

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

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, AFL-CIO, *et al.*,

Plaintiffs,

v.

U.S. OFFICE OF PERSONNEL MANAGEMENT,
et al.,

Defendants.

Case No. 1:25-cv-01237-DLC

**DECLARATION OF VICTORIA J. NOBLE IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Victoria J. Noble, declare as follow:

1. I am a staff attorney at the Electronic Frontier Foundation in San Francisco, California, and am licensed to practice law in the State of New York and the Southern District of New York. I am counsel for Plaintiffs in the above-captioned action. I have personal knowledge of the information stated here, and if called to do so, could and would testify competently as follows:

2. Attached hereto as **EXHIBIT A** is a true and correct copy of Defendants' Objections and Responses to Plaintiffs' Requests for Expedited Discovery, filed in *AFL-CIO v. U.S. Dep't of Labor*, No. 1:25-cv-00339, ECF No. 73-2 (D.D.C. Mar. 29, 2025), which was downloaded from PACER via PacerPro¹ on April 21, 2025.

3. Attached hereto as **EXHIBIT B** is a true and correct copy of the Declaration of

¹ PacerPro is a publicly available tool that retrieves federal court dockets and filings from the PACER system. *PacerPro*, "About Us," <https://www.pacerpro.com/about-us/> (accessed Apr. 23, 2025).

Elisabeth Feleke, *Brehm v. Marocco*, No. 1:25-cv-00660, ECF No. 7-3 (D.D.C. Mar. 6, 2025), which was downloaded from PACER via PacerPro on April 21, 2025.

4. Attached hereto as **EXHIBIT C** is a true and correct copy of the Declaration of Daniel Katz, *New York v. Trump*, No.1:25-cv-01144, ECF No. 98-1 (S.D.N.Y. Mar. 5, 2025), *sub nom. State of New York v. U.S. Dep't of the Treasury*, which was downloaded from PACER via PacerPro on April 21, 2025.

5. Attached hereto as **EXHIBIT D** is a true and correct copy of the Declaration of John W. Leslie, Jr., *Brehm v. Marocco*, No. 1:25-cv-00660, ECF No. 7-4 (D.D.C. Mar. 6, 2025), which was downloaded from PACER via PacerPro on April 21, 2025.

6. Attached hereto as **EXHIBIT E** is a true and correct copy of pages bates stamped USDA000106-107 and USDA000113 of the United States Department of Agriculture Administrative Record, filed in *Sustainability Institute et al v. Trump*, 2:25-cv-02152, ECF No. 67-2, (D.S.C. Apr. 17, 2025), which was downloaded from PACER via PacerPro on April 21, 2025. To avoid an unnecessarily voluminous filing, Exhibit E contains only the pages of the document cited in Plaintiffs' Brief.

7. Attached hereto as **EXHIBIT F** is a true and correct copy of Defendants' Report in Support of Anticipated Motion to Partially Dissolve the Preliminary Injunction, filed in *State of New York v. Trump*, No. 1:25-cv-01144, ECF No. 98 (S.D.N.Y. Mar. 5, 2025), which was downloaded from PACER via PacerPro on April 21, 2025.

8. Attached hereto as **EXHIBIT G** is a true and correct copy of an article titled "Musk's DOGE Teen Was Fired by Cybersecurity Firm for Leaking Company Secrets," published by *Bloomberg* on February 7, 2025, which was downloaded from <https://www.bloomberg.com/news/articles/2025-02-07/musk-s-doge-teen-was-fired-by->

cybersecurity-firm-for-leaking-company-secrets on April 21, 2025.

9. Attached hereto as **EXHIBIT H** is a true and correct copy of an article titled “Musk’s DOGE Agents Access Sensitive Personnel Data, Alarming Security Officials,” published by *The Washington Post* on February 6, 2025, which was downloaded from <https://www.washingtonpost.com/national-security/2025/02/06/elon-musk-doge-access-personnel-data-opm-security/> on April 23, 2025.

10. Attached hereto as **EXHIBIT I** is a true and correct copy of the U.S. Office of Personnel Management’s Privacy Impact Assessment for the Electronic Official Personnel Folder System dated April 5, 2025, which was downloaded from <https://www.opm.gov/information-management/privacy-policy/privacy-policy/eopf-pia.pdf> on April 23, 2025.

11. Attached hereto as **EXHIBIT J** is a true and correct copy of the U.S. Office of Personnel Management’s Privacy Impact Assessment for the Enterprise Human Resources Integration Data Warehouse dated July 11, 2019, which was downloaded from <https://www.opm.gov/information-management/privacy-policy/privacy-policy/ehridw.pdf> on April 23, 2025.

12. Attached hereto as **EXHIBIT K** is a true and correct copy of the U.S. Office of Personnel Management’s Privacy Impact Assessment for USA Performance dated May 13, 2020, which was downloaded from <https://www.opm.gov/information-management/privacy-policy/privacy-policy/usap-pia.pdf> on April 23, 2025.

13. Attached hereto as **EXHIBIT L** is a true and correct copy of the U.S. Office of Personnel Management’s Privacy Impact Assessment for USA Staffing dated July 28, 2021, which was downloaded from <https://www.fhfa.gov/sites/default/files/2023->

12/OPM%20USA%20Staffing_pia.pdf on April 23, 2025.

14. Attached hereto as **EXHIBIT M** is a true and correct copy of the Letter from Rep. Gerald Connolly and Rep. Shontel Brown to Charles Ezell dated Feb. 4, 2025, which was downloaded from <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/evo-media-document/2025.02.04.%20GEC%20and%20Brown%20to%20OPM-Ezell-%20DOGE%20Emails.pdf> on April 23, 2025.

15. Attached hereto as **EXHIBIT N** is a true and correct copy of an article titled “Musk Associates Given Unfettered Access to Private Data of Government Employees,” published by *Musk Watch* on February 3, 2025, which was downloaded from <https://www.muskwatch.com/p/musk-associates-given-unfettered> on April 24, 2025.

16. Attached hereto as **EXHIBIT O** is a true and correct copy of the of Declaration of Daniel J. Berulis dated April 14, 2025, Attached as Exhibit A to Protected Whistleblower Disclosure sent to Sen. Tom Cotton, Sen. Mark Warner, and the U.S. Office of Special Counsel, which was downloaded from https://whistlebloweraid.org/wp-content/uploads/2025/04/2025_0414_Berulis-Disclosure-with-Exhibits.s.pdf on April 23, 2025. To avoid an unnecessarily voluminous filing, a second exhibit to the whistleblower disclosure is not included in Exhibit O.

17. Attached hereto as **EXHIBIT P** is a true and correct copy of the Letter from U.S.D.S. employees to White House Chief of Staff Susan Wiles dated February 25, 2025, which was downloaded from <https://www.politico.com/f/?id=00000195-3e8d-d4a2-afbf-fffd5d810000> on April 23, 2025.

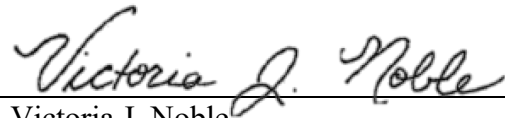
18. Attached hereto as **EXHIBIT Q** is a true and correct copy of the Declaration of

Joseph Gioeli III, filed in *State of N.Y. v. Trump*, No. 1:25-cv-01144, ECF No. 34 (S.D.N.Y. Feb. 11, 2025), which was downloaded from PACER via PacerPro on April 23, 2025.

19. Attached hereto as **EXHIBIT R** is a true and correct copy of the Supplemental Declaration of David Ambrose, filed in *State of N.Y. v. Trump*, No. 1:25-cv-01144, ECF No. 116-1 (S.D.N.Y. Mar. 14, 2025), which was downloaded from PACER via PacerPro on April 23, 2025.

I declare under the penalty of perjury under 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed on this 25th day of April, 2025 in San Francisco, California.


Victoria J. Noble