

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

STATE OF KANSAS *et al.*,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
EDUCATION *et al.*,

*Defendants.*

No. 24-4041-JWB

**JOINT STIPULATION TO DISMISS**

The parties submit this joint stipulation to dismiss pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) without prejudice with each party to bear its own attorneys' fees and costs.

1. On April 29, 2024, the Department of Education issued a Rule titled Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 Fed. Reg. 33,474 (Apr. 29, 2024) (the "Rule").

2. Plaintiffs filed their complaint on May 14, 2024. ECF No. 1. Plaintiffs moved for a stay or preliminary injunction on May 24, 2024, *see* ECF No. 24, which was granted on July 2, 2024, *see* ECF No. 54.

3. Subsequently, the Final Rule was vacated in its entirety by two district courts following summary judgment briefing. *See* Mem. Op. *Tennessee v. Cardona*, No. 2:24-072-DCR (E.D. Ky. Jan. 9, 2025), ECF No. 143; *see* Order, *Carroll Ind. Sch. Dist. v. U.S. Dep't of Educ.* ("*Carroll ISD*"), No. 4:24-cv-00461-O (N.D. Tex. Feb. 19, 2025), ECF No. 86.

4. On March 21, 2025, this Court issued an Order “to show cause why this action should not be dismissed as moot or, at a minimum, why the pending motions should not be denied without prejudice to refiling.” *See* ECF No. 106. In response, the parties agreed that the action was not moot because third parties moved to intervene in both *Carroll ISD* and *Tennessee*. *See* ECF No. 107 & 108; *see* Motion to Intervene by A Better Balance, *Carroll Indep. Sch. Dist. v. U.S. Dep’t of Educ.*, No. 4:24-cv-461 (N.D. Tex. Mar. 26, 2025), ECF No. 91; Motion to Intervene by Victims Right Law Center, *Tennessee v. Cardona*, No. 2:24-072-DCR (E.D. Ky. Feb. 28, 2025), ECF No. 152; Motion to Intervene by A Better Balance, *Tennessee v. Cardona*, No. 2:24-072-DCR (E.D. Ky. Feb. 26, 2025); ECF No. 164; Motion to Intervene by Victims Right Law Center, *Jane Doe, Tennessee v. Cardona*, No. 2:24-072-DCR (E.D. Ky. Feb. 28, 2025).

5. This Court denied the pending motions for judgment without prejudice to refiling and directed the parties to file a joint status report by June 25, 2025. ECF No. 109.

6. On June 25, 2025, the parties filed a joint status report informing the Court that, at the time of the filing, “there ha[d] been no material change in the status of either the *Tennessee* or *Carroll ISD* cases relative to the mootness of the action before this Court,” ECF No. 111 at 2, and that “for the reasons discussed at more length in their responses to the Court’s Order to Show Cause, this action is not yet moot,” *id.* at 3. The parties “jointly agree[d] to a stay of this action pending resolution of the intervenors’ appeals before the Fifth and/or Sixth Circuits” and “file a status report with the Court within thirty days of an order resolving either of the intervenors’ appeals.” *Id.*

7. The district courts in both *Carroll ISD* and *Tennessee* denied intervention by the proposed intervenors. *Tennessee v. Cardona*, 2026 WL 524773 (E.D. Ky. Feb. 25); *Carroll Indep. Sch. Dist. v. U.S. Dep’t of Educ.*, 2025 WL 1782571 (N.D. Tex. May 15). Subsequent appeals by

the proposed intervenors in *Tennessee* and *Carroll ISD* have both been dismissed. *See* CA6-Doc. 52, *Tennessee v. Cardona*, No. 25-5205 (May 13, 2026); CA5-Doc. 220, *Carroll Indep. Sch. Dist. v. U.S. Dep't of Educ*, No. 25-10651 (May 19, 2026). As such, the parties maintain that the at-issue case is now moot warranting dismissal.

9. In lieu of a joint status report, the parties file the instant joint stipulation to dismiss without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Dated: June 11, 2026

Respectfully submitted,

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