

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

State of Missouri, *et al.*,

Intervenor-Plaintiffs,

v.

U.S. Food and Drug Administration, *et al.*,

Defendants,

and

Danco Laboratories, LLC,

Intervenor-Defendant.

Case No. 2:22-cv-00223-Z

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE REPLY BRIEF**

Pursuant to Federal Rule of Civil Procedure 6(b), Defendants respectfully request an extension of time to file their reply brief in support of their motion to dismiss, which is currently due March 6, 2025. Specifically, Defendants respectfully request an extension of 60 days, or in the alternative 30 days. Good cause exists for this extension, as set forth herein.

1. Intervenor Plaintiffs—the States of Missouri, Idaho, and Kansas (“the States”)—previously filed an Amended Complaint, which Defendants moved to dismiss on January 18, 2025. *See* ECF No. 218. On January 28, 2025, Intervenor-Defendant Danco Laboratories, LLC (“Danco”) likewise moved to dismiss the States’ Amended Complaint. *See* ECF No. 221.

2. With Defendants’ and Danco’s consent, the States sought an extension of time to align their deadlines for responding to the motions to dismiss, *see* ECF No. 226, which this Court granted, *see* ECF No. 227. The States filed their opposition memorandum to the motions to dismiss on February 20, 2025. *See* ECF No. 228.

3. On February 25, 2025, GenBioPro, Inc. (“GenBioPro”) filed a motion for leave to intervene as a defendant. *See* ECF No. 229.

4. Under this Court’s Local Rules, Defendants’ reply brief in support of their motion to dismiss is currently due on March 6, 2025. *See* Local Civil Rule 53.1(c).

5. Defendants respectfully request that their deadline for filing their reply brief be extended by a period of 60 days (until May 5, 2025), or in the alternative for 30 days (until April 7, 2025). This extension is warranted in part because, since the States’ filing of their opposition memorandum, undersigned counsel has been occupied by several other matters involving emergency deadlines. Additionally, this extension will ensure that the new Administration, which took office on January 20, 2025, is able to familiarize themselves with the issues in this case. This requested extension is consistent with extensions that the new Administration is seeking in other mifepristone-related litigation.

6. As set forth in more detail in the accompanying Certificate of Conference, this motion is unopposed. The States consent to Defendants’ requested extension. Danco consents to a 30-day extension so long as Danco’s reply date is moved by the same amount, and Danco takes no position on a 60-day extension so long as Danco’s reply date is moved by the same amount. GenBioPro similarly consents to a 30-day extension, and takes no position on a 60-day extension.

7. For the reasons set forth above, Defendants respectfully request that their deadline for filing their reply brief in support of their motion to dismiss be extended for a period of 60 days, or in the alternative for 30 days.

March 3, 2025

Respectfully submitted,

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/s/ Daniel Schwei
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Certificate of Conference

Pursuant to Local Civil Rule 7.1, undersigned counsel (Daniel Schwei) conferred with counsel for the other parties regarding this motion on February 27, 2025 through March 3, 2025. Counsel for Intervenor-Plaintiffs (Joshua Divine) consented to Defendants' request. Counsel for Intervenor-Defendant Danco (Jessica Ellsworth) stated that "Danco consents to a 30-day extension so long as Danco's reply date is moved by the same amount. Danco takes no position on a 60-day extension so long as Danco's reply date is moved by the same amount." Counsel for the putative Intervenor-Defendant GenBioPro (Robert Katerberg) stated that "GenBioPro takes the same position as Danco -- consent to 30 days; no position on 60 days."

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