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,

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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

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