

# **United States Court of Appeals For the First Circuit**

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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.

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### **ORDER OF COURT**

Entered: September 18, 2025

This matter is before the court on "Defendants-Appellants Assented-to Motion to Consolidate and Set a Coordinated Briefing Schedule." The motion is granted. The above-captioned cases are consolidated for purposes of briefing and oral argument, and briefing will proceed on the schedule proposed in the motion:

- defendants-appellants' opening brief and appendix should be filed by September 29, 2025;
- plaintiffs-appellees' response briefs should be filed by November 12, 2025 (per the motion, separate response briefs will be filed);
- any reply brief should be filed by December 3, 2025.

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, Kaliko‘onālan 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