

# Exhibit A

**From:** Lincoln Wilson <Lincoln.Wilson@ag.idaho.gov>  
**Sent:** Monday, April 10, 2023 3:08 PM  
**To:** Katzen, Noah T.; Beneski, Kristin (ATG)  
**Cc:** Purcell, Noah Guzzo (ATG); Melody, Colleen M (ATG); Fraas, Lauryn (ATG); Hughes, Andrew (ATG); Heintz, Tera M. (ATG); 'Scott Carla A'  
**Subject:** RE: Washington v. U.S. Food & Drug Administration, No. 1:23-cv-3026

[EXTERNAL]

Sure. We wish to make sure that we are timely included with respect to any appeal rights that may run from the court's grant of preliminary relief.

Thank you,



Lincoln Davis Wilson | Division Chief  
Civil Litigation and Constitutional Defense  
Office of the Attorney General | State of Idaho  
M: 208-809-1077 | W: [ag.idaho.gov](http://ag.idaho.gov)

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**From:** Katzen, Noah T. <Noah.T.Katzen@usdoj.gov>  
**Sent:** Monday, April 10, 2023 4:03 PM  
**To:** Lincoln Wilson <Lincoln.Wilson@ag.idaho.gov>; Beneski, Kristin (ATG) <kristin.beneski@atg.wa.gov>  
**Cc:** Purcell, Noah Guzzo (ATG) <noah.purcell@atg.wa.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; 'Scott Carla A' <carla.a.scott@doj.state.or.us>  
**Subject:** RE: Washington v. U.S. Food & Drug Administration, No. 1:23-cv-3026

Thanks—per my last email, it would be helpful for Defendants to understand the basis for expediting the motion.

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**From:** Lincoln Wilson <[Lincoln.Wilson@ag.idaho.gov](mailto:Lincoln.Wilson@ag.idaho.gov)>  
**Sent:** Monday, April 10, 2023 5:55 PM  
**To:** Beneski, Kristin (ATG) <[kristin.beneski@atg.wa.gov](mailto:kristin.beneski@atg.wa.gov)>  
**Cc:** Purcell, Noah Guzzo (ATG) <[noah.purcell@atg.wa.gov](mailto:noah.purcell@atg.wa.gov)>; Melody, Colleen M (ATG) <[colleen.melody@atg.wa.gov](mailto:colleen.melody@atg.wa.gov)>; Fraas, Lauryn (ATG) <[Lauryn.Fraas@ATG.WA.GOV](mailto:Lauryn.Fraas@ATG.WA.GOV)>; Hughes, Andrew (ATG) <[andrew.hughes@atg.wa.gov](mailto:andrew.hughes@atg.wa.gov)>; Heintz, Tera M. (ATG) <[tera.heintz@atg.wa.gov](mailto:tera.heintz@atg.wa.gov)>; 'Scott Carla A' <[carla.a.scott@doj.state.or.us](mailto:carla.a.scott@doj.state.or.us)>; Katzen, Noah T. <[Noah.T.Katzen@usdoj.gov](mailto:Noah.T.Katzen@usdoj.gov)>  
**Subject:** [EXTERNAL] RE: Washington v. U.S. Food & Drug Administration, No. 1:23-cv-3026

Thanks for getting back to me so quickly, Kristin. Looping in the Defendants here as well to see if we can all get on the same page.

Upon further reflection, we plan to ask the court for an expedited ruling on our Motion to Intervene by or before April 21, and we will agree to file any reply by or before April 19. It sounds like that will be agreeable to Plaintiffs, but please

let me know if I have misunderstood your position. Mr. Purcell, will you let me know the Defendants' position? Also, will you both confirm your respective positions on the underlying relief for intervention?

Thank you,



Lincoln Davis Wilson | Division Chief  
Civil Litigation and Constitutional Defense  
Office of the Attorney General | State of Idaho  
M: 208-809-1077 | W: [ag.idaho.gov](http://ag.idaho.gov)

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**From:** Beneski, Kristin (ATG) <[kristin.beneski@atg.wa.gov](mailto:kristin.beneski@atg.wa.gov)>  
**Sent:** Monday, April 10, 2023 2:43 PM  
**To:** Lincoln Wilson <[Lincoln.Wilson@ag.idaho.gov](mailto:Lincoln.Wilson@ag.idaho.gov)>  
**Cc:** Purcell, Noah Guzzo (ATG) <[noah.purcell@atg.wa.gov](mailto:noah.purcell@atg.wa.gov)>; Melody, Colleen M (ATG) <[colleen.melody@atg.wa.gov](mailto:colleen.melody@atg.wa.gov)>; Fraas, Lauryn (ATG) <[Lauryn.Fraas@ATG.WA.GOV](mailto:Lauryn.Fraas@ATG.WA.GOV)>; Hughes, Andrew (ATG) <[andrew.hughes@atg.wa.gov](mailto:andrew.hughes@atg.wa.gov)>; Heintz, Tera M. (ATG) <[tera.heintz@atg.wa.gov](mailto:tera.heintz@atg.wa.gov)>; 'Scott Carla A' <[carla.a.scott@doj.state.or.us](mailto:carla.a.scott@doj.state.or.us)>; 'Katzen, Noah T.' <[Noah.T.Katzen@usdoj.gov](mailto:Noah.T.Katzen@usdoj.gov)>  
**Subject:** RE: Washington v. U.S. Food & Drug Administration, No. 1:23-cv-3026

Mr. Wilson,

Plaintiffs do not consent to any expedited schedule that would alter the current response deadline of Thursday, April 13. If you wish to waive your opportunity to file a reply, Plaintiffs would not object to that.

Kristin Beneski  
Direct: 206.464.7459 | Cell: 206.595.3024 | Email: [kristin.beneski@atg.wa.gov](mailto:kristin.beneski@atg.wa.gov)

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**From:** Lincoln Wilson <[Lincoln.Wilson@ag.idaho.gov](mailto:Lincoln.Wilson@ag.idaho.gov)>  
**Sent:** Monday, April 10, 2023 1:32 PM  
**To:** Beneski, Kristin (ATG) <[kristin.beneski@atg.wa.gov](mailto:kristin.beneski@atg.wa.gov)>  
**Subject:** FW: Washington v. U.S. Food & Drug Administration, No. 1:23-cv-3026

[EXTERNAL]

Hi Ms. Beneski,

Forwarding this email to you since I see Mr. Purcell is out of the office.

Thank you,

Lincoln Wilson

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**From:** Lincoln Wilson  
**Sent:** Monday, April 10, 2023 2:31 PM  
**To:** [noah.t.katzen@usdoj.gov](mailto:noah.t.katzen@usdoj.gov); [Noah.Purcell@atg.wa.gov](mailto:Noah.Purcell@atg.wa.gov)  
**Cc:** Theodore Wold <[Theodore.Wold@ag.idaho.gov](mailto:Theodore.Wold@ag.idaho.gov)>; Josh Turner <[josh.turner@ag.idaho.gov](mailto:josh.turner@ag.idaho.gov)>  
**Subject:** Washington v. U.S. Food & Drug Administration, No. 1:23-cv-3026

Dear Mr. Katzen and Mr. Purcell:

On behalf of the State of Idaho and other proposed intervenors, we intend to move to expedite our pending motion to intervene in the above matter for consideration by Friday, April 14. Would you please let us know by the end of the day today if the other parties consent to that relief?

Thank you,



Lincoln Davis Wilson | Division Chief  
Civil Litigation and Constitutional Defense  
Office of the Attorney General | State of Idaho  
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