## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

## AMERICAN MASSAGE THERAPY ASSOCIATION,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION and MIGUEL CARDONA,

Case Number: 1:24-cv-01670

Defendants.

## **MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65(a) and Local Rule of Civil Procedure 65.1(c), plaintiff American Massage Therapy Association ("Plaintiff"), through its undersigned counsel, respectfully moves for a preliminary injunction pending a final order on the merits, to enjoin implementation of the U.S. Department of Education's change to the regulation codified at 34 C.F.R. § 668.14(b)(26), found at 88 Fed. Reg. 74,568-710 (Oct. 31, 2023) ("Final Rule"), which is set to take effect on July 1, 2024. Plaintiff has separately filed a complaint challenging the Final Rule as arbitrary and capricious and because it was promulgated without observance of procedure required by law in violation of the Administrative Procedure Act, 5 U.S.C. §§ 550 *et seq.* ("APA").

A preliminary injunction is warranted because (1) Plaintiff is likely to prevail on the merits of its APA claim; (2) absent an injunction, Plaintiff's member schools will suffer irreparable harm; (3) the balance of equities tips in favor of Plaintiff; and (4) the injunction is in the interest of the public. The grounds for this motion are more fully set forth in Plaintiff's memorandum of points and authorities, supporting declarations, and exhibits filed simultaneously herewith, all of which are incorporated herein in their entirety. Furthermore, pursuant to Local Rule 65.1(d), Plaintiff requests that the Court schedule a hearing on this application for a preliminary injunction within 21 days and that it issue a decision, whether written or from the bench (or as a brief minute order), at or before 11:59p EDT on June 30, 2024, before the Final Rule is set to take effect. To the extent the Court wishes to take the matters raised herein under advisement past June 30, 2024, Plaintiff requests a brief stay of the Final Rule while this motion is pending before the Court for the same reasons supporting its motion for preliminary injunction.

Dated: June 7, 2024

Respectfully Submitted,

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