

**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 Plaintiff State of Wisconsin (“Plaintiff”) (collectively, the “Parties”) move the Court to dismiss Plaintiff’s Complaint without prejudice subject to the terms of the below stipulation.

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

WHEREAS, Plaintiff’s 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.

Respectfully submitted,

Dated: February 17, 2026

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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 17, 2026

/s/ Rachel L. Bachhuber
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