EFILE

U.S. District Court
District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:25-cv-01907-VDO

National Council of Prison Locals, American Federation of Government Employees et al v. Federal Bureau of Prisons et al
Assigned to: Judge Vernon D. Oliver
Cause: 28:1346 Breach of Contract

Date Filed: 11/13/2025
Jury Demand: None
Nature of Suit: 899 Other Statutes: Administrative Procedures Act/Review or Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

National Council of Prison Locals, American Federation of Government Employees

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Defendant

William K. Marshall, III
in his official capacity as Director of Federal Bureau of Prisons

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Date Filed	#	Docket Text
10/02/2026	74	NOTICE OF COMPLIANCE WITH PRETRIAL ORDER by Federal Bureau of Prisons, William K. Marshall, III re 72 Order on Motion for Preliminary Injunction (Attachments: # 1 Exhibit 1 - Wilbur Declaration)(Meskill, J. Brian) (Entered: 10/02/2026)
10/06/2026	75	MOTION for Contempt (Responses due by 10/27/2026,), MOTION to Expedite by CPL-33, AFGE Local 1661, AFL-CIO, National Council of Prison Locals, American Federation of Government Employees. (Attachments: # 1 Memorandum in Support, # 2 Exhibit 1 Declaration of Brandy White, # 3 Exhibit 2 Declaration of Andrew Cole, # 4 Exhibit 3 Declaration of Steven Osborn, # 5 Exhibit 4 Declaration of Matthew Mason, # 6 Exhibit 5 Declaration of TaRhonda Rolfe, # 7 Exhibit 6 Email)(Jacobson, Daniel) (Entered: 10/06/2026)
10/07/2026	76	ORDER re 75 Motion for Contempt. The Government shall respond to the motion by **tomorrow, October 8, 2026, at 11:00 AM**. In light of the Government's 74 Notice of Compliance and stated intention to comply with this Court's order, the Government's response shall include detailed information on the efforts taken by the Bureau of Prisons ("BOP") and Director Marshall to reinstate the collective bargaining agreement ("CBA"). The Court will hold an in-person hearing concerning the motion for contempt and the Government's compliance with the Court's order granting preliminary injunction on **Tuesday, October 13, 2026, at 4:00 PM**. A separate scheduling order shall issue. The parties are directed to meet and confer in advance of the hearing, and file a joint status report by **Friday, October 9, 2026, at 11:00 AM**, concerning: (1) the result of the parties' efforts to meet and confer; (2) the parties' respective positions in advance of the hearing; and (3) any developments on the Government's compliance in reinstating the CBA. Signed by Judge Vernon D. Oliver on 10/7/2026.(SF) (Entered: 10/07/2026)
10/07/2026	77	NOTICE OF E-FILED CALENDAR re: 75 MOTION for Contempt and MOTION to Expedite. THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Hearing on Motion for Contempt and the Government's Compliance with the Court's Order Granting Preliminary Injunction set for 10/13/2026 at 04:00 PM in Courtroom Three, 450 Main St., Hartford, CT before Judge Vernon D. Oliver. Set Deadlines as to 75 MOTION for Contempt and MOTION to Expedite: Responses due by 10/8/2026 by 11:00 am. (nk) (Entered: 10/07/2026)
10/07/2026		Set Deadlines: Status Report due by 10/9/2026 by 11:00 am. (nk) (Entered: 10/07/2026)

10/07/2026	78	NOTICE by CPL-33, AFGE Local 1661, AFL-CIO, National Council of Prison Locals, American Federation of Government Employees re 75 MOTION for Contempt MOTION to Expedite (Jacobson, Daniel) (Entered: 10/07/2026)
10/08/2026	79	RESPONSE re 75 MOTION for Contempt MOTION to Expedite *(Opposition)* filed by Federal Bureau of Prisons, William K. Marshall, III. (Attachments: # 1 Exhibit 1 - Hemingway Declaration, # 2 Hemingway Declaration - Ex. A, # 3 Hemingway Declaration - Ex. B)(Meskill, J. Brian) (Entered: 10/08/2026)
10/09/2026	80	Joint NOTICE by CPL-33, AFGE Local 1661, AFL-CIO, National Council of Prison Locals, American Federation of Government Employees (Eisenberg, Lynn) (Entered: 10/09/2026)
10/09/2026	81	NOTICE of Appearance by Tyler J. Becker on behalf of Federal Bureau of Prisons, William K. Marshall, III (Becker, Tyler) (Entered: 10/09/2026)
10/13/2026	82	Minute Entry. Proceedings held before Judge Vernon D. Oliver: Motion Hearing held on 10/13/2026 and taking under advisement 75 Motion for Contempt and Motion to Expedite filed by National Council of Prison Locals, American Federation of Government Employees, CPL-33, AFGE Local 1661, AFL-CIO. Total Time: 1 hours and 2 minutes (Court Reporter Corinne Thomas) (nk) (Entered: 10/14/2026)
10/16/2026	83	TRANSCRIPT of Proceedings: Type of Hearing: Motion Hearing. Held on 10/13/2026 before Judge Vernon D. Oliver. Court Reporter: Corinne Thomas. **IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:** To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 11/6/2026. Redacted Transcript Deadline set for 11/16/2026. Release of Transcript Restriction set for 1/14/2027. (ct) (Entered: 10/16/2026)
10/16/2026	84	ORDER **granting in part and denying in part** 75 Motion for Contempt for the reasons stated in the attached memorandum. Signed by Judge Vernon D. Oliver on 10/16/2026. (SF) (Entered: 10/16/2026)
10/20/2026	85	Emergency MOTION for Clarification 72 Order on Motion for Preliminary Injunction *or, alternatively, for modification or dissolution of Preliminary Injunction* by Federal Bureau of Prisons, William K. Marshall, III. (Attachments: # 1 Memorandum in Support)(Meskill, J. Brian) (Entered: 10/20/2026)
10/21/2026	86	RESPONSE re 85 Emergency MOTION for Clarification 72 Order on Motion for Preliminary Injunction *or, alternatively, for modification or dissolution of Preliminary Injunction Opposition to Request for Expedition* filed by CPL-33, AFGE Local 1661, AFL-CIO, National Council of Prison Locals, American Federation of Government Employees. (Jacobson, Daniel) (Entered: 10/21/2026)
10/21/2026	87	ORDER. The Court is in receipt of Defendants' emergency motion for clarification or,

		alternatively, for modification or dissolution of Preliminary Injunction (ECF No. 85). Defendants request an expedited briefing schedule pursuant to Local Civil Rule 7(a)(6). The Court is also in receipt of Plaintiff's opposition to Defendants' request for expedited briefing (ECF No. 86). For the reasons set forth below, the Court **grants in part** and **denies in part** the request for expedited briefing. Under Local Civil Rule 7(a)(6), "[a] party may request expedited consideration by the Court of a motion by designating the motion as one seeking 'emergency' relief and demonstrating good cause in the motion." The Court finds good cause to schedule expedited briefing on the question of whether the Court's September 29, 2026, Preliminary Injunction Memorandum & Order "permits re-termination of the collective bargaining agreement... on the basis of a fresh agency decision and explanation." (ECF No. 85 at 1). Defendants have good cause to ensure that they are fully compliant with this Court's orders, while they simultaneously attempt to follow executive orders in a timely manner. Accordingly, on an expedited basis, the Court will *only* consider arguments regarding clarification of the Court's September 29, 2026, Preliminary Injunction Memorandum & Order (ECF No. 72) and whether it allows for re-termination of the collective bargaining agreement under new agency action and proper procedural mechanisms. *See* ECF 84 at 10 (contrasting "a properly filed motion by Defendants" with unilateral action). But the Court will not consider arguments regarding modification or dissolution of the Preliminary Injunction on an expedited basis. In contrast to Defendants' motion for clarification, which "is not intended to alter or change a court's order, but merely to resolve alleged ambiguities in that order," *Metcalf v. Yale Univ.*, No. 15-CV-1696 (VAB), 2019 WL 1767411, at *2 (D. Conn. Jan. 4, 2019), Defendants' alternative request to modify or dissolve the Preliminary Injunction would, of course, alter an order of this Court. There is not good cause to consider such a motion on an expedited basis. Defendants point to "complexities" they face in light of the Court's Preliminary Injunction, including an impaired ability to effectuate an executive order. ECF No. 85-1 at 2. But there is nothing unique about this circumstance to set it apart from complexities encountered by most other litigants faced with a preliminary injunction. While the Court is willing to consider clarification of its Order on an expedited basis to facilitate timely compliance, the Court will not consider modification or dissolution of its Order on an expedited basis. Plaintiff shall accordingly file any response to Defendants' motion for clarification by **October 27, 2026**. Any reply from Defendants is due by **October 30, 2026**. As for the request to modify or dissolve the preliminary injunction, briefing will proceed pursuant to the Local Rules if or when Defendants file a new motion. The Court will schedule arguments in person or virtually, with an order to follow. Signed by Judge Vernon D. Oliver on 10/21/2026.(WF) (Entered: 10/21/2026)
10/21/2026	88	ORDER. By **October 28, 2026**, Defendants shall file a notice of compliance that outlines Defendants' steps taken to comply with the collective bargaining agreement ("CBA") since the Court's October 16, 2026, Order (ECF No. 84) and further outlines Defendants' intended next steps to comply with the CBA. Signed by Judge Vernon D. Oliver on 10/21/2026.(WF) (Entered: 10/21/2026)
10/21/2026		Set Deadlines: Responses to 85 Emergency MOTION for Clarification due by

		10/27/2026, and reply is due 10/30/2026; Notice of Compliance due by 10/28/2026. (nk) (Entered: 10/22/2026)
10/27/2026	89	Memorandum in Opposition *to Motion for Clarification* re 85 Emergency MOTION for Clarification 72 Order on Motion for Preliminary Injunction *or, alternatively, for modification or dissolution of Preliminary Injunction* filed by CPL-33, AFGE Local 1661, AFL-CIO, National Council of Prison Locals, American Federation of Government Employees. (Jacobson, Daniel) (Entered: 10/27/2026)
10/28/2026	90	Second NOTICE OF COMPLIANCE WITH PRETRIAL ORDER by Federal Bureau of Prisons, William K. Marshall, III re 72 Order on Motion for Preliminary Injunction, 88 Order, 84 Order on Motion for Contempt, Order on Motion to Expedite (Attachments: # 1 Attachment 1 - Second Supp. Hemingway Decl,)(Meskill, J. Brian) (Entered: 10/28/2026)
10/28/2026	91	MOTION for Leave to File *a Supplemental Complaint* by CPL-33, AFGE Local 1661, AFL-CIO, National Council of Prison Locals, American Federation of Government Employees. (Attachments: # 1 Supplement)(Eisenberg, Lynn) (Entered: 10/28/2026)
10/29/2026	92	ORDER. Defendants shall respond to Plaintiffs' motion for leave to file a supplemental complaint, ECF No. 91, by **November 12, 2026**. Any reply is due by **November 19, 2026**. Signed by Judge Vernon D. Oliver on 10/29/2026.(WF) (Entered: 10/29/2026)
10/29/2026		Set Deadlines as to 91 MOTION for Leave to File a Supplemental Complaint. Responses due by 11/12/2026; replies due 11/19/2026. (nk) (Entered: 10/30/2026)
10/30/2026	93	REPLY to Response to 85 Emergency MOTION for Clarification 72 Order on Motion for Preliminary Injunction *or, alternatively, for modification or dissolution of Preliminary Injunction* filed by Federal Bureau of Prisons, William K. Marshall, III. (Meskill, J. Brian) (Entered: 10/30/2026)
11/10/2026	94	MOTION for Clarification 87 Order,,,,,,,,,,,,, by CPL-33, AFGE Local 1661, AFL-CIO, National Council of Prison Locals, American Federation of Government Employees. (Jacobson, Daniel) (Entered: 11/10/2026)
11/10/2026	95	ORDER terminating 85 Motion for Clarification; finding as moot 94 Motion for Clarification. On an expedited basis, Defendants move for clarification of whether this Court's September 29, 2026, Preliminary Injunction Memorandum & Order, ECF No. 72, ("PI Order") "permits re-termination of the collective bargaining agreement [("CBA")] between the [Federal Bureau of Prisons ("BOP")] and National Council of Prison Locals, American Federation of Government Employees, on the basis of a fresh agency decision and explanation." ECF No. 85 at 1. The Court granted Defendants' motion for expedited briefing on this issue on October 21, 2026. ECF No. 87. A motion for clarification is intended "to resolve alleged ambiguities in that order." *Metcalf v. Yale Univ.*, No. 3:15-cv-1696 (VAB), 2019 WL 1767411 at *2 (D. Conn. Jan. 4, 2019). In granting the injunction, the Court was required to "grant relief no broader than necessary to cure the effects of the harm." *Forschner Grp., Inc. v. Arrow Trading Co. Inc.*, 124 F.3d 402, 406 (2d Cir. 1997). And that is what the Court did here. The Court's PI Order indeed made clear that it did "not concern the validity of [Executive Order]

		14,251." ECF No. 72 at 2. Instead, the Court's decision to grant the preliminary injunction was based on the facts alleged in this case--BOP Director Marshall's statements that Plaintiffs' union was not the "kind of union" he supports and the "whole purpose of ending this contract" was because the "union [was] an obstacle to progress"--and whether termination on those bases violated the Administrative Procedure Act ("APA"). *See id*. at 1-2. In other words, the Court did not suggest that the CBA could never be dissolved prior to its end-date. The Court's PI Order was instead based on the narrow facts before it. There could be alternative bases to dissolve the CBA that are sufficient under the APA. But this does not likewise mean that Defendants can ignore Court orders, take unilateral action, or otherwise purport to dissolve the CBA without a proper motion to the Court and without dissolving the PI Order. "[T]he law is clear that 'a party may not challenge a court's order by violating it' -- instead, 'he must move to vacate or modify the order, or seek relief in the Court of Appeals.'" *United States v. Donziger*, No. 11 CIV. 691, 2020 WL 2216556, at *9 (S.D.N.Y. May 7, 2020) (quoting *United States v. Cutler*, 58 F.3d 825, 832 (2d Cir. 1995)). Indeed, this was an issue recently before this Court: Defendants' re-termination of the CBA was void "because Defendants unilaterally terminated the CBA without first moving the Court to modify the PI Order." ECF No. 84 at 10. The Court then continued: "The CBA shall remain in effect until either the expiration of the agreed upon term of the agreement on May 28, 2029, or until the Court grants a properly filed motion by Defendants to dissolve or clarify the PI Order to permit re-termination." *Id*.; *see also* ECF No. 87 (noting "proper procedural mechanisms"). This Court's PI Order "permits re-termination of the [CBA]... on the basis of a fresh agency decision and explanation" under the APA--but only upon the Court's consideration and granting of "a properly filed motion" to dissolve or modify the Order. ECF No. 85; ECF No. 84. The Court understands Defendants to have moved to dissolve the PI Order as part of their "Emergency Motion." ECF No. 85. But Defendants did not demonstrate good cause for expedited consideration of such a motion to dissolve a Court Order at that time. See ECF No. 87; *Metcalf*, 2019 WL 1767411, at *2. Defendants are free to again move the Court to modify or dissolve the PI Order--via proper procedural mechanisms, on the basis of new agency action--on a non-expedited basis. Finally, because this Court only granted expedited briefing on Defendants' motion to clarify the PI Order, ECF No. 87 ("the Court will not consider modification or dissolution of its Order on an expedited basis"), and the Court has now again stated that Defendants can move to modify or dissolve the PI Order in a *new* motion, Plaintiffs' motion for clarification 94 is moot. Signed by Judge Vernon D. Oliver on 11/10/2026. (WF) (Entered: 11/10/2026)
11/12/2026	96	RESPONSE re 91 MOTION for Leave to File *a Supplemental Complaint* filed by Federal Bureau of Prisons, William K. Marshall, III. (Meskill, J. Brian) (Entered: 11/12/2026)
11/17/2026	97	Emergency MOTION for Modification or to Dissolve Preliminary Injunction Order by Federal Bureau of Prisons, William K. Marshall, III. (Attachments: # 1 Memorandum in Support, # 2 Exhibit 1 - Marshall Declaration, # 3 Marshall Declaration Attachment (Proposed new termination decision))(Meskill, J. Brian) (Entered: 11/17/2026)
11/18/2026	98	ORDER. Under Local Rule 7(a)(6), Defendants, the Federal Bureau of Prisons ("BOP")

and William K. Marshall III, in his official capacity as Director of the BOP, submitted an Emergency Motion for Modification or Dissolution of this Court's September 29, 2026, Preliminary Injunction Order ("PI Order"). ECF No. 97. Defendants represent that if this Court does not adjudicate the merits of Defendants' motion for modification or dissolution by November 27, 2026, they will be forced to appeal the Court's PI Order. ECF No. 97 at 1-2. For the reasons that follow, Defendants have not demonstrated the requisite good cause under Local Rule 7(a)(6) to warrant this Court's expedited consideration of their motion.

Local Rule 7(a)(6) provides that "[a] party may request expedited consideration by the Court of a motion by designating the motion as one seeking 'emergency' relief and demonstrating good cause in the motion." Defendants stylize their motion as an "emergency," but Defendants have failed to demonstrate good cause for expedited consideration. In essence, Defendants suggest that good cause exists for expedited consideration because their deadline to appeal this Court's "PI Order falls on November 28, 2026." ECF No. 97 at 1. "[A]bsent modification or dissolution of the preliminary injunction before that point," Defendants observe, "this Court will lack jurisdiction to modify or dissolve the preliminary injunction absent a remand from the Second Circuit." *Id*. Defendants are certainly free to exercise their appellate rights--but the imminence of an appeal deadline is not sufficient cause to warrant expedited consideration of a motion to dissolve an Order that will otherwise be appealed. The Court should not--and will not--rush briefing, argument, and disposition simply because Defendants represent that they will otherwise appeal an Order of this Court.

Moreover, this Court has already made clear--in response to Defendants' previous emergency motion--that it will not consider a motion to modify or dissolve the PI Order on an expedited basis. This Court's October 21, 2026, Order, ECF No. 87, stated: "[T]he Court will not consider arguments regarding modification or dissolution of the Preliminary Injunction on an expedited basis." And the Court again stated on November 11, 2026, ECF No. 95, that "Defendants are free to again move the Court to modify or dissolve the PI Order," but only "on a non-expedited basis."

Defendants' most recent "Emergency Motion" to modify or dissolve the PI Order, ECF No. 97, is therefore effectively a motion for reconsideration of their previous "Emergency Motion" to modify or dissolve the PI Order, ECF No. 85. Local Rule 7(c)(1), however, provides that "[m]otions for reconsideration shall not be routinely filed and shall satisfy the strict standard applicable to such motions. Such motions will generally be denied unless the movant can point to controlling decisions or data that the court overlooked in the initial decision or order," and they "shall be accompanied by a memorandum setting forth concisely the controlling decisions or data the movant believes the Court overlooked." Here, Defendants set forth no controlling decisions or data that the Court overlooked in its previous Order that declined to consider a motion to modify or dissolve the PI Order on an expedited basis. Instead, Defendants only point to the impending appeal deadline.

Rather than considering Defendant's motion for modification or dissolution of the PI Order on an expedited basis, the Court will consider the motion subject to the standard briefing schedule provided by the Local Rules. Plaintiffs shall respond to Defendants' motion to modify or dissolve the PI Order by **December 8, 2026**. Any reply by Defendants is due by **December 22, 2026**. If Defendants do indeed appeal the PI Order, this briefing schedule will be stayed during the pendency of the appeal.

		Signed by Judge Vernon D. Oliver on 11/18/2026. (WF) (Entered: 11/18/2026)
11/18/2026		Set Deadlines as to 97 Emergency MOTION for Modification or to Dissolve Preliminary Injunction Order. Responses due by 12/8/2026 (nk) (Entered: 11/19/2026)
11/19/2026	99	REPLY to Response to 91 MOTION for Leave to File *a Supplemental Complaint* filed by CPL-33, AFGE Local 1661, AFL-CIO, National Council of Prison Locals, American Federation of Government Employees. (Rosen-Shaud, Brian) (Entered: 11/19/2026)