UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMON CAUSE, ROBERT HUNTER, SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 32BJ, and EMPIRE STATE 32BJ SEIU PAC,

Plaintiffs,

-against-

DEPARTMENT OF HOMELAND SECURITY; MARKWAYNE MULLIN, *Secretary of the Department of Homeland Security, in his official capacity*; OFFICE OF MANAGEMENT AND BUDGET; RUSSELL VOUGHT, *Director of the Office of Management and Budget, in his official capacity*; EXECUTIVE OFFICE OF THE PRESIDENT; and SUSIE WILES, *White House Chief of Staff, in her official capacity*,

Defendants.

Case No. 1:26-cv-08882 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

Plaintiffs Common Cause, Robert Hunter ("Hunter"), Service Employees International Union Local 32BJ ("SEIU 32BJ"), and Empire State 32BJ SEIU PAC ("Empire PAC") (collectively, "Plaintiffs") bring this action against Defendants Department of Homeland Security ("DHS"), Markwayne Mullin, Office of Management and Budget ("OMB"), Russell Vought, Executive Office of the President ("EOP"), and Susie Wiles (collectively "Defendants"). *See* Dkts. 1, 90. Plaintiffs challenge the alleged use of federal appropriations of taxpayer funds to finance a television and social media advertisement campaign featuring President Donald Trump in the weeks before the November 2026 midterm elections, contending that the expenditures, among other things, exceed the purposes authorized by Congress and violate restrictions on publicity and propaganda. *See id.*

The Court entered a temporary restraining order on October 11, 2026, Dkts. 41-42, which has been extended on consent of the parties until November 20, 2026, Dkt. 80. Now before the Court is a motion filed by Plaintiffs Hunter, SEIU 32BJ, and Empire PAC (the "Moving Plaintiffs") on the evening of October 23, 2026, to expand the parameters of the existing temporary restraining order. Dkts. 81-83. Defendants opposed the motion on October 27, 2026. Dkt. 86. On October 29, 2026, the Moving Plaintiffs replied, Dkt. 95. On October 30, 2026, the Court held a hearing to address the motion.

For the reasons stated in the bench decision delivered on the record at the hearing on October 30, 2026, the Court finds that the Moving Plaintiffs have demonstrated a clear and substantial likelihood of success on the merits of their *ultra vires* claim against the Defendants with respect to at least three of the challenged advertisements and have presented a strong showing of irreparable harm in the absence of an injunction. The balance of the equities tips in their favor, and an injunction serves the public interest. Therefore, the Court GRANTS in part and DENIES in part the Moving Plaintiffs' motion, and IT IS HEREBY:

ORDERED that Defendants are enjoined from disseminating advertisements entitled "$5,000 to Americans," "Every Democrat Voted Against No Tax on Tips," and "Cost of Socialism"; and it is further

ORDERED that Defendants shall immediately remove the aforementioned three advertisements from official government websites, including social media sites such as YouTube, Instagram, or other similar sites; and it is further

ORDERED that Defendants shall cancel or cause to be cancelled any slots, placements, reservations, or arrangements for the airing or dissemination of the three aforementioned advertisements through authorized third parties, including airing of the advertisements by MAGA Inc.;

It is further **ORDERED** that Defendants shall promptly serve a copy of this Order on MAGA Inc.;

It is further **ORDERED** that Defendants will file a status report within 24 hours of the entry of this Temporary Restraining Order, confirming compliance with this Order; and

It is further **ORDERED** that this Order shall remain in effect until 14 days from today, subject to an extension by this Court.

The Court is entering this Order at 3:20 p.m. and the Clerk of Court is respectfully requested to close the motion at Dkt. 81.

Dated: October 30, 2026
New York, New York

SO ORDERED.

Jennifer Rochon

JENNIFER L. ROCHON
United States District Judge