

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KATHLEEN A. BREEN, et al.,)
)
 Plaintiffs,)
)
 v.) C.A. No. 05-00654 (RWR)
)
 NORMAN Y. MINETA)
 SECRETARY OF TRANSPORTATION)
 DEPARTMENT OF TRANSPORTATION, et al.,)
)
 Defendants.)
 _____)

**ORDER GRANTING PLAINTIFFS'
APPLICATION FOR PRELIMINARY INJUNCTION**

UPON CONSIDERATION of Plaintiffs' Application for Preliminary Injunction and accompanying Memorandum, Defendants' Response thereto, and the full record, the Court hereby finds:

That the 834 Plaintiffs, all of whom are 40 years of age or older, are Flight Service Air Traffic Control Specialists employed by the Federal Aviation Administration ("FAA") in its 58 Automated Flight Service Stations in the continental United States, Hawaii, and Puerto Rico;

That Defendants are terminating Plaintiffs' federal employment and related benefits through a mass Reduction-In-Force ("RIF") scheduled to occur on October 3, 2005, as part of a contract between the FAA and the Lockheed Martin Corporation, which was initiated by FAA Screening Information Request No.

DFTFAAWAACA-76-001 (May 03, 2004) and announced on February 1, 2005 ("AFSS outsourcing");

That Plaintiffs have demonstrated that they will likely succeed on the merits of their disparate treatment and disparate impact claims that Defendants' mass RIF and job eliminations violates the Age Discrimination in Employment Act of 1967 ("ADEA"), as amended, 29 U.S.C. § 621, 633a et seq.;

That Plaintiffs will be adversely impacted and irreparably injured by Defendants' actions, and more specifically the forthcoming October 3, 2005 mass RIF, unless the Court enters an injunction to enjoin Defendants from terminating Plaintiffs' employment under the AFSS outsourcing;

That no other party will be substantially harmed if the Court grants an injunction to preliminarily halt the mass RIF and AFSS Outsourcing until this case is decided on its merits;

That the public interest, and more particularly the public's strong interest in the effective enforcement of the ADEA and the elimination of discrimination, supports the granting of a preliminary injunction to prevent Defendants' mass RIF and AFSS Outsourcing; and it is hereby this ____ day of _____, 2005, **ORDERED:**

That Plaintiffs' Application for Preliminary Injunction is **GRANTED**; and that Defendants, and any other person or entity acting in concert with either or both of them, are hereby enjoined from:

1. Initiating or enforcing the proposed October 3, 2005 Reduction-In-Force, any other RIF actions, or any other similar adverse employment actions against Plaintiffs or any other Flight Service Air Traffic Control Specialists employed by the FAA in its Automated Flight Service Stations, as a part of the FAA's implementation of the AFSS outsourcing.
2. Terminating Plaintiffs' federal employment or the federal employment of any other Flight Service Air Traffic Control Specialists employed by the FAA in its Automated Flight Service Stations, as a part of the FAA's implementation of the AFSS outsourcing.
3. Altering or adjusting Plaintiffs' federal benefits, including any and all retirement plans and insurance programs, or the benefits of any other Flight Service Air Traffic Control Specialists employed by the FAA in its Automated Flight Service Stations, as a part of the FAA's implementation of the AFSS outsourcing.

4. Ending or suspending the operations of any of the FAA's 61 current Automated Flight Service Stations as a part of any effort by the FAA to consolidate those facilities.
5. Terminating or violating any provision of the Collective Bargaining Agreement entered into between the FAA and the National Association of Air Traffic Specialists.
6. Taking any other actions to implement the terms of the FAA's AFSS outsourcing contract with Lockheed Martin Corporation without first providing 30-days written notice to Plaintiffs' counsel and this Court.

This **ORDER** is effective upon Plaintiffs' posting of security in the amount of _____, DOLLARS (\$_____) and shall remain in effect until a final hearing shall be completed and the Court adjudicates and decides Plaintiffs' Complaint.

RICHARD W. ROBERTS
UNITED STATES DISTRICT COURT JUDGE

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