

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, KEN ALEX, NELL
GREEN NYLEN, ROBERT HIRST,
CHRISTINE PHILLIOU, and JEDDA
FOREMAN, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States;
DEPARTMENT OF GOVERNMENT
EFFICIENCY (“DOGE”);
AMY GLEASON, in her official capacity as
Acting Administrator of the Department of
Government Efficiency;
NATIONAL SCIENCE FOUNDATION;
BRIAN STONE, in his official capacity as
Acting Director of the National Science
Foundation;
NATIONAL ENDOWMENT FOR THE
HUMANITIES;
MICHAEL MCDONALD, in his official
capacity as Acting Chairman of the National
Endowment for the Humanities;
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY;
LEE ZELDIN, in his official capacity as
Administrator of the U.S. Environmental
Protection Agency;
UNITED STATES DEPARTMENT OF
AGRICULTURE;
BROOKE ROLLINS, in her official capacity as
Secretary of the U.S. Department of Agriculture;
AMERICORPS (a.k.a. the CORPORATION
FOR NATIONAL AND COMMUNITY

Case No. 3:25-cv-4737

**[PROPOSED] ORDER GRANTING
RULE 23(b)(2) CLASS
CERTIFICATION**

SERVICE);
JENNIFER BASTRESS TAHMASEBI, in her
official capacity as Interim Agency Head of
AmeriCorps;
UNITED STATES DEPARTMENT OF
DEFENSE;
PETE HEGSETH, in his official capacity as
Secretary of the U.S. Department of Defense;
UNITED STATES DEPARTMENT OF
EDUCATION;
LINDA MCMAHON, in her official capacity as
Secretary of the U.S. Department of Education;
UNITED STATES DEPARTMENT OF
ENERGY;
CHRIS WRIGHT, in his official capacity as
Secretary of Energy;
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the U.S. Department of
Health and Human Services;
UNITED STATES CENTERS FOR DISEASE
CONTROL;
MATTHEW BUZZELLI, in his official capacity
as Acting Director of the Centers for Disease
Control;
UNITED STATES FOOD AND DRUG
ADMINISTRATION;
MARTIN A. MAKARY, in his official capacity
as Commissioner of the Food and Drug
Administration;
UNITED STATES NATIONAL INSTITUTES
OF HEALTH;
JAYANTA BHATTACHARYA, in his official
capacity as Director of the National Institutes of
Health;
INSTITUTE OF MUSEUM AND LIBRARY
SERVICES;
KEITH SONDERLING, in his official capacity
as Acting Director of the Institute of Museum
and Library Services;
UNITED STATES DEPARTMENT OF THE
INTERIOR;
DOUG BURGUM, in his official capacity as
Secretary of the Interior;
UNITED STATES DEPARTMENT OF STATE;
MARCO RUBIO, in his official capacity as
Secretary of the U.S. Department of State;
DEPARTMENT OF TRANSPORTATION;
SEAN DUFFY, in his official capacity as
Secretary for the U.S. Department of
Transportation,

Defendants.

[PROPOSED] ORDER GRANTING CLASS CERTIFICATION

Upon consideration of Plaintiffs' Motion for Class Certification, the Court hereby certifies a Rule 23(b)(2) UC Researchers Class:

All University of California researchers, including faculty, staff, academic appointees, and employees across the University of California system ("UC researchers") who are named as principal researchers, investigators, or project leaders on the grant applications for previously awarded research grants that have since been or will be terminated, denied, suspended, or reduced by any of the Defendants pursuant to Executive Orders 14151, 14154, 14158, 14168, 14173, 14217, 14238, and/or 14222, and/or other directives of the Trump administration or DOGE, from and after January 20, 2025.

Excluded from the class are Defendants, the judicial officer(s) assigned to this case, and their respective employees, staffs, and family members.

The Court appoints Plaintiffs Neeta Thakur, Ken Alex, Nell Nylen Green, Robert Hirst, Chritine Philliou, and Jedda Foreman as class representatives, and Elizabeth J. Cabraser, Richard M. Heimann, and Kevin R. Budner of Lieff Cabraser Heimann & Bernstein, LLP; Anthony P. Schoenberg of Farella, Braun + Martel; and Erwin Chemerinsky and Claudia Polsky of Berkeley Law as class counsel for the above-defined UC Researchers Class, pursuant to Fed. R. Civ. P. 23(a)(4) and 23(g).

The Court finds, based on the allegations in the Class Action Complaint, supported and demonstrated by the evidentiary record provided in support of and connection with the Motion for a Temporary Restraining Order, that the requirements of Fed. R. Civ. P. 23(a) (1)–(4) are met, because:

1. the class is so numerous that individual joinder of all members is impracticable;
2. there are questions of law or fact common to the class;
3. the claims of the representative plaintiffs are typical of the claims of the class; and
4. the class representatives will competently and vigorously represent the class on the claims asserted in the Class Action Complaint, and have no interests that conflict with those of the class.

As to the requirements of Fed. R. Civ. P. 23(b)(2), the above-referenced record meets Plaintiffs' burden of proof, for purposes of showing the efficacy of classwide adjudication of

1 common questions, and that Defendants have “acted or refused to act on grounds that apply
2 generally to the class.” Fed. R. Civ. P. 23(b)(2).

3 The Court finds, based on counsels’ submissions and filings, that counsel chosen by
4 Plaintiffs are “qualified, experienced and able to vigorously conduct the proposed litigation.”
5 *Barnes v. Equinox Grp., Inc.*, 2013 WL 1701585, at *2 (N.D. Cal. Apr. 18, 2013) (citation
6 omitted). At the time of certification, the court “must appoint class counsel under Rule 23(g).”
7 Fed. R. Civ. P. 23(c)(1)(B). “Class counsel must fairly and adequately represent the interests of
8 the class.” Fed. R. Civ. P. 23(g)(4). “In appointing class counsel, the court...must consider (i) the
9 work counsel has done in identifying or investigating potential claims in the action; (ii) counsel’s
10 experience in handling class actions, other complex litigation, and the types of claims asserted in
11 the action; (iii) counsel’s knowledge of the applicable law; and (iv) the resources that counsel will
12 commit to representing the class.” Fed. R. Civ. P. 23(g)(1)(A).

13 Based on counsel’s submissions and filings, the Court finds these Rule 23(g) factors
14 support appointment of proposed class counsel. These counsel have conducted factual
15 investigations leading to this lawsuit, have engaged in class action litigation or other complex
16 federal litigation involving federal statutory claims and federal Constitutional issues, have
17 demonstrated knowledge of the applicable law, and possess and will devote their time and
18 resources to represent the class.

19 This order “may be altered or amended before final judgment.” Fed. R. Civ. P.
20 23(c)(1)(C).

21 **IT IS SO ORDERED.**

22 June __, 2025

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The Honorable Rita F. Lin
24 UNITED STATES DISTRICT JUDGE
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