

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Doctors for America, *et al.*,

Plaintiffs,

v.

Office of Personnel Management, *et al.*,

Defendants.

Case No. 1:25-cv-00322-JDB

Defendants' Third Compliance Report

Pursuant to this Court's Order of July 2, 2025, ECF No. 59, Defendants respectfully submit this report describing the steps taken to ensure compliance with the Order.

1. Defendants are continuing to review Plaintiffs' Identified Webpages¹ to determine (1) whether and to what extent they were modified or removed on or after January 29, 2025, and, if so, (2) whether they were removed or modified on the basis of the OPM Memo or HHS Guidance. For Identified Webpages subject to the Order, Defendants will bring them into compliance as soon as practically possible.

2. As described in their First Compliance Report, *see* ECF No. 61 ¶ 3, Defendants previously sought clarification from Plaintiffs as to seven Identified Webpages for which Plaintiffs did not initially provide a URL. Plaintiffs have provided additional information in response to that request. For some of the Identified Webpages initially identified without a URL, Plaintiffs provided multiple URLs in response to Defendants' request. As a result, the number of Identified Webpages (not including certain subpages

¹ Defendants assume the Court's familiarity with prior proceedings in this case. Acronyms and capitalized terms have the same meaning as in the Court's Order of July 2, 2025, *see* ECF No. 59, and/or Memorandum Opinion, *see* ECF No. 60.

not specifically identified) has increased from 212 to 225. *See* ECF No. 61 ¶ 2 & n.2 (addressing Plaintiffs’ identification of “subpages” subject to the Order).

3. Since filing their Second Compliance Report, Defendants have determined that they are in compliance with the Order as to an additional 33 Identified Webpages. *See* Exhibit A (rows highlighted in yellow). Defendants have also determined since the Second Compliance Report that an additional 12 Identified Webpages are not subject to the Order because to the extent Defendants modified or removed those pages on or after January 29, 2025, they did not do so on the basis of the OPM Memo or HHS Guidance. *See id.* (rows highlighted in blue).

4. In total, as of the date of this report, Defendants have determined that they are in compliance with the Order as to 101 Identified Webpages, and that 23 Identified Webpages are not subject to the Order. *See id.*

5. Six defendant agencies – AHRQ, CMS, FDA, HHS, NIH, and SAMHSA/CBHSQ – have completed the review and compliance process as to the Identified Webpages for which they are responsible. AHRQ has completed that process since Defendants filed their Second Compliance Report.

6. For two defendant agencies – CDC (including NCHS) and HRSA – the review and compliance process is actively underway. The overwhelming majority of the Identified Webpages left to review (99 out of 101) belong to CDC. As CDC progresses through its review and determines that additional Identified Webpages are subject to the Order, it will bring them into compliance on a rolling basis.

7. Both the pace at which Defendants can review Plaintiffs’ Identified Webpages, and the pace at which webpages subject to the Order can practically be restored or reverted, is limited by staffing and other resource constraints, as well as by agency safeguards that require multiple layers of approval in order to modify a website. The extent of those safeguards will vary depending on the nature of the website at issue.

Modifying certain databases, for example, generally requires (among other steps) that a trial update be tested multiple times to ensure stability.

August 1, 2025

Respectfully submitted,

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