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10 **UNITED STATES DISTRICT COURT**  
 11 **EASTERN DISTRICT OF WASHINGTON**

12 STATE OF WASHINGTON, et al.,

NO. 1:23-cv-03026-TOR

13 Plaintiffs,

DECLARATION OF KRISTIN  
 BENESKI IN SUPPORT OF  
 PLAINTIFF STATES' MOTION  
 FOR SUMMARY JUDGMENT

14 v.

15 UNITED STATES FOOD AND  
 DRUG ADMINISTRATION, et al.,

With Oral Argument:  
 TBD (see ECF No. 153)

16 Defendants.

17 I, Kristin Beneski, declare as follows:

18 1. I am over the age of 18, am competent to testify to the matters herein,  
 19 and make this declaration based on my personal knowledge.

20 2. I am the First Assistant Attorney General with the Washington State  
 21 Office of the Attorney General. I am counsel of record for the State of Washington  
 22 in this matter.

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3. Submitted herewith are volumes A through F of the Plaintiff States' Excerpts of Administrative Record (EAR), as well as an Index of the same. Volumes A through E of the EAR comprise true and correct copies of excerpts of the administrative record produced by Defendants in this matter; Volume F comprises true and correct copies of pages from public websites maintained by Defendants FDA and HHS. The State of Washington has applied highlighting and "EAR\_\_" Bates numbers to the excerpts.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 10th day of October 2024, at Seattle, Washington.

s/ Kristin Beneski  
KRISTIN BENESKI, WSBA #45478  
First Assistant Attorney General

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 10th day of October 2024, at Seattle, Washington.

s/ Kristin Beneski  
KRISTIN BENESKI, WSBA #45478  
First Assistant Attorney General