

James J. Davis, Jr., AK Bar No. 9412140
Goriune Dudukgian, AK Bar No. 0506051
Nicholas Feronti, AK Bar No. 2106069
NORTHERN JUSTICE PROJECT, LLC
406 G Street, Suite 207
Anchorage, AK 99501
(907) 308-3395 (telephone)
(866) 813-8645 (fax)
Email: jdavis@njp-law.com
Email: gdudukgian@njp-law.com
Email: nferonti@njp-law.com

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Sierra Ott, on behalf of L.O., Chelsea
Zimmerman, on behalf of E.Z., and all
those similarly situated,

Plaintiffs,

v.

State of Alaska, Department of Health,
Heidi Hedberg, in her official capacity as
Commissioner of the Department, Division
of Public Assistance, and Deb Etheridge, in
her official capacity as Director of the
Division,

Defendants.

Case No. 3:24-cv-00153-SLG

**PLAINTIFFS' REPLY IN
SUPPORT OF MOTION TO
STAY BRIEFING ON
DEFENDANTS' MOTION TO
STAY DISCOVERY**

The only reason that this case is before this Court is because the State engaged in a “fraudulent removal.”¹ Indeed, the State removed this case from state court based on a promise that this Court would have jurisdiction,² only to then turn around and claim that the Court lacks jurisdiction.³ As such, this case should be remanded with haste.⁴

In the interim, and out of respect for this Court’s busy docket, the plaintiffs seek to efficiently litigate about the removal. This is why the plaintiffs have filed motions to stay the briefing on the State’s other motions, until this Court rules on the plaintiffs’ motion to remand. After all, and despite the State’s conclusory claims, there is no reason for this Court to spend valuable time presiding over a discovery motion, or presiding over a motion to dismiss, in a case that the State itself argues that this Court has no jurisdiction over.

The plaintiffs note that the State registers ire at the plaintiffs not filing motions to expedite briefing on their motions to stay briefing.⁵ The plaintiffs were simply trying not to burden this Court with still more satellite motion practice. However, the undersigned

¹ Zachary D. Clopton & Alexandra D. Lahav, *Fraudulent Removal*, 135 Harv L. Rev. F. 87, 88 (2021) (“‘Fraudulent removal’ occurs when a removing defendant’s assertion of federal jurisdiction is made in bad faith or is wholly insubstantial. The clearest example of fraudulent removal is when a defendant removes a case to federal court and plans to immediately argue that the federal court lacks subject matter jurisdiction.”).

² ECF No. 1 at 2.

³ ECF No. 9 at 3, 7-8, 9-16; ECF No. 17 at 1, 3.

⁴ *See, e.g.*, ECF No. 11-1; ECF No. 18.

⁵ ECF No. 20.

sincerely apologizes for any inconvenience or confusion caused by not seeking expedited consideration. If this Court denies the plaintiffs' motion for a remand, the plaintiffs respectfully request an opportunity to respond to the State's motion to dismiss, and will do so expeditiously, so that this case can be resolved on merits instead of technicalities.

Dated: September 3, 2024

NORTHERN JUSTICE PROJECT, LLC
Attorneys for Plaintiffs

/s/ Nicholas Feronti

James J. Davis, Jr., AK Bar No. 9412140
Goriune Dudukgian, AK Bar No. 0506051
Nicholas Feronti, AK Bar No. 2106069

CERTIFICATE OF SERVICE

A true and correct copy of this motion was served on counsel of record for the defendants via the CM/ECF or electronic mail on September 3, 2024.

/s/ Nicholas Feronti

Nicholas Feronti, AK Bar No. 2106069