

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

DO NO HARM,

*Plaintiff,*

v.

NATIONAL ASSOCIATION  
OF EMERGENCY MEDICAL  
TECHNICIANS,

*Defendant.*

Case No. 3:24-cv-11-CWR-LGI

**PLAINTIFF’S NOTICE OF SUPPLEMENTAL AUTHORITY**

NAEMT relied on the district court’s and the Second Circuit’s decisions in *Do No Harm v. Pfizer* to argue that Do No Harm lacks associational standing because it didn’t identify its members by name. *See* NAEMT-Mot. (Doc. 24) at 6-7 & n.2 (citing 646 F. Supp. 3d 490 (S.D.N.Y.), and 2024 WL 949506 (2d. Cir. Mar. 6)); *see also* DNH-MTD-Opp. (Doc. 25) at 17-24.

Today, the Second Circuit granted Do No Harm’s petition for rehearing, vacated the previous panel opinion and the district court’s dismissal of the case, and remanded. *Pfizer*-Op. at 27 (Ex. A). The Second Circuit said that the district court did “not” hold that associations must name names “at the pleadings stage.” *Id.* at 26 n.7. And it explained that such a holding would need to “address” the Second Circuit’s decision in “*Building and Construction Trades Council of Buffalo, New York and Vicinity v. Downtown Development, Inc.*, 448 F.3d 138 (2d. Cir. 2006), in which we concluded that an organizational plaintiff need not identify specific injured members by name at the pleading stage.” *Id.*

Dated: January 10, 2025

Respectfully submitted,

/s/ Cameron T. Norris

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## **CERTIFICATE OF SERVICE**

I e-filed this document with the Court, which will e-mail everyone requiring service.

Dated: January 10, 2025

/s/ Cameron T. Norris