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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

GRAHAM T. CHELIUS, M.D., *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *in his official
capacity as* SECRETARY, U.S.

D.H.H.S., *et al.*,

Defendants.

CIV. NO. 1:17-00493-JAO-RT

DEFENDANTS' STATEMENT OF
NO OPPOSITION TO PLAINTIFFS'
MOTION FOR LEAVE TO FILE
AMENDED AND SUPPLEMENTAL
COMPLAINT [ECF NO. 159];
CERTIFICATE OF SERVICE

Defendants Xavier Becerra, in his official capacity as Secretary, U.S. Department of Health and Human Services; U.S. Food and Drug Administration; and Robert M. Califf, in his official capacity as Commissioner of Food and Drugs, by and through their undersigned attorney, hereby state that they do not oppose Plaintiffs' Motion for Leave to File Amended and Supplemental Complaint [ECF NO. 159], filed herein on March 30, 2023. Defendants reserve the right to raise any and all available defenses to the proposed Amended and Supplemental Complaint.

DATED: April 5, 2023, at Washington, DC.

Respectfully submitted,

/s/ Isaac C. Belfer
ISAAC C. BELFER
Consumer Protection Branch
U.S. Department of Justice

*Attorney for Defendants Xavier
Becerra, in his official capacity as
Secretary, U.S. Department of
Health and Human Services; U.S.
Food and Drug Administration; and
Robert M. Califf, in his official
capacity as Commissioner of Food
and Drugs*

CERTIFICATE OF SERVICE

I hereby certify that, on the date noted below, this document, filed through the CM/ECF system, will be sent via electronic mail to the registered participants as identified on the Notice of Electronic Filing.

DATED: April 5, 2023, at Washington, DC.

/s/ Isaac C. Belfer
ISAAC C. BELFER