

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

STATE OF ARKANSAS, et al.,

*Plaintiffs,*

v.

MIGUEL CARDONA, *in his official capacity  
as Secretary of Education*, et al.,

*Defendants.*

No. 2:24-cv-636-RWS

**JOINT STATUS REPORT**

Pursuant to the Court's order dated October 15, 2024, ECF No. 69, the parties respectfully submit this joint status report:

1. This case is one of many suits challenging the Department of Education's 2024 Title IX Final Rule (the "Rule").
2. On July 24, 2024, the Court preliminarily enjoined enforcement of the Rule. ECF Nos. 54, 55. On September 20, 2024, Defendants filed a notice of appeal from that decision. ECF No. 63.
3. On October 15, 2024, the Court granted the parties' joint motion to stay proceedings in this Court pending appeal. ECF No. 69. The parties subsequently filed a joint stipulation for dismissal of the appeal, and the Eighth Circuit issued its judgment of dismissal and mandate on March 14, 2025.
4. However, the parties respectfully submit that the stay of proceedings in this case should continue, due to intervening events in related cases.
5. On January 9, 2025, the United States District Court for the Eastern District of

Kentucky issued a decision in *Tennessee v. Cardona*, vacating the Rule in its entirety. Mem. Op.

6. *Tennessee v. Cardona*, No. 2:24-072-DCR (E.D. Ky. Jan. 9, 2025), ECF No. 143. Any notice of appeal from that decision was due by March 10, 2025. Defendants did not appeal the *Tennessee* court's decision vacating the Rule.

7. However, prior to the appeal deadline in the *Tennessee* case, two sets of prospective intervenors filed motions to intervene in that litigation for the purpose of defending certain portions of the Rule on appeal. The *Tennessee* court did not act on either intervention motion prior to the appeal deadline, and the prospective intervenors filed notices of appeal to the United States Court of Appeals for the Sixth Circuit. *See Tennessee*, ECF Nos. 181, 182 (Notices of Appeal); *Tennessee*, ECF Nos. 183, 184 (USCA Numbers).

8. On March 14, 2025, the *Tennessee* district court denied the motions to intervene as moot, reasoning that it lost jurisdiction over the motions after the prospective intervenors filed their notices of appeal. Order, *Tennessee v. Cardona*, vacating the Rule in its entirety. Mem. Op. & Order, *Tennessee v. Cardona*, No. 2:24-072-DCR (E.D. Ky. Mar. 14, 2025), ECF No. 185.

9. On March 19, 2025, the prospective intervenors in the *Tennessee* litigation filed motions asking the Sixth Circuit to remand the case to the district court for rulings on the merits on their intervention motions. The Sixth Circuit has not yet decided the motions to remand, and the prospective intervenors' appeals remain pending.

10. In another case in which a district court vacated the Rule, *see Order, Carroll Ind. Sch. Dist. v. U.S. Dep't of Educ.*, No. 4:24-cv-00461-O (N.D. Tex. Feb. 19, 2025), ECF No. 86, the proposed *Tennessee* intervenors also have moved to intervene. *See Proposed Intervenor-Defendant A Better Balance's Mot. to Intervene and Br. in Supp., Carroll Ind. Sch. Dist. v. U.S. Dep't of Educ.*, No. 4:24-cv-00461-O ECF (N.D. Tex. Mar. 25, 2025), ECF No. 91; Proposed

Intervenor-Defendants VRLC's and Jane Doe's Mot. to Intervene, *Carroll Ind. Sch. Dist. v. U.S. Dep't of Educ.*, No. 4:24-cv-00461-O ECF (N.D. Tex. Mar. 31, 2025), ECF No. 99. Those motions remain pending.

11. Because the *Tennessee* and *Carroll ISD* cases are not fully resolved, there is still a possibility that the district courts' vacatur orders will be at least partially reversed, including with respect to at least one provision of the Rule at issue in this case. Accordingly, this case is not technically moot. However, it still may become moot, and in the meantime the Rule remains vacated and unenforceable.

12. Accordingly, the parties see no need to move forward with the litigation at this time, and they respectfully request that the Court continue its stay of this case until the *Tennessee* and *Carroll ISD* matters are resolved.

Dated: April 11, 2025

Respectfully submitted,

/s/ Asher L. Steinberg

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