IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

NATURAL RESOURCES DEFENSE)	
COUNCIL, INC.; CENTER FOR SCIENCE)	
IN THE PUBLIC INTEREST; FOOD)	
ANIMAL CONCERNS TRUST; PUBLIC)	
CITIZEN, INC.; and UNION OF)	
CONCERNED SCIENTISTS, INC.,)	
)	
Plaintiffs,)	11 CIV 3562 (THK)
)	ECF Case
v.)	
)	
UNITED STATES FOOD AND DRUG)	
ADMINISTRATION; MARGARET)	
HAMBURG, in her official capacity as)	
Commissioner, United States Food and Drug)	
Administration; CENTER FOR)	
VETERINARY MEDICINE; BERNADETTE)	
DUNHAM, in her official capacity as)	
Director, Center for Veterinary Medicine;)	
UNITED STATES DEPARTMENT OF)	
HEALTH AND HUMAN SERVICES; and)	
KATHLEEN SEBELIUS, in her official)	
capacity as Secretary, United States)	
Department of Health and Human Services,)	
)	
Defendants.)	
)	

PLAINTIFFS' MOTION FOR LEAVE TO FILE A SUPPLEMENTAL COMPLAINT

Pursuant to Rule 15(d) of the Federal Rules of Civil Procedure, Plaintiffs Natural Resources Defense Council, Center for Science in the Public Interest, Food Animal Concerns Trust, Public Citizen, and Union of Concerned Scientists hereby move for leave to file the Supplemental Complaint attached to this Motion. Plaintiffs respectfully propose the following schedule for briefing the merits of the new claim set forth in the Supplemental Complaint:

(1) Plaintiffs would file a supplemental motion for summary judgment on February 13, 2012;

- (2) Defendants would respond to Plaintiffs' motion by February 27, 2012;
- (3) Plaintiffs would reply by March 5, 2012.

For the reasons given in the accompanying Memorandum of Law, Plaintiffs respectfully request that the Court grant them leave to file the Supplemental Complaint.

Dated: January 6, 2012 Respectfully submitted,

s/ Mitchell S. Bernard
Mitchell S. Bernard (MB 5823)
Natural Resources Defense Council, Inc.
40 West 20th Street
New York, New York 10011
(212) 727-2700
(212) 727-1773 (fax)
mbernard@nrdc.org

Avinash Kar, admitted *pro hac vice* Jennifer A. Sorenson, admitted *pro hac vice* Natural Resources Defense Council, Inc. 111 Sutter Street, 20th Floor San Francisco, California 94104 (415) 875-6100 (415) 875-6161 (fax)

Counsel for Plaintiffs

Of Counsel for Plaintiff Center for Science in the Public Interest:

Stephen Gardner (SG 3964) Center for Science in the Public Interest 5646 Milton Street, Suite 211 Dallas, Texas 75206 (214) 827-2774 (214) 827-2787 (fax)