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12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 AMERICAN ASSOCIATION OF  
16 UNIVERSITY PROFESSORS, et al.,

17 Plaintiffs,

18 v.

19 DONALD J. TRUMP, in his official capacity as  
20 President of the United States, et al.,

21 Defendants.  
22

Case No. 3:25-cv-07864-RFL

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR PRELIMINARY  
INJUNCTION**

Judge: Hon. Rita F. Lin  
Ctrm: 15, 18th Floor  
Date: December 16, 2025  
Time: 10:00 a.m.

**NOTICE OF MOTION AND MOTION****TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that on December 16, 2025 at 10:00 a.m., or on November 14, 2025 at a time of the Court's choosing pursuant to Plaintiffs' concurrently filed administrative motion to specially set the hearing on this motion, or at the earliest other available time as this matter may be heard before the Honorable Rita Lin, in Courtroom 15 of the United States District Court for the Northern District of California, located at the Phillip Burton Federal Building, 450 Golden Gate Avenue, 18th Floor, San Francisco, California 94102, Plaintiffs American Association of University Professors ("AAUP"); American Federation of State, County, and Municipal Employees, Local 3299 ("AFSCME"); American Federation of Teachers ("AFT"); Berkeley Faculty Association ("BFA"); California Nurses Association/National Nurses United ("CNA/NNU"); Committee of Interns and Residents, Service Employees International Union ("CIR"); Council of UC Faculty Associations ("CUCFA"); Davis Faculty Association ("DFA"); Irvine Faculty Association ("IFA"); Riverside Faculty Association ("RFA"); San Diego Faculty Association ("SDFa"); Santa Cruz Faculty Association ("SCFA"); International Union, United Automobile, Aerospace and Agricultural Implement Workers of America ("UAW"); Teamsters Local 2010; UAW Local 4811 ("Local 4811"); UC Merced Faculty Association ("UCMFA"); UC Santa Barbara Faculty Association ("SBFA"); UCSF Faculty Association ("UCSF FA"); University of California Los Angeles Faculty Association ("UCLA-FA"); University Council–American Federation of Teachers ("UC-AFT"); University Professional and Technical Employees–Communication Workers of America ("UPTE") (collectively, "Plaintiffs") will and hereby do move the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure, Rule 65-1 of the Civil Local Rules, and this Court's authority to "issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights," 5 U.S.C. §705, for a preliminary injunction as follows:

1. Enjoin and/or stay Defendants Donald J. Trump, in his official capacity as President of the United States, U.S. Department of Justice ("DOJ"), Department of Health and Human Services ("HHS"), National Institutes of Health ("NIH"), Centers for Disease Control and Prevention ("CDC"), Food and Drug Administration ("FDA"), Department of Education ("ED"), National Science Foundation

(“NSF”), Department of Energy (“DOE”), Department of Defense (“DOD”), National Aeronautics and Space Administration (“NASA”), U.S. Department of Agriculture (“USDA”), Department of Commerce (“Commerce”), Department of the Interior (“Interior”), Department of State (“State”), and Environmental Protection Agency (“EPA”), and their agency heads or officials named in their official capacities as Defendants in this lawsuit; their officers, agents, servants, employees, and attorneys; and all persons acting by, through, under, or in concert with these Defendants (collectively, “Defendants”), from refusing to grant, non-renewing, withholding, freezing, suspending, terminating, conditioning, or otherwise restricting use of federal funds, or threatening to do so, to the University of California (“UC”), defined to include any of its campuses, laboratories, and affiliated medical centers, based on alleged discrimination on the basis of race, color, national origin, or sex, until after full compliance with all of the required steps, consistent with all procedural and substantive requirements governing the termination of federal financial assistance under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq., and Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., and all procedural and substantive requirements governing the termination of federal financial assistance under the applicable Title VI and Title IX implementing regulations, and all procedural and substantive requirements under the Administrative Procedure Act, 5 U.S.C. §§551-559, 701-706 (“APA”), including but not limited to the following:

- a. Defendants determine that the funding recipient is out of compliance with Title VI or Title IX;
- b. Defendants attempt to achieve the recipient’s voluntary compliance;
- c. Defendants determine that voluntary compliance cannot be achieved;
- d. Defendants provide notice to the UC and to any UC faculty or other UC employees who are named in the grant or contract of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for the action, and of the opportunity for a hearing;
- e. A hearing is conducted on a date not less than 20 days after the date of such notice, in conformity with sections 5 to 8 of the Administrative Procedure Act, at which the funding recipient

1 shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as  
 2 determined by the officer conducting the hearing, and at which interested parties may participate as amici  
 3 curiae;

4 f. The funding recipient and other interested parties are given a reasonable  
 5 opportunity to file briefs or other written statements;

6 g. An impartial trier of fact makes an express finding of noncompliance with Title  
 7 VI or Title IX on the record, identifying the particular program or activity or part thereof found to be in  
 8 noncompliance;

9 h. Defendants file with the committee of the House and the committee of the Senate  
 10 having legislative jurisdiction over the program involved a full written report of the circumstances and  
 11 grounds for such action;

12 i. Defendants wait 30 days after the filing of such committee report; and

13 j. Defendants limit the effect of any funding termination to the particular program,  
 14 or part thereof, in which such noncompliance has been found.

15 2. Enjoin and/or stay Defendants from seeking payments of or imposing penalties or fines  
 16 or any other monies from the UC or any of its campuses or affiliated medical centers in connection with  
 17 any civil rights investigation under Title VI, VII, or IX or violations of Title VI, VII, and IX.

18 3. Enjoin and/or stay Defendants from refusing to grant, non-renewing, withholding,  
 19 freezing, suspending, terminating, conditioning, or otherwise restricting use of federal funds to the UC,  
 20 or threatening to do so, to coerce the UC in violation of the First Amendment or Tenth Amendment.

21 4. Enjoin and/or stay Defendants from conditioning the grant or continuance of federal  
 22 funding on the UC's agreement to any measures that would violate the rights of Plaintiffs or their  
 23 members under the First Amendment or any other federal constitutional provision or statute.

24 5. Vacate and/or stay the "suspensions" (or terminations) of National Science Foundation  
 25 (NSF), National Institutes of Health (NIH), and Department of Energy (DOE) research grants to UCLA  
 26 researchers that took place on or around July 30, 2025, and enjoin Defendants from implementing,  
 27 instituting, maintaining, or giving any force or effect to those "suspension" letters, and vacate, enjoin,  
 28

1 and/or stay any future terminations of federal funding by Defendants meeting the above criteria upon  
2 issuance.

3 6. Require Defendants to produce the following to the Court and to Plaintiffs within 10 days  
4 of the Court's order:

5 a. Any and all findings related to investigation of the UC or any of its campuses or  
6 medical centers under Title VI, VII, or IX since January 20, 2025;

7 b. The August 8 Demand Letter, as identified in the accompanying Memorandum of  
8 Points and Authorities, setting forth conditions under which the purportedly suspended UCLA grant  
9 funds would be restored, and any counter-proposals or further proposals related thereto;

10 c. All communications between the UC and any Defendant or agent of any Defendant  
11 concerning the August 8, 2025 Demand Letter, any proposed terms set forth therein, potential resolution  
12 of the UCLA grant suspensions, or any potential suspension or termination of grants to the UC or any of  
13 its campuses or affiliated medical centers.

14 This Motion is made on the grounds that (1) Plaintiffs are likely to succeed on the merits of their  
15 claims that (a) Defendants' Task Force Policy and Termination Letters, as described in the accompanying  
16 Memorandum of Points and Authorities, violate the First Amendment, the Tenth Amendment, the  
17 Spending Clause, and constitutional separation of powers, and so are ultra vires and contrary to law in  
18 violation of the APA; (b) Defendants' Task Force Policy and Termination Letters violate Title VI of the  
19 Civil Rights Act of 1964, 42 U.S.C. §2000d et seq., and Title IX of the Education Amendments of 1972,  
20 20 U.S.C. §1681 et seq., and so are contrary to law and procedure and exceed statutory authority in  
21 violation of the APA; and (c) Defendants' Task Force Policy and Termination Letters are arbitrary and  
22 capricious in violation of the APA; (2) Plaintiffs and their members will suffer irreparable harm unless  
23 the requested preliminary injunctive relief is granted; (3) the balance of equities weighs in favor of  
24 granting the requested preliminary injunctive relief; and (4) the public interest favors injunctive relief.

25 Plaintiffs' motion is based on this Notice of Motion, the attached Memorandum of Points and  
26 Authorities, the accompanying Declaration of Drew Mammel, the Compendium of Plaintiff and Member  
27 Declarations (comprising 60 declarations), the Declaration of Catherine Lhamon, the proposed order  
28

submitted herewith, the pleadings and records on file with the Court, and any further briefing and arguments of counsel.

Respectfully submitted,

Dated: October 9, 2025

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\* *Pro hac vice application forthcoming*

\*\* *Pro hac vice application pending*