

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”)<sup>1</sup> move the Court to dismiss Plaintiffs’ Complaint without prejudice subject to the terms of the below

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<sup>1</sup> 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](mailto:monica.hanna@ag.ny.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](mailto:Karyn.bassehler@ilag.gov)  
[Darren.kinkead@ilag.gov](mailto:Darren.kinkead@ilag.gov)  
[Elizabeth.jordan@ilag.gov](mailto:Elizabeth.jordan@ilag.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](mailto:adelaide.pagano@mass.gov)  
[yael.shavit@mass.gov](mailto:yael.shavit@mass.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](mailto:Laura.Faer@doj.ca.gov)  
[William.Downer@doj.ca.gov](mailto:William.Downer@doj.ca.gov)  
[James.Richardson@doj.ca.gov](mailto:James.Richardson@doj.ca.gov)  
[Andrew.Edelstein@doj.ca.gov](mailto:Andrew.Edelstein@doj.ca.gov)  
[Annabelle.Wilmott@doj.ca.gov](mailto:Annabelle.Wilmott@doj.ca.gov)  
[Michael.Newman@doj.ca.gov](mailto: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](mailto: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](mailto: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](tel:(808)586-1360)  
[david.d.day@hawaii.gov](mailto:david.d.day@hawaii.gov)  
[kaliko.d.fernandes@hawaii.gov](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:Lucy.Wolf@atg.wa.gov)  
[Spencer.Coates@atg.wa.gov](mailto: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