

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

STATE OF FLORIDA and
STATE OF TEXAS,

Plaintiffs,

v.

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

Defendants.

Case No. 7:25-CV-00126-O

**AGREED MOTION FOR EXTENSION OF TIME AND LEAVE TO
FILE A CONSOLIDATED RESPONSE TO MOTIONS TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 6, Plaintiffs the State of Florida and the State of Texas respectfully request that this Court (1) grant Plaintiffs an extension of time to file their response to Defendants' Motion to Stay or, Alternatively, to Dismiss to two weeks (14 days) from this Court's ruling on the pending motions to intervene; (2) if either or both of the motions to intervene are granted, grant Plaintiffs leave to file one combined brief in response to the Defendants' Motion to Stay or, Alternatively, to Dismiss and the motion(s) to dismiss submitted by any party granted intervention; and (3) grant an extension of time for Defendants to reply within four weeks (28 days) from this Court's ruling on the pending motions to intervene. In support of this motion, Plaintiffs state the following:

1. On March 13, 2026, Defendants filed a Motion to Stay or, Alternatively, to Dismiss Plaintiffs' Complaint. ECF 20.

2. That same day, Danco Laboratories, LLC and GenBioPro, Inc. moved to intervene. ECF 21, 30. Both motions to intervene include proposed motions to dismiss Plaintiffs' Complaint and briefs in support of those motions. ECF 21-3, 21-4, 30-3, 30-4.

3. Pursuant to Local Rule 7.1(e), Plaintiffs have 21 days to respond to Defendants' Motion to Stay or, Alternatively, to Dismiss. Plaintiffs' response is currently due Friday April 3, 2026.

4. Pursuant to Local Rule 7.1(f), Defendants have 14 days to reply to Plaintiffs' response to Defendants' Motion to Stay or, Alternatively, to Dismiss. Defendants' reply is currently due Friday April 17, 2026.

5. The Motion to Stay or, Alternatively, to Dismiss submitted by Defendants and the proposed motions to dismiss submitted by Danco Laboratories, LLC and GenBioPro, Inc. contain similar arguments, which, if the motions to intervene are granted, would lend themselves to a joint response in the interest of judicial economy.

6. Plaintiffs previously agreed to, and the Court granted, an extension of time for Defendants to file Defendants' Motion to Stay or, Alternatively, to Dismiss from February 23, 2026, to March 13, 2026.

7. Accordingly, Plaintiffs respectfully request that this Court grant Plaintiffs an extension of time to file their response to Defendants' Motion to Stay or, Alternatively, to Dismiss to two weeks (14 days) from this Court's ruling on the pending motions to intervene.

8. Plaintiffs further respectfully request that this Court grant Plaintiffs the ability to file one combined brief in response to all motions to dismiss remaining after the Court rules on the motions to intervene.

9. Plaintiffs further respectfully request that this Court grant Defendants an extension of time to reply to Plaintiffs' response to Defendants' Motion to Stay or, Alternatively, to Dismiss to four weeks (28 days) from this Court's ruling on the pending motions to intervene.

10. Plaintiffs make these requests in good faith.

11. Defendants consent to this motion.

WHEREFORE, Plaintiffs respectfully request an extension of time for Plaintiffs to file their response to Defendants' Motion to Stay or, Alternatively, to Dismiss to two weeks (14 days) from this Court's ruling on the pending motions to intervene; if either or both of the motions to intervene are granted, leave for Plaintiffs to file a combined brief in response to the motions to dismiss; and an extension of time for Defendants to reply to four weeks (28 days) from this Court's ruling on the pending motions to intervene.

Date: April 1, 2026

Respectfully submitted,

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/s/ Samuel F. Elliott _____

/s/ Amy Snow Hilton _____

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Counsel for Plaintiff State of Florida

Counsel for Plaintiff State of Texas

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(b), I hereby certify that on April 1, 2026, I conferred via email with Defendants' counsel, who stated that Defendants consent to this motion.

/s/ Samuel F. Elliott
Deputy Solicitor General

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2026, a true and accurate copy of the foregoing was electronically filed by using the Court's CM/ECF system to be served on all counsel of record entered in the case.

/s/ Samuel F. Elliott
Deputy Solicitor General

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**[PROPOSED] ORDER GRANTING AGREED MOTION
FOR EXTENSION OF TIME AND LEAVE TO FILE A
CONSOLIDATED RESPONSE TO MOTIONS TO DISMISS**

Upon consideration of Plaintiffs' Agreed Motion for Extension of Time and Leave to File a Consolidated Response to Motions to Dismiss, and for good cause shown, it is ORDERED that the Motion is GRANTED. Plaintiffs SHALL FILE their response to Defendants' Motion to Stay or, Alternatively, to Dismiss no later than two weeks (14 days) from this Court's ruling on the pending motions to intervene submitted by Danco Laboratories, LLC and GenBioPro, Inc.

It is further ORDERED that if either or both of the motions to intervene are granted, Plaintiffs SHALL FILE a combined response to Defendants' Motion to Stay or, Alternatively, to Dismiss and any motion to dismiss submitted by the intervenor(s) no later than two weeks (14 days) from this Court's ruling on the pending motions to intervene.

It is further ORDERED that Defendants SHALL FILE their reply to Plaintiffs' response to Defendants' Motion to Stay or, Alternatively, to Dismiss no later than four weeks (28 days) from this Court's ruling on the pending motions to intervene.

SO ORDERED.

Date: _____

Reed O'Connor
Chief District Judge