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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NATURAL RESOURCES DEFENSE  
COUNCIL, INC. et al.,

Plaintiffs,

v.

UNITED STATES FOOD AND DRUG  
ADMINISTRATION et al.,

Defendants.

11 Civ. 3562 (THK)  
ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the accompanying declaration of Amy A. Barcelo dated January 9, 2012 and all exhibits thereto, the accompanying Memorandum of Law in Support of the Government's Motion for Summary Judgment and in Opposition to Plaintiffs' Motion for Summary Judgment, the Government's Statement of Undisputed Material Facts Pursuant to Local Civil Rule 56.1 and all pleadings filed in this matter, defendants 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 (collectively, the

“Government”), by their attorney, Preet Bharara, United States Attorney for the Southern District of New York, will move this Court before the Honorable Theodore H. Katz, United States Magistrate Judge, for an order granting summary judgment in favor of the Government pursuant to Federal Rule of Civil Procedure 56, and for such further relief as the Court deems just.

PLEASE TAKE FURTHER NOTICE that pursuant to the briefing schedule ordered by the Court on November 14, 2011, Plaintiffs’ opposition to the Government’s motion for summary judgment and reply in support of Plaintiffs’ motion for summary judgment is due on January 31, 2012, and the Government’s reply in support of its sixth motion for partial summary judgment is due on February 10, 2012.

Dated: New York, New York  
January 9, 2012

Respectfully submitted,

PREET BHARARA  
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