

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF EDUCATION, *et al.*,

Defendants.

No. 1:25-cv-11116-WGY

**JOINT MOTION TO DISMISS THE COMPLAINT WITHOUT PREJUDICE
SUBJECT TO THE TERMS OF THE PARTIES' STIPULATION**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Defendants U.S. Department of Education (“ED”); Linda McMahon, in her official capacity as Secretary of Education; and Craig Trainor, in his official capacity as former acting Assistant Secretary of the Office for Civil Rights (“OCR”) (“Defendants”); and Plaintiffs State of New York, State of Illinois; Commonwealth of Massachusetts; State of California; State of Minnesota; State of Colorado; State of Connecticut; State of Delaware; State of Hawai’i; State of Maryland; the People of the State of Michigan; State of Nevada; State of New Jersey; State of New Mexico; State of Oregon; State of Rhode Island; State of Vermont; and State of Washington (“Plaintiffs”) (collectively, the “Parties”)¹ move the Court to dismiss Plaintiffs’ Complaint without prejudice subject to the terms of the below

¹ As shared with Defendants, Plaintiff State of Wisconsin is not a party to this stipulation and dismissal, as its state laws require approval from a state legislative committee before it can join the stipulation and dismiss its claims. *See* Wis. Stat. s. 165.08(1). Plaintiff State of Wisconsin will seek that approval forthwith.

stipulation.

WHEREAS, Plaintiffs filed the Complaint in this action on April 25, 2025 (ECF No. 1);

WHEREAS, Plaintiffs' Complaint alleges, *inter alia*, that Defendants' agency action in the form of a certification demand on April 3, 2025 ("April 3 Agency Action") is contrary to law, arbitrary and capricious, in excess of statutory authority, without procedure required by law, and unconstitutional;

WHEREAS, on August 14, 2025, the U.S. District Court for the District of Maryland vacated the April 3 Agency Action in *American Federation of Teachers, et al. v. United States Department of Education, et al.*, No. 1:25-cv-00628, which decision has now become final with the January 21, 2026 filing of the joint stipulation to dismiss the appeal to the Fourth Circuit in Case No. 25-2228, and the court's subsequent dismissal of the appeal, Order, *American Federation of Teachers, et al. v. United States Department of Education, et al.*, No. 25-2228 (4th Cir. Jan. 22, 2026);

THEREFORE, the Parties do HEREBY STIPULATE AND AGREE as follows:

1. The April 3 Agency Action has been vacated and set aside by the final judgment entered in *American Federation of Teachers, et al. v. United States Department of Education, et al.*, No. 1:25-cv-00628 ("*AFT*"), and the vacatur and terms of the judgment in *AFT* apply to Plaintiff States, their agencies, their subdivisions, local education agencies, charter schools, and their instrumentalities;
2. The April 3 Agency Action creates no obligation, responsibility, or condition on any Plaintiff States (including their agencies, subdivisions, local education agencies, charter schools, and instrumentalities) in any manner;

3. As such, the Complaint shall be dismissed without prejudice; and,
4. All parties will bear their own fees and costs.

Accordingly, the Parties respectfully request that the Court dismiss the Complaint without prejudice subject to the terms of the above stipulation.

Dated: February 6, 2026

Respectfully submitted,

STANLEY WOODWARD JR.
Associate Attorney General

ABHISHEK KAMBLI
Deputy Associate Attorney General

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

DIANE KELLEHER
Director
Civil Division, Federal Programs Branch

/s/ Eitan R. Sirkovich
EITAN R. SIRKOVICH
Trial Attorney, U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, D.C. 20005
Telephone: (202) 353-5525
E-mail: eitan.r.sirkovich@usdoj.gov

Counsel for Defendants

LETITIA JAMES
Attorney General
State of New York

By: /s/ Monica Hanna
Monica Hanna*
Rabia Muqaddam*
Special Counsels
Sandra Pullman*
Senior Counsel
Sandra Park*
Civil Rights Bureau Chief
Alex Finkelstein*
Wil Handley*
Kathryn Meyer*
Assistant Attorneys General
28 Liberty Street
New York, New York 10005
(212) 416-8227
monica.hanna@ag.ny.gov

ANDREA JOY CAMPBELL
Attorney General
Commonwealth of Massachusetts

By: /s/ Adelaide Pagano
Adelaide Pagano (BBO #690518)
Assistant Attorney General
Yael Shavit (BBO #695333)
Chief, Consumer Protection Division
One Ashburton Pl.
Boston, MA 02108
(617) 963-2122
adelaide.pagano@mass.gov
yael.shavit@mass.gov

KWAME RAOUL
Attorney General
State of Illinois

By: /s/ Karyn L. Bass Ehler
Karyn L. Bass Ehler*
Deputy Chief Assistant Attorney General
Darren Kinkead*
Public Interest Counsel
Elizabeth H. Jordan*
Assistant Attorney General
Office of the Illinois Attorney General
115 S. Lasalle Street
Chicago, IL 60603
312-814-3000
Karyn.bassehler@ilag.gov
Darren.kinkead@ilag.gov
Elizabeth.jordan@ilag.gov

ROB BONTA
Attorney General
State of California

By: /s/ James Richardson
James Richardson*
Deputy Attorney General
Laura L. Faer*
William H. Downer*
Supervising Deputy Attorneys General
Andrew Edelstein*
Annabelle Wilmott*
Deputy Attorneys General
Michael L. Newman*
Senior Assistant Attorney General
300 South Spring Street
Los Angeles, CA 90013
(213) 269-6698
Laura.Faer@doj.ca.gov
William.Downer@doj.ca.gov
James.Richardson@doj.ca.gov
Andrew.Edelstein@doj.ca.gov
Annabelle.Wilmott@doj.ca.gov
Michael.Newman@doj.ca.gov

KEITH ELLISON
Attorney General for the State of
Minnesota

By: /s/ Liz Kramer
Liz Kramer*
Solicitor General
445 Minnesota Street, Suite 1400
St. Paul, Minnesota, 55101
(651) 757-1010
Liz.Kramer@ag.state.mn.us

WILLIAM TONG
Attorney General of Connecticut

By: /s/ Darren Cunningham
Darren Cunningham*
Assistant Attorney General
165 Capitol Ave
Hartford, CT 06106
(860) 808-5210
Darren.cunningham@ct.gov

ANNE E. LOPEZ
Attorney General for the State of
Hawai'i

By: /s/ Kaliko 'onālani D. Fernandes
David D. Day*
Special Assistant to the Attorney
General
Kaliko 'onālani D. Fernandes*
Solicitor General 425 Queen Street
Honolulu, HI 96813
(808) 586-1360
david.d.day@hawaii.gov
kaliko.d.fernandes@hawaii.gov

PHILIP J. WEISER
Attorney General
State of Colorado

By: /s/ David Moskowitz
David Moskowitz*
Deputy Solicitor General
1300 Broadway, #10
Denver, CO 80203
(720) 508-6000
David.Moskowitz@coag.gov

KATHLEEN JENNINGS
Attorney General of the State of Delaware

By: /s/ Ian R. Liston
IAN R. LISTON*
Director of Impact Litigation
VANESSA L. KASSAB*
Deputy Attorney General
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 683-8899
Ian.Liston@delaware.gov

ANTHONY G. BROWN
Attorney General
State of Maryland

By: /s/ James C. Luh
James C. Luh*
Senior Assistant Attorney General
Office of the Attorney General
200 Saint Paul Place, 20th Floor
Baltimore, Maryland 21202
410-576-6411
jluh@oag.state.md.us

DANA NESSEL
Attorney General of Michigan

By: /s/ Neil Giovanatti
Neil Giovanatti*
BreAnna Listermann*
Assistant Attorneys General
Michigan Department of Attorney
General
525 W. Ottawa
Lansing, MI 48909
(517) 335-7603
GiovanattiN@michigan.gov
[ListermannB@michigan.gov](mailto>ListermannB@michigan.gov)

DAN RAYFIELD
Attorney General of Oregon

By: /s Christina L. Beatty-Walters
Christina L. Beatty-Walters*
Senior Assistant Attorney General
100 SW Market Street
Portland, OR 97201
(971) 673-1880
Tina.BeattyWalters@doj.oregon.gov

CHARITY R. CLARK
Attorney General of Vermont

By: /s/ Jonathan T. Rose
Jonathan T. Rose*
Solicitor General
109 State Street
Montpelier, VT 05609
(802) 828-3171
Jonathan.rose@vermont.gov

**admitted pro hac vice*

Counsel for Plaintiff States

MATTHEW J. PLATKIN
Attorney General of New Jersey

/s/ Farng-Yi D. Foo
Farng-Yi D. Foo*
Jennifer Lerman*
Deputy Attorneys General
Office of the Attorney General
124 Halsey Street, 5th Floor
Newark, NJ 07101
(609) 696-5279
Farng-Yi.Foo@law.njoag.gov

PETER F. NERONHA
Attorney General for the State of Rhode Island

By: /s/ Jordan G. Mickman
Jordan G. Mickman (RI Bar No. 9761)*
Chief, Civil and Community Rights Unit
Special Assistant Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400, Ext. 2079
jmickman@riag.ri.gov

NICHOLAS W. BROWN
Attorney General of Washington

/s/ Lucy Wolf
LUCY WOLF, WSBA #59028*
SPENCER W. COATES, WSBA #49683*
Assistant Attorneys General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(360) 709-6470
Lucy.Wolf@atg.wa.gov
Spencer.Coates@atg.wa.gov

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: February 6, 2026

/s/ Adelaide Pagano
Adelaide Pagano (MA BBO# 690518)
Assistant Attorney General