

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

State of Missouri, *et al.*,

Intervenor-Plaintiffs,

v.

U.S. Food and Drug Administration, *et al.*,

Defendants,

and

Danco Laboratories, LLC,

Intervenor-Defendant.

Case No. 2:22-cv-00223-Z

DEFENDANTS' MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b), Defendants hereby respectfully move to dismiss the Intervenor States' Amended Complaint (ECF No. 217). Venue in this District is improper, and therefore the States' Amended Complaint should be dismissed, *see* Fed. R. Civ. P. 12(b)(3), or transferred to a District where venue may be proper—*i.e.*, the District of Columbia, the District of Maryland, the Western District of Missouri, the District of Idaho, or the District of Kansas. *See* 28 U.S.C. § 1406(a).

Alternatively, the States' Amended Complaint should be dismissed because this Court lacks Article III jurisdiction over the States' claims; the States failed to administratively exhaust their claims; and the States' challenges to Defendants' 2016 actions are barred by the statute of limitations. *See* Fed. R. Civ. P. 12(b)(1), (6).

The reasons supporting this motion are set forth in the accompanying Memorandum, and a proposed order is attached.

January 18, 2025

Respectfully submitted,

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[PROPOSED] ORDER

This case comes before the Court upon Defendants' Motion to Dismiss. Upon consideration of Defendants' motion, it is hereby **ORDERED** that Defendants' Motion to Dismiss is **GRANTED**, and accordingly,

The Intervenor-Plaintiffs' Amended Complaint, ECF No. 217, is hereby **DISMISSED**; and

The Clerk is directed to **CLOSE** this action.

Done and ordered in Amarillo, Texas, this ____ day of _____, 2025.

HON. MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE