

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CLERK'S CERTIFICATE AND APPEALS COVER SHEET

ABBREVIATED ELECTRONIC RECORD

Case Caption: American Academy of Pediatrics et al v. Kennedy et al

District Court Number: 1:25-cv-11916-BEM

Fee: Paid? Yes \_\_\_ No \_\_\_ Government filer  In Forma Pauperis Yes \_\_\_ No \_\_\_

Motions Pending Yes  No \_\_\_ Sealed documents Yes \_\_\_ No   
If yes, document # #303 , #304 If yes, document #

Ex parte documents Yes \_\_\_ No  Transcripts Yes \_\_\_ No   
If yes, document # If yes, document #

Notice of Appeal filed by: Plaintiff/Petitioner \_\_\_ Defendant/Respondent  Other: \_\_\_

Appeal from:

#291 Memorandum and order

Other information:

I, Robert M. Farrell, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed electronic documents:

#291

with the electronic docket sheet, constitute the abbreviated record on appeal in the above entitled case for the Notice of Appeal # 306 filed on 4/29/2026.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on April 30, 206.

ROBERT M. FARRELL  
Clerk of Court

/s/Marlene Martins  
Deputy Clerk

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

PLEASE RETURN TO THE USDC CLERK'S OFFICE

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:25-cv-11916-BEM  
Internal Use Only**

American Academy of Pediatrics et al v. Kennedy et al  
Assigned to: Judge Brian E. Murphy  
Case in other court: USCA - First Circuit, 25-01907  
USCA - First Circuit, 26-01325  
Cause: 05:551 Administrative Procedure Act

Date Filed: 07/07/2025  
Jury Demand: None  
Nature of Suit: 899 Other Statutes: Administrative  
Procedures Act/Review or Appeal of Agency Decision  
Jurisdiction: U.S. Government Defendant

**Plaintiff****American Academy of Pediatrics**

represented by **Elizabeth J. McEvoy**  
Epstein Becker Green  
One Financial Center  
Suite 1520  
Boston, MA 02111  
617-603-1100  
Email: EMcEvoy@ebglaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James J. Oh**  
Epstein Becker & Green, P.C.  
227 W. Monroe Street  
Ste 4500  
Chicago, IL 60606  
312-499-1470  
Fax: 312-827-9525  
Email: joh@ebglaw.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Kathleen Barrett**  
Epstein Becker & Green, PC  
227 West Monroe Street  
Suite 4500  
Chicago, IL 60606  
312-499-1400  
Email: kbarrett@ebglaw.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Stuart M. Gerson**  
Epstein Becker & Green, P.C.  
1227 25th Street, N.W.  
Ste 7th Floor  
Washington, DC 20037  
202-861-4180  
Fax: 202-861-3540  
Email: sgerson@ebglaw.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Carolyn Owens Boucek**  
Littler Mendelson P.C.  
321 N. Clark Street  
Suite 1100  
Chicago, IL 60654  
312-795-3284  
Fax: 312-264-0128



**Certified to be a true and  
correct copy of the original  
Robert M. Farrell, Clerk  
U. S. District Court  
District of Massachusetts**

By: Marlene Martin  
Deputy Clerk

Date: 04/30/2026

Email: cboucek@littler.com  
*TERMINATED: 01/13/2026*  
*ATTORNEY TO BE NOTICED*

**Daniella Lee**

Epstein Becker Green  
201 East Kennedy Blvd  
Suite 1260  
Tampa, FL 33602  
727-346-3771  
Email: dlee@ebglaw.com  
*ATTORNEY TO BE NOTICED*

**Gianna Monet Costello**

Epstein Becker Green  
Litigation  
One Financial Center  
Ste 1520  
Boston, MA 02111  
978-335-2995  
Email: gcostello@ebglaw.com  
*ATTORNEY TO BE NOTICED*

**Jeremy A. Avila**

Epstein Becker & Green, P.C.  
57 Post Office  
Suite 703  
San Francisco, CA 94104  
415-398-3500  
Email: javila@ebglaw.com  
*ATTORNEY TO BE NOTICED*

**Lydia Pincsak**

Epstein Becker & Green, P.C.  
227 W Monroe St  
Suite 4500  
Chicago, IL 60606  
312-499-1410  
Email: lpincsak@ebglaw.com  
*TERMINATED: 01/29/2026*  
*ATTORNEY TO BE NOTICED*

**Marguerite McGowan Stringer**

Epstein Becker & Green, P.C.  
6584 Poplar Ave  
Floor 2  
Memphis, TN 38119  
901-712-3186  
Email: mstringer@ebglaw.com  
*TERMINATED: 01/29/2026*  
*ATTORNEY TO BE NOTICED*

**Richard Hughes , IV**

Epstein Becker & Green, P.C.  
1227 25th Street, N.W.  
Suite 700  
20037  
Washington, DC 20037  
202-861-1893  
Fax: 202-296-2882  
Email: rhhughes@ebglaw.com  
*ATTORNEY TO BE NOTICED*

**Robert E Wanerman**

Epstein Becker & Green, P.C.  
1227 25th Street, N.W.  
Ste 7th Floor  
Washington, DC 20037

202-861-1885  
Fax: 202-861-3585  
Email: rwanerman@ebglaw.com  
*ATTORNEY TO BE NOTICED*

**William Walters**  
Epstein Becker & Green, P.C.  
1227 25th Street, N.W.  
Suite 700  
Washington, DC 20037  
202-861-1862  
Fax: 202-296-2882  
Email: wwalters@ebglaw.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**American College of Physicians, Inc.**

represented by **Elizabeth J. McEvoy**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James J. Oh**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Kathleen Barrett**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Stuart M. Gerson**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Carolyn Owens Boucek**  
(See above for address)  
*TERMINATED: 01/13/2026*  
*ATTORNEY TO BE NOTICED*

**Daniella Lee**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Gianna Monet Costello**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jeremy A. Avila**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Lydia Pincsak**  
(See above for address)  
*TERMINATED: 01/29/2026*  
*ATTORNEY TO BE NOTICED*

**Marguerite McGowan Stringer**  
(See above for address)  
*TERMINATED: 01/29/2026*  
*ATTORNEY TO BE NOTICED*

**Richard Hughes, IV**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**Robert E Wanerman**

(See above for address)

*ATTORNEY TO BE NOTICED*

**William Walters**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**American Public Health Association**

represented by **Elizabeth J. McEvoy**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**James J. Oh**

(See above for address)

*LEAD ATTORNEY*

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Kathleen Barrett**

(See above for address)

*LEAD ATTORNEY*

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Stuart M. Gerson**

(See above for address)

*LEAD ATTORNEY*

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Carolyn Owens Boucek**

(See above for address)

*TERMINATED: 01/13/2026*

*ATTORNEY TO BE NOTICED*

**Daniella Lee**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Gianna Monet Costello**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Jeremy A. Avila**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Lydia Pincsak**

(See above for address)

*TERMINATED: 01/29/2026*

*ATTORNEY TO BE NOTICED*

**Marguerite McGowan Stringer**

(See above for address)

*TERMINATED: 01/29/2026*

*ATTORNEY TO BE NOTICED*

**Richard Hughes , IV**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Robert E Wanerman**

(See above for address)

*ATTORNEY TO BE NOTICED*

**William Walters**

(See above for address)

*ATTORNEY TO BE NOTICED***Plaintiff****Infectious Diseases Society of America**represented by **Elizabeth J. McEvoy**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***James J. Oh**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Kathleen Barrett**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Stuart M. Gerson**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Carolyn Owens Boucek**

(See above for address)

*TERMINATED: 01/13/2026**ATTORNEY TO BE NOTICED***Daniella Lee**

(See above for address)

*ATTORNEY TO BE NOTICED***Gianna Monet Costello**

(See above for address)

*ATTORNEY TO BE NOTICED***Jeremy A. Avila**

(See above for address)

*ATTORNEY TO BE NOTICED***Lydia Pincsak**

(See above for address)

*TERMINATED: 01/29/2026**ATTORNEY TO BE NOTICED***Marguerite McGowan Stringer**

(See above for address)

*TERMINATED: 01/29/2026**ATTORNEY TO BE NOTICED***Richard Hughes, IV**

(See above for address)

*ATTORNEY TO BE NOTICED***Robert E Wanerman**

(See above for address)

*ATTORNEY TO BE NOTICED***William Walters**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff****Massachusetts Public Health Association***doing business as*

Massachusetts Public Health Alliance

represented by **Elizabeth J. McEvoy**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***James J. Oh**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Kathleen Barrett**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Stuart M. Gerson**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Carolyn Owens Boucek**

(See above for address)

*TERMINATED: 01/13/2026**ATTORNEY TO BE NOTICED***Daniella Lee**

(See above for address)

*ATTORNEY TO BE NOTICED***Gianna Monet Costello**

(See above for address)

*ATTORNEY TO BE NOTICED***Jeremy A. Avila**

(See above for address)

*ATTORNEY TO BE NOTICED***Lydia Pincsak**

(See above for address)

*TERMINATED: 01/29/2026**ATTORNEY TO BE NOTICED***Marguerite McGowan Stringer**

(See above for address)

*TERMINATED: 01/29/2026**ATTORNEY TO BE NOTICED***Richard Hughes , IV**

(See above for address)

*ATTORNEY TO BE NOTICED***Robert E Wanerman**

(See above for address)

*ATTORNEY TO BE NOTICED***William Walters**

(See above for address)

*ATTORNEY TO BE NOTICED***Plaintiff****Society for Maternal-Fetal Medicine**represented by **Elizabeth J. McEvoy**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

**James J. Oh**

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

**Kathleen Barrett**

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

**Stuart M. Gerson**

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

**Carolyn Owens Boucek**

(See above for address)  
*TERMINATED: 01/13/2026*  
*ATTORNEY TO BE NOTICED*

**Daniella Lee**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Gianna Monet Costello**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jeremy A. Avila**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Lydia Pincsak**

(See above for address)  
*TERMINATED: 01/29/2026*  
*ATTORNEY TO BE NOTICED*

**Marguerite McGowan Stringer**

(See above for address)  
*TERMINATED: 01/29/2026*  
*ATTORNEY TO BE NOTICED*

**Richard Hughes , IV**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert E Wanerman**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**William Walters**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jane Doe**

represented by **Elizabeth J. McEvoy**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James J. Oh**

(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Kathleen Barrett**

(See above for address)

*LEAD ATTORNEY*

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Stuart M. Gerson**

(See above for address)

*LEAD ATTORNEY*

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Carolyn Owens Boucek**

(See above for address)

*TERMINATED: 01/13/2026*

*ATTORNEY TO BE NOTICED*

**Daniella Lee**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Gianna Monet Costello**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Jeremy A. Avila**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Lydia Pincsak**

(See above for address)

*TERMINATED: 01/29/2026*

*ATTORNEY TO BE NOTICED*

**Marguerite McGowan Stringer**

(See above for address)

*TERMINATED: 01/29/2026*

*ATTORNEY TO BE NOTICED*

**Richard Hughes , IV**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Robert E Wanerman**

(See above for address)

*ATTORNEY TO BE NOTICED*

**William Walters**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Massachusetts Chapter of the American Academy of  
Pediatrics**

represented by **James J. Oh**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Daniella Lee**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Elizabeth J. McEvoy**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Gianna Monet Costello**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Lydia Pincsak**  
(See above for address)  
*TERMINATED: 01/29/2026*  
*ATTORNEY TO BE NOTICED*

**Marguerite McGowan Stringer**  
(See above for address)  
*TERMINATED: 01/29/2026*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jane Doe 2**

represented by **James J. Oh**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniella Lee**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Elizabeth J. McEvoy**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Gianna Monet Costello**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Lydia Pincsak**  
(See above for address)  
*TERMINATED: 01/29/2026*  
*ATTORNEY TO BE NOTICED*

**Marguerite McGowan Stringer**  
(See above for address)  
*TERMINATED: 01/29/2026*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jane Doe 3**

represented by **Elizabeth J. McEvoy**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James J. Oh**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniella Lee**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Gianna Monet Costello**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Lydia Pincsak**  
(See above for address)  
*TERMINATED: 01/29/2026*  
*ATTORNEY TO BE NOTICED*

**Marguerite McGowan Stringer**  
(See above for address)  
*TERMINATED: 01/29/2026*

ATTORNEY TO BE NOTICED

V.

**Defendant**

**Robert F. Kennedy, Jr.**

*in his official capacity as Secretary of the Department of  
Health and Human Services*

represented by **Isaac Belfer**

DOJ-Crt  
Civil Division, Consumer Protection Branch  
P.O. Box 386  
Washington, DC 20044-0386  
202-305-7134  
Fax: 202-514-8742  
Email: isaac.c.belfer@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James W Harlow**

DOJ-Civ  
Federal Programs Branch  
1100 L Street NW  
Washington, DC 20005  
202-514-6786  
Email: james.w.harlow@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Fitzgerald**

United States Attorney's Office MA  
1 Courthouse Way  
Suite 9200  
Boston, MA 02210  
617-748-3266  
Email: Michael.fitzgerald2@usdoj.gov  
**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department of Health and Human  
Services**

represented by **Isaac Belfer**

(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James W Harlow**

(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Fitzgerald**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Marty Makary**

*in his official capacity as Commissioner of the Food and  
Drug Administration*

represented by **Isaac Belfer**

(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James W Harlow**

(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Fitzgerald**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Food and Drug Administration**

represented by **Isaac Belfer**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James W Harlow**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael Fitzgerald**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Director Jay Bhattacharya**  
*in his capacity as Director of the National Institutes of Health*

represented by **Isaac Belfer**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James W Harlow**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael Fitzgerald**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**National Institutes of Health**

represented by **Isaac Belfer**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James W Harlow**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael Fitzgerald**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Matthew Buzzelli**  
*in his official capacity as Acting Director of Centers For Disease Control and Prevention*

represented by **Isaac Belfer**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James W Harlow**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael Fitzgerald**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Centers for Disease Control and Prevention**

represented by **Isaac Belfer**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James W Harlow**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Michael Fitzgerald**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Does 1-50**  
*inclusive*

represented by **James W Harlow**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American College of Obstetricians & Gynecologists**

represented by **Thanithia R. Billings**  
Wilmer Cutler Pickering Hale and Dorr LLP  
60 State Street  
Boston, MA 02109  
617-526-6385  
Email: thanithia.billings@wilmerhale.com  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American Academy of Family Physicians**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American Academy of Nursing**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American College of Chest Physicians**

represented by **Andrew M. London**  
Foley Hoag LLP  
155 Seaport Boulevard  
Seaport World Trade Center West  
Boston, MA 02210  
617-832-1737  
Email: alondon@foleyhoag.com  
*ATTORNEY TO BE NOTICED*

**Caroline Lindsay Farrell**  
Foley Hoag LLP  
Healthcare Department  
1301 Avenue of the Americas  
New York, NY 10019  
212-812-0438  
Email: cfarrell@foleyhoag.com  
*ATTORNEY TO BE NOTICED*

**Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American College of Medical Genetics and Genomics**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American College of Nurse-Midwives**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American Gynecological and Obstetrical Society**

represented by **Thanithia R. Billings**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**Amicus**

**American Medical Association**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American Medical Womens Association**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American Society for Reproductive Medicine**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Council of Chairs of Obstetrics and Gynecology**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Massachusetts Medical Society**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**National Association of Nurse Practitioners in  
Womens Health**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**National Association of Pediatric Nurse Practitioners**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**North American Society for Pediatric and Adolescent  
Gynecology**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Society for Adolescent Health and Medicine**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Society of General Internal Medicine**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Society of Gynecologic Oncology**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Society of Gynecologic Surgeons**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Society of OB/GYN Hospitalists**

represented by **Thanithia R. Billings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus****Pediatric Infectious Diseases Society, Inc.**

represented by **Ashley H. Wisneski**  
Tenenbaum Law Group  
117 Highland Ave  
Unit B  
02143  
Somerville, MA 02143  
617-764-4493  
Email: ashleywisneski@hotmail.com  
*ATTORNEY TO BE NOTICED*

**Holly Peterson**

Tenenbaum Law Group PLLC  
601 13th Street NW  
12th Floor  
Washington, DC 20005  
202-221-8006  
Email: hpeterson@tenenbaumlegal.com  
*ATTORNEY TO BE NOTICED*

**Kevin Serafino**

Tenenbaum Law Group PLLC  
601 13th Street NW  
12th Floor  
Washington, DC 20005  
771-240-3831  
Email: kserafino@tenenbaumlegal.com  
*ATTORNEY TO BE NOTICED*

**Amicus****Defend Public Health**

represented by **David S. Schumacher**  
Hooper, Lundy & Bookman, P.C.  
470 Atlantic Avenue  
Suite 1201  
Boston, MA 02210  
617-532-2704  
Email: dschumacher@health-law.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Heather Romero**

Hooper, Lundy & Bookman, P.C.  
470 Atlantic Ave.  
Boston, MA 02210  
617-532-2717  
Email: hromero@hooperlundy.com  
*ATTORNEY TO BE NOTICED*

**Julia Caldwell**

5 Lawnwood Place  
Boston, MA 02129  
617-894-6321  
Email: jcaldwell@hooperlundy.com  
*ATTORNEY TO BE NOTICED*

**Amicus****Lynn R. Goldman**  
*MD, MPH, MS*

represented by **Andrew J. Pincus**  
Mayer Brown LLP  
1999 K Street NW  
Washington, DC 20006  
202-263-3220  
Fax: 5220  
Email: apincus@mayerbrown.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Allison Aviki**

Mayer Brown LLP  
1221 Avenue of the Americas  
New York, NY 10020  
212-506-2310  
Email: aaviki@mayerbrown.com  
*ATTORNEY TO BE NOTICED*

**Crystal Paulino**

Mayer Brown LLP  
1221 Avenue of the Americas  
New York, NY 10020  
212-506-2502  
Email: cpaulino@mayerbrown.com  
*ATTORNEY TO BE NOTICED*

**Graham White**

Mayer Brown LLP  
1221 Avenue of the Americas  
New York, NY 10020  
212-506-2500  
Email: gwhite@mayerbrown.com  
*ATTORNEY TO BE NOTICED*

**Natasha Harnwell-Davis**

Mayer Brown LLP  
1999 K Street NW  
Washington, DC 20006  
202-263-3000  
Email: ndavis@mayerbrown.com  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Nicole L. Huberfeld**  
*JD*

represented by **Andrew J. Pincus**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Allison Aviki**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Crystal Paulino**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Graham White**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Natasha Harnwell-Davis**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Timothy Stoltzfus Jost**  
*JD*

represented by **Andrew J. Pincus**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Allison Aviki**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Crystal Paulino**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Graham White**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Natasha Harnwell-Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Amicus

**Paula Lantz**  
*PhD*

represented by **Andrew J. Pincus**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Allison Aviki**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Crystal Paulino**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Graham White**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Natasha Harnwell-Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Amicus

**Jeffrey Levi**  
*PhD*

represented by **Andrew J. Pincus**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Allison Aviki**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Crystal Paulino**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Graham White**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Natasha Harnwell-Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Amicus

**Frances Miller**  
*JD*

represented by **Andrew J. Pincus**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Allison Aviki**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Crystal Paulino**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Graham White**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Natasha Harnwell-Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Amicus

**Christopher Robertson**  
*JD, PhD*

represented by **Andrew J. Pincus**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Allison Aviki**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Crystal Paulino**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Graham White**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Natasha Harnwell-Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Amicus

**Sara Rosenbaum**  
*JD*

represented by **Andrew J. Pincus**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Allison Aviki**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Crystal Paulino**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Graham White**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Natasha Harnwell-Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Amicus

**William M. Sage**  
*MD, JD*

represented by **Andrew J. Pincus**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Allison Aviki**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Crystal Paulino**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Graham White**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Natasha Harnwell-Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Joshua M. Sharfstein**  
*MD*

represented by **Andrew J. Pincus**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Allison Aviki**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Crystal Paulino**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Graham White**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Natasha Harnwell-Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Laura Stephens**  
*JD*

represented by **Andrew J. Pincus**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Allison Aviki**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Crystal Paulino**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Graham White**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Natasha Harnwell-Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American Association of Immunologists**

represented by **Kyle Keraga**  
Venable LLP  
Commercial Litigation Maryland  
750 East Pratt Street  
Suite 900  
Baltimore, MD 21202  
410-244-7650  
Email: khkeraga@venable.com  
*LEAD ATTORNEY*

*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Megan Barbero**  
Venable LLP  
600 Massachusetts Avenue, NW  
Washington, DC 20001  
202-344-4540  
Email: MBarbero@Venable.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Justin Coen**  
Venable LLP  
600 Massachusetts Ave NW  
Washington, DC 20001  
202-344-4639  
Email: jcoen@venable.com  
*TERMINATED: 04/01/2026*  
*ATTORNEY TO BE NOTICED*

**Sarah Allen**  
Venable LLP  
600 Massachusetts Ave NW  
Washington, DC 20001  
202-344-4712  
Email: smallen@venable.com  
*ATTORNEY TO BE NOTICED*

**Amicus**

**America's Physician Groups**

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

**Megan Barbero**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Justin Coen**  
(See above for address)  
*TERMINATED: 04/01/2026*  
*ATTORNEY TO BE NOTICED*

**Sarah Allen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American Thoracic Society**

represented by **Andrew M. London**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Caroline Lindsay Farrell**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Network for Public Health Law**

represented by **Andrew M. London**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Caroline Lindsay Farrell**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Amicus**Robert Wood Johnson Foundation**

represented by **Andrew M. London**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Caroline Lindsay Farrell**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Amicus**American Academy of Allergy, Asthma, &  
Immunology**

represented by **Andrew M. London**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Caroline Lindsay Farrell**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Amicus**119 Deans, Chairs, and Public Health and Health  
Policy Scholars**

represented by **Andrew M. London**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Caroline Lindsay Farrell**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Amicus**Andrea Shaw**

V.

Intervenor**Jose A. Perez***TERMINATED: 07/31/2025*

represented by **Jose A. Perez**  
307 Lakeside Drive  
North Augusta, SC 29841  
PRO SE

Intervenor**Children's Health Defense***TERMINATED: 02/27/2026*

represented by **Richard Jaffe**  
Richard Jaffe Esq.  
428 J Street  
4th Floor  
Sacramento, CA 95814  
916-492-6038  
Fax: 713-626-9420  
Email: rickjaffeesquire@gmail.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert N. Meltzer**  
The Mountain States Law Group  
33 Bradford Street  
Concord, MA 01742  
978-254-6289  
Fax: 508-647-0332  
Email: inbox@mountainstateslawgroup.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Intervenor**Andrea Shaw***TERMINATED: 02/27/2026*

represented by **Richard Jaffe**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert N. Meltzer**

(See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Intervenor**

**Shanticia Nelson**  
 TERMINATED: 02/27/2026

represented by **Robert N. Meltzer**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Intervenor**

**Dr. Paul Thomas**  
 TERMINATED: 02/27/2026

represented by **Robert N. Meltzer**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED


**Intervenor**

**Dr. Kenneth Stoller**  
 TERMINATED: 02/27/2026

represented by **Robert N. Meltzer**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
07/07/2025	 <a href="#">1</a>	COMPLAINT ( <i>Complaint for Declaratory and Injunctive Relief</i> ) against All Defendants Filing fee: \$ 405, receipt number AMADC-11104419 (Fee Status: Filing Fee paid), filed by American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Massachusetts Public Health Association d/b/a Massachusetts Public Health Alliance, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Civil Cover Sheet, # <a href="#">2</a> Exhibit B - Category Form)(McEvoy, Elizabeth) (Additional attachment(s) added on 7/9/2025: # <a href="#">3</a> SEALED) (MAP). (Entered: 07/07/2025)
07/07/2025	<a href="#">2</a>	NOTICE of Appearance by Elizabeth J. McEvoy on behalf of American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Massachusetts Public Health Association d/b/a Massachusetts Public Health Alliance, Society for Maternal-Fetal Medicine (McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">3</a>	CORPORATE DISCLOSURE STATEMENT by American Academy of Pediatrics. (McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">4</a>	CORPORATE DISCLOSURE STATEMENT by American College of Physicians, Inc.. (McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">5</a>	CORPORATE DISCLOSURE STATEMENT by American Public Health Association. (McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">6</a>	CORPORATE DISCLOSURE STATEMENT by Infectious Diseases Society of America. (McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">7</a>	CORPORATE DISCLOSURE STATEMENT by Massachusetts Public Health Association d/b/a Massachusetts Public Health Alliance. (McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">8</a>	CORPORATE DISCLOSURE STATEMENT by Society for Maternal-Fetal Medicine. (McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">9</a>	MOTION for Protective Order ( <i>Individual Plaintiff's Motion to Proceed Under Pseudonym and for Protective Order</i> ) by Jane Doe. (Attachments: # <a href="#">1</a> Text of Proposed Order (Proposed Order))(McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">10</a>	MEMORANDUM in Support re <a href="#">9</a> MOTION for Protective Order ( <i>Individual Plaintiff's Motion to Proceed Under Pseudonym and for Protective Order</i> ) filed by Jane Doe. (Attachments: # <a href="#">1</a> Exhibit A - Declaration of Jane Doe, M.D., # <a href="#">2</a> Exhibit B - Declaration of Jane Doe, MD in Support of Her Motion to Proceed Under a Pseudonym and for Protective Order)(McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	11	ELECTRONIC NOTICE of Case Assignment. Judge William G. Young assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge M. Page Kelley. (NMC) (Entered: 07/07/2025)

07/07/2025	<a href="#">12</a>	CERTIFICATE OF CONSULTATION pursuant to LR 7.1 re <a href="#">9</a> MOTION for Protective Order ( <i>Individual Plaintiff's Motion to Proceed Under Pseudonym and for Protective Order</i> ) by Elizabeth J. McEvoy on behalf of Jane Doe. (McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">13</a>	MOTION for Leave to File Excess Pages by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Text of Proposed Order (Proposed Order))(McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">14</a>	CERTIFICATE OF CONSULTATION pursuant to LR 7.1 re <a href="#">13</a> MOTION for Leave to File Excess Pages by Elizabeth J. McEvoy on behalf of All Plaintiffs. (McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">15</a>	MOTION for Preliminary Injunction ( <i>and Declaratory Relief and Request for Expedited Consideration</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine.(McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">16</a>	MEMORANDUM in Support re <a href="#">15</a> MOTION for Preliminary Injunction ( <i>and Declaratory Relief and Request for Expedited Consideration</i> ) filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (McEvoy, Elizabeth) (Entered: 07/07/2025)
07/07/2025	<a href="#">17</a>	Summons Issued as to All Defendants. <b>Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service.</b> (SEC) (Entered: 07/07/2025)
07/07/2025	<a href="#">18</a>	Judge William G. Young: ELECTRONIC ORDER entered denying <a href="#">13</a> Motion for Leave to File Excess Pages (MAP) (Entered: 07/07/2025)
07/07/2025	<a href="#">19</a>	Summons Issued as to Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Does 1-50, inclusive, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. <b>Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service.</b> (MAP) (Entered: 07/07/2025)
07/08/2025	<a href="#">20</a>	AFFIDAVIT OF SERVICE Executed by Jane Doe, American College of Physicians, Inc., American Academy of Pediatrics, Society for Maternal-Fetal Medicine, American Public Health Association, Infectious Diseases Society of America, Massachusetts Public Health Association. Jay Bhattacharya served on 7/7/2025, answer due 7/28/2025; Matthew Buzzelli served on 7/7/2025, answer due 7/28/2025; Robert F. Kennedy, Jr served on 7/7/2025, answer due 7/28/2025; Marty Makary served on 7/7/2025, answer due 7/28/2025. Acknowledgement filed by Jane Doe; American College of Physicians, Inc.; American Academy of Pediatrics; Society for Maternal-Fetal Medicine; American Public Health Association; Infectious Diseases Society of America; Massachusetts Public Health Association. (McEvoy, Elizabeth)  <b>Modified on 7/8/2025 to Strike from the Docket as Counsel Filed the Unexecuted Service Under the Wrong Event in CM/ECF. Please see ECF No. <a href="#">23</a> for the Return of Service as to the U.S. Attorney for the District of Massachusetts (MAP).</b>  (Entered: 07/08/2025)
07/08/2025	<a href="#">21</a>	AFFIDAVIT OF SERVICE Executed by Jane Doe, American College of Physicians, Inc., American Academy of Pediatrics, Society for Maternal-Fetal Medicine, American Public Health Association, Infectious Diseases Society of America, Massachusetts Public Health Association. Jay Bhattacharya served on 7/8/2025, answer due 7/29/2025; Matthew Buzzelli served on 7/8/2025, answer due 7/29/2025; Robert F. Kennedy, Jr served on 7/8/2025, answer due 7/29/2025; Marty Makary served on 7/8/2025, answer due 7/29/2025. Acknowledgement filed by Jane Doe; American College of Physicians, Inc.; American Academy of Pediatrics; Society for Maternal-Fetal Medicine; American Public Health Association; Infectious Diseases Society of America; Massachusetts Public Health Association. (McEvoy, Elizabeth)  <b>Modified on 7/8/2025 Filed Under the Wrong Event By Counsel. Please see ECF No. <a href="#">23</a> for the Properly Filed Return of Service as to the U.S. Attorney for the District of Massachusetts (MAP).</b>  (Entered: 07/08/2025)
07/08/2025	<a href="#">22</a>	Judge William G. Young: ORDER entered <a href="#">9</a> MOTION for Protective Order ( <i>Individual Plaintiff's Motion to Proceed Under Pseudonym and for Protective Order</i> ). (MAP) (Entered: 07/08/2025)
07/08/2025	<a href="#">23</a>	SUMMONS Returned Executed as to US Attorney by Jane Doe, American College of Physicians, Inc., American Academy of Pediatrics, Society for Maternal-Fetal Medicine, American Public Health Association, Infectious Diseases Society of America, Massachusetts Public Health Association.(MAP) (Entered: 07/08/2025)

07/09/2025	<a href="#">24</a>	Withdrawal of motion: <a href="#">16</a> Memorandum in Support of Motion, filed by Infectious Diseases Society of America, Society for Maternal-Fetal Medicine, American College of Physicians, Inc., Massachusetts Public Health Association, American Public Health Association, Jane Doe, American Academy of Pediatrics, <a href="#">15</a> MOTION for Preliminary Injunction ( <i>and Declaratory Relief and Request for Expedited Consideration</i> ) filed by Infectious Diseases Society of America, Society for Maternal-Fetal Medicine, American College of Physicians, Inc., Massachusetts Public Health Association, American Public Health Association, Jane Doe, American Academy of Pediatrics.. (McEvoy, Elizabeth) (Entered: 07/09/2025)
07/10/2025	<a href="#">25</a>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Richard H. Hughes IV Filing fee: \$ 125, receipt number AMADC-11114533 by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Richard H. Hughes IV) (McEvoy, Elizabeth) (Entered: 07/10/2025)
07/10/2025	<a href="#">26</a>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Stuart M. Gerson Filing fee: \$ 125, receipt number AMADC-11114600 by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Stuart M. Gerson) (McEvoy, Elizabeth) (Entered: 07/10/2025)
07/10/2025	<a href="#">27</a>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Robert E. Wanerman Filing fee: \$ 125, receipt number AMADC-11114635 by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Robert E. Wanerman) (McEvoy, Elizabeth) (Entered: 07/10/2025)
07/10/2025	<a href="#">28</a>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of William Walters Filing fee: \$ 125, receipt number AMADC-11114659 by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of William Walters) (McEvoy, Elizabeth) (Entered: 07/10/2025)
07/10/2025	<a href="#">29</a>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Kathleen Barrett Filing fee: \$ 125, receipt number AMADC-11114704 by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Kathleen Barrett) (McEvoy, Elizabeth) (Entered: 07/10/2025)
07/10/2025	<a href="#">30</a>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Carolyn Owens Boucek Filing fee: \$ 125, receipt number AMADC-11114718 by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Carolyn Owens Boucek) (McEvoy, Elizabeth) (Entered: 07/10/2025)
07/10/2025	<a href="#">31</a>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Lydia Pincsak Filing fee: \$ 125, receipt number AMADC-11114734 by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Lydia Pincsak)(McEvoy, Elizabeth) (Entered: 07/10/2025)
07/10/2025	<a href="#">32</a>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Jeremy A. Avila Filing fee: \$ 125, receipt number AMADC-11114757 by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Jeremy A. Avila) (McEvoy, Elizabeth) (Entered: 07/10/2025)
07/10/2025	<a href="#">33</a>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Marguerite McGowan Stringer Filing fee: \$ 125, receipt number AMADC-11114785 by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Marguerite McGowan Stringer)(McEvoy, Elizabeth) (Entered: 07/10/2025)
07/10/2025	<a href="#">34</a>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of James J. Oh Filing fee: \$ 125, receipt number AMADC-11114824 by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of James J. Oh)(McEvoy, Elizabeth) (Entered: 07/10/2025)
07/11/2025	35	Judge William G. Young: ELECTRONIC ORDER entered granting <a href="#">25</a> Motion for Leave to Appear Pro Hac Vice Added Richard H. Hughes IV.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at</b>

		<p><a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. <b>You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b></p> <p>Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a>.</p> <p>A Notice of Appearance must be entered on the docket by the newly admitted attorney.</p> <p>(MAP) (Entered: 07/11/2025)</p>
07/11/2025	36	<p>Judge William G. Young: ELECTRONIC ORDER entered granting <u>26</u> Motion for Leave to Appear Pro Hac Vice Added Stuart M. Gerson.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of Massachusetts. Counsel may need to link their CM/ECF account to their upgraded individual pacer account.</b> Instructions on how to link CM/ECF accounts to upgraded pacer account can be found at <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account">https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account</a>.</p> <p>(MAP) (Entered: 07/11/2025)</p>
07/11/2025	37	<p>Judge William G. Young: ELECTRONIC ORDER entered granting <u>27</u> Motion for Leave to Appear Pro Hac Vice Added Robert E. Wanerman.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b></p> <p>Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a>.</p> <p>A Notice of Appearance must be entered on the docket by the newly admitted attorney.</p> <p>(MAP) (Entered: 07/11/2025)</p>
07/11/2025	38	<p>Judge William G. Young: ELECTRONIC ORDER entered granting <u>28</u> Motion for Leave to Appear Pro Hac Vice Added William Walters.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b></p> <p>Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a>.</p> <p>A Notice of Appearance must be entered on the docket by the newly admitted attorney.</p> <p>(MAP) (Entered: 07/11/2025)</p>
07/11/2025	39	<p>Judge William G. Young: ELECTRONIC ORDER entered granting <u>29</u> Motion for Leave to Appear Pro Hac Vice Added Kathleen Barrett.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of Massachusetts. Counsel may need to link their CM/ECF account to their upgraded individual pacer account.</b> Instructions on how to link CM/ECF accounts to upgraded pacer account can be found at <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account">https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account</a>.</p> <p>(MAP) (Entered: 07/11/2025)</p>
07/11/2025	40	<p>Judge William G. Young: ELECTRONIC ORDER entered granting <u>30</u> Motion for Leave to Appear Pro Hac Vice Added Carolyn Owens Boucek.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b></p> <p>Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a>.</p> <p>A Notice of Appearance must be entered on the docket by the newly admitted attorney.</p> <p>(MAP) (Entered: 07/11/2025)</p>

07/11/2025	41	Judge William G. Young: ELECTRONIC ORDER entered granting <a href="#">31</a> Motion for Leave to Appear Pro Hac Vice Added Lydia Pincsak.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MAP) (Entered: 07/11/2025)
07/11/2025	42	Judge William G. Young: ELECTRONIC ORDER entered granting <a href="#">32</a> Motion for Leave to Appear Pro Hac Vice Added Jeremy A. Avila.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MAP) (Entered: 07/11/2025)
07/11/2025	43	Judge William G. Young: ELECTRONIC ORDER entered granting <a href="#">33</a> Motion for Leave to Appear Pro Hac Vice Added Marguerite McGowan Stringer.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MAP) (Entered: 07/11/2025)
07/11/2025	44	Judge William G. Young: ELECTRONIC ORDER entered granting <a href="#">34</a> Motion for Leave to Appear Pro Hac Vice Added James J. Oh.  <b>Attorneys admitted Pro Hac Vice must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of Massachusetts. Counsel may need to link their CM/ECF account to their upgraded individual pacer account.</b> Instructions on how to link CM/ECF accounts to upgraded pacer account can be found at <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account">https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account</a> .  (MAP) (Entered: 07/11/2025)
07/11/2025	<a href="#">45</a>	NOTICE of Appearance by Kathleen Barrett on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine (Barrett, Kathleen) (Entered: 07/11/2025)
07/14/2025	<a href="#">46</a>	NOTICE of Appearance by Richard Hughes, IV on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine (Hughes, Richard) (Entered: 07/14/2025)
07/14/2025	<a href="#">47</a>	NOTICE of Appearance by William Walters on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine (Walters, William) (Entered: 07/14/2025)
07/14/2025	<a href="#">48</a>	NOTICE of Appearance by Lydia Pincsak on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine (Pincsak, Lydia) (Entered: 07/14/2025)

07/14/2025	<a href="#">49</a>	NOTICE of Appearance by Marguerite McGowan Stringer on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine (Stringer, Marguerite) (Entered: 07/14/2025)
07/14/2025	<a href="#">50</a>	NOTICE of Appearance by James J. Oh on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine (Oh, James) (Entered: 07/14/2025)
07/14/2025	<a href="#">51</a>	NOTICE of Appearance by Carolyn Owens Boucek on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine (Boucek, Carolyn) (Entered: 07/14/2025)
07/14/2025	<a href="#">52</a>	NOTICE of Appearance by Stuart M. Gerson on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine (Gerson, Stuart) (Entered: 07/14/2025)
07/14/2025	<a href="#">53</a>	NOTICE of Appearance by Robert E Wanerman on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine (Wanerman, Robert) (Entered: 07/14/2025)
07/15/2025	<a href="#">54</a>	AFFIDAVIT OF SERVICE Executed by Jane Doe, American College of Physicians, Inc., American Academy of Pediatrics, Society for Maternal-Fetal Medicine, American Public Health Association, Infectious Diseases Society of America, Massachusetts Public Health Association. United States Department of Health and Human Services served on 7/11/2025, answer due 9/8/2025. Acknowledgement filed by Jane Doe; American College of Physicians, Inc.; American Academy of Pediatrics; Society for Maternal-Fetal Medicine; American Public Health Association; Infectious Diseases Society of America; Massachusetts Public Health Association. (Attachments: # <a href="#">1</a> Exhibit A - U.S.P.S. Certified Mail Receipt and U.S.P.S. Electronic Delivery Confirmation)(McEvoy, Elizabeth) (Entered: 07/15/2025)
07/15/2025	<a href="#">55</a>	NOTICE of Appearance by Jeremy A. Avila on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Infectious Diseases Society of America, Society for Maternal-Fetal Medicine (Avila, Jeremy) (Entered: 07/15/2025)
07/16/2025	<a href="#">56</a>	AFFIDAVIT OF SERVICE Executed by Jane Doe, American College of Physicians, Inc., American Academy of Pediatrics, Society for Maternal-Fetal Medicine, American Public Health Association, Infectious Diseases Society of America, Massachusetts Public Health Association. Food and Drug Administration served on 7/15/2025, answer due 9/8/2025. Acknowledgement filed by Jane Doe; American College of Physicians, Inc.; American Academy of Pediatrics; Society for Maternal-Fetal Medicine; American Public Health Association; Infectious Diseases Society of America; Massachusetts Public Health Association. (Attachments: # <a href="#">1</a> Exhibit A - U.S.P.S. Certified Mail Receipt and U.S.P.S. Electronic Delivery Confirmation)(McEvoy, Elizabeth) (Entered: 07/16/2025)
07/16/2025	<a href="#">57</a>	MOTION to Intervene by Jose A. Perez.(MAP) (Entered: 07/16/2025)
07/16/2025	<a href="#">58</a>	MEMORANDUM in Support re <a href="#">57</a> MOTION to Intervene filed by Jose A. Perez. (Attachments: # <a href="#">1</a> Exhibit)(MAP) (Entered: 07/16/2025)
07/17/2025	<a href="#">59</a>	AFFIDAVIT OF SERVICE Executed by Jane Doe, American College of Physicians, Inc., American Academy of Pediatrics, Society for Maternal-Fetal Medicine, American Public Health Association, Infectious Diseases Society of America, Massachusetts Public Health Association. Centers for Disease Control and Prevention served on 7/17/2025, answer due 9/8/2025. Acknowledgement filed by Jane Doe; American College of Physicians, Inc.; American Academy of Pediatrics; Society for Maternal-Fetal Medicine; American Public Health Association; Infectious Diseases Society of America; Massachusetts Public Health Association. (Attachments: # <a href="#">1</a> Exhibit A - U.S.P.S. Certified Mail Receipt and U.S.P.S. Electronic Delivery Confirmation)(McEvoy, Elizabeth) (Entered: 07/17/2025)
07/18/2025	<a href="#">60</a>	AFFIDAVIT OF SERVICE Executed by Jane Doe, American College of Physicians, Inc., American Academy of Pediatrics, Society for Maternal-Fetal Medicine, American Public Health Association, Infectious Diseases Society of America, Massachusetts Public Health Association. Robert F. Kennedy, Jr served on 7/18/2025, answer due 9/8/2025. Acknowledgement filed by Jane Doe; American College of Physicians, Inc.; American Academy of Pediatrics; Society for Maternal-Fetal Medicine; American Public Health Association; Infectious Diseases Society of America; Massachusetts Public Health Association. (Attachments: # <a href="#">1</a> Exhibit A - U.S.P.S. Certified Mail Receipt and U.S.P.S. Electronic Delivery Confirmation)(McEvoy, Elizabeth) (Entered: 07/18/2025)
07/21/2025	<a href="#">61</a>	AFFIDAVIT OF SERVICE Executed by Jane Doe, American College of Physicians, Inc., American Academy of Pediatrics, Society for Maternal-Fetal Medicine, American Public Health Association, Infectious Diseases Society of America, Massachusetts Public Health Association. Marty Makary served on 7/19/2025, answer due 9/8/2025. Acknowledgement filed by Jane Doe; American College of Physicians, Inc.; American Academy of Pediatrics; Society for Maternal-Fetal Medicine; American Public Health Association; Infectious Diseases Society of America; Massachusetts Public Health Association. (Attachments: # <a href="#">1</a> Exhibit A - U.S.P.S. Certified Mail Receipt and U.S.P.S. Electronic Delivery Confirmation)(McEvoy, Elizabeth) (Entered: 07/21/2025)

07/23/2025	62	ELECTRONIC NOTICE of Hearing. Case Management Conference set for 7/31/2025 10:00 AM in Courtroom 18 (In person only) before Judge William G. Young. (KB) (Entered: 07/23/2025)
07/23/2025	 <a href="#">63</a>	AMENDED COMPLAINT against Robert F. Kennedy, Jr., United States Department of Health and Human Services, Marty Makary, Food and Drug Administration, Jay Bhattacharya, National Institutes of Health, Matthew Buzzelli, Centers for Disease Control and Prevention, Does 1-50 , filed by Jane Doe, American College of Physicians, Inc., American Academy of Pediatrics, Society for Maternal-Fetal Medicine, American Public Health Association, Infectious Diseases Society of America, Massachusetts Public Health Association, Massachusetts Chapter of the American Academy of Pediatrics, Jane Doe 2.(McEvoy, Elizabeth) Modified on 7/24/2025 (MAP). (Additional attachment(s) added on 7/28/2025: # <a href="#">1</a> SEALED) (MAP). (Entered: 07/23/2025)
07/23/2025	<a href="#">64</a>	CORPORATE DISCLOSURE STATEMENT by Massachusetts Chapter of the American Academy of Pediatrics. (McEvoy, Elizabeth) (Entered: 07/23/2025)
07/23/2025	<a href="#">65</a>	MOTION for Protective Order <i>Second Individual Plaintiff's Motion to Proceed Under Pseudonym and For Protective Order</i> by Jane Doe 2. (Attachments: # <a href="#">1</a> Text of Proposed Order (Proposed Order))(McEvoy, Elizabeth) (Entered: 07/23/2025)
07/23/2025	<a href="#">66</a>	MEMORANDUM in Support re <a href="#">65</a> MOTION for Protective Order <i>Second Individual Plaintiff's Motion to Proceed Under Pseudonym and For Protective Order</i> filed by Jane Doe 2. (Attachments: # <a href="#">1</a> Exhibit A - Declaration of Jane Doe 2, # <a href="#">2</a> Exhibit B - Declaration of Jane Doe 2 in Support of Motion to Proceed Under Pseudonym and For Protective Order)(McEvoy, Elizabeth) (Entered: 07/23/2025)
07/24/2025	67	Judge William G. Young: ELECTRONIC ORDER entered <b>allowed</b> <a href="#">65</a> MOTION for Protective Order <i>Second Individual Plaintiff's Motion to Proceed Under Pseudonym and For Protective Order</i> . (MAP) (Entered: 07/24/2025)
07/24/2025	<a href="#">68</a>	AMENDED MEMORANDUM in Support re <a href="#">57</a> MOTION to Intervene filed by Jose A. Perez. (MAP) (Entered: 07/24/2025)
07/28/2025	<a href="#">69</a>	MOTION to Seal ( <i>Plaintiffs' Motion to File Declarations in Support of Motion for Preliminary Injunction and Declaratory Relief and Request for Expedited Consideration Under Seal</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Text of Proposed Order (Proposed Order))(McEvoy, Elizabeth) (Entered: 07/28/2025)
07/28/2025	<a href="#">70</a>	MEMORANDUM in Support re <a href="#">69</a> MOTION to Seal ( <i>Plaintiffs' Motion to File Declarations in Support of Motion for Preliminary Injunction and Declaratory Relief and Request for Expedited Consideration Under Seal</i> ) filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (McEvoy, Elizabeth) (Entered: 07/28/2025)
07/29/2025	<a href="#">71</a>	AFFIDAVIT OF SERVICE Executed by Jane Doe, American College of Physicians, Inc., American Academy of Pediatrics, Society for Maternal-Fetal Medicine, American Public Health Association, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Massachusetts Public Health Association. Jay Bhattacharya served on 7/23/2025, answer due 9/8/2025. Acknowledgement filed by Jane Doe; American College of Physicians, Inc.; American Academy of Pediatrics; Society for Maternal-Fetal Medicine; American Public Health Association; Jane Doe 2; Infectious Diseases Society of America; Massachusetts Chapter of the American Academy of Pediatrics; Massachusetts Public Health Association. (Attachments: # <a href="#">1</a> Exhibit A - U.S.P.S. Certified Mail Receipt and Return Green Card Confirmation)(McEvoy, Elizabeth) (Entered: 07/29/2025)
07/29/2025	<a href="#">72</a>	AFFIDAVIT OF SERVICE Executed by Jane Doe, American College of Physicians, Inc., American Academy of Pediatrics, Society for Maternal-Fetal Medicine, American Public Health Association, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Massachusetts Public Health Association. Matthew Buzzelli served on 7/23/2025, answer due 9/8/2025. Acknowledgement filed by Jane Doe; American College of Physicians, Inc.; American Academy of Pediatrics; Society for Maternal-Fetal Medicine; American Public Health Association; Jane Doe 2; Infectious Diseases Society of America; Massachusetts Chapter of the American Academy of Pediatrics; Massachusetts Public Health Association. (Attachments: # <a href="#">1</a> Exhibit A - U.S.P.S. Certified Mail Receipt and U.S.P.S. Electronic Delivery Confirmation)(McEvoy, Elizabeth) (Entered: 07/29/2025)
07/29/2025	<a href="#">73</a>	MOTION for Preliminary Injunction ( <i>and Declaratory Relief and Request for Expedited Consideration</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Text of Proposed Order (Proposed Order))(Oh, James) (Entered: 07/29/2025)
07/29/2025	<a href="#">74</a>	MEMORANDUM in Support re <a href="#">73</a> MOTION for Preliminary Injunction ( <i>and Declaratory Relief and Request for Expedited Consideration</i> ) filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 07/29/2025)

07/29/2025	<a href="#">75</a>	APPENDIX/EXHIBIT re <a href="#">74</a> Memorandum in Support of Motion, ( <i>Appendix of Evidence in Support of Plaintiffs' Motion for Preliminary Injunction and Declaratory Relief and Request for Expedited Consideration</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit 1 - The Vaccine Life Cycle: Safety at Every Phase, CDC (infographic, 2020), # <a href="#">2</a> Exhibit 2 - Plaintiffs Federal Rule of Evidence 1006 Summary Exhibit (Summary of Covid Vaccine Approval and Recommendations), # <a href="#">3</a> Exhibit 3 - Interim Clinical Considerations for Use of mRNA COVID-19 Vaccines Currently Authorized in the United States, CDC (December 30, 2020), # <a href="#">4</a> Exhibit 4 - Declaration of Jamie Loehr, MD, FAAFP, dated July 5, 2025, # <a href="#">5</a> Exhibit 5 - Declaration of Jane Doe, MD, dated July 6, 2025, # <a href="#">6</a> Exhibit 6 - Robert F. Kennedy, Jr., Secretarial Directive on the Pediatric COVID-19 Vaccines for Children Less Than 18 Years of Age and Pregnant Women (May 19, 2025), # <a href="#">7</a> Exhibit 7 - Adult Immunization Schedule by Medical Condition and Other Indication, CDC (May 29, 2025), # <a href="#">8</a> Exhibit 8 - Vaccine Recommendations Before, During, and After Pregnancy, CDC (June 24, 2024), # <a href="#">9</a> Exhibit 9 - Child and Adolescent Immunization Schedule by Age, CDC (May 29, 2025), # <a href="#">10</a> Exhibit 10 - Child and Adolescent Immunization Schedule by Age, CDC (July 2, 2025), # <a href="#">11</a> Exhibit 11 - Declaration of Mary Doherty-OShea Gallucci, MD, dated July 3, 2025, # <a href="#">12</a> Exhibit 12 - Declaration of Jane Doe 2, dated July 25, 2025, # <a href="#">13</a> Exhibit 13 - Declaration of Susan J. Kressly, MD, FAAP, dated July 3, 2025, # <a href="#">14</a> Exhibit 14 - Declaration of Ravi Jhaveri, MD, dated July 5, 2025, # <a href="#">15</a> Exhibit 15 - Declaration of Shannon Scott-Vernaglia, MD, dated July 7, 2025, # <a href="#">16</a> Exhibit 16 - Declaration of Regina LaRocque, MD, MPH, FIDSA, dated July 5, 2025, # <a href="#">17</a> Exhibit 17 - Declaration of Caroline E. Rouse, MD, dated July 4, 2025, # <a href="#">18</a> Exhibit 18 - Declaration of Jason M. Goldman, MD, MACP, dated July 28, 2025, # <a href="#">19</a> Exhibit 19 - Declaration of Georges C. Benjamin, MD, dated July 3, 2025, # <a href="#">20</a> Exhibit 20 - Declaration of Andrew T. Pavia, MD, FAAP, FACP, FIDSA, dated July 4, 2025, # <a href="#">21</a> Exhibit 21 - Declaration of Carlene Pavlos, dated July 6, 2025, # <a href="#">22</a> Exhibit 22 - Declaration of James D. Campbell, MD, MS, dated July 10, 2025, # <a href="#">23</a> Exhibit 23 - Declaration of Aaron Bornstein, MD, dated July 26, 2025, # <a href="#">24</a> Exhibit 24 - Declaration of Brenda Anders Pring, MD, dated July 26, 2025, # <a href="#">25</a> Exhibit 25 - Declaration of Patrick S. Ramsey, MD, MSPH, dated July 29, 2025, # <a href="#">26</a> Exhibit 26 - Declaration of Robert H. Hopkins, Jr., MD, MACP, dated July 10, 2025, # <a href="#">27</a> Exhibit 27 - Declaration of J. Edward Johnson, dated July 7, 2025, # <a href="#">28</a> Exhibit 28 - Declaration of Jenifer Leaf Jaeger, MD, MPH, FAAP, dated July 15, 2025, # <a href="#">29</a> Exhibit 29 - Declaration of Charlotte Moser, MS, dated July 6, 2025, # <a href="#">30</a> Exhibit 30 - Declaration of Sindhu K. Srinivas, MD, MSCE, dated July 6, 2025, # <a href="#">31</a> Exhibit 31 - Declaration of Shetal Shah, MD, dated July 28, 2025)(Oh, James) (Entered: 07/29/2025)
07/30/2025	<a href="#">76</a>	ELECTRONIC NOTICE issued requesting SINGLE SIDED PAPER courtesy copy for <a href="#">74</a> Memorandum in Support of Motion, <a href="#">75</a> Appendix/Exhibit, <a href="#">73</a> MOTION for Preliminary Injunction ( <i>and Declaratory Relief and Request for Expedited Consideration</i> ). Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by Attention Matthew Paine - Docket Clerk - Judge Young. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (MAP) (Entered: 07/30/2025)
07/30/2025	<a href="#">77</a>	NOTICE of Appearance by Isaac Belfer on behalf of Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services (Belfer, Isaac) (Entered: 07/30/2025)
07/30/2025	<a href="#">78</a>	NOTICE of Appearance by Michael Fitzgerald on behalf of Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services (Fitzgerald, Michael) (Entered: 07/30/2025)
07/30/2025	<a href="#">79</a>	Opposition re <a href="#">57</a> MOTION to Intervene filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 07/30/2025)
07/30/2025	<a href="#">80</a>	JOINT STATEMENT re scheduling conference . (Oh, James) (Entered: 07/30/2025)
07/31/2025	<a href="#">81</a>	Judge William G. Young: ELECTRONIC ORDER entered denying <a href="#">57</a> MOTION to Intervene by Jose A. Perez. Motion denied. The proposed intervenor is welcome to file a brief amicus curiae. (KB) (Entered: 07/31/2025)
07/31/2025	<a href="#">82</a>	Copy re 81 Order on Motion to Intervene mailed to Jose Perez on 7/31/2025. (KB) (Entered: 07/31/2025)
07/31/2025	<a href="#">83</a>	Electronic Clerk's Notes for proceedings held before Judge William G. Young: Case Management Conference held on 7/31/2025.The Court enters order re # <a href="#">73</a> Motion for Preliminary Injunction; the motion is collapsed with trial on the merits in accordance with Rule 65(a).Court sets a Motion hearing on any Motion to Dismiss for Wednesday September 3, 2025 at 2:30pm. If the Motion to Dismiss is denied in whole or in part the Court will hold a bench trial with oral argument on Tuesday, October 14th at 9:00am. The administrative record is to be produced by September 26, 2025 at noon and disclosed to the Court and plaintiffs. Parties may file briefs on the merits between September 26th and October 14th. Plaintiffs' withdraw # <a href="#">69</a> Motion to Seal. Court withdraws the motion. Court discusses amicus briefs. Court denies # <a href="#">57</a> Motion to Intervene. (Court Reporter: Richard Romanow at rhr3tubas@aol.com.) (Attorneys present: James Oh, Kathleen Barrett, Richard Hughes for the plaintiffs and Isaac Belfer and Michael Fitzgerald for the defendants) (KB) (Entered: 07/31/2025)

08/06/2025	<a href="#">84</a>	REPLY to Response to <a href="#">57</a> MOTION to Intervene and Second Amended Motion to Intervene filed by Jose A. Perez. (Attachments: # <a href="#">1</a> Exhibits, # <a href="#">2</a> Envelope)(MAP) Modified on 8/19/2025 (KB). (Entered: 08/06/2025)
08/06/2025	<a href="#">85</a>	Joint MOTION to Reschedule Motion Hearing on Defendants Motion to Dismiss and Set a Briefing Schedule re <a href="#">83</a> Order on Motion to Seal,,,,, Order on Motion for Preliminary Injunction,,,,, Case Management Conference,,,,, Terminate Hearings,,,,, Set Hearings,,,,, by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Belfer, Isaac) (Entered: 08/06/2025)
08/11/2025	 <a href="#">86</a>	Transcript of Case Management Conference held on July 31, 2025, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Richard Romanow at rhr3tubas@aol.com. Redaction Request due 9/2/2025. Redacted Transcript Deadline set for 9/11/2025. Release of Transcript Restriction set for 11/10/2025. (DRK) (Entered: 08/11/2025)
08/11/2025	<a href="#">87</a>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="https://www.mad.uscourts.gov/caseinfo/transcripts.htm">https://www.mad.uscourts.gov/caseinfo/transcripts.htm</a> (DRK) (Entered: 08/11/2025)
08/12/2025	<a href="#">88</a>	MOTION to Vacate the July 31, 2025 Order Denying the Motion to Intervene by Jose A. Perez.(MAP) (Entered: 08/13/2025)
08/14/2025	<a href="#">89</a>	Judge William G. Young: ORDER entered granting <a href="#">85</a> Joint MOTION to Reschedule Motion Hearing on Defendants' Motion to Dismiss and Set a Briefing Schedule. (KB) (Entered: 08/14/2025)
08/14/2025	<a href="#">90</a>	NOTICE Resetting a Hearing. Motion hearing on any Motion to Dismiss filed is reset to 9/11/2025 02:00 PM in Courtroom 18 (In person with remote access provided) before Judge William G. Young. (KB) (Entered: 08/14/2025)
08/14/2025	<a href="#">91</a>	Opposition re <a href="#">88</a> MOTION to Vacate the July 31, 2025 Order Denying the Motion to Intervene ( <i>Plaintiffs' Response in Opposition to Jose Perez's Rule 59(e) Motion to Vacate the July 31, 2025 Order Denying the Motion to Intervene</i> ) filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 08/14/2025)
08/19/2025	<a href="#">92</a>	Opposition re <a href="#">84</a> Second Amended MOTION to Intervene filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (KB) (Entered: 08/19/2025)
08/19/2025	<a href="#">93</a>	REPLY to Response to <a href="#">88</a> MOTION to Vacate the July 31, 2025 Order Denying the Motion to Intervene filed by Jose A. Perez. (KB) (Main Document 93 replaced on 8/20/2025) (KB). (Entered: 08/20/2025)
08/20/2025	 <a href="#">94</a>	MOTION for Leave to File <i>A Second Amended Complaint And Joint Motion to Modify Case Schedule (Unopposed)</i> by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit 1 - Proposed Second Amended Complaint for Declaratory and Injunctive Relief, # <a href="#">2</a> Text of Proposed Order Granting Unopposed Motion for Leave to File a Second Amended Complaint)(Oh, James) (Additional attachment(s) added on 9/2/2025: # <a href="#">3</a> SEALED) (MAP). (Entered: 08/20/2025)
08/22/2025	<a href="#">95</a>	REPLY to Response to <a href="#">84</a> Second Amended MOTION to Intervene filed by Jose A. Perez. (KB) (Entered: 08/22/2025)
09/03/2025	<a href="#">96</a>	Judge William G. Young: ELECTRONIC ORDER entered <b>allowed</b> <a href="#">94</a> MOTION for Leave to File A Second Amended Complaint And Joint Motion to Modify Case Schedule (Unopposed) ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (MAP) (Entered: 09/03/2025)
09/03/2025	<a href="#">97</a>	Reset Deadlines:  <b>Motion to Dismiss Due by September 3, 2025</b>  <b>Opposition Due by September 17, 2025</b>  <b>Reply Due by September 23, 2025</b>  <b>Administrative Record To Be Produced By October 10, 2025</b>  (MAP) (Entered: 09/03/2025)

09/03/2025	98	ELECTRONIC NOTICE OF RESCHEDULING: The Motion Hearing originally scheduled for 9/11/2025 is reset for 10/1/2025 02:00 PM in Courtroom 18 (In person with remote access provided) before Judge William G. Young.  Audio access to the hearing may be available to the media and public. Please check the <a href="#">Court schedule</a> . In order to gain access to the hearing, you must sign up at the following address: <a href="https://forms.mad.uscourts.gov/courtlist.html">https://forms.mad.uscourts.gov/courtlist.html</a> .  For questions regarding access to hearings, you may refer to the general orders and public notices of the Court available on <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a> or contact the session <a href="#">here</a> .  (KB) (Entered: 09/03/2025)
09/03/2025	 <a href="#">99</a>	AMENDED COMPLAINT ( <i>Second Amended Complaint for Declaratory and Injunctive Relief</i> ) against All Defendants, filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine, Jane Doe 3.(Oh, James) (Additional attachment(s) added on 9/9/2025: # <a href="#">1</a> SEALED - Second Amended Complaint) (MAP). (Entered: 09/03/2025)
09/03/2025	<a href="#">100</a>	MOTION for Protective Order ( <i>Third Individual Plaintiff's Motion to Proceed Under Pseudonym and for Protective Order</i> ) by Jane Doe 3. (Attachments: # <a href="#">1</a> Text of Proposed Order (Proposed Order))(Oh, James) (Entered: 09/03/2025)
09/03/2025	<a href="#">101</a>	MEMORANDUM in Support re <a href="#">100</a> MOTION for Protective Order ( <i>Third Individual Plaintiff's Motion to Proceed Under Pseudonym and for Protective Order</i> ) filed by Jane Doe 3. (Attachments: # <a href="#">1</a> Exhibit A - Declaration of Third Individual Plaintiff in Support of Her Memorandum of Law in Support of Motion to Proceed Under Pseudonym and for Protective Order))(Oh, James) (Entered: 09/03/2025)
09/03/2025	<a href="#">102</a>	MOTION to Dismiss for Lack of Jurisdiction by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Attachments: # <a href="#">2</a> Text of Proposed Order)(Belfer, Isaac) Modified on 9/4/2025 (MAP). (Entered: 09/03/2025)
09/03/2025	<a href="#">103</a>	DECLARATION re <a href="#">102</a> MOTION to Dismiss for Lack of Jurisdiction by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C)(Belfer, Isaac) (Entered: 09/03/2025)
09/04/2025	<a href="#">104</a>	MEMORANDUM in Support re <a href="#">102</a> MOTION to Dismiss for Lack of Jurisdiction filed by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (MAP) (Entered: 09/04/2025)
09/05/2025	105	Judge William G. Young: ELECTRONIC ORDER entered <b>allowed</b> <a href="#">100</a> Third Individual Plaintiff's Motion to Proceed Under Pseudonym and for Protective Order) (MAP) (Entered: 09/05/2025)
09/09/2025	<a href="#">106</a>	MOTION for the Court to Grant or Deny the Rule 59(e) Motion or in the Alternative a Certification Pursuant to 28 U.S.C. 1292(b) by Jose A. Perez.(MAP) (Entered: 09/09/2025)
09/10/2025	107	Judge William G. Young: ELECTRONIC ORDER entered denying <a href="#">106</a> MOTION for the Court to Grant or Deny the Rule 59(e) Motion or in the Alternative a Certification Pursuant to 28 U.S.C. 1292(b) by Jose A. Perez. (KB) (Entered: 09/10/2025)
09/10/2025	108	Copy re 107 Order on Motion mailed to Jose Perez on 9/10/2025. (KB) (Entered: 09/10/2025)
09/11/2025	109	Judge William G. Young: ELECTRONIC ORDER entered denying <a href="#">88</a> MOTION to Vacate the July 31, 2025 Order Denying the Motion to Intervene by Jose A. Perez. (KB) (Entered: 09/11/2025)
09/11/2025	110	Copy re 109 Order mailed to Jose A. Perez on 9/11/2025. (KB) (Entered: 09/11/2025)
09/11/2025	<a href="#">111</a>	Joint MOTION to Modify Schedule by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Text of Proposed Order (Proposed Order))(Oh, James) (Entered: 09/11/2025)
09/15/2025	112	Judge William G. Young: ELECTRONIC ORDER entered re <a href="#">111</a> Joint MOTION to Modify Schedule by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. Motion allowed. The Court will set a hearing date for the motion to dismiss. The Court will, if necessary, set a date for the production of the administrative record at that time. (KB) (Entered: 09/15/2025)
09/15/2025	113	ELECTRONIC NOTICE Resetting Hearing on Motion <a href="#">102</a> MOTION to Dismiss for Lack of Jurisdiction : Motion Hearing reset for 10/8/2025 02:00 PM in Courtroom 18 (In person with remote access provided) before Judge William G. Young. Audio access to the hearing may be available to the media and public. Please check the <a href="#">Court</a>


		<p><a href="#">schedule</a>. In order to gain access to the hearing, you must sign up at the following address: <a href="https://forms.mad.uscourts.gov/courtlist.html">https://forms.mad.uscourts.gov/courtlist.html</a>.</p> <p>For questions regarding access to hearings, you may refer to the general orders and public notices of the Court available on <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a> or contact the session <a href="#">here</a>.</p> <p>(KB) (Entered: 09/15/2025)</p>
09/15/2025	114	Reset Deadlines as to <a href="#">102</a> MOTION to Dismiss for Lack of Jurisdiction . Responses due by 9/24/2025. Replies due by 10/3/2025. (KB) (Entered: 09/15/2025)
09/23/2025	<a href="#">115</a>	<p>NOTICE OF APPEAL as to 81 ELECTRONIC ORDER, 109 ELECTRONIC ORDER by Jose A. Perez.</p> <p>NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov">http://www.ca1.uscourts.gov</a> MUST be completed and submitted to the Court of Appeals. <b>Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf">http://pacer.psc.uscourts.gov/cmecf</a>. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/cmecf">http://www.ca1.uscourts.gov/cmecf</a>. US District Court Clerk to deliver official record to Court of Appeals by 10/14/2025. (MAP) (Entered: 09/23/2025)</b></p>
09/23/2025	<a href="#">116</a>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <a href="#">115</a> Notice of Appeal. (MAP) (Entered: 09/23/2025)
09/24/2025	117	USCA Case Number 25-1907 for <a href="#">115</a> Notice of Appeal, filed by Jose A. Perez. (MAP) (Entered: 09/24/2025)
09/24/2025	<a href="#">118</a>	Opposition re <a href="#">102</a> MOTION to Dismiss for Lack of Jurisdiction filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10)(Oh, James) Modified on 9/25/2025 (MAP). (Entered: 09/24/2025)
09/30/2025	119	ELECTRONIC NOTICE Cancelling Hearings. The Motion Hearing set for 10/8/2025 and the Bench Trial set for 10/14/2025 are cancelled and will be rescheduled for dates to be determined. (KB) (Entered: 09/30/2025)
10/01/2025	120	Filing fee/payment: \$ 605.00, receipt number 100013154 for <a href="#">115</a> Notice of Appeal,, (NVB) (Entered: 10/01/2025)
10/01/2025	<a href="#">121</a>	Consent MOTION to Stay re 114 Set/Reset Motion and R&R Deadlines/Hearings by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services.(Belfer, Isaac) (Entered: 10/01/2025)
10/02/2025	122	Judge William G. Young: ELECTRONIC ORDER entered <b>granting <a href="#">121</a> Defendants' Unopposed Motion for a Stay of Their Reply Deadline in Light of Lapse of Appropriations</b> filed by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (KB) (Entered: 10/02/2025)
10/09/2025	<a href="#">123</a>	Amicus Curiae APPEARANCE entered by Thanithia R. Billings on behalf of American College of Obstetricians & Gynecologists, American Academy of Family Physicians, American Academy of Nursing, American College of Chest Physicians, American College of Medical Genetics and Genomics, American College of Nurse-Midwives, American Gynecological and Obstetrical Society, American Medical Association, American Medical Womens Association, American Society for Reproductive Medicine, Council of Chairs of Obstetrics and Gynecology, Massachusetts Medical Society, National Association of Nurse Practitioners in Womens Health, National Association of Pediatric Nurse Practitioners, North American Society for Pediatric and Adolescent Gynecology, Society for Adolescent Health and Medicine, Society of General Internal Medicine, Society of Gynecologic Oncology, Society of Gynecologic Surgeons, Society of OB/GYN Hospitalists. (Billings, Thanithia) (Entered: 10/09/2025)
10/09/2025	<a href="#">124</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Kimberly A. Parker, Mark L. Hanin, Molly A. Meegan, Francisco M. Negron, Jr., Meaghan H. Davant Filing fee: \$ 625, receipt number AMADC-11291470 by American Academy of Family Physicians, American Academy of Nursing, American College of Chest Physicians, American College of Medical Genetics and Genomics, American College of Nurse-Midwives, American College of Obstetricians & Gynecologists, American Gynecological and Obstetrical Society, American Medical Association, American Medical Womens Association, American Society for Reproductive Medicine, Council of Chairs of Obstetrics and Gynecology, Massachusetts Medical Society, National Association of Nurse Practitioners in Womens Health, National Association of Pediatric Nurse Practitioners, North American Society for Pediatric and Adolescent Gynecology, Society for Adolescent Health and Medicine, Society of General Internal Medicine, Society of Gynecologic Oncology, Society of Gynecologic Surgeons, Society of OB/GYN Hospitalists. (Attachments: # <a href="#">1</a> Exhibit A - Declaration of Kimberly A. Parker in Support, # <a href="#">2</a> Exhibit B - Declaration of Mark L. Hanin in Support, # <a href="#">3</a> Exhibit C - Declaration of Molly A. Meegan in Support, # <a href="#">4</a> Exhibit D - Declaration of Francisco M. Negron, Jr. in Support, # <a href="#">5</a> Exhibit E - Declaration of Meaghan H. Davant in Support)(Billings, Thanithia) Modified on 10/14/2025 (MAP). Modified on 10/14/2025 (MAP). (Entered: 10/09/2025)

10/09/2025	<a href="#">125</a>	MOTION for Leave to File <i>Amicus Brief in Support of Plaintiffs (Unopposed)</i> by American Academy of Family Physicians, American Academy of Nursing, American College of Chest Physicians, American College of Medical Genetics and Genomics, American College of Nurse-Midwives, American College of Obstetricians & Gynecologists, American Gynecological and Obstetrical Society, American Medical Association, American Medical Womens Association, American Society for Reproductive Medicine, Council of Chairs of Obstetrics and Gynecology, Massachusetts Medical Society, National Association of Nurse Practitioners in Womens Health, National Association of Pediatric Nurse Practitioners, North American Society for Pediatric and Adolescent Gynecology, Society for Adolescent Health and Medicine, Society of General Internal Medicine, Society of Gynecologic Oncology, Society of Gynecologic Surgeons, Society of OB/GYN Hospitalists. (Attachments: # <a href="#">1</a> Exhibit A - Proposed Amicus Brief)(Billings, Thanithia) (Entered: 10/09/2025)
10/09/2025	<a href="#">126</a>	CORPORATE DISCLOSURE STATEMENT by American Academy of Family Physicians, American Academy of Nursing, American College of Chest Physicians, American College of Medical Genetics and Genomics, American College of Nurse-Midwives, American College of Obstetricians & Gynecologists, American Gynecological and Obstetrical Society, American Medical Association, American Medical Womens Association, American Society for Reproductive Medicine, Council of Chairs of Obstetrics and Gynecology, Massachusetts Medical Society, National Association of Nurse Practitioners in Womens Health, National Association of Pediatric Nurse Practitioners, North American Society for Pediatric and Adolescent Gynecology, Society for Adolescent Health and Medicine, Society of General Internal Medicine, Society of Gynecologic Oncology, Society of Gynecologic Surgeons, Society of OB/GYN Hospitalists. (Billings, Thanithia) (Entered: 10/09/2025)
10/20/2025	<a href="#">127</a>	MOTION to Continue This Case on Schedule During the Federal Government Shutdown ( <i>Plaintiffs' Motion to Lift Stay and Continue This Case on Schedule During the Federal Government Shutdown</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Oh, James) Motion terminated 10/30/2025 (BIB). (Entered: 10/20/2025)
10/22/2025	128	Judge William G. Young: ELECTRONIC ORDER entered. ORDER REASSIGNING CASE. With the approval of the Chief Judge, pursuant to Local Rule 40.1 (j) (1), it is hereby ORDERED that this case is RETURNED to the Clerk to be randomly reassigned.(KB) (Entered: 10/22/2025)
10/22/2025	129	ELECTRONIC NOTICE of Case Reassignment. Judge Brian E. Murphy assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge M. Page Kelley. (LBO) (Entered: 10/22/2025)
10/23/2025	<a href="#">130</a>	NOTICE by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services re <a href="#">127</a> MOTION to Continue This Case on Schedule During the Federal Government Shutdown ( <i>Plaintiffs' Motion to Lift Stay and Continue This Case on Schedule During the Federal Government Shutdown</i> ) Notice of Intent to File an Opposition (Belfer, Isaac) (Entered: 10/23/2025)
10/23/2025	131	<b>NOTICE OF MOTION HEARING:</b> Hearing on <a href="#">127</a> Plaintiffs' Motion to Continue This Case on Schedule During the Federal Government Shutdown is SCHEDULED for 10/30/2025 at 11:00 a.m. in Courtroom 12 (In person only) before Judge Brian E. Murphy.  In addition, Defendants' counsel shall file any opposition no later than 3:00 p.m. on 10/29/2025. (BIB) (Entered: 10/23/2025)
10/27/2025	132	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">124</a> Motion for Leave to Appear Pro Hac Vice Added Kimberly A. Parker, Mark L. Hanin, Molly A. Meegan, Francisco M. Negron, Jr. and Meaghan H. Davant.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MBM) (Entered: 10/27/2025)
10/29/2025	<a href="#">133</a>	Opposition re <a href="#">127</a> MOTION to Continue This Case on Schedule During the Federal Government Shutdown ( <i>Plaintiffs' Motion to Lift Stay and Continue This Case on Schedule During the Federal Government Shutdown</i> ) filed by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Belfer, Isaac) (Entered: 10/29/2025)
10/30/2025	134	<b>CLERK'S NOTES</b> for Motion Hearing held in-person before Judge Brian E. Murphy: Argument heard on <a href="#">127</a> Motion to Lift Stay and Continue this Case on Schedule During the Federal Government Shutdown. Court LIFTS the Stay for the reasons stated on the record. Court takes a brief recess to allow counsel to consult and propose a briefing

		<p>schedule. Schedule set by the Court. Cross motions for summary judgment to be addressed after motion to dismiss practice. Defendants to file a status report by 11/12/2025 re the compilation time line for disclosing the administrative record to the plaintiffs.</p> <p><b>SCHEDULE:</b>                  Amended complaint to be filed by 11/5/2025.                  Defendants' Motion to Dismiss to be filed by 11/19/2025.                  Opposition to Motion to Dismiss to be filed by 12/3/2025.                  Reply Brief in further support of Motion to Dismiss to be filed by 12/12/2025.</p> <p><b>NOTICE OF HEARINGS:</b>                  Hearing on Motion to Dismiss set for 12/17/2025 at 10:00 a.m. in Courtroom 12 (In person only) before Judge Brian E. Murphy.                  Status Conference set for 1/12/2026 at 2:30 p.m. remotely by Zoom before Judge Brian E. Murphy.                  (Court Reporter: Jessica Bisailon at jsteno99@gmail.com.)(Attorneys present: Oh, Hughes, Wanerman, Belfer, AUSA Fitzgerald) (BIB) (Entered: 10/30/2025)</p>
10/30/2025	135	<p>Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">125</a> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (MBM) (Entered: 10/30/2025)</p>
10/31/2025	<a href="#">136</a>	<p>AMICUS BRIEF filed by American Academy of Family Physicians, American Academy of Nursing, American College of Chest Physicians, American College of Medical Genetics and Genomics, American College of Nurse-Midwives, American College of Obstetricians &amp; Gynecologists, American Gynecological and Obstetrical Society, American Medical Association, American Medical Womens Association, American Society for Reproductive Medicine, Council of Chairs of Obstetrics and Gynecology, Massachusetts Medical Society, National Association of Nurse Practitioners in Womens Health, National Association of Pediatric Nurse Practitioners, North American Society for Pediatric and Adolescent Gynecology, Society for Adolescent Health and Medicine, Society of General Internal Medicine, Society of Gynecologic Oncology, Society of Gynecologic Surgeons, Society of OB/GYN Hospitalists <i>in Support of Plaintiffs</i>. (Billings, Thanithia) (Entered: 10/31/2025)</p>
10/31/2025	 <a href="#">137</a>	<p>Transcript of Motion Hearing held on October 30, 2025, before Judge Brian E. Murphy. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Jessica Bisailon at jsteno99@gmail.com. Redaction Request due 11/21/2025. Redacted Transcript Deadline set for 12/1/2025. Release of Transcript Restriction set for 1/29/2026. (DRK) (Entered: 11/03/2025)</p>
10/31/2025	138	<p>NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="https://www.mad.uscourts.gov/caseinfo/transcripts.htm">https://www.mad.uscourts.gov/caseinfo/transcripts.htm</a> (DRK) (Entered: 11/03/2025)</p>
11/05/2025	<a href="#">139</a>	<p>AMENDED COMPLAINT [<i>THIRD AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF</i>] against All Defendants, filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine.(Oh, James) (Entered: 11/05/2025)</p>
11/12/2025	<a href="#">140</a>	<p>STATUS REPORT <i>Regarding the Administrative Record</i> by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Belfer, Isaac) (Entered: 11/12/2025)</p>
11/13/2025	<a href="#">141</a>	<p>NOTICE by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine re <a href="#">140</a> Status Report, (<i>Plaintiffs' Notice of Intent to File a Response to Defendants' Status Report Regarding the Administrative Record</i>) (Oh, James) (Entered: 11/13/2025)</p>
11/18/2025	<a href="#">142</a>	<p>STATUS REPORT (<i>Plaintiffs' Reply to Defendants' November 12 Status Report</i>) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 11/18/2025)</p>
11/18/2025	<a href="#">143</a>	<p>DECLARATION re <a href="#">142</a> Status Report, by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1, # <a href="#">2</a> Exhibit Exhibit 2, # <a href="#">3</a> Exhibit Exhibit 3, # <a href="#">4</a> Exhibit Exhibit 4, # <a href="#">5</a> Exhibit Exhibit 5)(Oh, James) (Entered: 11/18/2025)</p>

11/19/2025	<a href="#">144</a>	MOTION to Dismiss for Lack of Jurisdiction , MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM ( Responses due by 12/3/2025) by Centers for Disease Control and Prevention, Robert F. Kennedy, Jr, United States Department of Health and Human Services. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Belfer, Isaac) (Entered: 11/19/2025)
11/19/2025	<a href="#">145</a>	MEMORANDUM in Support re <a href="#">144</a> MOTION to Dismiss for Lack of Jurisdiction MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Centers for Disease Control and Prevention, Robert F. Kennedy, Jr, United States Department of Health and Human Services. (Belfer, Isaac) (Entered: 11/19/2025)
12/03/2025	<a href="#">146</a>	MEMORANDUM in Opposition re <a href="#">144</a> MOTION to Dismiss for Lack of Jurisdiction MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM ( <i>Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss the Third Amended Complaint</i> ) filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1, # <a href="#">2</a> Exhibit Exhibit 2, # <a href="#">3</a> Exhibit Exhibit 3, # <a href="#">4</a> Exhibit Exhibit 4, # <a href="#">5</a> Exhibit Exhibit 5, # <a href="#">6</a> Exhibit Exhibit 6, # <a href="#">7</a> Exhibit Exhibit 7, # <a href="#">8</a> Exhibit Exhibit 8, # <a href="#">9</a> Exhibit Exhibit 9, # <a href="#">10</a> Exhibit Exhibit 10, # <a href="#">11</a> Exhibit Exhibit 11, # <a href="#">12</a> Exhibit Exhibit 12, # <a href="#">13</a> Exhibit Exhibit 13, # <a href="#">14</a> Exhibit Exhibit 14, # <a href="#">15</a> Exhibit Exhibit 15, # <a href="#">16</a> Exhibit Exhibit 16, # <a href="#">17</a> Exhibit Exhibit 17, # <a href="#">18</a> Exhibit Exhibit 18, # <a href="#">19</a> Exhibit Exhibit 19, # <a href="#">20</a> Exhibit Exhibit 20, # <a href="#">21</a> Exhibit Exhibit 21, # <a href="#">22</a> Exhibit Exhibit 22, # <a href="#">23</a> Exhibit Exhibit 23, # <a href="#">24</a> Exhibit Exhibit 24, # <a href="#">25</a> Exhibit Exhibit 25, # <a href="#">26</a> Exhibit Exhibit 26, # <a href="#">27</a> Exhibit Exhibit 27, # <a href="#">28</a> Exhibit Exhibit 28, # <a href="#">29</a> Exhibit Exhibit 29, # <a href="#">30</a> Exhibit Exhibit 30, # <a href="#">31</a> Exhibit Exhibit 31, # <a href="#">32</a> Exhibit Exhibit 32, # <a href="#">33</a> Exhibit Exhibit 33, # <a href="#">34</a> Exhibit Exhibit 34, # <a href="#">35</a> Exhibit Exhibit 35, # <a href="#">36</a> Exhibit Exhibit 36, # <a href="#">37</a> Exhibit Exhibit 37, # <a href="#">38</a> Exhibit Exhibit 38, # <a href="#">39</a> Exhibit Exhibit 39)(Oh, James) (Entered: 12/03/2025)
12/09/2025	<a href="#">147</a>	MOTION for Leave to File <i>Supplemental Declaration of Dr. Jason Goldman in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss</i> by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit Exhibit A, # <a href="#">2</a> Exhibit Exhibit B)(Oh, James) (Entered: 12/09/2025)
12/11/2025	<a href="#">148</a>	NOTICE of Appearance by James W Harlow on behalf of Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Does 1-50, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services (Harlow, James) (Entered: 12/11/2025)
12/12/2025	<a href="#">149</a>	NOTICE of Appearance by Ashley H. Wisneski on behalf of Pediatric Infectious Diseases Society, Inc. (Wisneski, Ashley) (Entered: 12/12/2025)
12/12/2025	<a href="#">150</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Holly E. Peterson Filing fee: \$ 125, receipt number AMADC-11416071 by Pediatric Infectious Diseases Society, Inc..(Wisneski, Ashley) (Attachments: # <a href="#">1</a> Certificate of Holly E. Peterson) (MBM). (Entered: 12/12/2025)
12/12/2025	<a href="#">151</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Kevin M. Serafino Filing fee: \$ 125, receipt number AMADC-11416106 by Pediatric Infectious Diseases Society, Inc..(Wisneski, Ashley) (Attachments: # <a href="#">1</a> Certificate of Kevin M. Serafino) (MBM). (Entered: 12/12/2025)
12/12/2025	152	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">150</a> Motion for Leave to Appear Pro Hac Vice Added Holly E. Peterson.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MBM) (Entered: 12/12/2025)
12/12/2025	153	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">151</a> Motion for Leave to Appear Pro Hac Vice Added Kevin M. Serafino.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MBM) (Entered: 12/12/2025)

12/12/2025	<a href="#">154</a>	REPLY to Response to <a href="#">144</a> MOTION to Dismiss for Lack of Jurisdiction MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Belfer, Isaac) (Entered: 12/12/2025)
12/12/2025	<a href="#">155</a>	MOTION for Leave to File <i>Amicus Brief in Support of Plaintiffs (Unopposed)</i> by Defend Public Health. (Attachments: # <a href="#">1</a> Exhibit Exhibit A: Proposed Amicus Brief)(Schumacher, David) (Entered: 12/12/2025)
12/15/2025	<a href="#">156</a>	NOTICE of Appearance by Holly Peterson on behalf of Pediatric Infectious Diseases Society, Inc. (Peterson, Holly) (Entered: 12/15/2025)
12/15/2025	<a href="#">157</a>	NOTICE of Appearance by Kevin Serafino on behalf of Pediatric Infectious Diseases Society, Inc. (Serafino, Kevin) (Entered: 12/15/2025)
12/15/2025	<a href="#">158</a>	Assented to MOTION for Leave to File <i>Amicus Brief</i> by Pediatric Infectious Diseases Society, Inc..(Peterson, Holly) (Entered: 12/15/2025)
12/16/2025	159	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">147</a> , <a href="#">155</a> , <a href="#">158</a> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (MBM) (Entered: 12/16/2025)
12/16/2025	<a href="#">160</a>	AMICUS BRIEF filed by Pediatric Infectious Diseases Society, Inc. <i>Leave to File Granted on 12/16/25</i> . (Peterson, Holly) (Entered: 12/16/2025)
12/16/2025	<a href="#">161</a>	NOTICE by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services re 159 Order on Motion for Leave to File,,,,, (Belfer, Isaac) (Entered: 12/16/2025)
12/16/2025	<a href="#">162</a>	DECLARATION re 159 Order on Motion for Leave to File,,,,, [SUPPLEMENTAL DECLARATION OF DR. JASON GOLDMAN IN SUPPORT OF PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION TO DISMISS] by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 12/16/2025)
12/16/2025	<a href="#">163</a>	AMICUS BRIEF filed by Defend Public Health <i>in Support of Plaintiffs</i> . (Schumacher, David) (Entered: 12/16/2025)
12/17/2025	164	CLERK'S NOTES for Motion Hearing held in-person before Judge Brian E. Murphy: Discussion regarding the applicability of the Court's allowance of <a href="#">147</a> Motion for Leave to File Supplemental Declaration. Argument heard on pending Motions to Dismiss <a href="#">102</a> <a href="#">144</a> . Motions taken under advisement.(Court Reporter: Jessica Bisaillon at jsteno99@gmail.com.)(Attorneys present: Oh, Hughes, Wanerman, Belfer, Harlow) (BIB) (Entered: 12/17/2025)
12/22/2025	 <a href="#">165</a>	Transcript of Motion Hearing held on December 17, 2025, before Judge Brian E. Murphy. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Jessica Bisaillon at jsteno99@gmail.com. Redaction Request due 1/12/2026. Redacted Transcript Deadline set for 1/22/2026. Release of Transcript Restriction set for 3/23/2026. (DRK) (Entered: 12/22/2025)
12/22/2025	166	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="https://www.mad.uscourts.gov/caseinfo/transcripts.htm">https://www.mad.uscourts.gov/caseinfo/transcripts.htm</a> (DRK) (Entered: 12/22/2025)
12/23/2025	<a href="#">167</a>	NOTICE of Appearance by Heather Romero on behalf of Defend Public Health (Romero, Heather) (Entered: 12/23/2025)
01/06/2026	<a href="#">168</a>	Judge Brian E. Murphy: ORDER entered. MEMORANDUM AND ORDER on Defendants' Motion to Dismiss. Defendants' motion to dismiss, Dkt. <a href="#">144</a> , is DENIED. (MBM) (Entered: 01/06/2026)
01/06/2026	169	Judge Brian E. Murphy: ELECTRONIC ORDER entered. By 5:00 p.m. on 1/9/2026, the parties shall file a Joint Status Report with a case management plan, including: 1) a proposed deadline for filing the administrative record; 2) a proposed briefing schedule for any contemplated motions; and 3) any other matters which should be addressed at the conference. (MBM) (Entered: 01/06/2026)
01/06/2026	<a href="#">170</a>	MOTION to Withdraw as Attorney by <i>Carolyn Owens Boucek (unopposed)</i> by Massachusetts Public Health Association, American Academy of Pediatrics, American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine.(Boucek, Carolyn) (Entered: 01/06/2026)
01/07/2026	<a href="#">171</a>	NOTICE of Appearance by Gianna Monet Costello on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine (Costello, Gianna) (Entered: 01/07/2026)

01/08/2026	172	<b>NOTICE RE HEARING:</b> The Status Conference scheduled for 1/12/2026 at 2:30 p.m. will now be <b>held in-person in Courtroom 12</b> before Judge Brian E. Murphy. (BIB) (Entered: 01/08/2026)
01/08/2026	<a href="#">173</a>	MOTION to Withdraw as Attorney <i>by Lydia Pincsak (UNOPPOSED)</i> by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine.(Pincsak, Lydia) (Entered: 01/08/2026)
01/08/2026	<a href="#">174</a>	MOTION to Withdraw as Attorney <i>by Marguerite Stringer (UNOPPOSED)</i> by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine.(Stringer, Marguerite) (Entered: 01/08/2026)
01/09/2026	<a href="#">175</a>	STATUS REPORT ( <i>JOINT Status Report Filed Per the Court's January 6, 2026 Order - Dkt. No. 169</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 01/09/2026)
01/12/2026	176	Electronic Clerk's Notes for proceedings held before Judge Brian E. Murphy: Status Conference held on 1/12/2026. Scheduling and procedure addressed; status report re the collection of the administrative record sure 1/21/2026; plttffs' motion for leave to file 4th amended complaint due 1/19/2026; plttffs' motion for preliminary injunction due 1/26/2026; defts' response due 2/9/2026; status report re prospective evidence and length of hearinbg due 2/9/2026; hearing on Preliminary Injunction set for 2/13/2026 09:00 AM in Courtroom 12 (In person only) before Judge Brian E. Murphy. (Court Reporter: Jamie Halpin at jkhalpin@gmail.com.)(Attorneys present: Ho for the plttffs; Belfer for the defts) (JL) (Entered: 01/12/2026)
01/13/2026	<a href="#">177</a>	NOTICE of Withdrawal of Appearance by Carolyn Owens Boucek (Boucek, Carolyn) (Entered: 01/13/2026)
01/13/2026		(Court only) Attorney Carolyn Owens Boucek terminated. (MBM) (Entered: 01/13/2026)
01/14/2026	 <a href="#">178</a>	Transcript of Status Conference held on January 12, 2026, before Judge Brian E. Murphy. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Jamie Halpin at jkhalpin@gmail.com. Redaction Request due 2/4/2026. Redacted Transcript Deadline set for 2/17/2026. Release of Transcript Restriction set for 4/14/2026. (DRK) (Entered: 01/14/2026)
01/14/2026	179	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="https://www.mad.uscourts.gov/caseinfo/transcripts.htm">https://www.mad.uscourts.gov/caseinfo/transcripts.htm</a> (DRK) (Entered: 01/14/2026)
01/19/2026	<a href="#">180</a>	MOTION for Leave to File ( <i>Plaintiffs' Motion for Leave to File a Fourth Amended Complaint</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit (Exhibit 1), # <a href="#">2</a> Text of Proposed Order (Proposed Order))(Oh, James) (Entered: 01/19/2026)
01/21/2026	<a href="#">181</a>	STATUS REPORT ( <i>Joint Status Report Regarding the Administrative Record</i> ) by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Belfer, Isaac) (Entered: 01/21/2026)
01/22/2026	182	Judge Brian E. Murphy: ELECTRONIC ORDER entered. Having reviewed the parties' Joint Status Report, the Court ORDERS the following schedule for Defendants' production of the administrative record:  Records related to the May 2025 Directive by March 12, 2026.  Records related to the October 2025 changes to the COVID vaccine recommendation by March 23, 2026.  Records related to the reconstitution of ACIP by March 23, 2026.  Should the Court grant Plaintiffs' motion for leave to amend the complaint, records related to actions challenged in the proposed 4th Amended Complaint will be due within 60 days of the Court's order on said motion.  The Court will grant extensions only upon a showing of good cause. Any requests to amend the schedule should detail the efforts already made with specific dates of action, the status of those efforts, what work remains, and why more time is necessary.  (MBM) (Entered: 01/22/2026)
01/26/2026	<a href="#">183</a>	MOTION for Preliminary Injunction by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for

		Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit A - Proposed Order)(Oh, James) (Entered: 01/26/2026)
01/26/2026	<a href="#">184</a>	MEMORANDUM in Support re <a href="#">183</a> MOTION for Preliminary Injunction filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 01/26/2026)
01/26/2026	<a href="#">185</a>	APPENDIX/EXHIBIT re <a href="#">183</a> MOTION for Preliminary Injunction by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1, # <a href="#">2</a> Exhibit Exhibit 2, # <a href="#">3</a> Exhibit Exhibit 3, # <a href="#">4</a> Exhibit Exhibit 4, # <a href="#">5</a> Exhibit Exhibit 5, # <a href="#">6</a> Exhibit Exhibit 6, # <a href="#">7</a> Exhibit Exhibit 7, # <a href="#">8</a> Exhibit Exhibit 8, # <a href="#">9</a> Exhibit Exhibit 9, # <a href="#">10</a> Exhibit Exhibit 10, # <a href="#">11</a> Exhibit Exhibit 11, # <a href="#">12</a> Exhibit Exhibit 12, # <a href="#">13</a> Exhibit Exhibit 13, # <a href="#">14</a> Exhibit Exhibit 14, # <a href="#">15</a> Exhibit Exhibit 15, # <a href="#">16</a> Exhibit Exhibit 16, # <a href="#">17</a> Exhibit Exhibit 17, # <a href="#">18</a> Exhibit Exhibit 18, # <a href="#">19</a> Exhibit Exhibit 19, # <a href="#">20</a> Exhibit Exhibit 20, # <a href="#">21</a> Exhibit Exhibit 21, # <a href="#">22</a> Exhibit Exhibit 22, # <a href="#">23</a> Exhibit Exhibit 23, # <a href="#">24</a> Exhibit Exhibit 24, # <a href="#">25</a> Exhibit Exhibit 25, # <a href="#">26</a> Exhibit Exhibit 26, # <a href="#">27</a> Exhibit Exhibit 27, # <a href="#">28</a> Exhibit Exhibit 28, # <a href="#">29</a> Exhibit Exhibit 29, # <a href="#">30</a> Exhibit Exhibit 30, # <a href="#">31</a> Exhibit Exhibit 31, # <a href="#">32</a> Exhibit Exhibit 32, # <a href="#">33</a> Exhibit Exhibit 33, # <a href="#">34</a> Exhibit Exhibit 34, # <a href="#">35</a> Exhibit Exhibit 35, # <a href="#">36</a> Exhibit Exhibit 36, # <a href="#">37</a> Exhibit Exhibit 37, # <a href="#">38</a> Exhibit Exhibit 38, # <a href="#">39</a> Exhibit Exhibit 39, # <a href="#">40</a> Exhibit Exhibit 40, # <a href="#">41</a> Exhibit Exhibit 41, # <a href="#">42</a> Exhibit Exhibit 42, # <a href="#">43</a> Exhibit Exhibit 43, # <a href="#">44</a> Exhibit Exhibit 44, # <a href="#">45</a> Exhibit Exhibit 45, # <a href="#">46</a> Exhibit Exhibit 46, # <a href="#">47</a> Exhibit Exhibit 47, # <a href="#">48</a> Exhibit Exhibit 48, # <a href="#">49</a> Exhibit Exhibit 49, # <a href="#">50</a> Exhibit Exhibit 50, # <a href="#">51</a> Exhibit Exhibit 51, # <a href="#">52</a> Exhibit Exhibit 52, # <a href="#">53</a> Exhibit Exhibit 53)(Oh, James) (Entered: 01/26/2026)
01/29/2026	186	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">170</a> Motion to Withdraw as Attorney. (MBM) (Entered: 01/29/2026)
01/29/2026	187	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">173</a> Motion to Withdraw as Attorney. Attorney Lydia Pincsak terminated. (MBM) (Entered: 01/29/2026)
01/29/2026	188	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">174</a> Motion to Withdraw as Attorney. Attorney Marguerite McGowan Stringer terminated. (MBM) (Entered: 01/29/2026)
01/29/2026	189	<b>NOTICE OF HEARING:</b> At the request of counsel, a Status Conference is SCHEDULED for 1/30/2026 at 12:00 p.m. remotely by Zoom before Judge Brian E. Murphy. (BIB) (Entered: 01/29/2026)
01/30/2026	190	<b>CLERK'S NOTES</b> for Status Conference held remotely by Zoom before Judge Brian E. Murphy: Parties discuss the arbitrary and capricious issues raised in the scope of the <a href="#">183</a> Motion for Preliminary Injunction. Court discusses bifurcating the issues for hearing. The hearing presently scheduled for 2/13/2026 will be limited to the January 5th vaccine guidance and the February 25-26 ACIP hearing. Defendants' to brief the remaining issues no later than 2/27/2026. Secondary hearing scheduled. Parties to file status report no later than 3/2/2026 re prospective evidence and length of the second hearing.  <b>NOTICE OF HEARING:</b> Secondary Hearing on Motion for Preliminary Injunction is SCHEDULED for 3/4/2026 at 9:00 a.m. in Courtroom 12 (In person only) before Judge Brian E. Murphy. (Court Reporter: Rachel Lopez at raeufp@gmail.com.)(Attorneys present: Oh, McEvoy, Gerson, Hughes, Walters, Belfer) (BIB) (Entered: 01/30/2026)
02/02/2026	<a href="#">191</a>	NOTICE of Appearance by Allison Aviki on behalf of Lynn R. Goldman, Nicole L. Huberfeld, Timothy Stoltzfus Jost, Paula Lantz, Jeffrey Levi, Frances Miller, Christopher Robertson, Sara Rosenbaum, William M. Sage, Joshua M. Sharfstein, Laura Stephens (Aviki, Allison) (Entered: 02/02/2026)
02/02/2026	<a href="#">192</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Andrew J. Pincus Filing fee: \$ 125, receipt number AMADC-11519747 by Lynn R. Goldman, Nicole L. Huberfeld, Paula Lantz, Jeffrey Levi, Frances Miller, Christopher Robertson, Sara Rosenbaum, William M. Sage, Joshua M. Sharfstein, Laura Stephens, Timothy Stoltzfus Jost. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Andrew J. Pincus)(Aviki, Allison) (Entered: 02/02/2026)
02/02/2026	<a href="#">193</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Natasha Harnwell-Davis Filing fee: \$ 125, receipt number AMADC-11519757 by Lynn R. Goldman, Nicole L. Huberfeld, Paula Lantz, Jeffrey Levi, Frances Miller, Christopher Robertson, Sara Rosenbaum, William M. Sage, Joshua M. Sharfstein, Laura Stephens, Timothy Stoltzfus Jost. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Natasha Harnwell-Davis)(Aviki, Allison) (Entered: 02/02/2026)
02/02/2026	<a href="#">194</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Crystal Paulino Filing fee: \$ 125, receipt number AMADC-11519759 by Lynn R. Goldman, Nicole L. Huberfeld, Paula Lantz, Jeffrey Levi, Frances Miller, Christopher Robertson, Sara Rosenbaum, William M. Sage, Joshua M. Sharfstein, Laura Stephens, Timothy Stoltzfus Jost. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Crystal Paulino)(Aviki, Allison) (Entered: 02/02/2026)
02/02/2026	<a href="#">195</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Graham White Filing fee: \$ 125, receipt number AMADC-11519763 by Lynn R. Goldman, Nicole L. Huberfeld, Paula Lantz, Jeffrey Levi, Frances Miller, Christopher Robertson, Sara Rosenbaum, William M. Sage, Joshua M. Sharfstein, Laura Stephens, Timothy Stoltzfus Jost. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Graham White)(Aviki, Allison) (Entered: 02/02/2026)


02/02/2026	<a href="#">196</a>	MOTION for Leave to File <i>Amici Curiae Public Health and Administrative Law Scholars to File a Brief in Support of Plaintiffs</i> by Lynn R. Goldman, Nicole L. Huberfeld, Paula Lantz, Jeffrey Levi, Frances Miller, Christopher Robertson, Sara Rosenbaum, William M. Sage, Joshua M. Sharfstein, Laura Stephens, Timothy Stoltzfus Jost. (Attachments: # <a href="#">1</a> Exhibit A)(Aviki, Allison) (Attachments: # <a href="#">2</a> Appendix) (MBM). (Entered: 02/02/2026)
02/03/2026	197	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">192</a> Motion for Leave to Appear Pro Hac Vice Added Andrew J. Pincus.  <b>Attorneys admitted Pro Hac Vice must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of Massachusetts. Counsel may need to link their CM/ECF account to their upgraded individual pacer account.</b> Instructions on how to link CM/ECF accounts to upgraded pacer account can be found at <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account">https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account</a> .  (MBM) (Entered: 02/03/2026)
02/03/2026	198	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">193</a> Motion for Leave to Appear Pro Hac Vice Added Natasha Harnwell-Davis.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MBM) (Entered: 02/03/2026)
02/03/2026	199	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">194</a> Motion for Leave to Appear Pro Hac Vice Added Crystal Paulino.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MBM) (Entered: 02/03/2026)
02/03/2026	200	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">195</a> Motion for Leave to Appear Pro Hac Vice Added Graham White.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MBM) (Entered: 02/03/2026)
02/03/2026	<a href="#">201</a>	NOTICE of Appearance by Natasha Harnwell-Davis on behalf of Lynn R. Goldman, Nicole L. Huberfeld, Paula Lantz, Jeffrey Levi, Frances Miller, Christopher Robertson, Sara Rosenbaum, William M. Sage, Joshua M. Sharfstein, Laura Stephens, Timothy Stoltzfus Jost (Harnwell-Davis, Natasha) (Entered: 02/03/2026)
02/03/2026	<a href="#">202</a>	NOTICE of Appearance by Crystal Paulino on behalf of Lynn R. Goldman, Nicole L. Huberfeld, Paula Lantz, Jeffrey Levi, Frances Miller, Christopher Robertson, Sara Rosenbaum, William M. Sage, Joshua M. Sharfstein, Laura Stephens, Timothy Stoltzfus Jost (Paulino, Crystal) (Entered: 02/03/2026)
02/03/2026	<a href="#">203</a>	NOTICE of Appearance by Andrew J. Pincus on behalf of Lynn R. Goldman, Nicole L. Huberfeld, Paula Lantz, Jeffrey Levi, Frances Miller, Christopher Robertson, Sara Rosenbaum, William M. Sage, Joshua M. Sharfstein, Laura Stephens, Timothy Stoltzfus Jost (Pincus, Andrew) (Entered: 02/03/2026)
02/03/2026	<a href="#">204</a>	NOTICE of Appearance by Graham White on behalf of Lynn R. Goldman, Nicole L. Huberfeld, Paula Lantz, Jeffrey Levi, Frances Miller, Christopher Robertson, Sara Rosenbaum, William M. Sage, Joshua M. Sharfstein, Laura Stephens, Timothy Stoltzfus Jost (White, Graham) (Entered: 02/03/2026)

02/03/2026	<a href="#">205</a>	NOTICE of Appearance by Megan Barbero on behalf of American Association of Immunologists, America's Physician Groups (Barbero, Megan) (Entered: 02/03/2026)
02/03/2026	<a href="#">206</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Justin A. Coen Filing fee: \$ 125, receipt number AMADC-11522986 by America's Physician Groups, American Association of Immunologists. (Attachments: # <a href="#">1</a> Certification of Justin A. Coen)(Barbero, Megan) (Entered: 02/03/2026)
02/03/2026	<a href="#">207</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Kyle H. Keraga Filing fee: \$ 125, receipt number AMADC-11522987 by America's Physician Groups, American Association of Immunologists. (Attachments: # <a href="#">1</a> Certification of Kyle H. Keraga)(Barbero, Megan) (Entered: 02/03/2026)
02/03/2026	<a href="#">208</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Sarah M. Allen Filing fee: \$ 125, receipt number AMADC-11522988 by America's Physician Groups, American Association of Immunologists. (Attachments: # <a href="#">1</a> Certification of Sarah M. Allen)(Barbero, Megan) (Entered: 02/03/2026)
02/03/2026	<a href="#">209</a>	MOTION for Leave to File <i>Amicus Brief in Support of Plaintiffs' Motion for a Preliminary Injunction (Unopposed)</i> by America's Physician Groups, American Association of Immunologists. (Attachments: # <a href="#">1</a> Proposed Amicus Brief)(Barbero, Megan) (Entered: 02/03/2026)
02/04/2026	210	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">206</a> Motion for Leave to Appear Pro Hac Vice Added Justin A. Coen.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MBM) (Entered: 02/04/2026)
02/04/2026	211	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">207</a> Motion for Leave to Appear Pro Hac Vice Added Kyle H. Keraga.  <b>Attorneys admitted Pro Hac Vice must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of Massachusetts. Counsel may need to link their CM/ECF account to their upgraded individual pacer account.</b> Instructions on how to link CM/ECF accounts to upgraded pacer account can be found at <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account">https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account</a> .  (MBM) (Entered: 02/04/2026)
02/04/2026	212	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">208</a> Motion for Leave to Appear Pro Hac Vice Added Sarah M. Allen.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MBM) (Entered: 02/04/2026)
02/05/2026	213	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">196</a> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (MBM) (Entered: 02/05/2026)
02/05/2026	214	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">209</a> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (MBM) (Entered: 02/05/2026)
02/05/2026	<a href="#">215</a>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Daniella R. Lee by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit Exhibit A)(McEvoy, Elizabeth) (Entered: 02/05/2026)

02/05/2026	216	<p>Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">215</a> Motion for Leave to Appear Pro Hac Vice Added Daniella R. Lee.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b></p> <p>Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a>.</p> <p>A Notice of Appearance must be entered on the docket by the newly admitted attorney.</p> <p>(MBM) (Entered: 02/05/2026)</p>
02/05/2026	<a href="#">217</a>	AMICUS BRIEF filed by Lynn R. Goldman, Nicole L. Huberfeld, Paula Lantz, Jeffrey Levi, Frances Miller, Christopher Robertson, Sara Rosenbaum, William M. Sage, Joshua M. Sharfstein, Laura Stephens, Timothy Stoltzfus Jost . (Aviki, Allison) (Entered: 02/05/2026)
02/05/2026	<a href="#">218</a>	AMICUS BRIEF filed by America's Physician Groups, American Association of Immunologists <i>in Support of Plaintiffs' Motion for a Preliminary Injunction</i> . (Barbero, Megan) (Entered: 02/05/2026)
02/05/2026	<a href="#">219</a>	NOTICE of Appearance by Julia Caldwell on behalf of Defend Public Health (Caldwell, Julia) (Entered: 02/05/2026)
02/05/2026	<a href="#">220</a>	NOTICE of Appearance by Justin Coen on behalf of America's Physician Groups, American Association of Immunologists (Coen, Justin) (Entered: 02/05/2026)
02/05/2026	<a href="#">221</a>	NOTICE of Appearance by Kyle Keraga on behalf of America's Physician Groups, American Association of Immunologists (Keraga, Kyle) (Entered: 02/05/2026)
02/05/2026	<a href="#">222</a>	NOTICE of Appearance by Sarah Allen on behalf of America's Physician Groups, American Association of Immunologists (Allen, Sarah) (Entered: 02/05/2026)
02/06/2026	<a href="#">223</a>	Amicus Curiae APPEARANCE entered by Andrew M. London on behalf of American College of Chest Physicians, American Thoracic Society, Network for Public Health Law, Robert Wood Johnson Foundation, American Academy of Allergy, Asthma, & Immunology, 119 Deans, Chairs, and Public Health and Health Policy Scholars. (London, Andrew) (Entered: 02/06/2026)
02/06/2026	<a href="#">224</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Caroline Farrell Filing fee: \$ 125, receipt number AMADC-11532051 by 119 Deans, Chairs, and Public Health and Health Policy Scholars, American Academy of Allergy, Asthma, & Immunology, American College of Chest Physicians, American Thoracic Society, Network for Public Health Law, Robert Wood Johnson Foundation. (Attachments: # <a href="#">1</a> Exhibit A - Certificate of Caroline Farrell, Esq., # <a href="#">2</a> Exhibit B - List of Amici Curiae)(London, Andrew) (Entered: 02/06/2026)
02/06/2026	<a href="#">225</a>	MOTION for Leave to File <i>Brief of Amici Curiae in Support of Plaintiffs' Motion for Preliminary Injunction (Unopposed)</i> by 119 Deans, Chairs, and Public Health and Health Policy Scholars, American Academy of Allergy, Asthma, & Immunology, American College of Chest Physicians, American Thoracic Society, Network for Public Health Law, Robert Wood Johnson Foundation. (Attachments: # <a href="#">1</a> Exhibit A)(London, Andrew) (Entered: 02/06/2026)
02/09/2026	226	<p>Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">224</a> Motion for Leave to Appear Pro Hac Vice Added Caroline Farrell.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b></p> <p>Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a>.</p> <p>A Notice of Appearance must be entered on the docket by the newly admitted attorney.</p> <p>(MBM) (Entered: 02/09/2026)</p>
02/09/2026	227	Judge Brian E. Murphy: ELECTRONIC ORDER granting <a href="#">225</a> Unopposed Motion for Leave to File Brief of Amici Curiae; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (BIB) (Entered: 02/09/2026)
02/09/2026	<a href="#">228</a>	AMICUS BRIEF filed by 119 Deans, Chairs, and Public Health and Health Policy Scholars, American Academy of Allergy, Asthma, & Immunology, American College of Chest Physicians, American Thoracic Society, Network for Public Health Law, Robert Wood Johnson Foundation <i>in Support of Plaintiffs' Motion for a Preliminary Injunction</i> . (London, Andrew) (Entered: 02/09/2026)



02/09/2026	<a href="#">229</a>	Assented to MOTION for Leave to File <i>a Corrected Memorandum of Law in Support of Their Motion for Preliminary Injunction</i> by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit Exhibit A, # <a href="#">2</a> Exhibit Exhibit B, # <a href="#">3</a> Text of Proposed Order [Proposed Order])(Oh, James) (Entered: 02/09/2026)
02/09/2026	<a href="#">230</a>	STATUS REPORT <i>Joint Status Report Regarding February 13, 2026 Hearing</i> by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 02/09/2026)
02/09/2026	<a href="#">231</a>	Second MOTION for Leave to File <i>Amicus Brief in Support of Plaintiffs' Motion for Preliminary Injunction (Unopposed)</i> by Defend Public Health. (Attachments: # <a href="#">1</a> Exhibit A: Proposed Amicus Brief)(Schumacher, David) (Entered: 02/09/2026)
02/09/2026	<a href="#">232</a>	Opposition re <a href="#">183</a> MOTION for Preliminary Injunction filed by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Belfer, Isaac) (Entered: 02/09/2026)
02/09/2026	<a href="#">233</a>	Opposition re <a href="#">180</a> MOTION for Leave to File ( <i>Plaintiffs' Motion for Leave to File a Fourth Amended Complaint</i> ) filed by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Belfer, Isaac) (Entered: 02/09/2026)
02/10/2026	234	Judge Brian E. Murphy: ELECTRONIC ORDER granting <a href="#">231</a> Unopposed Motion for Leave to File Amicus Curiae Brief. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (BIB) (Entered: 02/10/2026)
02/10/2026	235	Judge Brian E. Murphy: ELECTRONIC ORDER granting <a href="#">229</a> Assented to Motion for Leave to File a Corrected Memorandum of Law in Support of Their Motion for Preliminary Injunction. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (BIB) (Entered: 02/10/2026)
02/10/2026	<a href="#">236</a>	Amicus Curiae APPEARANCE entered by Caroline Lindsay Farrell on behalf of 119 Deans, Chairs, and Public Health and Health Policy Scholars, American Academy of Allergy, Asthma, & Immunology, American College of Chest Physicians, American Thoracic Society, Network for Public Health Law, Robert Wood Johnson Foundation. (Farrell, Caroline) (Entered: 02/10/2026)
02/10/2026	<a href="#">237</a>	MEMORANDUM in Support re <a href="#">183</a> MOTION for Preliminary Injunction ( <i>Plaintiffs' CORRECTED Memorandum of Law in Support of Their Motion for Preliminary Injunction</i> ) ( <i>Leave to File Granted on February 10, 2026</i> ) filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 02/10/2026)
02/10/2026	<a href="#">238</a>	AMICUS BRIEF filed by Defend Public Health <i>in Support of Plaintiffs</i> . (Schumacher, David) (Entered: 02/10/2026)
02/12/2026	<a href="#">239</a>	NOTICE of Appearance by Daniella Lee on behalf of Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine (Lee, Daniella) (Entered: 02/12/2026)
02/12/2026	<a href="#">240</a>	MOTION for Leave to File ( <i>Plaintiffs' Motion for Leave to File Supplemental Declarations in Support of Their Motion for Preliminary Injunction</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit (Exhibit A), # <a href="#">2</a> Exhibit (Exhibit B), # <a href="#">3</a> Exhibit (Exhibit C), # <a href="#">4</a> Text of Proposed Order (Proposed Order))(Oh, James) (Entered: 02/12/2026)
02/13/2026	241	<b>CLERK'S NOTES:</b> for Motion Hearing held in-person before Judge Brian E. Murphy: Court hears argument on <a href="#">240</a> Plaintiffs' Motion for Leave to File Supplemental Declarations in Support of Their Motion for Preliminary Injunction. Motion preliminarily GRANTED, the defendants to file supplemental opposition by 5:00 p.m. on 2/18/2026. Court addresses <a href="#">180</a> Plaintiffs' Motion for Leave to File a Fourth Amended Complaint and GRANTS the Motion. Counsel to file additional briefing regarding the legal consequence of the January guidance no later than 2/18/2026. Court hears argument on <a href="#">183</a> Motion for Preliminary Injunction and takes the motion under advisement. (Court Reporter: Jennifer Vaillancourt at jenn.m.vaillancourt@gmail.com.)(Attorneys present: Oh, Belfer, McEvoy, Barrett, Lee, Hughes, Wanerman, Harlow) (BIB) (Entered: 02/17/2026)
02/17/2026	<a href="#">242</a>	DECLARATION re 241 Order on Motion for Leave to File,,,, Order on Motion for Preliminary Injunction,,,,,, Motion Hearing,, ( <i>Declaration of Diana Zuckerman, Ph.D. in Support of Their Motion for Preliminary Injunction</i> )

		by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 02/17/2026)
02/17/2026	<a href="#">243</a>	DECLARATION re 241 Order on Motion for Leave to File,,,,, Order on Motion for Preliminary Injunction,,,,,,, Motion Hearing,,, ( <i>Second Supplemental Declaration of Susan J. Kressly, M.D., FAAP in Support of Their Motion for Preliminary Injunction</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 02/17/2026)
02/17/2026	<a href="#">244</a>	DECLARATION re 241 Order on Motion for Leave to File,,,,, Order on Motion for Preliminary Injunction,,,,,,, Motion Hearing,,, ( <i>Second Supplemental Declaration of Suzanne Berman, M.D. in Support of Their Motion for Preliminary Injunction</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 02/17/2026)
02/17/2026	<a href="#">245</a>	AMENDED COMPLAINT ( <i>Fourth Amended Complaint for Declaratory and Injunctive Relief - Leave to File Granted on February 17, 2026</i> ) against Does 1-50, United States Department of Health and Human Services, Centers for Disease Control and Prevention, Robert F. Kennedy, Jr, filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine.(Oh, James) (Entered: 02/17/2026)
02/18/2026	<a href="#">246</a>	NOTICE of Appearance by Robert N. Meltzer on behalf of Children's Health Defense, Andrea Shaw, Shanticia Nelson, Dr. Paul Thomas, and Dr. Kenneth Stoller (Meltzer, Robert) (Entered: 02/18/2026)
02/18/2026	<a href="#">247</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Richard Jaffe Filing fee: \$ 125, receipt number AMADC-11556971 by Children's Health Defense, Andrea Shaw, Shanticia Nelson, Dr. Paul Thomas, and Dr. Kenneth Stoller. (Attachments: # <a href="#">1</a> Affidavit, # <a href="#">2</a> Text of Proposed Order)(Meltzer, Robert) (Entered: 02/18/2026)
02/18/2026	<a href="#">248</a>	Emergency MOTION to Intervene by Children's Health Defense , Andrea Shaw, Shanticia Nelson, Dr. Paul Thomas, and Dr. Kenneth Stoller. (Attachments: # <a href="#">1</a> Supplement Proposed Answer and Counterclaim, # <a href="#">2</a> Text of Proposed Order Proposed Order)(Meltzer, Robert) (Entered: 02/18/2026)
02/18/2026	<a href="#">249</a>	MEMORANDUM in Support re <a href="#">248</a> Emergency MOTION to Intervene filed by Children's Health Defense, Andrea Shaw, Shanticia Nelson, Dr. Paul Thomas, and Dr. Kenneth Stoller. (Meltzer, Robert) (Entered: 02/18/2026)
02/18/2026	<a href="#">250</a>	AFFIDAVIT in Support re <a href="#">248</a> Emergency MOTION to Intervene filed by Children's Health Defense, Andrea Shaw, Shanticia Nelson, Dr. Paul Thomas, and Dr. Kenneth Stoller. (Meltzer, Robert) (Entered: 02/18/2026)
02/18/2026	<a href="#">251</a>	ADDENDUM re <a href="#">248</a> Emergency MOTION to Intervene <i>re Opposition to Preliminary Injunction</i> filed by Children's Health Defense, Andrea Shaw, Shanticia Nelson, Dr. Paul Thomas, and Dr. Kenneth Stoller. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Order of PI Opposition)(Meltzer, Robert) (Entered: 02/18/2026)
02/18/2026	252	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">247</a> Motion for Leave to Appear Pro Hac Vice Added Richard Jaffe.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (MBM) (Entered: 02/18/2026)
02/18/2026	<a href="#">253</a>	Supplemental DECLARATION in Support of Pro Hac Vic Motion by Children's Health Defense, Andrea Shaw, Shanticia Nelson, Dr. Paul Thomas, and Dr. Kenneth Stoller (Meltzer, Robert) (Entered: 02/18/2026)
02/18/2026	<a href="#">254</a>	RESPONSE to Motion re <a href="#">240</a> MOTION for Leave to File ( <i>Plaintiffs' Motion for Leave to File Supplemental Declarations in Support of Their Motion for Preliminary Injunction</i> ) filed by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Belfer, Isaac) (Entered: 02/18/2026)
02/18/2026	<a href="#">255</a>	BRIEF by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine ( <i>PLAINTIFFS SUPPLEMENTAL BRIEF ON THE LEGAL CONSEQUENCES OF THE JANUARY 5,</i>

		2026, ACTION CHANGING THE CDCs CHILDHOOD IMMUNIZATION SCHEDULE). (Oh, James) (Entered: 02/18/2026)
02/19/2026	<a href="#">256</a>	NOTICE of Appearance by Richard Jaffe on behalf of Children's Health Defense (Jaffe, Richard) (Entered: 02/19/2026)
02/19/2026	<a href="#">257</a>	NOTICE by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services (Belfer, Isaac) (Entered: 02/19/2026)
02/19/2026	<a href="#">258</a>	NOTICE by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine re <a href="#">248</a> Emergency MOTION to Intervene ( <i>Plaintiffs' Notice of Intent to File Opposition to Emergency Motion to Intervene as Defendants and Counterclaim Plaintiffs</i> ) (Oh, James) (Entered: 02/19/2026)
02/19/2026	<a href="#">259</a>	STATEMENT OF COUNSEL of All Plaintiffs on Record re <a href="#">257</a> Notice (Other), ( <i>Plaintiffs' Statement Regarding Postponement of Next ACIP Meeting</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 02/19/2026)
02/20/2026	 <a href="#">260</a>	Transcript of Motion Hearing held on February 13, 2026, before Judge Brian E. Murphy. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Jennifer Vaillancourt at jenn.m.vaillancourt@gmail.com. Redaction Request due 3/13/2026. Redacted Transcript Deadline set for 3/23/2026. Release of Transcript Restriction set for 5/21/2026. (DRK) (Entered: 02/20/2026)
02/20/2026	<a href="#">261</a>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="https://www.mad.uscourts.gov/caseinfo/transcripts.htm">https://www.mad.uscourts.gov/caseinfo/transcripts.htm</a> (DRK) (Entered: 02/20/2026)
02/20/2026	<a href="#">262</a>	Judge Brian E. Murphy: ELECTRONIC ORDER entered. The parties are ORDERED to respond to <a href="#">248</a> Emergency MOTION to Intervene filed by Children's Health Defense by 6 p.m. on Thursday, February 26, 2026. (MBM) (Entered: 02/20/2026)
02/23/2026	<a href="#">263</a>	First ADDENDUM re <a href="#">248</a> Emergency MOTION to Intervene <i>Supplemental Memo for March 4th hearing</i> filed by Children's Health Defense. (Jaffe, Richard) (Entered: 02/23/2026)
02/23/2026	<a href="#">264</a>	Second AFFIDAVIT of Children's Health Defense in Support re <a href="#">248</a> Emergency MOTION to Intervene filed by Children's Health Defense. (Jaffe, Richard) (Entered: 02/23/2026)
02/24/2026	<a href="#">265</a>	NOTICE by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine ( <i>Plaintiffs' Notice of Rescheduling of ACIP Meeting to March 18-19, 2026</i> ) (Attachments: # <a href="#">1</a> Exhibit (Exhibit A))(Oh, James) (Entered: 02/24/2026)
02/24/2026	<a href="#">266</a>	NOTICE by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services (Belfer, Isaac) (Entered: 02/24/2026)
02/26/2026	<a href="#">267</a>	MEMORANDUM in Opposition re <a href="#">248</a> Emergency MOTION to Intervene filed by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Harlow, James) (Entered: 02/26/2026)
02/26/2026	<a href="#">268</a>	Opposition re <a href="#">248</a> Emergency MOTION to Intervene filed by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit (Exhibit A), # <a href="#">2</a> Exhibit (Exhibit B), # <a href="#">3</a> Exhibit (Exhibit C))(Oh, James) (Entered: 02/26/2026)
02/27/2026	<a href="#">269</a>	Judge Brian E. Murphy: ELECTRONIC ORDER entered. The parties are directed to submit supplemental briefing of no more than ten pages on the applicability of the Federal Advisory Committee Act (FACA) to the Advisory Committee on Immunization Practices (ACIP) by Thursday, March 5, 2026. In <i>Kennedy v. Braidwood Mgmt., Inc.</i> , 606 U.S. 748 (2025), the Supreme Court stated that the U.S. Preventive Services Task Force (PSTF), a comparable "entity within the Department of Health and Human Services, [which] issues public recommendations about preventive healthcare services," <i>id.</i> at 753, "ceased to be an advisory committee in 2010 when Congress enacted the Affordable Care Act ["ACA"] and empowered the Task Force to issue binding recommendations," <i>id.</i> at 766 n.3 (internal quotation marks omitted). The ACA provisions granting authority to PSTF and ACIP are similar, <i>see</i> 42 U.S.C. s. 300gg-13(a)(1)-(2), and the <i>Braidwood</i> Court appeared to discount ACIP's subsequently issued regulation, requiring adoption of its recommendations, <i>see</i> 45 C.F.R. s. 147.130(a)(1)(ii), as a relevant distinction, <i>see</i> 606 U.S. at 767 & n.4 (concluding that the ACA did not violate the Appointments Clause, in part, because "the Secretary can

		use his rulemaking authority... to establish a formal review process,” like the one applicable to ACIP, even though the Secretary had not done so). Given the Supreme Court’s characterization of PSTF’s authority (and, by extension, ACIP’s authority) as the power “to issue binding regulations,” <i>Braidwood</i> , 606 U.S. at 766 n.3, the Court is uncertain as to whether ACIP continues to “perform primarily... advisory [as opposed to ‘operational’] functions” for purposes of FACA. <i>See Nat. Res. Def. Council v. EPA</i> , 806 F. Supp. 275, 276 (D.D.C. 1992) (quoting 42 C.F.R. s. 101-6.1004(g) [sic] (1992), current version at 41 C.F.R. s. 102-3.40(j) (2025)). (MBM) (Entered: 02/27/2026)
02/27/2026	<a href="#">270</a>	First MOTION for Leave to File <i>Reply Memorandum of Law</i> by Children's Health Defense. (Attachments: # <a href="#">1</a> Text of Proposed Order, # <a href="#">2</a> Exhibit Reply Memorandum)(Jaffe, Richard) (Entered: 02/27/2026)
02/27/2026	271	Judge Brian E. Murphy: ELECTRONIC ORDER entered DENYING <a href="#">248</a> Motion to Intervene by Children's Health Defense, Andrea Shaw, Shanticia Nelson, Dr. Paul Thomas, and Dr. Kenneth Stoller. Motion denied. The proposed intervenors are welcome to file a brief as amici curiae. (MBM) (Entered: 02/27/2026)
02/27/2026	<a href="#">272</a>	Opposition re <a href="#">183</a> MOTION for Preliminary Injunction filed by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Belfer, Isaac) (Entered: 02/27/2026)
02/27/2026	<a href="#">273</a>	DECLARATION re <a href="#">272</a> Opposition to Motion, by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Belfer, Isaac) (Entered: 02/27/2026)
03/02/2026	<a href="#">274</a>	MOTION for Leave to File ( <i>Plaintiffs' Motion for Leave to File Supplemental Declarations in Support of Their Motion for Preliminary Injunction</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Attachments: # <a href="#">1</a> Exhibit (Exhibit A), # <a href="#">2</a> Exhibit (Exhibit B), # <a href="#">3</a> Exhibit (Exhibit C), # <a href="#">4</a> Exhibit (Exhibit D), # <a href="#">5</a> Exhibit (Exhibit E), # <a href="#">6</a> Text of Proposed Order (Proposed Order))(Oh, James) (Entered: 03/02/2026)
03/02/2026	<a href="#">275</a>	STATUS REPORT ( <i>JOINT</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 03/02/2026)
03/04/2026	<a href="#">276</a>	BRIEF by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine to 269 Order,,,,,,,,, ( <i>Plaintiffs' Supplemental Brief Regarding the Applicability of the Federal Advisory Committee Act to the Advisory Committee on Immunization Practices</i> ). (Hughes, Richard) (Entered: 03/04/2026)
03/04/2026	277	<b>CLERK'S NOTES</b> for Motion Hearing held in-person before Judge Brian E. Murphy: Argument heard on the bifurcated portion of the <a href="#">183</a> Motion for Preliminary Injunction. Motion taken under advisement. Plaintiffs' offer a PDF version of powerpoint presentation to the Court. Defendants to review and notify the Court by the end of the day if they object. Defendants to file their opposition to the <a href="#">274</a> Plaintiffs' Motion to File Supplemental Declaration by the close of business Monday, 3/9/2026. Attorney Jaffe, who previously filed a Motion to Intervene, will file an Amici Brief on 3/9/2026. (Court Reporter: Jennifer Vaillancourt at jenn.m.vaillancourt@gmail.com.)(Attorneys present: Oh, McEvoy, Hughes, Lee, Costello, Walters, Belfer, Harlow) (BIB) (Entered: 03/05/2026)
03/04/2026	<a href="#">280</a>	Plaintiffs' PowerPoint Presentation from Motion Hearing held on 3/4/2026. (BIB) (Entered: 03/06/2026)
03/05/2026	278	Judge Brian E. Murphy: ELECTRONIC ORDER finding as moot <a href="#">270</a> Motion for Leave to File Reply Memorandum of Law. (BIB) (Entered: 03/05/2026)
03/05/2026	<a href="#">279</a>	BRIEF by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services to 269 Order,,,,,,,,, . (Belfer, Isaac) (Entered: 03/05/2026)
03/09/2026	<a href="#">281</a>	AMICUS BRIEF filed by Andrea Shaw <i>Shanticia Nelson, Dr. Paul Thomas, Dr. Kenneth Stoller and Children's Health Defense</i> . (Attachments: # <a href="#">1</a> Appendix Counsel's Declaration with Appendices)(Jaffe, Richard) (Entered: 03/09/2026)
03/09/2026	<a href="#">282</a>	Opposition re <a href="#">274</a> MOTION for Leave to File ( <i>Plaintiffs' Motion for Leave to File Supplemental Declarations in Support of Their Motion for Preliminary Injunction</i> ) filed by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Belfer, Isaac) (Entered: 03/09/2026)
03/12/2026	 <a href="#">283</a>	Transcript of Motion Hearing held on March 4, 2026, before Judge Brian E. Murphy. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Jennifer Vaillancourt at jenn.m.vaillancourt@gmail.com. Redaction Request due 4/2/2026. Redacted Transcript Deadline set for 4/13/2026. Release of Transcript Restriction set for 6/10/2026. (DRK) (Entered: 03/12/2026)

03/12/2026	284	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="https://www.mad.uscourts.gov/caseinfo/transcripts.htm">https://www.mad.uscourts.gov/caseinfo/transcripts.htm</a> (DRK) (Entered: 03/12/2026)
03/13/2026	285	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">274</a> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (MBM) (Entered: 03/13/2026)
03/13/2026	<a href="#">286</a>	DECLARATION re 285 Order on Motion for Leave to File, ( <i>Second Supplemental Declaration of Georges C. Benjamin, MD, in Support of Plaintiffs' Motion for Preliminary Injunction</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 03/13/2026)
03/13/2026	<a href="#">287</a>	DECLARATION re 285 Order on Motion for Leave to File, ( <i>Second Supplemental Declaration of Suzanne Berman, MD, in Support of Plaintiffs' Motion for Preliminary Injunction</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 03/13/2026)
03/13/2026	<a href="#">288</a>	DECLARATION re 285 Order on Motion for Leave to File, ( <i>Declaration of Jason M. Goldman, MD, MACP, in Support of Plaintiffs' Motion for Preliminary Injunction</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 03/13/2026)
03/13/2026	<a href="#">289</a>	DECLARATION re 285 Order on Motion for Leave to File, ( <i>Declaration of Jose R. Romero in Support of Plaintiffs' Motion for Preliminary Injunction</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 03/13/2026)
03/13/2026	<a href="#">290</a>	DECLARATION re 285 Order on Motion for Leave to File, ( <i>Declaration of Fiona P. Havers in Support of Plaintiffs' Motion for Preliminary Injunction</i> ) by Massachusetts Public Health Association, American Academy of Pediatrics, American College of Physicians, Inc., American Public Health Association, Jane Doe, Jane Doe 2, Jane Doe 3, Infectious Diseases Society of America, Massachusetts Chapter of the American Academy of Pediatrics, Society for Maternal-Fetal Medicine. (Oh, James) (Entered: 03/13/2026)
03/16/2026	<a href="#">291</a>	Judge Brian E. Murphy: ORDER entered. MEMORANDUM AND ORDER on Plaintiffs' Motion for Preliminary Injunction.  Plaintiffs' motion for preliminary relief is GRANTED in part. (i) The Court STAYS the January 2026 Memo revising the CDC's childhood immunization schedule pursuant to 5 U.S.C. § 705. (ii) The Court STAYS the appointments of the thirteen ACIP members appointed on June 11, 2025, September 11, 2025, and January 13, 2026. (iii) The Court further STAYS all votes taken by the now-stayed ACIP.  (MBM) (Entered: 03/16/2026)
03/20/2026	 <a href="#">292</a>	Transcript of Status Conference held on January 30, 2026, before Judge Brian E. Murphy. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Rachel Lopez at raeufp@gmail.com. Redaction Request due 4/10/2026. Redacted Transcript Deadline set for 4/20/2026. Release of Transcript Restriction set for 6/18/2026. (DRK) (Entered: 03/20/2026)
03/20/2026	293	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="https://www.mad.uscourts.gov/caseinfo/transcripts.htm">https://www.mad.uscourts.gov/caseinfo/transcripts.htm</a> (DRK) (Entered: 03/20/2026)
03/23/2026	<a href="#">294</a>	Letter from a group of licensed physicians. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H)(MBM) (Entered: 03/23/2026)
03/23/2026	<a href="#">295</a>	Assented to MOTION for Extension of Time to Produce the Remaining Administrative Records by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Belfer, Isaac) (Entered: 03/23/2026)
03/24/2026	<a href="#">296</a>	Judge Brian E. Murphy: ORDER granting <a href="#">295</a> Assented to Motion for Extension of Time to Produce the Remaining Administrative Records. The second Administrative Record (AR) is due April 13, 2026; the third AR is due April 17, 2026; the fourth AR is due May 1, 2026; the fifth AR is due May 5, 2026; and the sixth AR is due May 12, 2026. (BIB) (Entered: 03/24/2026)

03/25/2026	<a href="#">297</a>	NOTICE OF APPEAL as to <a href="#">291</a> Memorandum & ORDER,, 271 Order on Motion to Intervene, by Andrea Shaw. Filing fee: \$ 605, receipt number AMADC-11633791 Fee Status: Not Exempt.  NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov">http://www.ca1.uscourts.gov</a> MUST be completed and submitted to the Court of Appeals. <b>Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf">http://pacer.psc.uscourts.gov/cmecf</a>. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/cmecf">http://www.ca1.uscourts.gov/cmecf</a>. US District Court Clerk to deliver official record to Court of Appeals by 4/14/2026. (Jaffe, Richard) (Entered: 03/25/2026)</b>
03/29/2026	<a href="#">298</a>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <a href="#">297</a> Notice of Appeal. (MAP) (Entered: 03/29/2026)
03/30/2026	299	USCA Case Number 26-1325 for <a href="#">297</a> Notice of Appeal, filed by Andrea Shaw. (MAP) (Entered: 03/30/2026)
03/31/2026	<a href="#">300</a>	MOTION to Withdraw as Attorney by <i>Justin Coen</i> by America's Physician Groups, American Association of Immunologists.(Coen, Justin) (Entered: 03/31/2026)
04/01/2026	301	Judge Brian E. Murphy: ELECTRONIC ORDER entered granting <a href="#">300</a> Motion to Withdraw as Attorney. Attorney Justin Coen terminated. (MBM) (Entered: 04/01/2026)
04/08/2026	<a href="#">302</a>	TRANSCRIPT ORDER FORM by Children's Health Defense for proceedings held on 2/13 and 3/4/2026 Judge Judge Brian E. Murphy.. (Jaffe, Richard) (Entered: 04/08/2026)
04/20/2026	 <a href="#">303</a>	MOTION to Stay <i>Preliminary Injunction Order</i> by Andrea Shaw. (Attachments: # <a href="#">1</a> Affidavit Declaration of Richard Jaffe, # <a href="#">2</a> Text of Proposed Order)(Jaffe, Richard) (Entered: 04/20/2026)
04/23/2026	 <a href="#">304</a>	MOTION to Stay <i>Proceedings Pending the Resolution of Any Appeal of the March 16, 2026, Order of Preliminary Relief (Expedited Ruling Requested)</i> by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Belfer, Isaac) (Entered: 04/23/2026)
04/24/2026	305	Judge Brian E. Murphy: ELECTRONIC PROCEDURAL ORDER entered. Plaintiffs shall file a response to <a href="#">304</a> Defendants' Motion to Stay Proceedings no later than 12:00 pm on Friday, May 1. (MBM) (Entered: 04/24/2026)
04/29/2026	<a href="#">306</a>	NOTICE OF APPEAL as to <a href="#">291</a> Memorandum & ORDER,, by Jay Bhattacharya, Matthew Buzzelli, Centers for Disease Control and Prevention, Food and Drug Administration, Robert F. Kennedy, Jr, Marty Makary, National Institutes of Health, United States Department of Health and Human Services. Fee Status: US Government.  NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov">http://www.ca1.uscourts.gov</a> MUST be completed and submitted to the Court of Appeals. <b>Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf">http://pacer.psc.uscourts.gov/cmecf</a>. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/cmecf">http://www.ca1.uscourts.gov/cmecf</a>. US District Court Clerk to deliver official record to Court of Appeals by 5/19/2026. (Belfer, Isaac) (Entered: 04/29/2026)</b>

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN ACADEMY OF PEDIATRICS,  
*et al.*,

Plaintiffs,

v.

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

Defendants.

Case No. 1:25-cv-11916-BEM

**Notice of Appeal**

Please take notice that Defendants hereby appeal to the United States Court of Appeals for the First Circuit from this Court's March 16, 2026, Memorandum and Order on Plaintiffs' Motion for Preliminary Injunction, [ECF No. 291](#).

April 29, 2026

Respectfully submitted,

BRETT A. SHUMATE  
Assistant Attorney General

ERIC J. HAMILTON  
Deputy Assistant Attorney General

JAMES W. HARLOW  
Acting Assistant Director

*/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*

**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.

April 29, 2026

/s/ Isaac C. Belfer  
Isaac C. Belfer

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____ )	
AMERICAN ACADEMY OF )	
PEDIATRICS, <i>et al.</i> , )	
)	
Plaintiffs, )	
)	
v. )	Civil Action No.
)	25-11916-BEM
ROBERT F. KENNEDY, JR., <i>et al.</i> , )	
)	
Defendants. )	
_____ )	

**MEMORANDUM AND ORDER ON  
PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

**MURPHY, J.**

“Science,” like law, “is far from a perfect instrument of knowledge.” Carl Sagan, *The Demon-Haunted World: Science as a Candle in the Dark* 29 (1997). History is littered with once-universal truths that have since come under scrutiny. Nevertheless, science is still “the best we have.” *Id.*<sup>1</sup>

“Procedure is to law what scientific method is to science.” *In re Gault*, 387 U.S. 1, 21 (1967) (cleaned up). Although sometimes seemingly tedious, “the procedural rules which have been fashioned from the generality of due process are our best instruments for the distillation and evaluation of essential facts from the conflicting welter of data that life and our adversary methods present.” *Id.*

For our public health, Congress and the Executive have built—over decades—an apparatus that marries the rigors of science with the execution and force of the United States government.

---

<sup>1</sup> “In this respect, as in many others, it’s like democracy.” Sagan, *supra*, at 29–30.

One extraordinary product of that apparatus has been the eradication and reduction of certain communicable diseases through the development and use of vaccines. In the words of the Centers for Disease Control and Prevention (“CDC”), “[v]accines are one of the greatest achievements of biomedical science and public health.”<sup>2</sup> Since the rise of vaccine development and usage in the early- to mid-1900s, “[t]he United States of America [has been] one of the pioneering nations to conceptualize and implement a robust immunization system that helped the nation tackle major epidemics.”<sup>3</sup>

Since its founding in 1964, the Advisory Committee on Immunization Practices (“ACIP”) has aided this endeavor by providing expert guidance on the clinical use of vaccines.<sup>4</sup> The Department of Health and Human Services (“HHS”), which indirectly oversees ACIP, formalized ACIP’s non-partisan, science-backed nature through ACIP’s governance documents.<sup>5</sup> And Congress has, in turn, recognized the importance and value of having such independent experts involved in setting our national public health agenda by cementing ACIP’s role in the CDC’s issuance of immunization schedules, which—among other things—determines which vaccines are

---

<sup>2</sup> CDC, *Ten Great Public Health Achievements — United States, 1900–1999*, 48 *Morb. & Mortal. Wkly. Rep.* 241, 247 (1999), <https://www.cdc.gov/mmwr/PDF/wk/mm4812.pdf> [<https://perma.cc/T63J-8AU2>]; *see also* CDC, *Ten Great Public Health Achievements — United States, 2001–2010*, 60 *Morb. & Mortal. Wkly. Rep.* 605, 619 (2011), <https://www.cdc.gov/mmwr/pdf/wk/mm6019.pdf> [<https://perma.cc/4FHW-SNRU>] (describing advances in vaccines and reductions in vaccine-preventable diseases as one of the country’s “[t]en [g]reat [p]ublic [h]ealth [a]chievements” from 2001 to 2010).

<sup>3</sup> Sandeep Divate Sathyanarayana et al., *Vaccines in the United States: A Systematic Review on History of Evolution, Regulations, Licensing, and Future Challenges*, 9 *Clin. & Exp. Vaccine Rsch.* 69, 70 (2020), <https://pmc.ncbi.nlm.nih.gov/articles/PMC7445324/> [<https://perma.cc/KBN5-5A86>].

<sup>4</sup> Jean Clare Smith, Alan R. Hinman & Larry K. Pickering, *History and Evolution of the Advisory Committee on Immunization Practices — United States, 1964–2014*, 63 *Morb. & Mortal. Wkly. Rep.* 955, 955 (2014), <https://www.cdc.gov/mmwr/pdf/wk/mm6342.pdf> [<https://perma.cc/4VFQ-V8U8>].

<sup>5</sup> *See generally, e.g., Dkt. 185-21* (“ACIP Charter”) (signed by Secretary Kennedy); *see also Federal Advisory Committee (FAC) Membership Balance Plan*, ACIP (Jan. 29, 2024), <https://gsa-geo.my.salesforce.com/sfc/p/#t0000000Gyj0/a/3d000002n0y5/SCRGimkNFsTsAtm1GcT4Gu7TM88BO3PwKJZhrdHKkFg> [<https://perma.cc/89RA-KZJE>]; *Advisory Committee on Immunization Practices Policies and Procedures*, ACIP (June 2022), <https://www.cdc.gov/acip/downloads/Policies-Procedures-508.pdf> [<https://perma.cc/G3D2-VZX4>].

available to patients through insurers and government healthcare programs.<sup>6</sup> This is all to say that there is a method to how these decisions historically have been made—a method scientific in nature and codified into law through procedural requirements.

Unfortunately, the Government has disregarded those methods and thereby undermined the integrity of its actions. First, the Government bypassed ACIP to change the immunization schedules, which is both a technical, procedural failure itself and a strong indication of something more fundamentally problematic: an abandonment of the technical knowledge and expertise embodied by that committee. Second, the Government removed all duly appointed members of ACIP and summarily replaced them without undertaking any of the rigorous screening that had been the hallmark of ACIP member selection for decades. Again, this procedural failure highlights the very reasons why procedures exist and raises a substantial likelihood that the newly appointed ACIP fails to comport with governing law.

Today, faced with Plaintiffs’ motion for preliminary relief, the Court concludes that Plaintiffs are likely to succeed in showing that the reconstitution of ACIP and the January 2026 changes to the childhood immunization schedule violate the Administrative Procedure Act (“APA”). For the reasons stated below, the Court will grant Plaintiffs’ motion in part.

**I. Background**

**A. Factual Background**

This case concerns Defendants’ recent changes to the CDC vaccination schedules and the reconstitution of ACIP, the committee tasked with making recommendations regarding those schedules to the CDC. The Court has previously laid out much of the relevant factual and legal

---

<sup>6</sup> See, e.g., [42 U.S.C. § 300gg-13\(a\)\(2\)](#); [38 U.S.C. § 1701\(1\), \(9\)\(G\)](#); [42 U.S.C. § 1396a\(a\)\(10\)\(A\), \(a\)\(13\)\(B\)](#).

background.<sup>7</sup> *See Am. Acad. of Pediatrics v. Kennedy* (“AAP I”), — F. Supp. 3d —, [2026 WL 33719](#), at \*1–3 (D. Mass. Jan. 6, 2026).<sup>8</sup>

## **B. Procedural Background**

Plaintiffs filed suit on July 7, 2025. [Dkt. 1](#). The initial complaint challenged only Secretary Kennedy’s May 27, 2025 order that the CDC stop recommending pregnant women and “healthy” children receive the COVID vaccine, *see generally id.*, and was amended to add additional Plaintiffs, *see generally* [Dkt. 63](#). Plaintiffs filed a second amended complaint on September 3, 2025, without objection from Defendants, to add an additional Plaintiff and additional factual allegations. *See generally* [Dkt. 99](#). Plaintiffs filed a third amended complaint on November 5, 2025, again without objection from Defendants, which added challenges to ACIP’s September 2025 vote downgrading the recommendation for the COVID vaccine and the reconstitution of ACIP. *See generally* [Dkt. 139](#). On January 6, 2026, the Court denied Defendants’ motion to dismiss the third amended complaint, holding that Plaintiffs had standing, that the case was not moot, and that Plaintiffs stated a plausible claim for violations of the Federal Advisory Committee Act (“FACA”), [5 U.S.C. § 1001](#), *et seq.*<sup>9</sup> *See generally* *AAP I*, [2026 WL 33719](#).

On February 13, 2026, the Court granted Plaintiffs’ motion for leave to file a fourth amended complaint.<sup>10</sup> [Dkt. 241](#) (clerk’s notes). Plaintiffs now challenge: (1) Secretary Kennedy’s May 2025 order that the CDC remove its recommendation that pregnant women and “healthy” children receive the COVID vaccine; (2) the reconstitution of ACIP; (3) three votes ACIP took in

---

<sup>7</sup> The underlying facts will be discussed in more depth below, when considering the merits of preliminary relief. *See infra* Section III.A.

<sup>8</sup> Capitalized and collective terms not otherwise defined have the same definitions as used in *AAP I*.

<sup>9</sup> The parties agree that FACA applies to ACIP.

<sup>10</sup> The fourth amended complaint contains the same allegations as the third amended complaint, which was at issue in the Court’s January 6, 2026 order, and additional allegations, as described below.

2025; and (4) Director O’Neill’s January 2026 memorandum revising the CDC’s childhood immunization schedule (collectively, the “Challenged Actions”). Dkt. 245 (“Complaint” or “Compl.”) ¶¶ 2–5. On January 26, 2026, Plaintiffs moved for preliminary relief, seeking to set aside the Challenged Actions, enjoin further ACIP meetings, and enjoin Defendants from relying on the 2025 ACIP Votes.<sup>11</sup> Dkt. 183; *see also* Dkts. 184, 232, 237, 272. The Court held hearings on February 13, 2026, and March 4, 2026, and took the motion under advisement.

## II. Standard of Review

Plaintiffs seek a stay of the Challenged Actions under the APA, 5 U.S.C. § 705, and a preliminary injunction barring ACIP from holding additional public meetings until the Court adjudicates the merits of ACIP’s reconstitution.<sup>12</sup> The same standard governs both forms of relief. *See Mass. Fair Hous. Ctr. v. U.S. Dep’t of Hous. & Urb. Dev.*, 496 F. Supp. 3d 600, 609 (D. Mass. 2020); *see also Colorado v. Env’t Prot. Agency*, 989 F.3d 874, 883 (10th Cir. 2021) (“These four [preliminary injunction] factors also determine when a court should grant a stay of agency action under section 705 of the APA.”).

“[T]he issuance of preliminary injunctive relief is ‘an extraordinary and drastic remedy that is never awarded as of right.’” *Howe v. U.S. Bank Nat’l Ass’n as Tr. for RMAC Tr. Series*

---

<sup>11</sup> Though Plaintiffs’ motion is styled as one for a preliminary injunction, Plaintiffs ask the Court to “set aside” various past actions, in addition to enjoining certain future actions. *See, e.g., Dkt. 184 at 8* (“[T]he final actions challenged herein violate the Administrative Procedure Act . . . and must be set aside.”). In a preliminary posture, a court stays, rather than sets aside, agency action. *See All. for Hippocratic Med. v. U.S. Food & Drug Admin.*, 78 F.4th 210, 254 (5th Cir. 2023) (“[A] stay is the temporary form of vacatur.”), *rev’d and remanded on other grounds sub nom., Food & Drug Admin. v. All. for Hippocratic Med.*, 602 U.S. 367 (2024). Thus, the Court construes Plaintiffs’ motion as seeking both a preliminary injunction and a stay.

<sup>12</sup> In relevant part, 5 U.S.C. § 705 provides:

On such conditions as may be required and to the extent necessary to prevent irreparable injury, the reviewing court . . . may issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings.

2016-CTT, [440 F. Supp. 3d 99, 102](#) (D. Mass. 2020) (quoting *Peoples Fed. Sav. Bank v. People's United Bank*, [672 F.3d 1, 8–9](#) (1st Cir. 2012)). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Together Emps. v. Mass Gen. Brigham Inc.*, [32 F.4th 82, 85](#) (1st Cir. 2022) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, [555 U.S. 7, 20](#) (2008)). “The movant’s likelihood of success on the merits weighs most heavily in the preliminary injunction calculus.” *Ryan v. U.S. Immigr. & Customs Enf’t*, [974 F.3d 9, 18](#) (1st Cir. 2020). “If the movant ‘cannot demonstrate that he is likely to succeed in his quest, the remaining factors become matters of idle curiosity.’” *Id.* (quoting *New Comm Wireless Servs., Inc. v. SprintCom, Inc.*, [287 F.3d 1, 9](#) (1st Cir. 2002)).

The Court has “broad discretion in deciding what evidence to consider in connection with a motion for preliminary injunction” or other preliminary relief. *Rice v. Wells Fargo Bank, N.A.*, [2 F. Supp. 3d 25, 31](#) (D. Mass. 2014). The Court may, for example, “rely on otherwise inadmissible evidence, including hearsay.” *Bos. Taxi Owners Ass’n, Inc. v. City of Boston*, [84 F. Supp. 3d 72, 78](#) (D. Mass. 2015) (citing *Asseo v. Pan Am. Grain Co.*, [805 F.2d 23, 26](#) (1st Cir. 1986)). The Court may also take judicial notice of information on official government websites. *See Gent v. CUNA Mut. Ins. Soc’y*, [611 F.3d 79, 84 n.5](#) (1st Cir. 2010) (relying on the contents of the CDC’s website).

### **III. Preliminary Injunction and Stay**

#### **A. Findings**

##### **1. May 2025 Directive**

On May 27, 2025, Secretary Kennedy ordered the CDC to stop recommending that pregnant women and “healthy” children receive the COVID vaccine (the “May 2025 Directive”

or “Directive”). [Dkt. 185-1 at 2](#); [Dkt. 185-2 at 2](#). The CDC partially implemented this order by removing the COVID vaccine recommendation for pregnant women from the immunization schedule and by redesignating the vaccine recommendation for children as subject to “Shared Clinical Decision Making” (“SCDM”), where the schedule had previously designated the vaccine “routine.”<sup>13</sup> *See generally* [Dkt. 185-3](#). Defendants do not dispute that ACIP was not consulted before this change was made.<sup>14</sup> *See, e.g.,* [Dkt. 272 at 31](#).

## 2. ACIP Reconstitution

On June 9, 2025, Secretary Kennedy terminated all 17 members of ACIP.<sup>15</sup> Secretary Kennedy then appointed new members to ACIP on June 11, 2025, September 11, 2025, and

---

<sup>13</sup> According to the CDC, “[u]nlike routine . . . recommendations, shared clinical decision-making vaccinations . . . are individually based and informed by a decision process between the health care provider and the patient or parent/guardian. . . . For routine . . . recommendations, the default decision should be to vaccinate the patient based on age group or other indication, unless contraindicated.” *ACIP Shared Clinical Decision-Making Recommendations*, CDC (Jan. 7, 2025), <https://www.cdc.gov/acip/vaccine-recommendations/shared-clinical-decision-making.html> [<https://perma.cc/3QBY-RXFN>]; *see also* [Dkt. 185-25](#) ¶ 20. The CDC had previously designated only four other vaccines as SCDM. In those instances, the designation was made after application of the Evidence to Recommendation (“EtR”) framework and was limited to specific age groups with certain risk characteristics. *See, e.g.,* [Dkt. 146-17](#) ¶ 10 (“For example, when ACIP considered expanding the HPV (human papillomavirus) vaccine use to adults between 27 and 45 years of age, the EtR framework indicated uncertainties related to the public health problem and acceptability in this age group, variable individual benefits, and high costs associated with use of resources if the recommendation was routine. Accordingly, the HPV vaccine was designated as SCDM for adults between 27 to 45 years of age.”); *see also infra* note 14 (for a discussion of the EtR framework). On those four prior occasions, Plaintiffs allege that the CDC issued an explanation of its underlying rationale and guidance on healthcare providers’ engagement in SCDM with patients, neither of which was issued for the COVID vaccine. Compl. ¶ 88(d).

<sup>14</sup> Plaintiffs allege that this change circumvented the required procedure for changes to vaccine recommendations—including by failing to consult CDC leadership, ACIP, or any public health data, and by failing to use the EtR framework. Compl. ¶¶ 96–102. ACIP adopted the EtR framework to help panels making recommendations move from evidence to decisions, and to provide transparency around the impact of additional factors on deliberations when considering a recommendation.” CDC, *ACIP Evidence to Recommendation User’s Guide* 3 (2020), [https://www.cdc.gov/acip/media/pdfs/2024/09/ACIP-EtR-Users-Guide\\_October-1-2020.pdf](https://www.cdc.gov/acip/media/pdfs/2024/09/ACIP-EtR-Users-Guide_October-1-2020.pdf) [<https://perma.cc/C7ER-N2A6>].

<sup>15</sup> Robert F. Kennedy, Jr., *HHS Moves to Restore Public Trust in Vaccines*, Wall St. J. (June 9, 2025, at 16:00 ET), <https://www.wsj.com/opinion/rfk-jr-hhs-moves-to-restore-public-trust-in-vaccines-45495112> (cited at [Dkt. 237 at 21 n.37](#)); *see also* *HHS Takes Bold Step to Restore Public Trust in Vaccines by Reconstituting ACIP*, HHS (June 9, 2025), <https://www.hhs.gov/press-room/hhs-restore-public-trust-vaccines-acip.html> [<https://perma.cc/C5YC-Q7ZA>].

January 13, 2026.<sup>16</sup> On February 27, 2026, after the filing of Plaintiffs’ motion, HHS announced the appointment of two new ACIP members.<sup>17</sup> Secretary Kennedy also terminated the participation of members of liaison organizations, including some members of Organizational Plaintiffs, on ACIP workgroups, claiming that liaison organizations constitute “special interest groups.”<sup>18</sup>

### 3. Threatened Legal Liability

After Defendants’ changed the immunization schedules, Plaintiffs began counseling Organizational Plaintiffs’ member-doctors who were directly impacted, *see, e.g.*, [Dkt. 185-27](#) ¶¶ 26–27, and publishing their own immunization schedules, *see, e.g., id.* ¶ 22. The same day that AAP published its own immunization schedules, Secretary Kennedy stated on social media: “AAP today released its own list of corporate-friendly vaccine recommendations. . . . AAP should also

---

<sup>16</sup> Robert F. Kennedy, Jr. (@SecKennedy), X (June 11, 2025, at 16:36 ET), <https://x.com/SecKennedy/status/1932899858920120692> [<https://perma.cc/RRE6-V8Y5>] (cited at [Dkt. 237](#) at 21 n.39); *see also* *ACIP Membership Roster*, CDC (Mar. 2, 2026), <https://www.cdc.gov/acip/membership/roster.html> [<https://perma.cc/ST8M-39AA>]. One of these members, Dr. Kulldorff, is no longer a member of ACIP. [Dkt. 272](#) at 14 n.3; *see also* *ACIP Membership Roster*, *supra*.

<sup>17</sup> *Secretary Kennedy Appoints Two Physicians to CDC’s Advisory Committee on Immunization Practices*, HHS (Feb. 27, 2026), <https://www.hhs.gov/press-room/secretary-kennedy-appoints-two-physicians-cdc-advisory-committee.html> [<https://perma.cc/AR66-A574>]. According to Plaintiffs, this entire reconstitution was a pretextual effort to replace the prior ACIP members with individuals whose views aligned with Secretary Kennedy’s “anti-vaccine agenda” and circumvented established, rigorous application and vetting procedures. Compl. ¶¶ 75, 78–81.

<sup>18</sup> Brenda Goodman, *HHS Further Constrains Certain Vaccine Advisors to the CDC, Limiting Their Input in Evidence Reviews*, CNN (Aug. 1, 2025), <https://www.cnn.com/2025/08/01/health/hhs-liaison-acip-vaccine-advisers-cdc> [<https://perma.cc/D2GQ-2ZNH>] (cited at Compl. ¶ 82 n.73). Liaison organization members, for example, have previously been responsible for reviewing clinical evidence that may ultimately inform individual members’ votes. *See id.* Workgroups refer to ACIP subcommittees that study scientific research on the safety and effectiveness of vaccines, consider issues of public health importance, and draft the language for recommendations to be voted on by the full committee. *See id.*

be candid with doctors and hospitals that recommendations that diverge from the CDC’s official list are not shielded from liability under the 1986 Vaccine Injury Act.”<sup>19</sup>

#### 4. 2025 ACIP Votes

As relevant here, the newly constituted ACIP voted three times to change ACIP’s official vaccine recommendations (the “2025 ACIP Votes”).<sup>20</sup> At the June 2025 meeting, ACIP voted in favor of “three recommendations requiring that flu shot manufacturers discontinue the use of thimerosal in the production of influenza vaccine doses aimed at children, pregnant people, and adults” (the “June Vote”).<sup>21</sup> See [Dkt. 185-6 at 73–74](#); [Dkt. 185-7 at 2–3](#). At the September 2025 meeting, ACIP voted to change the COVID vaccine recommendation for adults and children from routine to SCDM (the “September Vote”). See [Dkt. 185-11 at 89–90](#). At the December 2025 meeting, ACIP voted “8 to 3 to recommend individual-based decision-making for parents deciding whether to give the hepatitis B vaccine, including the birth dose, to infants born to women who test negative for the virus” (the “December Vote”).<sup>22</sup> See [Dkt. 185-16 at 2–4](#).<sup>23</sup> Each of these recommendations was implemented through changes to the CDC immunization schedules. See generally [Dkt. 185-8](#); [Dkt. 185-9](#); [Dkt. 185-12](#); [Dkt. 185-13](#); [Dkt. 185-14](#); [Dkt. 185-17](#).

---

<sup>19</sup> Robert F. Kennedy, Jr. (@SecKennedy), X (Aug. 19, 2025, at 17:17 ET), <https://x.com/SecKennedy/status/1957914911415153107> [<https://perma.cc/RRE6-V8Y5>] (cited at Compl. ¶ 124 n.117).

<sup>20</sup> Plaintiffs do not challenge any other votes taken by the newly constituted ACIP.

<sup>21</sup> Helen Branswell, *HHS Secretary RFK Jr. Accepts Recommendations to Drop Thimerosal From U.S. Flu Vaccines*, Stat (July 23, 2025), <https://www.statnews.com/2025/07/23/kennedy-approves-acip-recommendation-thimerosal-removed-from-flu-vaccines/> [<https://perma.cc/7SAA-8D5X>] (cited at [Dkt. 237 at 24](#) n.49).

<sup>22</sup> *ACIP Recommends Individual-Based Decision-Making for Hepatitis B Vaccine for Infants Born to Women Who Test Negative for the Virus*, CDC (Dec. 5, 2025), <https://www.cdc.gov/media/releases/2025/2025-acip-recommends-individual-based-decision-making-for-hepatitis-b-vaccine-for-infants-born-to-women.html> [<https://perma.cc/G2ZG-AD6W>].

<sup>23</sup> Plaintiffs allege that ACIP members and invited speakers made inaccurate or misleading claims at each meeting prior to the voting. Compl. ¶¶ 84–85, 87, 89, 91.

## 5. January 2026 Memo

On January 5, 2026, HHS issued a memorandum announcing that Director O’Neill had revised the childhood immunization schedule upon recommendations from the Director of the National Institutes of Health, the Administrator of the Centers for Medicare and Medicaid Services, and the Commissioner of the Food and Drug Administration (the “January 2026 Memo”).<sup>24</sup> [Dkt. 185-18 at 2, 9–10](#). The January 2026 Memo was the result of a Presidential Memorandum that “direct[ed] . . . [HHS] to ‘FAST TRACK’ a comprehensive evaluation of Vaccine Schedules from other Countries around the World, and better align the U.S. Vaccine Schedule.”<sup>25</sup>

The January 2026 Memo introduced a new immunization schedule that reduced the number of childhood vaccinations recommended as “routine” from seventeen to eleven, limited the recommendations for RSV, Hepatitis A, Hepatitis B, and Meningococcal ACWY, Meningococcal B, and dengue vaccinations to only high-risk groups, and downgraded the designations for Rotavirus, COVID, Influenza, Hepatitis A, Hepatitis B, and Meningococcal vaccinations to SCDM. [Dkt. 185-18 at 2–3, 6–9](#). In the January 2026 Memo, Director O’Neill stated that he relied on discussions with health officials from Japan, Germany, and Denmark; discussions “with CDC and Food and Drug Administration (FDA) officials with duties and responsibilities related to vaccine safety and efficacy”; and a “review of peer nations’ best practices

---

<sup>24</sup> None of these three individuals were affiliated with the CDC or ACIP at the time of the January 2026 Memo. Since then, Jayanta Bhattacharya, who had been serving as the Director of the National Institutes of Health, was appointed acting Director of the CDC. *Acting Director*, CDC (Feb. 18, 2026), <https://www.cdc.gov/about/leadership/director.html> [<https://perma.cc/KK9Y-WJKV>].

<sup>25</sup> Presidential Mem., *Aligning United States Core Childhood Vaccine Recommendations with Best Practices from Peer, Developed Countries* (Dec. 5, 2025), <https://www.whitehouse.gov/presidential-actions/2025/12/aligning-united-states-core-childhood-vaccine-recommendations-with-best-practices-from-peer-developed-countries/> [<https://perma.cc/P67Y-8UQL>].

and the scientific evidence underlying those practices.” [Dkt. 185-18 at 2–3](#); *see also* [Dkt. 185-19](#) (HHS assessment reviewing peer nations’ vaccination practices). ACIP was not involved in this change. *See generally* [Dkt. 185-18](#); *see also* [Dkt. 232 at 22–23](#) (arguing that the CDC had authority to modify the immunization schedules without consulting ACIP).

## **B. Likelihood of Success on the Merits**

The APA provides that courts must “hold unlawful and set aside agency action” that is “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right”; “arbitrary” or “capricious”; or “otherwise not in accordance with law.” [5 U.S.C. § 706\(2\)](#). Plaintiffs contend that they are likely to establish that Defendants violated the APA because the January 2026 Memo, May 2025 Directive, and 2025 ACIP Votes were arbitrary and capricious, and because the reconstituted ACIP does not comport with FACA. In opposition, Defendants argue that Plaintiffs lack standing to assert these claims, that the January 2026 Memo, May 2025 Directive, and 2025 ACIP Votes are not reviewable because they are not final agency action and are committed to agency discretion by law, and that none of the Challenged Actions violated the APA. The Court addresses each in turn.

### **1. January 2026 Memo**

#### **a. Standing**

Defendants reassert standing arguments made in their motion to dismiss. [Dkt. 232 at 38–42](#). The Court rejected those arguments in that posture, *see AAP I*, [2026 WL 33719](#), at \*4–8, and does so here again.<sup>26</sup>

---

<sup>26</sup> The Court notes that its standing determination did not previously, and does not now, turn on every harm Plaintiffs have alleged in their Complaint and various declarations. *See, e.g., All. for Hippocratic Med.*, [602 U.S. at 393–94](#) (recognizing that a perceived need to engage in issue advocacy does not constitute an injury for standing purposes).

**b. Final Agency Action**

Defendants argue that the January 2026 Memo is not “final agency action” and thus not reviewable. [Dkt. 232 at 20–21](#) (quoting [5 U.S.C. § 704](#)). In particular, Defendants highlight that the CDC’s immunization schedules are styled as sets of “recommendations” that Defendants assert are “non-binding for States and localities,” characterizing any other consequences as merely “collateral.” [Dkt. 232 at 21](#). However, in so arguing, Defendants fail to acknowledge the legal consequences of the CDC’s immunization schedules and therefore of the January 2026 Memo.

Under the APA, agency action is considered “final” when it is “the ‘consummation’ of the agency’s decisionmaking process,” and an action “by which ‘rights or obligations have been determined,’ or from which ‘legal consequences will flow.’” *Harper v. Werfel*, [118 F.4th 100, 116](#) (1st Cir. 2024) (quoting *Bennett v. Spear*, [520 U.S. 154, 178](#) (1997)). Where a decision is so memorialized, an “agency statement . . . designed to implement, interpret, or prescribe law or policy” constitutes the relevant action. *Cf. Biden v. Texas*, [597 U.S. 785, 810](#) (2022) (quoting [5 U.S.C. § 551\(4\)](#)). Generally, courts take a “‘pragmatic’ approach” to APA finality. *U.S. Army Corps of Eng’rs v. Hawkes Co.*, [578 U.S. 590, 599](#) (2016) (quoting *Abbott Lab’ys v. Gardner*, [387 U.S. 136, 149](#) (1967)).

To begin, the CDC’s vaccine schedule sets the liability regime for healthcare providers. As Secretary Kennedy himself has pointed out, if healthcare providers’ recommendations “diverge from the CDC’s official list[,] [they] are not shielded from liability under the 1986 Vaccine Injury Act.”<sup>27</sup> Thus, in changing the content of the CDC’s vaccine ‘recommendations,’ the January 2026

---

<sup>27</sup> Robert F. Kennedy, Jr. (@SecKennedy), X (Aug. 19, 2025, at 17:17 ET), <https://x.com/SecKennedy/status/1957914911415153107> [<https://perma.cc/RRE6-V8Y5>] (cited at Compl. ¶ 124 n.117). “The Vaccine Act establishes a no-fault compensation program pursuant to which a person injured by a covered vaccine may file a petition for compensation in the U.S. Court of Federal Claims, naming the Secretary of Health and Human Services as the respondent.” *In re Gardasil Prods. Liab. Litig.*, [619 F. Supp. 3d 1356, 1357](#) n.4 (U.S. Jud. Pan. Mult. Lit. 2022).

Memo has the coercive effect of “expos[ing] [healthcare providers] to . . . civil liability.”<sup>28</sup> Cf. *Parsons*, 878 F.3d at 167; see also *Gen. Elec. Co. v. Env’t Prot. Agency*, 290 F.3d 377, 383 (D.C. Cir. 2002) (“[I]f the language of [a] document is such that private parties can rely on it as a norm or safe harbor by which to shape their actions, it can be binding as a practical matter.” (quoting Robert A. Anthony, *Interpretive Rules, Policy Statements, Guidances, Manuals, and the Like—Should Federal Agencies Use Them to Bind the Public?*, 41 Duke L.J. 1311, 1329 (1992))). Clearly, changing legal liability for vaccine administration is agency action from which “legal consequences will flow.” See *Bennett*, 520 U.S. at 178 (quoting *Port of Bos. Marine Terminal Ass’n v. Rederiaktiebolaget Transatlantic*, 400 U.S. 62, 71 (1970)); *Parsons v. U.S. Dep’t of Just.*, 878 F.3d 162, 167 (6th Cir. 2017) (“[A]gency actions that expose an individual to criminal or civil liability cause legal consequences.”).<sup>29</sup>

The CDC’s immunization schedules moreover determine patients’ entitlement to care. Under federal law, patients are entitled to have their insurers cover, at no cost, vaccines recommended by the CDC. 42 U.S.C. § 300gg-13(a)(2); 45 C.F.R. § 147.130(a)(ii). The immunization schedules likewise determine certain veterans’ benefits, 38 U.S.C. § 1701(9)(G), Medicaid benefits, 42 U.S.C. §§ 1396a(a)(10)(A), 1396d(a)(13)(B), and benefits under other programs, such as those benefiting low-income children, *id.* § 1396s(a)(2)(A), (d)(1).

---

<sup>28</sup> See, e.g., *Covered Vaccines*, Health Resources & Servs. Admin. (Jan. 2026), <https://www.hrsa.gov/vaccine-compensation/covered-vaccines> [<https://perma.cc/6N5S-3HGM>] (“For a vaccine to be covered, the Centers for Disease Control and Prevention (CDC) must recommend the category of vaccine for routine administration to children or pregnant women, and it must be subject to an excise tax by federal law.”); *Frequently Asked Questions*, Health Resources & Servs. Admin. (Jan. 2026), <https://www.hrsa.gov/vaccine-compensation/faq> [<https://perma.cc/58SZ-Q9YH>] (same).

<sup>29</sup> The Court need not resolve the extent to which changing the recommendations from routine to SCDM impacts doctors’ liability under this act. The fact is that CDC changes to its immunization schedules impact liability.



Dkt. 232 at 19–20 (quoting [5 U.S.C. § 701\(a\)\(2\)](#)). However, Defendants’ argument presupposes that Director O’Neill had authority to issue the order in the first place. “An agency, after all, ‘literally has no power to act’—including under its regulations—unless and until Congress authorizes it to do so by statute.” *Fed. Election Comm’n v. Cruz*, [596 U.S. 289, 301](#) (2022) (quoting *La. Pub. Serv. Comm’n v. Fed. Commc’ns Comm’n*, [476 U.S. 355, 374](#) (1986)).

Here, Congress has required ACIP’s involvement in the issuance of the immunization schedules. The CDC must, at least, consider ACIP’s recommendations before adopting an immunization schedule, and following or failing to follow that requirement is reviewable by this Court.<sup>31</sup> For example, the Affordable Care Act requires insurers to provide, at no cost, “immunizations that have in effect *a recommendation from [ACIP]*.” [42 U.S.C. § 300gg-13\(a\)\(2\)](#) (emphasis added). Veterans’ health benefits are likewise tied to the “recommended adult immunization schedule,” [38 U.S.C. § 1701\(9\)\(G\)](#), defined as “*the schedule established . . . by [ACIP]*,” *id.* § 1701(10) (emphasis added). Medicaid plans likewise must provide “approved *vaccines recommended by [ACIP]*.” [42 U.S.C. § 1396d\(a\)\(13\)\(B\)](#); *see id.* § 1396a(a)(10)(A). And, similarly, the Vaccines for Children program requires the HHS Secretary to purchase pediatric vaccines for states according to “*the list established . . . by [ACIP]*.” *Id.* § 1396s(d)(1), (e) (emphasis added). As to each instance, Congress’s mention of ACIP would be rendered pure surplusage if the CDC Director were empowered to act entirely apart from it. *But see Fischer v. United States*, [603 U.S. 480, 486](#) (2024) (“[Courts] must ‘give effect, if possible, to every clause and word of [a] statute.’” (quoting *Williams v. Taylor*, [529 U.S. 362, 404](#) (2000))).

---

<sup>31</sup> Because Director O’Neill acted entirely apart from ACIP, the Court need not decide whether the Director’s role is precisely limited to “adopt[ing]” ACIP’s formal recommendations. *Cf. Dkt. 237 at 16*; *see also 45 C.F.R. § 147.130(a)(1)(ii)* (“[A] recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention is considered in effect after it has been adopted by the Director of the Centers for Disease Control and Prevention.”).

Defendants argue that Director O’Neill could unilaterally change the immunization schedules without consulting ACIP pursuant to the HHS Secretary’s general authority to “assist” and “advise” states and localities on public health matters.<sup>32</sup> [Dkt. 232 at 19](#) (quoting [42 U.S.C. § 243\(a\)](#)). But that argument ignores the multiple other statutes listed above that directly contemplate ACIP as, at least, a meaningful participant in any change to the CDC’s immunization schedules.<sup>33</sup> *See Mellouli v. Lynch*, [575 U.S. 798, 809–10](#) (2015) (“Statutes should be interpreted ‘as a symmetrical and coherent regulatory scheme.’” (quoting *Food & Drug Admin. v. Brown & Williamson Tobacco Corp.*, [529 U.S. 120, 133](#) (2000))). “A well established canon of statutory interpretation succinctly captures the problem: ‘[I]t is a commonplace of statutory construction that the specific governs the general’”:

---

<sup>32</sup> Indeed, Defendants argue that the Secretary’s authority under [42 U.S.C. § 243\(a\)](#) is so broad that he could withdraw all immunization schedules, following no protocol at all. *See* [Dkt. 260 at 154:17–19](#) (“[Defense counsel:] Indeed, the agency has discretion whether to issue immunization schedules at all and even more discretion about what to consider in issuing those schedules.”); *see also id.* at 132:12–15 (“THE COURT: So even if what the agency was saying is we like communicable diseases and we think you should get more of them, that’s not judicially reviewable. [Defense counsel]: No.”); [Dkt. 283 at 52:5–9](#) (“THE COURT: . . . if the secretary said instead of getting a vaccine -- instead of getting a vaccine to prevent measles, I think you should get a shot that gives you measles; is that unreviewable? [Defense counsel]: Yes.”).

<sup>33</sup> The CDC’s immunization schedules and ACIP’s recommendations are necessarily linked. ACIP makes no recommendations apart from the immunization schedules, *see* ACIP Charter at 2–3, and the CDC does not issue any separate immunization schedule, *see, e.g., General Committee-Related Information*, CDC (Aug. 12, 2025), <https://www.cdc.gov/acip/about/index.html> [<https://perma.cc/36Y9-X69B>] (“CDC sets the U.S. adult and childhood immunization schedules *based on recommendations from ACIP*.” (emphasis added)). It defies logic that the CDC could retain independent discretion as to the creation or revision of the immunization schedules where Congress has explicitly tied obligations to ACIP’s exercise of that same authority. That ACIP also takes an additional vote to direct which pediatric vaccines the HHS Secretary purchases for states under the Vaccines for Children program, *see* [42 U.S.C. § 1396s\(d\)\(1\), \(e\)](#), does not change this conclusion.

The general/specific canon is perhaps most frequently applied to statutes in which a general permission or prohibition is contradicted by a specific prohibition or permission. . . . But the canon has full application as well to statutes such as the one here, in which a general authorization and a more limited, specific authorization exist side-by-side. There the canon avoids not contradiction but the superfluity of a specific provision that is swallowed by the general one.

*RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 566 U.S. 639, 645 (2012) (quoting *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 384 (1992)). Thus, Defendants cannot rely on the Secretary’s “general authorization” to override “specific authorization[s]” that overwhelmingly implicate ACIP. *Cf. id.*

The CDC’s own guidance documents and historical practice provide “one more reason yet to question whether [Defendants’] current position represents the best view of the law.” *Bittner v. United States*, 598 U.S. 85, 97 (2023) (“[C]ourts may consider the consistency of an agency’s views when . . . weigh[ing] the persuasiveness of any interpretation it proffers in court.”). By the CDC’s own words, “CDC sets the U.S. adult and childhood immunization schedules *based on recommendations from ACIP.*” *General Committee-Related Information*, *supra* note 33 (emphasis added). The CDC immunization schedules themselves cite ACIP’s recommendations. *See, e.g., Dkt. 185-3 at 2; Dkt. 185-4 at 2.* Moreover, in establishing ACIP’s Policies and Procedures, the agency described a robust process by which the CDC Director was to adopt or reject ACIP recommendations, with required documentation at each step. *See Advisory Committee on Immunization Practices Policies and Procedures 8, supra* note 5. By all accounts, this was the consistent practice of the CDC for decades.

In sum, Congress has spoken directly to the CDC’s immunization schedules and has required ACIP’s specific involvement. This rule governs over any more general authorization to “assist” or “advise.” *See 42 U.S.C. § 243(a); cf. RadLAX, 566 U.S. at 645.* It is undisputed that Director O’Neill issued the January 2026 Memo without sufficiently consulting ACIP, *see*

generally Dkt. 185-18.<sup>34</sup> Therefore, he lacked authority to issue the January 2026 Memo and, in so doing, acted contrary to law.

**d. Not Committed to Agency Discretion**

Even if one reads the above-cited authorities more loosely, Congress has at least established standards that this Court can apply to evaluate the issuance of the January 2026 Memo such that it was not “committed to agency discretion,” as Defendants argue. Dkt. 232 at 18–20. The APA exempts from judicial review actions that are “committed to agency discretion by law.” 5 U.S.C. § 701. However, the Supreme Court has interpreted this exception “quite narrowly, restricting it to those rare circumstances where the relevant statute is drawn so that a court would have no meaningful standard against which to judge the agency’s exercise of discretion.” *Dep’t of Com. v. New York*, 588 U.S. 752, 772 (2019) (internal quotation marks omitted) (quoting *Weyerhaeuser Co. v. U.S. Fish & Wildlife Serv.*, 586 U.S. 9, 23 (2018)). The exception is “generally limited . . . to ‘certain categories of administrative decisions that courts traditionally have regarded as “committed to agency discretion.””” *Id.* (quoting *Lincoln v. Vigil*, 508 U.S. 182, 191 (1993)).

Defendants point the Court to no cases, nor could the Court find any such case, suggesting that the kind of regulatory power at issue in this case has been “traditionally” recognized, *cf id.*, as committed to agency discretion. *See* Dkt. 232 at 18–20. Nevertheless, Defendants argue that the HHS Secretary’s statutory authority to “‘assist States and their political subdivisions in the prevention and suppression of communicable diseases’ and ‘advise the several States on matters

---

<sup>34</sup> The assessment underlying the January 2026 Memo cites in part to the September and December ACIP Votes. Dkt. 185-19 at 21, 25. That does not address the fact that ACIP had no role in any of the *other* changes to vaccine recommendations in the January 2026 Memo.

relating to the preservation and improvement of the public health” provides no judicially manageable standards for this Court to apply. See Dkt. 232 at 19 (quoting 42 U.S.C. § 243(a)).

This argument can only be countenanced if one completely abandons the idea of objective fact, a nihilist endeavor this Court does not find appropriately read into Congress’s public health statutes. An exchange during oral argument sums it up well:

THE COURT: . . . let’s say that instead of revising the vaccine schedule, the CDC said, actually, we think measles is good for you; you should go have lunch with someone with measles, and we are sponsoring measles lunches in every city, come have some measles lunch, that would seem to -- that would seem to go right up against the goal of preventing communicable diseases. Would such a policy by the CDC be judicially reviewable?

[DEFENSE COUNSEL:] I think that would still be committed to agency discretion by law.

THE COURT: So even if what the agency was saying is we like communicable diseases and we think you should get more of them, that’s not judicially reviewable.

[DEFENSE COUNSEL:] No.

Dkt. 260 at 132:3–15.<sup>35</sup> Suffice it to say that the Court disagrees and would be unlikely to find much difficulty, for example, in assessing whether the Secretary’s theoretical endorsement of getting a communicable disease like measles could reasonably be calculated to advance “the prevention and suppression of communicable diseases.” See 42 U.S.C. § 243(a). This common-sense reading is further reinforced by neighboring statutes that, for example, direct the Secretary to fund “a national, evidence-based campaign to *increase awareness and knowledge of the safety and effectiveness of vaccines* for the prevention and control of diseases, combat

---

<sup>35</sup> See also Dkt. 283 at 52:5–9 (“THE COURT: . . . if the secretary said instead of getting a vaccine -- instead of getting a vaccine to prevent measles, I think you should get a shot that gives you measles, is that unreviewable? [DEFENSE COUNSEL:] Yes.”). Even though this example is somewhat ridiculous, it is appropriate to note that the Court does not necessarily prejudice even this hypothetical, appreciating that counterintuitive solutions (particularly in the complex realms of health and science) can sometimes be correct (or at least reasonable). Notwithstanding this complexity, the underlying question is nonetheless fully addressable.

misinformation about vaccines, and disseminate scientific and evidence-based vaccine-related information, *with the goal of increasing rates of vaccination across all ages*, as applicable, particularly in communities with low rates of vaccination, to reduce and eliminate vaccine-preventable diseases.” *Id.* § 245(a) (emphases added). It would be quite strange for Congress, in one statute, to authorize the Secretary to “assist” states by encouraging the spread of communicable diseases, *see id.* § 243(a), while, in another statute, requiring the Secretary to work toward “eliminat[ing]” the spread of communicable diseases, *see id.* § 245(a).

Moreover, Defendants’ narrow focus on the Secretary’s “assist” and “advise” authority continues to ignore the broader statutory context within which the CDC issues its immunization schedules. As set forth above, Congress has interwoven and given special effect to the immunization schedules through other statutes, which overwhelmingly implicate ACIP, a recognized body of health experts. *See, e.g., 42 U.S.C. § 300gg-13(a)(2)*. These delegations demonstrate Congress’s intent that decisions be made in accordance with “specialized experience and judgment,” rather than by fiat, untethered to scientific basis or reasoning. *Cf. Tummino v. Hamburg*, 936 F. Supp. 2d 162, 185 (E.D.N.Y. 2013).

The CDC’s consistent past practice with respect to its immunization schedules provides yet another baseline against which this Court might assess the January 2026 Memo’s reasonability. The CDC has consistently treated its role in promulgating the immunization schedules as arising only after ACIP has issued a recommendation. *See supra* p. 17. Put simply, this is not the kind of agency action that is “committed to agency discretion” and not subject to APA review.

**e. Arbitrary and Capricious**

Having determined that the issuance of the January 2026 Memo is reviewable, the Court concludes that, in addition to being contrary to law, the issuance of the January 2026 Memo was arbitrary and capricious because it abandoned the agency’s longstanding practice of getting

recommendations from ACIP before changing the immunization schedules without sufficient explanation. As discussed above, the CDC cannot simply bypass ACIP in altering the immunization schedules. *See supra* Section III.B.1.c. Even were this not a legal requirement, however, the record contains no explanation for why Defendants circumvented this decades-old practice, other than to comply with a Presidential Memorandum.<sup>36</sup>

“The APA’s arbitrary-and-capricious standard requires that agency action be reasonable and reasonably explained.” *Fed. Commc ’ns Comm ’n v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021). “A court simply ensures that the agency has acted within a zone of reasonableness and, in particular, has reasonably considered the relevant issues and reasonably explained the decision.” *Id.* The “reasoned explanation requirement . . . is meant to ensure that agencies offer genuine justifications for important decisions, reasons that can be scrutinized by courts and the interested public.” *Dep’t of Com.*, 588 U.S. at 785.

Defendants cannot disregard the APA’s requirements simply because they are following the President’s orders. *See, e.g., New York v. Trump*, 2025 WL 3514301, at \*9 (D. Mass. Dec. 8, 2025) (“Circuit precedent forecloses” the argument that “an agency is exempt from the requirements of § 706(2)(A) whenever it acts pursuant to a presidential command.”); *Nebraska v. Su*, 121 F.4th 1, 15 (9th Cir. 2024) (“[F]inal agency actions, even if implementing an executive order, are subject to judicial review under the APA.”). As the CDC itself explains, the “CDC sets the U.S. adult and childhood immunization schedules *based on recommendations from ACIP.*” *General Committee-Related Information*, *supra* note 33 (emphasis added). “If an agency,” like the CDC, “announces and follows—by rule or by settled course of adjudication—a general policy

---

<sup>36</sup> Presidential Mem., *Aligning United States Core Childhood Vaccine Recommendations with Best Practices from Peer, Developed Countries*, *supra* note 25.

by which its exercise of discretion will be governed, an irrational departure from that policy (as opposed to an avowed alteration of it) could constitute action that must be overturned as ‘arbitrary, capricious, [or] an abuse of discretion’ within the meaning of the [APA].” *Thompson v. Barr*, 959 F.3d 476, 484 (1st Cir. 2020) (alteration in original) (quoting *Immigr & Naturalization Serv. v. Yueh-Shaio Yang*, 519 U.S. 26, 32 (1996)).

While there might be circumstances that could justify bypassing ACIP, the record lacks any explanation, let alone a reasoned one.<sup>37</sup> See *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (“The reviewing court should not attempt itself to make up for such deficiencies: we may not supply a reasoned basis for the agency’s action that the agency itself has not given.”). On the current record, the Court cannot conclude that Defendants “articulate[d] a satisfactory explanation for its action.” *Id.* at 43.

## 2. May 2025 Directive

Defendants argue that the challenge to the May 2025 Directive is moot because the Directive has been “overtaken” by the January 2026 Memo, Dkt. 272 at 20, and that the Directive is not “final agency action” subject to APA review because it is merely a “recommendation[] without concrete legal effects,” *id.* at 23.

Before turning to the merits of these arguments, it is worth spending a moment considering what the May 2025 Directive purports to do. The Directive “rescind[s]” the June 2022 “HHS Secretarial Directives ratifying CDC recommendations for use of COVID-19 vaccines for children ages six months to 17 years” and “the CDC recommendation that pregnant women receive the

---

<sup>37</sup> Additionally, the individuals who advised Director O’Neill on the January 2026 Memo have no affiliation with the CDC and no statutory or regulatory role in the CDC’s vaccine policy development. See Dkt. 185-18 at 2 (noting that the recommendations to change the CDC’s immunization schedules came from the Director of the National Institutes of Health (Jayanta Bhattacharya), the Administrator for the Centers for Medicare and Medicaid Services (Mehmet Oz), and the Commissioner of Food and Drugs (Martin Makary)). Defendants have provided no explanation for relying on their recommendations rather than those of ACIP.

COVID-19 vaccine.” Dkt. 185-1 at 2. In addition, under the May 2025 Directive, “the CDC is directed to remove COVID-19 vaccines from the recommended Child and Adolescent Immunizations Schedule by Age and recommended vaccines during pregnancy.” *Id.* Shortly after Secretary Kennedy issued the May 2025 Directive, the CDC made changes to the vaccine recommendations for pregnant women and “healthy” children. *See generally* Dkt. 185-3.

The relationship between these related agency actions complicates the inquiry as to mootness and finality: the May 2025 Directive is unreviewable if it was *not* a final agency action, but even if it *was* a final agency action, it may have been mooted by subsequent agency actions. To begin, Defendants may be correct that the May 2025 Directive is not final agency action because it does not “mark[] the ‘consummation’ of the agency’s decisionmaking process” and is therefore not an action “by which ‘rights or obligations have been determined,’ or from which ‘legal consequences will flow.’” *Bennett*, 520 U.S. at 178 (citations omitted). This characterization is supported by the fact that shortly after the May 2025 Directive was issued, the CDC implemented it by making changes to the COVID vaccine recommendations for pregnant women and “healthy” children. *See* Dkt. 185-3 at 3–6; *see also* Dkt. 185-4 at 5. Notably, the CDC downgraded the recommendation for “healthy” children to SCDM, but did not remove the COVID vaccine from the schedule as instructed by the May 2025 Directive. Dkt. 185-3 at 3, 6. This suggests that the May 2025 Directive was not the “consummation of the agency’s decisionmaking process,” but rather an underlying policy, while the CDC’s implementation thereof and the January 2026 Memo were final agency actions “from which legal consequences [] flow[ed].” *Bennett*, 520 U.S. at 178 (citations and internal quotation marks omitted); *see also supra* Section III.B.1.a. If this is the case, the May 2025 Directive is not final agency action subject to review under the APA. *See* 5 U.S.C. § 704.

If, as Plaintiffs contend, however, the May 2025 Directive *was* a final agency action—also a reasonable proposition, given that the Directive purports to “rescind” prior CDC recommendations and HHS ratifications thereof and to direct agency staff’s actions, [Dkt. 185-1 at 2](#)—that action was likely mooted by the CDC’s change to the childhood vaccine schedule made shortly thereafter, which was also, itself, final agency action, as discussed above.<sup>38</sup> *See Anderson v. U.S. Dep’t of Hous. & Urb. Dev.*, [731 F. Supp. 3d 19, 31](#) (D.D.C. 2024) (“[W]hen one agency action supersedes another, prospective challenges to the superseded agency action generally become moot. In those circumstances, vacating the old agency action will not deliver the plaintiff any relief. The new agency action, not the old one, is what injures the plaintiff going forward.” (citations omitted)). Under this reading, it is the CDC’s changed immunization schedules that are the source of Plaintiffs’ alleged harms. Thus, the challenge to the May 2025 Directive would “no longer [be] a ‘Case’ or ‘Controversy’ for purposes of Article III.” *Already, LLC v. Nike, Inc.*, [568 U.S. 85, 91](#) (2013) (quoting *Murphy v. Hunt*, [455 U.S. 478, 481](#) (1982)); *see also id.* (“No matter how vehemently the parties continue to dispute the lawfulness of the conduct that precipitated the lawsuit, the case is moot if the dispute is no longer embedded in any actual controversy about the plaintiffs’ particular legal rights.” (internal quotation marks omitted)). Put simply, if the May 2025 Directive is *not* a final agency action, it is unreviewable, and if it *is* a final agency action, it may have been mooted by subsequent agency actions.

The Court need not determine at this preliminary stage which characterization of the May 2025 Directive is correct. The Court need only determine, as it does here, that Plaintiffs have not met their burden of establishing that their challenge to the May 2025 Directive presents a

---

<sup>38</sup> In light of this conclusion, the Court need not address whether the January 2026 Memo may also have mooted the May 2025 Directive, as argued by Defendants. *See* [Dkt. 272 at 20](#).

justiciable claim that Plaintiffs are likely to win on the merits. Because it is not clear that Plaintiffs’ challenge is viable on threshold questions of mootness and finality, the Court need not evaluate whether Plaintiffs would have standing to bring such a challenge.<sup>39</sup>

### 3. ACIP Reconstitution

#### a. Standing

As with the January 2026 Memo, the Court rejects Defendants’ standing arguments that are based on the same theories articulated in their motion to dismiss. *See supra* Section III.B.1.a. But the parties also raise a new argument: whether Plaintiffs have standing to pursue their FACA claim insofar as standing is based on the termination of Organizational Plaintiffs’ participation in ACIP working groups. [Dkt. 232 at 42–43](#).

Both parties’ argument on this misses the point. FACA’s “‘fairly balanced’ requirement was designed to ensure that persons or groups directly affected by the work of a particular advisory committee would have some representation on the committee,” and, therefore, when that “requirement is ignored, persons having a direct interest in the committee’s purpose suffer injury-in-fact sufficient to confer standing to sue.” *Am. First Legal Found. v. Cardona*, [630 F. Supp. 3d 170, 180](#) (D.D.C. 2022) (quoting *Nat’l AntiHunger Coal. v. Exec. Comm. of President’s Private Sector Survey on Cost Control*, [711 F.2d 1071, 1074 n.2](#) (D.C. Cir. 1983)); *see also Nat’l Ass’n of Consumer Advocs. v. Uejio*, [521 F. Supp. 3d 130, 144–45](#) (D. Mass. 2021) (same); *NAACP Legal Def. Fund, Inc. v. Barr*, [496 F. Supp. 3d 116, 129](#) (D.D.C. 2020) (collecting cases). Plaintiffs, comprised of professional medical organizations and individual patients, clearly have “a direct interest in [ACIP’s] purpose,” *Am. First*, [630 F. Supp. 3d at 180](#), which is the

---

<sup>39</sup> *See, e.g., Already, LLC v. Nike, Inc.*, [568 U.S. 85, 91](#) (2013) (considering mootness before standing). Similarly, the Court will not analyze the remaining factors for preliminary relief as to the May 2025 Directive, because likelihood of success is the “sine qua non” for preliminary relief. *New Comm.*, [287 F.3d at 9](#).

“effective control of vaccine-preventable diseases in the civilian population of the United States.”<sup>40</sup> Organizational Plaintiffs’ past participation in ACIP working groups merely demonstrates the obvious—ACIP’s actions “directly affect[.]” them in their line of work. *See Am. First*, 630 F. Supp. 3d at 180. In other words, Organizational Plaintiffs’ past participation in ACIP working groups evidences the fact that an unfairly balanced ACIP causes them current injury and Plaintiffs thus have standing to assert that ACIP is not “fairly balanced” under FACA.

**b. Contrary to Law**

Plaintiffs contend that the reconstitution of ACIP violated FACA, Dkt. 237 at 43–49, which governs the functions and operations of advisory committees that provide expert recommendations to the executive branch, *see* 5 U.S.C. § 1001(2)(A). “FACA requires [an agency] to maintain a fair balance on its committees and to avoid inappropriate influences by both the appointing authority and any special interest.” *Union of Concerned Scientists v. Wheeler*, 954 F.3d 11, 20 (1st Cir. 2020); *see also* 5 U.S.C. § 1004(b)(2) (requiring “the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee”). As the First Circuit has noted, “[t]here are certainly many different points of view that [an agency] might take into account in forming its committees and different balances that can be struck in a committee’s membership.” *Union of Concerned Scientists*, 954 F.3d at 19. The Court must assess whether, in light of “the functions assigned to [the] committee[,] . . . its balance is fair.” *Id.* at 20. More specifically:

---

<sup>40</sup> ACIP Charter at 2. This version of the ACIP charter was revised on December 3, 2025, and has as a filing date of April 1, 2026. *Id.* at 6. However, prior versions of the charter contained the same or substantially similar language. *See, e.g.*, Kalwant Smagh, *Amendment to the Charter of the Advisory Committee on Immunization Practices*, CDC (April 1, 2024), <https://www.cdc.gov/acip/downloads/acip-charter.pdf> [<https://perma.cc/6CNV-L5XR>]. Any differences between the two versions are not material to this motion.

[A]gencies should ensure that they fully consider and understand the potential implications or anticipated impacts of the advisory committee’s potential recommendations. This includes consideration of the groups and entities potentially affected or interested in such recommendations, as appropriate based on the nature and functions of the advisory committee, so that the agency can make informed decisions on the areas of expertise or perspectives that would advance the work of the advisory committee. *Advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed by the committee.*

[41 CFR § 102-3.60\(b\)\(1\)](#).<sup>41</sup> Furthermore, “[h]aving identified the points of view that would promote a fairly balanced advisory committee membership, agencies should conduct broad outreach.”<sup>42</sup> *Id.* § 102-3.60(b)(2).

The Court begins with ACIP’s function. ACIP is responsible for “develop[ing] recommendations on the use of vaccines in the civilian population of the United States.”<sup>43</sup> These recommendations trigger various obligations in the U.S. health care system. *See supra* Section III.B.1.b; *see also, e.g.,* [42 U.S.C. § 300gg-13\(a\)\(2\)](#) (requiring insurers to provide, at no cost, “immunizations that have in effect a recommendation from [ACIP]”). To accomplish this purpose, ACIP considers “disease epidemiology and burden of disease, vaccine safety, vaccine efficacy and effectiveness, the quality of evidence reviewed, economic analyses, and

---

<sup>41</sup> FACA requires that all agency heads “establish uniform administrative guidelines and management controls for [their] advisory committees” and “maintain systematic information on the . . . operations of each advisory committee within its jurisdiction.” [5 U.S.C. § 1007\(a\)](#). Any advisory committee guidelines and management controls must be “consistent with directives of the [General Services Administration] Administrator,” *id.*, pursuant to their authority to “prescribe administrative guidelines and management controls applicable to advisory committees,” *id.* § 1006(c). Defendants have done so through the ACIP Charter, Membership Balance Plan, and Policies and Procedures. *See generally* ACIP Charter; *Federal Advisory Committee (FAC) Membership Balance Plan, supra* note 5; *Advisory Committee on Immunization Practices Policies and Procedures, supra* note 5.

<sup>42</sup> The prior version of the regulations, in effect at the time of the majority of Secretary Kennedy’s new ACIP appointments, gave further instruction as to what “broad outreach” should entail, noting that the outreach should “us[e] a variety of means and methods[] to ensure that the call for nominees reaches the interested parties and stakeholder groups likely to possess those points of view.” [89 Fed. Reg. 27673, 27683 \(Apr. 18, 2024\)](#).

<sup>43</sup> *General Committee-Related Information, supra* note 33; *see also* ACIP Charter at 2 (“ACIP shall provide advice and guidance to the Director of the CDC regarding use of vaccines and related agents for effective control of vaccine-preventable diseases in the civilian population of the United States.”).

implementation issues.” [Dkt. 185-21](#) (“ACIP Charter”) at 3. Plaintiffs contend that the current ACIP members lack the qualifications and expertise necessary to achieve ACIP’s function and that the majority shares Secretary Kennedy’s anti-vaccine views. [Dkt. 237](#) at 22, 44–49. Defendants contend that the current ACIP is fairly balanced, made up of members that all have advanced degrees and expertise “from a wide range of clinical and research backgrounds.” [Dkt. 232](#) at 33. While the Court generally defers to an agency’s scientific assessments and recognizes that “[t]here are certainly many different points of view that [an agency] might take into account in forming its committees and different balances that can be struck in a committee’s membership,” *Union of Concerned Scientists*, [954 F.3d](#) at 19, the Court concludes that Plaintiffs are likely to succeed in showing that the reconstitution of ACIP violated FACA and was therefore not in accordance with law under the APA.

The Court acknowledges that many of the ACIP members have extensive expertise in their chosen fields. But “[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience *relevant to the functions and tasks to be performed by the committee.*” [41 C.F.R. § 102-3.60\(b\)\(1\)](#) (emphasis added). And ACIP’s own charter directs that the members of the committee:

shall be selected from authorities who are knowledgeable in the fields of immunization practices and public health, have expertise in the use of vaccines and other immunobiologic agents in clinical practice or preventive medicine, have expertise with clinical or laboratory vaccine research, or have expertise in assessment of vaccine efficacy and safety.

ACIP Charter at 5.<sup>44</sup> On this point, there are glaring gaps.<sup>45</sup>

First, of the fifteen members currently on ACIP, even under the most generous reading, only six appear to have any meaningful experience in vaccines—the *very focus of ACIP*.<sup>46</sup> The Court does not suggest that the other members are not experts in their respective fields, only that the committee as reconstituted is not “fairly balanced in terms of . . . the functions to be performed.” 5 U.S.C. § 1004(b)(2); *see also* ACIP Charter at 5 (directing that members “shall be” “knowledgeable in the fields of immunization practices,” “have expertise in the use of vaccines and other immunobiologic agents,” “have expertise with clinical or laboratory vaccine research,” or “have expertise in assessment of vaccine efficacy and safety” (emphasis added)). At least six ACIP members—Dr. Hillary Blackburn,<sup>47</sup> Dr. Evelyn Griffin,<sup>48</sup> Dr. Joseph Hibbeln,<sup>49</sup> Dr. Kirk

---

<sup>44</sup> The Court finds the requirements provided in the ACIP Charter instructive for assessing the relevant points of view to be balanced, especially because FACA itself mandates the submission of a charter. *See* 5 U.S.C. § 1008. Pursuant to 5 U.S.C. § 1008(c)(1), advisory committees must maintain a charter that specifies the “expertise or experience required” of its members. 41 C.F.R. § 102-3.75(l).

<sup>45</sup> The Court respects the technical expertise and specialized judgement of federal agencies and recognizes that agencies are thus entitled to some deference in this determination. Nevertheless, “Congress enacted FACA to constrain executive discretion, suggesting it did not intend to preclude judicial review” of the fair balance requirement. *NAACP Legal Def. Fund*, 496 F. Supp. 3d at 135.

<sup>46</sup> When Plaintiffs filed their motion, they challenged the appointments of 14 members. One of those members, Dr. Kulldorff, is no longer a member of ACIP, Dkt. 272 at 14 n.3, and so the Court need not consider his appointment. Additionally, on February 27, 2026, Secretary Kennedy announced the appointments of two additional ACIP members. *Secretary Kennedy Appoints Two Physicians to CDC’s Advisory Committee on Immunization Practices*, *supra* note 17. As these most recent appointments post-date the filing of this motion, the Court need not evaluate the two newest members’ qualifications and expertise and will instead assume for purposes of this motion that they are both sufficiently qualified for membership on ACIP.

<sup>47</sup> Dr. Blackburn is a Doctor of Pharmacy and the Director of Medication Access and Affordability at AscensionRx. *ACIP Membership Roster*, *supra* note 16. There is no evidence in the record that she has any relevant vaccine-related experience or expertise.

<sup>48</sup> Dr. Griffin, the Surgeon General for the State of Louisiana, is “board-certified in obstetrics and gynecology, lifestyle medicine, and functional medicine.” *ACIP Membership Roster*, *supra* note 16. There is no evidence in the record that she has any relevant vaccine-related experience or expertise.

<sup>49</sup> Defendants describe Dr. Hibbeln, a psychiatrist and neuroscientist, as having “experience in clinical research, public health policy, and federal service” and whose “work has informed U.S. public health guidelines, particularly in maternal and child health.” *ACIP Membership Roster*, *supra* note 16. There is no evidence in the record that he has any relevant vaccine-related experience or expertise.

Milhoan,<sup>50</sup> Dr. James Pagano,<sup>51</sup> Dr. Raymond Pollak,<sup>52</sup>—appear to lack *any* expertise or professional qualifications *related to vaccines or immunization* as required by ACIP’s Charter. *See ACIP Membership Roster, supra* note 16. An additional three of the current ACIP members—Dr. Retsef Levi,<sup>53</sup> Dr. Robert Malone,<sup>54</sup> and Dr. Catherine Stein<sup>55</sup>—though they have

---

<sup>50</sup> Dr. Milhoan “is a pediatric cardiologist and former U.S. Air Force flight surgeon,” who “holds a Ph.D. in the mechanisms of myocardial inflammation.” *ACIP Membership Roster, supra* note 16. There is no evidence in the record that Dr. Milhoan has any relevant vaccine-related experience or expertise.

<sup>51</sup> Dr. Pagano “is a board-certified emergency medicine physician with more than 40 years of clinical experience.” *ACIP Membership Roster, supra* note 16. There is no evidence in the record that Dr. Pagano has any relevant vaccine-related experience or expertise.

<sup>52</sup> Dr. Pollak “is a surgeon, transplant immunobiologist, and transplant specialist who has published more than 120 peer-reviewed works and served as principal investigator on NIH transplant biology grants and numerous drug trials.” *ACIP Membership Roster, supra* note 16. There is no evidence in the record that Dr. Pollak has any relevant vaccine-related experience or expertise.

<sup>53</sup> Defendants describe Dr. Levi, Professor of Operations Management at the MIT Sloan School of Management, as “a leading expert in healthcare analytics, supply chain and manufacturing analytics, risk management, and biologics and vaccine safety” and note that he has “collaborated with industry stakeholders and public health agencies to develop decision-support models to evaluate biologics and vaccine safety” and co-authored studies examining the association between mRNA COVID-19 vaccines and risks of cardiovascular disease, mortality, and adverse pregnancy outcomes.” *ACIP Membership Roster, supra* note 16. However, based on the current record, he has published only two papers discussing vaccines, and both of those were published mere months before his appointment. Retsef Levi, et al., *Twelve-Month All-Cause Mortality after Initial COVID-19 Vaccination with Pfizer-BioNTech or mRNA-1273 among Adults Living in Florida*, MedRxiv (Apr. 29, 2025), <https://www.medrxiv.org/content/10.1101/2025.04.25.25326460v1> [<https://perma.cc/NGN8-SARX>] (cited at Compl. ¶ 77(g) n.53); Josh Guetzkow, et al., *Observed-to-Expected Fetal Losses Following mRNA COVID-19 Vaccination in Early Pregnancy*, MedRxiv (June 20, 2025), <https://www.medrxiv.org/content/10.1101/2025.06.18.25329352v1.full-text> [<https://perma.cc/EKL3-ELMS>] (cited at Compl. ¶ 77(g) n.53). Publishing two papers on a topic, while no doubt relevant to ACIP, likely does not rise to the level of “expertise” called for under ACIP governing documents. *See Expertise*, Black’s Law Dictionary (12th ed. 2024) (defining “expertise” as “[s]kill or knowledge in a particular subject; specialized experience that gives rise to a facility that comparatively few people possess”).

<sup>54</sup> Defendants describe Dr. Malone, an adjunct professor at Pennington Biomedical Research Center, Louisiana State University, as “a vaccinologist, scientist, and biochemist known for his early contributions to mRNA vaccine technology” whose “expertise spans molecular biology, immunology, and vaccine development.” *ACIP Membership Roster, supra* note 16. The only evidence in the record of his experience related to vaccines is that he was involved in early research on mRNA technology in the 1980s and 1990s. *See id.* Even crediting that experience, the Court cannot conclude that this experience, thirty plus years ago, constitutes the requisite expertise necessary for ACIP today. Further, the scope of his role in that research is disputed, *see* Davey Alba, *The Latest Covid Misinformation Star Says He Invented the Vaccines*, N.Y. Times (Apr. 3, 2022), <https://www.nytimes.com/2022/04/03/technology/robert-malone-covid.html> (cited at Compl. ¶ 77(h) n.59), which the Court need not resolve at this juncture.

<sup>55</sup> Dr. Stein is a professor at Case Western Reserve University and “an epidemiologist with more than two decades of research experience on tuberculosis and infectious diseases and 115 peer reviewed publications.” *ACIP Membership Roster, supra* note 16. However, there is no evidence in the record that her experience and expertise relate to vaccines, vaccination, vaccine safety, or vaccine policy as to be relevant to ACIP’s function.

some experience arguably relevant to ACIP’s function, appear to lack the qualifications and experience to constitute *expertise in vaccines and immunization*. Compare *id.*, with ACIP Charter at 5.<sup>56</sup> In short, ACIP is not just a committee of doctors, or even a committee of public health experts; it is a committee specifically dedicated to the “use of vaccines and related agents for effective control of vaccine-preventable diseases.” ACIP Charter at 2. As to that specific function, the newly appointed members appear distinctly unqualified. A committee of non-experts cannot be said to embody “fairly balanced . . . points of view” within the relevant scientific community. See [5 U.S.C. § 1004\(b\)\(2\)](#). It is more accurate to say that they do not represent points of view within the relevant expert community.

The deficiencies in ACIP’s membership become more pronounced when considered against ACIP’s own statements on what would constitute a fairly balanced committee. ACIP has a membership balance plan (“MBP”), which identifies specific considerations and requirements that the agency determined would ensure ACIP’s compliance with FACA.<sup>57</sup> *Federal Advisory Committee (FAC) Membership Balance Plan*, *supra* note 5. As relevant here, the MBP mandates that individual members have certain expertise: “expertise in the field of immunization practices”; “multi-disciplinary expertise in public health”; “expertise in the use of vaccines and immunologic agents”; or “knowledge of vaccine development, evaluation, safety and delivery.” *Id.* at 2. Further, the MBP directs the Steering Committee that recommends nominees for ACIP to consider

---

<sup>56</sup> The Court recognizes that there may be evidence to demonstrate that each of these individuals have more relevant experience or expertise than what is before the Court at this juncture. However, Defendants have provided no basis for the Court to assess how these individual’s experiences and qualifications relate to ACIP’s functions or evidence to contradict that of Plaintiffs, relying only on the ACIP website’s summary of credentials. See [Dkt. 232 at 33–34](#). Thus, on the current record, there is no evidence to demonstrate that these individuals have the *relevant* expertise necessary for membership on ACIP.

<sup>57</sup> When Secretary Kennedy began reconstituting ACIP, advisory committees were required to have a MBP when establishing or renewing an advisory committee. [41 C.F.R. § 102-3.60\(b\)\(3\)](#) (May 20, 2024). This requirement was removed from the regulation, effective on December 16, 2025. [90 Fed. Reg. 58408](#), 58408 (Dec. 16, 2025). Regardless, ACIP still has a governing MBP.

whether there is a “[b]alance of specialty areas (e.g., pediatrics, internal medicine, family medicine, nursing, consumer issues, state and local health department perspective, academic perspective, public health perspective, etc.).” *Id.* at 3. Through the MBP, Defendants have set forth the requirements and procedures *they* think necessary to achieve a balanced committee that complies with FACA, *see generally id.*, and the MBP has guided appointments for decades, *see, e.g., 73 Fed. Reg. 72055* (Nov. 26, 2008) (soliciting nominations for ACIP membership and describing requirements using the MBP phrasing). The Court thus finds the MBP to be instructive as to how a fairly balanced ACIP might be achieved and what it would look like.

The lack of formality and process attending the new ACIP members’ appointment further validates the Court’s finding as to the end product. For example, the FACA regulations direct that, “[h]aving identified the points of view that would promote a fairly balanced advisory committee membership, agencies should conduct broad outreach.” 41 CFR § 102-3.60(b)(2).<sup>58</sup> Historically, this process took approximately two years, and as directed by ACIP’s MBP, involved a broad e-mail solicitation for potential candidates,<sup>59</sup> required applicants to submit a current curriculum vitae, letters of recommendation, a cover letter, and various forms related to conflicts and ethics, and included an in-depth review of applicants by the ACIP Steering Committee.<sup>60</sup> *See, e.g.,*

---

<sup>58</sup> *See supra* note 42.

<sup>59</sup> Including “to all 30 ACIP liaison organizations, ex officio members, current and past ACIP members, professional organizations such as the National Medical Association and the National Hispanic Medical Association, academic centers, and other contacts in the field of vaccinology.” *Federal Advisory Committee (FAC) Membership Balance Plan*, *supra* note 5.

<sup>60</sup> *Federal Advisory Committee (FAC) Membership Balance Plan*, *supra* note 5. The Court finds the requirements laid out in the ACIP MBP instructive, as they represent the agency’s determination of “the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance.” *Id.*

Dkt. 185-47 ¶¶ 6–8, 18–20; Dkt. 185-48 ¶¶ 8–10; Dkt. 289 ¶¶ 7–19.<sup>61</sup> However, on the current record, the most generous description of the appointment process is that it took a few months and involved some limited outreach to candidates.<sup>62</sup> Dkt. 240-1 ¶¶ 6–11; Dkt. 185-47 ¶ 24. Defendants also failed to issue a Federal Register notice and ignored the year-round online application process as set forth in ACIP’s MBP and Policies and Procedures.<sup>63</sup> This ad hoc outreach fails to comply with the spirit or letter of the FACA regulations governing outreach, all of which seek to promote FACA’s overarching goal of public accountability and transparency.<sup>64</sup>

Even if these regulations are not binding, as Defendants contend, FACA itself directs that “*standards and uniform procedures* should govern the establishment . . . of advisory committees.” 5 U.S.C. § 1002(b)(4) (emphasis added). The Government’s failure to follow both longstanding practice and regulations aimed at ensuring that “the points of view that would promote a fairly balanced advisory committee membership” are represented on the committee is strong evidence

---

<sup>61</sup> The Court allowed Plaintiffs’ motion for leave to file supplemental declarations. Dkt. 285. The Court did so in light of the nature of the case and motion, and recognizing that because Defendants were given an opportunity to respond, they were not substantially prejudiced. That said, the Court emphasizes that future requests to file last-minute, supplemental materials will not be regarded favorably.

<sup>62</sup> There were only two days between the termination of the prior ACIP members and the announcement of the first batch of new members. *See, e.g., Dkt. 185-47* ¶ 24. However, it is possible that the review process for new applicants began earlier than the date of the terminations. That said, considering Secretary Kennedy was not confirmed to his position until February 13, 2025, Press Release, *Robert F. Kennedy, Jr. Sworn in as 26<sup>th</sup> Secretary at HHS, President Trump Signs Executive Order to Make America Healthy Again*, HHS (Feb. 13, 2025), <https://www.hhs.gov/press-room/eo-maha.html> [<https://perma.cc/2T54-RMJS>], the evidence suggests that the outreach and appointment process took less than four months, even under the most generous view.

<sup>63</sup> *Federal Advisory Committee (FAC) Membership Balance Plan*, *supra* note 5; *Advisory Committee on Immunization Practices Policies and Procedures*, *supra* note 5. Again, even treating these documents as non-binding, the lack of adherence to these prescribed procedures, designed to ensure compliance with FACA, provides strong evidence that the newly constituted ACIP likely violates FACA.

<sup>64</sup> FACA was passed out of growing “concerns that the number and membership of advisory committees had proliferated and that the committee operations were not consistent or transparent.” Meghan M. Stuessy & Kathleen E. Marchsteiner, Cong. Rsch. Serv., R47984, *The Federal Advisory Committee Act (FACA): Overview and Considerations for Congress* (2024). Accordingly, “FACA’s principal purpose was to enhance the public accountability of advisory committees established by the Executive Branch and to reduce wasteful expenditures on them.” *Pub. Citizen v. U.S. Dep’t of Just.*, 491 U.S. 440, 459 (1989)

that there is a FACA problem here. The Court reiterates that agencies generally have much discretion in assembling advisory committees. But the constellation of evidence before the Court strongly suggests that little, if any, attention was paid by Secretary Kennedy to the requirements of FACA when appointing the new ACIP members. In light of the evidence before the Court that many of the new members lack relevant experience, the Court concludes that Plaintiffs have demonstrated a strong likelihood of prevailing on the merits of their fairly balanced claim. Having so concluded, the Court need not address Plaintiffs' arguments about undue influence.<sup>65</sup>

Moreover, for all of the reasons described above, the Court concludes that Plaintiffs are likely to succeed in demonstrating that the reconstitution of ACIP was arbitrary and capricious. Defendants have provided no explanation for their disregard of the requirements laid out in ACIP's Charter, MBP, and Policies and Procedures. This failure to articulate *any* reason, let alone a "satisfactory explanation for [the] action," renders the ACIP reconstitution unlawful. *Penobscot*, [164 F.3d at 719](#); *see also Encino Motorcars, LLC v. Navarro*, [579 U.S. 211, 224](#) (2016) ("Whatever potential reasons the Department *might have* given, the agency *in fact* gave almost no reasons at all." (emphases added)); *FCC v. Fox Television Stations, Inc.*, [556 U.S. 502, 515](#) (2009) ("An agency may not, for example, depart from a prior policy sub silentio.").

### C. **Irreparable Harm**

Plaintiffs have demonstrated that they are likely to face irreparable harm should the requested preliminary relief not issue. "Irreparable injury' in the preliminary injunction context means an injury that cannot adequately be compensated for either by a later-issued permanent injunction, after a full adjudication on the merits, or by a later-issued damages remedy." *Rio*

---

<sup>65</sup> Nor will the Court address Plaintiffs' challenges to the 2025 ACIP Votes. *See infra* Section III.E.2 (discussing the scope of remedy).

*Grande Cmty. Health Ctr., Inc. v. Rullan*, [397 F.3d 56, 76](#) (1st Cir. 2005). “A finding of irreparable harm must be grounded on something more than conjecture, surmise, or a party’s unsubstantiated fears of what the future may have in store.” *Baptiste v. Kennealy*, [490 F. Supp. 3d 353, 381](#) (D. Mass. 2020) (quoting *Charlesbank Equity Fund II v. Blinds To Go, Inc.*, [370 F.3d 151, 162](#) (1st Cir. 2004)). “District courts have broad discretion to evaluate the irreparability of alleged harm and to make determinations regarding the propriety of injunctive relief.” *K-Mart Corp. v. Oriental Plaza, Inc.*, [875 F.2d 907, 915](#) (1st Cir. 1989) (quoting *Wagner v. Taylor*, [836 F.2d 566, 575–76](#) (D.C. Cir. 1987)).

### 1. **January 2026 Memo**

Plaintiffs and declarants describe a wide range of harms they contend are likely should the Court decline to issue preliminary relief. The Court focuses on two: the financial harm to Organizational Plaintiffs’ member doctors arising from uncompensated work now required because of the new immunization schedules and the financial harm to Organizational Plaintiffs arising from their work to support their members in complying with the Challenged Actions.<sup>66</sup>

Defendants focus much of their opposition on whether these constitute harm, rather than whether such harms are irreparable. *See* [Dkt. 232 at 45–50](#). Defendants do not dispute that by changing recommendations from routine to SCDM, they require Organizational Plaintiffs’ member doctors to engage in additional work, and instead argue that “creating space for a basic dialogue between physician and patient about whether to receive a vaccine hardly amounts to irreparable harm.” *Id.* at 49. But the issue here is not just lost time, but the lack of compensation.<sup>67</sup>

---

<sup>66</sup> The Court is skeptical on the current record that some of the other harms alleged, such as Individual Plaintiffs’ anxiety, constitute irreparable harm. *See Charlesbank*, [370 F.3d at 162](#).

<sup>67</sup> Nor is magnitude of harm an issue. *See California v. Azar*, [911 F.3d 558, 581](#) (9th Cir. 2018) (explaining that the irreparable harm “analysis focuses on irreparability, ‘irrespective of the magnitude of the injury’” (quoting *Simula, Inc. v. Autoliv, Inc.*, [175 F.3d 716, 725](#) (9th Cir. 1999))).

*See, e.g.*, [Dkt. 185-25](#) ¶¶ 27, 31; [Dkt. 185-26](#) ¶ 16; [Dkt. 185-27](#) ¶ 16; [Dkt. 185-28](#) ¶¶ 9, 11, 18–20; [Dkt. 185-29](#) ¶¶ 21–23, 28–29; [Dkt. 185-30](#) ¶¶ 10–11, 13, 16; [Dkt. 185-31](#) ¶¶ 13; [Dkt. 185-32](#) ¶¶ 18, 22–24; [Dkt. 185-33](#) ¶¶ 8, 10–11, 13; [Dkt. 185-36](#) ¶¶ 29, 31–33, 41; [Dkt. 185-37](#) ¶¶ 13–15, 17, 31–33; [Dkt. 185-38](#) ¶¶ 12–13, 19; [Dkt. 185-40](#) ¶ 15; [Dkt. 185-41](#) ¶¶ 22–27; [Dkt. 185-42](#) ¶ 40; [Dkt. 185-43](#) ¶¶ 13–18, 22, 26, 43; [Dkt. 185-46](#) ¶¶ 13, 22–23; [Dkt. 185-51](#) ¶¶ 37, 41–43; [Dkt. 185-52](#) ¶¶ 10–12, 18; [Dkt. 240-2](#) ¶ 11; [Dkt. 287](#) ¶¶ 3–6, 11–12, 15. Plaintiffs’ declarations are clear that the harms they describe from the May 2025 Directive have also arisen from the January 2026 Memo.<sup>68</sup> *See, e.g.*, [Dkt. 185-32](#) ¶¶ 22, 24. That such work is “part and parcel of a physician’s ordinary clinical responsibility,” [Dkt. 232 at 49](#), merely demonstrates that this is the cost of compliance with the January 2026 Memo.

With regards to Organizational Plaintiffs, the expense of counseling members constitutes harm. Organizational Plaintiffs have detailed how they have been forced to divert resources away from their usual tasks and initiatives in response to the January 2026 Memo, and how that resource diversion has frustrated both specific initiatives and their broader organizational missions, which the Court finds compelling.<sup>69</sup> *See, e.g.*, [Dkt. 185-25](#) ¶¶ 30–31; [Dkt. 185-27](#) ¶¶ 26–28; [Dkt. 185-34](#) ¶¶ 18–19, 39; [Dkt. 185-36](#) ¶¶ 27, 40–41, 43; [Dkt. 185-40](#) ¶¶ 9–10, 17; [Dkt. 185-44](#) ¶¶ 23, 36, 39; [Dkt. 185-46](#) ¶¶ 17–18; [Dkt. 286](#) ¶¶ 2, 6(c), 6(e), 13; [Dkt. 288](#) ¶¶ 14–15; *see also Mass. Fair Hous. Ctr.*, [496 F. Supp. 3d at 611](#) (finding irreparable harm where agency action “pose[d] a real and substantial threat of imminent harm to [plaintiff’s] mission by raising the burdens, costs, and effectiveness of disparate impact liability”); *City & County of San Francisco v. U.S. Citizenship & Immigr. Servs.*, [408 F. Supp. 3d 1057, 1126](#) (N.D. Cal. 2019) (finding irreparable injury where

---

<sup>68</sup> Nor is there any reason to believe that this would not be true.

<sup>69</sup> The Court notes it has previously rejected a similar argument from Defendants in the context of standing. *See AAP I*, [2026 WL 33719 at \\*7–8](#); *see also supra* Section III.B.1.a.

the goals of providing healthcare and legal services were frustrated and that plaintiffs' changes to their programs and other diversions of resources constituted irreparable harm), *aff'd sub nom.*, *City & County of San Francisco v. U.S. Citizenship & Immigr. Servs.*, [981 F.3d 742](#) (9th Cir. 2020).

Although harm is likely to be reparable when it is "almost purely economic," *Longo En-Tech P.R., Inc. v. Env't Prot. Agency*, [2017 WL 878442](#), at \*8 (D.P.R. Mar. 6, 2017), economic harm can be irreparable when it is not compensable by legal remedies, *K-Mart*, [875 F.2d at 914](#); *see also California v. Azar*, [911 F.3d 558, 581](#) (9th Cir. 2018) (explaining that economic harm can be irreparable where there is no adequate remedy to recover those damages); *Wages & White Lion LLC v. U.S. Food & Drug Admin.*, [16 F.4th 1130, 1142](#) (5th Cir. 2021) (holding that "complying with [an agency order] later held invalid almost *always* produces the irreparable harm of nonrecoverable compliance costs . . . because federal agencies generally enjoy sovereign immunity for any monetary damages" (first alteration and emphasis in original) (citations omitted)). Indeed, "[i]rreparable harm most often exists where a party has no adequate remedy at law." *Charlesbank*, [370 F.3d at 162](#). Thus, "[w]here a plaintiff stands to suffer a substantial injury that cannot be adequately compensated by an end-of-case award of money damages, irreparable harm exists." *Rosario-Urdaz v. Rivera-Hernandez*, [350 F.3d 219, 222](#) (1st Cir. 2003).

Plaintiffs could not recover monetary damages in this APA action or in any post-factum recovery action against the Government. As described above, the Court finds compelling Plaintiffs' evidence regarding the financial harm they and their members face because of the January 2026 Memo, independent of their ongoing advocacy work. The cost of complying with the January 2026 Memo is substantial, and there is no real dispute that Plaintiffs will have no avenue to recover those costs even if it is deemed unlawful.

That some of these injuries may be a result of third-party actions (such as insurers making coverage decisions) does not sever the causal connection between the challenged action and harm. “There must be a ‘sufficient causal connection’ between the alleged irreparable harm and the activity to be enjoined, and showing that ‘the requested injunction would forestall’ the irreparable harm qualifies as such a connection.” *Nat’l Wildlife Fed’n v. Nat’l Marine Fisheries Serv.*, 886 F.3d 803, 819 (9th Cir. 2018) (quoting *Perfect 10, Inc. v. Google, Inc.*, 653 F.3d 976, 981–82 (9th Cir. 2011)). “However, a plaintiff ‘need not further show that the action sought to be enjoined is the exclusive cause of the injury.’” *Id.* (quoting *M.R. v. Dreyfus*, 697 F.3d 706, 728 (9th Cir. 2012)). Here, Plaintiffs have demonstrated that but for the January 2026 Memo, they would not suffer these harms. For the reasons described above, *see infra* Section III.B.1.b. it is illogical to claim that the medical community’s response to Defendants’ changes to the immunization schedules is so unrelated to those changes that it breaks the causal connection. That suffices at this stage. For these reasons, the Court concludes Plaintiffs have met their burden of demonstrating irreparable harm as to the January 2026 Memo.

## 2. ACIP Reconstitution

Plaintiffs have also established that they are likely to suffer irreparable harm should ACIP continue to operate with an unbalanced committee. The current constitution of ACIP thwarts Congress’s intent to “to enhance the public accountability of advisory committees,” *Pub. Citizen v. Dep’t of Just.*, 491 U.S. 440, 459 (1989), by violating Congress’s “command that [advisory] committees be fairly balanced,” *Union of Concerned Scientists*, 954 F.3d at 20–21. Even a procedural violation can give rise to irreparable harm justifying injunctive relief because “the damage done by [the agency’s] violation of the APA cannot be fully cured by later remedial action.” *Northern Mariana Islands v. United States*, 686 F. Supp. 2d 7, 18 (D.D.C. 2009). A final

judgment vacating ACIP appointments would not remedy the harm caused in the immediate future by the committee’s action. It would merely guard against further violations post-judgment.

Moreover, Plaintiffs have demonstrated that the harms described above will continue to arise out of further ACIP actions. While Defendants argue that it is merely “speculative” that ACIP will take any votes at a future meeting, Dkt. 254 at 3–4, the Court finds the evidence both credible and compelling that a vote is likely at ACIP’s upcoming meeting. When the Court held its first hearing on this motion, ACIP had a meeting scheduled for the end of February, for which the ACIP Vice Chair explicitly stated an intention for ACIP to vote on changes to the Vaccines for Children Program. *See* Dkt. 240-2 ¶ 3.<sup>70</sup> While this statement does not *guarantee* that ACIP will take a vote or make any recommendation changes, Plaintiffs need not demonstrate that the anticipated harm is certain, merely that it is likely.<sup>71</sup> *See League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 9 (D.C. Cir. 2016) (“Damocles’s sword does not have to actually fall . . . before the court will issue [relief].”). Moreover, since rescheduling the ACIP meeting to March 18–19, ACIP’s published statement of “Matters to be Considered” now includes the possibility of

---

<sup>70</sup> *See also* Dr. Robert W. Malone, *CDC to Make Announcement on Children’s Health Tomorrow*, Malone News (Dec. 18, 2025), <https://www.malone.news/p/hhs-cdc-to-make-announcement-on-childrens> [<https://perma.cc/ACK8-KVKX>] (“ACIP will need to vote during their next meeting to approve language aligning the Congressionally mandated Vaccines for Children program with the new schedule.”) (cited at Dkt. 240-2 ¶ 3 n.1).

<sup>71</sup> It is not unreasonable for the Court to take the ACIP Vice Chair at his word. Indeed, it is merely Defendants’ own speculation that ACIP will *not* act in accordance with the ACIP Vice Chair’s statements.

additional recommendation votes.<sup>72</sup> [91 Fed. Reg. 9617](#) (Feb. 26, 2026). On this record, the Court finds it likely that ACIP will take further action and therefore irreparably harm Plaintiffs.<sup>73</sup>

#### **D. Balance of the Equities and Public Interest**

Finally, the Court must weigh the balance of the equities and determine whether preliminary relief would be in the public interest. “These two inquiries merge in a case like this one, where the Government is the party opposing the preliminary injunction.” *Devitri v. Cronen*, [289 F. Supp. 3d 287, 297](#) (D. Mass. 2018) (citing *Nken v. Holder*, [556 U.S. 418, 435](#) (2009)). For the reasons discussed below, these factors favor Plaintiffs.

“To begin with, the Plaintiffs’ likelihood of success on the merits lightens [Defendants’] stated interests.” *Huisha-Huisha v. Mayorkas*, [27 F.4th 718, 734](#) (D.C. Cir. 2022). The Supreme Court has confirmed that “our system does not permit agencies to act unlawfully even in pursuit of desirable ends.” *Ala. Ass’n of Realtors v. Dep’t Health & Hum. Servs.*, [594 U.S. 758, 766](#) (2021); *see also Nat’l Fed’n Indep. Bus. v. Dep’t of Lab.*, [595 U.S. 109, 120–21](#) (2022) (staying an unlawful vaccine mandate even though the Government said the mandate would save more than 6,500 lives); *Youngstown Sheet & Tube Co. v. Sawyer*, [343 U.S. 579, 582](#) (1952) (affirming district

---

<sup>72</sup> Defendants argued during the March 4, 2026 hearing that this statement was not a final agenda, and thus may change. *See Dkt. 283 at 63:21–64:1*. Regardless of the finality of ACIP’s agenda, it provides compelling evidence that ACIP does plan to take votes at the upcoming meeting. At this time, the Court has no reason to believe that ACIP will not act in accordance with its published plans.

<sup>73</sup> The Court takes a moment to acknowledge that this case presents a close call on the issue of irreparable harm. *See Dominion Video Satellite, Inc. v. Echostar Satellite Corp.*, [356 F.3d 1256, 1262](#) (10th Cir. 2004) (“Determining whether irreparable harm exists can be a difficult and close question.”); *id.* (“The concept of irreparable harm does not readily lend itself to definition.”). It cannot be that all agency action creates irreparable harm—though nearly every agency action is likely to create some type of compliance cost—as Courts regularly determine that plaintiffs challenging agency action have not met their burden on showing irreparable harm. And Defendants’ arguments about the timing of this case are well taken—the Court itself has consistently offered to expedite this case as much as possible and will continue to do so as the parties brief the merits. But after reviewing the numerous declarations from Plaintiffs’ and their members, the Court is satisfied that Plaintiffs have met their burden in this case. *See Coal. to Protest Democratic Nat’l Convention v. City of Boston*, [327 F. Supp. 2d 61, 69](#) (D. Mass. 2004) (“The greater the likelihood of success on the merits, the less risk of irreparable harm to the plaintiff must be shown.”), *aff’d sub nom.*, *Bl(a)ck Tea Soc’y v. City of Boston*, [378 F.3d 8](#) (1st Cir. 2004).

court’s preliminary injunction of an illegal executive order even though a wartime president said his order was “necessary to avert a national catastrophe”).

Plaintiffs and amici have demonstrated that there is a substantial risk to public health absent preliminary relief. *See, e.g.*, [Dkt. 218 at 26–35](#); [Dkt. 228 at 24–30](#); [Dkt. 237 at 55–58, 60–61](#). The Court finds it telling that Defendants make little effort to directly oppose this point, arguing only that Plaintiffs’ requested relief goes against the public interest by restraining Defendants’ speech.<sup>74</sup> [Dkt. 232 at 43–44](#).<sup>75</sup> But as discussed above, the Court is not dictating what vaccine-related content Defendants may or may not espouse.<sup>76</sup> Instead, the Court is regulating the procedure by which Defendants do so. “There is generally no public interest in the perpetuation of unlawful agency action.” *Newby*, [838 F.3d at 12](#). Thus, the Government “cannot suffer harm from an injunction that merely ends an unlawful practice.” *Rodriguez v. Robbins*, [715 F.3d 1127, 1145](#) (9th Cir. 2013).

Nonetheless, even if Defendants ultimately prevail, a stay, at most, causes Defendants to suffer the minimal harm of continuing their previous approach to promulgating immunization schedules.<sup>77</sup> Defendants state that their efforts seek to increase vaccination rates in the interest of public health. *See, e.g.* [Dkt. 260 at 104:19–22](#) (“[Defense counsel]: . . . the government’s goal is

---

<sup>74</sup> The closest Defendants come on this point is to argue that the purpose of the January 2026 Memo is to promote public trust in vaccines as a general proposition, thereby increasing vaccination rates and improving public health. *See, e.g.*, [Dkt. 260 at 108:17–19, 112:18–21; 113:4–13](#). But that fails to respond to Plaintiffs’ and amici’s evidence on the current risk to public health arising from the reduction in vaccination rates for the *specific* diseases for which the CDC has downgraded the vaccine recommendations.

<sup>75</sup> Amici Children’s Health Defense raises concerns about the safety of many of the vaccinations at issue. *See generally* [Dkt. 281](#). While the vaccinations may pose some health risk to some individuals, Children’s Health Defense’s proffered evidence does not demonstrate that the risks outweigh the broader benefits of the vaccines. On the record currently before the Court, the Court finds Plaintiffs’ and the other amici’s evidence more compelling on the public health risks.

<sup>76</sup> As discussed below, the relief the Court will issue is not as broad as that which Plaintiffs request. *See infra* Section III.E.

<sup>77</sup> *See infra* Section III.E.

to increase vaccine uptake of consensus vaccines such as the measles vaccine. So, again, this is not pro- versus anti-vaccine. Both sides here believe in vaccines.”). Even if Defendants do show after the production of the administrative record that Plaintiffs’ challenges amount only to a difference in opinion as to how best to best achieve these goals, merely returning to Defendants’ prior approach for a short period while the Court adjudicates the merits of Plaintiffs’ claims can hardly be said to impose such a burden that relief would go against the public interest, especially where Plaintiffs have demonstrated a likelihood of success on the merits and irreparable harm.<sup>78</sup> Thus, the balance of equities and public interest factors weigh in favor of preliminary relief.

### **E. Remedy**

“[I]n drafting equitable relief, courts must consider ‘what is necessary, what is fair, and what is workable.’” *Massachusetts v. Nat’l Insts. of Health*, [770 F. Supp. 3d 277, 328](#) (D. Mass. 2025) (quoting *North Carolina v. Covington*, [581 U.S. 486, 488](#) (2017)), *aff’d*, [164 F.4th 1](#) (1st Cir. 2026). Plaintiffs ask the Court both to stay the Challenged Actions and enjoin Defendants from conducting further public meetings until there has been an adjudication on the merits. *See generally* [Dkt. 183-1](#). Defendants do not dispute that a stay of the January 2026 Memo would be the appropriate remedy should the Court rule for the Plaintiffs but argue that any remedy preventing Defendants from conducting further public meetings is too broad. [Dkt. 232 at 50–52](#).

#### **1. January 2026 Memo**

The parties largely agree that, should the Court issue relief as to the January 2026 Memo, a stay is appropriate. [Dkt. 232 at 50](#) (“If the Court finds a defect in the January 2026 action, it should at most enter a stay of that action under the APA.”). In the face of the parties’ agreement,

---

<sup>78</sup> Defendants also argue that staying the current immunization schedules would result in “whiplash” that would be exacerbated should Defendants ultimately prevail on the merits. But given the Court’s conclusion that Plaintiffs have demonstrated a likelihood of success on the merits, this “whiplash” is likely a result of Defendants’ own unlawful creation, which does not outweigh the public interests raised by Plaintiffs and amici.

the Court finds that a stay of the January 2026 Memo is an appropriate remedy. *See, e.g., Haitian Evangelical Clergy Ass’n v. Trump*, [789 F. Supp. 3d 255, 274](#) (E.D.N.Y. 2025) (“[C]ourts ‘routinely stay already-effective agency action under Section 705.’” (quoting *Texas v. Biden*, [646 F. Supp. 3d 753, 770](#) (N.D. Tex. 2022) (collecting cases))); *see also West Virginia v. Env’t Prot. Agency*, [577 U.S. 1126](#) (2016) (staying an Environmental Protection Agency rule pending the outcome of the case). To the extent Plaintiffs seek further relief, *see Dkt. 183-1* ¶ 2, the Court declines to grant it at this time.

## 2. ACIP

The parties disagree as to the appropriate remedy for Plaintiffs’ FACA challenge. Plaintiffs ask the Court to enjoin Defendants “from convening, holding, or conducting the ACIP meeting currently scheduled . . . as well as any subsequent ACIP meetings of the current ACIP membership.” [Dkt. 183-1](#) ¶ 3.<sup>79</sup> Defendants contend that, “[i]f the Court finds a balance problem under FACA, it should stay the appointment of (or enjoin the service of) only as many appointees as would be necessary to achieve the balance that Plaintiffs can show FACA requires.” [Dkt. 232](#) at 51.

The Court lands somewhere in the middle. Plaintiffs are likely to succeed in showing that the reconstituted ACIP does not comport with FACA’s “fairly balanced” requirement. The Court made this determination not on a mathematical formula but based on the unexplained departure from the MBP and the overall composition of the new committee. *See supra* Section III.B.3.b. These findings go beyond “specific appointments,” *cf.* [Dkt. 232](#) at 51, and instead suggest that the

---

<sup>79</sup> Since the filing of Plaintiffs’ motion, the ACIP meeting that had been scheduled for February 25–26, 2026, was rescheduled to March 18–19, 2026. [91 Fed. Reg. 9617](#) (Feb. 26, 2026); *see also Dkt. 257*.

appointment process, in general, and thus the full committee, was tainted. Thus, the remedy should cover the entire challenged committee.<sup>80</sup>

However, it would be inappropriate for the Court either to enjoin ACIP from meeting, as Plaintiffs suggest, or to effectively select-by-veto a different ACIP, as Defendants suggest. There are many “different balances that can be struck in a committee’s membership.” *Union of Concerned Scientists*, 954 F.3d at 19. In the first instance, it is an agency’s job and prerogative to strike that balance, just as it is this Court’s to say when the agency has failed to do so. Identifying specific members of ACIP who should not have been appointed, based on an incomplete record, or assuming that HHS is wholly incapable of assembling a lawful ACIP at this stage and enjoining it from doing so, would impose a far greater intrusion into Defendants’ operation than merely staying the current appointments. A stay will prevent the irreparable injury Plaintiffs have shown is likely: while the appointments of the challenged members of ACIP are stayed, ACIP as currently constituted cannot meet, for how can a committee meet without nearly the entirety of its membership? Moreover, a stay is “less drastic” than, and thus preferable to, an injunction. *See Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 165 (2010). Thus, the Court concludes that the appropriate remedy at this juncture is to stay the appointments of the thirteen members of ACIP at issue in this motion.<sup>81</sup>

However, the Court will also stay all votes taken by the challenged ACIP, as they were taken by a committee that this Court has determined likely violates FACA.<sup>82</sup> Though courts have recognized that injunctive relief may be appropriate to remedy a FACA violation, *see, e.g., W. Org.*

---

<sup>80</sup> *See supra* note 46.

<sup>81</sup> *See supra* note 46.

<sup>82</sup> Plaintiffs asked the Court to “set aside” the June Vote and the December Vote, either as part of the remedy for violating FACA or as a remedy for their separate challenges to the votes themselves. *See Dkt. 237 at 22, 48.*

of *Res. Councils v. Bernhardt*, [412 F. Supp. 3d 1227, 1243](#) (D. Mont. 2019) (concluding that “[a] use injunction” [preventing the agency from relying on an advisory committee’s recommendations or work product] is the only way to achieve FACA’s purpose[] of enhancing public accountability”), in this instance, ACIP’s votes have actual legal weight that can be mitigated directly by a stay.<sup>83</sup> Therefore, the Court need not resort to an injunction.

#### **IV. Conclusion**

For the foregoing reasons, Plaintiffs’ motion for preliminary relief is GRANTED in part.

(i) The Court STAYS the January 2026 Memo revising the CDC’s childhood immunization schedule pursuant to [5 U.S.C. § 705](#).

(ii) The Court STAYS the appointments of the thirteen ACIP members appointed on June 11, 2025, September 11, 2025, and January 13, 2026.

(iii) The Court further STAYS all votes taken by the now-stayed ACIP.

**So Ordered.**

Dated: March 16, 2026

/s/ Brian E. Murphy

Brian E. Murphy

Judge, United States District Court

---

<sup>83</sup> Defendants do not address the propriety of this remedy. *See generally* Dkts. 232, 272.

# United States Court of Appeals For the First Circuit

---

No. 26-1503

AMERICAN ACADEMY OF PEDIATRICS; AMERICAN COLLEGE OF PHYSICIANS, INC.; AMERICAN PUBLIC HEALTH ASSOCIATION; INFECTIOUS DISEASES SOCIETY OF AMERICA; MASSACHUSETTS PUBLIC HEALTH ASSOCIATION, d/b/a Massachusetts Public Health Alliance; DOES 1-50, Inclusive,

Plaintiffs - Appellees,

v.

ROBERT F. KENNEDY, JR., in the official capacity as Secretary of the Department of Health and Human Services; UNITED STATES FOOD & DRUG ADMINISTRATION; JAY BHATTACHARYA, in the official capacities as Director of the National Institutes of Health and as Acting Director of Centers for Disease Control and Prevention; NATIONAL INSTITUTES OF HEALTH; CENTERS FOR DISEASE CONTROL AND PREVENTION; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; MARTIN MAKARY, in the official capacity as Commissioner of the Food and Drug Administration,

Defendants - Appellants.

---

## CASE OPENING NOTICE

Issued: May 1, 2026

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 **May 15, 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](http://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](http://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: Alistair - (617) 748-4664

# 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](http://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](http://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](http://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](http://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:

Donald Campbell Lockhart, Michael L. Fitzgerald, Isaac Belfer, James W. Harlow, Robert E. Wanerman, Stuart M. Gerson, Elizabeth J. McEvoy, Kathleen Barrett, Molly A. Meegan, James J. Oh, Jeremy A. Avila, Richard H. Hughes, IV, William Walters, Daniella R. Lee, Gianna Monet Costello, Carolyn Owens Boucek, Robert N. Meltzer, Richard Jaffe, Jose A. Perez, Francisco Maria Negrón, Jr., Thanithia R. Billings, Meaghan Hannan Davant, Kimberly A. Parker, Mark L. Hanin, Andrew Matthew London, Caroline Lindsay Farrell, Ashley H. Wisneski, Holly E. Peterson, Kevin M. Serafino, David Steven Schumacher, Wendy Ellen Parmet, Heather M. Romero, Julia Caldwell, Andrew J. Pincus, Natasha Harnwell-Davis, Allison Aviki, Graham White, Crystal Paulino, Megan Barbero, Kyle H. Keraga, Sarah Allen, Marilyn J. Icsman

# 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.