UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

THE SEMINOLE TRIBE OF FLORIDA, *Plaintiff*, and **THE ATTORNEY GENERAL OF FLORIDA, DEPARTMENT OF LEGAL AFFAIRS**, *Intervenor Plaintiff*, v. **DRAFTKINGS, INC., JASON ROBINS, AND GUS III LLC D/B/A DRAFTKINGS PREDICTIONS**, *Defendants,*	Case No. 0:26-cv-63156-EA

MOTION OF [PROPOSED] PLAINTIFF-INTERVENOR FLORIDA ATTORNEY GENERAL TO INTERVENE AND MEMORANDUM OF LAW

INTRODUCTION

Defendants brazenly operate illegal sportsbooks throughout the State of Florida. The Seminole Tribe of Florida, which is authorized by Florida law and by the Compact between the Tribe and the State to offer online sports betting in Florida, sued Defendants in state court, and Defendants removed the case to this Court. The Attorney General of Florida now moves to intervene in this action as a Plaintiff.[1]

The Court should grant the Attorney General intervention as of right under Federal Rule of Civil Procedure 24(a). The Attorney General's motion is timely; he has substantial interests in putting a stop to Defendants' unlawful conduct; resolving this action in his absence would impair his ability to protect the State's interests; the Tribe does not adequately represent the State's interests; and he has standing to seek to enjoin Defendants' unlawful conduct. At minimum, permissive intervention under Rule 24(b) is warranted because the Attorney General's claims share common legal questions with the main action, and because the Attorney General is duty bound to administer the Florida statutes on which the Tribe's claims are based.

BACKGROUND

Just over a month ago, the Seminole Tribe of Florida filed an action in Broward County Circuit Court against DraftKings, Inc., Jason Robins, and GUS III LLC d/b/a DraftKings Predictions, seeking to enjoin Defendants from offering an illegal

[1] Because Defendants removed this case to this Court, the Attorney General seeks to intervene in federal court. But the Attorney General intends to support the Tribe's forthcoming motion to remand to state court.

sportsbook in Florida in violation of Florida law. *See* Tribe Compl., ECF 1-2. On November 9, 2026, Defendants removed the action to this Court.

After the Tribe's counsel indicated to Defendants' counsel that the Tribe will seek to remand the action to state court, Defendants filed an agreed motion for an extension of time to respond to the Complaint. *See* Mot., ECF 7. The parties have not filed, and the Court has not yet ruled on, any substantive motion in this case.

ARGUMENT

I. THE ATTORNEY GENERAL SHOULD BE PERMITTED TO INTERVENE AS OF RIGHT.

Under Federal Rule of Civil Procedure 24, a federal court "must permit anyone to intervene" who, upon a timely motion, "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(a)(2). The Eleventh Circuit has interpreted this rule to require a party seeking intervention of right to demonstrate that: "(1) his application to intervene is timely; (2) he has an interest relating to the property or transaction which is the subject of the action; (3) he is so situated that disposition of the action, as a practical matter, may impede or impair his ability to protect that interest; and (4) his interest is represented inadequately by the existing parties to the suit." *Stone v. First Union Corp.*, 371 F.3d 1305, 1308–09 (11th Cir. 2004) (quoting *Worlds v. Dept. of Health and Rehab. Servs.*, 929 F.2d 591, 593 (11th Cir. 1991)). Because the Attorney General satisfies each of these requirements, he is entitled to intervene as a matter of right.

A. The Attorney General's motion is timely and proper.

Intervention under either Rule 24(a) or 24(b) must be timely filed. *Comm'r, Alabama Dep't of Corr. v. Advance Loc. Media, LLC*, 918 F.3d 1161, 1171 (11th Cir. 2019). Courts assess timeliness based on:

> (1) the length of time during which the would-be intervenor knew or reasonably should have known of his interest in the case before petitioning for leave to intervene; (2) the extent of the prejudice that existing parties may suffer as a result of the would-be intervenor's failure to apply for intervention as soon as he actually knew or reasonably should have known of his interest; (3) the extent of the prejudice that the would-be intervenor may suffer if denied the opportunity to intervene; and (4) the existence of unusual circumstances weighing for or against a determination of timeliness.

Id. Here, the case was filed less than two months ago, and Defendants removed the case to this Court only two weeks ago. Upon becoming aware of this lawsuit, the Attorney General's office moved expediently to draft the complaint and file this motion. This case is still in the earliest stages of litigation, so the Court has not expended any judicial resources assessing the merits of Plaintiff's claims. As a result, the Attorney General's intervention will not prejudice either party or the Court, and no unusual circumstances weigh against a determination of timeliness. Because prejudice to the existing parties is the "most important consideration in determining timeliness," and because none exists here, the motion is timely. *Id.* (quoting *McDonald v. E. J. Lavino Co.*, 430 F.2d 1065, 1073 (5th Cir. 1970)).

B. The Attorney General has significant interests in this case.

"In deciding whether a party has a protectable interest, . . . courts must be 'flexible' and must 'focu[s] on the particular facts and circumstances' of the case. *Huff v. Comm'r of IRS*, 743 F.3d 790, 796 (11th Cir. 2014) (quoting *Chiles v. Thornburgh*,

865 F.2d 1197, 1214 (11th Cir. 1989)). The Attorney General has substantial protectable interests in this case. First, the Attorney General represents Florida's sovereign interest in enforcing and defending its gambling laws. Second, the Attorney General has an interest in protecting Florida's citizens from the significant harms associated with Defendants' conduct alleged in the proposed complaint, including permitting those under 21 to bet on sports and permitting wagering on prop bets in collegiate sports. Third, the Attorney General has an interest in Florida continuing to collect the revenue flowing from the Compact. Indeed, if this case had remained in state court (or if it is remanded), the Attorney General would have a right to intervene under Florida law. *See*, *e.g.*, § 895.05(10), Fla. Stat.; *cf.* §16.01, Fla. Stat. And, of course, the Florida Legislature has provided the Attorney General with a cause of action to enforce its gambling laws. *See* § 546.10(8)(a), Fla. Stat.

C. Resolving this action in the Attorney General's absence would impair his interests.

"If an absentee would be substantially affected in a practical sense by the determination made in an action, he should, as a general rule, be entitled to intervene." *Cascade Natural Gas Corp. v. El Paso Natural Gas*, 386 U.S. 129, 134 n.3 (1967). "All that is required under Rule 24(a)(2) is that the would-be intervener be practically disadvantaged by his exclusion from the proceedings." *Huff*, 743 F.3d at 800. Indeed, even "the potential for a negative *stare decisis* effect 'may supply that practical disadvantage which warrants intervention of right.'" *Id.* (quoting *Stone*, 371 F.3d at 1309–10).

Determining the validity of Defendants' conduct under Florida's own gambling laws in the Attorney General's absence would obviously impair the Attorney General's, and Florida's, interests. If the Court were to rule that Defendants' conduct is lawful, Florida and the Attorney General would be substantially affected. Defendants would be able to continue to offer their unlawful sports betting to Florida's citizens, impairing all the interests described above and in the proposed complaint. And an adverse ruling could potentially preclude the Attorney General, via stare decisis, from bringing his own separate enforcement action against Defendants in the future. Even a ruling for the Tribe could impair Florida's interests—the Tribe seeks restitution and disgorgement of Defendants' ill-gotten gains and to "appl[y]" those funds "to the public-interest purposes the Compact was designed to serve." Tribe Compl. 71, ECF 1-2. If the Court denies the Attorney General intervention, Florida will have no ability to ensure that those funds will be distributed in a manner that most effectively serves the public interest.

D. The Attorney General's interests are not adequately represented by the current parties.

The burden of showing inadequacy of representation by existing parties is "minimal," and the applicant need only show that representation of its interests by existing parties "may be" inadequate. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972). "[T]his burden is 'treated as minimal.'" *Georgia v. U.S. Army Corps of Eng'rs*, 302 F.3d 1242, 1255–56 (11th Cir. 2002) (quoting *Clark v. Putnam Cty.*, 168 F.3d 458, 461 (11th Cir. 1999)). And although "[t]here is a presumption of adequate representation where an existing party seeks the same

objectives as the interveners[,] [t]his presumption is weak and can be overcome if the plaintiffs present some evidence to the contrary." *Stone*, 371 F.3d at 1311 (citation omitted).

The Attorney General seeks to assert claims that differ from the Tribe's claims, so its objectives are not coterminous with the Tribe's. *Compare* Tribe Compl. 60–70 *with* Proposed Compl. 131–179. And even if he did not, the Attorney General's interests are not identical to the Tribe's. The Tribe's primary interest is in protecting its exclusive right to offer online sports betting in Florida. By contrast, the Attorney General's interests include defending Florida's gambling laws, enforcing those gambling laws, protecting Florida's citizens from the significant harms associated with Defendants' conduct, and ensuring that the revenue flowing from the Compact to the State continues to be collected. Although the Tribe may agree with the Attorney General's objectives in protecting those interests, it is not the entity entrusted to defend those interests.

E. The Attorney General has standing to intervene.

Finally, Florida has standing to intervene. Intervenors of right must have Article III standing. *Salvors, Inc. v. Unidentified Wrecked & Abandoned Vessel*, 861 F.3d 1278, 1290 (11th Cir. 2017). "An intervenor of right must independently demonstrate Article III standing if it pursues relief that is broader than or different from the party invoking a court's jurisdiction." *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 591 U.S. 657, 674, n.6 (2020).

Defendants' actions have caused the Attorney General several injuries-in-fact, and the relief the Attorney General seeks would redress that injury. Defendants are violating Florida's gambling laws, harming its citizens by offering illegal gambling products to those under 21, harming collegiate athletes and sports programs by allowing prop bets on college sporting events, and depriving Florida of revenue under the Compact. If the Court were to enjoin Defendants' unlawful conduct, those harms would disappear. What is more, the Attorney General seeks equitable monetary relief—the disgorgement of Defendants' ill-gotten gains—and civil penalties for violations of Florida law. The Attorney General, constitutionally and statutorily entrusted with representing Florida in state and federal courts, has standing.

II. IN THE ALTERNATIVE, THE COURT SHOULD ALLOW PERMISSIVE INTERVENTION.

If the Court concludes that the Attorney General may not intervene as of right, it should nevertheless allow permissive intervention under Rule 24(b). Under Rule 24(b)(1), the Court may allow permissive intervention if the applicant establishes "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). Like the Tribe, the Attorney General seeks to enjoin Defendants' illegal gambling under Section 546.10(8)(a)—whether Defendants' conduct is unlawful under Florida law is a common question of law and fact unlocking permissive intervention here. *See* § 849.14, Fla. Stat.; *id.* § 849.25(2); *id.* § 849.01.

The Court should also grant the Attorney General permissive intervention under Rule 24(b)(2) because Plaintiff's claims are based on Florida statutes, some of which the Attorney General is expressly charged with enforcing. *See* § 546.10(8)(a),

Fla. Stat. Rule 24(b)(2)(A) authorizes permissive intervention by state parties where a party's claim is based on "a statute or executive order administered by the officer or agency." Fed. R. Civ. P. 24(b)(2)(A). "[T]he whole thrust" of permissive intervention under Rule 24(b)(2)(A) "is in the direction of allowing intervention liberally to governmental agencies and officers seeking to speak for the public interest," even where the officer or agency "ha[s] no claim in the orthodox sense of being able to institute an independent action." 7C Charles Alan Wright & Arthur R. Miller, Fed. Prac. & Proc. § 1912 (3d ed. 2007). Some of Plaintiff's claims are based on Florida's gambling and unfair trade practices statutes. The Attorney General should be allowed to intervene permissively to defend the public interest against Defendants' unlawful conduct. And given the early stage of the litigation, the Attorney General's participation would not unduly delay the litigation or prejudice the adjudication of any existing party's rights. *See* Fed. R. Civ. P. 24(b)(3).

CONCLUSION

For all these reasons, the Court should allow the Attorney General to intervene as of right or, in the alternative, to permissively intervene.

Local Rule 7.1 Certificate

In accordance with Local Civil Rule 7(a)(3), undersigned counsel has conferred with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve the issues raised in the motion and has been unable to do so. Plaintiff Seminole Tribe does not oppose the relief sought in the motion. On November 23, 2026 at 11:17 am, undersigned counsel requested Defendants' position

on this motion via email, but has not received a response, so Defendants' position on the motion is unknown.

Respectfully submitted.

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document complies with Local Rule 7(c)(2) because it does not exceed 20 pages.

/s/ *Christopher J. Baum*
Christopher J. Baum

CERTIFICATE OF SERVICE

I certify that on this 24th day of November, 2026, a copy of the foregoing was served on all counsel of record through the Court's CM/ECF system.

/s/ *Christopher J. Baum*
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