

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STATE OF ARIZONA, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., *et al.*,

Defendants.

Case No. 3:26-cv-01609-VC

Scheduling Stipulation

Plaintiffs filed this action on February 24, 2026. They challenge (1) the Childhood and Adolescent Immunization Schedule adopted by the Centers for Disease Control and Prevention (“CDC”) on January 5, 2026, (2) the appointments to the Advisory Committee on Immunization Practices by Secretary of Health and Human Services Robert F. Kennedy, Jr., and (3) the Hepatitis B immunization recommendations adopted by CDC in December 2025. All of Plaintiffs’ claims are brought under the Administrative Procedure Act (“APA”), 5 U.S.C. § 706.

Under the Order Setting Initial Case Management Conference and ADR Deadlines, ECF No. 14, the deadline to file ADR Certification and deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan is May 8, 2026, and other case management deadlines follow. The parties respectfully request to be excused from these deadlines because this APA case is an “action for review on an administrative record” and thus is “exempt from [the] initial disclosure” requirements, Fed. R. Civ. P. 26(a)(1)(B)(i), and from the Rule 26(f) conference requirement, Fed. R. Civ. P. 26(f)(1). Additionally, Civil Local Rule 16-2(a) provides that an Order Setting Initial Case Management Conference and ADR Deadlines should not be issued “in categories of cases that are excluded under the Federal Rules

of Civil Procedure, these Local Rules, or an order of this Court.” Finally, the parties do not believe that ADR would be productive because the parties have legal disagreements about the Court’s subject-matter jurisdiction and the merits of Plaintiffs’ APA claims that will not be resolved through ADR.

Pursuant to paragraph 11 of the Standing Order for Civil Cases Before Judge Vince Chhabria, the following table includes the current deadlines at issue and the parties’ proposals for those deadlines:

Event	Current Deadline	Parties’ Proposal
Deadline to file ADR Certification. (See ADR L.R. 3)	May 8, 2026 (per ECF No. 14)	Excused.
Deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan. (See F.R. Civ. P. 26(f))	May 8, 2026 (per ECF No. 14)	Excused.
Deadline to make initial disclosures. (See F.R. Civ. P. 26(a)(1))	May 22, 2026 (per ECF No. 14)	Excused.
Deadline to file Joint Case Management Statement. (See Standing Order for All Judges of the Northern District of California)	May 22, 2026 (per ECF No. 14)	Excused.
Initial Case Management Conference: To be held by Zoom. Go to cand.uscourts.gov/vc for Zoom link.	May 29, 2026 at 10:00 AM (per ECF No. 14)	Converted to status conference.

In lieu of vacating the May 29, 2026 Initial Case Management Conference, the parties request that the Court convert it to a status conference (to be held on the same date and time) to resolve several scheduling issues on which the parties disagree. The parties are negotiating the other deadlines in this case and plan to submit separate stipulations or motions regarding those deadlines.

The grounds for this stipulation are further set out in the accompanying Declaration of Isaac C. Belfer, and a proposed order is attached.

May 5, 2026

Respectfully submitted,

KRISTIN K. MAYES
Attorney General for the State of Arizona

BRETT A. SHUMATE
Assistant Attorney General

/s/ Joshua D. Bendor
Joshua D. Bendor*
Clinton N. Garrett*
Syreeta A. Tyrell*
Alexa G. Salas*
Office of the Arizona Attorney General
2005 N. Central Ave.
Phoenix, Arizona 85004

ERIC J. HAMILTON
Deputy Assistant Attorney General

ERIC B. BECKENHAUER
Assistant Director

JAMES W. HARLOW
Senior Trial Counsel

Attorneys for the State of Arizona

/s/ Isaac C. Belfer
ISAAC C. BELFER (D.C. Bar No. 1014909)
Trial Attorney
Federal Programs Branch
Civil Division
U.S. Department of Justice
1100 L Street, NW
Washington, DC 20005
(202) 305-7134
(202) 514-8742 (fax)
Isaac.C.Belfer@usdoj.gov

ROB BONTA
Attorney General for the State of California

Counsel for Defendants

/s/ Katherine Milton
Katherine Milton
Deputy Attorney General
Neli Palma
Senior Assistant Attorney General
Kathleen Boergers
Nimrod Elias
Supervising Deputy Attorneys General
Marnie G. Ganotis
Deputy Attorney General
455 Golden Gate Avenue
San Francisco, CA 94102-7004
(415) 229-0118
katherine.milton@doj.ca.gov_
Neli.Palma@doj.ca.gov
Kathleen.Boergers@doj.ca.gov
Nimrod.Elias@doj.ca.gov
Marnie.Ganotis@doj.ca.gov

Counsel for the State of California

Additional Plaintiffs' Counsel

PHILIP J. WEISER

WILLIAM TONG

Attorney General for the State of Colorado

Attorney General of Connecticut

/s/ David Moskowitz

/s/ Elizabeth Bannon

David Moskowitz*
Deputy Solicitor General
Nora Passamaneck*
Senior Assistant Attorney General
Colorado Department of Law
1300 Broadway, #10
Denver, CO 80203
(720) 508-6000
david.moskowitz@coag.gov

Elizabeth Bannon*
Assistant Attorney General
165 Capitol Ave
Hartford, CT 06106
(860) 808-5210
Elizabeth.Bannon@ct.gov

Attorneys for Plaintiff State of Connecticut

Attorneys for the State of Colorado

KATHLEEN JENNINGS

Attorney General of the State of Delaware

AARON M. FREY

Maine Attorney General

/s/ Vanessa L. Kassab

/s/ Kendall R. Schutzer

IAN R. LISTON*
Director of Impact Litigation
VANESSA L. KASSAB*
Deputy Attorney General
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 683-8899
vanessa.kassab@delaware.gov

Kendall R. Schutzer*
Assistant Attorney General
Office of the Attorney General
6 State House Station
Augusta, ME 04333
Tel.: 207-626-8452
Fax: 207-287-3145
Kendall.Schutzer@Maine.gov

Attorneys for Plaintiff State of Maine

Attorneys for Plaintiff State of Delaware

ANTHONY G. BROWN

Attorney General of Maryland

DANA NESSEL

Attorney General of Michigan

/s/ Michael Drezner

/s/ Neil Giovanatti

Michael Drezner*
Senior Assistant Attorney General
Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202
(410) 576-6959

Neil Giovanatti*
Assistant Attorney General
Michigan Department of Attorney General
525 W. Ottawa
Lansing, MI 48909
(517) 335-7603

mdrezner@oag.state.gov

Counsel for the State of Maryland

KEITH ELLISON

Attorney General for the State of Minnesota

/s/ Jennifer Moreau

Jennifer Moreau*
Brian S. Carter**
Assistant Attorneys General
445 Minnesota Street, Suite 600
St. Paul, Minnesota, 55101
(651) 757-1195
jennifer.moreau@ag.state.mn.us
brian.carter@ag.state.mn.us

Attorneys for Plaintiff State of Minnesota

RAÚL TORREZ

New Mexico Attorney General

/s/ Justin McCarthy

Justin McCarthy*
Assistant Solicitor General
New Mexico Department of Justice
408 Galisteo Street
Santa Fe, NM 87501
(505) 629-7741
jmccarthy@nmjoj.gov

Attorney for State of New Mexico

PETER F. NERONHA

Attorney General of Rhode Island

GiovanattiN@michigan.gov

Attorney for the State of Michigan

JENNIFER DAVENPORT

Attorney General of New Jersey

/s/ Joshua P. Bohn

Joshua P. Bohn*
Kevin Bui*
Amanda McElfresh*
Deputy Attorneys General
Office of the Attorney General
25 Market Street
Trenton, NJ 08625
(609) 696-5366
Joshua.Bohn@law.njoag.gov
Kevin.Bui@law.njoag.gov
Amanda.McElfresh@law.njoag.gov

Counsel for the State of New Jersey

DAN RAYFIELD

Attorney General of Oregon

/s/ Scott P. Kennedy

Scott P. Kennedy*
Senior Assistant Attorney General
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201
Tel (971) 673-1880
Fax (971) 673-5000
Scott.Kennedy@doj.oregon.gov

Attorneys for Plaintiff State of Oregon

JOSHUA L. KAUL

Attorney General of Wisconsin

/s/ Kathryn T. Gradowski
Kathryn T. Gradowski*
Special Assistant Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400, Ext. 2810
kgradowski@riag.ri.gov
Rhode Island Bar No. 10871

Counsel for the State of Rhode Island

/s/ Amanda Quester
Amanda Quester*
Assistant Attorney General
Wisconsin Department of Justice
Post Office Box 7857
Madison, WI 53707-7857
(608) 266-8690
amanda.quester@wisdoj.gov

Counsel for the State of Wisconsin

JOSH SHAPIRO

*in his official capacity as Governor of the
Commonwealth of Pennsylvania*

Jennifer Selber
General Counsel

/s/ Aimee D. Thomson
Aimee D. Thomson*
Deputy General Counsel
Pennsylvania Office of the Governor
30 N. 3rd St., Suite 200
Harrisburg, PA 17101
(223) 234-4986
aimeethomson@pa.gov

Counsel for Governor Josh Shapiro

**Admitted Pro Hac Vice*

*** Pro Hac Vice application forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the CM/ECF system, will be sent via electronic mail to the registered participants as identified on the Notice of Electronic Filing.

May 5, 2026

/s/ Isaac C. Belfer
Isaac C. Belfer

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STATE OF ARIZONA, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., *et al.*,

Defendants.

Case No. 3:26-cv-01609-VC

Declaration of Isaac C. Belfer

Pursuant to 28 U.S.C. § 1746, I, Isaac C. Belfer, declare as follows:

1. I am a trial attorney in the Federal Programs Branch, Civil Division, U.S. Department of Justice, and am representing Defendants in this matter. The purpose of this declaration is to support the parties' Scheduling Stipulation pursuant to Civil Local Rule 6-2.
2. Under the Order Setting Initial Case Management Conference and ADR Deadlines, ECF No. 14, the deadline to file ADR Certification and deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan is May 8, 2026, and other case management deadlines follow. The parties respectfully request to be excused from these deadlines because this Administrative Procedure Act ("APA") case is an "action for review on an administrative record" and thus is "exempt from [the] initial disclosure" requirements, Fed. R. Civ. P. 26(a)(1)(B)(i), and from the Rule 26(f) conference requirement, Fed. R. Civ. P. 26(f)(1). Additionally, Civil Local Rule 16-2(a) provides that an Order Setting Initial Case Management Conference and ADR Deadlines should not be issued "in categories of cases that are excluded under the Federal Rules of Civil Procedure, these Local Rules, or an order of this Court." Finally, the parties do not believe that ADR would be productive because

the parties have legal disagreements about the Court's subject-matter jurisdiction and the merits of Plaintiffs' APA claims that will not be resolved through ADR.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on May 5, 2026.

/s/ Isaac C. Belfer

ISAAC C. BELFER (D.C. Bar No. 1014909)

Trial Attorney

Federal Programs Branch

Civil Division

U.S. Department of Justice

1100 L Street, NW

Washington, DC 20005

(202) 305-7134

(202) 514-8742 (fax)

Isaac.C.Belfer@usdoj.gov

Counsel for Defendants