

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHICAGO HEADLINE CLUB *et al.*)
Plaintiffs,) No. 25-cv-12173
v.) Hon. Sara L. Ellis,
KRISTI NOEM, Secretary of U.S.) United States District Judge
Department of Homeland Security, in her)
official capacity, *et al.*,)
Defendants.)

DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO DISMISS

After months of litigation, and just weeks after securing a sweeping preliminary injunction and a 233-page opinion justifying it—but after the Seventh Circuit unanimously put that injunction on hold and cast doubt on the legitimacy of this suit—Plaintiffs are seeking to throw in the towel. This is transparent procedural gamesmanship. To be sure, if Plaintiffs want to stop litigating and this Court grants their motion for dismissal with prejudice, that is beyond Defendants’ control. But this gambit should be seen for what it is.

Notably, Plaintiffs are wrong to allege that Operation Midway Blitz has ended or that Defendants have ceased immigration enforcement activity in the Chicago area. It is standard for particular agents and teams to move around the country as operational needs change, but DHS’s enforcement activity in Chicago has not ended, and Defendants intend to continue their lawful activities in this jurisdiction. To the extent that the Court approves a dismissal with prejudice, the consequence will be that no named Plaintiff or member of the certified class will be permitted to bring substantially similar claims in the future. *See, e.g., Lawlor v. Nat'l Screen Serv. Corp.*, 349 U.S. 322, 327 (1955) (stating that dismissal “with prejudice” bars a later suit on

the same cause of action”); *MAO-MSO Recovery II, LLC v. State Farm Mut. Auto. Ins. Co.*, 935 F.3d 573, 581 (7th Cir. 2019) (“A dismissal with prejudice is a ruling on the merits, because it carries with it a preclusive effect that prevents the plaintiffs from relitigating—in any court, ever again—any claim encompassed by the suit.”); *Phillips v. Shannon*, 445 F.2d 460, 462 (7th Cir. 1971) (“A dismissal with prejudice is as conclusive of the rights of the parties as an adverse judgment after trial, being res judicata of all questions which might have been litigated in the suit[.]”) (internal quotations omitted). This includes those members of the certified class¹ who “will in the future non-violently demonstrate, protest, observe, document, or record at Department of Homeland Security immigration enforcement and removal operations in the Northern District of Illinois.” ECF No. 252 at 16 (emphasis added).

Dated: December 4, 2025

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

SARMAD KHOJASTEH
Senior Counsel to the Assistant Attorney
General, Civil Division

ELIZABETH HEDGES
Counsel to the Assistant Attorney General
Civil Division

/S/
ANDREW I. WARDEN
Assistant Director
JEREMY NEWMAN
CHRISTOPHER LYNCH

¹ The Religious Exercise and Press Subclasses include all persons who “will in the future” engage in religious expression and news gathering, respectively, at DHS immigration enforcement and removal operations in the Northern District of Illinois. ECF No. 252 at 16 (emphasis added).

SAMUEL HOLT
PETER GOLDSTONE
Trial Attorneys
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, D.C. 20005
Telephone: (202) 616-5084
Fax: (202) 616-8470

Attorneys for Defendants