

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

ROBERT L. APTER, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES, *et al.*,

Defendants.

Case No. 3:22-cv-184

JUDGE JEFFREY V. BROWN

**JOINT UNOPPOSED MOTION FOR A BRIEFING SCHEDULE FOR
DEFENDANTS' MOTION TO DISMISS**

The parties to this action jointly move for entry of a briefing schedule for Defendants' motion to dismiss. Plaintiffs filed this lawsuit on June 2, 2022, against the U.S. Department of Health and Human Services, Xavier Becerra in his official capacity as Secretary of Health and Human Services, the U.S. Food and Drug Administration, and Robert M. Califf in his official capacity as Commissioner of Food and Drugs. ECF No. 1. On August 2, 2022, pursuant to Rule 6 of the Rules of Practice of the Galveston Division of the U.S. District Court for the Southern District of Texas, Defendants' counsel sent Plaintiffs' counsel a letter stating the bases for their intended motion to dismiss and informing Plaintiffs of their right to amend their Complaint within 14 days. On August 4, 2022, the parties met and conferred regarding Defendants' intended motion to dismiss. On August 8, 2022, Plaintiffs filed their Amended Complaint. ECF No. 12.

Defendants intend to file a motion to dismiss the Amended Complaint. That motion would normally be due August 22, 2022. *See* Fed. R. Civ. P. 15(a)(3). However, to avoid scheduling conflicts and ensure adequate time to brief the issues in this case, the parties have agreed to the following briefing schedule for Defendants' motion to dismiss:

Defendants' Motion to Dismiss due:	August 26, 2022
Plaintiffs' Response due:	September 23, 2022
Defendants' Reply due:	October 7, 2022

These dates represent a 4-day extension for the Motion to Dismiss, a 7-day extension for the Response, and a 7-day extension for the Reply.

The parties jointly move for the Court to enter the above briefing schedule and to vacate the Initial Pretrial and Scheduling Conference scheduled for September 14, 2022, at 9:00 a.m., ECF No. 7, pending the Court's resolution of Defendants' motion to dismiss.

August 18, 2022

Respectfully submitted,

/s/ R. Trent McCotter

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the CM/ECF system, will be sent via electronic mail to the registered participants as identified on the Notice of Electronic Filing.

August 18, 2022

/s/ Isaac C. Belfer
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