

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO, and NATIONAL
ASSOCIATION OF GOVERNMENT
EMPLOYEES, INC.,

Plaintiffs,

v.

SCOTT KUPOR, in his official capacity as
Director of the Office of Personnel
Management, OFFICE OF PERSONNEL
MANAGEMENT, and THE UNITED
STATES OF AMERICA,

Defendants.

Case No. 1:25-cv-13305-GAO

[PROPOSED] ORDER GRANTING MOTION FOR STAY UNDER 5 U.S.C. § 705 AND FOR PRELIMINARY INJUNCTION

Upon consideration of Plaintiffs' Motion for a Stay under 5 U.S.C. § 705 and for Preliminary Injunction, the accompanying memorandum and exhibits, any related responses and replies filed, and the imminent irreparable harm to Plaintiffs demonstrated, it is hereby ORDERED as follows:

1. The Merit Hiring Plan and Merit Hiring Plan Guidance, insofar as they direct the inclusion and use of the Loyalty Question in federal civil service hiring, are stayed pursuant to 5 U.S.C. § 705.
2. In order to effectuate the stay and afford Plaintiffs complete relief, Defendant Scott Kupor, Director of the United States Office of Personnel Management ("OPM"), Defendant OPM and its officers, agents, and employees, and other persons who are in active concert or participation with any of them, are enjoined from:
 - a. implementing, requiring, using, or permitting the use of the Loyalty Question in federal civil service hiring, and from using, requiring or permitting the use of, or reliance upon, answers to the Loyalty Question in any manner; or
 - b. implementing, giving effect to, or reinstating the Loyalty Question under a different name.
3. Within 24 hours of entry of this Order, Defendants Kupor and OPM shall provide notice of this Order to all "Heads and Acting Heads of Departments and Agencies" to whom the Merit Hiring Plan is addressed or applies, which notice shall, at minimum, include instructions consistent with this Order, to ensure that implementation and use of the Loyalty Question is discontinued for as long as this Order remains in effect.
4. Within 72 hours, and then weekly thereafter until otherwise ordered by this Court,

OPM shall file a status report with this Court describing all steps OPM has taken to comply with this Order.

5. Plaintiffs shall post a nominal bond of \$100. *See* Fed. R. Civ. P. 65(c).

This ORDER shall apply to the maximum extent provided for by Fed. R. Civ. P. 65(d)(2) and shall persist until further order of this Court.

IT IS SO ORDERED

Dated: _____, 2025

Hon. George A. O'Toole, Jr.
United States District Court Judge

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail.

/s/Warren A. Braunig

Warren A. Braunig