

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

The State of KANSAS, State of NORTH
DAKOTA *et al.*,

Plaintiffs,

v.

UNITED STATES of AMERICA and the
CENTERS FOR MEDICARE &
MEDICAID SERVICES,

Defendants.

Civil Action No. 1:24-cv-00150-DMT-CRH

NOTICE OF PLAINTIFFS' INTENT TO RESPOND

On December 9, 2024, the Court issued an order preliminarily enjoining Defendants' Final Rule. ECF 117. On December 11, Defendants appealed the Order to the Eighth Circuit Court of Appeals. ECF 120, 121. Defendants also moved this Court and the Eighth Circuit for a stay of the Order, pending appeal, both of which denied those motions. *See* ECF 119, 130.

On January 14, 2025, the Parties filed a Joint Motion to Stay Proceedings Pending Appeal. ECF 139. The Court granted the motion on January 15, staying the proceedings pending a final determination by the Eighth Circuit. ECF 143.

On January 15, 13 states, led by New Jersey, moved the court for leave to file a motion to intervene in the case. ECF 141. That motion was granted on January 21. ECF 155. Plaintiffs moved to intervene the same day. ECF 156. Plaintiffs

interpret the Court's stay to include this motion to intervene. However, Plaintiffs will respond to the motion to intervene, in opposition, if directed by the Court.

Respectfully submitted this 22nd day of January, 2025,

KRIS W. KOBACH
Attorney General of Kansas

/s/ James Rodriguez

James R. Rodriguez, Kan. SC No. 29172

Assistant Attorney General

Abhishek S. Kambli, Kan. SC No. 29788

Deputy Attorney General

Kansas Office of the Attorney General

Topeka, Kansas 66612-1597

Phone: (785) 260-3960

Email: jay.rodriguez@ag.ks.gov

abhishek.kambli@ag.ks.gov

Counsel for the State of Kansas