

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

GROCERY MANUFACTURERS ASSOCIATION,
SNACK FOOD ASSOCIATION, INTERNATIONAL
DAIRY FOODS ASSOCIATION, and NATIONAL
ASSOCIATION OF MANUFACTURERS,

Plaintiffs,

v.

WILLIAM H. SORRELL, in his official capacity as the
Attorney General of Vermont; PETER E. SHUMLIN,
in his official capacity as Governor of Vermont;
TRACY DOLAN, in her official capacity as Acting
Commissioner of the Vermont Department of Health;
and JAMES B. REARDON, in his official capacity as
Commissioner of the Vermont Department of Finance
and Management,

Defendants.

Case No. 5:14-cv-117

**DEFENDANTS' RESPONSE TO PLAINTIFFS'
MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

Defendants William H. Sorrell, Peter E. Shumlin, Tracy Dolan, and James B. Reardon, by and through their counsel, hereby respond to Plaintiffs' Motion for Leave to File an Amended Complaint. Plaintiffs' proposed Amended Complaint does not cure the deficiencies in Plaintiffs' original Complaint identified in Defendants' Motion to Dismiss (Doc. 24) and therefore, it is futile. However, for expediency, Defendants do not object to Plaintiffs' motion. Rather, Defendants respectfully request that the Court grant Plaintiffs leave to amend and dismiss the Amended Complaint for the reasons stated in Defendants' Motion to Dismiss and in Defendants' Reply Brief in Support of Motion to Dismiss and Opposition to Plaintiffs' Motion for a Preliminary Injunction (filed today).

DATED at Montpelier, Vermont this 14th day of November, 2014.

STATE OF VERMONT

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William H. Sorrell, Peter E. Shumlin, Tracy Dolan, and James B. Reardon

CERTIFICATE OF SERVICE

I, Megan J. Shafritz, Esq., attorney for Defendants, hereby certify that on November 14, 2014, I electronically filed Defendant's Response to Plaintiffs' Motion for Leave to Amend with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all registered participants.

DATED at Montpelier, Vermont this 14th day of November 2014.

STATE OF VERMONT

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