

United States Court of Appeals For the First Circuit

No. 25-1343

COMMONWEALTH OF MASSACHUSETTS; DANA NESSEL, on behalf of the people of the State of Michigan; STATE OF ILLINOIS; STATE OF ARIZONA; STATE OF CALIFORNIA; STATE OF CONNECTICUT; STATE OF COLORADO; STATE OF HAWAII; STATE OF MAINE; STATE OF MARYLAND; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF DELAWARE; STATE OF NEW MEXICO; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF WASHINGTON; STATE OF WISCONSIN,

Plaintiffs - Appellees,

v.

NATIONAL INSTITUTES OF HEALTH; JAY BHATTACHARYA, M.D., Ph.D. in the official capacity as Director of the National Institutes of Health; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS); ROBERT F. KENNEDY, JR., in the official capacity as Secretary of the U.S. Department of Health and Human Services,

Defendants - Appellants.

No. 25-1344

ASSOCIATION OF AMERICAN MEDICAL COLLEGES; THE AMERICAN ASSOCIATION OF COLLEGES OF PHARMACY; THE ASSOCIATION OF SCHOOLS AND PROGRAMS OF PUBLIC HEALTH; THE CONFERENCE OF BOSTON TEACHING HOSPITALS, INC.; GREATER NEW YORK HOSPITAL ASSOCIATION,

Plaintiffs - Appellees,

v.

NATIONAL INSTITUTES OF HEALTH; JAY BHATTACHARYA, M.D., Ph.D. in the official capacity as Director of the National Institutes of Health; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS); ROBERT F. KENNEDY, JR., in the official capacity as Secretary of the U.S. Department of Health and Human Services,

Defendants - Appellants.

No. 25-1345

ASSOCIATION OF AMERICAN UNIVERSITIES; AMERICAN COUNCIL ON
EDUCATION; ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES;
BRANDEIS UNIVERSITY; BROWN UNIVERSITY; CARNEGIE MELLON UNIVERSITY;
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA; THE UNIVERSITY OF
CHICAGO; CORNELL UNIVERSITY; THE GEORGE WASHINGTON UNIVERSITY;
JOHNS HOPKINS UNIVERSITY; MASSACHUSETTS INSTITUTE OF TECHNOLOGY;
TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA; UNIVERSITY OF ROCHESTER;
TRUSTEES OF TUFTS COLLEGE; THE CALIFORNIA INSTITUTE OF TECHNOLOGY,

Plaintiffs - Appellees,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES; NATIONAL INSTITUTES OF
HEALTH; ROBERT F. KENNEDY, JR., in the official capacity as Secretary of the Department
of Health and Human Services; JAY BHATTACHARYA, M.D., Ph.D. in the official capacity as
Director of the National Institutes of Health,

Defendants - Appellants.

ORDER OF COURT

Entered: September 16, 2025

Appeal Nos. 25-1343, 25-1344, and 25-1345 are consolidated for purposes of oral argument. The parties are directed to use the above caption on all future filings related to these cases. Upon consideration of the assented-to motion for Attorney Clement to present oral argument on behalf of all plaintiffs-appellees in Appeals Nos. 25-1344 and 25-1345, the motion is allowed.

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Donald Campbell Lockhart, Eric Dean McArthur, Brett Allen Shumate, Abraham R. George, Jeffrey Eric Sandberg, Jennifer Utrecht, Courtney Dixon, Brian Lea, David C. Kravitz, Katherine B. Dirks, Amanda S. Hainsworth, Allyson T. Slater, Chris Pappavaselio, Neil Giovanatti, Linus Banghart-Linn, Joshua S. Smith, Alex Hemmer, Joshua Bendor, Daniel Ambar, Emilio Eugene Varanini IV, Sophia TonNu, Michael Kenneth Skold, Shannon Wells Stevenson, Vanessa L. Kassab, Ian R. Liston, David Dana Day, Kalikoonalani Diara Fernandes, Sean D. Magenis, Thomas A. Knowlton, Adam D. Kirschner, Elizabeth C. Kramer, Heidi Parry Stern, Angela Cai, Anjana Samant, Rabia Muqaddam, Ester Murdukhayeva, Molly Thomas-Jensen, Daniel Paul Mosteller, Robert A. Koch, Jordan Broadbent, Jonathan T. Rose, Spencer Wade Coates, Ellen E. Range, Aaron Bibb, Cody R. Hart, Derrill J. Fussell, Eric M. Gold, Adam N. Cederbaum,

Jonathan Benjamin Miller, Jeffrey T. Dana, Alexandra H. Deal, Kelsey McLean, Alexandra Zegger, David Zimmer, Jessica Lynn Ellsworth, Jackson Bruce Skeen, Phillip R. Malone, Nina Srejovic, Joshua B. Shiffrin, Jacob Karabell, Francisco Maria Negron Jr., Nicole A. Saharsky, Steve W. Berman, Lauriane Williams, John DeStefano III, Sophia K. Weaver, John P. Bueker, Douglas H. Hallward-Driemeier, Stephanie A. Webster, Daryl J. Lapp, Shoba Pillay, Paul D. Clement, Erin E. Murphy, Adam G. Unikowsky, Lindsay C. Harrison, James Xi, Zachary C. Schauf, Ishan Kharshedji Bhabha, Lauren J. Hartz, Elizabeth Henthorne, Kyle Raymond Eiswald