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**IN THE UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF TENNESSEE**

State of Tennessee, et al.,

Plaintiff,

v.

United States Department of Education, et
al.,

Defendants.

No: 3:21-cv-00308-CEA-DCP

**PLAINTIFF STATE OF ARIZONA'S
UNOPPOSED MOTION TO REOPEN
FOR LIMITED PURPOSE OF
DROPPING ITSELF AS PLAINTIFF**

For nearly two years, Arizona has wanted to stop litigating this matter. In March 2023, Arizona asked the Court for permission to drop itself as a party. *See* Doc. 129. In July 2024, the Court denied the request because of concern that dropping Arizona could impact the (then-pending) appeal of the preliminary injunction, but assured Arizona: “Following the conclusion of the appeal, the Court will promptly address a renewed motion by the State of Arizona pursuant to Rule 21.” Doc. 154 at 6.

The appeal of the preliminary injunction has concluded. Doc. 161. Since then, the Court has administratively closed the case, because there has been an appeal from a final judgment involving similar issues in the Northern District of Texas. *See* Docs. 163, 169. The Court clarified that the preliminary injunction “remains in effect” while the case is administratively closed, and the Court would “entertain a motion to reopen by either party at any time.” Doc. 163 at 4.

1 Arizona therefore asks the Court to reopen the case for the limited purpose of
2 granting a renewed request to drop itself as a plaintiff under Rule 21. Arizona's reasons
3 for dropping itself are substantially the same as previously explained, except that now
4 Arizona's outside counsel has been retained for a longer period of time to monitor this case.
5 See Doc. 129. Although the other Plaintiff States opposed Arizona's previous request to
6 drop itself, they do not oppose Arizona's renewed request, because there is no longer a
7 pending appeal of the preliminary injunction.
8

9 RESPECTFULLY SUBMITTED this 28th day of October, 2024.
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11 **BERGIN, FRAKES, SMALLEY &**
12 **OBERHOLTZER, PLLC**

13 By: /s/ Anthony R. Napolitano
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18 **CERTIFICATE OF SERVICE**

19
20 On this 28th day of October, 2024, the foregoing was filed with the Eastern District
21 of Tennessee's Court Clerk's Office using the CM/ECF System for filing, which will
22 provide a Notice of Electronic Filing to all CM/ECF registrants.

23 By: /s/ Shelly Hilton
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