

APPEAL,JAWRECUSED,STANDARD,STAYED

**U.S. District Court
District of Maine (Portland)
CIVIL DOCKET FOR CASE #: 2:25-cv-00600-LEW**

AMERICAN HOSPITAL ASSOCIATION et al v. KENNEDY
et al

Assigned to: JUDGE LANCE E. WALKER

Referred to: MAGISTRATE JUDGE KAREN FRINK WOLF

Case in other court: First Circuit Court of Appeals, 25-02236

Cause: 05:702 Administrative Procedure Act

Date Filed: 12/01/2025

Jury Demand: None

Nature of Suit: 899 Other Statutes:

Administrative Procedures Act/Review or

Appeal of Agency Decision

Jurisdiction: U.S. Government Defendant

Plaintiff

MAINE HOSPITAL ASSOCIATION

represented by **JENIFER N. HARTLEY**
DUNN ISAACSON RHEE LLP
401 9TH STREET NW
WASHINGTON, DC 20004
202-240-2922
Email: jhartley@dirllp.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

KAREN L. DUNN
DUNN ISAACSON RHEE LLP
401 9TH STREET, NW
WASHINGTON, DC 20004
202-240-2900
Email: kdunn@dirllp.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

LAWRENCE ATKINSON
DUNN ISAACSON RHEE LLP
401 9TH STREET NW
401 9th St. N.W.
WASHINGTON, DC 20004
202-240-2900
Email: ratkinson@dirllp.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

LYLE GRUBY
DUNN ISAACSON RHEE LLP
401 9TH STREET NW
WASHINGTON, DC 20004
903-746-3513
Email: lgruby@dirllp.com

*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

MELISSA A. HEWEY
DRUMMOND WOODSUM &
MACMAHON
84 MARGINAL WAY
SUITE 600
PORTLAND, ME 04101
207-772-1941
Email: mhewey@dwmlaw.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

TYLER THOMAS MIKULIS
DUNN ISAACSON RHEE LLP
401 9TH STREET NW
WASHINGTON, DC 20004
202-240-2900
Email: tmikulis@dirllp.com
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

JENNIFER RIGGLE
DRUMMOND WOODSUM
84 MARGINAL WAY
SUITE 600
PORTLAND, ME 04101-2480
207-776-1073
Email: jriggle@dwmlaw.com
ATTORNEY TO BE NOTICED

Plaintiff

**ST MARY'S REGIONAL MEDICAL
CENTER**

represented by **JENIFER N. HARTLEY**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

KAREN L. DUNN
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

LAWRENCE ATKINSON
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

LYLE GRUBY
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

MELISSA A. HEWEY
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

TYLER THOMAS MIKULIS
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

JENNIFER RIGGLE
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**NATHAN LITTAUER HOSPITAL &
NURSING HOME**

represented by **JENIFER N. HARTLEY**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

KAREN L. DUNN
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

LAWRENCE ATKINSON
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

LYLE GRUBY
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

MELISSA A. HEWEY
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

TYLER THOMAS MIKULIS
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

JENNIFER RIGGLE
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

UNITY MEDICAL CENTER

represented by **JENIFER N. HARTLEY**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

KAREN L. DUNN
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

LAWRENCE ATKINSON
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

LYLE GRUBY
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

MELISSA A. HEWEY
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

TYLER THOMAS MIKULIS
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

JENNIFER RIGGLE
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**DALLAS COUNTY MEDICAL
CENTER**

represented by **JENIFER N. HARTLEY**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

KAREN L. DUNN
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

LAWRENCE ATKINSON
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

LYLE GRUBY
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

MELISSA A. HEWEY
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

TYLER THOMAS MIKULIS
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

JENNIFER RIGGLE
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**AMERICAN HOSPITAL
ASSOCIATION**

represented by **JENIFER N. HARTLEY**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

KAREN L. DUNN
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

LAWRENCE ATKINSON
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

LYLE GRUBY
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

MELISSA A. HEWEY
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

TYLER THOMAS MIKULIS
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

JENNIFER RIGGLE
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

ROBERT F KENNEDY, JR
*Secretary of the US Department of Health
and Human Services*

represented by **ELISABETH NEYLAN**
DOJ-CIV
1100 L STREET NW
WASHINGTON, DC 20005
908-447-7581
Email: elisabeth.j.neylan@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

THOMAS J ENGELS
*Administrator Health Resources and
Services Administration*

represented by **ELISABETH NEYLAN**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**HEALTH RESOURCES AND
SERVICES ADMINISTRATION**

represented by **ELISABETH NEYLAN**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

represented by

**UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN
SERVICES**

ELISABETH NEYLAN
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

UNITED STATES OF AMERICA

represented by **ELISABETH NEYLAN**
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

PHARMACYCLICS LLC

represented by **JAY S. GELLER**
LAW OFFICE OF JAY S. GELLER
LUNT PROFESSIONAL BUILDING
74 LUNT ROAD
SUITE 206
FALMOUTH, ME 04105
207-899-1477
Email: jgeller@jaysgellerlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MATTHEW SCOTT OWEN
KIRKLAND & ELLIS LLP
1301 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004
202-389-5943
Email: matt.owen@kirkland.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

MEREDITH M. POHL
KIRKLAND & ELLIS LLP
1301 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004
202-389-3185
Email: meredith.pohl@kirkland.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

NICK BELL
KIRKLAND & ELLIS LLP
1301 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004
202-389-3504
Email: nick.bell@kirkland.com
ATTORNEY TO BE NOTICED

Amicus

340B HEALTH

represented by

ALYSSA HOWARD
ZUCKERMAN SPAEDER LLP
2100 L STREET NW
SUITE 400
WASHINGTON, DC 20037-1525
202-778-1800
Email: ahoward@zuckerman.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

EDWARD S. MACCOLL
THOMPSON, MACCOLL & BASS LLC,
P.A.
15 MONUMENT SQUARE, 4TH FLOOR
P.O. BOX 447
PORTLAND, ME 04112
207-774-7600
Email: emaccoll@thomport.com
ATTORNEY TO BE NOTICED

WILLIAM B. SCHULTZ
ZUCKERMAN SPAEDER LLP
2100 L STREET NW
SUITE 400
WASHINGTON, DC 20037-1525
202-778-1800
Fax: 202-822-8106
Email: wschultz@zuckerman.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amicus

**AMERICA'S ESSENTIAL
HOSPITALS**

represented by **ALYSSA HOWARD**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

EDWARD S. MACCOLL
(See above for address)
ATTORNEY TO BE NOTICED

WILLIAM B. SCHULTZ
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amicus

**ASTRAZENECA
PHARMACEUTICALS LP**

represented by **ALLON KEDEM**
ARNOLD & PORTER KAYE SCHOLER

LLP
601 MASSACHUSETTS AVE NW
WASHINGTON, DC 20001
202-942-6234
Email: allon.kedem@arnoldporter.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

JEFFREY D. TALBERT
ARNOLD & PORTER KAYE SCHOLER
LLP
OONE GATEWAY CENTER
SUITE 1025
NEWARK, NJ 07102-5322
973-776-1900
Fax: 973-776-1919
Email: jeff.talbert@arnoldporter.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

JEFFREY L. HANDWERKER
ARNOLD & PORTER KAYE SCHOLER
LLP
601 MASSACHUSETTS AVE NW
WASHINGTON, DC 20001
202-942-5000
Email: jeffrey.handwerker@arnoldporter.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amicus

**PHARMACEUTICAL RESEARCH
AND MANUFACTURERS OF
AMERICA**

represented by **CORIN R. SWIFT**
SIDLEY AUSTIN LLP
787 SEVENTH AVENUE
NEW YORK, NY 10019
212-839-5381
Fax: 212-839-5599
Email: corin.swift@sidley.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

DANIEL L. ROSENTHAL
MARCUS CLEGG
16 MIDDLE STREET
UNIT 501
PORTLAND, ME 04101-5166
207-828-8000
Email: drosenthal@mcm-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KWAKU A. AKOWUAH
SIDLEY AUSTIN LLP
1501 K STREET, NW
WASHINGTON, DC 20005
202-736-8000
Email: kakowuah@sidley.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

MADELEINE A. JOSEPH
SIDLEY AUSTIN LLP
1501 K STREET, NW
WASHINGTON, DC 20005
202-736-8071
Email: mjoseph@sidley.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

MEENAKSHI A DATTA
SIDLEY AUSTIN LLP
1501 K ST NW
WASHINGTON, DC 20005
PRO HAC VICE
ATTORNEY TO BE NOTICED

THOMAS ROSS BRUGATO
COVINGTON & BURLING LLP
ONE CITY CENTER
850 TENTH STREET NW
WASHINGTON, DC 20001
202-662-5515
Email: tbrugato@cov.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amicus

**BOEHRINGER INGELHEIM
PHARMACEUTICALS INC**

represented by **ALFRED CECIL FRAWLEY , IV**
MCCLOSKEY, MINA, CUNNIF, &
FRAWLEY LLC
12 CITY CENTER
PORTLAND, ME 04101
207-772-6805
Email: afrawley@lawmmc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

DANIEL GERARD RANDOLPH
COVINGTON & BURLING LLP
ONE CITY CENTER
850 TENTH ST NW
WASHINGTON, DC 20001
202-662-5733

Email: drandolph@cov.com
ATTORNEY TO BE NOTICED

KEVIN F. KING
COVINGTON & BURLING LLP
ONE CITY CENTER
850 TENTH STREET, NW
WASHINGTON, DC 20001-4956
202-552-5488
Fax: 202-778-5488
Email: kking@cov.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amicus

NOVO NORDISK INC

represented by **ALFRED CECIL FRAWLEY, IV**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

DANIEL GERARD RANDOLPH
(See above for address)
ATTORNEY TO BE NOTICED

KEVIN F. KING
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Movant

ABBVIE INC

represented by **MATTHEW SCOTT OWEN**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

JAY S. GELLER
(See above for address)
ATTORNEY TO BE NOTICED

MEREDITH M. POHL
(See above for address)
ATTORNEY TO BE NOTICED

NICK BELL
(See above for address)
ATTORNEY TO BE NOTICED

Email All Attorneys
Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
12/01/2025	<u>1</u>	COMPLAINT against All Defendants PAYMENT OF FILING FEE DUE WITHIN 48 HOURS. IF FILING FEE IS BEING PAID WITH A CREDIT CARD COUNSEL ARE INSTRUCTED TO LOGIN TO CMECF AND DOCKET Case Opening Filing Fee Paid FOUND IN THE <i>Complaints and Other Initiating Documents</i> CATEGORY. CHECK PAYMENTS DUE WITHIN 48 HOURS. , filed by DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, UNITY MEDICAL CENTER, AMERICAN HOSPITAL ASSOCIATION, ST MARY'S REGIONAL MEDICAL CENTER. (Service of Process Deadline 3/2/2026) Fee due by 12/3/2025.(mtm) (Entered: 12/01/2025)
12/01/2025	<u>2</u>	CIVIL COVER SHEET. (mtm) (Entered: 12/01/2025)
12/01/2025	<u>3</u>	MOTION for Temporary Restraining Order by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER (mtm) (Entered: 12/01/2025)
12/01/2025	<u>4</u>	DECLARATION of Jeffrey Austin re <u>3</u> MOTION for Temporary Restraining Order filed by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER. (mtm) (Entered: 12/01/2025)
12/01/2025	<u>5</u>	DECLARATION of Winfield S. Brown re <u>3</u> MOTION for Temporary Restraining Order filed by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER. (mtm) (Entered: 12/01/2025)
12/01/2025	<u>6</u>	DECLARATION of Sean M. Fadale re <u>3</u> MOTION for Temporary Restraining Order filed by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER. (mtm) (Entered: 12/01/2025)
12/01/2025	<u>7</u>	DECLARATION of Chad Golder re <u>3</u> MOTION for Temporary Restraining Order filed by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER. (mtm) (Entered: 12/01/2025)
12/01/2025	<u>8</u>	DECLARATION of H. David Mantz re <u>3</u> MOTION for Temporary Restraining Order filed by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER. (mtm) (Entered: 12/01/2025)
12/01/2025	<u>9</u>	DECLARATION of Alan W. O'Neil re <u>3</u> MOTION for Temporary Restraining Order filed by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER. (mtm) (Entered: 12/01/2025)

12/01/2025	<u>10</u>	DECLARATION of L. Rush Atkinson re <u>3</u> MOTION for Temporary Restraining Order filed by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER. (Attachments: # <u>1</u> Ex. 01 – Letter from Chantelle Britton Director OPA HRSA to JJ (Aug. 14 2024), # <u>2</u> Ex. 02 – Letter from Carole Johnson Administrator HRSA to JJ (Sept. 17 2024), # <u>3</u> Ex. 03 – Letter from Carole Johnson Administrator HRSA to JJ (Sept. 27 2024), # <u>4</u> Ex. 04 – Letter from Chantelle Britton Director OPA HRSA to Lilly (Sept. 18 2024), # <u>5</u> Ex. 05 – Letter from Chantelle Britton Director OPA HRSA to BMS (Nov. 4 2024), # <u>6</u> Ex. 06 – Letter from Chantelle Britton Director OPA HRSA to Sanofi (Nov. 12 2024), # <u>7</u> Ex. 07 – Letter from Chantelle Britton Director OPA HRSA to Novartis (Jan. 14 2025), # <u>8</u> Ex. 08 – HRSA–2025–0001–0052, # <u>9</u> Ex. 09 – HRSA–2025–0001–0076, # <u>10</u> Ex. 10 – HRSA–2025–0001–0110, # <u>11</u> Ex. 11 – HRSA–2025–0001–0378, # <u>12</u> Ex. 12 – HRSA–2025–0001–0401, # <u>13</u> Ex. 13 – HRSA–2025–0001–0621, # <u>14</u> Ex. 14 – HRSA–2025–0001–0802, # <u>15</u> Ex. 15 – HRSA–2025–0001–0870, # <u>16</u> Ex. 16 – HRSA–2025–0001–0974, # <u>17</u> Ex. 17 – HRSA–2025–0001–1074, # <u>18</u> Ex. 18 – HRSA–2025–0001–1111, # <u>19</u> Ex. 19 – HRSA–2025–0001–0106, # <u>20</u> Ex. 20 – HRSA–2025–0001–0495, # <u>21</u> Ex. 21 – HRSA–2025–0001–0099, # <u>22</u> Ex. 22 – HRSA–2025–0001–0005, # <u>23</u> Ex. 23 – HRSA–2025–0001–0215, # <u>24</u> Ex. 24 – HRSA–2025–0001–0842, # <u>25</u> Ex. 25 – HRSA–2025–0001–0549, # <u>26</u> Ex. 26 – HRSA–2025–0001–0465, # <u>27</u> Ex. 27 – HRSA–2025–0001–0748, # <u>28</u> Ex. 28 – HRSA–2025–0001–0951, # <u>29</u> Ex. 29 – Engels Ltr to OIR, # <u>30</u> Ex. 30 – Supporting Statement to OMB)(mtm) (Entered: 12/01/2025)
12/01/2025	<u>11</u>	Summons Issued as to THOMAS J ENGELS, HEALTH RESOURCES AND SERVICES ADMINISTRATION, ROBERT F KENNEDY, JR, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES OF AMERICA. Counsel shall print the embossed summons and effect service in the manner in accordance with Fed.R.Civ.P.4. Note–If you are using Version 6 of Adobe Acrobat, be sure the PRINT WHAT field is set to DOCUMENTS AND COMMENTS (Click File, then Print to check this setting). (Attachments: # <u>1</u> Summons as to The United States c/o Pamela Bondi, US Attorney General, # <u>2</u> Summons as to United States Department of Health and Human Services, # <u>3</u> Summons as to Robert F. Kennedy Jr., # <u>4</u> Summons as to Thomas J. Engels, # <u>5</u> Summons as to Health Resources and Services Administration)(mtm) (Entered: 12/01/2025)
12/01/2025		Set Deadlines : Per Civil Rule 7.1 as Amended December 1, 2022 Disclosure Statement due by 12/8/2025 as to all Plaintiffs. (mtm) (Entered: 12/01/2025)
12/02/2025		Filing Fee Paid via Credit Card (Filing fee \$ 405 receipt number AMEDC-3212877.), filed by DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, UNITY MEDICAL CENTER, AMERICAN HOSPITAL ASSOCIATION, ST MARY'S REGIONAL MEDICAL CENTER.(HEWEY, MELISSA) (Entered: 12/02/2025)

12/02/2025	<u>12</u>	RULE 7.1 DISCLOSURE STATEMENT by AMERICAN HOSPITAL ASSOCIATION. (HEWEY, MELISSA) (Entered: 12/02/2025)
12/02/2025	<u>13</u>	RULE 7.1 DISCLOSURE STATEMENT by DALLAS COUNTY MEDICAL CENTER. (HEWEY, MELISSA) (Entered: 12/02/2025)
12/02/2025	<u>14</u>	RULE 7.1 DISCLOSURE STATEMENT by MAINE HOSPITAL ASSOCIATION. (HEWEY, MELISSA) (Entered: 12/02/2025)
12/02/2025	<u>15</u>	RULE 7.1 DISCLOSURE STATEMENT by NATHAN LITTAUER HOSPITAL & NURSING HOME. (HEWEY, MELISSA) (Entered: 12/02/2025)
12/02/2025	<u>16</u>	RULE 7.1 DISCLOSURE STATEMENT by ST MARY'S REGIONAL MEDICAL CENTER. (HEWEY, MELISSA) (Entered: 12/02/2025)
12/02/2025	<u>17</u>	RULE 7.1 DISCLOSURE STATEMENT by UNITY MEDICAL CENTER. (HEWEY, MELISSA) (Entered: 12/02/2025)
12/02/2025	<u>18</u>	CERTIFICATION for Admission Pro Hac Vice of Karen L. Dunn, Rush Atkinson, Lyle Gruby filed by MELISSA A. HEWEY on behalf of All Plaintiffs (Total admission fee \$ 600 receipt number AMEDC-3213290.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (Attachments: # <u>1</u> Rush Atkinson, # <u>2</u> Lyle Gruby)(HEWEY, MELISSA) (Entered: 12/02/2025)
12/02/2025	<u>19</u>	CERTIFICATION for Admission Pro Hac Vice of Jenifer Hartley, Tyler Thomas Mikulis filed by MELISSA A. HEWEY on behalf of All Plaintiffs (Total admission fee \$ 400 receipt number AMEDC-3213318.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (Attachments: # <u>1</u> Tyler Thomas Mikulis)(HEWEY, MELISSA) (Entered: 12/02/2025)
12/02/2025	<u>20</u>	NOTICE of APPROVAL by Clerk's Office re <u>18</u> Certification for Admission Pro Hac Vice and <u>19</u> Certification for Admission Pro Hac Vice. Attorneys KAREN L. DUNN, RUSH ATKINSON, LYLE GRUBY, JENIFER HARTLEY, and TYLER THOMAS MIKULIS for AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER and UNITY MEDICAL CENTER added to this specific case only. Maine has transitioned to the NextGen ECF filing system; therefore, to complete the admissions process, Attorneys Karen L. Dunn, Rush Atkinson, Lyle Gruby, Jenifer Hartley, and Tyler Thomas Mikulis must register for a PACER account and/or request the appropriate e-filing rights in the District of Maine via PACER at www.pacer.uscourts.gov by 12/9/2025. NOTE: Counsel appearing Pro Hac Vice MUST click on the PRO HAC VICE link when requesting e-filing rights via PACER. For more details on NextGen/PACER go to our website at www.med.uscourts.gov . (jgd) (Entered: 12/02/2025)
12/04/2025	<u>21</u>	NOTICE of Appearance by ELISABETH NEYLAN on behalf of All Defendants (NEYLAN, ELISABETH) (Entered: 12/04/2025)

12/05/2025	<u>22</u>	NOTICE of Hearing: Telephone Conference set for 12/8/2025 11:00 AM before JUDGE JOHN A. WOODCOCK JR. The parties have been provided the Court's call-in information. (jam) (Entered: 12/05/2025)
12/05/2025	<u>23</u>	NOTICE of Appearance by JENNIFER RIGGLE on behalf of AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER (RIGGLE, JENNIFER) (Entered: 12/05/2025)
12/05/2025	<u>24</u>	NOTICE of Appearance by JAY S. GELLER on behalf of AbbVie Inc., PHARMACYCLICS LLC (GELLER, JAY) (Entered: 12/05/2025)
12/05/2025	<u>25</u>	NOTICE/CORRESPONDENCE Re: Intent To Intervene by AbbVie Inc., PHARMACYCLICS LLC (GELLER, JAY) (Entered: 12/05/2025)
12/05/2025	<u>26</u>	RULE 7.1 DISCLOSURE STATEMENT by AbbVie Inc., PHARMACYCLICS LLC. (GELLER, JAY) (Entered: 12/05/2025)
12/05/2025	<u>27</u>	CERTIFICATION for Admission Pro Hac Vice of Matthew S. Owen filed by MATTHEW SCOTT OWEN on behalf of AbbVie Inc., PHARMACYCLICS LLC (Total admission fee \$ 200 receipt number AMEDC-3215533.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (OWEN, MATTHEW) (Entered: 12/05/2025)
12/05/2025	<u>28</u>	CERTIFICATION for Admission Pro Hac Vice of Meredith Pohl filed by MEREDITH M. POHL on behalf of AbbVie Inc., PHARMACYCLICS LLC (Total admission fee \$ 200 receipt number AMEDC-3215546.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (POHL, MEREDITH) (Entered: 12/05/2025)
12/07/2025	<u>29</u>	NOTICE/CORRESPONDENCE Re: AbbVie Notice (Dkt. No. 25) by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER (ATKINSON, LAWRENCE) (Entered: 12/07/2025)
12/08/2025	30	NOTICE of APPROVAL by Clerk's Office re <u>27</u> Certification for Admission Pro Hac Vice and <u>28</u> Certification for Admission Pro Hac Vice. Attorneys MEREDITH M. POHL and MATTHEW SCOTT OWEN for ABBVIE INC and PHARMACYCLICS LLC added to this specific case only. (jgd) (Entered: 12/08/2025)
12/08/2025	31	Minute Entry for proceedings held before JUDGE JOHN A. WOODCOCK, JR: Telephone Conference held, Set Deadlines as to Motion for TRO (Responses due by 12/15/2025, Reply due by 12/18/2025.). (Court Reporter: Michelle Feliccitti) (jam) (Entered: 12/08/2025)
12/08/2025		Set Deadlines per directive of U.S. District Judge John A. Woodcock, Jr.: Motion to Intervene due by 12/10/2025, Responses due 12/15/2025. (jam) (Entered: 12/08/2025)
12/08/2025	32	NOTICE of Hearing on Motion <u>3</u> MOTION for Temporary Restraining Order : Oral Argument set for 12/19/2025 11:00 AM in Portland Courtroom 2 before JUDGE

		JOHN A. WOODCOCK JR. (jam) (Entered: 12/08/2025)
12/10/2025	<u>33</u>	CERTIFICATION for Admission Pro Hac Vice of Alyssa Howard filed by EDWARD S. MACCOLL on behalf of 340B HEALTH, America's Essential Hospitals (Total admission fee \$ 200 receipt number AMEDC-3217208.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (MACCOLL, EDWARD) (Entered: 12/10/2025)
12/10/2025	<u>34</u>	***FILED IN ERROR***CERTIFICATION for Admission Pro Hac Vice of William B. Schultz filed by EDWARD S. MACCOLL on behalf of 340B HEALTH, America's Essential Hospitals (Total admission fee \$ 200 receipt number AMEDC-3217219.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (Attachments: # <u>1</u> Attachment)(MACCOLL, EDWARD) Modified on 12/10/2025 to mark as filed in error. Counsel to re-file (slg). (Entered: 12/10/2025)
12/10/2025	<u>35</u>	NOTICE of Appearance by JEFFREY D. TALBERT on behalf of ASTRAZENECA PHARMACEUTICALS LP (TALBERT, JEFFREY) (Entered: 12/10/2025)
12/10/2025	<u>36</u>	MOTION to Intervene by ABBVIE INC, PHARMACYCLICS LLC Responses due by 12/31/2025. (Attachments: # <u>1</u> Exhibit Ex. 1 – 2025.12.10 Pilot Program Aynilian Decl, # <u>2</u> Exhibit Ex. 2 – 2025.12.10 Pilot Progr. Scheidler Decl.)(OWEN, MATTHEW) (Entered: 12/10/2025)
12/10/2025	<u>37</u>	NOTICE of Docket Entry Modification regarding <u>34</u> Certification for Admission Pro Hac Vice. Marked as filed in error by the Clerk's Office. Counsel to re-file. (slg) (Entered: 12/10/2025)
12/10/2025	<u>38</u>	NOTICE of APPROVAL by Clerk's Office re <u>33</u> Certification for Admission Pro Hac Vice. Attorney ALYSSA HOWARD for 340B HEALTH and AMERICA'S ESSENTIAL HOSPITALS added to this specific case only. (slg) (Entered: 12/10/2025)
12/10/2025	<u>39</u>	MOTION to Intervene by ASTRAZENECA PHARMACEUTICALS LP Responses due by 12/31/2025. (Attachments: # <u>1</u> Exhibit 1 – Declaration In Support of Motion to Intervene)(TALBERT, JEFFREY) (Entered: 12/10/2025)
12/10/2025	<u>40</u>	RULE 7.1 DISCLOSURE STATEMENT by ASTRAZENECA PHARMACEUTICALS LP. (TALBERT, JEFFREY) (Entered: 12/10/2025)
12/10/2025		Reset Deadlines as to <u>36</u> MOTION to Intervene , <u>39</u> MOTION to Intervene per directive of U.S. District Judge John A. Woodcock, Jr. on December 8, 2025: Responses due by 12/15/2025. (jam) (Entered: 12/10/2025)
12/10/2025	<u>41</u>	CERTIFICATION for Admission Pro Hac Vice of Allon Kedem, Jeffrey L. Handwerker filed by JEFFREY D. TALBERT on behalf of ASTRAZENECA PHARMACEUTICALS LP (Total admission fee \$ 400 receipt number AMEDC-3217340.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (Attachments: # <u>1</u> Supplement

		Certification for Admission PHV Jeffrey L. Handwerker)(TALBERT, JEFFREY) (Entered: 12/10/2025)
12/10/2025	<u>42</u>	NOTICE of APPROVAL by Clerk's Office re <u>41</u> Certification for Admission Pro Hac Vice. Attorney ALLEN KEDEM for ASTRAZENECA PHARMACEUTICALS LP added to this specific case only. (slg) (Entered: 12/10/2025)
12/10/2025	<u>43</u>	NOTICE of APPROVAL by Clerk's Office re <u>41</u> Certification for Admission Pro Hac Vice. Attorney JEFFREY L. HANDWERKER for ASTRAZENECA PHARMACEUTICALS LP added to this specific case only. (slg) (Entered: 12/10/2025)
12/10/2025	<u>44</u>	NOTICE of Appearance by CORIN R. SWIFT on behalf of PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA (SWIFT, CORIN) (Entered: 12/10/2025)
12/10/2025	<u>45</u>	MOTION to Intervene by PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA Responses due by 12/31/2025. (Attachments: # <u>1</u> Exhibit 1 Declaration of James C. Stansel, # <u>2</u> Exhibit 2 Declaration of Lauren Paluzzi)(SWIFT, CORIN) (Entered: 12/10/2025)
12/10/2025	<u>46</u>	RULE 7.1 DISCLOSURE STATEMENT by PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA. (SWIFT, CORIN) (Entered: 12/10/2025)
12/10/2025	<u>47</u>	CERTIFICATION for Admission Pro Hac Vice of Kwaku A. Akowuah filed by CORIN R. SWIFT on behalf of PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA (Total admission fee \$ 200 receipt number AMEDC-3217699.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (SWIFT, CORIN) (Entered: 12/10/2025)
12/10/2025	<u>48</u>	CERTIFICATION for Admission Pro Hac Vice of Madeleine Joseph filed by CORIN R. SWIFT on behalf of PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA (Total admission fee \$ 200 receipt number AMEDC-3217700.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (SWIFT, CORIN) (Entered: 12/10/2025)
12/10/2025	<u>49</u>	CERTIFICATION for Admission Pro Hac Vice of Meenakshi Datta filed by CORIN R. SWIFT on behalf of PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA (Total admission fee \$ 200 receipt number AMEDC-3217701.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (SWIFT, CORIN) (Entered: 12/10/2025)
12/10/2025	<u>50</u>	MOTION to Intervene by Boehringer Ingelheim Pharmaceuticals, Inc., Novo Nordisk Inc. Responses due by 12/31/2025. (Attachments: # <u>1</u> Decl. of Alfred C. Frawley, # <u>2</u> Exhibit A to Frawley Decl., # <u>3</u> Exhibit B to Frawley Decl., # <u>4</u> C. Marsh Decl., # <u>5</u> F. Jafery Decl.)(FRAWLEY, ALFRED) (Entered: 12/10/2025)

12/10/2025	<u>51</u>	RULE 7.1 DISCLOSURE STATEMENT by Boehringer Ingelheim Pharmaceuticals, Inc.. (FRAWLEY, ALFRED) (Entered: 12/10/2025)
12/10/2025	<u>52</u>	RULE 7.1 DISCLOSURE STATEMENT by Novo Nordisk Inc.. (FRAWLEY, ALFRED) (Entered: 12/10/2025)
12/10/2025	<u>53</u>	CERTIFICATION for Admission Pro Hac Vice of Thomas R. Brugato filed by ALFRED CECIL FRAWLEY, IV on behalf of Boehringer Ingelheim Pharmaceuticals, Inc., Novo Nordisk Inc. (Total admission fee \$ 200 receipt number AMEDC-3217711.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (FRAWLEY, ALFRED) (Entered: 12/10/2025)
12/10/2025	<u>54</u>	CERTIFICATION for Admission Pro Hac Vice of Kevin King filed by ALFRED CECIL FRAWLEY, IV on behalf of Boehringer Ingelheim Pharmaceuticals, Inc., Novo Nordisk Inc. (Total admission fee \$ 200 receipt number AMEDC-3217713.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (FRAWLEY, ALFRED) (Entered: 12/10/2025)
12/10/2025	<u>55</u>	CERTIFICATION for Admission Pro Hac Vice of Daniel G. Randolph filed by ALFRED CECIL FRAWLEY, IV on behalf of Boehringer Ingelheim Pharmaceuticals, Inc., Novo Nordisk Inc. (Total admission fee \$ 200 receipt number AMEDC-3217715.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (FRAWLEY, ALFRED) (Entered: 12/10/2025)
12/11/2025		Reset Deadlines as to <u>45</u> MOTION to Intervene , <u>50</u> MOTION to Intervene per directive of U.S. District Judge John A. Woodcock, Jr. on December 8, 2025: Responses due by 12/15/2025. (jam) (Entered: 12/11/2025)
12/11/2025	<u>56</u>	<p>NOTICE of APPROVAL by Clerk's Office re <u>48</u> Certification for Admission Pro Hac Vice <u>53</u> Certification for Admission Pro Hac Vice <u>49</u> Certification for Admission Pro Hac Vice <u>55</u> Certification for Admission Pro Hac Vice <u>54</u> Certification for Admission Pro Hac Vice <u>47</u> Certification for Admission Pro Hac Vice. Attorney KEVIN F KING, DANIEL G RANDOLPH for BOEHRINGER INGELHEIM PHARMACEUTICALS INC and NOVO NORDISK INC. KWAKU A AKOWUAH, MADELEINE A JOSEPH, MEENAKSHI A DATTA, THOMAS R BRUGATO for PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA added to this specific case only.</p> <p>Maine has transitioned to the NextGen ECF filing system; therefore, to complete the admissions process, Attorney Kwaku A. Akowuah, Madeleine Joseph, Meenakshi Datta, Thomas R. Brugato, Kevin F. King, Daniel G. Randolph must register for a PACER account and/or request the appropriate e-filing rights in the District of Maine via PACER at www.pacer.uscourts.gov by 12/17/2025. NOTE: Counsel appearing Pro Hac Vice MUST click on the PRO HAC VICE link when requesting e-filing rights via PACER. For more details on NextGen/PACER go to our website at www.med.uscourts.gov. (slg) (Entered: 12/11/2025)</p>

12/11/2025	<u>57</u>	CERTIFICATION for Admission Pro Hac Vice of William B. Schultz filed by EDWARD S. MACCOLL on behalf of 340B HEALTH, AMERICA'S ESSENTIAL HOSPITALS The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (Attachments: # <u>1</u> Exhibit A – List of Atty Schultz Admissions)(MACCOLL, EDWARD) (Entered: 12/11/2025)
12/11/2025	<u>58</u>	NOTICE of APPROVAL by Clerk's Office re <u>57</u> Certification for Admission Pro Hac Vice. Attorney WILLIAM B. SCHULTZ for 340B HEALTH, WILLIAM B. SCHULTZ for AMERICA'S ESSENTIAL HOSPITALS added to this specific case only. (slg) (Entered: 12/11/2025)
12/11/2025	<u>59</u>	*FILED IN ERROR* Consent MOTION for Leave to File <i>Brief of Amici Curiae</i> by 340B HEALTH, AMERICA'S ESSENTIAL HOSPITALS Responses due by 1/2/2026. (MACCOLL, EDWARD) Modified on 12/12/2025 Counsel re-filed at ECF 60 (jam). (Entered: 12/11/2025)
12/11/2025	<u>60</u>	Consent MOTION for Leave to File <i>Brief of Amici Curiae</i> by 340B HEALTH, AMERICA'S ESSENTIAL HOSPITALS Responses due by 1/2/2026. (Attachments: # <u>1</u> Exhibit A – Brief of Amici)(MACCOLL, EDWARD) (Entered: 12/11/2025)
12/12/2025	<u>61</u>	ORDER granting <u>60</u> Motion for Leave to File Brief of Amici Curiae By JUDGE JOHN A. WOODCOCK, JR. (jam) (Entered: 12/12/2025)
12/12/2025	<u>62</u>	BRIEF re <u>3</u> MOTION for Temporary Restraining Order <i>submitted in support of plaintiff's motion by amici curiae</i> by 340B HEALTH, AMERICA'S ESSENTIAL HOSPITALS. (MACCOLL, EDWARD) (Entered: 12/12/2025)
12/12/2025	<u>63</u>	*FILED IN ERROR* SERVICE Returned EXECUTED filed by DALLAS COUNTY MEDICAL CENTER, NATHAN LITTAUER HOSPITAL & NURSING HOME, AMERICAN HOSPITAL ASSOCIATION, MAINE HOSPITAL ASSOCIATION, UNITY MEDICAL CENTER, ST MARY'S REGIONAL MEDICAL CENTER as to ROBERT F KENNEDY, JR. (HEWEY, MELISSA) Modified on 12/15/2025 to mark as filed in error, counsel to refile (jam). (Entered: 12/12/2025)
12/12/2025	<u>64</u>	*FILED IN ERROR* SERVICE Returned EXECUTED filed by DALLAS COUNTY MEDICAL CENTER, NATHAN LITTAUER HOSPITAL & NURSING HOME, AMERICAN HOSPITAL ASSOCIATION, MAINE HOSPITAL ASSOCIATION, UNITY MEDICAL CENTER, ST MARY'S REGIONAL MEDICAL CENTER as to THOMAS J ENGELS. (HEWEY, MELISSA) Modified on 12/15/2025 to mark as filed in error, counsel to refile (jam). (Entered: 12/12/2025)
12/12/2025	<u>65</u>	*FILED IN ERROR* SERVICE Returned EXECUTED filed by DALLAS COUNTY MEDICAL CENTER, NATHAN LITTAUER HOSPITAL & NURSING HOME, AMERICAN HOSPITAL ASSOCIATION, MAINE HOSPITAL ASSOCIATION, UNITY MEDICAL CENTER, ST MARY'S REGIONAL MEDICAL CENTER as to HEALTH RESOURCES AND SERVICES ADMINISTRATION. (HEWEY, MELISSA) Modified on 12/15/2025 to mark as filed in error, counsel to refile (jam). (Entered: 12/12/2025)
12/12/2025	<u>66</u>	*FILED IN ERROR* SERVICE Returned EXECUTED filed by DALLAS COUNTY MEDICAL CENTER, NATHAN LITTAUER HOSPITAL & NURSING HOME, AMERICAN HOSPITAL ASSOCIATION, MAINE HOSPITAL ASSOCIATION, UNITY MEDICAL CENTER, ST MARY'S REGIONAL MEDICAL CENTER as to

		UNITED STATES OF AMERICA. (HEWEY, MELISSA) Modified on 12/15/2025 to mark as filed in error, counsel to refile (jam). (Entered: 12/12/2025)
12/15/2025	<u>67</u>	NOTICE of Appearance by DANIEL L. ROSENTHAL on behalf of PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA (ROSENTHAL, DANIEL) (Entered: 12/15/2025)
12/15/2025	<u>68</u>	SERVICE Returned EXECUTED filed by DALLAS COUNTY MEDICAL CENTER, NATHAN LITTAUER HOSPITAL & NURSING HOME, AMERICAN HOSPITAL ASSOCIATION, MAINE HOSPITAL ASSOCIATION, UNITY MEDICAL CENTER, ST MARY'S REGIONAL MEDICAL CENTER as to HEALTH RESOURCES AND SERVICES ADMINISTRATION. (HEWEY, MELISSA) (Entered: 12/15/2025)
12/15/2025	<u>69</u>	SERVICE Returned EXECUTED filed by DALLAS COUNTY MEDICAL CENTER, NATHAN LITTAUER HOSPITAL & NURSING HOME, AMERICAN HOSPITAL ASSOCIATION, MAINE HOSPITAL ASSOCIATION, UNITY MEDICAL CENTER, ST MARY'S REGIONAL MEDICAL CENTER as to THOMAS J ENGELS. (HEWEY, MELISSA) (Entered: 12/15/2025)
12/15/2025	<u>70</u>	SERVICE Returned EXECUTED filed by DALLAS COUNTY MEDICAL CENTER, NATHAN LITTAUER HOSPITAL & NURSING HOME, AMERICAN HOSPITAL ASSOCIATION, MAINE HOSPITAL ASSOCIATION, UNITY MEDICAL CENTER, ST MARY'S REGIONAL MEDICAL CENTER as to ROBERT F KENNEDY, JR. (HEWEY, MELISSA) (Entered: 12/15/2025)
12/15/2025	<u>71</u>	SERVICE Returned EXECUTED filed by DALLAS COUNTY MEDICAL CENTER, NATHAN LITTAUER HOSPITAL & NURSING HOME, AMERICAN HOSPITAL ASSOCIATION, MAINE HOSPITAL ASSOCIATION, UNITY MEDICAL CENTER, ST MARY'S REGIONAL MEDICAL CENTER as to UNITED STATES OF AMERICA. (HEWEY, MELISSA) (Entered: 12/15/2025)
12/15/2025	<u>72</u>	RESPONSE in Opposition re <u>3</u> MOTION for Temporary Restraining Order filed by ABBVIE INC. Reply due by 12/29/2025. (Attachments: # <u>1</u> Exhibit 1 – Vandervelde Declaration, # <u>2</u> Exhibit 2 – Banks Declaration)(OWEN, MATTHEW) (Entered: 12/15/2025)
12/15/2025	<u>73</u>	RESPONSE in Opposition re <u>3</u> MOTION for Temporary Restraining Order filed by PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA. Reply due by 12/29/2025. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(ROSENTHAL, DANIEL) (Entered: 12/15/2025)
12/15/2025	<u>74</u>	RESPONSE to Motion re <u>39</u> MOTION to Intervene , <u>50</u> MOTION to Intervene , <u>45</u> MOTION to Intervene , <u>36</u> MOTION to Intervene filed by THOMAS J ENGELS, HEALTH RESOURCES AND SERVICES ADMINISTRATION, ROBERT F KENNEDY, JR, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES OF AMERICA. Reply due by 12/29/2025. (NEYLAN, ELISABETH) (Entered: 12/15/2025)
12/15/2025	<u>75</u>	RESPONSE in Opposition re <u>3</u> MOTION for Temporary Restraining Order filed by THOMAS J ENGELS, HEALTH RESOURCES AND SERVICES ADMINISTRATION, ROBERT F KENNEDY, JR, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES OF AMERICA. Reply due by 12/29/2025. (Attachments: # <u>1</u> Declaration of Chantelle Britton)(NEYLAN, ELISABETH) (Entered: 12/15/2025)

12/15/2025	<u>76</u>	RESPONSE in Opposition re <u>39</u> MOTION to Intervene , <u>50</u> MOTION to Intervene , <u>45</u> MOTION to Intervene , <u>36</u> MOTION to Intervene filed by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER. Reply due by 12/29/2025. (ATKINSON, LAWRENCE) (Entered: 12/15/2025)
12/16/2025		Set Answer Deadline for HEALTH RESOURCES AND SERVICES ADMINISTRATION, THOMAS J ENGELS, ROBERT F KENNEDY, JR, UNITED STATES OF AMERICA per executed summons No. 68, 69, 70, 71: Answer due by 12/26/2025. (jam) (Entered: 12/16/2025)
12/16/2025		Set Deadlines as to <u>3</u> MOTION for Temporary Restraining Order per directive of U.S. District Judge John A. Woodcock, Jr. at the telephone conference on December 8, 2025: Reply due by 12/18/2025. (jam) (Entered: 12/16/2025)
12/16/2025	<u>77</u>	CERTIFICATION for Admission Pro Hac Vice of Nick Bell filed by NICK BELL on behalf of ABBVIE INC, PHARMACYCLICS LLC (Total admission fee \$ 200 receipt number AMEDC-3220887.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.uscourts.gov (BELL, NICK) (Entered: 12/16/2025)
12/17/2025	78	NOTICE of APPROVAL by Clerk's Office re <u>77</u> Certification for Admission Pro Hac Vice. Attorney NICK BELL for ABBVIE INC and PHARMACYCLICS LLC added to this specific case only. (jgd) (Entered: 12/17/2025)
12/17/2025	79	ORDER OF RECUSAL. I hereby recuse myself from presiding over this case. Although it is typical for a judge to recuse without explanation, given the circumstances, the parties and counsel are informed that I have concluded that my recusal is mandatory pursuant to 28 U.S.C. § 455(b)(4). SO ORDERED. JUDGE JOHN A. WOODCOCK, JR recused. Case reassigned to JUDGE STACEY D. NEUMANN for all further proceedings By JUDGE JOHN A. WOODCOCK, JR. (jam) (Entered: 12/17/2025)
12/17/2025		Case Reassigned to JUDGE LANCE E. WALKER. JUDGE STACEY D. NEUMANN no longer assigned to the case. (jam) (Entered: 12/17/2025)
12/17/2025	<u>80</u>	REPLY to Response to Motion re <u>39</u> MOTION to Intervene , <u>50</u> MOTION to Intervene , <u>45</u> MOTION to Intervene , <u>36</u> MOTION to Intervene filed by ABBVIE INC, PHARMACYCLICS LLC. (OWEN, MATTHEW) (Entered: 12/17/2025)
12/18/2025	81	NOTICE of UPDATED Hearing on Motion (JUDGE AND LOCATION CHANGE ONLY) re: <u>3</u> MOTION for Temporary Restraining Order. Oral Argument set for 12/19/2025 11:00 AM Portland Courtroom 1 before JUDGE LANCE E. WALKER. (slg) (Entered: 12/18/2025)
12/18/2025	<u>82</u>	REPLY to Response to Motion re <u>3</u> MOTION for Temporary Restraining Order filed by AMERICAN HOSPITAL ASSOCIATION. (Attachments: # <u>1</u> Declaration of Chad Golder in Further Support of Plaintiffs' Motion for a Temporary Restraining Order)(DUNN, KAREN) (Entered: 12/18/2025)
12/18/2025	<u>83</u>	ORDER on Motions to Intervene denying <u>36</u> Motion to Intervene; denying <u>39</u> Motion to Intervene; denying <u>45</u> Motion to Intervene; denying <u>50</u> Motion to Intervene. By

		JUDGE LANCE E. WALKER. (slg) (Entered: 12/18/2025)
12/19/2025	84	Minute Entry for proceedings held before JUDGE LANCE E. WALKER: Oral Argument held re <u>3</u> MOTION for Temporary Restraining Order filed by NATHAN LITTAUER HOSPITAL & NURSING HOME, AMERICAN HOSPITAL ASSOCIATION, ST MARY'S REGIONAL MEDICAL CENTER, DALLAS COUNTY MEDICAL CENTER, UNITY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION. Motion taken under advisement. (Court Reporter: Tammy Martell) (slg) (Entered: 12/19/2025)
12/22/2025		Reset Answer Deadline for UNITED STATES OF AMERICA as Court closed on 12/26/2025: Answer due by 12/29/2025. (slg) Modified on 12/22/2025 to reflect deadline was set for USA only (slg). (Entered: 12/22/2025)
12/22/2025		Reset Answer Deadline for HEALTH RESOURCES AND SERVICES ADMINISTRATION, THOMAS J ENGELS, ROBERT F KENNEDY, JR Court closed on 12/26/2025: Answer due by 12/29/2025. (slg) (Entered: 12/22/2025)
12/22/2025		Reset Deadlines: Maine has transitioned to the NextGen ECF filing system; therefore, to complete the admissions process, Attorney Meenakshi Datta must register for a PACER account and/or request the appropriate e-filing rights in the District of Maine via PACER at www.pacer.uscourts.gov by 12/29/2025. NOTE: Counsel appearing Pro Hac Vice MUST click on the PRO HAC VICE link when requesting e-filing rights via PACER. For more details on NextGen/PACER go to our website at www.med.uscourts.gov . (slg) (Entered: 12/22/2025)
12/22/2025		Reset Deadlines: Maine has transitioned to the NextGen ECF filing system; therefore, to complete the admissions process, Attorney LYLE GRUBY must register for a PACER account and/or request the appropriate e-filing rights in the District of Maine via PACER at www.pacer.uscourts.gov by 12/29/2025. NOTE: Counsel appearing Pro Hac Vice MUST click on the PRO HAC VICE link when requesting e-filing rights via PACER. For more details on NextGen/PACER go to our website at www.med.uscourts.gov . (slg) (Entered: 12/22/2025)
12/22/2025	<u>85</u>	NOTICE/CORRESPONDENCE Re: Portions of the Administrative Record by All Defendants (Attachments: # <u>1</u> Declaration of Chantelle Britton, # <u>2</u> Exhibit 1 – Documents Related to HRSA's Approval of Abbvie's Plan, # <u>3</u> Exhibit 2 – Documents Related to HRSA's Approval of J&J's Plan)(NEYLAN, ELISABETH) (Entered: 12/22/2025)
12/22/2025	<u>86</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings Oral Argument held on December 19, 2025 before Judge Lance E. Walker. Court Reporter/Transcriber: Tammy Martell, Telephone Number: 207.272.5566. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.med.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Release of Transcript Restriction set for 3/23/2026. (MARTELL, TAMMY) (Entered: 12/22/2025)
12/22/2025	<u>87</u>	NOTICE/CORRESPONDENCE Re: Defendants' Notice (ECF Doc. 85) by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL

		CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER (ATKINSON, LAWRENCE) (Entered: 12/22/2025)
12/23/2025	<u>88</u>	NOTICE/CORRESPONDENCE Re: Supplemental Filing of Records Reflecting Agency Approval of Pilot Program Proposal by ASTRAZENECA PHARMACEUTICALS LP (Attachments: # <u>1</u> Supplement Declaration of Sky Adams with Exhibits)(TALBERT, JEFFREY) (Entered: 12/23/2025)
12/23/2025	<u>89</u>	NOTICE/CORRESPONDENCE Re: AstraZeneca's Supplemental Filing (ECF Doc. 88) by AMERICAN HOSPITAL ASSOCIATION, DALLAS COUNTY MEDICAL CENTER, MAINE HOSPITAL ASSOCIATION, NATHAN LITTAUER HOSPITAL & NURSING HOME, ST MARY'S REGIONAL MEDICAL CENTER, UNITY MEDICAL CENTER (ATKINSON, LAWRENCE) (Entered: 12/23/2025)
12/29/2025	<u>90</u>	ORDER on Motion for Preliminary Injunction granting <u>3</u> Motion for TRO. By JUDGE LANCE E. WALKER. (slg) (Entered: 12/29/2025)
12/29/2025		Set Deadlines: Per Order #90 security in the amount of \$1,000 due by 1/5/2026. (slg) (Entered: 12/29/2025)
12/29/2025	<u>91</u>	<p>NOTICE OF APPEAL as to <u>90</u> Order on Motion for TRO by THOMAS J ENGELS, HEALTH RESOURCES AND SERVICES ADMINISTRATION, ROBERT F KENNEDY, JR, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES OF AMERICA .</p> <p>NOTICE TO FILER: A transcript Report/Order form MUST be completed and submitted to the First Circuit Court of Appeals. The form can be found under the Forms & Fees section on their website at https://www.ca1.uscourts.gov.</p> <p>NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at https://pacer.psc.uscourts.gov. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at https://www.ca1.uscourts.gov/cmecf (NEYLAN, ELISABETH) (Entered: 12/29/2025)</p>
12/29/2025	<u>92</u>	MOTION to Stay <i>Preliminary Injunction Pending Appeal, or in the Alternative, for an Administrative Stay</i> by THOMAS J ENGELS, HEALTH RESOURCES AND SERVICES ADMINISTRATION, ROBERT F KENNEDY, JR, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES OF AMERICA Responses due by 1/20/2026. (Attachments: # <u>1</u> Memorandum of Law in Support of Motion)(NEYLAN, ELISABETH) (Entered: 12/29/2025)
12/30/2025	<u>93</u>	APPEAL COVER SHEET Re: <u>91</u> Notice of Appeal (slg) (Entered: 12/30/2025)
12/30/2025	<u>94</u>	CLERK'S CERTIFICATE Re: <u>91</u> Notice of Appeal. Documents sent to the U.S. Court of Appeals. (slg) (Entered: 12/30/2025)
12/30/2025		Abbreviated Appeal Record Transmitted Electronically to U.S. Court of Appeals re <u>91</u> Notice of Appeal (slg) (Entered: 12/30/2025)
12/30/2025	<u>95</u>	USCA Case Number 25-2236 for <u>91</u> Notice of Appeal filed by UNITED STATES OF AMERICA, ROBERT F KENNEDY, JR, THOMAS J ENGELS, HEALTH RESOURCES AND SERVICES ADMINISTRATION, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (slg) (Entered:

		12/30/2025)
12/30/2025	<u>96</u>	ORDER on Motion for Stay Pending Appeal denying <u>92</u> Motion to Stay. By JUDGE LANCE E. WALKER. (slg) (Entered: 12/30/2025)
12/30/2025	<u>97</u>	Joint NOTICE OF APPEAL as to <u>83</u> Order on Motion to Intervene,,, by ABBVIE INC, ASTRAZENECA PHARMACEUTICALS LP, BOEHRINGER INGELHEIM PHARMACEUTICALS INC, NOVO NORDISK INC, PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA, PHARMACYCLICS LLC . (Filing fee \$ 605 receipt number AMEDC-3225786.) NOTICE TO FILER: A transcript Report/Order form MUST be completed and submitted to the First Circuit Court of Appeals. The form can be found under the Forms & Fees section on their website at https://www.ca1.uscourts.gov . NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at https://pacer.psc.uscourts.gov . Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at https://www.ca1.uscourts.gov/cmecf (AKOWUAH, KWAKU) (Entered: 12/30/2025)
12/30/2025	<u>98</u>	CLERK'S FIRST SUPPLEMENTAL CERTIFICATE Re: <u>91</u> Notice of Appeal. Documents Sent to U.S. Court of Appeals (slg) (Entered: 12/30/2025)
12/30/2025	<u>99</u>	***FILED IN ERROR***CLERK'S FIRST SUPPLEMENTAL CERTIFICATE Re: <u>91</u> Notice of Appeal. Documents Sent to U.S. Court of Appeals (slg) Modified on 12/30/2025 to mark as filed in error by the Clerk's Office (slg). (Entered: 12/30/2025)
12/30/2025		Supplemental Record on Appeal transmitted to US Court of Appeals re <u>91</u> Notice of Appeal (slg) (Entered: 12/30/2025)
12/30/2025	<u>100</u>	APPEAL COVER SHEET Re: <u>97</u> Notice of Appeal (slg) (Entered: 12/30/2025)
12/30/2025	<u>101</u>	CLERK'S CERTIFICATE Re: <u>97</u> Notice of Appeal. Documents sent to the U.S. Court of Appeals. (slg) (Entered: 12/30/2025)

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

APPEAL COVER SHEET

D.C. # 2:25-cv-00600-LEW	C.C.A. # 25-02236
CASE TITLE: AMERICAN HOSPITAL ASSOCIATION et al v. KENNEDY et al	
Name of Counsel for Appellant(s):	Elisabeth Neylan, DOJ
Name of Counsel for Appellee(s):	Jenifer N. Hartley, Esq. Karen L. Dunn, Esq. Lawrence Atkinson, Esq. Lyle Gruby, Esq. Melissa A. Hewey, Esq. Tyler Thomas Mikulis, Esq. Jennifer Riggle, Esq.
Name of Judge:	Lance E. Walker, Chief U.S. District Judge
Court Reporter(s) & Dates:	Tammy Martell - 12/19/25
Transcript Ordered?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court Appointed Counsel?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Fee Paid?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In Forma Pauperis?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Motions Pending?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Guidelines Case?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Related Case on Appeal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C. C. A. # (if available)	
Date of Last Appeal	

Special Comments:

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MAINE HOSPITAL ASSOCIATION,)
et al)
)
v.) Civil No. 2:25-cv-00600-LEW
)
ROBERT F. KENNEDY, JR, et al)

CLERK'S CIVIL CERTIFICATE

I, Eric M. Storms, Acting Clerk of the United States District Court for the District of Maine, hereby certify that the following are hereby electronically transmitted to the First Circuit Court of Appeals and constitute the Abbreviated record on appeal:

Documents Numbered: 100 Appeal Cover Sheet
101 Clerk's Certificate
97 Notice of Appeal
83 Order

I hereby certify that the record and docket sheet available through ECF to be the certified record and docket entries. All non-electronic documents of record have been forwarded this date with a copy of this Certificate.

Non-Electronic Documents:

Dated *December 30, 2025*.

ERIC M. STORMS, Acting Clerk

By: /s/ Stacey Graf
Case Manager

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

THE AMERICAN HOSPITAL
ASSOCIATION, THE MAINE HOSPITAL
ASSOCIATION, ST. MARY'S REGIONAL
MEDICAL CENTER, NATHAN LITTAUER
HOSPITAL & NURSING HOME, UNITY
MEDICAL CENTER, and DALLAS
COUNTY MEDICAL CENTER,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., Secretary of the
U.S. Department of Health and Human
Services, THOMAS J. ENGELS,
Administrator, Health Resources and Services
Administration, THE HEALTH RESOURCES
AND SERVICES ADMINISTRATION, THE
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, and
THE UNITED STATES OF AMERICA,

Defendants.

Case No. 2:25-cv-00600-LEW

**PROPOSED INTERVENORS' JOINT NOTICE OF APPEAL TO THE UNITED
STATES COURT OF APPEALS FOR THE FIRST CIRCUIT**

Proposed Intervenors AbbVie Inc., Pharmacyclics LLC, AstraZeneca Pharmaceuticals
LP, Boehringer Ingelheim Pharmaceuticals, Inc., Novo Nordisk Inc., and Pharmaceutical
Research and Manufacturers of America, appeal to the United States Court of Appeals for the
First Circuit from the order of the United States District Court for the District of Maine, entered
in this case on December 18, 2025, denying Proposed Intervenors' motions to intervene. Doc.
83.

The parties to the order appealed from and the names and addresses of their respective

attorneys are as follows:

Dated: December 30, 2025

Daniel L. Rosenthal, Bar #8618
MARCUS | CLEGG
16 Middle Street, Unit 501
Portland, ME 04101
(207) 828-8000
dlr@marcusclegg.com

Respectfully submitted,

/s/ Kwaku Akowuah

Kwaku A. Akowuah (admitted *pro hac vice*)
Madeleine Joseph (admitted *pro hac vice*)
SIDLEY AUSTIN LLP
1501 K Street N.W.
Washington, D.C. 20005

Meenakshi Datta (admitted *pro hac vice*)
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
Telephone: (312) 853-7000
Email: mdatta@sidley.com

Counsel for PhRMA

Jay S. Geller
Law Office of Jay S. Geller
Lunt Professional Building
74 Lunt Road, Suite 206
Falmouth, ME 04105
Telephone: (207) 899-1477
Email: jgeller@jaysgellerlaw.com

/s/ Matthew S. Owen

Matthew S. Owen (admitted *pro hac vice*)
Meredith M. Pohl (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP 1301
Pennsylvania Avenue N.W.
Washington, D.C. 20004
Telephone: (202) 389-5000
Email: matt.owen@kirkland.com
meredith.pohl@kirkland.com

Counsel for AbbVie Inc. and Pharmacyclics LLC

Allon Kedem*
Jeffrey L. Handwerker*
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Ave., NW
Washington, DC 20001-3743
(202) 942-5000
(202) 942-5999 - fax
allon.kedem@arnoldporter.com
jeffrey.handwerker@arnoldporter.com

/s/ Jeffrey D. Talbert

Jeffrey D. Talbert
ARNOLD & PORTER KAYE SCHOLER
LLP
250 West 55th Street
New York, NY 10019-9710
(212) 836-8000
jeff.talbert@arnoldporter.com

Attorneys for AstraZeneca Pharmaceuticals LP

* *Pro hac vice*

Kevin F. King (admitted *pro hac vice*)
Thomas Brugato (admitted *pro hac vice*)
Daniel G. Randolph (admitted *pro hac vice*)
COVINGTON & BURLING LLP
One City Center
850 10th Street NW
Washington, D.C. 20001
Tel: (202) 662-6000
Fax: (202) 662-6302
kking@cov.com
tbrugato@cov.com
drandolph@cov.com

/s/ Alfred C. Frawley, IV
Alfred C. Frawley IV (Maine Bar No.
004854)
McCLOSKEY, MINA, CUNNIFF & FRAWLEY,
LLC
12 City Center
Portland, ME 04101
Tel: (207) 772-6805
Fax: (207) 879-9374
afrawley@lawmmc.com

Counsel for Boehringer Ingelheim Pharmaceuticals, Inc. and Novo Nordisk Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically filed with the Clerk of the Court via the Court's CM/ECF system, which sent notification of such filing to all counsel of record by electronic means.

/s/ *Kwaku Akowuah*
Kwaku Akowuah

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

AMERICAN HOSPITAL)	
ASSOCIATION, et al.,)	
)	
Plaintiffs)	
)	
v.)	No. 2:25-cv-00600-LEW
)	
ROBERT F. KENNEDY, JR.,)	
SECRETARY OF THE)	
UNITED STATES DEPARTMENT)	
OF HEALTH AND HUMAN)	
SERVICES, et al.,)	
)	
Defendants)	

ORDER ON MOTIONS TO INTERVENE

In a lawsuit challenging agency action under the Administrative Procedure Act, several pharmaceutical manufacturers move to intervene in support of the agency's action. Because the pharmaceutical manufacturers fail to demonstrate that the government will not adequately represent their interests in defending against the lawsuit, the court denies their motions. However, the Court will permit the pharmaceutical manufacturers to participate as amici curiae.

BACKGROUND

On December 1, 2025, the American Hospital Association (AHA) and the Maine Hospital Association (MHA), along with several of AHA's and MHA's members, (collectively, Plaintiffs) filed a complaint and a motion for temporary restraining order,

seeking to enjoin the implementation of a new federal drug pricing program, the 340B Rebate Model Pilot Program (the Pilot Program). Compl. for Decl. and Inj. Relief (ECF No. 1); Mot. for TRO (ECF No. 3). Plaintiffs allege that Defendants' promulgation of the Pilot Program violates the Administrative Procedure Act (APA) and ask this Court to declare the program unlawful under § 706 of the APA. Compl. ¶¶ 34-39, 52-62, 130-175.

On December 10, 2025, several pharmaceutical manufacturers (hereafter, "Movants") moved to intervene in this action. AbbVie Inc.'s and Pharmacyclics LLC's Mot. to Intervene (ECF No. 36) ("AbbVie Mot."); AstraZeneca Pharmaceuticals LP's Mot. to Intervene (ECF No. 39) ("AstraZeneca Mot."); Pharmaceutical Research and Manufacturers of America Mot. to Intervene (ECF No. 45) ("PhRMA Mot."); Boehringer Ingelheim Pharmaceuticals, Inc.'s and Novo Nordisk Inc.'s Mot. to Intervene (ECF No. 50) ("Novo Nordisk Mot."). Plaintiffs have opposed the motions. Pls.' Omnibus Opp'n to the Mots. to Intervene (ECF No. 76) ("Pls.' Opp'n"). Defendants have taken no position. Defs.' Position on Mot. to Intervene (ECF No. 74). Movants assert that they are entitled to intervene as a matter of right to represent what they claim are substantial and distinct interests. AbbVie Mot. at 5-9; AstraZeneca Mot. at 2-3; PhRMA Mot. at 2-6; Novo Nordisk Mot. at 4-9. Alternatively, Movants seek permissive intervention, arguing their intervention will not unduly delay or prejudice the adjudication of Plaintiffs' or Federal Defendants' rights. AbbVie Mot. at 9-10; AstraZeneca Mot. at 2-3; PhRMA Mot. at 6-7; Novo Nordisk Mot. at 10.

Plaintiffs oppose Movants' intervention, contending they have no right to intervene to protect contingent interests adequately represented by Federal Defendants. *Pls.' Opp'n*

at 2-8. As to permissive intervention, Plaintiffs aver Movants' intervention would complicate and delay proceedings without adding value to the Court's consideration of Federal Defendants' or Plaintiffs' arguments in this case. *Id.* at 8-10. Plaintiffs consent to the Court permitting Movants to participate as amici curiae, however. *Id.* at 10.

DISCUSSION

Under Federal Rule of Civil Procedure 24(a)(2), “[o]n timely motion, the court must permit anyone to intervene who . . . claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” Fed. R. Civ. P. 24(a)(2). “[A] would-be intervenor must demonstrate that: (i) its motion is timely; (ii) it has an interest relating to the property or transaction that forms the foundation of the ongoing action; (iii) the disposition of the action threatens to impair or impede its ability to protect this interest; and (iv) no existing party adequately represents its interest.” *Ungar v. Arafat*, 634 F.3d 46, 50 (1st Cir. 2011). “Failure to satisfy any one of the four requirements defeats intervention by right.” *Students for Fair Admissions, Inc. v. President and Fellows of Harvard Coll.*, 807 F.3d 472, 474 (1st Cir. 2015).

Alternatively, under Federal Rule of Civil Procedure 24(b)(1)(B), a district court may permit intervention when the putative intervenor “has a claim or defense that shares with the main action a common question of law or fact” and timely moves for intervention. Fed. R. Civ. P. 24(b)(1)(B); *Victims Rts. L. Ctr. V. Rosenfelt*, 988 F.3d 556, 561 (1st Cir. 2021). District courts enjoy broad discretion to grant or deny motions for permissive

intervention. *T-Mobile Ne. LLC v. Town of Barnstable*, 969 F.3d 33, 42 (1st Cir. 2020).

Although “the court may ‘consider almost any factor rationally relevant’ to the intervention determination,” the district court at least “must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” *Id.* at 40 (first quoting *Daggett v. Comm’n on Governmental Ethics and Election Pracs.*, 172 F.3d 104, 113 (1st Cir. 1999), and then quoting FED. R. CIV. P. 24(b)(3))).¹

A. Intervention by Right

Regarding intervention by right, I narrow my focus to Movants’ argument that Defendants cannot adequately represent their interests in this case. *T-Mobile*, 969 F.3d, 39 (starting and ending intervention by right analysis with adequacy of representation). “To demonstrate inadequate representation, a putative intervenor must show that no existing party fairly represents her interests.” *Id.* (citing *Students for Fair Admissions*, 807 F.3d at 475). In cases, like this one, where “a private party attacks a regulatory statute or administrative rule; the state or its regulators are its defendants; and other parties having an economic interest in the validity or invalidity of the statute or regulation seek to intervene,” a presumption attaches to the government’s adequacy of representation, which the movant bears the burden of overcoming with a sufficient “showing to the contrary.” *Mass. Food Ass’n v. Mass. Alcoholic Beverages Control Comm’n*, 187 F.3d 560, 566-67 (1st Cir. 1999); *accord T-Mobile*, 969 F.3d at 39 (collecting cases). The movant “must

¹ As Plaintiffs concede, there is no question that Movants satisfy the timeliness requirement. Pls.’ Mot. at 3 n.3.

produce some tangible basis” as opposed to mere speculation, to support their claim of inadequate representation. *Pub. Serv. Co. of N.H. v. Patch*, 136 F.3d 197, 207 (1st Cir. 1998).²

Movants advance two arguments that Defendants inadequately represent their interests, neither of which is convincing. First, they claim Defendants cannot adequately represent Movants’ distinct financial interests related to losses from duplicative discounts and civil penalties for noncompliance with their competing directives under two federal drug pricing laws. AbbVie Mot. at 6-8; AstraZeneca Mot. at 2-3; PhRMA Mot. at 5; Novo Nordisk Mot. at 7-9. Second, they point to Defendants’ adverse position in separate litigation against Movants concerning the statute governing the 340B pricing program as evidence of Defendants’ inadequacy to represent their interests in this case. AbbVie Mot. at 8; AstraZeneca Mot. at 2-3; PhRMA Mot. at 5-6.

As Movants explain, the Pilot Program’s rebate model is intended to resolve the competing mandates under federal drug pricing laws that threaten their financial interests. Under the current 340B discount program, Movants must offer upfront discounts at the

² Novo Nordisk’s reliance on *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179 (2022) for the proposition that the Supreme Court disfavors the First Circuit’s presumption of adequate representation in these circumstances is misguided. Novo Nordisk Mot. at 6-7. In that case, the Supreme Court held that “a presumption of adequate representation is inappropriate when a duly authorized state agent seeks to intervene to defend a state law.” *Id.* at 197. In reaching that holding, the Court made clear its decision did “not decide whether a presumption of adequate representation might sometimes be appropriate when a private litigant seeks to defend a law alongside the government.” *Id.* Rather, the Court’s decision turned on the narrow category of “adverse presumptions” that “displace a State’s prerogative to select which agents may defend its laws and protect its interest,” a situation entirely distinct from the circumstances under which Movants seek to intervene in this case. *Id.*

point of sale to certain “covered entities,” such as Plaintiffs. AbbVie Mot. at 2; Novo Nordisk Mot. at 2. Starting on January 1, 2026, Movants will also be required to offer discounts on select drugs under Medicare as part of the Inflation Reduction Act’s Drug Price Negotiation Program, where the Secretary of Health and Human Services sets the “maximum fair price” available to certain Medicare-eligible individuals through a rebate (the “IRA discount program”). AbbVie Mot. at 2; Novo Nordisk Mot. at 2. Where these separate required discounts overlap, the IRA mandates Movants offer the lower of these two discounts. 42 U.S.C. § 1320f-2(d); Abbvie Mot. at 3; Novo Nordisk Mot. at 2-3. Consequently, Movants estimate significant financial losses in the form of duplicative discounts, once at the point of sale to covered entities under 340B and second through a rebate if those discounted drugs are later disbursed to an eligible patient under the IRA discount program. Novo Nordisk Mot. at 2-3. Movants also estimate significant financial loss from civil penalties where they fail to comply with the directive to offer the lower of the two prices. AbbVie Mot. at 3. The Pilot Program’s rebate model for 340B covered transactions, effective January 1, 2026, resolves this problem by allowing Movants to analyze claims data after the covered entity dispenses the drugs to a patient (i.e., not at the point of sale) to determine which of the two discount programs applies. AbbVie Mot. at 3-4; Novo Nordisk Mot. at 3.

Because Defendants do not face the specter of duplicate discounts and civil penalties, Movants argue Defendants cannot adequately represent their “distinctly commercial and industry-based” interests in defending the implementation of the Pilot Program. AbbVie Mot. at 7; PhRMA Mot. at 5; Novo Nordisk Mot. at 6. Movants have

invested substantial resources in anticipation of the Pilot Program’s January 1, 2026 implementation, and Defendants broader responsibilities to the public welfare cannot fully account for those interests, such that it can stand in for Movants. AbbVie Mot. at 7; PhRMA Mot. at 5; Novo Nordisk Mot. at 7-8.

Movants further assert Federal Defendants’ representation is inadequate because separate litigation between Defendants and Movants demonstrates they “often disagree[] . . . and [do] not share [Movants’] view of the 340B statute or the role that rebates may play.” AbbVie Mot. at 8. Indeed, some of the movants “are currently adverse to the government in litigation about HRSA’s claimed authority to decide whether and when manufacturers may use rebates rather than up-front discounts to effectuate the 340B price for all of a manufacturer’s drugs, not just those in the Pilot Program.” PhRMA Mot. at 5-6 (citing *Novartis Pharms. Corp. v. Kennedy*, No. 25-5177 (D.C. Cir.)). According to Movants, their divergent views on the broader statutory framework governing the 340B drug pricing scheme is evidence of Federal Defendants’ inadequacy to represent their interests in this litigation. AbbVie Mot. at 8; AstraZeneca Mot. at 2; PhRMA Mot. at 5-6.

Plaintiffs contend Movants’ reasoning is inconsistent with First Circuit caselaw. Pls.’ Opp’n at 5-6. According to Plaintiffs, simply “identifying different reasons for supporting a government program is not enough to satisfy this intervention requirement.” *Id.* at 6. Moreover, despite Movants’ representations of distinct economic interests, they ultimately “share the same objective” as Defendants: ensuring the Pilot Program goes into effect on January 1, 2026. *Id.* at 5. Finally, Plaintiffs maintain that Movants’ silence as to any additional, distinct arguments they might offer the Court in this “straightforward

administrative law case,” *id.* at 1, “that rises and falls based on the administrative record” is “near dispositive” of Defendants’ adequacy to represent Movants’ interest in this case. *Id.* at 6.

Plaintiffs also counter that Movants’ and Defendants’ adverse positions in separate litigation does not compel Movants’ assertion that Defendants cannot adequately represent their interest. As Plaintiffs explain, in separate litigation, Movants and Defendants “differ in their views on whether drug companies can unilaterally implement 340B rebate programs *without* HHS approval.” *Pls.’ Opp’n* at 6 (emphasis in original). Whereas here, both parties’ “goals are now the same.” *Id.* Movants and Defendants not only do not disagree but are “in full agreement” that Defendants have authority to implement the Pilot Program. *Id.*

The Court agrees with Plaintiffs. Even when considering Movants’ financial and adverse litigation arguments together, their position is “founded entirely on speculation” of Defendants’ inadequacy. *T-Mobile*, 969 F.3d at 40. More is required for intervention as of right. *See Students for Fair Admissions*, 807 F.3d at 475 (“putative intervenors [must] produce something more than speculation as to the purported inadequacy of representation”). Movants offer no “tangible basis to support a claim of purported inadequacy.” *Pub. Serv. Co. of N.H. v. Patch*, 136 F.3d 197, 207 (1st Cir. 1998) (citation omitted).

First, Movants’ own representations cut against their argument that Defendants are inadequately attuned to their financial interest in this case. As Movants explain, Defendants promulgated the Pilot Program “primarily to address” manufacturers’ need to

‘de-duplicate’ 340B and IRA discounts.” Novo Nordisk Mot. at 3 (quoting 90 Fed. Reg. 38.165, 36,163 (Aug. 7, 2025)); *see also* AbbVie Mot. at 3 (explaining Defendants promulgated the Pilot Program because of “widespread concern about the significant compliance burdens borne by manufacturers” subject to 340B and IRA mandatory pricing schemes). Instead, this record demonstrates Defendants are aligned with Movants concerns about their dual mandates under 340B and the IRA. Movants’ unadorned assertions that Defendants’ public duty prevents them from adequately representing Movants’ industry-based interests in this lawsuit, which challenges whether a federal agency complied with its obligations under the APA, does not satisfy the Circuit’s heightened burden of persuasion for intervention by right where the government defends its own regulation. *See Daggett*, 172 F.3d at 112 (rejecting “[t]he general notion” that the government’s broader interest in representing the public “at some abstract level” demonstrates inadequate representation); *accord Rosenfelt*, 988 F.3d at 561-62 (explaining that a lack of “perfect identity of motivational interest between the movant-intervenor and the government” is not required for a finding of adequate representation) (citing *Mass. Food Ass’n*, 197 F.3d at 567); *Patch*, 136 F.3d at 207 (“the adequacy of interest requirement is more than a paper tiger”).

Second, Movants offer no evidence to suggest that their approach to defending the Pilot Program offers the Court any additional insight into the legal challenge at the heart of this lawsuit—whether Defendants complied with their statutory obligations under the APA. Movants are completely silent on “what arguments [they would] make in this Court that would otherwise be forsaken by [Defendants].” *Me. Republican Party v. Dunlap*, No.

1:18-cv-00179-JDL, 2018 U.S. Dist. LEXIS 82461, at *4 (D. Me. May 16, 2018). Instead, Movants “advocat[e] for the general validity and enforcement of” the challenged agency action, “and it appears that both parties would have the same approach.” *Id.* (citing *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 539 (1972)). There is nothing in any of Movants’ motions suggesting they “would inject some missing ingredient into [Defendants’] defense,” nor do they identify any arguments Defendants are unlikely to advance absent their intervention, such that Federal Defendants’ defense would be inadequate to protect Movants’ interests. *T-Mobile*, 969 F.3d at 40. Plaintiffs’ complaint alleges five violations of the APA against Federal Defendants, but Movants fail to state how their participation as a party would illuminate the administrative record on which this case turns entirely. *Compl.* ¶¶ 130-175.

Finally, the adverse positions between Movants and Defendants in separate 340B litigation is insufficient to rebut the presumption against adequate representation. Again, Movants’ own representations undermine their position. As PhRMA explains, some of its members “are currently adverse to the government in litigation about HRSA’s claimed authority to decide whether and when manufacturers may use rebates rather than up-front discounts to effectuate the 340B price for all of a manufacturer’s drugs, not just those in the Pilot Program.” PhRMA Mot. at 5-6 (citing *Novartis Pharms. Corp. v. Kennedy*, No. 25-5177 (D.C. Cir.)). However, that litigation concerns Movants’ position that they can fulfill their 340B discount requirements by issuing rebates rather than upfront discounts without prior agency approval. Nothing from Movants’ description of that litigation indicates that they are misaligned with Defendants on whether Defendants may promulgate

the Pilot Program in this case. Indeed, the parties' divergent positions on whether the 340B statute, 42 U.S.C. § 256b(a)(1), authorizes pharmaceutical manufacturers to determine unilaterally how covered entities receive their discounted drugs does not suggest Defendants will not vigorously defend that their promulgation of the Pilot Program complied with their statutory obligations under the APA. In other words, Movants fail to demonstrate that, despite their adverse positions in separate litigation, they are not entirely aligned with Defendants' position in this administrative law action under the APA, where both Movants and Defendants maintain the agency action is lawful, and Movants offer no evidence that Defendants are not "zealously interested in upholding the validity" of the agency action. *Mass. Food Ass'n*, 197 F.3d at 567; *see also Dunlap*, 2018 U.S. Dist. LEXIS 82461, at *4 (rejecting movant-intervenor's argument that adverse positions in a separate related lawsuit renders the government an inadequate representative where both "advocat[e] the general validity and enforcement" of the challenged government action).

Accordingly, because Movants fail to demonstrate that Defendants cannot adequately represent their interests, the Court finds that Movants are not entitled to intervene as of right. The Court's analysis need go no further. *Students for Fair Admissions*, 807 F.3d at 474 ("Failure to satisfy any one of the four requirements defeats intervention by right").

B. Permissive Intervention

Under Rule 24(b)(1)(B) this Court may, in its discretion, allow the intervention of any party who "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). "When deciding whether or not to allow

permissive intervention,” the Court “must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.”” *T-Mobile*, 969 F.3d at 40. Additionally, the Court may “consider almost any factor rationally relevant” to the proposed intervention. *Daggett*, 172 F.3d at 113.

Particularly relevant here is the Court’s “denial of intervention as of right based on an intervenor’s failure to overcome the presumption of adequate representation by the government,” which “cuts against [Movant’s] case for permissive intervention.” *Dunlap*, 2018 U.S. Dist. LEXIS 82461, at *5 (citing *Tutein*, 43 F. Supp. 2d at 131). The First Circuit is clear that “a district court considering requests for permissive intervention should ordinarily give weight to whether the original parties to the action adequately represent the interests of the putative intervenors.” *T-Mobile*, 969 F.3d at 41 (citing *Kowal v. Malkemus (In re Thompson)*, 965 F.2d 1136, 1142 n.10 (1st Cir. 1992)); *Rosenfelt*, 988 F.3d 556 at 564 (same); *Mass Food Ass’n*, 197 F.3d at 568 (same). Thus, although in this early stage of litigation, and notwithstanding the Pilot Program’s fast-approaching January 1, 2026 implementation date, the Court does not believe that Movants’ intervention necessarily will *immediately* unduly delay or prejudice the proceedings. However, looking beyond January 1, it is possible that intervention would create undue delay in the final disposition of this case involving an important administrative program. That concern, amplified by Movants’ failure to demonstrate how they might “add any missing element” to Federal Defendants’ defense of the agency action, leads the Court to deny Movants’ request for permissive intervention. *T-Mobile*, 969 F.3d at 40.

C. Amicus Status

Although Movants may not intervene in this case as parties, I will permit them to participate as amici curiae. Participation as amici satisfies Movants' interest in "provid[ing] information regarding the severe harm that would befall the Manufacturers if the program were enjoined, or the efforts the Manufacturers have undertaken [to] prepare for the program's implementation date." Novo Nordisk Mot. at 9; *accord Rosenfelt, 988 F.3d at 564; Mass. Food Ass'n, 197 F.3d at 568; Students for Fair Admissions, Inc. v. President and Fellows of Harvard Coll., 308 F.R.D. 39, 52* (D. Mass. 2015).

CONCLUSION

For the foregoing reasons, the Court DENIES AbbVie Inc.'s and Pharmacyclics LLC's Motion to Intervene (ECF No. 36), AstraZeneca Pharmaceuticals LP's Motion to Intervene (ECF No. 39), Pharmaceutical Research and Manufacturers of America Motion to Intervene (ECF No. 45), and Boehringer Ingelheim Pharmaceuticals, Inc.'s and Novo Nordisk Inc.'s Motion to Intervene (ECF No. 50). However, the Court GRANTS Movants leave to proceed as amici curiae, and the Court will consider their briefs in opposition to Plaintiffs' motion (ECF Nos. 72, 73) as amicus briefs.

SO ORDERED.

Dated this 18th day of December, 2025.

/s/ Lance E. Walker
CHIEF U.S. DISTRICT JUDGE

United States Court of Appeals For the First Circuit

No. 25-2237

AMERICAN HOSPITAL ASSOCIATION; ST. MARY'S REGIONAL MEDICAL CENTER;
MAINE HOSPITAL ASSOCIATION; NATHAN LITTAUER HOSPITAL AND NURSING
HOME; UNITY MEDICAL CENTER; DALLAS COUNTY MEDICAL CENTER,

Plaintiffs - Appellees

v.

ROBERT F. KENNEDY, JR., Secretary of the US Department of Health and Human Services;
THOMAS J. ENGELS, Administrator Health Resources and Services Administration; HEALTH
RESOURCES & SERVICES ADMINISTRATION; UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES; UNITED STATES,
Defendants,

ABBVIE INC.; ASTRAZENECA PHARMACEUTICAL LP; PHARMACYCLICS LLC;
BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.; NOVO NORDISK INC.;
PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA,

Interested Parties - Appellants.

CASE OPENING NOTICE

Issued: December 30, 2025

The above-captioned appeal was docketed in this court today pursuant to Rule 12 of the Federal Rules of Appellate Procedure. The above case number and caption (unless modified or amended as reflected in the heading of future court notices or orders) should be used on all papers subsequently submitted to this court. If any party disagrees with the clerk's office's designation of the parties on appeal, it must file a motion to amend the caption with any supporting documentation attached. Absent an order granting such a motion, the parties are directed to use the above caption on all pleadings related to this case.

Appellant must complete and return the following forms to the clerk's office by **January 13, 2026** to be deemed timely filed:

- [Appearance Form](#)
- [Transcript Report/Order Form](#) (Please carefully read the instructions for completing and filing this form.)

- Docketing Statement

These forms are available on the court's website at www.ca1.uscourts.gov, under "Forms & Notices." Failure to comply with the deadlines set by the court may result in dismissal of the appeal for lack of diligent prosecution. See 1st Cir. R. 3.0, 10.0, and 45.0.

Upon confirmation by the circuit clerk that the record is complete either because no hearing was held, no transcript is necessary, or the transcript is on file, the clerk's office will set the briefing schedule and forward a scheduling notice to the parties.

Unless the appellant was already determined to be in forma pauperis in the underlying district court action, or was determined to be financially unable to obtain an adequate defense in a criminal case, see Fed. R. App. P. 24(a)(3), a filing fee is due within seven days of filing the notice of appeal. An appellant not already determined to be indigent, who seeks to appeal in forma pauperis, must file a motion and financial affidavit in the district court in compliance with Fed. R. App. P. 24. For an appellant not already determined to be indigent, failure to pay the filing fee or file a motion seeking in forma pauperis status with the district court within fourteen days of the date of this notice, may result in the appeal being dismissed for lack of prosecution. 1st Cir. R. 3.0(b).

An appearance form should be completed and returned immediately by any attorney who wishes to file pleadings in this court. 1st Cir. R. 12.0(a) and 46.0(a)(2). Any attorney who has not been admitted to practice before the First Circuit Court of Appeals must submit an application and fee for admission using the court's Case Management/Electronic Case Files ("CM/ECF") system prior to filing an appearance form. 1st Cir. R. 46.0(a). *Pro se* parties are not required to file an appearance form.

Dockets, opinions, rules, forms, attorney admission applications, the court calendar and general notices can be obtained from the court's website at www.ca1.uscourts.gov. Your attention is called specifically to the notice(s) listed below:

- Notice to Counsel and Pro Se Litigants
- Transcript Notice

If you wish to inquire about your case by telephone, please contact the case manager at the direct extension listed below.

Anastasia Dubrovsky, Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT
John Joseph Moakley
United States Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210
Case Manager: Gerry - (617) 748-4275

United States Court of Appeals For the First Circuit

NOTICE OF ELECTRONIC AVAILABILITY OF CASE INFORMATION

The First Circuit has implemented the Federal Judiciary's Case Management/Electronic Case Files System ("CM/ECF") which permits documents to be filed electronically. In addition, most documents filed in paper are scanned and attached to the docket. In social security and immigration cases, members of the general public have remote electronic access through PACER only to opinions, orders, judgments or other dispositions of the court. Otherwise, public filings on the court's docket are remotely available to the general public through PACER. Accordingly, parties should not include in their public filings (including attachments or appendices) information that is too private or sensitive to be posted on the internet.

Specifically, Fed. R. App. P. 25(a)(5), Fed. R. Bank. P. 9037, Fed. R. Civ. P. 5.2 and Fed. R. Cr. P. 49.1 require that parties not include, or partially redact where inclusion is necessary, the following personal data identifiers from documents filed with the court unless an exemption applies:

- **Social Security or Taxpayer Identification Numbers.** If an individual's social security or taxpayer identification number must be included, only the last four digits of that number should be used.
- **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- **Dates of Birth.** If an individual's date of birth must be included, only the year should be used.
- **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- **Home Addresses in Criminal Cases.** If a home address must be included, only the city and state should be listed.

See also 1st Cir. R. 25.0(m).

If the caption of the case contains any of the personal data identifiers listed above, the parties should file a motion to amend caption to redact the identifier.

Parties should exercise caution in including other sensitive personal data in their filings, such as personal identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, national security information, and sensitive security information as described in 49 U.S.C. § 114.

Attorneys are urged to share this notice with their clients so that an informed decision can be made about inclusion of sensitive information. The clerk will not review filings for redaction.

Filers are advised that it is the experience of this court that failure to comply with redaction requirements is most apt to occur in attachments, addenda, or appendices, and, thus, special attention should be given to them. For further information, including a list of exemptions from the redaction requirement, see <http://www.privacy.uscourts.gov/>.

United States Court of Appeals For the First Circuit

NOTICE TO COUNSEL REGARDING MANDATORY REGISTRATION AND TRAINING FOR ELECTRONIC FILING (CM/ECF)

On August 21, 2017, the U.S. Court of Appeals for the First Circuit upgraded its CM/ECF system to NextGen CM/ECF, the latest iteration of the electronic case filing system. Use of the electronic filing system is mandatory for attorneys. If you intend to file documents and/or receive notice of docket activity in this case, please ensure you have completed the following steps:

- **Obtain a NextGen account.** Attorneys who had an e-filing account in this court prior to August 21, 2017 are required to update their legacy account in order to file documents in the NextGen system. Attorneys who have never had an e-filing account in this court must register for an account at www.pacer.gov. For information on updating your legacy account or registering for a new account, go to the court's website at www.ca1.uscourts.gov and select *E-Filing (Information)*.
- **Apply for admission to the bar of this court.** Attorneys who wish to e-file must be a member of the bar of this court. For information on attorney admissions, go to the court's website at www.ca1.uscourts.gov and select *Attorney Admissions* under the *Attorney & Litigants* tab. Bar admission is not required for attorneys who wish to receive notice of docket activity, but do not intend to e-file.
- **Review Local Rule 25.** For information on Loc. R. 25.0, which sets forth the rules governing electronic filing, go to the court's website at www.ca1.uscourts.gov and select *First Circuit Rulebook* under the *Rules & Procedures* tab.

United States Court of Appeals

For the First Circuit

ORDER OF COURT

Entered: February 9, 2021

In response to recent disclosures of wide-spread breaches of both private sector and government computer systems, the Court has adopted new security procedures to protect any highly sensitive document (HSD) filed with the Court that, if improperly disclosed, could cause harm to the United States, the Federal Judiciary, litigants, or others.

HSDs are documents containing information that is likely to be of interest to the intelligence service of a foreign government and the use or disclosure of such information by a hostile foreign government would likely cause significant harm to the United States or its interests. Examples of HSDs include unclassified sealed documents involving national security, foreign sovereign interests, criminal activity related to cybersecurity or terrorism, investigation of public officials, and extremely sensitive commercial information likely to be of interest to foreign powers.

The following types of sealed documents, if they do not fall into one of the categories above, typically will not qualify as HSDs: (1) presentence reports and related documents; (2) pleadings related to cooperation in criminal cases; (3) Social Security records; (4) administrative immigration records; and (5) most sealed documents in civil cases.

The designation of a document as highly sensitive is typically made by the district court or originating agency. Documents that have previously been designated by the district court or an agency as highly sensitive will ordinarily be treated in the same manner by this court. See 1st Cir. R. 11.0(c)(1).

If a document qualifies as an HSD as that term is described above, a filer is required to file a motion to treat that document as an HSD. The movant must serve the motion and the proposed HSD on all other parties by mail with proof of service under Fed. R. App. P. 25(d)(1). The motion and each proposed HSD should be conspicuously marked as a “HIGHLY SENSITIVE DOCUMENT” and placed inside an envelope marked “HIGHLY SENSITIVE.” The motion to treat a document as an HSD should be filed contemporaneously with the filing of a motion to seal the document and should be filed in paper format only under the procedures and requirements of 1st Cir. R. 11.0(c). The motion must set forth in detail why the proposed document constitutes a highly sensitive document under the criteria set out in this order, including the specific grounds for asserting that the document contains information that is likely to be of interest to the intelligence service of a foreign government and the use or disclosure of such information by a hostile foreign government would likely cause significant harm to the United States or its interests. Conclusory assertions will not be deemed a sufficient basis for filing a motion to treat a sealed document as an HSD. If a filer believes that a previously filed document in an ongoing case before

the court qualifies as an HSD, a motion to treat the sealed document as an HSD may be filed. There is no need to file such a motion in a closed case.

/s/ Jeffrey R. Howard
Jeffrey R. Howard
Chief Judge

cc:

Kwaku A. Akowuah
Lawrence Atkinson
Maxwell A. Baldi
Nick Bell
Thomas Ross Brugato
Meenakshi Datta
Karen L. Dunn
Lindsay Feinberg
Alfred Cecil Frawley IV
Jay S. Geller
Lyle Gruby
Jeffrey L. Handwerker
Jenifer N. Hartley
Melissa A. Hewey
Alyssa Howard
Madeleine Joseph
Allon Kedem
Kevin F. King
Edward S. MacColl
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Matthew Scott Owen
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Jeffrey D. Talbert

United States Court of Appeals For the First Circuit

NOTICE TO ALL CM/ECF USERS REGARDING "NATIVE" PDF REQUIREMENT

All documents filed electronically with the court must be submitted as "native" Portable Document ("PDF") files. See 1st Cir R. 25.0. A **native PDF file** is created by electronically converting a word processing document to PDF using Adobe Acrobat or similar software. A **scanned PDF file** is created by putting a paper document through an optical scanner. Use a scanner ONLY if you do not have access to an electronic version of the document that would enable you to prepare a native PDF file. If you fail to file a document in the correct format, you will be asked to resubmit it.