

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STATE OF ILLINOIS, a sovereign state; and  
the CITY OF CHICAGO, an Illinois municipal  
corporation,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States;  
DEPARTMENT OF HOMELAND  
SECURITY; KRISTI NOEM, in her official  
capacity as Secretary of the Department of  
Homeland Security; DEPARTMENT OF  
DEFENSE; PETER B. HEGSETH, in his  
official capacity as Secretary of the Department  
of Defense; UNITED STATES ARMY;  
DANIEL P. DRISCOLL, in his official  
capacity as Secretary of the Army,

Defendants.

Case No. 25 Cv 12174

Judge April M. Perry

Magistrate Judge Jeffrey T. Gilbert

**JOINT STATUS REPORT**

Pursuant to this Court's minute entry of January 14, 2026 (ECF 120), the parties submit this Joint Status Report to report on whether the settlement negotiations have been productive and whether they request that the case be stayed for an additional period of time, as follows:

1. The parties have been engaged in discussions regarding resolving this case but are not in accord on certain material elements and terms. As a result, the parties have not been able to resolve the litigation and do not anticipate being able to do so at this time. The parties now diverge on their views as to the most appropriate and efficient path to resolution of this matter.

2. **Plaintiffs' Position:** The State of Illinois and the City of Chicago, based on the operative documents and the December 23, 2025 decision of the Supreme Court in this matter,

consider defendants' liability on Count I, the *ultra vires* claim for a violation of 10 U.S.C. § 12406, clear as a matter of law. As favorable resolution of that claim will afford the plaintiffs the declaratory and injunctive relief they seek in this action, plaintiffs intend to move for partial summary judgment as to liability on Count I. While defendants have stated the view that their planned motion to dismiss (discussed below) should be resolved prior to the summary judgment motion, a motion for summary judgment may be brought at this time. Fed. R. Civ. P. 56(b).

Plaintiffs propose the following schedule for their partial summary judgment briefing: summary judgment motion and supporting papers due February 27; opposition papers due March 27; and reply papers due April 10, 2026. Plaintiffs recognize that defendants plan to seek dismissal on mootness grounds by February 6. However, defendants' proposed deadline for plaintiffs' response to their motion, February 20, is short, including a holiday weekend, and would set a deadline for our brief one week before our proposed summary judgment motion deadline. As such, plaintiffs ask instead that their response to defendants' motion should be set not sooner than March 10, 2026, two weeks after our summary judgment motion deadline.

Plaintiffs do not oppose a continuing stay of discovery and case deadlines other than the briefing discussed herein, during the pendency of the parties' motions. Plaintiffs do not seek a referral to the magistrate judge for settlement purposes at this time.

3. **Defendants' Position:** Defendants request that this case, including discovery, continue to be stayed except for possible briefing on dispositive motions. While Defendants continue to believe that the most efficient approach—one that would conserve party and judicial resources—is for the parties to settle this case without further litigation, Defendants understand that the parties are presently at an impasse in their discussions. Thus, unless Plaintiffs are willing to continue settlement discussions, the parties will need to proceed to dispositive motion briefing.

Nevertheless, and contrary to Plaintiffs' proposal, Defendants do not believe that summary judgment briefing on 10 U.S.C. § 12406(3) is the appropriate next step for two reasons. First, Defendants believe that this case is moot. It is undisputed that all Illinois National Guardsmen have been de-federalized and that there are no other Guardsmen from any other State deployed in Illinois. Thus, briefing on the mootness issue should occur first to ensure that the Court has subject matter jurisdiction to proceed. Accordingly, Defendants propose filing their opening brief on this issue by February 6, 2026, with Plaintiffs' opposition due on February 20 and Defendants' reply due on February 27. If the Court determines that it has jurisdiction to proceed, the parties can propose any further proceedings at that time.

Second, contrary to Plaintiffs' belief that the Supreme Court's stay order decided Count I of Plaintiffs' complaint as a matter of law and thus Defendants' purported liability under Count I, the Supreme Court's stay order did not address Defendants' alternative argument that the relevant facts constituted a "rebellion" under 10 U.S.C. § 12406(2). Any injunctive or declaratory relief would not be proper without first resolving Defendants' alternative argument, which is not a pure question of law.

If the Court determines that a status conference is warranted this Friday (January 30, 2026), as previously contemplated, Defendants respectfully request the option of appearing by phone.

Dated: January 28, 2026

Respectfully submitted,

KWAME RAOUL  
Attorney General of Illinois

by:

/s/ Sarah J. North  
CARA HENDRICKSON  
Executive Deputy Attorney General  
CHRISTOPHER WELLS  
Division Chief, Public Interest Division  
SARAH J. NORTH  
Deputy Division Chief, Public Interest  
Division  
KATHARINE ROLLER  
Complex Litigation Counsel  
GRETCHEN HELFRICH  
Deputy Chief, Special Litigation Bureau  
KATHERINE PANNELLA  
Senior Assistant Attorney General  
SHERIEF GABER  
MICHAEL TRESNOWSKI  
Assistant Attorneys General  
Office of the Illinois Attorney General  
115 South LaSalle Street  
31st Floor  
Chicago, Illinois 60603  
(312) 814-3000  
Cara.Hendrickson@ilag.gov  
Christopher.Wells@ilag.gov  
Sarah.North@ilag.gov  
Katharine.Roller@ilag.gov  
Gretchen.Helfrich@ilag.gov  
Katherine.Pannella@ilag.gov  
Sherief.Gaber@ilag.gov  
Michael.Tresnowski@ilag.gov

*Counsel for the State of Illinois*

BRETT A. SHUMATE  
Assistant Attorney General  
Civil Division

ERIC J. HAMILTON  
Deputy Assistant Attorney General  
Federal Programs Branch

JEAN LIN  
Special Litigation Counsel

JOHN BAILEY  
Counsel to the Assistant Attorney General

/s/ J. Stephen Tagert  
MICHAEL J. GERARDI  
Senior Trial Counsel  
CHRISTOPHER D. EDELMAN  
Senior Counsel  
KATHLEEN C. JACOBS  
J. STEPHEN TAGERT  
KIAN K. AZIMPOOR  
Trial Attorneys  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, N.W.  
Washington, DC 20005  
Tel.: (202) 305-5486  
Email: stephen.tagert@usdoj.gov

*Attorneys for Defendants*

MARY B. RICHARDSON-LOWRY  
Corporation Counsel of the City of Chicago

by:

/s/ Stephen J. Kane \_\_\_\_\_

STEPHEN J. KANE

CHELSEY B. METCALF

City of Chicago Department of Law

121 North LaSalle Street, Room 600

Chicago, Illinois 60602

312-744-6934

stephen.kane@cityofchicago.org

chelsey.metcalf@cityofchicago.org

*Counsel for the City of Chicago*