

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

ALLIANCE FOR HIPPOCRATIC MEDICINE, *et al.*,  
Plaintiffs,

and

MISSOURI, KANSAS, and IDAHO,  
Intervenor-Plaintiffs

v.

U.S. FOOD AND DRUG ADMINISTRATION, *et al.*,  
Defendants,

and

DANCO LABORATORIES, LLC,  
Intervenor-Defendant.

Case No. 2:22-cv-00223-Z

**UNOPPOSED JOINT MOTION FOR EXTENSION OF TIME TO FILE REPLIES IN  
SUPPORT OF FEDERAL DEFENDANTS' AND DANCO'S MOTIONS TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 6, Federal Defendants and Intervenor-Defendant Danco Laboratories, LLC, respectfully request a four-day extension of time to file their respective reply briefs in support of their motions to dismiss, up to and including December 6, 2024. In support of this request, Federal Defendants and Danco state as follows:

1. On September 30, 2024, the parties filed a Joint Status Report regarding further proceedings following the Supreme Court's unanimous decision holding that "the plaintiffs lack standing to challenge FDA's actions." *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 374 (2024). *See* ECF No. 191.

2. On October 11, 2024, before this Court ruled on the parties' Joint Status Report, Intervenor States Missouri, Kansas, and Idaho moved for leave to file an amended complaint in

intervention. *See* ECF No. 195. Federal Defendants and Danco oppose that motion. *See* ECF Nos. 198, 201.

3. On November 1, 2024, Federal Defendants and Danco separately moved to dismiss the Alliance Plaintiffs' complaint and the three States' complaint in intervention. *See* ECF Nos. 196, 197, 199, 200.

4. On November 15, 2024, the three Intervenor States filed a response opposing the motions to dismiss. *See* ECF No. 202.

5. On November 19, 2024, the Alliance Plaintiffs filed a notice voluntarily dismissing "all claims brought in their complaint as to all defendants." ECF No. 203 (citing Fed. R. Civ. P. 41(a)(1)(A)(i)). A "Rule 41(a)(1) dismissal results in immediate termination of the suit," *Bailey v. Shell W. E&P, Inc.*, 609 F.3d 710, 719 (5th Cir. 2010), and "leaves the situation as if the action never had been filed," Wright & Miller, 9 Fed. Prac. & Proc. Civ. § 2367 (4th ed.).

6. Absent an extension, Federal Defendants' and Danco's replies in support of their motions to dismiss the three States' complaint in intervention would be due on December 2, 2024. *See* Local Rule 7.1(f); Fed. R. Civ. P. 6(a)(1)(C), (a)(6)(C); Tex. Gov't Code § 662.003(b)(6).

7. Federal Defendants and Danco jointly move for a four-day extension of time, up to and including December 6, 2024, to file their respective reply briefs. An extension is warranted due to prearranged travel and family commitments around the upcoming Thanksgiving holiday and the press of other matters.

8. This Court previously granted Federal Defendants and Danco a 30-day extension of time to file responses to the three States' motion to intervene. *See* ECF No. 159. The three States moved for a one-week extension of time to file their reply in support of their motion to intervene, which Federal Defendants and Danco did not oppose. *See* ECF No. 167. This Court

noted that it has “generously granted extensions to all parties,” and granted the three States’ extension motion “[i]n keeping with that trend.” ECF No. 168.

9. On November 18, 2024, counsel for Federal Defendants and counsel for Danco conferred with counsel for the three Intervenor States, which stated that they consent to this extension. *See* Local Rule 7.1(b). Although there is no conference requirement with nonparties, *see* Local Rule 7.1(a), Federal Defendants and Danco note that counsel for the Alliance Plaintiffs had consented to the extension before filing their notice of voluntary dismissal.

For the foregoing reasons, the motion should be granted.

Respectfully submitted,

/s/ Jessica L. Ellsworth

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November 19, 2024

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this brief complies with Local Rule 7.2(c).

/s/ Jessica L. Ellsworth  
Jessica L. Ellsworth

**CERTIFICATE OF SERVICE**

I certify that on November 19, 2024, I electronically filed the foregoing using the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties of record.

/s/ Jessica L. Ellsworth  
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