

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

EASTERN DIVISION

AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL
EMPLOYEES, AFL-CIO *et al.*,

Plaintiffs,

v.

RUSSELL VOUGHT, in his official capacity
as Director of the Office of Management &
Budget, *et al.*,

Defendants.

Case No. 26-cv-2656
Honorable Judge John F. Kness

**PLAINTIFFS' SEPARATE STATEMENT REGARDING THE PROPOSED BRIEFING
SCHEDULE FOR PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND
STAY UNDER 5 U.S.C. § 705**

Plaintiffs American Federation of State, County, and Municipal Employees, AFL-CIO and American Federation of State, County, and Municipal Employees Council 31 (collectively "AFSCME") have filed a motion for preliminary injunction and stay under 5 U.S.C. § 705 (Dkt. No. 17) asking this Court to (1) grant a preliminary injunction enjoining Defendants U.S. Centers for Disease Control and Prevention ("CDC"), the U.S. Department of Health and Human Services ("HHS"), and the Office of Management and Budget ("OMB"), and their officers from implementing an OMB directive that commanded federal agencies to cut, terminate, or otherwise withhold funding to Illinois, California, Colorado, and Minnesota, as well as the CDC's announcement of its plans to terminate numerous public health grants to those states in accordance with that directive; and (2) stay those actions pursuant to 5 U.S.C. § 705.

Pursuant to Judge Kness' motion policy, counsel for Plaintiffs contacted counsel for Defendants (including Pardis Ghelbi, who has entered an appearance in this action, and Michael Velchik and Patrick Johnson, who represent the same Defendants in the related action of *Illinois v. Vought*, No. 26-1566) via email on the morning of March 24, 2026, to confer on a potential briefing schedule for Plaintiffs' motion and on page limitations for the parties' briefs with respect to this motion. Plaintiffs, however, have not received any response from Defendants and were therefore unable to consult with opposing counsel.

Plaintiffs propose the following briefing schedule:

- Defendants' response to Plaintiffs' motion due April 8.
- Plaintiffs' reply due April 15.

Plaintiffs further propose that they be granted leave to file a brief not exceeding 40 pages in length in support of their motion, *see* Dkt. No. 19 (Plaintiffs' Motion for Excess Pages); that Defendants be granted leave to file a brief not exceeding 40 pages in length in opposition; and that Plaintiffs be granted leave to file a reply brief not exceeding 20 pages in length. Good cause supports this motion given the detailed factual background supporting Plaintiffs' claims, the need to address a jurisdictional argument that Plaintiffs anticipate that Defendants will raise, the multiple grounds for relief presented in the motion; and the multiple forms of irreparable harm that Plaintiffs and their members face from Defendants' actions.

As Plaintiffs recounted to Defendants in their email attempting to confer on this matter, it is possible that Plaintiffs will need more expedited relief if Defendants seek emergency relief with respect to the preliminary injunction entered in *Illinois v. Vought*, No. 26-cv-1566 (N.D. Ill.). Plaintiffs propose this schedule on the understanding that Defendants do not intend to do so.

(Plaintiffs asked counsel for Defendants to confirm this understanding, but, as noted above, have not received a response.) Given the severity and the immediacy of the harms that Plaintiffs and their members would face if that injunction were to be lifted, Plaintiffs reserve their right to seek to amend this schedule if Defendants seek emergency relief in *Illinois v. Vought*.

Date: March 25, 2026

/s/ Joel McElvain

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