

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

AMERICAN ACADEMY OF PEDIATRICS,
et al.,

Plaintiffs,

v.

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' MOTION FOR LEAVE TO FILE CORRECTED VERSION OF
MEMORANDUM IN SUPPORT OF MOTION TO COMPLETE ADMINISTRATIVE
RECORDS (ECF 330) AND PROPOSED ORDER (ECF 329-1)**

Plaintiffs respectfully move this Court for an order permitting Plaintiffs' leave to file corrected versions of the Memorandum in Support of Motion for Order to Complete the Administrative Record (the "Memorandum In Support") (ECF 330) (redlined version attached as Exhibit A) and the Proposed Order (ECF 329-1) (redlined version attached as Exhibit B) that were filed on July 17, 2026, along with the Motion to Complete The Administrative Records (ECF 329). The only changes made to the Memorandum In Support and the Proposed Order are to the relief requested. Pursuant to Local Rule 7.1, Plaintiffs met and conferred with counsel for Defendants about this motion, and Defendants do not oppose this motion.

WHEREFORE, Plaintiffs respectfully request that the Court issue an Order granting Plaintiffs leave to file the corrected version of the Memorandum in Support of Motion to Complete the Administrative Records and the Proposed Order.

Dated: September 11, 2026

Respectfully submitted,

By: /s/ James J. Oh

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LOCAL RULE 7.1 CERTIFICATE REGARDING PLAINTIFFS' MOTION

Per Local Rule, 7.1, counsel for Plaintiffs state that they conferred with counsel for Defendants by email on September 10 and 11, 2026, and in an email response from counsel for Defendants received after the Court's order of today extending the stay of proceedings, counsel for Defendants do not oppose this Motion as long as it was filed today or in the next week.

/s/ James J. Oh

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed and served through the ECF system upon the following counsel of record for Defendants on this 11th day of September 2026:

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EXHIBIT A

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**MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION TO COMPLETE THE
ADMINISTRATIVE RECORDS**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	4
II. FACTUAL BACKGROUND.....	7
A. Chronology of AR Productions and Meet and Confer Attempts.....	7
B. Documents Missing From the ARs.....	8
1. AR #1 – the May, 27, 2025, Secretarial Directive.....	8
2. AR #2 – the September 2025 ACIP Vote to Make the Covid Vaccine SCDM for All	9
3. AR # 3 – the ACIP Reconstitution.....	10
4. AR #4 – the January 6, 2026, Childhood Schedule Changes	13
5. AR #5 – the December, 2025, ACIP vote to Downgrade the Hepatitis B Vaccine Recommendation for Newborns from Routine to SCDM	14
6. AR # 6 – the June 26, 2025 ACIP vote on Thimerosal in Multi-Dose Flu Vaccine Vials	16
III. ARGUMENT	16
A. The Applicable Legal Standards	16
B. The Court Should Exercise Its Discretion and Order Defendants to Complete The ARs.	18
IV. CONCLUSION.....	20

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>New York v. McMahon</i> , 826 F.Supp.3d 184,196-198 (D.Mass. 2026).....	20
<i>In re Pharm. Indus. Average Wholesale Price Litig.</i> , 254 F.R.D. 35 (D. Mass. 2008).....	18
<i>Regents of Univ. of Cal. v. U.S. Dep’t of Homeland Sec.</i> , No. C 17-05211 WHA, 2017 WL 4642324 (N.D. Cal. Oct. 17, 2017)	16
<i>Roe v. Mayorkas</i> , No. 22 Civ. 10808, 2024 WL 5198705 (D. Mass. Oct. 2, 2024).....	16, 17, 18, 20
<i>Sierra Club v. U.S. Army Corps of Eng’rs</i> , No. 20 Civ. 396, 2022 WL 2953075 (D. Me. July 26, 2022)	17
<i>State of Maine v. McCarthy</i> , 2016 U.S. Dist. LEXIS 159940 (D. Me. Nov. 18, 2016).....	17
<i>Texaco Puerto Rico v. Dept. of Consumer Affairs</i> , 60 F.3d 867 (1 st Cir. 1995)	18
<i>Town of Norfolk v. U.S. Army Corps of Eng’rs</i> , 137 F.R.D. 183 (D. Mass. 1991), <i>aff’d</i> , 968 F.2d 1438 (1st Cir. 1992).....	16
<i>Tummino v. Von Eschenbach</i> , 427 F.Supp.2d 212 (E.D.N.Y. 2006)	20
<i>U.S. Fish & Wildlife Serv. v. Sierra Club, Inc.</i> , 592 U.S. 261 (2021).....	17, 18
<i>Walter O. Boswell Mem’l Hosp. v. Heckler</i> , 749 F.2d 788 (D.C. Cir. 1984).....	17

I. INTRODUCTION

Actions speak louder than words. At his confirmation hearings, Defendant, Robert F. Kennedy, Jr., (the “Secretary”) testified before the Senate and the American people that “news reports have claimed that I am anti-vaccine or anti-industry. Well, I am neither;”¹ that “I am not going to go into HHS and impose my preordained opinions on anybody at HHS;”² that “I recommend that children follow the CDC schedule, and I will support the CDC’s schedule when I get in there, if I’m fortunate enough to be confirmed;”³ that he would “maintain the Centers for

¹ *Nomination of Robert F. Kennedy, Jr. to Serve as Secretary of Health and Human Services: Hearing Before the S. Comm. on Health, Education, Labor, and Pensions*, 119th Cong. 6 (2025) (S. Hrg. 119-21). Available at: <https://www.govinfo.gov/app/details/CHRG-119shrg59490/CHRG-119shrg59490> [<https://perma.cc/UEM9-ZYMF>].

² *Id.* at 9. Before he was confirmed, the Secretary opined regarding the Covid-19 vaccine: “vaccinating the already immune is superfluous and potentially harmful,” that the “CDC has chosen to conceal the number of Americans who died due to COVID, even though the data are found on death certificates,” that “the indisputable fact is that being vaccinated placed these children in a higher risk category for a COVID infection than if they had never been vaccinated,” and that “[v]accinating children who you know are likely to be placed at higher risk from COVID as a result of vaccination is not ‘public health.’” Letter from Robert F. Kennedy, Jr., on behalf of Children’s Health Defense, to Dr. Rochelle P. Walensky, Dr. Robert Califf, Secretary Xavier Becerra, Dr. Peter Marks & Members of the Vaccines and Related Biological Products Advisory Committee (June 10, 2022), <https://childrenshealthdefense.org/wp-content/uploads/CHD-Letter-to-FDA-VRBPAC-2022-06-10.pdf> [<https://perma.cc/UH8F-JYRJ>]. Regarding whether vaccines are the primary reason for the decrease in deaths from infectious disease, the Secretary opined: “There was this huge decline in infection, in mortalities from infectious diseases that took place in the 20th century, an 80% drop in deaths from infectious disease. And what caused that wasn’t vaccines. The real drop happened because of really, engineering solutions: refrigerators, you could store food ... better housing, sanitation, the invention of chlorine, sewage treatment. But mainly nutrition. Nutrition is absolutely critical to building immune systems. And so and what was really killing these children was malnutrition.” The Joe Rogan Experience, #1999 - Robert Kennedy, Jr., at 37:07–38:36 (June 15, 2023), <https://podscripts.co/podcasts/the-joe-rogan-experience/1999-robert-kennedy-jr>. The CDC, however, lists “Vaccination” first in a list of the “Ten Great Public Health Achievements – United States, 1900-1999.” See *Ten Great Public Health Achievements -- United States, 1900-1999*, 48 MORBIDITY & MORTALITY WKLY REP. 241, 241-243 (April 2, 1999), <https://www.cdc.gov/mmwr/preview/mmwrhtml/00056796.htm>. Regarding vaccinating newborns with the Hepatitis B vaccine, the Secretary opined: that people get hepatitis B from sharing needles, “going to a really seasoned prostitute,” or participating in “sort of compulsive homosexual behavior.” He acknowledged that babies can get hepatitis B from their mothers, but said that every pregnant woman is tested for it, “so the baby doesn’t need this.” “Why would you give it to a one-day-old baby, you know, or a three-hour-old baby, and then four more times, when that baby’s not going to be even subject to it for 16 years?” Jessica McDonald, *FactChecking Robert F. Kennedy, Jr.*, FACTCHECK.ORG (Aug. 9, 2023), <https://www.factcheck.org/2023/08/scicheck-factchecking-robert-f-kennedy-jr/> [<https://perma.cc/8DUQ-66A2>]. These are but a few examples of anti-vaccination statements he has made that belie his claim that he is not anti-vaccine.

³ *Nomination of Robert F. Kennedy, Jr. to Serve as Secretary of Health and Human Services: Hearing Before the S. Comm. on Health, Education, Labor, and Pensions*, 119th Cong. 15 (2025) (S. Hrg. 119-21). Available at: <https://www.govinfo.gov/app/details/CHRG-119shrg59490/CHRG-119shrg59490> [<https://perma.cc/4JG4-CDTW>].

Disease Control and Prevention’s Advisory Committee on Immunization Practices without changes;”⁴ and that “if confirmed, I will do nothing as HHS Secretary that makes it difficult or discourages people from taking vaccines.”⁵ During those hearings, he committed to “radical transparency” at HHS.⁶

The Secretary’s actions on vaccines belie his words. The day after his confirmation on February 13, 2025, the Secretary ordered the Centers for Disease Control and Prevention (“CDC”) to “pull out of circulation all campaign ad buys related to flu or anything encouraging shots or vaccinations” in the midst of the most severe flu season in recent years.⁷ A week later, he postponed without explanation the meeting of the Advisory Committee on Immunization Practices (“ACIP”) that was scheduled for February 26-28, 2025.⁸ He has taken many other actions not challenged here demonstrating a campaign to impose his preordained opinions on HHS, the CDC, and the ACIP.⁹

⁴ See KFF Health News, *Sen. Cassidy Says RFK Jr. Promised Key Vaccine Safety Commitments*, at 2:02 (Feb. 4, 2025), <https://www.youtube.com/watch?v=QrJcBtkfwvo> [<https://perma.cc/9FZE-UR7J>].

⁵ CBS News, *Robert F. Kennedy Jr.’s Senate confirmation hearing for HHS secretary | full video*, at 34:15 – 24:22 (Jan. 29, 2025), <https://www.youtube.com/watch?v=xHenpS4Vh-E> [<https://perma.cc/8NWH-NXZC>].

⁶ United States Senate Committee on Finance Hearing to Consider the Nomination of Robert F. Kennedy, Jr., to be Secretary of the Health and Human Services, available at: https://www.finance.senate.gov/imo/media/doc/responses_to_questions_for_the_record_to_robert_f_kennedy_jrpart1.pdf [<https://perma.cc/XTL6-R4SK>]; https://www.finance.senate.gov/imo/media/doc/responses_to_questions_for_the_record_to_robert_f_kennedy_jrpart2.pdf [<https://perma.cc/RVZ4-PH7S>]; https://www.finance.senate.gov/imo/media/doc/responses_to_questions_for_the_record_to_robert_f_kennedy_jrpart3.pdf [<https://perma.cc/L88Z-NSPC>].

⁷ This quotation is in an email not produced in any AR in this case but quoted in full in Sheryl Gay Stolberg, *Inside the C.D.C.’s Mad Scramble to Meet Kennedy’s Demands*, N.Y. TIMES (June 25, 2026), <https://www.nytimes.com/2026/06/25/us/politics/kennedy-cdc-emails.html> [<https://perma.cc/GJE5-PBUR>]. A link in the online version of this article (https://www.help.senate.gov/imo/media/doc/cdc_emails.pdf [<https://perma.cc/8A8U-J8TK>]) takes the reader to 253 pages of emails obtained by Senator Bernie Sanders’ office from Dr. Debra Houry, the former Chief Medical Officer at the CDC, who gave these emails to Senator Sanders’ office after she testified before Congress in September 2025.

⁸ Will Stone, *First CDC vaccine meeting under Trump administration is postponed*, NPR (Feb. 20, 2025), <https://www.npr.org/sections/shots-health-news/2025/02/20/nx-s1-5304233/cdc-vaccine-meeting-delayed> [<https://perma.cc/X2VS-YZYJ>].

⁹ Patricia Callahan, *The CDC Buried a Measles Forecast That Stressed the Need for Vaccinations*, Pro Publica (March 28, 2025), <https://www.propublica.org/article/measles-vaccine-rfk-cdc-report> [<https://perma.cc/6ADF-7T9D>]. That same month, the Secretary announced that he was immediately rescinding approximately \$12 billion in public health funds that states and localities were relying on to support core immunization infrastructure. Apoorva Mandavilli,

There is a similar disconnect between his words and the actions challenged here. For example, in the video posted on X on May 27, 2025, announcing his unprecedented, unilateral decision to remove recommended immunizations from the CDC immunization schedules, the Secretary asserted a “*lack of any clinical data* to support the repeat booster strategy in children,” and then-Food and Drug Administration Commissioner, Marty Makary, said in the video that “there’s *no evidence* that healthy children need it [the Covid shot] today.”¹⁰ (emphasis added). Yet, just the month before, a CDC career scientist gave a presentation at the ACIP meeting that, in the past year, 7,000 children had been hospitalized with Covid, and of those admitted to the intensive care unit, half were previously healthy.¹¹ Another CDC career scientist presented that pregnant individuals continued to face an increased risk of severe outcomes from contracting Covid and that the only way to protect infants less than six months old was for a pregnant woman to receive the vaccine during pregnancy because antibodies are passed from mother to fetus to protect a newborn within the first six months of life.¹² There are no documents in the administrative record on the May 2025 Secretarial Directive (AR #1) indicating why the Secretary’s and the FDA Commissioner’s false and misleading statements are in the script for the May 27, 2025, video.

Margot Sanger-Katz, and Jan Hoffman, *Trump Administration Abruptly Cuts Billions From State Health Services*, The New York Times (March 26, 2025), <https://www.nytimes.com/2025/03/26/health/trump-state-health-grants-cuts.html> [<https://perma.cc/R5B4-D972>]. The Secretary also cancelled \$500 million in funding for mRNA research because, according to a press release, “these vaccines fail to protect effectively against upper respiratory infections like COVID and flu.” Press Release, U.S. Dep’t of Health & Human Servs., *HHS Winds Down mRNA Vaccine Development Under BARDA* (Aug. 5, 2025), <https://www.hhs.gov/press-room/hhs-winds-down-mrna-development-under-barda.html> [<https://perma.cc/BT4A-6TN2>].

¹⁰ Robert F. Kennedy, Jr. (@SecKennedy), X (May 27, 2025, 10:16 AM), <https://x.com/SecKennedy/status/1927368440811008138> [<https://perma.cc/8K5K-DFLW>].

¹¹ See Fiona Havers, *COVID-19 – Associated Hospitalizations – COVID-NET, April 2025 Update*, CTRS. FOR DISEASE CONTROL & PREVENTION (Apr. 15, 2025), <https://www.cdc.gov/acip/downloads/slides-2025-04-15-16/03-Havers-COVID-508.pdf> [<https://perma.cc/8F93-VXXM>]; Paul Offit, *This CDC Resignation Should Scare You*, SUBSTACK (July, 8, 2025), <https://pauloffit.substack.com/p/this-cdc-resignation-should-scary> [<https://perma.cc/5JK6-TH85>].

¹² See Lakshmi Panagiotakopoulos, *Use of 2025–2026 COVID-19 Vaccines: Work Group Considerations*, CTRS. FOR DISEASE CONTROL & PREVENTION (Apr. 15, 2025), <https://www.cdc.gov/acip/downloads/slides-2025-04-15-16/05-Panagiotakopoulos-COVID-508.pdf> [<https://perma.cc/Y3N5-9FWE>]; see also *Meeting of the Advisory Committee on Immunization Practices* (ACIP), April 15–16, 2025 Meeting Summary, CTRS. FOR DISEASE CONTROL & PREVENTION <https://www.cdc.gov/acip/downloads/minutes/summary-2025-04-15-16-508.pdf> [<https://perma.cc/99AU-JKKA>].

Thirteen days later, the Secretary announced through a Wall Street Journal commentary published on June 9, 2025, that he had “retired” all seventeen members of the ACIP because the committee was “plagued with persistent conflicts of interest.”¹³ No evidence was cited of conflicts any current ACIP members may have had. Two days later, the Secretary announced the appointments of eight new members to the ACIP.¹⁴ Yet, in spite of terminating the entire ACIP because of “persistent conflicts of interest,” HHS promised but failed to date to release Office of Government of Ethics (“OGE”) Form 450 conflicts disclosures required of all advisory committee appointees.¹⁵ Moreover, the government produced *zero* documents in the Administrative Record on this claim (AR #3) that show that any conflicts vetting was done on anyone whom the Secretary appointed to the ACIP in 2025.

All of the ARs that the government has produced in this case are incomplete. The Court should grant this motion in its entirety and order all of the relief that Plaintiffs request below.

II. FACTUAL BACKGROUND

A. Chronology of AR Productions and Meet and Confer Attempts

The government produced AR #1 (May 2025 Secretarial Directive) on March 12, 2026. Thereafter, Defendants made rolling productions of ARs ## 2-6 that were completed by May 13 but withheld from production documents that Defendants deemed confidential in AR # 3 (ACIP Reconstitution), AR #4 (January 2026 childhood schedule change), and AR #5 (December 2025 ACIP Hepatitis B vaccine vote). After entry of a Protective Order in this case, Defendants

¹³ Robert F. Kennedy, Jr., *HHS Moves to Restore Public Trust in Vaccines*, WALL ST. J. (June 9, 2025), <https://www.wsj.com/opinion/rfk-jr-hhs-moves-to-restore-public-trust-in-vaccines-45495112> [<https://perma.cc/849L-QC3D>].

¹⁴ Robert F. Kennedy, Jr. (@SecKennedy), X (Jun. 11, 2025, 8:36 PM), <https://www.wsj.com/opinion/rfk-jr-hhs-moves-to-restore-public-trust-in-vaccines-45495112> [<https://perma.cc/HD6G-FBRX>].

¹⁵ Isabella Curto, *HHS backtracks on pledge to disclose new vaccine advisers’ conflicts of interest*, STAT (July 9, 2025) <https://www.statnews.com/2025/07/09/kennedy-conflict-of-interest-radical-transparency-acip-vaccine-experts/> [<https://perma.cc/L9R6-ZZMQ>].

produced the documents designated Confidential in ARs ## 3-5 on June 8, 2026. The Certifications of Supplemental Administrative Record served that day did not contain the representation that these ARs were “complete,” unlike the Certifications for ARs ## 1, 2, and 6, which, when originally served, were certified as being “complete.” After prodding from the Plaintiffs, Defendants served on July 2 a revised Certification of Supplemental Administrative Record for ARs ## 3-5 that stated that they were “a true, correct, and complete copy of the non-privileged information that was directly or indirectly considered....”

The parties met and conferred for an hour and a half on July 6, exchanged multiple emails after that meet and confer, and, in spite of Plaintiffs identifying with specificity categories of documents that should have been produced in each AR, Defendants have stood fast on their position that all of the ARs are complete. The facts show that not to be the case.

B. Documents Missing From the ARs

1. AR #1 – the May, 27, 2025, Secretarial Directive

The February 14, 2025, email published by the New York Times (*see* note 7, *supra*) reveals that the Secretary had a “*plan ... to transform to an informed consent campaign.*” No document in any AR mentions a “plan” to implement “an informed consent campaign.” There are, however, two memoranda to the Secretary in AR #1 dated May 12, 2025, one recommending an “informed consent process” for the Covid vaccine for children, and the other recommending that pregnant women not receive the Covid vaccine.¹⁶ Since a plan was in motion to move to an informed consent campaign as of February 14, 2025, the May 12, 2025, memos were created to justify a decision already made. All documents and communications from February 14, 2025, leading up to the May

¹⁶ See Exs. 1 and 2 attached to Decl. of James J. Oh (“Oh Decl.”).

27, 2025, video announcement of the changes to the Covid vaccine recommendations on the CDC schedules are therefore post-decisional and should have been produced in this AR but were not.

2. AR #2 – the September 2025 ACIP Vote to Make the Covid Vaccine SCDM for All

Defendants produced in AR #2 the agenda for the June 25, 2025, ACIP meeting.¹⁷ At that meeting, six presentations were made on Covid-19, none of which pertained to an informed consent process for the Covid vaccine. Yet, another document produced in AR #2, with an ostensible date of September 19, 2025, titled “Next ACIP Meeting: Anticipated Votes,”¹⁸ states that a vote at the September 18-19 ACIP meeting was anticipated on Covid vaccines as follows: “It is the sense of the committee that the CDC engages in an effort to promote more consistent and comprehensive informed consent processes, and as part of that considers adding language accessible to patients and medical providers to describe at least the six risks and uncertainties included in the WG chair presentation.” The outcome of the September 2025 ACIP vote on the Covid vaccine was preordained. Accordingly, email communications between February 14, 2025, and the ACIP’s September 19, 2025, meeting regarding the vote taken on Covid vaccines at that meeting must exist but are missing from this AR. For example, there are no emails between the Office of the Secretary and the ACIP Chair (at the time, Martin Kulldorff) and Vice Chair (Robert Malone) or other ACIP members, or with the Designated Federal Officer to the ACIP (Mina Zadeh), who is responsible “to ensure that all procedures are within applicable statutory, regulatory, and HHS General Administration Manual directives” and who “will approve and prepare all meeting policies and agendas.”¹⁹

¹⁷ See *HHS_AAP 003349–003350* (attached as Ex. 3 to Oh Decl.).

¹⁸ See *HHS_AAP 002361–002362* (attached as Ex. 4 to Oh Decl.).

¹⁹ *Charter of the Advisory Committee on Immunization Practices*, U.S. DEP’T OF HEALTH & HUM. SERVS (April 1, 2024), https://gsa-geo.my.salesforce.com/sfc/p/#t0000000Gyj0/a/3d000002n0vR/v5Bk.tLFdWd3s5nsKV5cvV_UC2H80LQUfinwVsSBgfU [<https://perma.cc/8CG7-EXW4>].

3. AR # 3 – the ACIP Reconstitution

An email produced in this AR shows that Lyn Redwood, the former President of Children’s Health Defense,²⁰ received two nominations for the ACIP on **January 2, 2025**, from Vicky Debold Pebsworth (who was appointed to the ACIP on June 11, 2025),²¹ six weeks before the Secretary was confirmed.²² Other emails in this AR show that a number of different HHS officials were involved in the search for new ACIP members in the ensuing months, including Stefanie Spear, Principal Deputy Chief of Staff/Senior Counselor to the Secretary;²³ Hannah Anderson, the Secretary’s Deputy Chief of Staff, Policy;²⁴ William “Reyn” Archer III, M.D., counselor in the

²⁰ “The Centers for Disease Control and Prevention is hiring Lyn Redwood ... to work in its vaccine safety office ... Redwood was the president of the group now called Children’s Health Defense, which lists as its founder Robert F. Kennedy, Jr. ... Children’s Health Defense has sued to curb vaccine requirements, petitioned federal agencies to revoke vaccine authorizations, and spread misinformation about vaccines.” Alexander Tin, *CDC to hire former head of anti-vaccine group founded by RFK Jr.*, CBS NEWS HEALTH WATCH (June 25, 2025), <https://www.cbsnews.com/news/cdc-vaccine-safety-office-hire-former-head-anti-vaccine-group-founded-rfk-jr/#:~:text=The%20Centers%20for%20Disease%20Control,CDC%20officials%20tell%20CBS%20News> [https://perma.cc/2X7K-NCDB].

²¹ The Secretary was nominated for the position on November 14, 2025. Redwood co-authored an article published by Children’s Health Defense dated June 1, 2006, titled “Why are we still injecting mercury into pregnant women, infants and children? Lyn Redwood and Vicky Debold, *Why are we still injecting mercury into pregnant women, infants and children?*, CHILDREN’S HEALTH DEFENSE (June 1, 2006), <https://childrenshealthdefense.org/news/why-are-we-still-injecting-mercury-into-pregnant-women-infants-and-children/>. “Pebsworth joined Acip from the National Vaccine Information Center, where she has served as volunteer research director since 2006, ... The National Vaccine Information Center started in Virginia as Dissatisfied Parents Together in 1982, before changing its name in 1995. The group went on to receive major funding support from Dr Joseph Mercola, once described as “the most influential spreader of coronavirus misinformation online”. Jessica Glenza, *Nurse on new CDC vaccine panel said to have been ‘anti-vax longer than RFK,’* THE GUARDIAN (July 5, 2025), <https://www.theguardian.com/us-news/2025/jul/05/vicky-pebsworth-vaccine-experts-rfk-jr> [https://perma.cc/WL6D-VS8A].

²² See HHS_AAP 015991 (attached as Ex. 5 to Oh Decl.).

²³ “As his principal deputy chief of staff and senior counselor, Spear works from an office that connects to Kennedy’s suite through a door behind his desk. Spear has created, says a former HHS staffer, ‘this huge wall around him.’ She is on seemingly constant watch to protect and shield him from disloyalty. In Kennedy’s seven months at the agency, heads have rolled—including even some brought in to further the MAHA agenda. Spear has remained a constant.” Katherine Eban, *Meet Stefanie Spear, RFK Jr.’s ‘Attached at the Hip’ HHS Deputy*, VANITY FAIR (Sept. 25, 2025), <https://www.vanityfair.com/news/story/meet-stefanie-spear?srsId=AfmBOoq59HJ4r3-0358o6G9GoFI0eYyYQCqakUvQizbbuW3lneA14u9oH> [https://perma.cc/83YL-KYSQ]; see HHS_AAP 016028 – 016029 (attached as Ex. 6 to Oh Decl.).

²⁴ Anderson was fired on or about July 16, 2025. She had “joined HHS after stints on Capitol Hill as a GOP staffer, including as health policy adviser to Republicans on the Senate’s main health committee. She had most recently headed up health care issues at the Trump-aligned America First Policy Institute think tank.” Adam Cancryn, *RFK Jr. fires top aides in HHS shakeup*, CNN (July 17, 2025), <https://www.cnn.com/2025/07/16/health/rfk-hhs-aides-fired> [https://perma.cc/GXY2-2FY7]; see HHS_AAP 015578 – 015583 (attached as Ex. 7 to Oh Decl.).

Office of the Secretary;²⁵ Matthew Thompson, Policy Adviser in the Office of the Secretary;²⁶ William Boothby, HHS Deputy White House Liaison;²⁷ Stuart Burns, a senior adviser to the CDC Director appointed by the Secretary;²⁸ and Matthew Buzzelli, Chief of Staff at the CDC.

A number of individuals outside of government also were enlisted to find ACIP candidates, including Elizabeth Brehm, a partner in the law firm Siri & Glimstad;²⁹ Debra Sheldon, a Vice President at the MAHA Institute;³⁰ and James Lyons-Weiler, a biologist who has made numerous inaccurate and misleading claims about vaccines.³¹ One email, sent by an individual outside of government at 11:21 AM on April 27, 2025, to Reyn Archer, states: “Here’s the link to the spreadsheet I shared with you a while back. I am adding to it still but there are some solid

²⁵ “Dr. William “Reyn” Archer III joined the Health and Human Services Department, which oversees CDC, as a counselor in the secretary’s office after Kennedy took over in February, HHS records show. A critic of vaccines on social media for the past several years, Archer served as Texas state health commissioner in the late 1990s.” Dan Levein and Leah Douglas, *Kennedy aide and vaccine critic questions recent expert recommendations*, REUTERS (May 6, 2025), <https://www.reuters.com/business/healthcare-pharmaceuticals/kennedy-aide-vaccine-critic-questions-recent-expert-recommendations-2025-05-06/> [<https://perma.cc/8EAA-WSHC>]; see HHS_AAP 015557 (attached as Ex. 8 to Oh Decl.).

²⁶ See HHS_AAP 015587 (attached as Ex. 9 to Oh Decl.).

²⁷ Boothby worked on the Secretary’s presidential campaign in 2024. See Alexander Babbie, *RFK Jr. backers celebrate as they turn in petitions to get him on the New York ballot*, BUFFALO TORONTO PUBLIC MEDIA (May 29, 2024), <https://www.btpm.org/2024-05-29/rfk-jr-backers-celebrate-as-they-turn-in-petitions-to-get-him-on-the-new-york-ballot> [<https://perma.cc/Z4TM-RA4W>]; see HHS_AAP 015578 – 015583 (attached as Ex. 7 to Oh Decl.).

²⁸ “According to meeting recordings, internal communications reviewed by MSNBC and three sources familiar with the situation, Burns has become a central figure in subverting vaccine policy under Kennedy. It’s unclear from his job title of ‘senior adviser’ what Burns is officially tasked with, but officials with knowledge said Burns’ duties were, in part, specifically targeting vaccines.” Brandy Zadrozny, *RFK Jr. is completely reshaping vaccine policy. This is the man helping him do it. Stuart Burns might be the most important CDC official you’ve never heard of.*, MS NOW (July 25, 2025), <https://www.ms.now/analysis/robert-f-kennedy-jr-vaccines-stuart-burns-hhs-rcna220029> [<https://perma.cc/86Y3-5S2Q>]; see HHS_AAP 015684 (attached as Ex. 10 to Oh Decl.).

²⁹ The Siri & Glimstad “law firm specializes in vaccine injury claims.” See *Vaccine Injury*, Siri & Glimstad, <https://www.sirillp.com/vaccine-injury-attorneys/> [<https://perma.cc/5SA4-3UW3>]. Aaron Siri is a personal attorney to RFK, Jr. who “previously petitioned the Food and Drug Administration to revoke its approval of a polio vaccine” and, as of December 13, 2024, “ha[d] been helping interview candidates for top health jobs in the incoming Trump administration.” Will McDuffie, et al., *RFK Jr. ’s lawyer and top ally asked FDA to revoke approval of a polio vaccine*, ABC NEWS (Dec. 13, 2024), <https://abcnews.com/Politics/rfk-jrs-lawyer-top-ally-asked-fda-revoke/story?id=116769906> [<https://perma.cc/KW8Z-MZ3C>].

³⁰ See Mental Health and Overmedicalization Summit, MAHA INSTITUTE (May 4, 2026), <https://www.mahainstitute.us/mhsummit> [<https://perma.cc/96CW-QG2N>].

³¹ See James Lyons-Weiler, PhD <https://jameslyonsweiler.com/> [<https://perma.cc/4Q8B-FB26>]; Rene F. Najera, *The Conspiracy Theories and Misinformation About the Novel Coronavirus Have Started*, HISTORY OF VACCINES BLOG (February 3, 2020) <https://historyofvaccines.org/blog/the-conspiracy-theories-and-misinformation-about-the-novel-coronavirus-have-started/> [<https://perma.cc/5JZB-BBXP>].

candidates here, including some *aligned* docs who have not spoken publicly about vaccines.”³² (emphasis added). There is no explanation clarifying with whom there is alignment or with what principles. The selection criteria, if any, are unidentified, nor is there any context to the importance of whether a candidate has spoken publicly about vaccines. Perhaps this individual was referring to alignment with (or, perhaps, ways to circumvent) FACA, the ACIP Charter, and the Membership Balance Plan, since she sent another email on April 27, 2025, two minutes later to Archer that states: “Also, here is the preliminary analysis on ACIP Charter and FACA implications that Aaron Siri’s team provided to us.”³³ Another email in the AR from James Lyons-Weiler to “R Kennedy” and “stefanie spear” states that “Cathy is 100% vetted. Some activism but not much to find.”³⁴ There are no documents in this AR that indicate what criteria were used to vet “Cathy,” or anyone else, or what role “activism” – whatever that means – had to play in selecting ACIP members.

According to another publicly-released email, by May 19, 2025, the Secretary had identified ten individuals whom he wanted to appoint to the ACIP to replace the current members. That email from Hannah Anderson to William Archer and Matthew Thompson, with a copy to Jeffrey Reczek and Stuart Burns, states: “Reyn, Bobby has asked for the following changes to be made for the next ACIP meeting. 1. Replace the members with the ten identified.”³⁵ Demetre Daskalakis, then the Director, National Center for Immunization and Respiratory Diseases (NCIRD) at the CDC, corroborates this in an email that same day in which he states that he had learned from Stuart Burns that the IOS (the Immediate Office of the Secretary) had plans to remove

³² See HHS_AAP 015777 – 015778 (attached as Ex. 11 to Oh Decl.).

³³ *Id.*

³⁴ See HHS_AAP 016036-016037 (attached as Ex. 12 to Oh Decl.).

³⁵ This email is linked in Sheryl Gay Stolberg, *Inside the C.D.C.’s Mad Scramble to Meet Kennedy’s Demands*, N.Y. TIMES, June 25, 2026, <https://www.nytimes.com/2026/06/25/us/politics/kennedy-cdc-emails.html> [<https://perma.cc/GJE5-PBUR>], numbered A17-1 (attached as Ex. 13 to Oh Decl.).

current membership of the ACIP and “replace with new members reflecting the priorities of the administration.”³⁶ The government produced no list of the “ten identified” in this AR; nor are there any documents indicating why they were selected or their qualifications. An email dated two days later states that “Stuart had said all the people had been cleared by WH [White House] for ethics and were good to go,”³⁷ but no documents confirming such ethics clearance are in this AR.

4. AR #4 – the January 6, 2026, Childhood Schedule Changes

Although the Secretary stated in his confirmation hearings that he would recommend that children follow the CDC’s childhood immunization schedule, the CDC Director announced unilaterally on January 5, 2026, that the CDC’s childhood schedule had been dramatically changed to reduce the number of vaccines routinely recommended for children from 17 to 11.³⁸ This announcement came one month after Tracy Beth Høeg, then in a role at the FDA,³⁹ made a presentation on Denmark’s childhood schedule, and Aaron Siri, a well-known anti-vaccine lawyer, made a presentation on the U.S. childhood schedule at the ACIP meeting on December 5, 2025. Coincidentally, the evening of December 5, President Trump announced in a post on X the release of a Presidential Memo titled “Aligning United States Core Childhood Vaccine Recommendations with Best Practices from Peer, Developed Countries.”⁴⁰ That same evening, the Secretary responded with the reply post: “Thank you, Mr. President. We’re on it.”⁴¹

³⁶ *Id.* at A17-19 (attached as Ex. 14 to Oh Decl.).

³⁷ *Id.* at A17-18 (attached as Ex. 15 to Oh Decl.).

³⁸ See Plaintiffs’ Corrected Memorandum of Law in Support of Their Motion for Preliminary Injunction, *Am. Acad. of Pediatrics v. Kennedy*, No. 25-11916 (D. Mass. Feb. 9, 2026) ECF No. 229-1 at 3.

³⁹ Høeg “‘spread wild myths that got real traction’ during the height of the COVID-19 pandemic.” Sarah Karlin-Smith, “‘Highly Problematic’: Acting FDA Commissioner Paused Planned OK Of Novavax Shot, PINK SHEET (Apr. 3, 2025) <https://insights.citeline.com/pink-sheet/agency-leadership/us-fda/highly-problematic-acting-fda-commissioner-paused-planned-ok-of-novavax-shot-GUT6LR4X6ZALRMMZAEXYZHY36Y/> [<https://perma.cc/69F8-QR7P>].

⁴⁰ See Fourth Am. Compl., *Am. Acad. of Pediatrics v. Kennedy*, No. 25-11916 (D. Mass. Jan. 19, 2026) ECF No. 180-1, ¶ 44.

⁴¹ *Id.*

Perhaps the Secretary more accurately should have said, “We’ve been working on it.” After all, the MAHA Report “Make Our Children Healthy Again: Assessment,” released seven months earlier on May 22, 2025, states in a section titled “Growth of the Childhood Vaccine Schedule,” that “[t]he number of vaccinations on the American vaccine schedule exceed the number of vaccinations on many European schedules, including Denmark, which has nearly half as many as the U.S.”⁴² The MAHA Report shows that the Secretary was planning long before December 5, 2025, to align the U.S.’s childhood schedule with Denmark’s.

There are huge gaps in this AR. There are no documents explaining why Høeg and Siri presented on the childhood schedule at the December 5, 2025, ACIP meeting. The concept of aligning the childhood schedule with so-called “peer” nations was not discussed at prior ACIP meetings. There are no documents explaining how HHS was involved in the release of the December 5 Presidential Memo, although it is self-evident that HHS was involved. There are no documents explaining why two presentations on the childhood schedule were given at the December 5, 2025, ACIP meeting to the ACIP being bypassed a month later when the childhood schedule changes were announced on January 6, 2026.⁴³ There are no documents explaining the conclusion that Denmark is a peer country, let alone why Germany or Japan or any other country, are peer nations with respect to childhood immunization schedules.

5. AR #5 – the December, 2025, ACIP vote to Downgrade the Hepatitis B Vaccine Recommendation for Newborns from Routine to SCDM

The outcome of the votes on the Hepatitis B (“HepB”) vaccine for newborns at the December 4-5, 2025, ACIP meeting were similarly foregone conclusions before they were taken.

⁴² See Presidential Make America Healthy Again Comm’n, *The MAHA Report*, at 63 (May 22, 2025), <https://www.whitehouse.gov/wp-content/uploads/2025/05/MAHA-Report-The-White-House.pdf> [<https://perma.cc/3CZW-PTMK>].

⁴³ Based on the cadence of how the ACIP operated, discussion of an immunization at one meeting was a precursor to a vote on that immunization at a subsequent meeting. See, e.g., discussion of AR #2, above, and #5, below.

In her May 19, 2025, email referenced above, Hannah Anderson, in addition to admitting that ten candidates for the ACIP had already been lined up, reported that “Bobby has asked for the following changes to be made for the next ACIP meeting: ... 2. Add votes on ‘joint decision making’ for the HepB (for healthy children and potentially others).”⁴⁴ HepB did not make it onto the June 25-26, ACIP agenda, but it did for the September 18-19 meeting, at which seven presentations were made on the HepB vaccine. The ACIP voted at its December 4, 2025, meeting to recommend “individual-based decision-making, in consultation with a health care provider, for parents deciding when or if to give the HBV vaccine.”⁴⁵ The newborn HepB vaccine dose has been in the Secretary’s crosshair for years.⁴⁶ Thus, the votes at the December 4, 2025, ACIP meeting on the newborn HepB dose clearly were part of the informed consent campaign that the Secretary put into motion no later than the day after his confirmation. The outcome of that vote was a foregone conclusion as well. There are no emails in this AR from Hannah Anderson’s email of May 19, 2025, through the December 4, 2025, votes regarding the steps taken to put the HepB birth dose on the agenda for the December 2025 ACIP meeting.

⁴⁴ This email is linked in Sheryl Gay Stolberg, *Inside the C.D.C.’s Mad Scramble to Meet Kennedy’s Demands*, N.Y. TIMES, June 25, 2026, <https://www.nytimes.com/2026/06/25/us/politics/kennedy-cdc-emails.html> [https://perma.cc/3M9X-ZEZY], numbered A17-1 (attached as Ex. 13 to Oh Decl.).

⁴⁵ *Next ACIP Meeting: Anticipated Votes*, CTRS. FOR DISEASE CONTROL & PREVENTION (Dec. 5, 2025), <https://www.cdc.gov/acip/meetings/upcoming.html> [https://perma.cc/692Q-Z225].

⁴⁶ “‘The major vectors for [hepatitis B] are it’s sexually transmitted or by needles. Why would you give that to a one-day-old child?’ Kennedy said in a town hall broadcast on NewsNation at the end of June. NewsNation, *Robert F. Kennedy Jr.’s Town Hall on NewsNation | RFK Jr. Town Hall*, at 54:45–54:52 (June 29, 2023), <https://www.youtube.com/watch?v=eLW9s6NpS7w&t=3257s> [https://perma.cc/ZZ7X-EWYQ]. “‘It’s really a profit motive.’ In an appearance on Joe Rogan’s podcast, Kennedy made the same argument, saying that people get hepatitis B from sharing needles, ‘going to a really seasoned prostitute,’ or participating in ‘sort of compulsive homosexual behavior.’ He acknowledged that babies can get hepatitis B from their mothers, but said that every pregnant woman is tested for it, ‘so the baby doesn’t need this.’” Jessica McDonald, *FactChecking Robert F. Kennedy, Jr.*, FACTCHECK.ORG (Aug. 9, 2023), <https://www.factcheck.org/2023/08/scicheck-factchecking-robert-f-kennedy-jr/> [https://perma.cc/ZZ7X-EWYQ].

6. AR # 6 – the June 26, 2025 ACIP vote on Thimerosal in Multi-Dose Flu Vaccine Vials

A June 16, 2025, email from Stuart Burns to CDC officials shows both how and why the ACIP voted on June 26, 2025, to ban thimerosal from multi-dose flu vaccine vials:

Based on discussions and what I'm hearing from the secretary's office They [sic] are very interested in having ACIP Vote to recommend only thimerosal free flu vaccine to pregnant women and children 12 and under. What steps need to be take [sic] to consider this on the agenda?⁴⁷

At the risk of stating the obvious, this email instructs the ACIP how to vote on thimerosal. There are no emails in this AR that answer Burns' question.

III. ARGUMENT

A. The Applicable Legal Standards

An administrative record must consist of “all documents and materials directly or indirectly considered by [the] agency decision-makers and includes evidence contrary to the agency’s position.” *Town of Norfolk v. U.S. Army Corps of Eng’rs*, 137 F.R.D. 183, 185 (D. Mass. 1991), *aff’d*, 968 F.2d 1438 (1st Cir. 1992). An agency ““may not unilaterally determine what constitutes’ the administrative record.” *Roe v. Mayorkas*, No. 22 Civ. 10808, 2024 WL 5198705, at *8 (D. Mass. Oct. 2, 2024) (quoting *Bar MK Ranches v. Yuetter*, 994 F.2d 735, 739 (10th Cir. 1993)). Rather, the administrative record must include everything that the decision maker saw, as well as everything relied on by subordinates who made recommendations. *Town of Norfolk, supra*, at 185; *see also Regents of Univ. of Cal. v. U.S. Dep’t of Homeland Sec.*, No. C 17-05211 WHA, 2017 WL 4642324, at *2 (N.D. Cal. Oct. 17, 2017). The requirement that a reviewing court consider “the whole record” before rendering a decision “ensures that neither party is withholding evidence

⁴⁷ This email is linked in Sheryl Gay Stolberg, *Inside the C.D.C.’s Mad Scramble to Meet Kennedy’s Demands*, N.Y. TIMES, June 25, 2026, <https://www.nytimes.com/2026/06/25/us/politics/kennedy-cdc-emails.html> [<https://perma.cc/6H73-DPGB>], numbered A18-3 (attached as Ex. 16 to Oh Decl.).

unfavorable to its position and that the agencies are not taking advantage of *post hoc* rationalizations for administrative decisions.” *Walter O. Boswell Mem’l Hosp. v. Heckler*, 749 F.2d 788, 792 (D.C. Cir. 1984). An agency “may not skew the [administrative record] in its favor by excluding pertinent but unfavorable information[,]” just as it may not exclude information on the grounds that the agency did not rely on that information for its final decision. *State of Maine v. McCarthy*, 2016 U.S. Dist. LEXIS 159940, at *3 (D. Me. Nov. 18, 2016).

On a motion to complete the administrative record, Plaintiffs are not required to demonstrate bad faith; they need only present “reasonable, non-speculative grounds to believe that materials considered in the decision making process are not included in the record, and identify the pertinent omitted materials with sufficient specificity[.]” *Roe*, supra, at *2 and *7 (internal citations and quotations omitted); *accord Sierra Club v. U.S. Army Corps of Eng’rs*, No. 20 Civ. 396, 2022 WL 2953075, at *5 (D. Me. July 26, 2022) (applying same standard). This standard is satisfied where “plaintiffs [did] not merely proffer broad categories of documents they believe likely exist, but rather, after carefully parsing through the record, identif[ied] specific gaps in the record.” *Roe*, 2024 WL 5198705, at *2.

Defendants have invoked the deliberative process privilege in meet and confer communications about the AR and have objected to producing a privilege log.⁴⁸ The emails publicly disclosed in the New York Times article demonstrate that this privilege has no merit here. The deliberative process privilege is a qualified privilege that “shields from disclosure documents reflecting advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated.” *U.S. Fish & Wildlife Serv. v. Sierra Club, Inc.*, 592 U.S. 261, 267 (2021) (quotation marks omitted). Documents must be both

⁴⁸ See email correspondence (attached as Ex. 17 to Oh Decl.).

“predecisional” and “deliberative” to qualify for the privilege. *Id.*; *accord Roe*, 2024 WL 5198705, at *3. A document is “predecisional” if it was “generated before the agency's final decision on the matter.” *U.S. Fish & Wildlife Serv.*, 592 U.S. at 268. The privilege is “a qualified one” and is “not absolute.” *Id.* (citation and quotation marks omitted). Once a decision has been made, post-decisional documents are not shielded from disclosure. *Texaco Puerto Rico v. Dept. of Consumer Affairs*, 60 F.3d 867, 884-85 (1st Cir. 1995).

The Court has “discretion as to whether the deliberative process privilege requires nondisclosure.” *In re Pharm. Indus. Average Wholesale Price Litig.*, 254 F.R.D. 35, 40 (D. Mass. 2008). In exercising that discretion, the Court “should consider, among other things, the interests of the litigants, society’s interest in the accuracy and integrity of factfinding, and the public’s interest in honest, effective government.” *Texaco Puerto Rico*, 60 F.3d at 885. The scope of this privilege does not turn on the label that the agency affixes to a document; as a result, criteria for making decisions, analyses, and factual or technical documents are not deliberative. *U.S. Fish & Wildlife Service v. Sierra Club*, 592 U.S. 261, 269-70 (2021).

B. The Court Should Exercise Its Discretion and Order Defendants to Complete The ARs

The Court has already found that Plaintiffs are likely to succeed on the merits of their claim that Defendants failed to reasonably explain their failure to follow required process and procedure with regard to the challenged actions in this case. Based on the publicly-disclosed emails, we now know that the outcomes of all of the six challenged actions were predetermined, which is likely the reason why Defendants failed to offer reasonable explanations at the preliminary injunction stage, repeatedly delayed production of the ARs in this case, and have renewed their motion to stay. After all, one email not produced but clearly relevant and very revealing states that “the

secretary's office ... [was] very interested in having ACIP Vote to recommend only thimerosal free flu vaccine." This email shows that what the Secretary wanted his ACIP to do is what he got.⁴⁹

Indeed, the revelation that the Secretary entered office with a plan for an informed consent campaign likely explains why the Secretary reconstituted the ACIP: he wanted, as one of those involved in the search for ACIP members stated, members "aligned" with his preordained opinions on vaccines who would vote in alignment with his informed consent campaign. It also is likely that this informed consent campaign determined the outcomes of the votes that the ACIP took in September 2025 on the Covid vaccine and on the HepB birth dose, since both votes resulted in those immunizations being designated as SCDM.⁵⁰ The May 27, 2025, Secretarial Directive and the January 5, 2026, childhood schedule changes were also likely products of this informed consent campaign, since these actions resulted in the Covid immunization being reclassified to SCDM for children.

The Court and the American people are entitled to learn more about this campaign. Changes to the CDC's immunization schedules affect every human being in the United States. As many doctors attested in declarations submitted in this case, the SCDM designations have caused great confusion and uncertainty about vaccines in general, which has caused irreparable harm to these doctors and their practices, as well as to the medical associations of which they are members. *See* ECF 183 -185 (Plaintiff's Motion for Preliminary Injunction and Exhibits). The Secretary came into office with a promise of radical transparency, but he has been anything but in this case, as the repeated delays in and resistance to producing the administrative records demonstrate. It is

⁴⁹ *See* fn. 47, *supra* (attached as Ex. 16 to Oh Decl.).

⁵⁰ "Unlike routine, catch-up, and risk-based recommendations, shared clinical decision-making vaccinations are individually based and informed by a decision process between the health care provider and the patient or parent/guardian." *See* ACIP Shared Clinical Decision-Making Recommendations, CDC (Jan. 7, 2025), <https://www.cdc.gov/acip/vaccine-recommendations/shared-clinical-decision-making.html> [<https://perma.cc/8TT9-32GA>].

ironic indeed that he preaches *informed* consent but resists producing documents that would help inform the public.

The Secretary's invocation of the deliberative process privilege is not well taken. *Tummino v. Von Eschenbach*, 427 F.Supp.2d 212 (E.D.N.Y. 2006) is instructive and persuasive on this score. There, email correspondence indicated that "senior management of the FDA had long since decided not to approve the application [for approval of over-the-counter access to Plan B, an emergency contraceptive drug, a/k/a, the morning-after pill] but needed to find acceptable rationales for the decision." The author of the "not-approvable letter" of Plan B "confessed that he had already made up his mind about the issue before he had sought scientific support." *Id.* at 233. On these facts, the court rejected application of the deliberative process privilege. *Id.* See also *New York v. McMahon*, 826 F.Supp.3d 184,196-198, 200 (D.Mass. 2026) (finding the deliberative process privilege did not apply, granting supplementation of the record, and ordering government to produce "records that can provide the court with a more fulsome comprehension of the decision," where documents in the AR were inconsistent with public statements for a reduction in force); accord *Roe, supra*, at *5-8.

IV. CONCLUSION

For all of the reasons stated above, Plaintiffs respectfully request that the Court order Defendants to complete the ARs by producing the following:

1. All documents directly or indirectly considered by the decisionmakers and subordinates related to the May 27, 2025, Secretarial Directive;
2. All documents directly or indirectly considered by the decisionmakers and subordinates related to the September 2025 ACIP vote to change the recommendation for Covid vaccines from routine to shared clinical decision-making;

3. All documents directly or indirectly considered by the decisionmakers and subordinates related to the reconstitution of ACIP;
4. All documents directly or indirectly considered by the decisionmakers and subordinates related to the January 6, 2026, childhood vaccination schedule changes;
5. All documents directly or indirectly considered by the decisionmakers and subordinates related to the December 2025 ACIP vote to change the recommendation for Hepatitis B vaccines for newborns; and,
6. All documents directly or indirectly considered by the decisionmakers and subordinates related to the June 2025 ACIP vote on Thimerosal in multi-dose vaccines.

Dated: July 17, 2026

Respectfully submitted,

By: /s/ James J. Oh (IL Bar No. 6196413)

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LOCAL RULE 7.1 CERTIFICATE REGARDING PLAINTIFFS' MOTION

Per Local Rule, 7.1, counsel for Plaintiffs state that they conferred with counsel for Defendants by email and telephone on numerous occasions, including most recently on July 10, 2026, and counsel for Defendants do oppose this Motion.

/s/ James J. Oh

James J. Oh

CERTIFICATE OF SERVICE

I hereby certify that this document was filed and served through the ECF system upon the following parties on this 17th day of July 2026:

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

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

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/s/ James J. Oh
James J. Oh

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN ACADEMY OF PEDIATRICS,
et al.,

Plaintiffs,

v.

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)

**[PROPOSED] ORDER ON PLAINTIFFS' MOTION TO
COMPLETE THE ADMINISTRATIVE RECORDS**

Upon consideration of Plaintiffs' Motion to Complete the Administrative Records, the supporting Memorandum, and Exhibits, the Court ORDERS that Plaintiffs' motion is GRANTED. It therefore ORDERED that Defendants complete the Administrative Records and produce the following:

1. All documents directly or indirectly considered by the decisionmakers and subordinates related to the May 27, 2025, Secretarial Directive;
2. All documents directly or indirectly considered by the decisionmakers and subordinates related to the September 2025 ACIP vote to change the recommendation for Covid vaccines from routine to shared clinical decision-making;
3. All documents directly or indirectly considered by the decisionmakers and subordinates related to the reconstitution of ACIP;
4. All documents directly or indirectly considered by the decisionmakers and subordinates related to the January 6, 2026, childhood vaccination schedule changes;

5. All documents directly or indirectly considered by the decisionmakers and subordinates related to the December 2025 ACIP vote to change the recommendation for Hepatitis B vaccines for newborns; and,

6. All documents directly or indirectly considered by the decisionmakers and subordinates related to the June 2025 ACIP vote on Thimerosal in multi-dose vaccines.

SO ORDERED.

Dated: _____

United States District Judge
Brian E. Murphy

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

AMERICAN ACADEMY OF PEDIATRICS,
et al.,

Plaintiffs,

v.

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)

[PROPOSED] ORDER

This matter comes before the Court on Plaintiffs' Motion for Leave to File Corrected Version of Memorandum in Support of Motion to Complete the Administrative Records (ECF 330) and Proposed Order (ECF 329-1), and for good cause shown, it is hereby ORDERED that the Motion is GRANTED.

It is hereby ORDERED that Plaintiffs' Motion for Leave to File Corrected Version of Memorandum in Support of Motion to Complete the Administrative Records (ECF 330) and Proposed Order (ECF 329-1) is GRANTED, and Plaintiffs are granted leave to file the corrected memorandum and proposed order.

SO ORDERED.

Dated: _____

United States District Judge
Brian E. Murphy