

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

COMMONWEALTH OF PENNSYLVANIA;
STATE OF NEW JERSEY; STATE OF
CALIFORNIA; STATE OF COLORADO; STATE
OF DELAWARE; DISTRICT OF COLUMBIA;
STATE OF ILLINOIS; COMMONWEALTH OF
MASSACHUSETTS; STATE OF MICHIGAN;
STATE OF MINNESOTA; STATE OF NEW
MEXICO; STATE OF NORTH CAROLINA;
STATE OF OREGON; STATE OF RHODE
ISLAND; STATE OF VERMONT;
COMMONWEALTH OF VIRGINIA; STATE OF
WASHINGTON; STATE OF WISCONSIN,

Plaintiffs,

v.

ELISABETH D. DEVOS, *in her official capacity as
Secretary of Education*; UNITED STATES
DEPARTMENT OF EDUCATION; and UNITED
STATES OF AMERICA,

Defendants.

Civil Action No. 20-cv-01468-CJN

[PROPOSED] ORDER

Upon consideration of Plaintiffs' Motion for a Preliminary Injunction or 5 U.S.C. § 705 Stay Pending Judicial Review ("Motion"), the Memorandum and Exhibits in support thereof, any opposition, any reply thereto, and any oral argument, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby:

ORDERED that Plaintiffs' Motion is **GRANTED**.

The Court finds that each of the necessary elements for issuing a preliminary injunction or stay are met and that a postponement of the effective date of the Rule is necessary to prevent irreparable injury. In particular, the Court finds that Plaintiffs have established that they are

likely to succeed on the merits of their claims under the Administrative Procedure Act, that they would suffer irreparable harm absent preliminary relief, and that the balance of equities and the public interest weigh in favor of an injunction or stay.

Pursuant to 5 U.S.C. § 705, the Court **POSTPONES** the effective date of the U.S. Department of Education's Rule entitled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 85 Fed. Reg. 30,026 (May 19, 2020), pending entry of a final judgment on Plaintiffs' APA claims. The Court further **STAYS** implementation of the Rule pending conclusion of these review proceedings.

Furthermore, the Court **ORDERS** that Defendants, Elisabeth D. DeVos, in her official capacity as Secretary of Education, the United States Department of Education, and the United States of America, are **ENJOINED** from applying, enforcing, or issuing any guidance relating to the Rule in its entirety during the pendency of this action until further order of the Court.

DATE: _____, 2020

CARL J. NICHOLS
United States District Judge

NAMES OF PERSONS TO BE SERVED WITH PROPOSED ORDER UPON ENTRY

In accordance with LCvR 7(k), listed below are the names and addresses of the attorneys and parties entitled to be notified of the proposed order's entry:

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