

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; SOCIETY FOR MATERNAL-FETAL MEDICINE; MASSACHUSETTS CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS; JANE DOE; JANE DOE 2; JANE DOE 3,

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; KYLE DIAMANTAS, in the official capacity as Acting Commissioner of the Food and Drug Administration, DOES 1-50, Inclusive,

Defendants - Appellants.

CALENDARING NOTICE

Issued: August 26, 2026

This case is presently scheduled to be called for oral argument on **Tuesday, October 6, 2026, at 9:30 a.m. in Boston, MA** in the Panel Courtroom at the Moakley Courthouse, 7th Floor. There will be no continuance except for grave cause. 1st Cir. R. 34.1(d).

The court will provide live audio access to such arguments to the public. After the end of the day's arguments, audio recordings of each argument will be available on the court's website. Counsel therefore should consider the privacy implications of this before argument.

Within two weeks of the date of this notice, counsel for each party must advise this office of the name of the person(s) who will be presenting oral argument by completing and filing the [Designation Form](#) available on the court's website at www.ca1.uscourts.gov. If counsel presenting oral argument has not yet entered an appearance, counsel must file an appearance and a motion in accordance with 1st Cir. R. 12.0(a) with the Designation Form.

The identity of the panel and the times allotted to counsel for oral argument will be posted on the Court Calendar page of the court's website one week prior to the date of oral argument. Where there is more than one party on a side, the courtroom deputy will contact counsel about dividing the argument time.

Arguing counsel must arrive at least 15 minutes before court convenes and should proceed directly to the courtroom and check in with the courtroom deputy.

Only attorneys and students practicing under 1st Cir. R. 46.0(f) should sit at counsel table; absent permission from the court, clients should be seated in the audience. Once counsel begins to argue, the courtroom deputy sets the signal lights. The light turns amber when counsel has five minutes left to argue. The light turns red (and a beep sounds) when counsel's argument time has expired.

On occasion, cases scheduled for oral argument are removed from the calendar before the scheduled date. The oral argument calendar is frequently prepared before the judges have completed their review of the briefs. Therefore, if the panel ultimately concludes that argument is not warranted in a particular case, that case will be removed from the argument calendar. In such circumstances, the clerk's office will endeavor to notify counsel as promptly as possible.

Any inquiries about oral argument may be addressed to Daniel Toomey, Calendar Clerk and Courtroom Deputy, by telephone at 617-748-9982.

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Allison Aviki
Megan Barbero
Kathleen Barrett
Joshua Bendor
Matthew E. Brown
Gianna Monet Costello
Douglas C. Dreier
Michael L. Fitzgerald
Clinton N. Garrett
Abraham R. George
Stuart M. Gerson
Natasha Harnwell-Davis
Ashley Cheung Honold
Richard H. Hughes IV

Richard Jaffe
Kyle H. Keraga
Scott P. Lewis
Donald Campbell Lockhart
Andrew Matthew London
Elizabeth J. McEvoy
Robert N. Meltzer
Jeremiah Morgan
Francisco Maria Negron Jr.
Peter F. Neronha
James J. Oh
William J. Olson
Jose A. Perez
Andrew J. Pincus
Thomas Pulham
Alexa Gabriela Salas
William B. Schultz
David Steven Schumacher
Lyndsey A. Stults
William M. Tong
Syreeta Tyrell
William Walters
Robert E. Wanerman
Maurice Wells
Graham White
Stanley Edmund Woodward Jr.
Aaron Simcha Jon Zelinsky
Matthew Charles Zorn