

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.

CALENDARING NOTICE

Issued: November 25, 2025

This case is presently scheduled to be called for oral argument on **Tuesday, January 6, 2026, at 2:00 p.m. in Boston, MA** in the Panel Courtroom at the Moakley Courthouse, 7th Floor. There will be no continuance except for grave cause.

The court will provide live audio access to such arguments to the public. After the end of the day's arguments, audio recordings of each argument will be available on the court's website. Counsel therefore should consider the privacy implications of this before argument.

Within two weeks of the date of this notice, counsel for each party must advise this office of the name of the person(s) who will be presenting oral argument by completing and filing the [Designation Form](#) available on the court's website at www.ca1.uscourts.gov. If counsel presenting oral argument has not yet entered an appearance, counsel must file an appearance and a motion in accordance with 1st Cir. R. 12.0(a) with the Designation Form.

The identity of the panel and the times allotted to counsel for oral argument will be posted on the Court Calendar page of the court's website one week prior to the date of oral argument. Where there is more than one party on a side, the courtroom deputy will contact counsel about dividing the argument time.

Arguing counsel must arrive at least 15 minutes before court convenes and should proceed directly to the courtroom and check in with the courtroom deputy. When entering the building, counsel must comply with the COVID-19 screening procedures applicable to the Moakley Courthouse, which can be found here: [GENERAL ORDER 22-1](#).

Only attorneys and students practicing under 1st Cir. R. 46.0(f) should sit at counsel table; absent permission from the court, clients should be seated in the audience. Once counsel begins to argue, the courtroom deputy sets the signal lights. The light turns amber when counsel has five

minutes left to argue. The light turns red (and a beep sounds) when counsel's argument time has expired.

On occasion, cases scheduled for oral argument are removed from the calendar before the scheduled date. The oral argument calendar is frequently prepared before the judges have completed their review of the briefs. Therefore, if the panel ultimately concludes that argument is not warranted in a particular case, that case will be removed from the argument calendar. In such circumstances, the clerk's office will endeavor to notify counsel as promptly as possible.

Any inquiries about oral argument may be addressed to Daniel Toomey, Calendar Clerk and Courtroom Deputy, by telephone at 617-748-9982.

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Any inquiries about oral argument may be addressed to the Calendaring Clerk, Daniel Toomey, 617-748-9982.

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Shalini Goel Agarwal

Alexis Agathocleous

Olga Akselrod

Vanessa Arslanian

Megan Barbero

Ishan Kharshedji Bhabha

Kathleen Boergers

Matthew Brinckerhoff

Jordan Broadbent

Nicholas W. Brown

Rachel M. Brown

John P. Bueker

Hilary Ann Burke Chan

Angela Cai

Astrid Carrete

Gerard J. Cedrone

David Dana Day
Michel-Ange Desruisseaux
Katherine B. Dirks
Julia Doyle
Michael Drezner
Nimrod Pitsker Elias
Kalikoonalani Diara Fernandes
Leah Belaire Foley
Abraham R. George
Emily Danya Gilman
Omar Gonzalez-Pagan
Douglas H. Hallward-Driemeier
Lindsay C. Harrison
Oscar Heanue
Elizabeth Parr Hecker
Elizabeth Henthorne
Jennifer Herrmann
Andrew R.W. Hughes
Bryce Kelly Hurst
Ketakee Rajiv Kane
Vanessa L. Kassab
Kyle H. Keraga
Anuj K. Khetarpal
Adam D. Kirschner
Robert A. Koch
Elizabeth C. Kramer
David C. Kravitz
Ian R. Liston
Donald Campbell Lockhart
Phoebe Lockhart
Lynn Kristine Lodahl
Karen Lee Loewy
James C. Luh
Ilann Margalit Maazel
Lisa Mankofsky
Emily Rose Marcy
Rachel Anne Meeropol
Rabia Muqaddam
Peter F. Neronha
Joshua Nomkin
Alejandro Ortiz
Chris Pappavaselio
Kenneth Parreno
Nadav S. Pearl
Tyler S. Roberts
Jessie J. Rossman

Anjana Samant
Suzanne Schlossberg
Max Roller Selver
Amy Senier
Amish Aajay Shah
Brett Allen Shumate
Allyson T. Slater
Matthew James Stanford
Heidi Parry Stern
Shannon Wells Stevenson
Carlie Tenenbaum
Daniel Tenny
Molly Thomas-Jensen
Sophia TonNu
Judith N. Vale
Emilio Eugene Varanini IV
Leah Watson
Stephanie A. Webster
Benjamin C. Wei
Sydney Kathryn Zazzaro