

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

State of New York, *et al.*,
Plaintiffs - Appellees,

v.

Robert F. Kennedy, Jr., *et al.*,
Defendants - Appellants.

On Appeal from the U.S. District Court for the District of Rhode Island,
Case No. 1:25-cv-00196; Hon. Melissa R. DuBose

**MOTION OF CAMPAIGN FOR TOBACCO-FREE KIDS FOR LEAVE TO
FILE BRIEF *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS-
APPELLEES' OPPOSITION TO EMERGENCY MOTION FOR STAY
PENDING APPEAL**

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MOTION

Under Rule 27 of the Federal Rules of Appellate Procedure, the Campaign for Tobacco-Free Kids (“Tobacco-Free Kids”) hereby moves the Court for leave to file a brief *amicus curiae* in support of Plaintiffs-Appellees’ Opposition to Defendants-Appellants’ Emergency Motion for Stay Pending Appeal. Tobacco-Free Kids proposes filing its brief no later than Thursday, August 21, 2025. Plaintiffs-Appellees and Defendants-Appellees both consent to the proposed *amicus* brief.

Tobacco-Free Kids is a 501(c)(3) nonprofit organization and a leading advocacy organization working to reduce tobacco use and its deadly consequences in the United States and around the world. Tobacco-Free Kids regularly partners with various medical, public health, and community organizations that work on a daily basis to reduce the devastating health harms of tobacco products. From pediatricians who counsel their young patients and their parents about the hazards of tobacco use, to organizations with formal programs to urge users to quit, to groups representing parents and families struggling to free young people from nicotine addiction, Tobacco-Free Kids and these organizations have direct and immediate interests in protecting the lifesaving programs and activities of agencies within the U.S. Department of Health and Human Services directed at reducing tobacco-related disease and mortality, including the Office on Smoking and Health (OSH) and the Center for Tobacco Products (CTP). A stay of the Preliminary Injunction would

seriously undermine federal and state efforts to prevent the death and suffering caused by tobacco products, including the addiction of millions of young people. Tobacco-Free Kids is actively soliciting participation in its proposed brief from some of these partner organizations and anticipates that its submitted brief will be joined by several of these groups.

This *amicus* brief is desirable because Tobacco-Free Kids and its partner organizations have substantial expertise in the health harms of tobacco products, as well as a deep understanding of the programs and activities of OSH and CTP that are critical components of national and state efforts to address the myriad health harms of tobacco. *Amici* can address not only the harm to the Plaintiff States from the requested stay, but also the harm to young people and their families.

The proposed brief would comply with Rule 27(d) and be no longer than 20 pages and 5,200 words.

For these reasons, Tobacco-Free Kids urges the Court to grant this motion for leave to file a brief *amicus curiae*.

Respectfully submitted,

/s/ Christina S. Marshall

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Dated: August 19, 2025

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because the motion contains 389 words. The motion complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5) and (6) because it has been prepared in a proportionally spaced typeface using Microsoft Office 365 in 14-point Times New Roman font.

August 19, 2025

/s/ Christina S. Marshall
Christina S. Marshall

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system on August 19, 2025.

I hereby certify that participants in the case are represented by registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system, except the following who will be served by electronic and First Class mail:

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