

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMERICAN ACADEMY OF PEDIATRICS, *et al.*,

Plaintiffs,

vs.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the Department of Health
and Human Services, *et al.*,

Defendants.

Case No.1:25-cv-11916

**SECOND INDIVIDUAL PLAINTIFF’S MOTION TO PROCEED
UNDER PSEUDONYM AND FOR PROTECTIVE ORDER**

The Second Individual Plaintiff is a pregnant individual who seeks a Covid vaccine to protect herself and her unborn child despite the directive of the Secretary of the Department of Health and Human Services (“Secretary”) rescinding the recommendation that healthy pregnant individuals routinely get vaccinated against Covid (the “Secretarial Directive”). She brings this motion seeking leave to participate as a plaintiff in the above-captioned action under a pseudonym.

For the reasons explained in the accompanying memorandum of law, the Second Individual Plaintiff’s circumstances warrant proceeding pseudonymously and therefore, the Second Individual Plaintiff respectfully asks the Court to (1) grant her motion to proceed under the pseudonym “Jane Doe 2” and referring to her baby as “Baby Doe 2”; (2) enter a protective order prohibiting any Defendant from disclosing her identity or the identity of her baby unless such disclosure is necessary to defend against this action; (3) order all unsealed public filings shall refer to the second individual plaintiff as “Jane Doe 2” and her baby as “Baby Doe 2” and that the filing party shall redact all personal identifiers and information about her that would, alone or with other

disclosed information, reveal her identity or the identity of her baby in accordance with Federal Rule of Civil Procedure 5.2; and (4) order that any nonparty who is informed of the second individual plaintiff's identity or the identity of her baby shall be bound by the Court's order and shall receive a copy of the same.

A copy of the Amended Complaint bearing Second Individual Plaintiff's legal name will be provided to the Court under seal contemporaneously with this Motion. If the Court grants the Second Individual Plaintiff's Motion, the Second Individual Plaintiff will serve a copy of the Amended Complaint bearing the second individual plaintiff's full legal name on Defendants subject to the Court's protective order.

Dated: July 23, 2025

Respectfully submitted,

By: /s/ Elizabeth J. McEvoy

Elizabeth J. McEvoy

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**LOCAL RULE 7.1 CERTIFICATE REGARDING SECOND INDIVIDUAL
PLAINTIFF’S MOTION TO PROCEED UNDER PSEUDONYM AND FOR
PROTECTIVE ORDER**

Per Local Rule 7.1, counsel for Plaintiffs state that they conferred with counsel for Defendants, including Michael Fitzgerald, James Harlow, Isaac Belfer, and Diane Kelleher, via videoconference on July 9, 2025, during which, counsel for Defendants stated that they have no position on the relief sought by Second Individual Plaintiff’s motion to proceed under pseudonym and for protective order.

/s/ Elizabeth J. McEvoy
Elizabeth J. McEvoy

cc: All counsel of record via ECF

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and served upon the following parties by via email on this 23rd day of July 2025:

Robert F. Kennedy, Jr., in his official capacity
as Secretary of Health and Human Services

Marty Makary, in his official capacity as
Commissioner of the Food and Drug
Administration

Jay Bhattacharya, in his official capacity as
Director of the National Institutes of Health

Matthew Buzzelli, in her official capacity as
Acting Director Centers for Disease Control
and Prevention

c/o Leah Belaire Foley, US Attorney
Office of the US Attorney for the District of Massachusetts
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/s/ Elizabeth J. McEvoy
Elizabeth McEvoy

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Case No. 1:25-cv-11916

**SECOND INDIVIDUAL PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO PROCEED UNDER PSEUDONYM AND FOR PROTECTIVE ORDER**

The second individual plaintiff (the “Second Individual Plaintiff”), is a pregnant woman who seeks a Covid vaccine to protect herself and her unborn child from getting Covid, suffering severe Covid symptoms, including long Covid, and death. She seeks a Covid vaccine despite the directive of the Secretary of the Department of Health and Human Services (“Secretary”) rescinding the recommendation that pregnant individuals routinely get vaccinated against Covid and hereby brings this motion seeking leave to participate as a plaintiff in the above-captioned action under a pseudonym.

The attached Amended Complaint sets forth how the Defendants’ actions in rescinding the Centers for Disease Control and Prevention (“CDC”) recommendation that healthy pregnant individuals receive a vaccination against Covid is arbitrary and capricious and contrary to law, and that Defendants’ action rescinding that recommendation put pregnant women and their unborn babies at current and future risk for contracting a Covid infection, experiencing severe symptoms of the same, and possibly even dying. Second Individual Plaintiff seeks to proceed under a

pseudonym because the facts in the Amended Complaint relate to sensitive information about Second Individual Plaintiff's medical condition, medical history, and her reproductive health. Additionally, Second Individual Plaintiff seeks to bring this action under a pseudonym out of fear of the effect widespread publicity of this litigation may have on her personal safety and the safety of her unborn baby and extended family. Finally, Second Individual Plaintiff has a reasonable fear that by proceeding in her legal name she will suffer potentially violent harassment from politically motivated opponents to vaccination, which will have a pronounced chilling effect on similarly-situated individuals who will be highly disincentivized from exercising their own rights to make informed health decisions for themselves and their children. For these reasons, and the reasons set forth below, Second Individual Plaintiff respectfully asks the Court to grant her motion to proceed under a pseudonym.

I. BACKGROUND

Second Individual Plaintiff is a pregnant woman. Declaration of Second Individual Plaintiff (Titled "Declaration of Jane Doe") at ¶ 3 (attached as Exhibit A). She has already received the Covid vaccine and several booster vaccines against Covid. *Id.* at ¶ 6. She joins the above-captioned lawsuit challenging the Secretary's directive to rescind the recommendation that healthy pregnant individuals receive a Covid vaccine to assert her Constitutional right to hold government officials accountable for the policies they enact that affect her, her baby, and her family. Declaration in Support of Plaintiff's Motion to Proceed Under Pseudonym and for Protective Order (attached as Exhibit B), at ¶ 4.

Second Individual Plaintiff works in the media and has witnessed first-hand over the past few years a steady increase in media coverage, including social media coverage, of politically motivated attacks on U.S. citizens who publicly express views on controversial topics. Ex. B. at

¶¶ 7. The frequency and severity of politically motivated attacks has generated immense fear for her and has profoundly discouraged her from taking actions that publicize her views on topics that have been politicized, such as vaccine safety and federal vaccine policy. Ex. B at ¶¶ 9–15. If required to proceed under her legal name, Second Individual Plaintiff would likely be targeted and unfairly penalized by individuals in her personal as well as professional life who disagree with her views, but with whom she would not otherwise share her personal medical history or health or reproductive decisions. *Id.* at ¶¶ 10, 14.

Second Individual Plaintiff has a relatively uncommon last name which increases the likelihood that members of the public will identify and retaliate against her and her family members for her participating in the litigation. *Id.* at ¶ 12. If required to proceed under her legal name, Second Individual Plaintiff's life and emotional and physical wellbeing, along with those of her baby and more extended family members, will be singled out and subject to unsafe disruption by those who seek to prevent Second Individual Plaintiff from making independent choices about how to protect herself and her baby from Covid infection, severe Covid symptoms, and death. *Id.* at ¶ 9, 11.

Further, if required to participate in the above-captioned litigation under her legal name, Second Individual Plaintiff will be required to disclose her personal medical and reproductive choices to the public, which are sensitive to her and about which she would not want her colleagues, acquaintances, or the public to know. *Id.* at ¶ 14. Her fear that participating in the above-captioned litigation under her legal name will cause her severe emotional, reputational, professional, and even physical harm, is so severe that she doubts she will elect to proceed with her claims if she is not permitted to move forward under a pseudonym. *Id.* at ¶ 15.

II. LEGAL STANDARD

In general, pseudonymity in litigation is permitted only in “exceptional circumstances” and courts must balance the public’s interest in open judicial fora with the privacy interest on a case-by-case basis and the party seeking pseudonymity bears the burden of rebutting the strong presumption against it. *Doe v. Mass. Inst. of Tech.*, 46 F.4th 61, 70, 73 (1st Cir. 2022); *Doe v. United States*, Case No. 1:24-cv-1145, ECF No. 20 (D. Mass. Oct. 15, 2024). The First Circuit lacks a formalized test for when a party can proceed pseudonymously. *Mass. Inst. of Tech.*, 46 F.4th 70. Rather, courts in the First Circuit “enjoy broad discretion to identify the relevant circumstances in each case and to strike the appropriate balance between the public and private interests” in deciding to permit pseudonymity. *Id.* Broadly, courts within the First Circuit permit pseudonymity in several general categories: (1) cases where the would-be-Doe “reasonably fears that coming out of the shadows will cause him [or her] unusually severe harm (either physical or psychological);” (2) “cases in which identifying the would-be-Doe would harm ‘innocent non-parties’”; (3) “cases in which anonymity is necessary to forestall a chilling effect on future litigants who may be similarly situated;” and (4) “suits that are bound up with a prior proceeding made confidential by law.” *Mass. Inst. of Tech.*, 46 F.4th at 71-72 (collecting cases).

III. ARGUMENT

The Court should permit the Second Individual Plaintiff to proceed under a pseudonym for four reasons. First, revealing Second Individual Plaintiff’s identity will expose her, her baby, and her family members to risk of heightened harassment and attack by individuals who intend to interfere with her ability to make informed health decisions regarding the safety and efficacy of vaccines for herself and her baby. Second, denying Second Individual Plaintiff’s motion will prevent other pregnant women and parents from stepping forward to oppose federal officials and

agencies, such as Defendants, who attack science at the expense of public health. Third, granting Second Individual Plaintiff's motion will not prejudice Defendants in any way because, if the Court grants her motion, the Second Individual Plaintiff will file a copy of the Amended Complaint that includes her legal name under seal and provide a copy of the same to Defendants.

A. Revealing Second Individual Plaintiff's Identity Risks The Safety of Second Individual Plaintiff, Her Unborn Baby, And Her Family Members

The Court should permit the Second Individual Plaintiff to proceed pseudonymously to protect her physical and emotional safety as well as that of her unborn baby and her extended family.

News media are reporting that political violence is on the rise in the United States; in April 2025, PBS News ran a story summarizing some of the recent political violence. *See e.g., The growing list of political violence in the U.S.*, PBS NEWS (Apr. 14, 2025) <https://www.pbs.org/newshour/politics/the-growing-list-of-political-violence-in-the-u-s>. The article details the arson attack on Pennsylvania's governor's mansion, protesters launching Molotov cocktails at Tesla showrooms, the two known assassination attempts on Donald Trump's life, the March 2025 fire at the New Mexico Republican Party headquarters, the shooting at the Democratic National Committee office in Arizona last fall, the hammer attack on Nancy Pelosi's husband, and the events at the Capitol on January 6, 2021 to name just a few. *Id.* Since then, Minnesota State Representative Melissa Hortman was murdered along with her husband and Minnesota State Senator John Hoffman and his wife were also shot at their home. *Slain Minnesota lawmakers Melissa Hortman lies in state at Capitol in St. Paul*, PBS NEWS (June 27, 2025) <https://www.pbs.org/newshour/politics/watch-live-slain-minnesota-lawmaker-melissa-hortman-lies-in-state-at-capitol-in-st-paul>; *see also, Understanding the root causes and possible solutions for rising political violence.* PBS News. (June 17, 2025)

<https://www.pbs.org/newshour/show/understanding-the-root-causes-and-possible-solutions-for-rising-political-violence> (reporting that, according to experts, increased polarization and heated rhetoric from public figures is exacerbating a trend of targeted political violence in the United States). National Public Radio reported on July 1, 2025, that almost three quarters of Americans polled view politically motivated violence as a “major problem.” *Poll: Most feel democracy is threatened and political violence is a major problem*. NPR. (July 1, 2025) <https://www.npr.org/2025/07/01/nx-s1-5452527/poll-democracy-trump-immigration>.

Second Individual Plaintiff fears for the safety of herself, her unborn baby, and her extended family in light of the growing prevalence of this politically motivated violence. This concern is only exacerbated by the well-known fact that vaccine science in the United States has become highly politicized and the media has been reporting on attacks by vaccine-conspiracists globally. See e.g., Jeremy Britton, *Conspiracy theorist jailed for terrorism offenses*. BBC (Nov. 11, 2024) <https://www.bbc.com/news/articles/cz9x15yyp0po>; *How Antisemites, Extremists and Conspiracy Theorists are Exploiting the Anti-Vax Movement*. ADL. (June, 11 2024) <https://www.adl.org/resources/article/how-antisemites-extremists-and-conspiracy-theorists-are-exploiting-anti-vax>; Richard M. Carpiano, et al. *Confronting the evolution and expansion of anti-vaccine activism in the USA in the COVID-19 era*. 401 LANCET 10380 (Mar. 2023); Yilang Peng, *Politics of covid-19 vaccine mandates; Left/right-wing authoritarianism, social dominance orientation, and libertarianism*. 194 PERSONALITY AND INDIVIDUAL DIFFERENCES 111661 (Aug. 2022) (reception of vaccine mandates suggests that perspectives on vaccines are intertwined with political orientation); Jan Hoffmann, *A Call to Arms: Under Attack, Pro-Vaccine Doctors Fight Back*. NEW YORK TIMES. (Mar. 10, 2020) <https://www.nytimes.com/2020/03/10/health/vaccines-protest-doctors.html> (describing online violent threats against vaccine advocates); Kunihiro

Miyazaki, *et al.*. *Aggressive behaviour of anti-vaxxers and their toxic replies in English and Japanese*. 9 HUMANITIES & SOCIAL SCIENCES COMMUNICATIONS 229 (2022).

Accordingly, Second Individual Plaintiff genuinely fears coming forward in her own name. She fears that by proceeding as a plaintiff in her legal name, she puts her own physical safety and the safety of her innocent unborn child and family at risk. *See e.g., Doe v. Brandeis Univ.*, 2019 WL 13550592, at *1 (D. Mass. May 15, 2019) (permitting the plaintiff proceed pseudonymously in the public record for fear of social stigmatization).

Furthermore, if required to proceed as a plaintiff in her legal name, Second Individual Plaintiff's sensitive medical information, including information about her reproductive health and private decisions, will be made public, which will cause Second Individual Plaintiff and her husband significant emotional distress. She should not be required to choose between protecting herself and sacrificing some of the most intimate details of her life to the public eye to redress public officials overreaching their authority and interfering with her ability to protect herself and her innocent unborn baby. *See also, Doe v. City of Springfield*, 2025 WL 1424333, at *1 (D. Mass. May 16, 2025) (granting pseudonymity where disclosing the identity of a mother would result in disclosing the identity of the child-victim).

Second Individual Plaintiff's fears of potential physical and emotional violence directed toward her and her family are so sincere that she will not pursue her claims if required to identify herself to the public. Ex. B at ¶ 15.

B. Revealing Second Individual Plaintiff's Identity Risks a Chilling Effect on Similarly Situated Individuals

Denying Second Individual Plaintiff's request to proceed pseudonymously places her in a lose-lose situation with respect to her physical safety and that of her child and family: she must either abandon her right to access the Covid-19 vaccine for herself and her baby, along with her

right to petition the Court to require federal officials to follow the rules, laws, and regulations governing their positions, or put her and her baby at risk of serious and unwarranted personal scrutiny and of being a target for politically-charged violence if she exercises her right to challenge the government. *See e.g., Doe v. United States*, Case No. 1:24-cv-11445-JEK, ECF No. 20 (D. Mass Oct. 15, 2024) (permitting pseudonymity for the plaintiff who was a victim of sexual violence on the basis that the scrutiny of proceeding publicly would deter other victims from stepping forward).

IV. CONCLUSION

For the reasons explained above, the Second Individual Plaintiff's circumstances warrant proceeding pseudonymously and therefore, Second Individual Plaintiff respectfully asks the Court to (1) grant her motion to proceed under the pseudonym "Jane Doe 2" and refer to her baby as "Baby Doe 2"; (2) enter a protective order prohibiting any Defendant from disclosing Second Individual Plaintiff's identity or the identity of her baby unless such disclosure is necessary to defend against this action; (3) order that all unsealed public filings shall refer to the Second Individual Plaintiff only as "Jane Doe 2" and to her baby as "Baby Doe 2," and that the filing party shall redact all personal identifiers and information about Second Individual Plaintiff or her baby that would, alone or when disclosed alongside other information, reveal her identity or the identity of her baby in accordance with Federal Rule of Civil Procedure 5.2; and (4) order that any nonparty who is informed of the Second Individual Plaintiff's identity or the identity of her baby shall be bound by the Court's order and shall receive a copy of the same.

An unredacted copy of the operative pleading will be filed under seal separately with the court and served on Defendants.

Dated: July 23, 2025

Respectfully submitted,

By: /s/ Elizabeth J. McEvoy
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

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c/o Leah Belaire Foley, US Attorney
Office of the US Attorney for the District of Massachusetts
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210

/s/ Elizabeth J. McEvoy
Elizabeth McEvoy

EXHIBIT A

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Defendants.

Case No. 1:25-cv-11916

District Judge: William G. Young

Magistrate Judge: M. Page Kelley

DECLARATION OF JANE DOE

I, Jane Doe 2, declare pursuant to 28 U.S.C. § 1746 that the following is true and correct and within my personal knowledge.

1. I am over 18 years old.
2. I reside in Massachusetts.
3. I am approximately 26 weeks pregnant.
4. I had planned to receive a Covid booster this summer.
5. I saw the announcement that the Secretary of the Department of Health and Human Services (“Secretary”) made on X on May 27, 2025, rescinding the recommendation that healthy pregnant individuals and children ages 6 months–17 years get the Covid vaccine.
6. I have been vaccinated against Covid and have received Covid vaccine boosters. However, as a pregnant woman, I am now at greater risk for morbidity and mortality and severe illness if I contract Covid. If I contract Covid while pregnant, that puts my unborn child at risk for preterm birth and other complications, up to and including stillbirth or death. The Secretary’s

change to the Covid immunization schedule has significantly raised my level of anxiety, and my inability to locate a health care practitioner able to administer the vaccine to me has caused great distress. I am joining this lawsuit because reversing the Secretary's directive will personally benefit me, as well as all other individuals who are also expecting.

7. On May 30, 2025, following news of the Secretary's removal of the recommendation for the Covid vaccine for pregnant women, I attended a pre-scheduled, routine 20-week prenatal checkup. At this time, I asked my OB/GYN about the CDC recommendations for the Covid booster. She recommended that I be vaccinated against Covid and wrote a prescription for me which she sent to a chain pharmacy. She also documented this interaction in my prenatal report, which states, "Unclear where new CDC guidelines are coming from, unclear if data based. At this time, pregnancy still considered [high risk] for Covid infection and complications and vaccine recommended."¹

8. On June 4, 2025 I scheduled a vaccination appointment with a chain pharmacy specifically for the Covid vaccine. However, upon arrival, as I was filling out my paperwork to receive the vaccine, the pharmacist on staff asked me whether I was pregnant. After I confirmed that I was, she refused to administer the Covid vaccine to me. The pharmacist stated that she could no longer administer the Covid vaccine due to the new CDC recommendations. She said that she could lose her license, even though she acknowledged the prescription for the Covid vaccine sent by my provider on May 30, 2025.

9. I immediately contacted my OB/GYN's office where I spoke with the on-call nurse to alert them that the chain pharmacy was not able to provide me with the vaccine—this caught them off-guard. The nurse reviewed the conflicting guidance between CDC and the American

¹ A redacted copy of the May 30, 2025 prenatal report is attached hereto as **Exhibit A**.

College of Obstetricians and Gynecologists (ACOG) and determined that they could not administer the vaccine to me either, also citing concerns that their medical license could be at jeopardy. I also looked at the CDC website for guidance, and it stated that pregnant women should receive the Covid vaccine. I sent a message to my OB/GYN via the practice's medical portal with this information to get confirmation that this was indeed accurate.²

10. On June 11, 2025, having received no response to my June 4 portal message, I called my OB/GYN's office because their lack of responsiveness was uncharacteristically slow. The on-call nurse said that my portal message was sent to the Chair of Maternal Health for the practice who then spoke to the Chief Medical Officer (CMO) for the practice. The nurse explained to me that the CMO said that the guidance is not to administer the Covid vaccine right now and that they would revisit this next season. The nurse suggested I follow up with an urgent care and further stated that "it's a dead end with us" because the practice no longer carries the Covid vaccine and would no longer administer it.

11. A few minutes after this phone call, the on-call nurse sent me a message via the practice's medical portal which included an email from the Medical Director and CMO of the hospital regarding the current Covid vaccine status.³ The CMO's email states:

There's probably a lot of education that needs to take place this season. The CDC no longer recommends [the Covid vaccine] for children or pregnant women but there is no prohibition against giving it. The CDC now admits to the use of the word may. I can ask if perhaps the urgent cares can keep U.S. stock. But the new vaccine strain is not yet out.

12. On June 11, 2025, immediately following this phone call and portal message, I called a local urgent care clinic. This clinic informed me they do not stock the vaccine and did not

² A redacted of my June 4, 2025, portal message to my OB/GYN practice is attached hereto as **Exhibit B**.

³ A redacted copy of the June 11, 2025, portal message from my OB/GYN practice is attached hereto as **Exhibit C**.

know if they would be ordering more stock. They also stated that it had been a while since anyone asked for the Covid vaccine.

13. On June 13, 2025, my OB/GYN called and left a voicemail following up on the portal messages from June 4, 2025 and June 11, 2025. She communicated that as an office practice and hospital, the practice was looking into the concerning reality that my experience at the chain pharmacy had unveiled: that there are now conflicting guidelines and, therefore, conflicting practices being followed by community pharmacies. She also shared that the practice follows materials from ACOG which strongly supports Covid vaccination during pregnancy.

14. On June 25, 2025, I had my 24-week checkup where I saw a nurse midwife. When I asked again about the Covid vaccine, she said that the practice “supports” me getting the vaccine but does not administer or carry it themselves. She said that the practice had no plans to order the vaccine and to check with the in-house pharmacy.

15. Following this appointment, I called the in-house pharmacy and was told that they also do not stock the Covid vaccine. I followed up with my OB/GYN practice to let them know the situation.⁴

16. On June 26, 2025, I received a message via the practice’s medical portal from a certified nurse midwife stating that she had called another location of the chain pharmacy which confirmed that they had the Covid vaccine in stock and sent a prescription directly to them.⁵

17. On July 6, 2025, I followed up with the other chain pharmacy location identified by the nurse midwife. My conversation with the pharmacist was confusing. She stated that certain “flexible” pharmacists would administer the Covid vaccine while others would not. When I asked whether it was the chain pharmacy’s policy to allow individual pharmacists to determine which

⁴ A redacted copy of my June 25, 2025, portal message to my OB/GYN practice is attached hereto as **Exhibit D**.

⁵ A redacted copy of the June 26, 2025, portal message from my OB/GYN practice is attached hereto as **Exhibit E**.

vaccines they could administer, she said that normally all pharmacists are on the same page regarding vaccine recommendations but that this is the first time a recommendation did not come from the Advisory Committee on Immunization Practices (ACIP) and, therefore, this is “a grey area.” She said to schedule an appointment when a more “flexible” pharmacist, who would be willing to risk their license to vaccinate me, is on staff on July 23. I have scheduled an appointment with this pharmacist for July 23 and hope to receive the vaccine that day. However, I am nervous that should the pharmacist staffing schedule change, I will not be able to receive the vaccine yet again.

18. On July 7, 2025, I learned that a close acquaintance tested positive for Covid earlier that day. This acquaintance had stayed in my home from July 3 until July 6 to celebrate Independence Day, meaning that I and my unborn baby were unknowingly exposed to this deadly illness.

19. Since May 30, 2025, my personal experience has been that I have not been able to get vaccinated for Covid during my pregnancy because of the Secretary’s directive and subsequent change to the CDC schedule.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 10, 2025.

Jane Doe 2

/s/
JANE DOE 2

EXHIBIT A

DocuSign Envelope ID: E0FFA197-79A1-437B-8C3D-3C5BD846F054

UD/UTIN FICIAIAAI NEPUIIL

Notes

Visit Date: 05/30/25 Last Updated by: [REDACTED]

35yo G2P0 at 20w1d for routine prenatal care.

No vaginal bleeding, leaking, discharge, dysuria or abdominal pain.

Endorses fetal flutters.

Prenatal chart and labs reviewed.

Level II reviewed, limited anatomy, otherwise normal EFW 22%tile. Needs 4 week f/u, scheduled for 6/27.

Rash in inferior abdominal fold, not c/w yeast. Advised to keep dry and use topical hydrocortisone. Given ABD pads.

Patient inquiring about Covid vaccine booster. Discussed recent CDC recommendations against Covid vaccination in health kids and pregnant women.

Unclear where new CDC guidelines are coming from, unclear if data based. At this time, pregnancy still considered HR for Covid infection and complications and vaccine recommended.

Increased daily water intake and PNVs encouraged.

PTL/SAB precautions reviewed.

FU in 4 weeks

EXHIBIT B

1:44 pm ***

Hi Dr. [REDACTED],

Unfortunately today I was refused a vaccination for the Covid vaccine, with the pharmacist citing their license would be in jeopardy, and insisting they had to follow CDC guidelines.

I spoke to [REDACTED] and the care team and [REDACTED] and it sounds like I'm the first person to experience this, but she reiterated they can't write a letter or administer the vaccine either for the same reasons- licenses would be in jeopardy.

Can you confirm this is all accurate and do you have any advice on how I can access the vaccine both you & ACOG recommend? The CDC website doesn't actually look like it's been updated, it still states pregnant women should get vaccinated against COVID.

Thanks,

[REDACTED]

EXHIBIT C

9:32 am

COVID vaccine

From [REDACTED] on
June 11, 2025 at 9:32 am



Hi [REDACTED],

Here is the most recent email from our medical director and hospital CMO regarding the current COVID vaccine status:

His response "There's probably a lot of education that needs to take place this season. The CDC no longer recommends COVID for children or pregnant women but there is no prohibition against giving it. The CDC now admits to the use of the word may. I can ask if perhaps the urgent cares can keep U.S. stock. But the new vaccine strain is not yet out."

So, with that being said I would hold off for now until we get back to URI season and we have a better plan in place to help our patients access vaccination if it is desired.

Thank you,

[REDACTED]

EXHIBIT D

 Back

Message


CNM

1:59 pm

Covid booster

From  on June
25, 2025 at 1:59 pm

Hi 

I called  Community Pharmacy and they don't have any stock of the COVID vaccine and were unsure when or even if they'd get more in stock.

Between  refusing me the vaccine, and both urgent care and the community pharmacy not even having it in stock, I'm completely unable to access the vaccine as of now, which is stressful considering it was recommended by Dr.  during my last visit.

I'd appreciate more clarity on how I can receive the vaccine, because as of now I don't feel supported in this endeavor, and have received conflicting information from . Between the nurses calling me back, Dr.  leaving me a voicemail last week, the nurse who sent me your CMO's messaging via the portal, and our latest conversation this morning, the information and messaging varies wildly. The one thing that is clear is that I can't access the vaccine despite the recommendation from Dr.  that I receive it as a pregnant person at higher risk.

I appreciate any clarity you can provide here.



EXHIBIT E

Docusign Envelope ID: E0FFA197-79A1-437B-8

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Message



 CNM

10:00 am

Covid booster

From , CNM on
June 26, 2025 at 10:00 am



Hi ,

I just called  on  - the pharmacy tech that I spoke with said that they have the COVID vaccine in stock and they do not require any special documentation to administer the COVID vaccine in pregnancy. Just in case, I have also ordered the vaccine to the  pharmacy.

Our in-house pharmacy advised that there is a website that can help you identify alternative local vaccine access locations - vaxassist.com.

Please feel free to reach out with any questions or concerns.

 CNM

*** From  on June 25, 2025 at
1:59 pm ***

Hi ,

I called  Community Pharmacy and they don't have any stock of the COVID vaccine and were unsure when or even if they'd get more in stock.

Between  refusing me the vaccine, and both urgent care and the community pharmacy not even having it in stock, I'm completely unable to access the vaccine as of now, which is stressful

EXHIBIT B

AMERICAN ACADEMY OF PEDIATRICS, *et al.*,

Plaintiffs,

vs.

ROBERT F. KENNEDY, JR., in his official capacity as Secretary of the Department of Health and Human Services, *et al.*,

Defendants.

Case No. 1:25-cv-11916

I, the second individual plaintiff declare pursuant to 28 U.S.C. § 1746 under penalty of perjury that the following is true and correct and within my personal knowledge.

1. I am a woman.
2. I am pregnant with my first child.
3. I want to get a Covid vaccine during my pregnancy to help protect me any my unborn baby from getting Covid, having severe Covid symptoms, developing long Covid, and to minimize our general risk of morbidity and mortality.
4. Proceeding as a plaintiff in this case is important to me so that I can assert my right to hold government officials accountable for the policies they enact that affect me, my baby, and my family.
5. It is important to me to live in a society where government officials comply with the rules, laws, and regulations that apply to their positions.
6. I work in media.

7. I have seen an increase in media coverage, including social media coverage, of politically-motivated attacks over the past several years.

8. It appears to me that vaccinating children and pregnant women has become an increasingly politicized issue in America.

9. I am afraid that asserting my right to lawful and medically appropriate health policies for me and my unborn child could put me at risk of politically motivated violence.

10. If I participate in the above-captioned litigation under my legal name, I will likely be subjected to harassment from individuals who disregard the science behind vaccines and actively seek to intimidate those who choose to be vaccinated.

11. I fear for my safety and the safety of my unborn baby if I am forced to participate in the above-captioned litigation under my legal name because I my last name that is not common, and therefore, details about my personal life are easier to find on the internet than someone who has a more common last name.

12. If I must participate in the above-captioned action under my legal name, the relative uncommonness of my last name also increases the likelihood that members of the public will identify my family members to target for a politically-motivated attack in retaliation for my participation.

13. My husband and I own our home, and the real estate records are public. If I participate in the above-captioned litigation under my legal name, members of the public who are hostile to or who have violent intent against supporters of evidence-based vaccine science will be able to identify where I live, further putting me, my husband, and my unborn baby at risk.

14. I do not share my medical, reproductive health, or gynecological health decisions with the public. My husband and I do not intend to publicize the medical decisions we make for

our child. We are private people, living ordinary lives, and I am a plaintiff in this lawsuit out of necessity to access to the Covid vaccine during pregnancy to protect myself and my unborn baby.

15. My fear that participating in the above-captioned litigation under my legal name will cause me severe emotional and even physical harm such that I doubt I will elect to proceed with my claims if I am not permitted to move forward under a pseudonym.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 11, 2025.

/s/ Jane Doe 2
JANE DOE 2