

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CHILDREN’S HEALTH DEFENSE,

*Plaintiff,*

v.

FOOD AND DRUG ADMINISTRATION,

*Defendant.*

Civ. A. No. 23-2316 (TJK)

**DEFENDANT’S MOTION FOR AN EIGHTEEN-MONTH STAY OF PROCEEDINGS**

Defendant United States Food and Drug Administration (“FDA”), through its undersigned counsel, respectfully moves for an eighteen-month stay of this Freedom of Information Act (“FOIA”) case pursuant to 5 U.S.C. § 552(a)(6)(C) and *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). Exceptional circumstances, including two concurrent and unprecedented court-ordered productions in the United States District Court for the Northern District of Texas, warrant a stay. If granted, FDA proposes: (1) at least two weeks after the stay concludes, FDA submits a status report advising the Court about its ability to proceed or setting forth circumstances that warrant an extension of the stay; and (2) update the court every six months with its most recent status reports regarding compliance with the two court-ordered productions.

In support of this motion, FDA respectfully submits the attached memorandum and declaration of Suzann Burk, Director of the Division of Disclosure and Oversight Management, which oversees the Access Litigation and Freedom of Information Branch for FDA’s Center for Biologics Evaluation and Research.

\* \* \*

Date: October 12, 2023  
Washington, DC

Respectfully submitted,

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United States Attorney

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