

THE HONORABLE LAUREN KING

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON STATE MEDICAL
ASSOCIATION; WASHINGTON STATE
NURSES ASSOCIATION; WASHINGTON
CHAPTER OF THE AMERICAN ACADEMY
OF PEDIATRICS; ACADEMYHEALTH;
ASSOCIATION OF NURSES IN AIDS CARE;
FAST-TRACK CITIES INSTITUTE;
INTERNATIONAL ASSOCIATION OF
PROVIDERS OF AIDS CARE; NATIONAL
LGBT CANCER NETWORK; VERMONT
MEDICAL SOCIETY,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of Health and Human
Services; DEPARTMENT OF HEALTH AND
HUMAN SERVICES; SUSAN MONAREZ, in
her official capacity as Director of the Centers for
Disease Control and Prevention;* CENTERS
FOR DISEASE CONTROL AND
PREVENTION; JAY BHATTACHARYA, in his
official capacity as Director of the National
Institutes of Health; NATIONAL INSTITUTES
OF HEALTH; MARTIN A. MAKARY, in his

Case No. 2:25-cv-00955-LK

**JOINT STATUS REPORT AND
DISCOVERY PLAN**

* Pursuant to Federal Rule of Civil Procedure 25(d), Susan Monarez, in her official capacity as Director of the Centers for Disease Control and Prevention, is automatically substituted as a party.

JOINT STATUS REPORT &
DISCOVERY PLAN
(No. 2:25-cv-00955-LK)

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1 official capacity as Commissioner of Food and
 2 Drugs; FOOD AND DRUG
 3 ADMINISTRATION; THOMAS J. ENGELS, in
 4 his official capacity as Administrator of the
 5 Health Resources and Services Administration;
 6 HEALTH RESOURCES AND SERVICES
 7 ADMINISTRATION; CHARLES EZELL, in his
 8 official capacity as Acting Director of the Office
 9 of Personnel Management; OFFICE OF
 10 PERSONNEL MANAGEMENT,

11 *Defendants.*

12 Pursuant to the Court's order of June 5, 2025, Dkt. 10, the parties hereby submit this joint
 13 status report as required by Federal Rule of Civil Procedure 26(f) and Local Rules W.D. Wash.
 14 LCR 26(f).

15 **1. Nature and Complexity of the Case:** Plaintiffs challenge the removal of federal
 16 public health data, resources, and webpages, which they claim violated the Administrative
 17 Procedure Act ("APA") and the constitutional separation of powers. As reflected in the parties'
 18 earlier joint status report, Dkt. 12, and the Court's scheduling order, Dkt. 13, this case presents
 19 legal issues that can be resolved through cross-dispositive motions.

20 **2. Proposed Deadline for Joining Additional Parties:** The parties do not propose to
 21 join additional parties.

22 **3. Consent to Assignment of Magistrate Judge:** No.

23 **4. Discovery Plan:** The parties conferred and are in agreement that no discovery
 24 beyond Defendants' submission of the administrative record is necessary for this case.

25 **5. LCR 26(f)(1):** The parties have the following recommendations regarding the
 26 subjects in LCR 26(f)(1).

A. Prompt Case Resolution: As discussed above, *supra* § 1, the parties
 believe this case can be resolved through their forthcoming cross-dispositive motions. The
 parties will also pursue settlement discussions as appropriate.

1 **B. Alternative Dispute Resolution:** The parties do not believe alternative
2 dispute resolution would be fruitful at this time.

3 **C. Related Cases:** The parties are not aware of any related cases in this Court.
4 As Plaintiffs noted in their first supplemental complaint, *see* Dkt. 15 ¶ 9 n.2, App. A, other
5 plaintiffs have challenged the removal of public health webpages and resources in the U.S.
6 District Court for the District of Columbia, *see Drs. for Am. v. OPM*, No. 25-322 (JDB)
7 (D.D.C.). The parties will monitor that proceeding and apprise the Court of any
8 developments that might impact the issues, claims, and public health resources at issue in
9 this case.

10 **D. Discovery Management:** The parties agree that no discovery beyond
11 Defendants' submission of the administrative record is necessary for this case. *See supra*
12 § 4.

13 **E. Anticipated Discovery Sought:** The parties agree that no discovery beyond
14 Defendants' submission of the administrative record is necessary for this case. *See supra*
15 § 4.

16 **F. Phasing Motions:** At this time, the parties do not believe phasing motions
17 are necessary.

18 **G. Preservation of Discoverable Information:** The parties have taken action
19 to preserve discoverable information.

20 **H. Privilege Issues:** The parties agree that the inadvertent production of
21 privileged information will not waive the attorney-client privilege, work-product privilege,
22 or any similar privilege.

23 **I. Model Procol for Discovery of ESI:** Not applicable. *See supra* § 4.

24 **J. Alternatives to Model Protocol:** Not applicable. *See supra* § 4.

25 **6. Related Patent Cases:** Not applicable.
26

1 **7. Completion of Discovery:** Defendants will produce the administrative record on
2 August 15, 2025.

3 **8. Bifurcation:** The parties do not believe the case should be bifurcated.

4 **9. Individualized Trial Program:** The parties do not intend to utilize the
5 Individualized Trial Program.

6 **10. Suggestions for Shortening or Simplifying the Case:** As stated above, *supra* § 1,
7 this case will be resolved on the parties' forthcoming cross-dispositive motions.

8 **11. Trial Date:** As stated above, *supra* § 1, this case will be resolved on the parties'
9 forthcoming cross-dispositive motions.

10 **12. Jury or Non-Jury Trial:** Neither party seeks a jury trial.

11 **13. Trial Length:** As stated above, *supra* § 1, this case will be resolved on the parties'
12 forthcoming cross-dispositive motions.

13 **14. Trial Counsel:** The parties are represented by the undersigned counsel.

14 **15. Trial Conflicts:** As stated above, *supra* § 1, this case will be resolved on the
15 parties' forthcoming cross-dispositive motions.

16 **16. Service of Process:** Defendants have been served.

17 **17. Scheduling Conference:** The parties do not believe a scheduling conference is
18 needed at this time.

19 **18. Corporate Disclosure Statement:** Plaintiffs filed their statement on May 20, 2025.
20 Dkt. 2.

21 **19. Certification:** The parties have reviewed the Court's standing order, the Local
22 Civil Rules, and the applicable electronic filing procedures.

1 Dated: July 31, 2025

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