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October 6, 2026

VIA CM/ECF

Hon. Indira Talwani
United States District Court for the District of Massachusetts
One Courthouse Way
Boston, MA 02210

Re: *New Jersey, et al. v. Office of Management and Budget, et al.*
Civil Action No. 1:25-cv-11816-IT

Your Honor:

I write on behalf of the plaintiffs to provide further updates in response to the Court's instruction that plaintiffs promptly advise as to whether we continue to seek relief under Counts II and III, in light of the summary judgment decision as to Count I. *See* Dkt. No. 122, 123, 129, 132; *see also* Dkt No. 135 (September 18, 2026 Letter from Plaintiffs).

The parties have agreed that once the Court has entered an order on the parties' joint motion under Fed. R. Civ. P. 54(b), the plaintiffs will dismiss Counts II and III without prejudice.

Respectfully submitted,

/s/ *Jak Kundl*

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cc: Counsel of record (via CM/ECF)