

**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 (BEM)

**PLAINTIFFS' NOTICE OF INTENT TO FILE OPPOSITION TO EMERGENCY MOTION TO INTERVENE AS DEFENDANTS AND COUNTERCLAIM PLAINTIFFS**

PLEASE TAKE NOTICE THAT Plaintiffs, by and through undersigned counsel, hereby notify the Court of their intent to file an Opposition to Emergency Motion to Intervene as Defendants and Counterclaim Plaintiffs [ECF No. 248]. Plaintiffs will file their Opposition in accordance with Local Rule 7.1, or by another deadline set by the Court.

Dated: February 19, 2026

Respectfully submitted,

By: /s/ James J. Oh

James J. Oh (admitted *pro hac vice*)  
Kathleen Barrett (admitted *pro hac vice*)  
EPSTEIN BECKER & GREEN, P.C.  
227 W. Monroe Street, Suite 4500  
Chicago, IL 60606  
Tel: 312.499.1400  
Fax: 312.845.1998  
Email: [joh@ebglaw.com](mailto:joh@ebglaw.com)  
[kbarrett@ebglaw.com](mailto:kbarrett@ebglaw.com)

Elizabeth J. McEvoy (BBO No. 683191)  
Gianna Costello (BBO No. 715031)  
EPSTEIN BECKER & GREEN, P.C.

One Financial Center, Suite 1520  
Boston, MA 02111  
Tel: 617.603.1100  
Fax: 617.249.1573  
Email: [emcevoy@ebglaw.com](mailto:emcevoy@ebglaw.com)  
[gcostello@ebglaw.com](mailto:gcostello@ebglaw.com)

Richard H. Hughes IV (admitted *pro hac vice*)  
Robert Wanerman (admitted *pro hac vice*)  
William Walters (admitted *pro hac vice*)  
EPSTEIN BECKER & GREEN, P.C.  
1227 25th Street, N.W., Suite 700  
Washington, DC 20037  
Tel: 202.861.0900  
Fax: 202.296.2882  
Email: [rhughes@ebglaw.com](mailto:rhughes@ebglaw.com)  
[rwanerman@ebglaw.com](mailto:rwanerman@ebglaw.com)  
[wwalters@ebglaw.com](mailto:wwalters@ebglaw.com)

Jeremy A. Avila (admitted *pro hac vice*)  
EPSTEIN BECKER & GREEN, P.C.  
57 Post Street, Suite 703  
San Francisco, CA 94104  
Tel: 415.398.3500  
Fax: 415.398.0955  
Email: [javila@ebglaw.com](mailto:javila@ebglaw.com)

Daniella R. Lee (admitted *pro hac vice*)  
EPSTEIN BECKER & GREEN, P.C.  
201 East Kennedy Blvd., Suite 1260  
Tampa, FL 33602  
Tel: 813.367.9454  
Fax: 813.367.9441  
Email: [dlee@ebglaw.com](mailto:dlee@ebglaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed and served through the ECF system upon the following parties on this 19th day of February 2026:

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

Jay Bhattacharya, in his official capacity as  
Acting Director Centers for Disease Control  
and Prevention

c/o Leah Belaire Foley, US Attorney  
Michael L. Fitzgerald  
Office of the US Attorney for the District of  
Massachusetts  
1 Courthouse Way, Suite 9200  
Boston, Massachusetts 02210  
michael.fitzgerald2@usdoj.gov

c/o Isaac Belfer  
Trial Attorney  
Consumer Protection Branch  
U.S. Department of Justice  
P.O. Box 386  
Washington, D.C. 20044-0386  
Isaac.C.Belfer@usdoj.gov

James W. Harlow  
DOJ-Civ  
Consumer Protection Branch  
P.O Box 386  
Washington, D.C. 20044  
[James.w.harlow@usdoj.gov](mailto:James.w.harlow@usdoj.gov)

*/s/ James J. Oh*  
\_\_\_\_\_  
James J. Oh