

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

State of Kansas, et al.,

Plaintiffs,

vs.

Case No. 1:24-cv-00150

United States of America, et al,

Defendants.

ORDER GRANTING MOTION FOR CLARIFICATION

[¶ 1] THIS MATTER comes before the Court upon Plaintiff’s Motion for Clarification regarding this Court’s Order Granting Motion for Preliminary Injunction and Stay filed on December 30, 2024. Doc. No. 134. The Defendants filed a Response on December 31, 2024. Doc. No. 137. A Reply has not been filed. For the reasons stated below, the Plaintiffs’ Motion is **GRANTED**.

[¶ 2] Plaintiffs seek clarification regarding the geographic scope of the Stay issued by this Court. Specifically, they seek clarification on whether the Stay pertains only to the Plaintiff States or whether it is nationwide. Doc. No. 134. In addressing the Motion to Stay, the Court found “because there is substantial overlap between the motion to stay and preliminary injunction factors, the Court finds Plaintiffs are entitled to a stay for the reasons articulated [in the preliminary injunction section]. Doc. No. 117, p. 17. Part of that overlap requires the Court to order equitable relief that is workable and “no more burdensome to the defendant than necessary to provide complete relief to the plaintiffs.” Madsen v. Women's Health Ctr., Inc., 512 U.S. 753, 765 (1994); North Carolina v. Covington, 581 U.S. 486, 486-88 (2017) (per curiam). This is in accord with the words of the Supreme Court:

Th[e Supreme] Court has long held that a federal court’s authority to fashion equitable relief is ordinarily constrained by the rules of equity known “at the time of the separation of” this country from Great Britain. Grupo Mexicano de Desarrollo, S. A. v. Alliance Bond Fund, Inc., 527 U.S. 308, 318 (1999); see Guaranty Trust Co. v. New York, 326 U.S. 99, 105 (1945); Boyle v. Zacharie & Turner, 31 U.S. 648, 6 Pet. 648, 658, 8 L.Ed. 532 (1832). Under those rules, th[e Supreme] Court has said, a federal court may not issue an equitable remedy “more burdensome to the defendant than necessary to [redress]” the plaintiff’s injuries. Califano v. Yamasaki, 442 U.S. 682, 702 (1979); see Gill v. Whitford, 585 U.S. 48, 68 (2018) (“[A] ‘remedy must . . . be limited to the inadequacy that produced the injury in fact that the plaintiff has established’”); Rhode Island v. Massachusetts, 37 U.S. 657, 12 Pet. 657, 718, 9 L.Ed. 1233 (1838); Department of Homeland Security v. New York, 140 S.Ct. 599, 600–601 (2020) (*DHS*) (GORSUCH, J., concurring in grant of stay); United States v. Texas, 599 U.S. 670, 693 (2023) (GORSUCH, J., concurring in judgment); S. Bray, Multiple Chancellors: Reforming the National Injunction, 131 Harv. L. Rev. 417, 425–428 (2017).

Labrador v. Poe by & through Poe, 144 S. Ct. 921, 923 (2024) (Gorsuch, J., joined by Thomas and Alito, J.J., concurring in grant of stay) (cleaned up).

[¶ 3] This Court ordered that the “Plaintiffs’ Motions for Preliminary Injunction *and Stay* (Doc. No. 35) are **GRANTED**. *Defendants are preliminary enjoined from enforcing the Final Rule against the 19 Plaintiff States.*” Doc. No 117, p. 18 (emphasis added). Indeed, the geographic scope seemed clear to the parties in their filings with the Eighth Circuit. See Appellees’ Opp’n at 1-2; accord Appellants’ Emergency Motion for an Admin. Stay & Stay Pending Appeal at 6 n.2, No. 24-2521 (8th Cir. Dec. 13, 2024) (“The stay and preliminary injunction appear coextensive.”). The Eighth Circuit had the same interpretation. See Kansas v. United States, --- F.4th ---, 2024 WL 5242428, at *1 (8th Cir. Dec. 23, 2024) (“the district court granted a preliminary injunction *and stay*, preventing the agency from enforcing the rule as to the 19 plaintiff-states” (emphasis added)).

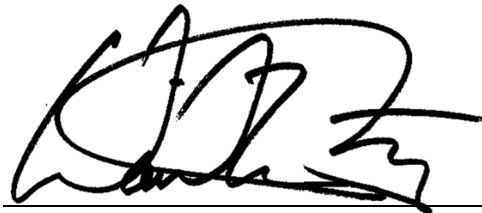
[¶ 4] The Court specifically granted relief as it pertained to the nineteen Plaintiff States. To allow a nationwide stay, especially when nineteen other states and the District of Columbia filed an amicus brief in opposition of the Plaintiff States, would be to grant relief that is more burdensome

than necessary to provide complete relief for the Plaintiff States.¹ Arkansas v. United States Dep't of Educ., No. 4:24 CV 636 RWS, 2024 WL 3518588, at *20 (E.D. Mo. July 24, 2024) (“Issuing a nationwide injunction in this case would prevent the Final Rule from taking effect for those States not requesting such relief, as evidenced in the amicus brief.”); See H.R. Rep. No. 79-1980 233, 277-78 (1946) (noting the authority granted to courts for temporary relief pending full review is “equitable” and should be used to provide an “adequate judicial remedy” to the parties because “[s]uch relief would normally, if not always, be limited to the parties complainant.”).

[¶ 5] For the above stated reasons, the Court **GRANTS** Plaintiffs’ Motion for Clarification (Doc. No. 134). The Order Granting Plaintiffs’ Preliminary Injunction *and Stay* (Doc. No. 117) is limited to the nineteen Plaintiff States only.

[¶ 6] **IT IS SO ORDERED.**

DATED January 15, 2025.

A handwritten signature in black ink, appearing to read 'D. Traynor', written over a horizontal line.

Daniel M. Traynor, District Judge
United States District Court

¹ The Court notes a Motion to Intervene was filed today, wherein fourteen states wish to join this suit in opposition to the Plaintiff States. See Doc. No. 141. Thirteen of those states previously filed an amicus brief. Doc. No. 69.