

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GWYNNE A. WILCOX,

Plaintiff,

v.

DONALD J. TRUMP, *in his official capacity
as President of the United States*

and

MARVIN E. KAPLAN, *in his official
capacity as Chairman of the National Labor
Relations Board,*

Defendants.

Civil Action No. 25-cv-334

Judge Beryl A. Howell

ORDER

Upon consideration of plaintiff's motion for summary judgment, ECF No. 10, defendants' cross motion for summary judgment, ECF No. 23, the legal memoranda in support and in opposition, and the entire record herein, for the reasons set forth in the accompanying Memorandum Opinion, it is hereby--

ORDERED that plaintiff's motion for summary judgment, ECF No. 10, is **GRANTED**; it is further

ORDERED that defendants' motion for summary judgment, ECF No. 23, is **DENIED**; it is further

DECLARED that the termination of plaintiff Gwynne A. Wilcox was unlawful, in violation of the National Labor Relations Act, 29 U.S.C. § 153(a), and therefore null and void; it is further

DECLARED that plaintiff Gwynne A. Wilcox remains a member of the National Labor Relations Board (“NLRB”), having been appointed by the President and confirmed by the Senate to a five-year term on September 6, 2023, and she may be removed by the President prior to expiration of her term only “upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause,” pursuant to 29 U.S.C. § 153(a); it is further

ORDERED that plaintiff shall continue to serve as a member of the NLRB until her term expires pursuant to 29 U.S.C. § 153(a), unless she is earlier removed “upon notice and hearing, for neglect of duty or malfeasance in office,” *id.*; it is further

ORDERED that defendant Mark Kaplan, as well as his subordinates, agents, and employees, are **ENJOINED**, during plaintiff’s term as a member of the NLRB, from removing plaintiff from her office without cause or in any way treating plaintiff as having been removed from office, from impeding in any way her ability to fulfill her duties as a member of the NLRB, and from denying or obstructing her authority or access to any benefits or resources of her office; it is further

ORDERED that defendant Mark Kaplan and his subordinates, agents, and employees provide plaintiff with access to the necessary government facilities and equipment so that she may carry out her duties during her term as a member of the NLRB; and it is further

ORDERED that the Clerk of the Court is directed to close this case.

SO ORDERED.

Date: March 6, 2025

This is a final and appealable order.

BERYL A. HOWELL
United States District Judge