

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

Alliance for Hippocratic Medicine, *et al.*,

Plaintiffs,

and

State of Missouri, *et al.*,

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

**DEFENDANTS' MOTION TO DISMISS**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(3), Defendants hereby respectfully move to dismiss both Plaintiffs' Complaint (ECF No. 1) and the Intervenor States' operative Complaint (ECF No. 176). In the alternative, Plaintiffs' Complaint should be dismissed and the Intervenor States' Complaint should be transferred to a District where venue would be proper—*i.e.*, the District of Columbia, the District of Maryland, the Western District of Missouri, the District of Idaho, or the District of Kansas. The reasons supporting this motion are set forth in the accompanying Memorandum, and a proposed order is attached.

November 1, 2024

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

ERIC B. BECKENHAUER  
JULIE STRAUS HARRIS  
EMILY NESTLER  
Assistant Directors

*/s/ Daniel Schwei*  
DANIEL SCHWEI  
Special Counsel  
CHRISTOPHER A. EISWERTH  
KATE TALMOR  
Trial Attorneys  
Federal Programs Branch  
Civil Division  
U.S. Department of Justice  
1100 L St., NW  
Washington, DC 20005  
202-305-8693  
daniel.s.schwei@usdoj.gov

BURDEN WALKER  
Acting Deputy Assistant Attorney General

AMANDA N. LISKAMM  
Acting Director

HILARY K. PERKINS  
Assistant Director

NOAH T. KATZEN  
Trial Attorney  
Consumer Protection Branch

*Counsel for Defendants*