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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS; SAN FRANCISCO LABOR COUNCIL; SAN FRANCISCO BUILDING AND CONSTRUCTION TRADES COUNCIL; and CENTRAL LABOR COUNCIL OF ALAMEDA COUNTY, Plaintiffs, v. MICHAEL CHERTOFF, Secretary of Homeland Security; DEPARTMENT OF HOMELAND SECURITY; JULIE MYERS, Assistant Secretary of Homeland Security; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; MICHAEL ASTRUE, Commissioner of Social Security; and SOCIAL SECURITY ADMINISTRATION, Defendants.	Case No. _____ **[~~PROPOSED~~] TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION**

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Plaintiffs' application for (i) a Temporary Restraining Order, and (ii) an Order to Show Cause why a preliminary injunction should not issue came before this Court for consideration on August 31, 2007. Upon consideration of the application, and for good cause shown,

IT IS HEREBY ORDERED as follows:

Temporary Restraining Order

The Court finds that Plaintiffs have raised serious questions as to whether ~~demonstrated a likelihood of success on the merits of their claims that~~ the new Department of Homeland Security rule is inconsistent with statute and beyond the statutory authority of the Department of Homeland Security and the Social Security Administration. The Court also finds that Plaintiffs have demonstrated that the balance of harms tips sharply in favor of a stay based on ~~because~~ Plaintiffs, showing that they and their members would suffer irreparable harm if the rule is implemented while Defendants would suffer significantly less ~~no real~~ harm from a delay in the implementation of the rule pending consideration of Plaintiffs' claims.

Accordingly, IT IS HEREBY ORDERED that, pending a hearing in whether a preliminary injunction should issue, Defendants MICHAEL CHERTOFF, Secretary of Homeland Security; DEPARTMENT OF HOMELAND SECURITY; JULIE MYERS, Assistant Secretary of Homeland Security; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; MICHAEL ASTRUE, Commissioner of Social Security; and SOCIAL SECURITY ADMINISTRATION, and their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them, are HEREBY ENJOINED AND RESTRAINED from giving any effect to or otherwise taking any action to implement the Final Rule adopted by the Department of Homeland Security entitled "Safe-Harbor Procedures for Employers Who Receive a No-Match Letter" that was published at 77 Fed. Reg. 45611 (Aug. 15, 2007), including by mailing or otherwise causing to be sent to employers the Social Security Administration no-match letter packets that include the Department of Homeland Security guidance letter concerning the Final Rule.

Order to Show Cause

Defendants are ordered to show cause before this Court why a preliminary injunction should not issue enjoining Defendants from giving effect to or otherwise taking any action to enforce or implement the Final Rule adopted by the Department of Homeland Security entitled "Safe-Harbor

Procedures for Employers Who Receive a No-Match Letter" that was published at 77 Fed. Reg. 45611 (Aug. 15, 2007).

The hearing on the order to show cause will be held on October 1, 2007, at 2:30 p.m. Plaintiff's motion for preliminary injunction shall be filed and served by September 11, 2007. Defendants' opposition papers shall be filed and served on September 18, 2007, and Plaintiffs' reply papers shall be filed and served on September 25, 2007.

SO ORDERED.

Dated: 8/31/07

United States District Judge