

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION, et
al.,

Defendants.

Civil Action No. 25-10548-MJJ

**DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE,
TRANSFER TO THE COURT OF FEDERAL CLAIMS**

Defendants respectfully move the Court to dismiss the complaint for lack of subject-matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1), or, in the alternative, to transfer the action to the United States Court of Federal Claims pursuant to 28 U.S.C. § 1631. As support for this motion, Defendants rely upon the reasons set forth in the accompanying memorandum of law.

WHEREFORE, Defendants respectfully request that the Court allow this motion and dismiss the complaint, or, in the alternative, transfer the action to the United States Court of Federal Claims.

Respectfully submitted,

LEAH B. FOLEY
United States Attorney

Dated: May 12, 2025

By: /s/ Michael L. Fitzgerald
MICHAEL L. FITZGERALD
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LOCAL RULE 7.1 CERTIFICATION

I certify that I conferred with counsel for the Plaintiffs, and that the parties were unable to resolve or narrow the issues presented by this motion.

/s/ Michael L. Fitzgerald
MICHAEL L. FITZGERALD
Assistant U.S. Attorney

Dated: May 12, 2025

CERTIFICATE OF SERVICE

I 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.

/s/ Michael L. Fitzgerald
MICHAEL L. FITZGERALD
Assistant U.S. Attorney

Dated: May 12, 2025