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22 *Attorneys for Defendants*

23 **UNITED STATES DISTRICT COURT**  
24 **CENTRAL DISTRICT OF CALIFORNIA**

25 DO NO HARM; et al.,

26 *Plaintiffs,*

27 v.

28 REGENTS OF THE UNIVERSITY  
OF CALIFORNIA, et al.,

*Defendants.*

Case No. 2:25-cv-4131

**DEFENDANTS’ RESPONSE TO  
THE UNITED STATES’ MOTION  
TO INTERVENE [DKT. 77]**

Date: February 27, 2026  
Time: 9:00 AM  
Place: Courtroom 9D  
Judge: Hon. John W. Holcomb

1 Defendants take no position on the Motion to Intervene (the “Motion”), but  
2 file this response to provide the Court with important context surrounding the  
3 government’s decision to intervene in this ongoing civil litigation, despite  
4 simultaneously exercising the authority of two federal agencies to investigate the  
5 very issue in this case—alleged racial discrimination in admissions at the UCLA’s  
6 David Geffen School of Medicine (the “School”). Defendants respectfully submit  
7 that a hearing or case management conference on these issues—including whether  
8 and how the case schedule should be adjusted to account for the government’s  
9 potential intervention—would be productive.

10 If the Court grants the Motion, Defendants reserve all rights to move to  
11 dismiss or otherwise respond to the government’s Complaint-in-Intervention, as  
12 well as to seek other relief in this or any other appropriate forum.

### 13 **BACKGROUND**

14 On March 27, 2025, the Department of Health and Human Services’ Office  
15 for Civil Rights (“HHS”) initiated a compliance review into whether the School  
16 engages in racial discrimination in its admissions practices in violation of Title VI  
17 of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and Section 1557 of the  
18 Affordable Care Act—which itself prohibits discrimination by federally funded  
19 health programs “on the ground prohibited under [T]itle VI” and other civil rights  
20 statutes, 42 U.S.C. § 18116(a). On May 9, 2025, the Department of Justice’s Civil  
21 Rights Division (“DOJ”) also initiated a Title VI compliance review focusing on  
22 possible racial discrimination in the School’s admissions practices.

23 The government assured the School that it had not reached any conclusions,  
24 that if it did ultimately conclude that UCLA was violating Title VI, it would work  
25 with the School to secure compliance informally, and that formal action, such as  
26 litigation, would be initiated only if DOJ were unable to secure compliance by  
27 voluntary means. *See* 42 U.S.C. § 2000d-1; 28 C.F.R. § 42.108. Since the  
28

1 compliance reviews were opened, the School has complied with the investigations,  
2 submitting numerous written responses as well as producing documents and  
3 information.

4 On January 28, 2026, without informing the School that it had reached a  
5 conclusion about the issue the government was investigating, and without engaging  
6 the School in any efforts to address any perceived noncompliance through voluntary  
7 means, the government filed the Motion. The proposed Complaint-in-Intervention  
8 is based on the government’s apparent conclusion that the School “intentionally  
9 engage[s] in a system of racial balancing that provides racial preferences in  
10 admissions and thereby treats applicants differently based on their race, all in  
11 violation of the equal protection rights of applicants.” Dkt 77-2, ¶ 71. The  
12 Complaint-in-Intervention seeks to enjoin the School “from in any way considering  
13 applicants’ race when making admission decisions.” *Id.* at 16.

14 **RESPONSE**

15 The Complaint-in-Intervention asserts that the School discriminates on the  
16 basis of race in admissions. That is the issue the government is purportedly still  
17 evaluating in the compliance reviews. The government has not informed the School  
18 of its conclusion, nor has it provided the School with notice or the opportunity to  
19 come into compliance by voluntary means, as Title VI requires. The School disputes  
20 that the government’s compliance reviews have revealed or could reveal any  
21 evidence that the School engages in unlawful discrimination, and reserves its rights  
22 to challenge the government’s allegations in any appropriate forum. For purposes  
23 of evaluating the Motion, the School notes that the government’s decision to file the  
24 Motion signals the outcome of the compliance reviews, preventing the School from  
25 receiving a fair adjudication in those investigations.

1 The fact that the government has brought a suit alleging the improper use of  
2 race in admissions that invokes equal protection principles that are coextensive<sup>1</sup> with  
3 Title VI raises significant concerns that the government is not adhering to Title VI  
4 and its regulations, including procedural protections afforded recipients of federal  
5 aid. Title VI provides that no action shall be taken to “effect[.]” Title VI compliance  
6 “until the department or agency concerned has advised the appropriate person or  
7 persons of the failure to comply with the requirement and has determined that  
8 compliance cannot be secured by voluntary means.” 42 U.S.C. § 2000d-1.<sup>2</sup> By  
9 filing this Motion, the government has signaled a conclusion as to the outcome of its  
10 Title VI compliance reviews and made a finding of a violation, without providing  
11 notice to the School or attempting to attain voluntary compliance. Further, the  
12 Complaint-in-Intervention apparently uses information produced by the School as  
13 part of the Title VI compliance reviews—information DOJ assured the School would  
14 be used solely for compliance review purposes—further demonstrating that the  
15 government’s intervention is the outgrowth of its Title VI enforcement effort.<sup>3</sup>  
16 Requiring the School’s continued participation in compliance reviews whose  
17 outcomes appear to be predetermined would be inconsistent with Title VI’s  
18 requirements, and would unfairly burden the School, diverting its attention and  
19 resources, subjecting it to overlapping, cumulative processes and requests, and  
20 threatening its ability to present a full defense in this case.

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24 <sup>1</sup> See *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*,  
25 600 U.S. 181, 198 n.2 (2023)

26 <sup>2</sup> DOJ and HHS regulations similarly codify protections if a Title VI compliance  
27 review leads to the conclusion that a violation has occurred. See, e.g., 28 C.F.R. §§  
28 42.107(d), 42.108(d); 45 C.F.R. §§ 80.8(a), 80.8(d).

<sup>3</sup> Indeed, the same DOJ attorneys involved in the Title VI compliance review have  
signed the government’s papers in support of the instant Motion.

1  
2 DATED: February 6, 2026

Respectfully submitted,

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