

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 25-1529

Caption [use short title]

Motion for: Stipulated Dismissal of Appeal and
Vacatur of District Court Order

AAUP et al. v. U.S. DOJ et al.

Set forth below precise, complete statement of relief sought:

The parties jointly and respectfully request that
the Court (1) dismiss this appeal; (2) vacate the district
court's June 16, 2025 order denying plaintiffs-appellants'
preliminary injunction motion and dismissing the
case for lack of standing, and (3) remand with
instructions to dismiss the case as moot.

MOVING PARTY: All

OPPOSING PARTY: _____

☐ Plaintiff☐ Defendant☒ Appellant/Petitioner☒ Appellee/RespondentMOVING ATTORNEY: Matthew Murray, Allison Rovner

OPPOSING ATTORNEY: _____

[name of attorney, with firm, address, phone number and e-mail]

Altshuler Berzon LLPUnited States Attorney's Office, S.D.N.Y.177 Post Street, Suite 30086 Chambers StreetSan Francisco, CA 94108, (415) 421-7151 ext. 306New York, NY 10007, (212) 637-2691Court- Judge/ Agency appealed from: Southern District of New York - Hon. Mary Kay Vyskocil

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No (explain): _____FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?

☐ Yes☐ No

Has this relief been previously sought in this court?

☐ Yes☐ No

Requested return date and explanation of emergency: _____

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☒ No☐ Don't Know

Is the oral argument on motion requested?

☐ Yes☒ No (requests for oral argument will not necessarily be granted)

Has the appeal argument date been set?

☐ Yes☒ No If yes, enter date: _____

Signature of Moving Attorney:

s/Matthew MurrayDate: 3/12/2026

Service :

☒ Electronic☐ Other [Attach proof of service]

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs-Appellants,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, et al.,

Defendants-Appellees.

Case No. 25-1529

**STIPULATION TO
DISMISS APPEAL AND
JOINT MOTION TO
VACATE DISTRICT
COURT DECISION; AND
[PROPOSED] ORDER**

**STIPULATION TO DISMISS APPEAL AND
JOINT MOTION TO VACATE DISTRICT COURT DECISION**

Pursuant to Federal Rule of Appellate Procedure 42(b)(1), the parties in the above-captioned action hereby stipulate to dismissal of the appeal with prejudice, with no costs or attorney's fees awarded to any party.

The parties further jointly and respectfully move this Court pursuant to 28 U.S.C. § 2106 for vacatur of the district court's June 16, 2025 order denying plaintiffs-appellants' motion for preliminary injunction and dismissing the case for lack of standing, Dist. Ct. Dkt. 148, and request that the Court remand the action to the district court with instructions to dismiss the action as moot.

In support of the parties' stipulation and joint motion, the parties state the following:

1. On March 25, 2025, plaintiffs-appellants initiated the above-titled action against defendants-appellees, alleging that defendants-appellees violated the First Amendment, the Administrative Procedure Act, Title VI of the Civil Rights Act of 1964, and other constitutional provisions as to plaintiffs-appellants and plaintiffs-appellants' members at Columbia University. The action concerns the federal government's termination of funding to Columbia University and issuance of a March 13, 2025 letter regarding reforms for the University to implement. *See* JA26-112.

2. On April 3, 2025, plaintiffs-appellants moved for a preliminary injunction against defendants-appellees. *See* Dist. Ct. Dkt. 24. Defendants-appellees opposed the motion, partly based on their contention that plaintiffs-appellants lacked standing. *See* Dist. Ct. Dkt. 91.

3. On June 16, 2025, the district court issued an order denying plaintiffs-appellants' preliminary-injunction motion and dismissing the case for lack of standing. *See* SA1-30.

4. That same day, plaintiffs-appellants appealed the district court's order.

5. On July 23, 2025, Columbia University entered into a resolution agreement ("Agreement") with the federal government. Among other things, the

Agreement stated that most of the terminated funding would be restored to Columbia University and outlined certain actions the University would undertake. *See, e.g.*, Plaintiffs-Appellants’ Opening Brief (“AOB”) 12-13; Brief for Defendants-Appellees (“GB”) 14.

6. Due to changed circumstances caused by the Agreement, actions of third parties, and other factors outside of plaintiffs-appellants’ control, plaintiffs-appellants no longer intend to seek prospective equitable relief or monetary damages for constitutional or statutory violations if their appeal is successful. Therefore, plaintiffs-appellants withdraw their requests for that relief. As a result, although plaintiffs-appellants maintain that the Agreement did not immediately moot their claims, plaintiffs-appellants now believe this case has become moot.

7. Defendants-appellees maintain that “the government’s actions in entering into” the Agreement “restoring the funding caused the matter to be moot.” GB51 n.21.

8. The parties therefore agree that this action is now moot for reasons not fairly attributable to plaintiffs-appellants. The parties further agree that, in such circumstances, vacatur of the underlying district court decision is appropriate. *See, e.g.*, AOB60 (citing *Arizonans for English v. Arizona*, 520 U.S. 43, 71 (1997); *United States v. Munsingwear, Inc.*, 340 U.S. 36, 39 (1950); *Manufacturers Hanover*

Tr. Co. v. Yanakas, 11 F.3d 381, 383 (2d Cir. 1993)); GB51 n.21 (citing *Russman v. Board of Education*, 260 F.3d 114, 122 (2d Cir. 2001)).

For the foregoing reasons, the parties jointly and respectfully request that the Court vacate the district court's June 16, 2025 order and remand the action to the district court with instructions to dismiss the action as moot.

Regardless of whether this Court grants or denies the parties' joint motion to vacate the district court's decision and to remand the action for dismissal based on mootness, the parties stipulate to dismiss this appeal, and plaintiffs-appellants agree to voluntarily dismiss the action in district court.

Dated: March 12, 2026

Respectfully submitted,

By: /s/ Matthew J. Murray

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[PROPOSED] ORDER

The parties stipulate to dismiss the appeal and jointly move for vacatur of the district court's order denying the motion for a preliminary injunction and dismissing the case for lack of standing entered on June 16, 2025. Upon due consideration, it is hereby ORDERED that the motion is GRANTED, the district court's order is vacated, and this matter is remanded to the district court with instructions to dismiss the case as moot. *United States v. Munsingwear*, 340 U.S. 36 (1950); *Russman v. Board of Education*, 260 F.3d 114, 122 (2d Cir. 2001).

Certificate of Compliance

Pursuant to Federal Rule of Appellate Procedure 32(g), the above-named counsel hereby certifies that this memorandum complies with the type-volume limitation of the Federal Rules of Appellate Procedure. As measured by the word processing system used to prepare it, this memorandum contains 576 words.