

# **Former Federal Employees Sue Trump Administration for First Amendment Violations and Discrimination**

*Class action complaint alleges unlawful targeting of employees associated with Diversity, Equity, and Inclusion work*

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WASHINGTON – A group of former federal employees today filed a class action lawsuit in federal court challenging the Trump administration for unlawfully firing employees who the administration claimed were involved with Diversity, Equity, and Inclusion (DEI) work.

Today's complaint charges that the firings were "intended to punish perceived political enemies, as well as to eliminate from the federal workforce people of color, women, non-binary employees, and those, like Plaintiffs, who advocated for or were perceived as advocating for protected racial or gender groups." These actions violate federal employees' rights under the First Amendment, Title VII of the Civil Rights Act, and the Civil Service Reform Act.

Plaintiffs Stephanie Fell, Stephanie Gilliard, L.L. Smith, and Mahri Stainnak are former federal employees who were unlawfully fired from the federal government based on President Trump's Executive Orders 14151 and 14173. These orders terminated all government activities related to DEI and mandated that federal agencies compile lists of the government's DEI activities in existence as of November 4, 2024.

On March 26, Stainnak filed the first class-action complaint before the Merit Systems Protection Board (MSPB). Each plaintiff also filed charges of discrimination with U.S. Equal Employment Opportunity (EEO) offices, but both the MSPB and EEO offices have failed to resolve the claims. The plaintiffs have now gone to court to challenge this unlawful targeting of federal employees.

The plaintiffs claim that the Trump administration's goal was to punish employees the administration associated with an idea that President Trump linked to his political opponents. President Trump ordered agencies to compile lists of DEI programs and activities that existed as of November 4, 2024 – before Trump took office. The complaint explains how the administration even targeted workers who were not engaged in DEI work when they were fired. Retaliating against federal employees for their perceived political views violates the First Amendment.

The lawsuit also alleges that the administration violated employment protections under Title VII of the Civil Rights Act because the orders disproportionately impacted and/or targeted 1) federal workers who are Black, women, non-binary, and people of color; and 2) employees who the administration perceived as advocating for legally protected racial and gender groups.

The complaint further details violations of the Civil Service Reform Act, which Congress passed in 1978 to ensure that federal employees were hired and retained based on merit and the mission of each federal agency, not political allegiance or discrimination.

On behalf of themselves and the proposed class of targeted federal workers, plaintiffs are asking the court to order reinstatement and to make them whole for the wages they have lost and other damages they have experienced. The lawsuit was brought by the ACLU of the District of Columbia (ACLU-D.C.); Lieff Cabraser Heimann & Bernstein, LLP; and Kalijarvi, Chuzi, Newman & Fitch PC.

“I have dedicated decades of my life to the health of everyone in our communities. To have my livelihood ripped away from me in a political purge has been as surreal as it has been devastating,” said **L.L. Smith, one of the plaintiffs and a former employee at the National Institutes of Health**. “I hope the court will allow me and all my dedicated colleagues to get back to work supporting the American people. It's time to turn the page on this divisive chapter in American history.”

“The president cannot fire dedicated civil servants simply because of who they are or what the Trump administration thinks they believe,” said **Scott Michelman, legal director at the ACLU-D.C.** “These mass terminations show that the president's true motive was to purge anyone he perceived as a political enemy from government service. In America, the First Amendment protects federal employees, and all of us, from politically motivated power grabs.”

“This case seeks to vindicate rights that Americans hold dear, to not be mistreated by their employers based on perceptions about employees' political beliefs or targeted for termination because the employees belong to racial or gender groups the employers disfavor,” said **Kelly Dermody, Civil Rights and Social Justice Practice Chair at Lieff, Cabraser, Heimann &**

**Bernstein.** "I am very proud of our brave clients who have stood up to this government overreach."

"One of the core principles of our civil service system is that, when the government downsizes the workforce, it may do so only by cutting positions not by targeting people," said **Mary Kurtz, partner at Kalijarvi, Chuzi, Newman & Fitch.** "President Trump's purge violated that basic statutory directive and so ran afoul of the Civil Service Reform Act as well as the Constitution."

Today's complaint in *Fell v. Trump* may be found here: [lieffcabraser.com/pdf/DEI-Compl-As-Filed.pdf](http://lieffcabraser.com/pdf/DEI-Compl-As-Filed.pdf).

#### **Information about Plaintiffs' Counsel:**

**Lieff Cabraser Heimann & Bernstein, LLP** is one of the country's largest and most successful firms exclusively representing plaintiffs in civil litigation, having secured verdicts or settlements worth over \$127 billion for clients nationwide. With 125 attorneys, the firm has led some of the most significant litigation of the last decade, including the VW clean diesel emissions case, which resulted in over \$15 billion for VW owners (*In re: Volkswagen 'Clean Diesel' Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 (Northern District of California federal court)); and the high-tech cold-calling wage conspiracy case alleging an agreement among prominent technology companies to not poach each other's employees which resulted in settlements totaling \$435 million (*In re: High-Tech Employee Antitrust Litigation*, 11-cv-2509-LJK (Northern District of California federal court)).

**The American Civil Liberties Union of the District of Columbia ("ACLU-D.C.")** is a nonprofit, nonpartisan organization with more than 10,000 members and supporters. Throughout its over 60 year history, the ACLU-D.C. has advocated for the constitutional rights of people who live in, work in, or visit the nation's capital. Because of the numerous federal employees in the Washington, D.C., region, the civil rights and liberties of federal employee rights is a key issue for the ACLU-D.C., which has long fought to protect federal employees from being silenced or punished for their personal speech, subjected to unlawful discrimination, or denied due process of law (among other rights).

**Kalijarvi, Chuzi, Newman & Fitch, P.C.** has represented employees nationwide in employment, security-clearance, civil rights, federal employment, and whistleblower matters for more than 50 years. KCNF's attorneys are committed to protecting the rights of employees in the workplace and have dedicated their careers to doing so. For more information, visit [www.kcnfdc.com](http://www.kcnfdc.com).