

SCOTUS Limits Courts' Power to Issue Broad Injunctions, Raising More Questions than Answers for Employers Nationwide

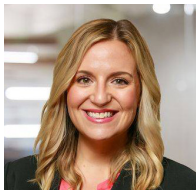
A Practical Guidance® Article by Amanda E. Brown, J. Randall Coffey, Samantha J. Monsees, and Jeffrey Shapiro, Fisher & Phillips LLP



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In a decision sure to have reverberations for employment law for years to come, the Supreme Court just significantly limited the ability of federal district court judges to issue nationwide injunctions—now coined “universal” injunctions—that have been used to block actions taken by either the White House or federal regulatory agencies. These injunctions have come under increasing fire over the past decade as they frequently stalled workplace-related policies for both Republican and Democrat administrations. Today’s 6-3 ruling has broad implications, especially for multi-state employers who’ve been caught in the crossfire of sweeping federal policies halted (or enforced) through coast-to-coast injunctions. Here’s what you need to know—and the questions that remain.

Decision in a Nutshell

- Today’s ruling arises from three nationwide injunctions issued by federal district court judges blocking one of the Trump administration’s executive orders on birthright citizenship.
- The administration asked SCOTUS to rule that lower courts do not have the right to block White House and federal agency actions on a national (or universal) basis.
- In today’s landmark ruling, the Court generally agreed, **holding that district courts cannot issue injunctions that are broader than necessary to provide complete relief with respect to each plaintiff that has standing to sue.**
- SCOTUS explained that federal district courts “lack the authority” to issue universal injunctions because “Congress has granted federal courts no such power” but are limited to resolving the cases and controversies before them.

- Those supporting the right for courts to issue universal injunctions argued that they are needed as the **only practical way** to quickly protect groups from unlawful government action. They also argued that, without them, we'll see **confusion and piecemeal litigation** across the country.
- But SCOTUS said these policy arguments are “beside the point” – federal courts are only there to resolve cases and controversies consistent with the authority Congress has given them, it said.

What Should Employers Expect?

While lower courts will likely test the limits of their curtailed authority over the next few years, they will generally be limited to providing injunctive relief **only** to the parties before them in that particular case.

- **Pendulum will swing.** While some observers may initially be pleased that courts will now be limited in their ability to block executive and regulatory actions, remember that administrations inevitably change and these same observers may wish they still had the national injunction tool in hand to fight back against rules they disagree with in the future.
- **More litigation.** Unless an individual is part of a class action, it appears that a similarly situated individual will need to file an individual suit to obtain relief via an injunction. This could lead to a flood of new lawsuits seeking individualized relief filed in district courts across the country.
- **Class actions may also increase.** Since district courts will be limited to injunctive relief that applies to the parties to the lawsuit before the court, there will likely be an increase in class actions where injunctive relief is sought as an alternative way to achieve broader injunctive relief.
- **Questions regarding third party standing.** States and organizations whose membership consists of a large number of individuals will seek injunctive relief applicable to their citizens/members, raising questions of third party standing.
- **Regulatory enforcement will likely vary by federal circuit.** Employers operating nationally will face a patchwork of legal obligations, with courts in some jurisdictions enforcing a rule that courts in other jurisdictions have blocked. We'll likely see different compliance zones appear across the country. This may prove to be a logistical nightmare for employers seeking clarity as to what the law requires and striving for consistency across their organization.

- **Litigation timelines will get longer.** Challenges to sweeping federal rules could play out across multiple lawsuits, across several different federal circuits, and years, slowing down resolution and further complicating compliance efforts and planning.
- **Policy swings may accelerate.** With limited ability to use universal injunctions to stop or pause rule changes, executive agencies may have more freedom to implement sweeping changes – even as legal challenges unfold.

Unanswered Questions

But this glimpse into the future raises more questions than answers:

- Imagine a scenario where a group of 20 state attorneys general who oppose a White House order run to a federal court and obtain an injunction blocking the rule from taking effect. Will that rule remain in effect for the remaining 30 states but be blocked in the other 20?
- Or imagine a scenario where an industry association representing 1,000 businesses wins an injunction blocking a federal regulation. Will those 1,000 businesses be exempt from the reach of the rule while all other businesses across the country remain subject to it? Will this lead to multiple suits being filed on the exact same issue even in the same jurisdiction?

Why Should Employers Care?

Both the White House and the federal agencies under its control have issued a slew of executive orders and regulations that impact the workplace, including the Equal Employment Opportunity Commission (EEOC), the Department of Labor (USDOL), the National Labor Relations Board (NLRB), and more. But opponents to these actions have frequently run to federal courts to obtain universal injunctions to block them, often on the eve of the effective date.

Here's a look at just some of the major employment-related rules and actions impacted by nationwide injunctions in recent years:

- [Overtime Rule 1.0 \(2016\)](#). A Texas district court blocked the Obama-era rule that would have doubled the salary threshold for white-collar overtime exemptions.
- [EEO-1 Component 2 Pay Data Reporting \(2019\)](#). A federal court ordered the Trump EEOC to reinstate expanded EEO-1 reporting requirements, including employee pay data by race and gender.

- **Public Charge Rule (2019–2021).** Several courts stopped the Trump administration's immigration changes that would have made it harder for foreign nationals to obtain work visas and green cards.
- **[Joint Employer Standards \(2020\)](#).** Nationwide orders vacated Trump-era changes to the USDOL's joint employer rule, reintroducing uncertainty for franchise and staffing businesses.
- **Union Election Rules (2020–2022).** Federal courts temporarily blocked the Trump administration's rules that streamlined union elections, preserving more union-friendly Obama-era procedures.
- **[COVID-19 Vaccine Mandates \(2021\)](#).** Federal courts blocked the Biden administration's OSHA emergency temporary standard (ETS) that aimed to require vaccination or testing for large employers.
- **[Overtime Rule 2.0 \(2024\)](#).** Legal challengers paused the Biden USDOL from implementing the full spectrum of updated salary thresholds for exempt workers under the FLSA.
- **[Title IX Regulations \(2025\)](#).** Recent nationwide injunctions have wiped away Biden-era rules and affected the interpretation of gender identity protections by educational institutions and employers that receive federal funding.
- **[EEOC Gender Identity Guidance \(2025\)](#).** A federal judge in Texas scrapped Biden-era EEOC enforcement guidance requiring bathroom, dress, and pronoun accommodations.
- **[Reproductive Healthcare Privacy Protections \(2025\)](#).** One month later, that same judge tossed out Biden-era HIPAA privacy requirements banning the use or disclosure of protected health information for certain activities, such as criminal proceedings, against individuals for seeking, obtaining, providing, or facilitating lawful reproductive healthcare.

No longer will opponents to such actions have such an easy path to block the White House and federal agencies from these orders and rules.

How Did We Do With Our Predictions?

Our author team had a mixed bag of results with [their predictions about the case outcome](#):

- **Jeff Shapiro** correctly predicted a 6-3 ruling limiting the ability to obtain nationwide relief. **Randy Coffey** got the outcome correct, but predicted a 7-2 margin.
- Both **Samantha Monsees** and **Amanda Brown** didn't think the Court would go this far, each predicting a 6-3 ruling upholding the use of nationwide injunctions.

Conclusion

We will continue to monitor developments that impact your workplace and provide updates when warranted. If you have any questions about these developments or how they may affect your business, please contact your Fisher Phillips attorney or the authors of this Insight. Visit our [New Administration Resource Center for Employers](#) to review all our thought leadership and practical resources, and make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information.

Related Content

Resource Kits

- [Trump Transition Resource Kit](#)

Trackers

- [Legal Challenges to 2025 Presidential Executive Orders and Actions Tracker](#)

Case Law

- Trump v. Casa, Inc., No. 24A884, 2025 U.S. LEXIS 2501 (June 27, 2025).

Amanda E. Brown, Partner, Fisher & Phillips LLP

Amanda Brown represents businesses nationwide in disputes involving federal and state employment laws including claims of discrimination, retaliation, wrongful discharge, violations of leave law, violations of wage and hour law, whistleblower allegations, and restrictive covenants.

Amanda's trial and arbitration experience includes defending class and collective actions; litigating restrictive covenant claims, including seeking and opposing injunctive relief; systemic investigations and litigation brought by the Equal Employment Opportunity Commission (EEOC); arguing before courts of appeals; and successfully moving for pretrial dismissal.

Amanda also conducts sensitive internal investigations, often involving executives, and helps clients navigate high-stakes claims of workplace misconduct, minimizing the impact on the workplace.

Amanda's counseling practice helps clients proactively identify issues to avert litigation. Amanda advises clients on the recent developments in employment law, employee discipline, accommodations, and leaves of absence, pay equity, wage and hour audits, and reductions in force.

In all matters, Amanda seeks solutions that are best given her clients' unique situations and objectives.

J. Randall Coffey, Partner, Fisher & Phillips LLP

Randy Coffey is a partner in the firm's Kansas City office. He devotes his practice to the representation of management in labor and employment matters, defending employers in state and federal courts throughout the United States.

Randy has litigated numerous multi-plaintiff and class-action cases alleging discrimination and wage and hour violations, as well as cases brought by individual plaintiffs. He has tried over 30 cases. Randy also provides representation before state and federal administrative agencies, including the Equal Employment Opportunity Commission (EEOC), the National Labor Relations Board (NLRB), and the Occupational Safety and Health Administration (OSHA).

His experience also includes traditional labor representation, such as labor arbitrations, NLRB proceedings, and union avoidance efforts. He routinely consults with and counsels clients concerning employment-related matters ranging from application of the Family and Medical Leave Act (FMLA) to the discharge of employees.

Randy is a former co-chair of the ABA's Equal Employment Opportunity Committee, and has served on panel presentations and attended numerous meetings with the leaders of the EEOC, the Department of Labor, and the Department of Justice. Randy has been directly involved with EEOC Chairs, Commissioners, General Counsels, and HQ staff (as well as field staff) in regard to various policy and investigatory matters for over 20 years. In addition, Randy regularly interacts with top government officials at the Department of Labor and the Department of Justice, including the Solicitor of Labor, the Administrator of the Wage and Hour Division, and DOJ officials in the Civil Rights Division.

After graduating from law school, Randy served as a Law Clerk to the Honorable Pasco M. Bowman on the United States Court of Appeals for the Eighth Circuit. He is "AV" Peer Review Rated by Martindale-Hubbell, he is listed in Chambers USA, America's Leading Business Lawyers and in The Best Lawyers in America, including being named as Lawyer of the Year for Labor and Employment Litigation in 2016 and 2018.

In 2010 Randy was inducted as a Fellow into The College of Labor and Employment Lawyers. Election as a Fellow is the highest recognition by an attorney's colleagues of sustained outstanding performance in the profession, exemplifying integrity, dedication, and excellence.

Randy currently serves as a Council Member for the ABA's Labor and Employment Law Section. He also is a member of the Advisory Board for the American Employment Law Council.

Samantha J. Monsees, Partner, Fisher & Phillips LLP

Samantha Monsees is a partner in the firm's Kansas City office with an active litigation practice in state and federal courts. Samantha defends employers across multiple industries, including hospitality, manufacturing, construction and automotive dealers in claims arising from all aspects of the employment relationship. She is admitted in Iowa, Kansas and Missouri. As the former Vice President of Legal and Operations at a marketing technology company, she keenly appreciates her clients' needs and the importance of prompt, efficient legal advice in enabling them to keep their businesses running smoothly.

Samantha litigates wage and hour claims under the Fair Labor Standards Act (FLSA), the Missouri Minimum Wage Law and the Kansas Wage Payment Act. She also represents management in trade secret and restrictive covenant matters, and defends harassment, discrimination, retaliation and wrongful termination claims brought under state or federal law such as the Family and Medical Leave Act (FMLA), Fair Credit Reporting Act (FCRA), Americans with Disabilities Act (ADA), Title VII and the Missouri Human Rights Act. She represents employers before state and local administrative agencies including the Equal Employment Opportunity Commission (EEOC), Occupational Safety and Health Administration (OSHA), Missouri Commission on Human Rights (MCHR), Iowa Civil Rights Commission (ICRC), Kansas Human Rights Commission (KHRC), Department of Labor (DOL), National Labor Relations Board (NLRB), Office of Administrative Law Judges (OALJ), Occupational Safety and Health Review Commission (OSHRC), and the Administrative Review Board (ARB). Samantha has experience negotiating collective bargaining agreements in both the private and public sector. Samantha regularly provides advice and counsel to employers on day-to-day compliance issues and litigation avoidance, assists with regulatory audits and administrative complaints, facilitates internal investigations, conducts management training, and drafts employer policies and procedures that are tailored to clients' needs.

Additionally, as a member of the Firm's Workplace Safety Practice Group, Samantha regularly assists clients with related issues, including OSHA inspections arising from amputations and fatalities, contesting OSHA citations, and OSHRC litigation. She represents employers during OSHA inspections and investigations, defends OSH Act 11(c) whistleblower and retaliation claims, and provides OSHA compliance advice to clients.

Samantha keeps up to date on legislative and regulatory changes affecting employers, frequently authors legal alerts for the firm, and is often interviewed by local and national publications on developments in employment law.

During the COVID-19 pandemic, Samantha was an active member of the firm's COVID-19 Taskforce, COVID-19 Vaccine Subcommittee and its SBA Loan Team and advised employers on the ever-evolving local, state and federal COVID-19 legislation and guidance, including how to handle COVID-19 outbreaks in the workplace, implementing vaccine and masking programs, vaccine incentive policies, and return to the office and hybrid policies, all while avoiding legal liability.

Jeffrey Shapiro, Partner, Fisher & Phillips LLP

Jeff brings a deep understanding of the law with a steadfast commitment to helping employers mitigate risk while at the time same fostering safe, diverse and inclusive workforces. He has a demonstrated track record of success over more than 25 years, both in-house and in private practice, counseling and defending employers on a wide range of labor, employment and safety matters, including with respect to Title VII, the Americans with Disabilities Act, the Family and Medical Leave Act, the Age Discrimination in Employment Act, the Fair Labor Standards Act, the National Labor Relations Act, and the Occupational Safety & Health Act. As a seasoned litigator, his unique systems-thinking approach delivers sound, risk-based guidance to employers for more informed choices in furthering their business objectives.

Jeff serves as the co-chair of Fisher Phillips' Workplace Investigations Practice Group. In that capacity, and throughout his career, Jeff has been involved in overseeing, conducting and defending serious investigations – both government enforcement investigations and internal workplace investigations – across the country. He has trained dozens of Human Resources professionals and other business leaders on best practices in conducting fair, impartial and defensible investigations.

Before joining Fisher Phillips, Jeff was Senior Vice-President, Deputy General Counsel, Employment & Benefits, of a large wholesale food distributor with operations across North America. In that role, Jeff helped establish best practices and oversaw issues involving discrimination, harassment, retaliation, reasonable accommodations, drug & alcohol testing, wage and hour class actions, pay equity, diversity and inclusion, trade secrets, and restrictive covenants. He was also deeply involved in the company's COVID-19 response and led the handling of inspections and enforcement actions involving federal and state OSHA matters.

Jeff was previously a partner at an Am Law 50 law firm and represented employers in employment, safety, and regulatory matters across the United States. He was also an invited guest on the "Fox & Friends" television show, discussing the difficult decisions facing employers with respect to drug testing programs and medical marijuana.

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