

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jul 16, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON, STATE  
OF OREGON, STATE OF  
ARIZONA, STATE OF  
COLORADO, STATE OF  
CONNECTICUT, STATE OF  
DELAWARE, STATE OF  
ILLINOIS, ATTORNEY GENERAL  
OF MICHIGAN, STATE OF  
NEVADA, STATE OF NEW  
MEXICO, STATE OF RHODE  
ISLAND, STATE OF VERMONT,  
DISTRICT OF COLUMBIA, STATE  
OF HAWAII, STATE OF MAINE,  
STATE OF MARYLAND, STATE  
OF MINNESOTA, and  
COMMONWEALTH OF  
PENNSYLVANIA,

Plaintiffs,

v.

UNITED STATES FOOD AND  
DRUG ADMINISTRATION,  
ROBERT M. CALIFF, in his official  
capacity as Commissioner of Food  
and Drugs, UNITED STATES  
DEPARTMENT OF HEALTH AND

NO. 1:23-CV-3026-TOR

ORDER SETTING BRIEFING  
SCHEDULE

1 HUMAN SERVICES, and XAVIER  
2 BECERRA, in his official capacity as  
Secretary of the Department of Health  
and Human Services,

3  
4 Defendants.

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5 BEFORE THE COURT is the Parties' Joint Status Report. ECF No. 152.

6 The Court has reviewed the record and files herein and is fully informed.

7 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 8 1. Plaintiffs will file their motion for summary judgment, not to exceed 25  
9 pages, no later than October 10, 2024;
- 10 2. Defendants will file their combined cross-motion for summary judgment  
11 and opposition to Plaintiffs' motion for summary judgment, not to exceed  
12 40 pages, no later than December 6, 2024;
- 13 3. Plaintiffs will file their combined reply in support of their motion for  
14 summary judgment and opposition to Defendants' motion for summary  
15 judgment, not to exceed 35 pages, no later than January 24, 2025;
- 16 4. Defendants will file their reply in support of their motion for summary  
17 judgment, not to exceed 20 pages, no later than March 7, 2025;
- 18 5. The parties shall jointly prepare, and Plaintiffs shall file, a joint appendix  
19 containing portions of the administrative record cited in the parties' briefs  
20 no later than March 21, 2025; and

1 6. Immediately following the completion of briefing, the parties will advise  
2 the Court of their availability for oral argument.

3 The District Court Executive is directed to enter this Order and furnish  
4 copies to counsel, including those attorneys who have not signed up for electronic  
5 filing and service.

6 DATED July 16, 2024.



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*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge