

**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 DENYING MOTION TO TRANSFER, MOTION FOR ORAL ARGUMENT,
AND MOTION TO EXPEDITE BRIEFING SCHEDULE AND
FINDING AS MOOT MOTION TO STAY BRIEFING DEADLINES**

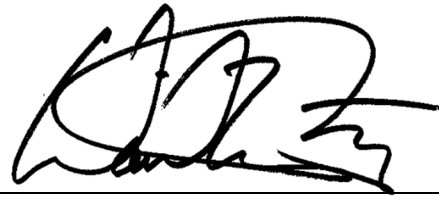
[¶ 1] THIS MATTER comes before the Court upon a Motion to Transfer or, in the alternative, Dismiss this case filed on September 20, 2024, by the CASA Parties. Doc. No. 50. For the reasons set forth below, the Court **DENIES** the Motion to Transfer.

[¶ 2] At the time the Motion to Transfer was filed by the CASA Parties, they also filed a Motion to Intervene. Doc. No. 49. Only parties to a case may file this type of Motion, and the CASA Parties were not parties to this case until the Court determined they could intervene on January 30, 2025. Doc. No. 171; see U.S. ex rel. Eisenstein v. City of New York, 556 U.S. 928, 933 (2009) (“An individual may also become a ‘party’ to a lawsuit by intervening in the action.”); Loc. R.Fed. R. Civ. P. 12(b) (“But a *party* may assert the following defenses by motion: ... (3) improper venue.”) (emphasis added). Because the CASA Parties was not yet parties to this action, any Motions they filed were, therefore, improper and premature.

[¶ 3] As a result, the Court **DENIES** the Motion to Transfer (Doc. No. 50).¹ The Motion for Oral Argument (Doc. No. 58) and Motion to Expedite Briefing Schedule (Doc. No. 65) are **DENIED** for the same reason. The Motion to Stay Briefing Deadlines filed by Plaintiff States (Doc. No. 59) is hereby **MOOT** as the Court has ruled on the underlying Motion.

[¶ 4] **IT IS SO ORDERED**

DATED January 30, 2025.

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

Daniel M. Traynor, District Judge
United States District Court

¹ The Court notes the arguments advanced by the CASA Parties in their Motion to Transfer or Dismiss were largely the same arguments proposed by the Defendants in this case. Compare Doc. No. 50 (CASA's Motion), with Doc. Nos. 61, 90, 96, 107, and 108 (Defendants' Motions). The Court considered those arguments, conducted a thorough analysis of those issues, and found this Court has jurisdiction, venue is proper in this district, and that dismissal was improper. Doc. No. 117.