

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STATE OF ILLINOIS *et al.*,

Plaintiffs,

v.

RUSSELL VOUGHT, *in his official capacity  
as Director of the Office of Management &  
Budget, et al.*,

Defendants.

Case No. 26-cv-1566  
Hon. Manish S. Shah

**PLAINTIFF STATES' MOTION FOR EXPEDITED DISCOVERY**

Plaintiff States seek expedited discovery, including production of the administrative record, relevant to a forthcoming motion for a preliminary injunction. Public reporting suggests that critical documents are in Defendants' possession regarding the timing, scope, reasoning, and instructions of the Targeting Directive. Because these documents have not been formally published nor publicly disclosed; because some portion will be encompassed by a traditional administrative record while others will not; and because the harms are likely to continue past the current 14-day temporary restraining order without further preliminary relief, expedited discovery is required. Further, Plaintiff States have carefully tailored the information requested to that most immediately needed, minimizing the burden to the fullest extent possible.

Plaintiff States accordingly move to deem as served their Requests for Production attached as Exhibit A to the Declaration of Katharine Roller ("Roller Decl."). Fed. R. Civ. P. 26(d)(1). Plaintiff States respectfully request that the Court set a deadline for Defendants' responses to Plaintiff States' RFPs and production of the administrative record of Monday, February 16, 2026. Fed. Rs. Civ. P. 33(b)(2) and 34(b)(2)(A). Because good cause supports the requested relief,

Plaintiff States request that this motion be granted.

## **I. Background**

On February 11, 2026, following public reporting that OMB had issued an unlawful directive (the “Targeting Directive”) commanding HHS and other agencies to imminently cut critical funding to Plaintiff States based on arbitrary political animus, Plaintiff States filed a Complaint (ECF No. 1) and emergency motion for temporary restraining order (ECF No. 3) to enjoin the directive before consequences could issue. Plaintiff States’ instincts were correct, as early the next morning, Defendants rolled out notices which purported to terminate Plaintiff States’ funding effective the previous day. On the morning of February 12, this Court held a hearing and subsequently issued a 14-day written Temporary Restraining Order. ECF. No. 20 (TRO Decision); ECF No. 21 (Order).

Plaintiff States have no cause to believe that Defendants intend to self-remedy their illegal actions in the next 14 days. As such, Plaintiff States promptly reached out to Defendants the day after the TRO Decision and Order issued to discuss next steps, including a proposal for the production of the administrative record and limited additional discovery over this weekend. Counsel for Defendants eventually responded that they cannot indicate until Tuesday whether they are amenable to the production of any discovery, let alone actually provide any actual documents in that time frame.<sup>1</sup> Given the tight timeline, Plaintiff States must proceed with this response as a refusal, and accordingly make this motion for expedited discovery to develop the factual record that this Court recognized would be necessary. ECF No. 20 at 3.

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<sup>1</sup> The declaration of Katharine Roller, included with this motion, details Plaintiff States’ efforts to meet and confer on this issue promptly as required by Local Rule 37.2.

## II. Argument

Fed. R. Civ. P. 26(d)(1) permits discovery before Rule 26(f) conferral when authorized by court order. Though the Rule does not set forth a precise standard for determining when early discovery is appropriate, district courts have “broad discretion in discovery matters.” *Packman v. Chicago Tribune Co.*, 267 F.3d 628, 646 (7th Cir. 2001) (citation omitted). Whether judged by a “good cause” or a “reasonableness” standard, the court should consider the entirety of the record and all surrounding circumstances. *Ibarra v. City of Chicago*, 816 F. Supp 2d 541, 554 (N.D. Ill. 2011) (discussing approaches used in applying Rule 26(d) requests). In *Ibarra*, the court assessed the totality of the circumstances using the following factors: (1) whether a preliminary injunction is pending; (2) the breadth of the discovery requests; (3) the purpose for requesting the expedited discovery; (4) the burden on the defendants to comply with the requests; and (5) how far in advance of the typical discovery process the request was made.” *Ibarra*, 816 F. Supp 2d at 554 (N.D. Ill. 2011) (quoting *Landwehr v. F.D.I.C.*, 282 F.R.D. 1, 4 (D.D.C. 2010)); *see also Shokri Varniab v. Edlow*, 2026 WL 161410, at \*1-2 (N.D. Cal. Jan. 21, 2026) (evaluating same factors in ordering expedited production of the administrative record).

Application of these factors favors granting the present motion.

*First*, a temporary restraining order is in place, a motion for preliminary injunction will soon be pending, and Plaintiff States seek limited early discovery in connection with that forthcoming motion. All of that favors expedited discovery here. *See* 1993 amendment to Rule 26(d), advisory committee note (calling out specifically requests for a preliminary injunction as those that may be appropriate for Rule 26(d) expedited discovery). At the TRO hearing and in the related order granting TRO relief, the Court suggested that this case and any assessment of further preliminary relief would benefit from a more developed factual record. Those facts, however,

remain solely in the custody of Defendants, and Defendants have made clear that Plaintiff States cannot obtain them on the expedited basis needed, absent this Court's intervention.

*Second*, the requested discovery is narrow. Plaintiff States are not seeking deposition testimony and have asked only for a limited set of nine (9) document requests. These requests seek only a few specific documents identified in public reporting or statements by the President, and a limited set of related documents disseminating and implementing them—documents highly likely to be the subject of the impending preliminary injunction motion. *See, e.g., Campaignzero*, 2020 WL 7123066, at \*2 (granting expedited discovery where the requested information was “reasonably related to Plaintiff’s motion for a preliminary injunction”).

*Third*, the purposes behind the request for expedited discovery are significant. For example, the Court opened the TRO hearing by inquiring whether Plaintiff States have possession of any document to confirm the public reporting that indicates the Targeting Directive was motivated by immigration priorities and political animus. Roller Decl., Ex. C, p. 3, lines 12-16. As counsel explained, however, because Defendants have not published any formal documents and they have been less than transparent in their communications with the grantees, Plaintiff States have been left—at least to date—to rely on the reporting and public comments made by the President and other administration officials. *See id.* Expedited discovery is thus required to obtain pertinent evidence. *See Mullane v. Almon*, 339 F.R.D. 659, 665 (N.D. Fla. 2021) (reasons justifying expedited discovery include “obtain[ing] evidence to establish the elements for a preliminary injunction and to allow a district court to craft an appropriate preliminary injunction.”); *Warner Bros. Recs. Inc. v. Does 1–6*, 527 F. Supp. 2d 1, 2 (D.D.C. 2007).

The rationale underlying the Targeting Directive also is relevant to Plaintiff States’ claim that Defendants exceeded their statutory and constitutional authority. “[C]ourts have routinely

granted expedited discovery in cases involving challenges to constitutionality of government action.” *New Mexico v. Musk*, 770 F. Supp. 3d 192, 202 (D.D.C. 2025) (quoting *Ellsworth Assocs., Inc. v. United States*, 917 F. Supp. 841, 844 (D.D.C. 1996)). The discovery that Plaintiff States seek also will aid the Court in crafting appropriate relief. *See KPM Analytics N. Am. v. Blue Sun Scientific, LLC*, 540 F. Supp. 3d 145, 146 (D. Mass. 2021) (finding that “expedited discovery would provide a more fulsome record to consider the preliminary injunction and—should [the plaintiff] prevail and obtain a preliminary injunction—enable the Court to design an equitable remedy that will prevent irreparable harm while the case is litigated”).<sup>2</sup>

Another important purpose concerns the factual record required for this Court to make an accurate determination as to whether it has jurisdiction to hear Plaintiff States’ APA claims. As the Court and both parties acknowledged at the TRO hearing, the landscape surrounding the Tucker Act has changed significantly in recent months. And while the Complaint challenges a Targeting Directive that was issued before the terminations, and Plaintiff States filed this action before the termination notices went out, it is essential to have the facts surrounding the precise order of events. *See* ECF No. 20 (noting that “[w]ithout the text of an agency decision, it is difficult to know whether the decision here amounts to internal guidance or pure grant terminations”). Granting limited expedited discovery for this purpose is well-founded: In cases where the government denies that reviewable agency action exists, a district court may exercise its discretion to permit discovery to ascertain the “contours of the precise policy at issue.” *AFL-CIO v. Dep’t of*

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<sup>2</sup> The requested discovery’s connection to Plaintiff States’ constitutional claims also precludes any concern about discovery limitations under the Administrative Procedure Act. *Cook County, Ill. v. Wolf*, 461 F. Supp. 3d 779, 794-95 (N.D. Ill. 2020); *see also CASA Inc. v. Noem*, No. 25-1484, 2025 WL 3514378, at \*17 (D. Md. Dec. 8, 2025) (allowing discovery where evaluation of plaintiff’s constitutional claim involved distinct “decision rules” from its APA claim, and would require review of evidence outside the agency record).

*Labor*, 349 F.R.D. 243, 249 (D.D.C. 2025) (citing *Hispanic. Affs. Project v. Acosta*, 901 F.3d 378, 388 (D.C. Cir. 2018)).

*Fourth*, although Plaintiff States acknowledge the burden to Defendants of collecting and producing discovery over a long weekend, that burden is commensurate with the emergency circumstances of this case—an emergency of Defendants’ own creation. *See Iglesias*, 2021 WL 4820429, at \*5. As explained above, Plaintiff States’ proposed discovery is narrowly targeted at a limited universe of documents related to the likelihood of success on the merits and threshold jurisdictional issues. *Wachovia Sec., L.L.C. v. Stanton*, 571 F. Supp. 2d 1014, 1050 (N.D. Iowa 2008) (granting expedited discovery to “clarify matters that were outside of [Plaintiff’s] knowledge and may ultimately lead to the prompt and efficient disposition of this litigation and the parties’ underlying dispute”). Especially when compared against the high stakes to Plaintiff States, the burden on Defendants is appropriate. *See Fed. R. Civ. P. 26(b)(1)* (establishing general rule that inquiries into “burden” should consider “likely benefit”); *Musk*, 770 F. Supp. 3d at 202 (finding “that the benefit, including expeditious resolution of this case, outweighs the burden”); *Roe v. Mayorkas*, No. 22-cv-10808-ADB, 2023 WL 3466327, at \*18 (D. Mass. May 12, 2023) (ordering expedited production of administrative record where plaintiffs “alleged a risk of serious harm”).

*Fifth*, the timing of Plaintiff States’ request is directed by the emergent nature of the facts at hand. As soon as practicable after the TRO issued, lead counsel for Plaintiff States contacted the defense with a defined, particularized proposal, which included the specific requests for production and a proposed deadline for productions, and stressed the urgent need for a response to the proposal. Roller Decl., Ex B, pp. 1-3. The TRO only runs for 14 days, including a federal holiday, and each day matters. In consideration of the circumstances at hand, other courts have

granted this kind of relief under similar exigencies. *See, e.g., Newsom v. Trump*, No. 25-cv-04870-CRB, 2025 WL 2250569, at \*6 (N.D. Cal. June 25, 2025) (granting expedited discovery “to supplement the record to assist the Court in resolving this important and developing matter”); *AT&T Mobility LLC v. Miranda Holdings Corp.*, No. 08-20637-Civ., 2008 WL 2139519, at \*2 (S.D. Fla. May 7, 2008) (granting expedited discovery to “get the case in a dispositive posture sooner” to “afford the injured party relief promptly, thus minimizing its injuries”).

### **III. Conclusion**

For the foregoing reasons, the Plaintiff States ask for a court order:

1. Deeming served Plaintiff States’ Requests for Production attached as attached as Exhibit A to the Declaration of Katharine Roller in support of Motion, pursuant to Rule 26(d)(1); and
2. Setting a deadline of Monday, February 16, 2026 for Defendants to respond to Plaintiff States’ First Requests for Production and produce the administrative record relevant to the Targeting Directive, pursuant to Rules 33(b)(2) and 34(b)(2)(A).

Dated: February 14, 2026

**ROB BONTA**

*Attorney General of California*

By: /s/ Harald H. Kirn

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STATE OF ILLINOIS *et al.*,

Plaintiffs,

v.

RUSSELL VOUGHT, *in his official  
capacity as Director of the Office of  
Management & Budget, et al.*;

Defendants.

Case No. 26-cv-1566

Hon. Manish S. Shah

**EXHIBIT 1**

**Declaration of Katharine Roller**

**DECLARATION OF KATHARINE ROLLER**

I, Katharine Roller, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am a resident of the State of Illinois. I am over the age of 18 and have personal knowledge of all the facts stated herein. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am Complex Litigation Counsel in the Office of the Illinois Attorney General. I am lead attorney for the State of Illinois in the above captioned matter.

3. Attached as **Exhibit A** is a true and correct copy of Plaintiff States' First Requests for Production dated February 13, 2026.

4. I served via e-mail Plaintiff States' First Requests for Production on counsel for Defendants, Patrick Johnson, on February 13, 2026, at approximately 12:39 PM Central Standard Time. Attached as **Exhibit B** is a true and correct copy of the e-mail communications between myself and counsel for Defendants on February 13, 2026.

5. In the same message, pursuant to Local Rule 37.2, I attempted to consult Defendants to seek agreement on Plaintiff States' request that Defendants produce limited expedited discovery and the administrative record by February 16, 2026, as well as a briefing schedule for Plaintiff States' forthcoming motion for preliminary injunction. Ex. B., p. 2-3. When Defendants did not respond, I emailed counsel for Defendants at approximately 4:15 PM Central Standard Time reiterating our need for a response. Ex. B, p. 1-2.

6. At approximately 4:54 PM Central Standard Time, counsel for Defendants replied that they "won't be able to provide [Plaintiff States] with a position today" and would "aim to" provide their position instead on Tuesday, February 17. Ex. B, p. 1.

7. Attached as **Exhibit C** is a true and correct copy of referenced excerpts from the transcript of the emergency motion hearing held February 12, 2026 before Hon. Manish S.

Shah. Exhibit C contains the cover page, pages 3 and 4, and the certification page of the transcript.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 14, 2026, in Oak Park, Illinois.

By: /s/ Katharine Roller  
Katharine Roller  
Complex Litigation Counsel  
Office of the Illinois Attorney General

# **EXHIBIT A**

**to the Declaration of Katharine Roller**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STATE OF ILLINOIS *et al.*,

Plaintiffs,

v.

RUSSELL VOUGHT, *in his official capacity  
as Director of the Office of Management &  
Budget, et al.*;

Defendants.

Case No. 26-cv-1566

Hon. Manish S. Shah

**PLAINTIFF STATES' FIRST REQUESTS FOR PRODUCTION**

Pursuant to Federal Rule of Civil Procedure 34, Plaintiff States request that defendants produce the documents, electronically stored information, and other tangible things identified below. Plaintiff States request that defendants respond by February 16, 2026. *See* Fed. R. Civ. P. 34(b)(2)(A).

1. The final version of the “detailed spending report[s] on Federal funds provided to entities in a select list of States” prepared for defendant Office of Management and Budget (“OMB”) pursuant to Budget Data Request No. 26-09, and any cover or transmittal documents or communications therefor, including documents or communications sufficient to identify all recipients of the report(s).

2. The order or any other document, including any documents or communications memorializing a verbal directive or order, to which the President referred on the Dan Bongino show on February 2, 2026, in his statement: “Sanctuary cities are a disaster. So I put out an order, anybody that does a sanctuary city is not getting any money.”

3. The directive(s) by which OMB directed the Transportation Department to rescind approximately \$943 million from Plaintiff States and the Centers for Disease Control and Prevention (“CDC”) to rescind approximately \$602 million from Plaintiff States, and any cover or transmittal documents or communications therefor.

4. Any directive or instructions referenced in the article in the February 4, 2026, New York Post titled, “White House instructs DOT, CDC to cut \$1.5B in grants for Dem states, citing ‘waste and mismanagement’” (*see* <https://nypost.com/2026/02/04/us-news/white-house-instructs->

dot-cdc-to-cut-1-5b-in-woke-green-grants-for-dem-states/), as well as any cover or transmittal documents or communications therefor, including documents or communications sufficient to identify all recipients of the directive or instructions.

5. Any memoranda, guidance, communications, or other documents generated by Defendants interpreting or implementing the documents described in Requests #1, 3 and 4, or the President's order as described in Request #2.

6. All notices that defendants have sent to Congress or any committees or staff members thereof, pursuant to Section 185 or Section 524 of the Consolidated Appropriations Act of 2026, and any cover or transmittal documents or communications therefor, including documents or communications sufficient to identify all recipients of the notices.

7. Documents and communications concerning Attachment B to OMB Budget Data Request No. 26.

8. Defendants' responses to OMB Budget Data Request No. 26-09 and any Resource Management Office Review of Agency Responses as described in the Budget Data Request.

9. All communications sent or received by defendants Vought and OMB concerning any directive or instructions sent to other federal agencies to terminate, pause, freeze, or otherwise impede the movement of federal funds to Plaintiff States from December 1, 2025 to present.

Dated: February 13, 2026

**ROB BONTA**

*Attorney General of California*

By: /s/ Harald H. Kirn

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*Counsel for the State of Minnesota*

\* Pro Hac Vice Forthcoming

**CERTIFICATE OF SERVICE**

I, Katharine Roller, served Plaintiff States Requests for Production to defendants, to the following recipients via email on February 13, 2026:

Patrick W. Johnson  
Assistant United States Attorney  
219 South Dearborn Street  
9th Floor  
Chicago, Illinois 60604  
patrick.johnson2@usdoj.gov

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 13, 2026

By: /s/ Katharine Roller  
Complex Litigation Counsel  
Office of the Illinois Attorney General  
115 S. LaSalle St.  
Chicago, IL 60603

## **EXHIBIT B**

**to the Declaration of Katharine Roller**

**From:** [Beckenhauer, Eric \(CIV\)](#)  
**To:** [Roller, Katharine](#); [Hendrickson, Cara](#); [Weaver, Henry](#); [Terman, Sarah \(USAILN\)](#); [Walsh, Thomas \(USAILN\)](#); [Johnson, Patrick \(USAILN\)](#)  
**Cc:** [David Moskowitz](#); [Harald Kirn](#); [katherine.bies@ag.state.mn.us](mailto:katherine.bies@ag.state.mn.us); [Hunger, Sarah](#); [Mauck, Molly](#); [Velchik, Michael \(CIV\)](#)  
**Subject:** EXTERNAL: RE: 26-cv-1566 Illinois v. Vought  
**Date:** Friday, February 13, 2026 4:54:01 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hi Katharine,

Thanks for your email, which Patrick shared. I'm copying Michael Velchik, who will be taking the lead on PI proceedings for the federal government (and moving Eitan to bcc to spare his inbox).

We're happy to work with you on scheduling and have shared your proposal with the agencies. Given that this came up just before a holiday weekend, though, when many folks are unavailable, I'm afraid we won't be able to provide you with a position today, as I'm sure you can understand. But we'll aim to get back you on Tuesday, in hopes of agreeing on a schedule in advance of Wednesday's status conference with the Court.

Thanks again,  
Eric

**Eric B. Beckenhauer**  
Assistant Director  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
(202) 514-3338

---

**From:** Roller, Katharine <[Katharine.Roller@ilag.gov](mailto:Katharine.Roller@ilag.gov)>  
**Sent:** Friday, February 13, 2026 4:15:38 PM  
**To:** Hendrickson, Cara <[Cara.Hendrickson@ilag.gov](mailto:Cara.Hendrickson@ilag.gov)>; Weaver, Henry <[Robert.Weaver@ilag.gov](mailto:Robert.Weaver@ilag.gov)>; Terman, Sarah (USAILN) <[Sarah.Terman@usdoj.gov](mailto:Sarah.Terman@usdoj.gov)>; Walsh, Thomas (USAILN) <[Thomas.Walsh2@usdoj.gov](mailto:Thomas.Walsh2@usdoj.gov)>; Sirkovich, Eitan R (CIV) <[Eitan.R.Sirkovich@usdoj.gov](mailto:Eitan.R.Sirkovich@usdoj.gov)>; Johnson, Patrick (USAILN) <[Patrick.Johnson2@usdoj.gov](mailto:Patrick.Johnson2@usdoj.gov)>  
**Cc:** David Moskowitz <[david.moskowitz@coag.gov](mailto:david.moskowitz@coag.gov)>; Harald Kirn <[harald.kirn@doj.ca.gov](mailto:harald.kirn@doj.ca.gov)>; [katherine.bies@ag.state.mn.us](mailto:katherine.bies@ag.state.mn.us) <[katherine.bies@ag.state.mn.us](mailto:katherine.bies@ag.state.mn.us)>; Hunger, Sarah <[Sarah.Hunger@ilag.gov](mailto:Sarah.Hunger@ilag.gov)>; Mauck, Molly <[Molly.Mauck@ilag.gov](mailto:Molly.Mauck@ilag.gov)>  
**Subject:** [EXTERNAL] RE: 26-cv-1566 Illinois v. Vought

Patrick,

Please advise us of your position on the proposal in my previous email—particularly regarding your willingness to provide the administrative record and expedited discovery responses on February 16—as soon as possible. If we do not hear from you by 5 pm Central Time, we will assume you have rejected our proposal.

Best,  
Katharine

Katharine Roller (she/her)  
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---

**From:** Roller, Katharine  
**Sent:** Friday, February 13, 2026 12:39 PM  
**To:** Hendrickson, Cara <[Cara.Hendrickson@ilag.gov](mailto:Cara.Hendrickson@ilag.gov)>; Weaver, Henry <[Robert.Weaver@ilag.gov](mailto:Robert.Weaver@ilag.gov)>; [sarah.terman@usdoj.gov](mailto:sarah.terman@usdoj.gov); [Thomas.Walsh2@usdoj.gov](mailto:Thomas.Walsh2@usdoj.gov); [eitan.r.sirkovich@usdoj.gov](mailto:eitan.r.sirkovich@usdoj.gov); [Patrick.Johnson2@usdoj.gov](mailto:Patrick.Johnson2@usdoj.gov)  
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**Subject:** RE: 26-cv-1566 Illinois v. Vought

Patrick,

Plaintiff States write to seek agreement on next steps in this matter. Judge Shah has made clear that he believes the parties should be working to develop a factual record. Our proposal is accordingly as follows:

1. The simplest and least burdensome path forward for both sides would be for the federal defendants to stipulate to entry of a preliminary injunction (and agree not to challenge such an agreed injunction in an appellate court) while this case proceeds on an ordinary timeline.
2. If no agreement can be reached on that approach, Plaintiff States' position is that expedited discovery and administrative record production is needed under the existing TRO, as follows:
  - a. 2/13/2026: Plaintiff States serve limited expedited discovery requests (attached).
  - b. 2/16/2026: Defendants' limited expedited discovery responses and administrative record due.
  - c. 2/19/2026: Amended complaint and PI motion. 30-page limit for PI motion.
  - d. 2/23/2026: PI opposition due by 12 PM. 30-page limit for PI opposition.
  - e. 2/25/2026: PI reply due by 12 PM. 20-page limit for PI reply.
  - f. 2/26/2026: PI hearing.

Please let us know if you agree to accept service by email. We are available to discuss at your convenience.

Best,  
Katharine

Katharine Roller (she/her)  
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[Katharine.roller@ilag.gov](mailto:Katharine.roller@ilag.gov)

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**From:** Hendrickson, Cara <[Cara.Hendrickson@ilag.gov](mailto:Cara.Hendrickson@ilag.gov)>  
**Sent:** Thursday, February 12, 2026 9:12 AM  
**To:** Weaver, Henry <[Robert.Weaver@ilag.gov](mailto:Robert.Weaver@ilag.gov)>; [sarah.terman@usdoj.gov](mailto:sarah.terman@usdoj.gov); [Thomas.Walsh2@usdoj.gov](mailto:Thomas.Walsh2@usdoj.gov); [eitan.r.sirkovich@usdoj.gov](mailto:eitan.r.sirkovich@usdoj.gov); [Patrick.Johnson2@usdoj.gov](mailto:Patrick.Johnson2@usdoj.gov)  
**Cc:** David Moskowitz <[david.moskowitz@coag.gov](mailto:david.moskowitz@coag.gov)>; Harald Kirn <[harald.kirn@doj.ca.gov](mailto:harald.kirn@doj.ca.gov)>; [katherine.bies@ag.state.mn.us](mailto:katherine.bies@ag.state.mn.us); Roller, Katharine <[Katharine.Roller@ilag.gov](mailto:Katharine.Roller@ilag.gov)>; Hunger, Sarah <[Sarah.Hunger@ilag.gov](mailto:Sarah.Hunger@ilag.gov)>; Mauck, Molly <[Molly.Mauck@ilag.gov](mailto:Molly.Mauck@ilag.gov)>  
**Subject:** Re: 26-cv-1566 Illinois v. Vought

Counsel,

I'm recirculating this email with AUSA Patrick Johnson included in the message string.

Cara



**Cara Hendrickson**  
Executive Deputy Attorney General  
Office of the Illinois Attorney General  
115 S. LaSalle Street | Chicago, Illinois 60603  
773-835-0184  
[Cara.Hendrickson@ilag.gov](mailto:Cara.Hendrickson@ilag.gov)

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---

**From:** Hendrickson, Cara <[Cara.Hendrickson@ilag.gov](mailto:Cara.Hendrickson@ilag.gov)>  
**Sent:** Thursday, February 12, 2026 9:03 AM  
**To:** Weaver, Henry <[Robert.Weaver@ilag.gov](mailto:Robert.Weaver@ilag.gov)>; [sarah.terman@usdoj.gov](mailto:sarah.terman@usdoj.gov) <[sarah.terman@usdoj.gov](mailto:sarah.terman@usdoj.gov)>; [Thomas.Walsh2@usdoj.gov](mailto:Thomas.Walsh2@usdoj.gov) <[thomas.walsh2@usdoj.gov](mailto:thomas.walsh2@usdoj.gov)>; [eitan.r.sirkovich@usdoj.gov](mailto:eitan.r.sirkovich@usdoj.gov) <[eitan.r.sirkovich@usdoj.gov](mailto:eitan.r.sirkovich@usdoj.gov)>  
**Cc:** David Moskowitz <[david.moskowitz@coag.gov](mailto:david.moskowitz@coag.gov)>; Harald Kirn <[harald.kirn@doj.ca.gov](mailto:harald.kirn@doj.ca.gov)>; [katherine.bies@ag.state.mn.us](mailto:katherine.bies@ag.state.mn.us) <[katherine.bies@ag.state.mn.us](mailto:katherine.bies@ag.state.mn.us)>; Roller, Katharine <[Katharine.Roller@ilag.gov](mailto:Katharine.Roller@ilag.gov)>; Hunger, Sarah <[Sarah.Hunger@ilag.gov](mailto:Sarah.Hunger@ilag.gov)>; Mauck, Molly <[Molly.Mauck@ilag.gov](mailto:Molly.Mauck@ilag.gov)>  
**Subject:** Re: 26-cv-1566 Illinois v. Vought

Counsel:

I am co-counsel with Mr. Weaver on this matter.

We have learned this morning that, despite the filing of *Illinois v. Vought* yesterday afternoon, at least some plaintiff states have subsequently received notices of terminations of grants at issue in the case. As you know, the implementation of the Targeting Directive through CDC fund terminations is the subject of the motion for a temporary restraining order filed yesterday.

Please provide an explanation as to the Defendants' subsequent actions with respect to these terminations, confirm that any grant terminations issued so far will be vacated, and confirm that no further terminations will be issued.

Sincerely,  
Cara Hendrickson



**Cara Hendrickson**

Executive Deputy Attorney General

Office of the Illinois Attorney General

115 S. LaSalle Street | Chicago, Illinois 60603

773-835-0184

[Cara.Hendrickson@ilag.gov](mailto:Cara.Hendrickson@ilag.gov)

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**From:** Weaver, Henry <[Robert.Weaver@ilag.gov](mailto:Robert.Weaver@ilag.gov)>

**Sent:** Wednesday, February 11, 2026 5:29 PM

**To:** [sarah.terman@usdoj.gov](mailto:sarah.terman@usdoj.gov) <[sarah.terman@usdoj.gov](mailto:sarah.terman@usdoj.gov)>; [Thomas.Walsh2@usdoj.gov](mailto:Thomas.Walsh2@usdoj.gov) <[thomas.walsh2@usdoj.gov](mailto:thomas.walsh2@usdoj.gov)>; [eitan.r.sirkovich@usdoj.gov](mailto:eitan.r.sirkovich@usdoj.gov) <[eitan.r.sirkovich@usdoj.gov](mailto:eitan.r.sirkovich@usdoj.gov)>

**Cc:** David Moskowitz <[david.moskowitz@coag.gov](mailto:david.moskowitz@coag.gov)>; Harald Kirn <[harald.kirn@doj.ca.gov](mailto:harald.kirn@doj.ca.gov)>; [katherine.bies@ag.state.mn.us](mailto:katherine.bies@ag.state.mn.us) <[katherine.bies@ag.state.mn.us](mailto:katherine.bies@ag.state.mn.us)>; Hendrickson, Cara <[Cara.Hendrickson@ilag.gov](mailto:Cara.Hendrickson@ilag.gov)>; Roller, Katharine <[Katharine.Roller@ilag.gov](mailto:Katharine.Roller@ilag.gov)>; Hunger, Sarah <[Sarah.Hunger@ilag.gov](mailto:Sarah.Hunger@ilag.gov)>; Mauck, Molly <[Molly.Mauck@ilag.gov](mailto:Molly.Mauck@ilag.gov)>

**Subject:** Fw: 26-cv-1566 Illinois v. Vought

Sarah,

Thank you for touching base on the phone just now. As discussed, please see attached filings. We will keep you updated on any hearing set on the motion.

Best,

Henry



**R. Henry Weaver**

Assistant Attorney General

Office of the Illinois Attorney General

115 S. LaSalle St. | Chicago, Illinois 60603

773-590-6838 | [Robert.Weaver@ilag.gov](mailto:Robert.Weaver@ilag.gov)

---

**From:** Weaver, Henry <[Robert.Weaver@ilag.gov](mailto:Robert.Weaver@ilag.gov)>  
**Sent:** Wednesday, February 11, 2026 5:00 PM  
**To:** [Thomas.Walsh2@usdoj.gov](mailto:Thomas.Walsh2@usdoj.gov) <[Thomas.Walsh2@usdoj.gov](mailto:Thomas.Walsh2@usdoj.gov)>; [eitan.r.sirkovich@usdoj.gov](mailto:eitan.r.sirkovich@usdoj.gov) <[eitan.r.sirkovich@usdoj.gov](mailto:eitan.r.sirkovich@usdoj.gov)>  
**Cc:** David Moskowitz <[david.moskowitz@coag.gov](mailto:david.moskowitz@coag.gov)>; Harald Kirn <[harald.kirn@doj.ca.gov](mailto:harald.kirn@doj.ca.gov)>; [Katherine.Bies@ag.state.mn.us](mailto:Katherine.Bies@ag.state.mn.us) <[katherine.bies@ag.state.mn.us](mailto:katherine.bies@ag.state.mn.us)>; Hendrickson, Cara <[Cara.Hendrickson@ilag.gov](mailto:Cara.Hendrickson@ilag.gov)>; Roller, Katharine <[Katharine.Roller@ilag.gov](mailto:Katharine.Roller@ilag.gov)>; Hunger, Sarah <[Sarah.Hunger@ilag.gov](mailto:Sarah.Hunger@ilag.gov)>; Mauck, Molly <[Molly.Mauck@ilag.gov](mailto:Molly.Mauck@ilag.gov)>  
**Subject:** 26-cv-1566 Illinois v. Vought

Good afternoon:

The States of Illinois, California, Colorado, and Minnesota have filed a complaint against the Office of Management and Budget, the Department of Health and Human Services, and other federal defendants in connection with HHS's notification to Congress that it would be cutting \$600 million in CDC grants to Plaintiff States as early as tomorrow, February 12, 2026.

We have also filed a motion for a temporary restraining order and supporting documents. We will be asking the court to expedite hearing, hopefully to occur tomorrow. The complaint and TRO motion are attached to this email, and the exhibits are available here: <https://ftp.ilag.gov/?ShareToken=A8680A575541035352443BE661911FA9E65AF003>.

We plan to seek leave to file an oversized brief, 20 pages long, instant, and would request you let us know as soon as possible whether you have any opposition to a motion to file excess pages.

Thank you.

Sincerely,

Henry



**R. Henry Weaver**

Assistant Attorney General

Office of the Illinois Attorney General

115 S. LaSalle St. | Chicago, Illinois 60603

773-590-6838 | [Robert.Weaver@ilag.gov](mailto:Robert.Weaver@ilag.gov)

# **EXHIBIT C**

**to the Declaration of Katharine Roller**

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

STATE OF ILLINOIS; STATE OF CALIFORNIA; STATE OF COLORADO; and STATE OF MINNESOTA,	)	Case No. 26 C 1566
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
RUSSELL VOUGHT, in his official capacity as Director of the Office of Management & Budget, et al.,	)	Chicago, Illinois
	)	February 12, 2026
Defendants.	)	11:02 a.m.

TRANSCRIPT OF PROCEEDINGS - EMERGENCY MOTION HEARING  
BEFORE THE HONORABLE MANISH S. SHAH

APPEARANCES:

For the Plaintiffs: OFFICE OF THE ILLINOIS ATTORNEY GENERAL  
ATTORNEY GENERAL KWAME RAOUL  
SPECIAL LITIGATION BUREAU  
BY: MR. ROBERT H. WEAVER  
MS. KATHARINE A. ROLLER  
MS. SARAH A. HUNGER  
MS. CARA HENDRICKSON  
115 S. LaSalle Street, 35th Floor  
Chicago, Illinois 60603

For the Defendants: HON. ANDREW S. BOUTROS  
UNITED STATES ATTORNEY  
BY: MR. PATRICK JOHNSON  
Assistant United States Attorney  
219 S. Dearborn Street, Suite 500  
Chicago, Illinois 60604

1 (Listening available by phone. Heard in open court:)

2 THE CLERK: 26 CV 1566, State of Illinois versus  
3 Vought.

4 MR. JOHNSON: Good morning, Your Honor. Patrick  
5 Johnson on behalf of the defendants.

6 MR. WEAVER: Good morning, Your Honor. Henry Weaver  
7 from the Illinois Attorney General's Office on behalf of the  
8 plaintiff states.

9 THE COURT: Good morning.

10 I had a couple of questions and then we can talk about  
11 what's happening.

12 What the plaintiffs are referring to as the "targeting  
13 directive," is that a document, a piece of paper somewhere, or  
14 is it a reference to a collection of statements and apparent  
15 decisions that the plaintiffs are gleaning from a series of  
16 acts and statements to comprise the "targeting directive"?

17 MR. WEAVER: Thank you, Your Honor.

18 I will offer plaintiffs' view on that, but ultimately  
19 I would also welcome anything that my friend on the other side  
20 can share about the nature of the agency action happening here.

21 Our strong suspicion is that it is a document. OMB  
22 has said publicly twice to reporters, the *New York Post* and *The*  
23 *Hill*, and potentially other times, that it commanded a series  
24 of terminations targeted at the four plaintiff states here.

25 It seems logical enough to conclude from that adverse

1 party statement that there is, in fact, a document, a written  
2 policy, and that we simply don't have it yet.

3 Even if that were not the case, the APA certainly  
4 permits challenges to unwritten policies that can be inferred  
5 from circumstantial evidence of a consistent practice at the  
6 defendant agency.

7 So our position would be that writing or not writing  
8 is not, like, legally determinative, but we think that there  
9 will be a final agency action that is probably a memorandum  
10 from Defendant Vought or OMB or something of that nature.

11 THE COURT: And that's my next question, is, your view  
12 is that what you are referring to as the "targeting directive"  
13 amounts to a final agency action?

14 MR. WEAVER: Yes, Your Honor.

15 THE COURT: Is the February 9th notice to Congress  
16 somewhere available for me to see?

17 MR. WEAVER: Your Honor, we do not have that at this  
18 time. This is obviously an emergent situation, and we haven't  
19 gotten it, but our understanding, which has been passed to us  
20 in, basically, less formal communications from multiple  
21 congressional delegations from all four plaintiff states, is  
22 that the relevant appropriations committees were given notice  
23 of a list of grants to be terminated on Monday.

24 THE COURT: Then my next question is, if the directive  
25 is a directive to terminate grants, why isn't that a Tucker Act

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THE COURT: Thank you.

MR. WEAVER: Thank you, Your Honor.

(Proceedings concluded at 11:27 a.m.)

\* \* \* \* \*

I certify that the foregoing is a correct transcript of the record of proceedings in the above-entitled matter.

/s/ Colleen M. Conway, CSR, RMR, CRR

02/12/2026

Official Court Reporter  
United States District Court  
Northern District of Illinois  
Eastern Division

Date