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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STATE OF NEVADA ex rel. NEVADA
GAMING CONTROL BOARD,

Plaintiff,

vs.

KALSHIEX LLC,

Defendant.

Case No. 2:26-cv-00406-MMD-MDC

**KALSHI'S EMERGENCY MOTION FOR
ADMINISTRATIVE STAY**

EMERGENCY MOTION FOR ADMINISTRATIVE STAY

Defendant KalshiEX LLC (“Kalshi”) submits this motion to request a brief administrative stay of the Court’s remand order pending the Court’s resolution of Kalshi’s forthcoming motion for a stay pending appeal to the Ninth Circuit.¹

Yesterday, the Court ordered that this case be remanded to state court, concluding that it lacks subject matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1442(a). Because Kalshi removed pursuant to section 1442, Kalshi has a statutory right under 28 U.S.C. § 1447(d) to appeal the order, and it intends to exercise that right promptly.

To ensure “that its right to appeal will” remain “meaningful,” Kalshi also intends to file a motion with this Court later today requesting a stay of the Court’s remand order pending appeal. *Oracle Int’l Corp. v. Rimini St., Inc.*, 2023 WL 5221947, at *5 (D. Nev. Aug. 15, 2023) (Du, C.J.); *see County of San Mateo v. Chevron Corp., et al.*, No. 17-cv-0429-VC, Dkt. No. 240 (N.D. Cal. Apr. 9, 2018) (staying remand orders pending appeal and noting that “resolution by the court of appeals will materially advance the litigation”).

In the meantime, Kalshi respectfully requests that the Court enter a brief administrative stay. *See Oracle*, 2023 WL 5221947, at *6 (granting such a stay). An administrative stay would allow the Court adequate time to consider the motion and any response. And it would prevent any jurisdictional confusion that might result if the remand order were mailed to state court before resolution of the stay motion. *See Acad. of Country Music v. Cont’l Cas. Co.*, 991 F.3d 1059, 1070 (9th Cir. 2021) (directing the district court to “enter an order recalling the remand” and to notify the state court “that the district court has resumed jurisdiction over” improperly remanded action). Even if remaining in federal court could somehow harm Plaintiff—it would not—this Court has previously held that “the marginal delay associated with the time it takes” for a court to resolve a “motion to stay . . . will not cause much additional harm.” *Oracle*, 2023 WL 5221947, at *5; *see, e.g., Apple*

¹ This motion is not—and should not be construed as—a general appearance or appearance on the merits by Kalshi. By filing this motion, Kalshi does not waive any defenses, whether in state or federal court, including, without limitation, improper service of process or lack of personal jurisdiction.

1 *Inc. v. Samsung Elecs. Co.*, 2015 WL 13711858, at *1 (N.D. Cal. Apr. 7, 2015) (similar). An
2 administrative stay is therefore warranted.

3 The Court should administratively stay its remand order pending the Court's resolution of
4 Kalshi's forthcoming motion for a stay pending appeal.²

5 Dated this 3rd day of March, 2026.

6 **BAILEY ♦ KENNEDY**

7 By: /s/ Paul C. Williams

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19 **MILBANK LLP**

20 *Attorneys for Defendant*

21 *KalshiEX LLC*

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27 ² Plaintiff informed Kalshi that it opposes the relief requested in this motion.

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 3rd day of March, 2026, service of the foregoing was made by mandatory electronic service through the United States District Court's electronic filing system, by email and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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