

PREET BHARARA

United States Attorney for the
Southern District of New York

By: AMY A. BARCELO
ELLEN LONDON

Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-6559/2737
Fax: (212) 637-2730/2702
amy.barcelo@usdoj.gov
ellen.london@usdoj.gov

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 William T. Flynn dated June 1, 2012 and all exhibits thereto, the accompanying Memorandum of Law in Support of the Government's Motion for a Stay Pending Appeal 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 a stay of the Memorandum Opinion and Order, dated March 22, 2012, and entered in this action on March 22, 2012, pursuant to Rule 62(c) of the Federal Rules of Civil Procedure.

Dated: New York, New York
June 1, 2012

Respectfully submitted,

PREET BHARARA
United States Attorney
Southern District of New York

/s/ Amy A. Barcelo
By: AMY A. BARCELO
ELLEN LONDON
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel.: (212) 637-6559/2737
Fax: (212) 637-2730/2702
Email: amy.barcelo@usdoj.gov

OF COUNSEL:

DAVID J. HOROWITZ
Deputy General Counsel

ELIZABETH H. DICKINSON
Acting Chief Counsel, Food and Drug
Division

ERIC M. BLUMBERG
Deputy Chief Counsel, Litigation
U.S. Department of Health and Human Services
Office of the General Counsel
White Oak 31 Room 4331
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

THOMAS J. COSGROVE
Associate Chief Counsel