

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN FEDERATION OF)
GOVERNMENT EMPLOYEES,)
AFL-CIO, *et al.*,)
)
Plaintiffs,)
)
v.) Civ. No. 05-2183 (EGS)
)
)
DONALD H. RUMSFELD,)
SECRETARY, UNITED STATES)
DEPARTMENT OF DEFENSE, *et al.*,)
)
Defendants.)
)
)

ORDER

For the reasons discussed in the accompanying Memorandum Opinion, the Court concludes that: (1) defendants satisfied their statutory obligation to collaborate with plaintiffs; (2) defendants lawfully departed from chapter 71 in establishing a labor relations system; (3) the new rule fails to ensure that employees can bargain collectively; (4) the NSLRB does not meet Congress' requirement for "independent third party review" of labor relations decisions; and (5) the process for appealing adverse actions fails to provide employees with "fair treatment," as required by Congress. Therefore, it is hereby

ORDERED that plaintiffs' Motion for Summary Judgment is **GRANTED IN PART AND DENIED IN PART**; and it is

FURTHER ORDERED that defendant's Motion to Dismiss is

GRANTED IN PART AND DENIED IN PART; and it is

FURTHER ORDERED that the defendants are permanently enjoined from implementing Subparts G and H of 5 C.F.R. § 9901; and it is

FURTHER ORDERED that Subpart I of 5 C.F.R. § 9901 is permanently enjoined, unless and until this Court approves any proposed order submitted by defendants that selectively enjoins Subpart I in a manner consistent with this Court's Memorandum Opinion.

SO ORDERED.

Signed: Emmet G. Sullivan
United States District Judge
February 27, 2006