

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

THE STATE OF FLORIDA, *et al.*,

*Plaintiffs,*

v.

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

*Defendants,*

and

DANCO LABORATORIES, LLC,

*Intervenor-Defendant.*

No. 7:25-cv-00126-O

Chief Judge Reed O'Connor

**DANCO LABORATORIES, LLC'S NOTICE OF SUPPLEMENTAL AUTHORITY**

Danco Laboratories, LLC (Danco) submits this notice of supplemental authority to advise the Court of further developments related to *Louisiana v. FDA*, \_\_\_ F.4th \_\_\_, No. 26-30203, 2026 WL 1194924 (5th Cir. May 1, 2026). In that decision, the Fifth Circuit granted a motion filed by Louisiana and a Louisiana citizen for a stay pending appeal, after it preliminarily determined that Louisiana had standing to challenge the 2023 REMS and they were likely to succeed on the merits of their challenge. That lawsuit is distinct from this one for several reasons, including as to which FDA actions are being challenged. *See* ECF No. 59 at 1-3. Danco submits this notice to update the Court that yesterday, the Supreme Court granted Danco's and GenBioPro's emergency applications for a stay of the Fifth Circuit ruling.

The Fifth Circuit's ruling is now "stayed pending disposition of the appeal in the United

States Court of Appeals for the Fifth Circuit and disposition of a petition for a writ of certiorari, if such a writ is timely sought.” Order Granting Stay, *Danco Lab ’ys LLC v. Louisiana*, No. 25A1207, and *GenBioPro, Inc. v. Louisiana*, No. 25A1208 (May 14, 2026). A grant of relief sought in an emergency application indicates at least “a fair prospect” that the moving party will succeed on the merits. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam); cf. *NIH v. Am. Pub. Health Ass’n*, 145 S. Ct. 2658, 2663 (2025) (Gorsuch, J., concurring in part and dissenting in part) (a decision by the Supreme Court granting a stay “constitutes a precedent that commands respect in lower courts”).

The Supreme Court’s Order is thus a further reason that this Court should conclude the Plaintiff States lack standing or a valid challenge to the 2023 REMS.

Respectfully submitted,

/s/ Wayne L. Robbins, Jr.

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Dated: May 15, 2026

**CERTIFICATE OF SERVICE**

I certify that on May 15, 2026, I electronically filed the foregoing using the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all counsel of record.

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