

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

The State of KANSAS, the State of NORTH DAKOTA, the State of ALABAMA, the State of ARKANSAS, the State of FLORIDA, the State of IDAHO, the State of INDIANA, the State of IOWA, the Commonwealth of KENTUCKY, the State of MISSOURI, the State of MONTANA, the State of NEBRASKA, the State of NEW HAMPSHIRE, the State of OHIO, the State of SOUTH CAROLINA, the State of SOUTH DAKOTA, the State of TENNESSEE, the State of TEXAS, and the Commonwealth of VIRGINIA,

Plaintiffs,

v.

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

Defendants.

**CIVIL ACTION NO. 1:24-cv-00150-
DMT-CRH**

PROPOSED DEFENDANT-INTERVENORS' NOTICE OF APPEAL

Pursuant to 28 U.S.C. §§ 1291 and 1292(a)(1), Proposed Defendant-Intervenors Claudia Moya Lopez, Hyun Kim, Dania Quezada Torres, and CASA Inc. ("Proposed Intervenors") hereby appeal to the United States Court of Appeals for the Eighth Circuit from: (1) the Court's December 9, 2024 order, ECF No. 117, granting Plaintiffs' Motions for Preliminary Injunction and Stay (ECF No. 35); denying Defendants' Motions to Dismiss (ECF No. 108); effectively denying Proposed Intervenors' Motion to Intervene (ECF No. 49) to the extent that motion sought leave to intervene for purposes of participating in briefing and argument on Plaintiffs' Motion for Preliminary Injunction and Stay; and effectively denying Proposed Intervenors' Motion to Transfer (ECF No. 50); and (2) all prior interlocutory orders incorporated therein. *See Toronto-Dominion Bank v.*

Cent. Nat'l Bank & Tr. Co., 753 F.2d 66, 68 n.5 (8th Cir. 1985) (“Denial of a pending motion may be implied from the entry of . . . any order inconsistent with the granting of the motion.”). Proposed Intervenor file this notice of appeal, alternatively: (1) in their capacity as proposed intervenors; (2) as a “protective notice of appeal . . . to become effective if the [effective] denial of intervention is reversed,” *Mausolf v. Babbitt*, 125 F.3d 661, 666 (8th Cir. 1997); and (3) as “non-part[ies]” that “ha[ve] standing to appeal” because they or their members are “bound or adversely affected by” the “injunction” and stay from which this appeal is taken, *United States v. Yielding*, 657 F.3d 722, 726 n.2 (8th Cir. 2011).

Date: December 12, 2024

Respectfully submitted,

/s/ Matthew S. Rozen

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CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2024, I filed the foregoing Notice of Appeal using the Court's CM/ECF system, which will send a notice of the filing to counsel for all parties.

/s/ Matthew S. Rozen

Matthew S. Rozen