

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

THE STATE OF LOUISIANA, by and
through its Attorney General, LIZ
MURRILL, and ROSALIE MARKEZICH,

Plaintiffs,

v.

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

Defendants.

Civ. No.: 6:25-cv-01491
Judge: David C. Joseph
Mag. Judge: David J. Ayo

DANCO LABORATORIES, LLC’S MOTION TO INTERVENE

Danco Laboratories, LLC (Danco) moves to intervene in this action pursuant to Rule 24 of the Federal Rules of Civil Procedure. Danco satisfies both the requirements for intervention as of right under Rule 24(a) and the requirements for permissive intervention under Rule 24(b), for the reasons set forth in the supporting memorandum of law and declaration. *See* Exhibit A (brief in support of intervention motion); Exhibit B (supporting declaration).

Consistent with the requirements of Rule 24(c), Danco also submits an accompanying motion to dismiss Plaintiffs’ complaint under Rule 12(b)(1) and 12(b)(6). *See* Exhibit C. Danco’s combined memorandum of law in support of its motion to dismiss and conditional opposition to Plaintiffs’ motion for preliminary relief is also attached. *See* Exhibit D.¹

Danco agrees with the Federal Defendants’ argument that the Plaintiffs lack Article III standing and thus would not be prejudiced by a stay of this action. *See* ECF No. 50-1 at 13-20.

¹ The Court suspended Defendants’ obligation to respond to Plaintiffs’ complaint until after the resolution of Plaintiffs’ motion for preliminary relief. *See* ECF 39. The Court did not similarly lift intervenors’ obligation to submit a responsive pleading under Rule 24(c). Further, because the bases on which Danco seeks dismissal overlap significantly with its opposition to Plaintiffs’ motion, the interests of judicial economy favor adjudicating the motions together.

However, Danco respectfully submits that, in the absence of Article III jurisdiction, the more prudent course is to dismiss the action. The action should also be dismissed, and preliminary relief denied, for several other reasons that are detailed in Danco's motion to dismiss and opposition to preliminary relief. *See* Exhibit D.

Dated: February 3, 2026

Respectfully submitted,

/s/ Jessica L. Ellsworth

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.4.1, undersigned counsel certifies that she conferred with parties' counsel regarding this motion. Counsel for Plaintiffs stated that they oppose this request. Counsel for the Federal Defendants stated that they take no position.

/s/ Jessica L. Ellsworth

Jessica L. Ellsworth