

United States Court of Appeals For the First Circuit

No. 25-1611

AMERICAN PUBLIC HEALTH ASSOCIATION; IBIS REPRODUCTIVE HEALTH;
INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE, AND
AGRICULTURAL IMPLEMENT WORKERS (UAW); BRITTANY CHARLTON; KATIE
EDWARDS; PETER LURIE; NICOLE MAPHIS,

Plaintiffs - Appellees,

v.

NATIONAL INSTITUTES OF HEALTH; JAY BHATTACHARYA, in the official capacity as
Director of the National Institutes of Health; UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES; ROBERT F. KENNEDY, JR., in the official capacity as Secretary
of the United States Department of Health & Human Services,

Defendants - Appellants.

No. 25-1612

COMMONWEALTH OF MASSACHUSETTS; STATE OF CALIFORNIA; STATE OF
MARYLAND; STATE OF WASHINGTON; STATE OF ARIZONA; STATE OF
COLORADO; STATE OF DELAWARE; STATE OF HAWAII; STATE OF MINNESOTA;
STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF
NEW YORK; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF WISCONSIN,

Plaintiffs - Appellees,

v.

ROBERT F. KENNEDY, JR., in the official capacity as Secretary of Health and Human
Services; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; JAY
BHATTACHARYA, in the official capacity as Director of the National Institutes of Health;
NATIONAL INSTITUTES OF HEALTH; NATIONAL CANCER INSTITUTE; NATIONAL
EYE INSTITUTE; NATIONAL HEART LUNG AND BLOOD INSTITUTE; NATIONAL
HUMAN GENOME RESEARCH INSTITUTE; NATIONAL INSTITUTE ON AGING;
NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM; NATIONAL
INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES; NATIONAL INSTITUTE OF
ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES; NATIONAL INSTITUTE
OF BIOMEDICAL IMAGING AND BIOENGINEERING; EUNICE KENNEDY SHRIVER

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT;
NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS;
NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH; NATIONAL
INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES; NATIONAL
INSTITUTE ON DRUG ABUSE; NATIONAL INSTITUTE OF ENVIRONMENTAL
HEALTH SCIENCES; NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES;
NATIONAL INSTITUTE OF MENTAL HEALTH; NATIONAL INSTITUTE ON MINORITY
HEALTH AND HEALTH DISPARITIES; NATIONAL INSTITUTE OF NEUROLOGICAL
DISORDERS AND STROKE; NATIONAL INSTITUTE OF NURSING RESEARCH;
NATIONAL LIBRARY OF MEDICINE; NATIONAL CENTER FOR ADVANCING
TRANSLATIONAL SCIENCES; JOHN E. FOGARTY INTERNATIONAL CENTER FOR
ADVANCED STUDY IN THE HEALTH SCIENCES; NATIONAL CENTER FOR
COMPLEMENTARY AND INTEGRATIVE HEALTH; NIH CENTER FOR SCIENTIFIC
REVIEW,

Defendants - Appellants.

ORDER OF COURT

Entered: October 9, 2025
Pursuant to 1st Cir. R. 27.0(d)

The brief filed by appellants Jay Bhattacharya, Robert F. Kennedy, Jr., National Institutes of Health and United States Department of Health and Human, Eunice Kennedy Shriver National Institute of Child Health & Human Development, John E. Fogarty International Center for Advanced Study in the Health Sciences, National Cancer Institute, National Center for Advancing Translational Sciences, National Center for Complementary & Integrative Health, National Eye Institute, National Heart Lung & Blood Institute, National Human Genome Research Institute, National Institute of Allergy & Infectious Diseases, National Institute of Arthritis & Musculoskeletal & Skin Diseases, National Institute of Biomedical Imaging & Bioengineering, National Institute of Dental & Craniofacial Research, National Institute of Diabetes & Digestive and Kidney Diseases, National Institute of Environmental Health Sciences, National Institute of General Medical Sciences, National Institute of Mental Health, National Institute of Neurological Disorders & Stroke, National Institute of Nursing Research, National Institute on Aging, National Institute on Alcohol Abuse & Alcoholism, National Institute on Deafness & Other Communication Disorders, National Institute on Drug Abuse, National Institute on Minority Health & Health Disparities, National Institutes of Health, National Library of Medicine, and NIH Center for Scientific Review on September 29, 2025, is not in compliance with the following Local Rule of this court:

- **1st Cir. R. 28.0(a)(2)**, permitting the appellant to include in its addendum up to 25 pages of other items or short excerpts from the record that are either the subject of an issue on appeal (e.g., disputed jury instructions or disputed contractual provisions) or necessary for understanding the specific issues on appeal. The judgments, decisions, rulings or orders appealed from; any lower-level decisions; and statutes, rules, regulations, etc. included

pursuant to Fed. R. App. P. 28(f) do not count towards the 25 page limit. **Additional materials submitted in the addendum exceed the 25 page limit.**

Appellants Jay Bhattacharya, Robert F. Kennedy, Jr., National Institutes of Health and United States Department of Health and Human, Eunice Kennedy Shriver National Institute of Child Health & Human Development, John E. Fogarty International Center for Advanced Study in the Health Sciences, National Cancer Institute, National Center for Advancing Translational Sciences, National Center for Complementary & Integrative Health, National Eye Institute, National Heart Lung & Blood Institute, National Human Genome Research Institute, National Institute of Allergy & Infectious Diseases, National Institute of Arthritis & Musculoskeletal & Skin Diseases, National Institute of Biomedical Imaging & Bioengineering, National Institute of Dental & Craniofacial Research, National Institute of Diabetes & Digestive and Kidney Diseases, National Institute of Environmental Health Sciences, National Institute of General Medical Sciences, National Institute of Mental Health, National Institute of Neurological Disorders & Stroke, National Institute of Nursing Research, National Institute on Aging, National Institute on Alcohol Abuse & Alcoholism, National Institute on Deafness & Other Communication Disorders, National Institute on Drug Abuse, National Institute on Minority Health & Health Disparities, National Institutes of Health, National Library of Medicine, and NIH Center for Scientific Review are ordered to file a conforming brief by **October 16, 2025**. The corrected brief must be served on all parties to the consolidated appeals, and the certificate of service must be updated to include the new date of service.

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Rachel Anne Meeropol, Alexis Agathocleous, Jessie J. Rossman, Alejandro Ortiz, Jennifer Herrmann, Leah Watson, Suzanne Schlossberg, Kenneth Parreno, Matthew Brinckerhoff, Shalini Goel Agarwal, Ilann Margalit Maazel, Lisa Mankofsky, Max Roller Selver, Michel-Ange Desruisseaux, Olga Akselrod, Oscar Heanue, Sydney Kathryn Zazzaro, Emily Danya Gilman, Donald Campbell Lockhart, Daniel Tenny, Abraham R. George, Anuj K. Khetarpal, Benjamin C. Wei, John P. Bueker, Douglas H. Hallward-Driemeier, Amish Aajay Shah, Stephanie A. Webster, Megan Barbero, Kyle H. Keraga, David C. Kravitz, Rachel M. Brown, Katherine B. Dirks, Vanessa Arslanian, Gerard J. Cedrone, Allyson T. Slater, Phoebe Lockhart, Chris Pappavaselio, Nadav S. Pearl, Ketakee Rajiv Kane, Emilio Eugene Varanini IV, Sophia TonNu, Hilary Ann Burke Chan, Kathleen Boergers, Nimrod Pitsker Elias, Adam D. Kirschner, James C. Luh, Michael Drezner, Julia Doyle, Nicholas W. Brown, Andrew R.W. Hughes, Tyler S. Roberts, Joshua Nomkin, Shannon Wells Stevenson, Vanessa L. Kassab, Ian R. Liston, David Dana Day, Kalikoonalani Diara Fernandes, Elizabeth C. Kramer, Heidi Parry Stern, Angela Cai, Bryce Kelly Hurst, Astrid Carrete, Rabia Muqaddam, Molly Thomas-Jensen, Judith N. Vale, Robert A. Koch, Peter F. Neronha, Jordan Broadbent, Lynn Kristine Lodahl