HIS  
OFFICIAL CAPACITY AS ATTORNEY  
GENERAL; LLOYD AUSTIN IN HIS  
OFFICIAL CAPACITY AS SECRETARY  
OF DEFENSE; JOSEPH R. BIDEN IN  
HIS OFFICIAL CAPACITY AS  
PRESIDENT OF THE UNITED STATES  
OF AMERICA**

**Defendants.**

**CASE NO. 2:21-cv-05172-HB**

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**MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs respectfully move this Court for an order under Rule 65 of the Federal Rules of Civil Procedure granting a preliminary injunction, with expedited consideration, in their favor against the named Defendants in their official capacities. As explained in the Complaint and attached Memorandum supporting this motion, Defendants have acted without statutory authority, violated the Civil Service Reform Act of 1978, and the Constitution of the United States, by promulgating and implementing an overly broad and illegal vaccine mandate through Executive Order 14043. This motion is made on the grounds specified in the previously filed Complaint, the accompanying Memorandum of Law in support of the issuance of a preliminary injunction,

all matters of which this Court may take judicial notice, and on such other and further oral or documentary evidence as may be presented to the Court at or before the hearing on this motion. Plaintiffs are substantially likely to prevail on the merits of their claims, and preliminary injunctive relief is necessary to avoid imminent and substantial injuries to their rights under the Civil Service Reform Act of 1978. The public interest and balance of harms favor an order compelling Defendants to follow the law by the blocking of the implementation of Executive Order 14043 and its progeny. For these reasons and those explained in the attached memorandum, Plaintiffs respectfully request a preliminary injunction restraining Defendants from implementing and enforcing Executive Order 14043.

Respectfully Submitted,

**VAN DER VEEN, HARTSHORN & LEVIN**

DATE: 1/25/2022

BY: /s/ Bruce L. Castor Jr. \_\_\_\_\_  
Bruce L. Castor, Jr.  
Michael T. van der Veen  
Attorneys for Plaintiffs