

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

INFORMED CONSENT ACTION NETWORK,

Plaintiff,

-against-

UNITED STATES FOOD AND DRUG
ADMINISTRATION

Defendant.

**NOTICE OF VOLUNTARY
DISMISSAL PURSUANT
TO F.R.C.P. 41(a)(1)(A)(i)**

Case No. 18-cv-11237-VEC

WHEREAS, plaintiff Informed Consent Action Network (“ICAN”) requested the following records from defendant United States Food & Drug Administration (“FDA”) pursuant to the Freedom of Information Act (“FOIA”): **“A copy of the report for each clinical trial relied upon by the FDA when approving for use by pregnant women any influenza vaccine currently approved by the FDA.”**

WHEREAS, after ICAN appealed, the FDA responded, in relevant part, as follows:

These requests sought the clinical trials relied upon by the FDA prior to approving any currently licensed influenza or Tdap vaccine for use in pregnant women as an indicated use. ... We have no records responsive to your requests.

THEREFORE, pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, plaintiff ICAN by its undersigned counsel, hereby gives notice that the above captioned action is voluntarily dismissed, without prejudice against the defendant FDA.

Dated: February 10, 2019

KENNEDY & MADONNA LLP



Robert F. Kennedy, Jr.
48 Dewitt Mills Road
Hurley, NY 12443
Tel: (845) 481-2622
Counsel for Plaintiff