



solely in her official capacity) "when the judgment sought would expend itself on the public treasury or domain or interfere with public administration" (*id.* at 255) (internal quotation marks omitted) -- or put another way, "Ex Parte Young cannot be used to obtain an injunction requiring the payment of funds from the State's treasury, see Edelman v. Jordan, 415 U.S. 651, 666 (1974)" (*id.* at 256-57).

One added concern is worth mentioning at this threshold stage. If plaintiffs' claim were to be found successful, consideration would have to be given as to their ability to recover attorneys' fees and expenses under 42 U.S.C. § 1988 without running afoul of the sovereign immunity principle. With all that said, this Court is contemporaneously issuing its customary initial scheduling order.



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Milton I. Shadur  
Senior United States District Judge

Date: June 7, 2016