

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

NATIONAL EDUCATIONAL  
ASSOCIATION; *et al.*,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
EDUCATION; *et al.*,

*Defendants.*

Case No. 1:25-cv-00091-LM

**PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER  
ORAL ARGUMENT REQUESTED**

Pursuant to Federal Rule of Civil Procedure 65 and Section 705 of the Administrative Procedure Act, 5 U.S.C. § 705—and for the reasons stated in the accompanying memorandum, declarations, and all pleadings filed—Plaintiffs National Education Association, National Education Association-New Hampshire, and Center for Black Educator Development (collectively, “Plaintiffs”) respectfully move this Court to issue a temporary restraining order enjoining Defendants and their agents, employees, representatives, successors, and any other person acting directly or indirectly in concert with them, from implementing the United States Department of Education (ED)’s April 3, 2025 Certification Requirement and from taking any adverse action on the basis of state and local education agencies’ responses or lack thereof. Plaintiffs respectfully request a decision by **Thursday, April 10, at 4:00 PM ET.**

Plaintiffs request that the temporary restraining order remain in place until the Court renders a decision on Plaintiffs’ Motion for Preliminary Injunction. ECF 34. Given the potential for additional and escalating enforcement efforts evidenced by ED’s issuance of the Certification Requirement, Plaintiffs also respectfully request that the Court expedite its review of their Motion

for Preliminary Injunction, or in the alternative issue a TRO enjoining all enforcement and implementation of the DCL until the Court renders a decision on the Motion for Preliminary Injunction.

Plaintiffs have filed an accompanying memorandum of law and declaration supporting this Motion. Pursuant to Local Rule 7.1(d), Plaintiffs respectfully request oral argument given the importance of the issues presented in this Motion.

Plaintiffs also move this Court for an order waiving the requirement for bond or security.

Dated: April 7, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2025, a true and exact copy of the foregoing was served via email upon Defendants' counsel as follows:

Rob Rabuck, Assistant United States Attorney  
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Dated: April 7, 2025

Respectfully submitted,

/s/ Henry R. Klementowicz

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