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Attorney for Defendants Xavier Becerra, et al.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HEIDI PURCELL, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

CIV. NO. 1:17-00493-JAO-RT

**DEFENDANTS' CROSS-MOTION
FOR SUMMARY JUDGMENT;
MEMORANDUM OF LAW**

Judge: Hon. Jill A. Otake
Hearing Date: To be set after March
14, 2025
Trial Date: Vacated

Pursuant to Federal Rule of Civil Procedure 56, Defendants Xavier Becerra, the U.S Food and Drug Administration, and Robert M. Califf, respectfully move for summary judgment on all claims. The reasons for this Motion are fully set forth in the accompanying Memorandum of Law.

Dated: December 3, 2024

Respectfully submitted,

/s/ Noah T. Katzen

NOAH T. KATZEN

Consumer Protection Branch

U.S. Department of Justice

Attorney for Defendants Xavier Becerra, in his official capacity as Secretary, U.S. Department of Health and Human Services; U.S. Food and Drug Administration; and Robert M. Califf, in his official capacity as Commissioner of Food and Drugs