

1 ROB BONTA
 Attorney General of California
 2 LAURA FAER (SBN: 233846)
 DARRELL SPENCE (SBN: 248011)
 3 Supervising Deputy Attorneys General
 EDWARD NUGENT (SBN: 330479)
 4 ANTHONY PINGGERA (SBN: 320206)
 JENNIFER BUNSHOFT (SBN: 197306)
 5 KATHERINE BRUCK (SBN: 342536)
 Deputy Attorneys General
 6 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102
 7 Telephone: (415) 229-0113
 Fax: (415) 703-5480
 8 E-mail: Edward.Nugent@doj.ca.gov
 Attorneys for Plaintiff State of California
 9

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION
 13

<p>14 STATE OF CALIFORNIA, 15 16 Plaintiff, 17 v. 18 U.S. DEPARTMENT OF EDUCATION ET AL., 19 20 Defendants. 21</p>	<p>No. 3:26-cv-01259-WHO JOINT STIPULATION RE: ORDER GRANTING MOTION FOR TEMPORARY RESTRAINING ORDER (DKT. NO. 6) Date: Time: Courtroom: 3 Judge: Noël Wise (Duty Judge) Trial Date: Not Set Action Filed: February 11, 2026</p>
--	--

22 Pursuant to this Court’s order of February 11, 2026, Dkt. No. 6, the parties, having met
 23 and conferred, submit the following joint stipulation regarding “the narrow issue of whether and
 24 when, if at all, the Federal Government intends to withhold California’s access to the \$4.9 billion
 25 at issue.” *Id.* at 2

26 Defendants relayed to Plaintiff that the U.S. Department of Education (ED) has not yet
 27 determined whether any funds will be withheld, nor when that will occur, if at all. The parties
 28 therefore propose and stipulate to the following:

1 1. The parties shall provide joint status reports to this Court every 60 days until any
2 decision is made regarding whether Defendants have determined to withhold funds, and if so,
3 when such notice of withholding will issue.

4 2. The parties shall provide the Court with a proposed briefing and hearing schedule on
5 California's pending motion, Dkt. No. 4, within 2 business days after any determination regarding
6 whether ED will withhold funds, should ED ultimately decide to do so. The proposed schedule
7 will request that Defendants' response, Plaintiff's reply, and the Court's hearing all occur within
8 30 days of ED's decision so that the issues may be heard on an expedited basis, if ED ultimately
9 decides to withhold funds.

10 3. Pending ED's decision, and this Court's decision on the substantive issues raised in
11 California's pending motion, Dkt. No. 4, pursuant to the aforementioned briefing schedule,
12 Defendants shall not withhold, suspend, or disrupt Plaintiff's access to federal education funding
13 on the basis of the January 28, 2026 letter of findings at issue in this litigation, until 21 days after
14 the Court's hearing on California's pending motion, provided that all briefing and the hearing
15 occur within 30 days of any decision made by ED.

16 4. The hearings contemplated in the Court's order, *see* Dkt. No. 6 at 3, shall be vacated.

17 For the Court's convenience, the parties have attached a proposed order with the above
18 provisions to this stipulation.

1 Dated: February 17, 2026

Respectfully submitted,

2 ROB BONTA
Attorney General of California
3 LAURA FAER
DARRELL W. SPENCE
4 Supervising Deputy Attorneys General
KATHERINE BRUCK
5 EDWARD NUGENT
ANTHONY PINGGERA
6 Deputy Attorneys General

7 /s/ Edward Nugent
EDWARD NUGENT
8 Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
9 San Francisco, CA 94102
Telephone: (415) 229-0113
10 E-mail: Edward.Nugent@doj.ca.gov

11 *Attorneys for Plaintiff State of California*

12 /s/ J. Stephen Tagert
BRETT A. SHUMATE
13 Assistant Attorney General
Civil Division
14 MICHELLE BENNETT
Assistant Branch Director
15 J. STEPHEN TAGERT
Federal Programs Branch
16 Civil Division, Department of Justice
1100 L Street NW
17 Washington, DC 20005
Telephone: (202) 305-5486
18 stephen.tagert@usdoj.gov

19 *Counsel for Defendants*

20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION

I declare, under penalty of perjury, that the factual assertions contained in this Joint Stipulation are true and correct to the best of my knowledge.

Dated: February 17, 2026

/s/ Edward Nugent
EDWARD NUGENT
Deputy Attorney General
Attorney for Plaintiff State of California

FILER’S ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that all signatories listed, and on whose behalf the filing is submitted, concur in the filing’s content and have authorized this filing.

Dated: February 17, 2026

/s/ Edward Nugent
EDWARD NUGENT
Deputy Attorney General
Attorney for Plaintiff State of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION et
al.,

Defendants.

Case No. 3:26-cv-01259-WHO
~~PROPOSED~~ ORDER GRANTING
JOINT STIPULATION RE: ORDER
GRANTING MOTION FOR
TEMPORARY RESTRAINING ORDER

In this Court’s order dated February 11, 2026, Dkt. No. 6, the Court ordered the parties to meet and confer, and submit a stipulation, regarding “the narrow issue of whether and when, if at all, the Federal Government intends to withhold California’s access to the \$4.9 billion at issue.” *Id.* at 2-3. The parties filed a joint stipulation in response on February 17, 2026. Dkt. No. 13. Upon consideration, and for good cause shown, the joint stipulation is **GRANTED**. In particular, consistent with the stipulation, the Court hereby **ORDERS** as follows:

1. The parties shall provide joint status reports to this Court every 60 days, until any decision is made regarding whether Defendants have determined to withhold funds, and if so, when such notice of withholding will issue. The parties shall submit the first such status report on Friday, April 17, 2026.

1 2. The parties shall provide the Court with a proposed briefing and hearing schedule on
2 California’s pending motion, Dkt. No. 4, within 2 business days after any determination regarding
3 whether Defendant U.S. Department of Education (ED) will withhold funds, should ED
4 ultimately decide to do so. The proposed schedule will request that Defendants’ response,
5 Plaintiff’s reply, and the Court’s hearing all occur within 30 days of ED’s decision so that the
6 issues may be heard on an expedited basis, if ED ultimately decides to withhold funds.

7 3. Pending ED’s decision, and this Court’s decision on the substantive issues raised in
8 California’s pending motion, Dkt. No. 4, pursuant to the aforementioned briefing schedule,
9 Defendants shall not withhold, suspend, or disrupt Plaintiff’s access to federal education funding
10 on the basis of the January 28, 2026 letter of findings at issue in this litigation, until 21 days after
11 the Court’s hearing on California’s pending motion, provided that all briefing and the hearing
12 occur within 30 days of any decision made by ED.

13 4. The hearings contemplated in the Court’s previous order, *see* Dkt. No. 6 at 3, are hereby
14 vacated.

15 **IT IS SO ORDERED.**

16
17 Dated: **February 17, 2026**



Noël Wise
United States District Judge
General Duty Judge