

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN PUBLIC HEALTH
ASSOCIATION; IBIS REPRODUCTIVE
HEALTH; INTERNATIONAL UNION,
UNITED AUTOMOBILE, AEROSPACE,
AND AGRICULTURAL IMPLEMENT
WORKERS (UAW); BRITTANY
CHARLTON; KATIE EDWARDS; PETER
LURIE; and NICOLE MAPHIS,

Plaintiffs,

v.

NATIONAL INSTITUTES OF HEALTH;
JAY BHATTACHARYA, *in his official
capacity as Director of the National Institutes
of Health*; UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; and ROBERT F.
KENNEDY, JR., *in his official capacity as
Secretary of the United States Department of
Health and Human Services,*

Defendants.

Case No. 1:25-cv-10787

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**PROPOSED AGREED PROTECTIVE ORDER REGARDING
CERTAIN ORGANIZATIONAL DECLARANTS**

Due to the organizational nature of Plaintiffs UAW and APHA, certain non-plaintiff organizational members will necessarily be identified and involved in the litigation, including but not limited to, providing declarations in support of Plaintiffs' Motion for Preliminary Injunction. A subset of these non-plaintiff organizational members ("Certain Organizational Declarants") have privacy concerns and fears of retaliation during Defendants' future funding decisions. To limit the disclosure of the individual identities of Certain Organizational Declarants, and to ensure that the fact of their participation in this litigation cannot be used in a retaliatory manner, the Court hereby enters this Protective Order Regarding Certain Organizational Declarants.

IT IS HEREBY ORDERED THAT:

1. For the purposes of this order, “Other Identifying Information,” means information, whether considered individually or collectively, that identifies any Certain Organizational Declarant directly or indirectly and may include but is not limited to names of institutions employing, sponsoring or otherwise affiliated with Certain Organizational Declarants; current or former institutional position titles; grant award numbers; project names or other information about the subject matter of the Certain Organizational Declarants’ research that is sufficiently unique so as to be identifying; grant project or budget start and end dates; grant award amounts; and any other potentially identifying information.

2. Defendants’ Counsel of Record shall not disclose Certain Organizational Declarants’ names or any Other Identifying Information to any person, except (a) to Defendants, their counsel, or any of the Defendants’ employees or other agents, but only to the extent necessary to litigate this action, or (b) as otherwise explicitly authorized by any protective order subsequently entered in this action concerning discovery procedures and protection of confidential information including Other Identifying Information. Any person to whom such disclosure is made shall not use that information for any purpose other than as necessary to litigate this action, and in no instance shall any person to whom disclosure is made retaliate against any Certain Organizational Defendant based on the fact of a Certain Organizational Declarant’s participation in this litigation. This Order does not prohibit any action by Defendants, including adverse funding decisions, without prior notice to Plaintiffs’ counsel so long as the action is not based in part or in whole on participation in this lawsuit.

3. Except as necessary to litigate this action, any person to whom disclosure of Certain Organizational Declarants' names or any Other Identifying Information is made shall not further disclose the fact of Certain Organizational Declarants' participation in this litigation or any Other Identifying Information learned through this disclosure, either directly or indirectly, without the advance written consent of Plaintiffs' counsel.

4. Defendants' Counsel of Record also shall ensure that all persons to whom disclosure is made under this Order have read and agree in writing and under penalty of perjury to be bound by this Order and to be subject to the Court's jurisdiction for purposes of enforcing this order.

IT IS SO ORDERED.

Dated: *May 5, 2025*

William G. Young

WILLIAM G. YOUNG
UNITED STATES DISTRICT JUDGE