

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas



ROBERT L. APTER, M.D., FACEP, et al.

Plaintiff(s)

v.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, et al.*Defendant(s)*

Civil Action No. No. 3:22-cv-184

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*Xavier Becerra, in his official capacity as
Secretary of Health and Human Services
c/o Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530-0001

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

R. Trent McCotter
Boyden Gray & Associates PLLC
801 17th St NW, Suite 350
Washington, DC 20006

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Nathan Ochsner, Clerk of Court

Date: June 3, 2022s/ Vanesa Aranda

Signature of Clerk or Deputy Clerk

Civil Action No. No. 3:22-cv-184

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas



ROBERT L. APTER, M.D., FACEP, et al.

Plaintiff(s)

v.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, et al.*Defendant(s)*

Civil Action No. No. 3:22-cv-184

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To: *(Defendant's name and address)*Xavier Becerra, in his official capacity as
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c/o Civil Process Clerk
U.S. Attorney's Office
Southern District of Texas
1000 Louisiana, Suite 2300
Houston, TX 77002

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UNITED STATES DISTRICT COURT

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ROBERT L. APTER, M.D., FACEP, et al.

Plaintiff(s)

v.

DEPARTMENT OF HEALTH AND HUMAN
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Defendant(s)

Civil Action No. No. 3:22-cv-184

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*Xavier Becerra, in his official capacity as
Secretary of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

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801 17th St NW, Suite 350
Washington, DC 20006

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UNITED STATES DISTRICT COURT

for the

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ROBERT L. APTER, M.D., FACEP, et al.

Plaintiff(s)

v.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, et al._____
Defendant(s)

Civil Action No. No. 3:22-cv-184

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*Robert M. Califf, in his official capacity as
Commissioner of Food and Drugs
c/o Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530-0001

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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Boyden Gray & Associates PLLC
801 17th St NW, Suite 350
Washington, DC 20006

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Date: June 3, 2022s/ Vanesa Aranda
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Plaintiff(s)

v.

DEPARTMENT OF HEALTH AND HUMAN
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Defendant(s)

Civil Action No. No. 3:22-cv-184

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*Robert M. Califf, in his official capacity as
Commissioner of Food and Drugs
c/o Civil Process Clerk
U.S. Attorney's Office
Southern District of Texas
1000 Louisiana, Suite 2300
Houston, TX 77002

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Boyden Gray & Associates PLLC
801 17th St NW, Suite 350
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UNITED STATES DISTRICT COURT

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ROBERT L. APTER, M.D., FACEP, et al.

Plaintiff(s)

V.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, et al.

Defendant(s)

Civil Action No. No. 3:22-cv-184

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Robert M. Califf, in his official capacity as
Commissioner of Food and Drugs
10903 New Hampshire Ave
Silver Spring, MD 20993-0002

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

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Boyden Gray & Associates PLLC
801 17th St NW, Suite 350
Washington, DC 20006

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Nathan Ochsner, Clerk of Court

Date: June 3, 2022

s/ Vanesa Aranda
Signature of Clerk or Deputy Clerk

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UNITED STATES DISTRICT COURT

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Southern District of Texas



ROBERT L. APTER, M.D., FACEP, et al.

Plaintiff(s)

V.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, et al.

Defendant(s)

Civil Action No. No. 3:22-cv-184

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Food and Drug Administration
c/o Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530-0001

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

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UNITED STATES DISTRICT COURT

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Southern District of Texas



ROBERT L. APTER, M.D., FACEP, et al.

Plaintiff(s)

v.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, et al.

Defendant(s)

Civil Action No. No. 3:22-cv-184

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Food and Drug Administration
c/o Civil Process Clerk
U.S. Attorney's Office
Southern District of Texas
1000 Louisiana, Suite 2300
Houston, TX 77002

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Nathan Ochsner, Clerk of Court

Date: June 3, 2022

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Signature of Clerk or Deputy Clerk

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Server's address

Additional information regarding attempted service, etc:

for the



Plaintiff(s)

V.

Defendant(s)

Civil Action No. No. 3:22-cv-184

To: *(Defendant's name and address)*

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s/ Vanesa Aranda
Signature of Clerk or Deputy Clerk

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UNITED STATES DISTRICT COURT

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ROBERT L. APTER, M.D., FACEP, et al.

Plaintiff(s)

v.

DEPARTMENT OF HEALTH AND HUMAN
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Defendant(s)

Civil Action No. No. 3:22-cv-184

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Department of Health and Human Services
c/o Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530-0001

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Signature of Clerk or Deputy Clerk

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Defendant(s)

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To: *(Defendant's name and address)*

Department of Health and Human Services
c/o Civil Process Clerk
U.S. Attorney's Office
Southern District of Texas
1000 Louisiana, Suite 2300
Houston, TX 77002

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Plaintiff(s)

v.

DEPARTMENT OF HEALTH AND HUMAN
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Defendant(s)

Civil Action No. No. 3:22-cv-184

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

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 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: