

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE STATE OF MISSOURI, et al.,)
)
 Intervenor Plaintiffs,)
)
 v.) Case No. 4:25-CV-1580-CMS
)
 U.S. FOOD AND DRUG)
 ADMINISTRATION, et al.,)
)
 Defendants.)

ORDER

Before the Court is the State of Missouri, the State of Kansas, and the State of Iowa's ("Intervenor Plaintiffs") Motion for Leave to Supplement the Amended Complaint. ([Doc. 277](#)). Under [Federal Rule of Civil Procedure 15\(d\)](#), the Court, "[o]n motion and reasonable notice," may "permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented." In particular, the Intervenor Plaintiffs "wish to address the [] decision of Defendant U.S Food and Drug Administration (FDA) to grant Evita Solutions, LLC's [] amended new drug application [] for a generic form of Mifeprex, Mifepristone Tablets, 200mg" on September 30, 2025. ([Doc. 277-1 ¶¶ 3, 14](#)). The Intervenor Plaintiff's operative Amended Complaint was filed on January 16, 2025. ([Doc. 217](#)).

"Most courts use the same standard in deciding whether to grant or deny leave to file a supplemental pleading that is used in deciding whether to grant or deny leave to amend." *Riggs v. City of Owensville*, No. 4:10-CV-793 CAS, [2011 WL 1576723](#), at *2 (E.D. Mo. Apr. 26, 2011) (citation omitted). Accordingly, in evaluating whether to grant Intervenor Plaintiffs' motion to file a supplemental pleading, the Court will consider "(1) whether the motion was filed in bad faith or with dilatory motive; (2) whether the motion was filed with undue delay; (3) whether leave to

[supplement] would be unduly prejudicial to the opposing parties; and (4) whether the proposed [supplemental pleading] would be futile.” *See Bader Farms, Inc. v. Monsanto Co.*, No. 1:16CV299-SNLJ, [2019 WL 1505876](#), at *1 (E.D. Mo. Apr. 5, 2019) (quoting *Bell v. Allstate Life Ins. Co.*, [160 F.3d 452, 454](#) (8th Cir. 1998)).

For the reasons articulated in Intervenor Plaintiff’s motion, *see* ([Doc. 277](#) at 7–11), the Court will grant the Intervenor Plaintiffs leave to file a supplemental pleading. The Court also notes that the Federal Defendants do not oppose the Intervenor Plaintiffs’ motion. *See* ([Doc. 278](#) at [1](#)) (“Without waiving any defense they might assert in a motion to dismiss or a responsive pleading, Federal Defendants do not oppose Intervenor Plaintiffs’ Motion for Leave to Supplement the Amended Complaint.”).

Accordingly, Intervenor Plaintiffs’ Motion for Leave to Supplement the Amended Complaint ([Doc. 277](#)) is **GRANTED**. Intervenor Plaintiffs are **ORDERED** to file their Supplemental Complaint without undue delay.

So ordered this 19th day of December 2025.



CRISTIAN M. STEVENS
UNITED STATES DISTRICT JUDGE