No. 26-30203

In the United States Court of Appeals for the Fifth Circuit

STATE OF LOUISIANA, BY AND THROUGH ITS ATTORNEY GENERAL, LIZ MURRILL; ROSALIE MARKEZICH,
Plaintiffs-Appellants/Cross-Appellees,

v.

FOOD & DRUG ADMINISTRATION; MARTY MAKARY, COMMISSIONER, U.S. FOOD & DRUG ADMINISTRATION; RICHARD PAZDUR, IN HIS OFFICIAL CAPACITY AS DIRECTOR, DENTER FOR DRUG EVALUATION & RESEARCH, U.S. FOOD & DRUG ADMINISTRATION; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; ROBERT F. KENNEDY, JR., SECRETARY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Defendants-Appellees,

v.

GENBIOPRO, INC.,
Intervenor-Appellee/Cross-Appellant,

v.

DANCO LABORATORIES, L.L.C.,
Intervenor-Appellee/Cross-Appellant.

On Appeal from the United States District Court
for the Western District of Louisiana
No. 25-cv-1491, Hon. David C. Joseph

MOTION TO EXPEDITE ORAL ARGUMENT

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CERTIFICATE OF INTERESTED PERSONS

Louisiana, et al., v. Food and Drug Administration, et al.

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

Plaintiffs-Appellants:

The State of Louisiana

Rosalie Markezich

Defendants-Appellees:

U.S. Food and Drug Administration

U.S. Department of Health and Human Services

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Tracy Beth Høeg, M.D., Ph.D., in her official capacity as Acting Director, Center for Drug Evaluation and Research, U.S. Food and Drug Administration

Robert F. Kennedy, Jr., in his official capacity as Secretary, U.S. Department of Health and Human Services

Intervenors-Appellees:

Danco Laboratories, LLC (Danco represents that it does not have a parent company and there is no publicly held corporation that owns 10% or more of Danco's stock.)

GenBioPro, Inc. (GenBioPro represents that its parent company is Xenia Holdco LLC, and there is no publicly held corporation that owns 10% or more of GenBioPro's stock.)

Third Party Manufacturer:

Evita Solutions LLC

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/s/ J. Benjamin Aguiñaga
J. BENJAMIN AGUIÑAGA

Under Federal Rule of Appellate Procedure 27 and this Court's Rule 27.5, Appellants, the State of Louisiana and Rosalie Markezich, respectfully move the Court to expedite oral argument in this appeal. Appellants file this motion simultaneously with their opening brief on June 15, 2026, one week before the deadline provided in the Court's briefing notice. *See* ECF 142. Any merits response brief from Appellees will be due July 15, 2026, and Intervenor-Appellees' brief will be due July 22, 2026. Appellants commit to filing their reply brief by July 29, 2026, within fourteen days of the filing of Appellees' brief and within 7 days of the filing of Intervenor-Appellees' brief. In accordance with this briefing schedule, Appellants request that the Court set this matter for oral argument the week of August 31 to September 3, 2026, or on the next available oral argument calendar date.

The need for expeditious review in this appeal arises from the irreparable harm the State faces every day that the challenged 2023 REMS remains in place. As both the district court and a motions panel of this Court have already determined, "Louisiana has shown it is suffering irreparable harm" because of the 2023 REMS. ECF.119-1 at 14. "[T]he 2023 REMS injures Louisiana by undermining its laws protecting unborn

human life and also by causing it to spend Medicaid funds on emergency care for women harmed by mifepristone." *Id.* It is therefore of the utmost importance to the State that this Court reach the merits of this appeal expeditiously, to abate the harms the State continues to suffer on a daily basis. To most effectively protect its rights and ensure expeditious review of these important issues, Appellants therefore seek an expedited schedule from this Court.

Accordingly, Appellants respectfully request that the Court expedite the argument in this appeal by setting oral argument for the week of August 31 to September 3, 2026, or on the next available oral argument calendar. Appellees have represented that they oppose this motion and will file a response. Intervenor-Appellees Danco and GenBioPro have reserved taking a position on the relief requested until the motion has been filed.

Respectfully submitted,

Dated: June 15, 2026

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CERTIFICATE OF SERVICE

I certify that on June 15, 2026, I filed the foregoing brief with the Court's CM/ECF system, which will automatically send an electronic notice of filing to all counsel of record.

/s/ J. Benjamin Aguiñaga
J. BENJAMIN AGUIÑAGA

CERTIFICATE OF COMPLIANCE

Pursuant to Fifth Circuit Rule 32.3, the undersigned certifies that this motion complies with:

(1) the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2) because it contains 355 words; and

(2) the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface (14-point Century Schoolbook) using Microsoft Word 2016 (the same program used to calculate the word count).

/s/ J. Benjamin Aguiñaga
J. BENJAMIN AGUIÑAGA

Dated: June 15, 2026