

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF ILLINOIS et al.,

Defendants.

No. 3:25-cv-01691-DWD

Honorable David W. Dugan

STIPULATION AND JOINT MOTION

The parties stipulate, and respectfully move the Court to order, as follows:

1. On November 14, 2025, Defendants filed a motion to dismiss all Plaintiff's claims against all Defendants under Federal Rule of Civil Procedure 12(b)(6). ECF 18. Plaintiff's response to Defendants' motion is due by December 15, 2025, under Local Rule 7.1(b)(1)(A).
2. On November 19, 2025, the Court set a scheduling conference for December 17, 2025, and directed the parties to submit a joint report and proposed scheduling and discovery order by December 10, 2025. ECF 21.
3. Having conferred in advance of the scheduling conference as directed by the Court and required by Federal Rule of Civil Procedure 26(f)(1), the parties stipulate that, based on Plaintiff's complaint, ECF 1, and Defendants' motion to dismiss, ECF 18, Plaintiff's preemption claims in this action present questions of law that do not require discovery and may be resolved at this time on cross-dispositive motions.
4. The parties further stipulate that this action, which is a dispute between two sovereigns concerning the validity of state laws that relate to Illinois community colleges and

universities, presents exceptional circumstances warranting reply briefs under Local Rule 7.1(a)(4) and oral argument under Local Rule 7.1(c)(1).

5. Therefore, “to secure the just, speedy, and inexpensive determination of [this] action” as contemplated by Federal Rule of Civil Procedure 1, the parties propose:

a. On or before January 16, 2026, Plaintiff will file a combined response to Defendant’s motion to dismiss and cross-motion for summary judgment under Federal Rule of Civil Procedure 56, which will not exceed 40 pages;

b. On or before February 20, 2026, Defendants will file a combined reply in support of their motion to dismiss and response to Plaintiff’s cross-motion for summary judgment, which will not exceed 30 pages;

c. On or before March 13, 2026, Plaintiff will file a reply in support of its cross-motion for summary judgment, which will not exceed 10 pages; and

d. The parties will appear for oral argument on their motions on a date to be set by the Court.

6. For all these reasons, the parties respectfully move the Court to issue an order:

a. Entering the briefing schedule and page limits proposed by the parties in paragraph 5 above;

b. Setting a date for oral argument on the parties’ motions;

c. Excusing the parties from the requirement to submit a joint report and proposed scheduling and discovery order by December 10, 2025; and

d. Vacating the scheduling conference set for December 17, 2025, or, alternatively, converting the scheduling conference to a status if the Court wishes to hear from the parties.

Dated: December 8, 2025

Respectfully submitted,

/s/ Alexandra McTague (with permission)

Alexandra McTague
Senior Litigation Counsel
U.S. Department of Justice Civil Division
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
Tel. 202-718-0483
Fax: 202-305-7000
alexandra.mctague2@usdoj.gov

Counsel for Plaintiff

/s/ Darren Kinhead

Darren Kinhead
Office of the Attorney General of Illinois
115 South LaSalle Street
Chicago, IL 60603
(773) 590-6967
Darren.Kinhead@ilag.gov

Counsel for Defendants