No. 26-30203

IN THE

United States Court of Appeals for the Fifth Circuit

THE STATE OF LOUISIANA, *et al.*,
Plaintiffs-Appellants/Cross-Appellees,
v.

U.S. FOOD AND DRUG ADMINISTRATION, *et al.*,
Defendants-Appellees,
and

DANCO LABORATORIES, LLC,
Intervenor-Defendant-Appellee/Cross-Appellant.

On Appeal from the United States District Court
for the Western District of Louisiana, No. 6:25-cv-01491-DCJ-DJA (Joseph, J.)

DANCO LABORATORIES, LLC'S RESPONSE IN OPPOSITION TO MOTION TO EXPEDITE ORAL ARGUMENT

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June 18, 2026

Danco Laboratories, LLC respectfully submits this response to the motion to expedite filed by Appellants/Cross-Appellees Louisiana and Ms. Markezich. Danco agrees with the reasons offered by the Federal Defendants and GenBioPro, Inc. that there is not good cause for expediting this appeal. *See* Dkts. 160 & 161; Local R. 34.5; *see also* Order Granting Stay, *Danco Lab'ys, LLC v. Louisiana*, No. 25A1207 (U.S.), https://perma.cc/L872-CTFK. And, as GenBioPro pointed out, the motion to expedite ignores the cross-appeals filed by Danco and GenBioPro. *See* Dkts. 127 & 138; Fed. R. App. P. 28.1(f)(4).

Respectfully submitted,

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June 18, 2026

CERTIFICATE OF COMPLIANCE

I hereby certify that this response complies with the requirements of Federal Rule of Appellate Procedure 27(d) because it has been prepared in 14-point Times New Roman, a proportionally spaced font. I further certify that this response complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2) because it contains 91 words, according to the count of Microsoft Word.

/s/ Jessica L. Ellsworth
Jessica L. Ellsworth

Counsel for Danco Laboratories, LLC

CERTIFICATE OF SERVICE

I certify that on June 18, 2026, I electronically filed the foregoing response with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Jessica L. Ellsworth
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