

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

KALSHIEX LLC,

Plaintiff,

v.

MARY JO FLAHERTY, *et al.*,

Defendants.

Hon. Edward S. Kiel, U.S.D.J.
Hon. Matthew J. Skahill, U.S.M.J.

Docket No. 1:25-cv-2152-ESK-MJS

CIVIL ACTION

(ELECTRONICALLY FILED)

ORDER

JOINT STATUS REPORT

Plaintiff KalshiEX, LLC and Defendants Mary Jo Flaherty, Interim Director of the Division of Gaming Enforcement and Jennifer Davenport, Attorney General of New Jersey (collectively, the “parties”) have conferred and respectfully request that the Court continue to stay all proceedings in this matter pending further review of the Third Circuit’s decision in Defendants’ appeal.

On April 28, 2025, this Court granted Kalshi’s motion for a temporary restraining order and preliminary injunction. *See* Dkt. 21, 22. Defendants appealed, and on May 21, 2025, the Court granted the parties’ joint motion to stay proceedings in this Court pending the Third Circuit’s disposition of the appeal. The Court further ordered the parties to file a joint status report within 21 days after the issuance of the Third Circuit’s mandate in Defendants’ appeal. *See* Dkt. No. 31. On April 6, 2026, the Third Circuit issued its decision affirming this Court’s grant of a preliminary

injunction to Kalshi. *See KalshiEX, LLC v. Flaherty*, 172 F.4th 220 (3d Cir. 2026).

On April 28, 2026, the Third Circuit issued its certified judgment, which “is to be treated in all respects as a mandate.” *See* Dkt. No. 39.

Defendants have indicated that they intend to seek further review of the Third Circuit’s decision in the U.S. Supreme Court. The parties therefore respectfully request that this Court continue to stay proceedings pending any decision by the U.S. Supreme Court to grant or deny certiorari and, should certiorari be granted, pending the Supreme Court’s final disposition of the case. A continued stay would conserve the parties’ and this Court’s resources and advance the interests of judicial economy and efficiency. The parties propose to file another joint status report within 21 days following either a Supreme Court decision denying certiorari or, should certiorari be granted, the Supreme Court’s final disposition of the case.

/s/ Gurbir S. Grewal

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So Ordered.

/s/ Edward S. Kiel
Edward S. Kiel, U.S.D.J.
Date: May 19, 2026