

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

STATE OF KANSAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. 1:24-cv-00150-DMT-CRH

DEFENDANTS' NOTICE OF FORTHCOMING RESPONSE

Plaintiffs filed a Motion for a Temporary Restraining Order, *see* ECF No. 105, on Friday, November 1, 2024, at 2:16 p.m. Central Time, without first conferring with Defendants. Plaintiffs' TRO motion belatedly seeks to preserve the status quo pending resolution of their motion for a preliminary injunction or stay, even though the Final Rule they challenge has already taken effect. *See* 89 Fed. Reg. 39,392, 39,392 (May 8, 2024) ("These regulations are effective on November 1, 2024."). Defendants respectfully notify the Court that they intend to file an opposition to Plaintiffs' TRO motion today, November 1, 2024.

Dated: November 1, 2024

Respectfully submitted,

BRIAN M. BOYNTON
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ERIC B. BECKENHAUER
Assistant Branch Director
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/s/ Christopher A. Eiswerth _____
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