

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF COLORADO, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES, *et al.*,

Defendants.

Civil Action No. 25-cv-121-MSM-LDA

**UNITED STATES' NOTICE OF COMPLIANCE WITH
THE COURT'S PRELIMINARY INJUNCTION ORDER**

Defendants respectfully submit this Notice of Compliance regarding the Court's Preliminary Injunction Order ("PI Order") entered on May 16, 2025. The Court's PI Order directed (among other things):

Defendants' counsel shall provide written notice of this order to all Defendants and agencies and their employees, contractors, and grantees by the end of the day on Tuesday, May 20, 2025. . . . By the end of the day on Tuesday, May 20, 2025, the Defendants SHALL FILE on the Court's electronic docket a Status Report documenting the actions that they have taken to comply with this Order, including a copy of the notice and an explanation as to whom the notice was sent.

ECF No. 84 at 59. Consistent with the Court's Order, on May 16, 2025, counsel for Defendants provided written notice of the PI Order to counsel for the U.S. Department Of Health And Human Services ("HHS") and confirmed that the agency should disseminate the Order to all employees, contractors, and grantees.

On May 19, 2025, the Director of the Division of Policy, Oversight, and Evaluation within HHS's Office of Grants directed that notice of the PI Order,

and a copy of the Order, be sent to all HHS grantees, via an email attached hereto as Exhibit A. Also on May 19, 2025, HHS Acting General Counsel sent a note to HHS's Chief of Staff to be sent to all agency staff, providing notice of the Court's PI Order, through its Controlled Correspondence system, attached hereto as Exhibit B. On May 20, a copy of Exhibit A was sent to all active HHS grant recipients via the GrantSolutions and eRA systems, as shown in an email attached hereto as Exhibit C. Finally, also on May 20, 2025, the agency sent notice, including a copy of Exhibit A and the Court's PI Order, to all agency employees and contractors, via an email attached hereto as Exhibit D.

Dated: May 20, 2025

Respectfully submitted,

THE UNITED STATES OF AMERICA,
By its Attorneys,

SARA MIRON BLOOM
Acting United States Attorney

/s/ Kevin Love Hubbard
KEVIN LOVE HUBBARD
Assistant United States Attorney
One Financial Plaza, 17th Floor
Providence, RI 02903
(401) 709-5000
Kevin.Hubbard@usdoj.gov

CERTIFICATION OF SERVICE

I hereby certify that, on May 20, 2025, I filed the foregoing document through this Court's Electronic Case Filing (ECF) system, thereby serving it upon all registered users in accordance with Federal Rule of Civil Procedure 5(b)(2)(E) and Local Rules Gen 304.

/s/ Kevin Love Hubbard

KEVIN LOVE HUBBARD
Assistant United States Attorney

From: [Nestor, Johanna \(HHS/ASFR\)](#)
To: [OS - OG CGMO](#)
Subject: NOTICE: Preliminary Injunction Distribution
Date: Monday, May 19, 2025 1:49:49 PM
Attachments: [84 - Order Granting PI.pdf](#)

CGMOs,

On May 16, 2025, the District Court for the District of Rhode Island, issued a Preliminary Injunction (PI). This PI pertains to SAMHSA, CDC, and NIH awards in 23 Plaintiff States and the District of Columbia, further sustaining actions directed per the Temporary Restraining Order issued on March 24, 2025, until the court rules on the merits of the matter.

Because systems cannot parse out recipients by geographic region, all HHS recipients will receive the notification by end of tomorrow.

Pursuant to the PI, HHS and all its agencies, respective officers, agents, servants, employees and attorneys, contractors, grantees, and any persons in active concert or participation with them who receive actual notice of the PI (the "Enjoined parties") are:

1. Fully enjoined from implementing or enforcing through any means the decision made on or about March 24, 2025, that numerous health programs and appropriations responsible for \$11 billion of critical federal financial assistance were "no longer necessary" because the "COVID-19 pandemic is over" ("Public Health Funding Decision"), including any funding terminations, or from taking any action to reinstitute the Public Health Funding Decision for the same or similar reasons. This injunction is limited to funding for Plaintiff States, including their local health jurisdictions and any bona fide fiscal agents of Plaintiff States or their local health jurisdictions.
2. Required to immediately treat any actions taken to implement or enforce the Public Health Funding Decision, including any funding terminations, as null and void and rescinded. The Enjoined Parties must immediately take every step necessary to effectuate this order, including clearing any administrative, operational, or technical hurdles to implementation.
3. Provide written notice of this order to all Defendants and agencies and their employees, contractors, and grantees by the end of the day on Tuesday, May 20, 2025.
4. By the end of the day on Tuesday, May 20, 2025, the Defendants SHALL FILE on the Court's electronic docket a Status Report documenting the actions that they have taken to comply with this Order, including a copy of the notice and an explanation as to whom the notice was sent.

HHS must continue to take every step necessary to effectuate this PI, including clearing any administrative, operational, or technical hurdles to implementation.

Pending any further instructions from the Court, HHS should ensure that it is not implementing, applying, or enforcing any terminations with respect to these awards against the Plaintiff States.

Johanna Nestor | Director
Division of Policy, Oversight, and Evaluation
Department of Health and Human Services | Office of Grants
200 Independence Ave SW | Washington DC 20201
Office: 202-631-0420 | johanna.nestor@hhs.gov

**MEMORANDUM**

NOTE TO: HEATHER FLICK MELANSON
CHIEF OF STAFF

DATE: May 19, 2025

SUBJECT: Preliminary Injunction – *State of Colorado, et al v. U.S. Department of Health and Human Services et al*, Civil Action No. 1:25-cv-00121

Twenty-three states and the District of Columbia have challenged the Department of Health and Human Services' (HHS), and Secretary Kennedy's (in his official capacity) termination of approximately \$11 billion dollars in COVID-19 funding issued in the form of grants¹ to the Plaintiff States.

On May 16, 2025, the District Court for the District of Rhode Island, issued a Preliminary Injunction (PI). Pursuant to that PI, HHS and all its agencies, respective officers, agents, servants, employees and attorneys, contractors, grantees, and any persons in active concert or participation with them who receive actual notice of the PI (the "Enjoined Parties") are:

- 1) Fully enjoined from implementing or enforcing through any means the decision made on or about March 24, 2025, that numerous health programs and appropriations responsible for \$11 billion of critical federal financial assistance were "no longer necessary" because the "COVID-19 pandemic is over" ("Public Health Funding Decision"), including any funding terminations, or from taking any action to reinstitute the Public Health Funding Decision for the same or similar reasons. This injunction is limited to funding for Plaintiff States, including their local health jurisdictions and any bona fide fiscal agents of Plaintiff States or their local health jurisdictions.
- 2) Required to immediately treat any actions taken to implement or enforce the Public Health Funding Decision, including any funding terminations, as null and void and rescinded. The Enjoined Parties must immediately take every step necessary to effectuate this order, including clearing any administrative, operational, or technical hurdles to implementation.
- 3) Required to provide written notice of this order to all Defendants and agencies and their employees, contractors, and grantees by the end of the day on Tuesday, May 20, 2025. By the end of the day on Tuesday, May 20, 2025, the Defendants SHALL FILE on the Court's electronic docket a Status Report documenting the actions that they have taken to comply with this Order, including a copy of the notice and an explanation as to whom the notice was sent.

¹ For purposes of this memorandum, the term "grant" includes "cooperative agreements".

HHS must continue to take every step necessary to effectuate this PI, including clearing any administrative, operational, or technical hurdles to implementation.

Pending any further instructions from the Court, HHS should ensure that it is not implementing, applying, or enforcing any terminations with respect to these awards against the Plaintiff States.

If you have any questions, please work with your usual contact in the Office of the General Counsel.



Sean R. Keveney
Acting General Counsel

Plaintiff States:

Colorado
Rhode Island
California
Minnesota
Washington
Arizona
Connecticut
Delaware
District of Columbia
Hawaii
Illinois
Kentucky
Maine
Maryland
Massachusetts
Michigan
Nevada
New Jersey
New Mexico
New York
North Carolina
Oregon
Pennsylvania
Wisconsin

From: [Mailing list for eRA system alerts to users](#) on behalf of [eRA Communications Office](#)
To: ERA-ALERT@LIST.NIH.GOV
Subject: Notice of Preliminary Injunction
Date: Monday, May 19, 2025 4:35:02 PM
Attachments: [84 - Order Granting PI.pdf](#)

HHS Grant Recipients:

Please review the attached Preliminary Injunction (PI). Please note, this action only applies to the 23 Plaintiff States listed in the PI and the District of Columbia.

To unsubscribe from the ERA-ALERT list, click the following link:
<http://list.nih.gov/cgi-bin/wa.exe?SUBED1=ERA-ALERT&A=1>

From: [For OS announcements to all of HHS](#) on behalf of [HHS News Do Not Reply \(OS/ASPA\)](#)
To: HHS-NEWS-ALL@LIST.NIH.GOV
Subject: Notice - Court Order Issuing Preliminary Injunction in Colorado v. HHS
Date: Tuesday, May 20, 2025 3:55:21 PM
Attachments: [Notice - Court Order Issuing Preliminary Injunction in Colorado v. HHS R.pdf](#)

On May 16, 2025, the District Court for the District of Rhode Island, issued a Preliminary Injunction (PI). Pursuant to that PI, HHS and all its agencies, respective officers, agents, servants, employees and attorneys, contractors, grantees, and any persons in active concert or participation with them who receive actual notice of the PI (the "Enjoined parties") are:

1. Fully enjoined from implementing or enforcing through any means the decision made on or about March 24, 2025, that numerous health programs and appropriations responsible for \$11 billion of critical federal financial assistance were "no longer necessary" because the "COVID-19 pandemic is over" ("Public Health Funding Decision"), including any funding terminations, or from taking any action to reinstitute the Public Health Funding Decision for the same or similar reasons. This injunction is limited to funding for Plaintiff States, including their local health jurisdictions and any bona fide fiscal agents of Plaintiff States or their local health jurisdictions.
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HHS must continue to take every step necessary to effectuate this PI, including clearing any administrative, operational, or technical hurdles to implementation.

Pending any further instructions from the Court, HHS should ensure that it is not implementing, applying, or enforcing any terminations with respect to these awards against the Plaintiff States. If you have questions, please reach out to Kenya Ford in the Office of the General Counsel, kdf6@cdc.gov. Thank you.

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