

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

AMERICA'S FRONTLINE
DOCTORS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

CIVIL ACTION NO.
2:21-CV-702-CLM
OPPOSED

**DEFENDANTS' MOTION TO DISMISS THE REVISED AMENDED
COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION
AND FAILURE TO STATE A CLAIM**

COMES NOW all Defendants, by and through Isaac C. Belfer, Trial Attorney, and James W. Harlow, Senior Trial Attorney, Consumer Protection Branch, Civil Division, U.S. Department of Justice, and file this Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) and (b)(6).¹ The grounds for this Motion to Dismiss are more fully set forth in the concurrently filed Memorandum of Law, the supporting declarations, and the exhibits attached thereto.

¹ Pursuant to the Court's Order (ECF No. 34), Defendants are filing a consolidated memorandum of law in support of their Motion to Dismiss and in opposition to Plaintiffs' Motion for a Preliminary Injunction (ECF No. 37).

Dated: December 17, 2021

Respectfully submitted,

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Acting Commissioner of Food and
Drugs, in her official capacity only; the
U.S. Department of Health and Human
Services; the Food and Drug
Administration; the Centers for Disease
Control and Prevention; the National
Institutes of Health; and the National
Institute of Allergy and Infectious
Diseases*

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ James W. Harlow

JAMES W. HARLOW

Senior Trial Attorney