

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 16, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON, STATE
OF OREGON, STATE OF
ARIZONA, STATE OF
COLORADO, STATE OF
CONNECTICUT, STATE OF
DELAWARE, STATE OF
ILLINOIS, ATTORNEY GENERAL
OF MICHIGAN, STATE OF
NEVADA, STATE OF NEW
MEXICO, STATE OF RHODE
ISLAND, STATE OF VERMONT,
DISTRICT OF COLUMBIA, STATE
OF HAWAII, STATE OF MAINE,
STATE OF MARYLAND, STATE
OF MINNESOTA, and
COMMONWEALTH OF
PENNSYLVANIA,

Plaintiffs,

v.

UNITED STATES FOOD AND
DRUG ADMINISTRATION,
ROBERT M. CALIFF, in his official
capacity as Commissioner of Food
and Drugs, UNITED STATES
DEPARTMENT OF HEALTH AND

NO. 1:23-CV-3026-TOR

ORDER SETTING BRIEFING
SCHEDULE

1 HUMAN SERVICES, and XAVIER
2 BECERRA, in his official capacity as
Secretary of the Department of Health
and Human Services,

3
4 Defendants.

5 BEFORE THE COURT is the Parties' Joint Status Report. ECF No. 152.

6 The Court has reviewed the record and files herein and is fully informed.

7 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 8 1. Plaintiffs will file their motion for summary judgment, not to exceed 25
9 pages, no later than October 10, 2024;
- 10 2. Defendants will file their combined cross-motion for summary judgment
11 and opposition to Plaintiffs' motion for summary judgment, not to exceed
12 40 pages, no later than December 6, 2024;
- 13 3. Plaintiffs will file their combined reply in support of their motion for
14 summary judgment and opposition to Defendants' motion for summary
15 judgment, not to exceed 35 pages, no later than January 24, 2025;
- 16 4. Defendants will file their reply in support of their motion for summary
17 judgment, not to exceed 20 pages, no later than March 7, 2025;
- 18 5. The parties shall jointly prepare, and Plaintiffs shall file, a joint appendix
19 containing portions of the administrative record cited in the parties' briefs
20 no later than March 21, 2025; and

1 6. Immediately following the completion of briefing, the parties will advise
2 the Court of their availability for oral argument.

3 The District Court Executive is directed to enter this Order and furnish
4 copies to counsel, including those attorneys who have not signed up for electronic
5 filing and service.

6 DATED July 16, 2024.



8 *Thomas O. Rice*
9 THOMAS O. RICE
10 United States District Judge