

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**UPTON'S NATURALS CO.; and
THE PLANT BASED FOODS ASSOCIATION**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:19-CV-462-HTW-LRA

**PHIL BRYANT, in his official capacity
As Mississippi Governor; and
ANDY GIPSON, as Mississippi Commissioner
of Agriculture and Commerce**

DEFENDANTS

**DEFENDANTS' SECOND UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO RESPOND TO THE
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Phil Bryant, in his official capacity as Governor of the State of Mississippi, and Andy Gipson, in his official capacity as Commissioner of the Mississippi Department of Agriculture and Commerce ("State Defendants"), file this Second Unopposed Motion for Enlargement of Time to Respond to the Complaint for Declaratory and Injunctive Relief ("Complaint") and in support, state:

1. This suit involves a challenge to a portion of Mississippi Code Annotated Section 75-35-15 (Labeling of receptacles or covering of meat or meat food products; labeling requirements generally; standard of identity or fill; false or misleading labels), amended by the Mississippi Legislature in the 2019 Regular Legislative Session (Senate Bill 2922), and took effect on July 1, 2019.
2. The State Defendants' responsive pleadings are presently due on August 13, 2019.
3. The parties are currently engaged in negotiations that may lead to a resolution of the case. Due to the time required for adoption of proposed regulations under Mississippi's Administrative Procedures Act, more than 30-days are required before a final resolution could be consummated. In light of these developments, the Defendants' request a 60-day extension to file responsive pleadings

to the Complaint, making the responses due no later than October 2, 2019. At the conclusion of the 60-day extension, the parties will notify the Court whether the case has been resolved or will proceed.

4. Undersigned counsel has conferred with counsel for Plaintiffs and there is no objection to this request for this enlargement of time.

WHEREFORE, PREMISES CONSIDERED, the State Defendants respectfully request that the Court grant their unopposed motion for enlargement of time allowing them up to and including October 2, 2019 in which to respond to the Complaint.

THIS the 9th day of August, 2019

Respectfully submitted,

PHIL BRYANT, in his official capacity as Governor of the State of Mississippi and ANDY GIPSON, in his official capacity as Commissioner of the Mississippi Department of Agriculture and Commerce

By: JIM HOOD, ATTORNEY GENERAL FOR THE STATE OF MISSISSIPPI

By: /s/ Douglas T. Miracle
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CERTIFICATE OF SERVICE

I, Douglas T. Miracle, Special Assistant Attorney General for the State of Mississippi, do hereby certify that on this date I electronically filed the foregoing document with the Clerk of this Court using the ECF system which sent notification of this filing to counsel of record.

THIS the 9th day of August, 2019.

/s/ Douglas T. Miracle

Douglas T. Miracle