

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

MISSOURI, KANSAS, and IDAHO,
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

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE REPLY IN SUPPORT
OF DANCO'S MOTION TO DISMISS**

In light of Federal Defendants' motion for extension of time, Danco respectfully requests that its reply deadline be extended by the same amount. In support of this request, Danco states as follows:

1. On January 18, 2025, Federal Defendants moved to dismiss Intervenor-Plaintiffs' amended complaint. ECF No. 218. On January 28, 2025, Danco moved to dismiss Intervenor-Plaintiffs' amended complaint. ECF No. 221.

2. On February 4, 2025, Intervenor-Plaintiffs moved for an extension of time to respond to the motions to dismiss and to file a consolidated response, ECF No. 226, which this Court granted, ECF No. 227. Intervenor-Plaintiffs filed their consolidated response on February 20, 2025. ECF No. 228.

3. Absent an extension, Federal Defendants' and Danco's replies would be due on March 6, 2025. *See* Local Rule 7.1(f).

4. On March 3, 2025, Federal Defendants moved for a 60-day or 30-day extension of time within which to file their reply. ECF No. 238. Danco consented to the request for a 30-day extension so long as Danco's reply date is moved by the same amount, and Danco took no position on a 60-day extension so long as Danco's reply date is moved by the same amount.

5. This Court has “‘generously granted extensions to all parties’ in this case.” ECF No. 227 (quoting ECF No. 168).

6. An extension is also warranted due to the press of other business. Over the next several weeks, counsel of record is occupied with briefing deadlines for a variety of matters, including: a reply brief due on March 21 in *Avient Corporation v. Westlake Vinyls, Inc.*, No. 24-5989 (6th Cir.); an opening brief due on April 2 in *La Union del Pueblo Entero v. Federal Emergency Management Agency*, No. 24-40756 (5th Cir.); a brief in opposition due on April 11 in *Grant ex rel. United States v. Zorn*, No. 24-549 (U.S.); a response brief due on April 18 in *N’Jai v. United States Department of Education*, No. 24-SP-0735 (D.C.); and a response brief due on May 16 in *In Re: Oral Phenylephrine Marketing and Sales Practices Litigation*, No. 24-03296 (2nd Cir.).

7. On March 3, 2025, counsel for Danco conferred with counsel for Federal Defendants and Intervenor-Plaintiffs, which stated that they consent to aligning Danco's reply deadline with an extension granted to Federal Defendants. *See* Local Rule 7.1(b).

For the foregoing reasons, the motion should be granted.

Respectfully submitted,

/s/ Jessica L. Ellsworth

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Counsel for Danco Laboratories, LLC

March 3, 2025

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with Local Rule 7.2(c).

/s/ Jessica L. Ellsworth
Jessica L. Ellsworth

CERTIFICATE OF SERVICE

I certify that on March 3, 2025, 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 parties of record.

/s/ Jessica L. Ellsworth
Jessica L. Ellsworth