

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Defendant.

Case No. 1:26-CV-10844-MJJ

**DEFENDANT’S MOTION TO DISMISS OR, IN THE
ALTERNATIVE, FOR A STAY PENDING FINAL RESOLUTION OF
MASSACHUSETTS v. DEPARTMENT OF EDUCATION**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant hereby moves to dismiss the Amended Complaint for the reasons set forth in the accompanying memorandum of law. Alternatively, Defendant requests that the Court stay this litigation pending a final decision in *Massachusetts v. Dep’t of Educ.*, No. 26-cv-11229 (D. Mass. filed Mar. 11, 2026).

Pursuant to Local Rule 7.1(d), Harvard believes that oral argument may assist the court and therefore requests oral argument on this motion.

As indicated in the accompanying certification, the United States opposes this Motion.

DATED: June 3, 2026

Respectfully Submitted,

/s/ Steven P. Lehotsky

Steven P. Lehotsky (BBO #655908)
LEHOTSKY KELLER COHN LLP
200 Massachusetts Ave. NW, Suite 700
Washington, DC 20001
T: (512) 693-8350
F: (512) 727-4755
steve@lkcfirm.com

LOCAL RULE 7.1(a)(2) CERTIFICATION

Counsel for Harvard certify that they conferred with counsel for the Government in good faith regarding this motion. Counsel for the Government indicated that they opposed the relief requested.

/s/ Steven P. Lehotsky _____
Steven P. Lehotsky

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2026, I caused this document and accompanying memorandum of law to be filed through the CM/ECF system, where it will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Steven P. Lehotsky
Steven P. Lehotsky