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October 10, 2024

*Sent Via ECF*

Maureen W. Gornick, Acting Clerk of Court  
Court of Appeals for the Eighth Circuit Court  
Thomas F. Eagleton Courthouse  
111 South 10th Street  
Room 24.329  
St. Louis, MO 63102

**Re: Notice of Supplemental Authority Per FRAP 28(j)**  
***Ass'n for Accessible Medicines v. Keith Ellison, Atty. General***  
**Case No. 24-1019**

Dear Ms. Gornick:

Appellant submits this letter pursuant to Rule 28(j) of the Federal Rules of Appellate Procedure. The letter describes subsequent developments in case law related to the parties' dormant Commerce Clause arguments.

On July 24, 2024, the Third Circuit Court of Appeals issued a decision written by Judge Hardiman in *New Jersey Staffing All. v. Fais*, 110 F.4th 201, 205-208. The Court affirmed the denial of a preliminary injunction of the New Jersey's Workplace Bill of Rights under the U.S. Constitution's dormant Commerce Clause. In reaching its decision, the Court cited the U.S. Supreme Court's decision in *National Pork Producers Council v. Ross*, 598 U.S. 356 (2023) for the proposition that "the dormant Commerce Clause does not prohibit laws solely because they have extraterritorial reach absent protectionist intent or effect." *Fais*, 110 F.4th at 207. The Court's analysis, and its application of *Ross*, support the arguments advanced by Appellant in its Opening Brief, pp. 19-22, and its Reply Brief, pp. 5-11, 13-15, 18-20.

Sincerely,

/s/ Nick Pladson

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cc: William M. Jay, Esq. (via ECF)