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7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF WASHINGTON

9
10 STATE OF WASHINGTON, *et al.*,

11 Plaintiffs,

12 v.

13 U.S. FOOD AND DRUG
14 ADMINISTRATION, *et al.*,

15 Defendants.

No. 1:23-cv-03026

REPLY IN SUPPORT OF MOTION
TO EXPEDITE

16
17 In their Opposition to Defendants' Motion to Expedite, Plaintiffs argue that
18 Defendants have failed to demonstrate good cause to expedite their Motion for
19 Clarification. *See* ECF No. 84. But as Defendants explained, consideration of
20 Defendants' Motion for Clarification must be expedited because another court
21 order that would stay the approval of mifepristone without any additional action by
22 FDA, *see Alliance for Hippocratic Medicine, et al. v. FDA, et al.*, 2:22-cv-00223-
23

1 Z, Dkt. 137 (Apr. 7, 2023), will go into effect at 12:00 AM CT on April 15, 2023,
2 unless emergency relief is granted. *See* ECF Nos. 81 & 82. Such relief has not been
3 granted at this time. Defendants seek to understand how their obligations under this
4 Court's order interact with the effect of the *Alliance* order, and it is not
5 "premature," ECF No. 84, at 3, for them to seek this clarification *before* the
6 *Alliance* order goes into effect.
7

8 Nor is there any reason that Plaintiffs cannot respond to the Motion for
9 Clarification by Thursday, April 13, 2023. Indeed, the third paragraph of Plaintiffs'
10 Opposition to the Motion to Expedite *is*, in effect, their response to Defendants'
11 Motion for Clarification.
12

13 Because good cause exists to expedite consideration of their Motion for
14 Clarification, Defendants respectfully ask that this Court decide that Motion by
15 April 14, 2023.
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1 April 11, 2023

HILARY K. PERKINS
Assistant Director

2
3 /s/ Noah T. Katzen
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CERTIFICATE OF SERVICE

I hereby certify that, on April 11, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Noah T. Katzen
NOAH T. KATZEN