

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

THE STATE OF TENNESSEE <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 3:21-cv-308
	)	Judge Charles E. Atchley, Jr.
UNITED STATES DEPARTMENT	)	Magistrate Judge Debra C. Poplin
OF EDUCATION <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**JOINT STATUS REPORT**

The parties respectfully submit this joint status report pursuant to the Court’s August 14, 2024 Order. Doc. No. 163. This case initially involved a challenge by the Plaintiff States to a Notice of Interpretation, Dear Educator Letter, and Fact Sheet issued by the Department of Education and a Technical Assistance Document issued by the Equal Employment Opportunity Commission (“EEOC”).<sup>1</sup> *See generally* Doc. No. 1. This Court issued a preliminary injunction on July 15, 2022, and stayed the case on November 3, 2022, while Defendants appealed that injunction to the United States Court of Appeals for the Sixth Circuit. While the Sixth Circuit appeal was pending, a different court issued a final judgment vacating the EEOC’s Technical Assistance Document. *See Texas v. EEOC*, 633 F. Supp. 3d 824 (N.D. Tex. 2022). The EEOC did not appeal that decision and all parties agree Plaintiff States’ claims relating to that document are now moot.

After the Sixth Circuit affirmed the injunction and remanded the case, this Court ordered the parties to notify the Court within 7 days if a notice of appeal was filed from the Northern District of

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<sup>1</sup> The Fact Sheet was jointly issued with the Civil Rights Division of the Department of Justice. *See* Doc. No. 1 ¶ 64.

Texas’s final judgment in *Texas v. Cardona*, No. 4:23-cv-604, 2024 WL 3658767 (N.D. Texas Aug. 5, 2024), which vacated the Title IX guidance documents that remain at issue in this case. The Department of Education filed a notice of appeal in that case on October 3, 2024. Doc. No. 47, *Texas v. Cardona*, 4:23-cv-604 (N.D. Tex. Oct. 3, 2024). The parties understand the Court does not intend to consider dispositive motions during the pendency of the appeal in that case. *See* Doc. No. 163 at 2–4.

The parties also jointly request that the Court reopen this case for the limited purpose of dismissing the EEOC pursuant to Rule 21 of the Federal Rules of Civil Procedure. Rule 21 provides that “the court may at any time, on just terms, add or drop a party.” Fed. R. Civ. P. 21. As this Court previously recognized, Plaintiffs’ claims against the EEOC are moot because the Technical Assistance Document that had been at issue in this case was vacated by a final judgment of another district court that was not appealed. Doc. No. 163 at 1. Therefore, the Technical Assistance Document has no legal effect, and the EEOC should be dismissed from the case.

Dated: October 10, 2024

Respectfully submitted,

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