

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, AFL-CIO,

ASSOCIATION OF ADMINISTRATIVE LAW
JUDGES, INTERNATIONAL FEDERATION OF
PROFESSIONAL AND TECHNICAL ENGINEERS
JUDICIAL COUNCIL 1, AFL-CIO,

VANESSA BARROW, GEORGE JONES, DEBORAH
TOUSSANT, and DOES 1–100,

Plaintiffs,

v.

U.S. OFFICE OF PERSONNEL MANAGEMENT, an
agency of the United States,

CHARLES EZELL, in his official capacity as Acting
Director of the Office of Personnel Management,

U.S. DOGE SERVICE f/k/a U.S. DIGITAL SERVICE,

ACTING U.S. DOGE ADMINISTRATOR,

U.S. DOGE TEMPORARY SERVICE a/k/a the
“DEPARTMENT OF GOVERNMENT EFFICIENCY,”
and

ELON MUSK, in his capacity as director of the U.S.
DOGE TEMPORARY SERVICE,

Defendants.

Case No. 1:25-cv-01237

**DECLARATION OF EVERETT KELLEY IN SUPPORT OF PLAINTIFFS’ MOTION
FOR TEMPORARY RESTRAINING ORDER**

I, Everett Kelley, declare as follows:

1. I am over 18 years of age and competent to give this declaration. This declaration is based on my personal knowledge, information, and belief.

2. I am the National President of the American Federation of Government Employees, AFL-CIO (AFGE), a labor organization and unincorporated association that represents approximately 800,000 federal civilian employees through its affiliated councils and locals in every state in the United States. AFGE members include nurses, border patrol agents, correctional officers, scientists, health care workers, civilian employees in the Department of Defense, employees of the Social Security Administration, and more.

3. AFGE advocates on behalf of its members and seeks to promote dignity, safety, and fairness for government employees.

4. AFGE has members who are current and former federal employees who work or previously worked in a wide variety of positions, in every state and the District of Columbia, including this judicial district. AFGE has members who, by nature of their current or former employment with the federal government, have highly sensitive personal and employment information stored by the U.S. Office of Personnel Management.

5. AFGE is a named Plaintiff in this action. The statements made in this declaration are based on my personal knowledge, materials I have reviewed, and information available to me.

6. I am a retired federal employee, having served 34 years with the Department of Defense.

7. I certify that the publicly reported facts in the Complaint are true to the best of my knowledge and belief.

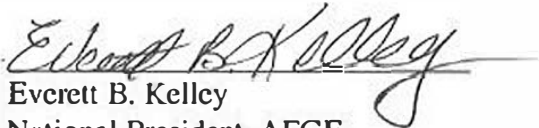
8. As a retired federal employee, the Office of Personnel Management maintains my employment records and the records of AFGE members.

9. My fundamental right to privacy, and that of many AFGE members, was violated when OPM disclosed my records to DOGE without my consent.

10. I fear DOGE's access has made OPM's systems that maintain my records, and those of many AFGE members, less secure and created a security risk for me and other AFGE members.

11. I fear DOGE could use improperly disclosed records to retaliate against me and other AFGE members because the Trump administration has repeatedly threatened to fire government employees they view as disloyal.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 14 2025.


Everett B. Kelley
National President, AFGE
80 F. Street, NW
Washington, DC 20001

CERTIFICATE OF SERVICE

Counsel for Plaintiffs certify that they have sent—through Defendants’ counsel Christopher Hall at the U.S. Department of Justice Federal Programs Branch —notice of this motion.

Plaintiffs’ counsel will immediately send electronically copies of the filing to Defendants’ counsel and will serve subsequent registered participants electronically and paper copies will be sent to any non-registered participants.

Dated: February 14, 2025

/s/ Rhett O. Millsaps II
Rhett O. Millsaps II