

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

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*,

Defendants.

No. 1:25-cv-12118-IT

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully submit this notice of supplemental authority to apprise the Court of the First Circuit’s recent order denying a motion for an injunction pending appeal in *Family Planning Association of Maine v. HHS*, No. 25-1829 (1st Cir. Oct. 16, 2025). After the District Court for the District of Maine denied a preliminary injunction seeking to enjoin enforcement of Section 71113, the plaintiff appealed and sought an injunction pending appeal. The First Circuit denied the motion, seeing “no basis for issuing” such relief. *Id.* at 2. After that ruling, the Court of Appeals has now twice determined that Section 71113 should remain in effect while challenges to it are litigated. *Id.*; see *Planned Parenthood v. Kennedy*, No. 25-1698 (1st Cir. Sept. 11, 2025). This Court should follow the same approach here and deny the States’ motion for a preliminary injunction.

Dated: October 20, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2025, the foregoing pleading was filed electronically through the CM/ECF system, which causes all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/s/ Elisabeth J. Neylan

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Trial Attorney

United States Department of Justice