

UNITED STATES OF AMERICA
BEFORE THE FOOD AND DRUG ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

In the Matter of:

**Enrofloxacin for Poultry:
Withdrawal of Approval of
New Animal Drug Application
NADA 140-828**

FDA DOCKET: 00N-1571

Date: December 12, 2002

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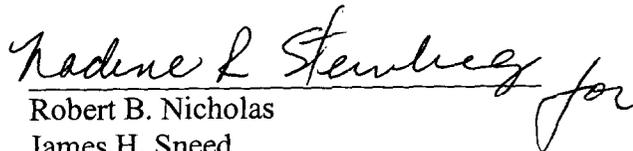
JOINT CONSENT MOTION TO WITHDRAW CERTAIN PLEADINGS

By Motion dated December 2, 2002, Bayer sought to supplement its §12.85 filing. CVM objected on December 6, 2002 for various reasons, including that Bayer had not provided an index of documents to be docketed. On December 10, 2002 the Administrative Law Judge, through CVM counsel, requested that the parties confer and attempt to resolve the dispute.¹ The parties conferred on December 10, 2002 and agreed that by this Joint Consent Motion both parties would withdraw their respective pleadings (Bayer's December 2, 2002 Motion to Supplement; and CVM's December 6, 2002 Response to Bayer's Motion to Supplement).

The parties further agreed that this withdrawal would be without prejudice to Bayer's being allowed to move to supplement its §12.85 filing by filing a motion no later than December 20, 2002 and that CVM will likewise be allowed to move to supplement its §12.85 filing by filing a motion no later than December 20, 2002. Bayer's and CVM's December 20, 2002 respective motions to supplement will be unopposed by each other as long as both parties provide each other, and the record, with an index of the documents to be added to their respective §12.85 filings.

The parties hereby jointly move for an Order consistent with the above agreements.

Respectfully submitted,



Robert B. Nicholas
James H. Sneed
Gregory A. Krauss
M. Miller Baker
McDERMOTT, WILL & EMERY
600 Thirteenth Street, N.W.
Washington, D.C. 20005
(202) 756-8000

Counsel for Bayer

- and -



Nadine Steinberg
Robert Spiller
5600 Fishers Lane (GCF-1)
Rockville, MD 20857
(301) 827-5050

Counsel for the Center for Veterinary Medicine

¹ To the extent this communication is deemed to fall under 21 CFR §10.55, this pleading is intended to comply with the requirements of 21 CFR §10.55(d)(3).

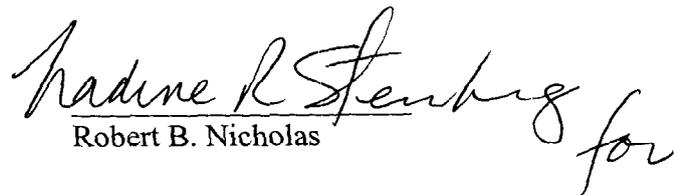
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Joint Consent Motion to Withdraw Certain Pleadings was mailed this 12th day of December 2002, via first-class mail, postage pre-paid to:

Kent D. McClure
Animal Health Institute
1325 G Street, N.W., Suite 700
Washington, D.C. 20005

I hereby certify that a copy of the Joint Consent Motion to Withdraw Certain Pleadings was e-mailed and also mailed, postage pre-paid, this 12th day of December 2002 to:

Nadine R. Steinberg, Esquire
Robert Spiller, Esquire
Food and Drug Administration
Office of General Counsel (CGF-1)
5600 Fischers Lane, Room 7-77
Rockville, MD 20857


Robert B. Nicholas

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ORDER

By Joint Consent Motion dated December 12, 2002, Bayer and CVM jointly agreed to withdraw Bayer's Motion to Supplement Document Submission Under 21 C.F.R. §12.85 dated December 2, 2002 and CVM's Response to Bayer's Motion to Supplement its Document Submission Under 21 C.F.R. §12.85 dated December 6, 2002. Those pleadings are hereby withdrawn.

Bayer and CVM are granted leave to file Motions to Supplement their respective §12.85 filings by December 20, 2002. Along with those Motions, each party shall provide each other and the record an index of the documents it seeks to add to the docket.

DATED this the ___ day of December, 2002.

Daniel J. Davidson
Administrative Law Judge