

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL TREASURY EMPLOYEES UNION,)	
<u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:05cv00201
)	(RMC)
MICHAEL CHERTOFF, SECRETARY)	
DEPARTMENT OF HOMELAND SECURITY,)	
<u>et al.</u> ,)	
)	
Defendants.)	
)	

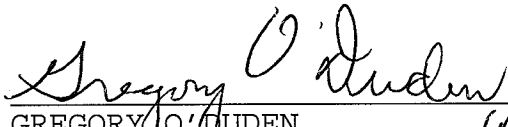
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

The plaintiffs, National Treasury Employees Union, et al. (the "Unions"), submit this motion for a preliminary injunction enjoining the defendants Michael Chertoff, et al. (the "government"), from implementing the regulations promulgated at 5 C.F.R. Part 9701 Subpart E, Subpart G, and any related regulations in Subpart F. The regulations, which establish a new human resources management system for the Department of Homeland Security ("DHS"), are to take effect on August 1, 2005. The Unions seek a preliminary injunction to preserve the status quo while the Court considers the Unions' summary judgment motion and the government's motion to dismiss. Both motions have now been fully briefed.

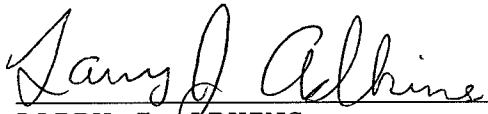
As shown in the previous memoranda filed in support of their motion for summary judgment and in opposition to the

government's motion to dismiss, the Unions have a substantial likelihood of success on the merits of their claims. In addition, as the attached memorandum demonstrates, (1) the Unions and the employees they represent would suffer irreparable harm if the preliminary injunction is not granted; (2) the government would not be harmed by maintaining the status quo, as DHS has been operating under its current personnel system for its entire two-year existence; and (3) the public interest would best be served by preserving the status quo until the validity of the regulations being challenged here can be determined. Accordingly, the plaintiffs respectfully request that the Court grant their motion for a preliminary injunction

Respectfully submitted,

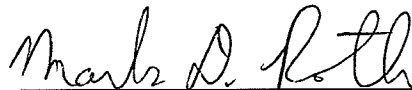

GREGORY O'DUDEN (RMS)
General Counsel


ELAINE KAPLAN (RMS)
Senior Deputy General Counsel



LARRY J. ADKINS (RMS)
Deputy General Counsel


ROBERT H. SHRIVER, III
Assistant Counsel

NATIONAL TREASURY EMPLOYEES UNION
1750 H Street, NW
Washington, DC 20006
Telephone: (202) 572-5500


MARK D. ROTH (RHS)
General Counsel

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, AFL-CIO
80 F Street, NW
Washington, DC 20001
(202) 639-6415


SUSAN TSUI GRUNDMANN (RHS)
General Counsel

NATIONAL FEDERATION OF FEDERAL
EMPLOYEES, FDI, IAMAW, AFL-CIO
1016 16th Street, NW
Washington, DC 20036
(202) 862-4457


KIM MANN (RHS)
General Counsel

NATIONAL ASSOCIATION OF
AGRICULTURE EMPLOYEES
1850 M St. NW, Suite 280
Washington, D.C. 20036
(202) 783-9222


SALLY M. TEDROW
ROBERT MATISOFF
KEITH R. BOLEK

(RMS)

O'Donoghue & O'Donoghue LLP
4748 Wisconsin Avenue, N.W.
Washington, D.C. 20016
(202) 362-0041
Attorneys for the
METAL TRADES DEPARTMENT

Dated: June 21, 2005

Attorneys for Plaintiffs