

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: November 20, 2025

These matters are before the court on the following filed and tendered papers:

- a publicly tendered "Supplemental Appendix - Volume I";
- a publicly filed "Motion to Supplement the Record," asking the court to accept for filing "Supplemental Appendix - Volume II";
- a publicly tendered, redacted version of "Supplemental Appendix - Volume II," which is attached to the "Motion to Supplement the Record" as an exhibit;
- a tendered-under-seal, unredacted version of "Supplemental Appendix - Volume II"; and
- a publicly filed "Assented-to Motion to Seal Portions of Supplemental Record," through which moving plaintiffs-appellees ask the court to accept for filing under seal the unredacted version of "Supplemental Appendix - Volume II."

The various requests reflected in these papers are resolved as follows, with all rulings subject to revisitation by the ultimate merits panel. The publicly tendered "Supplemental Appendix - Volume I" was not accompanied by a motion for leave to file, but we infer such a request, and "Supplemental Appendix - Volume I" is accepted for public filing. The "Motion to Supplement the Record" and the "Assented-to Motion to Seal Portions of Supplemental Record" are granted. The publicly tendered, redacted version of "Supplemental Appendix - Volume II" is accepted for public filing, and the tendered-under-seal, unredacted version of "Supplemental Appendix - Volume II" is accepted for filing under seal. Again, all these rulings are subject to revisitation by the ultimate merits panel.

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, Leah Belaire Foley, Daniel Tenny, Brett Allen Shumate, 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, Amy Senior, Anjana Samant, Astrid Carrete, Rabia Muqaddam, Molly Thomas-Jensen, Judith N. Vale, Robert A. Koch, Peter F. Neronha, Jordan Broadbent, Lynn Kristine Lodahl