

NFFE News



Government Request for Expedited Appeal Denied

October 26, 2018

On Thursday, October 18, 2018, a three-judge panel of the U.S. Court of Appeals for the District of Columbia denied the Trump Administration's request to expedite its appeal of the union victory against anti-employee executive orders issued by President Trump in May 2018.

Justice Department attorneys argued they needed to expedite the traditional appeal timeline because District Judge Ketanji Brown Jackson's decision "disabled [President Trump], with respect to the enjoined provisions from exercising his authority under the Constitution and statute to superintend the executive branch." NFFE responded there is no good cause for the government to skip ahead of other cases that are waiting to be heard by the court.



Circuit Judges Judith Rogers, Sri Srinivasan, and Robert Wilkins sided with NFFE and the other Plaintiff Unions in the case.

Circuit Judges Judith Rogers, Sri Srinivasan, and Robert Wilkins sided with NFFE and the other Plaintiff Unions in the case, stating in their order, "[The Government has] not articulated 'strong compelling' reasons why 'delay will cause irreparable injury and that the decision under review is subject to substantial challenge,' or why 'the public generally, or... persons not before the court, have an unusual interest in prompt disposition.'" The order also stated that "Nor do appellants' conclusory assertions of "good cause" establish that the appeal should be expedited.

"We believe the Judges made the right decision in denying the Government's request to cut to the front of the line with the briefing schedule," stated Suzanne Summerlin, NFFE Associate General Counsel. "This is an important matter, and it appears the Court is interested in being fully briefed and informed on this appeal before making its decision," she added.

NFFE is awaiting the final briefing schedule from the court which will provide the general timeline of the case. It is expected early November 2018.

www.NFFE.org