

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMERICAN ACADEMY OF HIV
MEDICINE, *et al.*,

Plaintiffs,

v.

HEALTH RESOURCES AND SERVICES
ADMINISTRATION, *et al.*,

Defendants.

Case No. 1:26-cv-12638-WGY

**PLAINTIFFS' MOTION REQUESTING JUDICIAL NOTICE OF
GOVERNMENTAL STATEMENTS, POLICIES, AND REPORTS**

Pursuant to Federal Rule of Civil Procedure 7(b), Local Rule 7.1, and Federal Rule of Evidence 201, Plaintiffs hereby respectfully request that this Court take judicial notice of governmental statements, policies, and reports, as well as certain information stated within those materials. These documents memorialize the long role of the provision of HIV care that is affirming and respectful of transgender patients' identities and of gender-affirming medical care in the Ryan White Program and reveal Defendants' intentional mistreatment of individuals who receive such care. As such, they are relevant to show and summarize Defendants' unlawful behavior under the strictures of the APA.

Therefore, pursuant to Rule 201, Plaintiffs hereby request that this Court take judicial notice of the existence of the governmental statements, policies, and reports listed in the table below, and the adjudicative facts contained therein.

Governmental Statement, Policy, or Report	Filed as
Grants.gov, <i>Version History Webpage for Part B Supplemental NOFO</i>	Dkt. 47-4
Grants.gov, <i>Version History Webpage for Part C NOFO</i>	Dkt. 47-5
Grants.gov, <i>Version History Webpage for Part D NOFO</i>	Dkt. 47-3
Grants.gov, <i>Version History Webpage for Part F NOFO</i>	Dkt. 47-6
HRSA Ryan White HIV/AIDS Program, <i>Letter</i> (December 16, 2021)	Dkt. 12-10
HRSA, <i>2024 Ryan White Program 2030 Briefer</i>	Dkt. 12-11
HRSA, <i>2026 Ryan White Program 2030 Briefer</i>	Dkt. 12-12
HHS, <i>Guidelines for the Use of Antiretroviral Agents in Adults and Adolescents With HIV</i> (Sept. 2024)	Dkt. 1-5; Dkt. 12-6
HHS, <i>Guidelines for the Use of Antiretroviral Agents in Adults and Adolescents With HIV</i> (Sept. 2025)	Dkt. 12-7
CDC, <i>Sexually Transmitted Infections Treatment Guidelines: Transgender and Gender Diverse Persons</i> (2021)	Dkt. 19-1
CDC, <i>Fast Facts: HIV and Transgender People</i> (March 2024)	Dkt. 13-4
Massachusetts and Boston EMA Integrated HIV/AIDS Prevention and Care Plan	Dkt. 16-1
Boston EMA Ryan White Part A: Integrated HIV Prevention and Care Plan 2017-2021	Dkt. 16-2
New York City Health Department, <i>Application for Grant Funding in response to a HIV Emergency Relief Program Ryan White HIV/AIDS Program (RWHAP) Part A Funding Opportunity Announcement</i> (2020)	Exhibit A to Ferguson Decl. ¹
New York Department of Health, <i>New York State's Integrated HIV Prevention and Care Plan 2022-2026</i> (2022)	Exhibit B to Ferguson Decl.
NY HIV Health & Human Services Planning Council Needs Assessment Committee, <i>Achieving Gender Affirming Care in the Ryan White Part A Portfolio: Recommendations from the Needs Assessment Committee of the NY HIV Health & Human Services Planning Council</i> (July 2018)	Exhibit C to Ferguson Decl.
San Francisco Department of Public Health, <i>San Francisco's Integrated Ending the Epidemics Plan: 2024-2026 Strategies and Activities</i> (2024)	Exhibit D to Ferguson Decl.
Los Angeles County Commission on HIV and Los Angeles County Department of Public Health, <i>Los Angeles County Integrated HIV Prevention and Care Plan, 2022-2026</i> (December 2022)	Exhibit E to Ferguson Decl.

¹ Declaration of Stephen P. Ferguson in Support of Plaintiffs' Request for Judicial Notice of Governmental Statements, Policies, and Reports ("Ferguson Decl."), filed contemporaneously with this Motion and accompanying Memorandum of Law.

Los Angeles County Commission on HIV Planning, Priorities, and Allocations Committee, <i>Agenda and Meeting Materials for the Regular Meeting</i> (October 21, 2025)	Exhibit F to Ferguson Decl.
San Diego HIV Health Services Planning Group, <i>Practice Guidelines for the Care of Persons Living with HIV/AIDS</i> (September 22, 2021)	Exhibit G to Ferguson Decl.
Florida Department of Health, <i>State of Florida Integrated HIV Prevention and Care Plan</i> (January 20, 2023)	Exhibit H to Ferguson Decl.
Ryan White Planning Council of the Dallas Area, Ryan White Grants Management Division of Dallas County Health & Human Services, <i>FY 2025 Standards of Care & Service Delivery Guidelines: Dallas Planning Area</i> (2025)	Exhibit I to Ferguson Decl.
Health Resources and Services Administration, <i>Guide for HIV/AIDS Clinical Care</i> (2014)	Exhibit J to Ferguson Decl.
Health Resources and Services Administration HIV/AIDS Bureau, <i>Providing Gender-Affirming Care to People with HIV</i> (August 25, 2022)	Exhibit K to Ferguson Decl.
CDC/HRSA Advisory Committee on HIV, Viral Hepatitis, and STD Prevention and Treatment, <i>Record of the Proceedings of the Virtual Meeting</i> (April 26-28, 2022)	Exhibit L to Ferguson Decl.
Centers for Disease Control and Prevention and Health Resources and Services Administration, <i>Integrated HIV Prevention and Care Plan Guidance, including the Statewide Coordinated Statement of Need, CY 2027-2031</i> (December 2024)	Exhibit M to Ferguson Decl.
The White House, <i>National HIV/AIDS Strategy for the United States 2022-2025</i> (2021)	Exhibit N to Ferguson Decl.
Health Resources and Services Administration (@HRSAGov), <i>Social media post concerning the importance of providing gender-affirming HIV care and treatment services for transgender people with HIV</i> (January 28, 2022; 3:41 PM)	Exhibit O to Ferguson Decl.
Health Resources and Services Administration (@HRSAGov), <i>Social media post concerning gender-affirming HIV care and viral suppression among transgender and gender-diverse clients</i> (March 25, 2022; 11:13 AM)	Exhibit P to Ferguson Decl.
Executive Office of the President, <i>Executive Order No. 14183, Prioritizing Military Excellence and Readiness</i> , 90 Fed. Reg. 8757 (January 27, 2025)	Exhibit Q to Ferguson Decl.
Executive Office of the President, <i>Executive Order No. 14187, Protecting Children From Chemical and Surgical Mutilation</i> , 90 Fed. Reg. 8771 (January 28, 2025)	Exhibit R to Ferguson Decl.
Executive Office of the President, <i>Executive Order No. 14190, Ending Radical Indoctrination in K-12 Schooling</i> , 90 Fed. Reg. 8853 (January 29, 2025)	Exhibit S to Ferguson Decl.

Executive Office of the President, <i>Executive Order No. 14201, Keeping Men Out of Women's Sports</i> , 90 Fed. Reg. 9279 (February 11, 2025)	Exhibit T to Ferguson Decl.
The White House, <i>Supreme Court Bolsters President Trump's Push to Eliminate Transgender Insanity</i> (June 30, 2026)	Exhibit U to Ferguson Decl.
The White House, <i>President Trump Ended Democrats' "Transgender for Everybody" Insanity</i> (March 31, 2026)	Exhibit V to Ferguson Decl.
The White House, <i>National Child Abuse Prevention Month, 2025</i> (April 3, 2025)	Exhibit W to Ferguson Decl.
U.S. Office of Personnel Management, <i>Initial Guidance Regarding President Trump's Executive Order Defending Women</i> (January 29, 2025)	Exhibit X to Ferguson Decl.
Matthew J. Vaeth, Office of Management and Budget, <i>Memorandum M-25-13, Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs</i> (January 27, 2025)	Exhibit Y to Ferguson Decl.
Matthew J. Memoli, National Institutes of Health, <i>Directive on NIH Priorities: Restoring Scientific Integrity and Protecting the Public Investment in NIH Awards</i> (February 21, 2025)	Exhibit Z to Ferguson Decl.
Health Resources and Services Administration, <i>A Guide to Primary Care of People with HIV/AIDS</i> (2004)	Exhibit AA to Ferguson Decl.
U.S. Department of Health and Human Services (@HHSGov), <i>Social media post concerning removal of references to "gender ideology" from federally funded sex-education materials</i> (August 21, 2025; 5:48 PM)	Exhibit BB to Ferguson Decl.
U.S. Department of Health and Human Services (@HHSGov), <i>Social media post concerning remarks by HHS Secretary Kennedy at the United Nations General Assembly opposing "destructive gender ideology"</i> (September 27, 2025; 9:00 AM)	Exhibit CC to Ferguson Decl.
Donald J. Trump (@realDonaldTrump), <i>Social media post concerning Iowa legislation and "Radical Gender Ideology"</i> (February 27, 2025; 9:37 PM)	Exhibit DD to Ferguson Decl.
Donald J. Trump (@realDonaldTrump), <i>Social media repost of a TeamTrump post concerning "radical gender ideology"</i> (January 21, 2025)	Exhibit EE to Ferguson Decl.

Dated: September 1, 2026

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RULE 7.1 CERTIFICATE OF COMPLIANCE

I certify that, on September 1, 2026, counsel for Plaintiffs met and conferred with counsel for Defendants regarding this motion, seeking to ascertain Defendants' position as to the relief requested herein. As of the time of filing, Defendants have yet to take a position on the relief requested herein.

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CERTIFICATE OF SERVICE

I certify that, on September 1, 2026, electronically with the Clerk of the Court using the CM/Dkt. system, which will send notice of such filing to the registered participants as identified in the Notice of Electronic Filing (NEF), including the following counsel:

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**MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFFS' MOTION REQUESTING JUDICIAL NOTICE
OF GOVERNMENTAL STATEMENTS, POLICIES, AND REPORTS**

The parties have met and conferred prior to trial to determine whether to stipulate that the trial exhibits were authentic and admissible. The parties have stipulated to the authenticity and admissibility of some of those trial exhibits. *See* Dkt. 63. The remaining exhibits are also authentic and admissible. In addition, each of these exhibits, whether admitted or not, contain judicially noticeable facts and independently may be judicially noticed under Federal Rule of Evidence 201 for the reasons set forth below.

Federal Rule of Evidence 201 allows this Court to take judicial notice of adjudicative facts that cannot reasonably be disputed and are subject to ready proof. Specifically, “[t]he court may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). A court is typically required to take judicial notice upon a party’s request where, as here, the court “is supplied with the necessary information.” Fed. R. Evid. 201(c). These requirements are met here.

The documents proposed for judicial notice, as listed in the accompanying motion, and the facts contained therein, are relevant to this proceeding. Plaintiffs have asserted that the Health Resources and Services Administration’s (“HRSA”) general terms and conditions and notices of funding opportunity relating to the Ryan White Program (together, the “Challenged Conditions”) violate, *inter alia*, the Administrative Procedure Act (“APA”). *See* Compl. ¶¶ 203–46. The proposed facts requested for judicial notice are evidence supporting Plaintiffs’ claims.

Specifically, Plaintiffs ask this Court to take judicial notice of the existence of certain relevant governmental statements, policies, and reports as well as the fact that certain information is stated within those materials. These documents memorialize the long role of the provision of HIV care that is affirming and respectful of transgender patients’ identities and of gender-affirming medical care in the Ryan White Program and reveal Defendants’ intentional mistreatment of individuals who receive such care. As such, they are relevant to show and summarize Defendants’ unlawful behavior under the strictures of the APA. The entailed statements, policies, and reports provide context for an otherwise unsubstantiated change in Defendants’ policies pertaining to the provision of affirming and integrated HIV care as well as gender-affirming medical care within the context of HIV care, including their failure to consider certain interests, prior policies, or important aspects of the issue. They are also admissible facts and, as publicly available records, can be readily authenticated by this Court. *See* Fed. R. Evid. 902 (2), (4), (5), (6).¹

These materials are all judicially noticeable. Government statements, including facts and documents found on government websites, are generally known within the Court’s territorial jurisdiction and their accuracy cannot be questioned. *See Rodrique v. Hearst Commc’ns, Inc.*, 126 F.4th 85, 92–93, 92 n.3 (1st Cir. 2025) (taking judicial notice of information on government

¹ Defendants have stipulated as to the authenticity of each of the documents for which Plaintiffs request that the Court take judicial notice. *See* Dkt. 63.

websites); *Melino v. Bos. Med. Ctr.*, 127 F.4th 391, 394 n.1, 397 (1st Cir. 2025) (taking and affirming judicial notice of CDC website and recommendations); *Rezaii v. Kennedy*, No. 1:24-CV-10838-JEK, 2025 WL 750215, at *2 n.2 (D. Mass. Feb. 24, 2025) (taking judicial notice of an HHS webpage); *Pietrantonio v. Corcept Therapeutics Inc.*, 640 F. Supp. 3d 197, 204–05 (D. Mass. 2022) (“Matters of public record, *see In re Colonial Mortg. Bankers Corp.*, 324 F.3d 12, 15–16 (1st Cir. 2003) -- which include material on government websites, *see Gent v. Cuna Mut. Ins. Soc’y*, 611 F.3d 79, 84 n.5 (1st Cir. 2010) -- are generally subject to judicial notice.”) (citation modified) (collecting cases taking judicial notice of agency websites and granting such notice). This includes historic webpages accessible through Wayback Machine software. *See Walsh v. Teltech Sys., Inc.*, No. CV 13-13064-RWZ, 2015 WL 12856456, at *1 n.2 (D. Mass. July 30, 2015), *aff’d*, 821 F.3d 155 (1st Cir. 2016) (taking judicial notice of archived webpages accessible through Wayback Machine). Generally, “judicial notice is properly taken of orders and decisions made by . . . administrative agencies.” *O’Hara v. Diageo-Guinness, USA, Inc.*, 306 F. Supp. 3d 441, 457 (D. Mass. 2018), *on reconsideration*, 370 F. Supp. 3d 204 (D. Mass. 2019) (quoting *Papai v. Harbor Tug and Barge Co.*, 67 F.3d 203, 207 n.5 (9th Cir. 1995), *rev’d on other grounds*, 520 U.S. 548 (1997)). Indeed, “as a rule, courts now judicially notice the public acts, reports, records and regulations made, kept, conducted or issued by administrative agencies.” *Id.* (quoting Fishman & McKenna, 1 Jones on Evidence § 2:110 (7th Ed. 2016)).

A court may also take judicial notice of agency statements. *See Kader v. Sarepta Therapeutics, Inc.*, No. 14-cv-14318-ADB, 2016 WL 1337256, at *10–11 (D. Mass. Apr. 5, 2016) (taking judicial notice of FDA official statements published on the White House website); *In re Vertex Pharm. Inc., Sec. Litig.*, 357 F. Supp. 2d 343, 352 n.4 (D. Mass. 2005) (taking judicial notice of agency’s written policy); *Mazzarino v. Massachusetts State Lottery Comm’n*, 616 F.

Supp. 3d 118, 125–26 (D. Mass. 2022) (taking judicial notice of press releases); *Massachusetts Nurses Ass’n v. N. Adams Reg’l Hosp.*, 396 F. Supp. 2d 30, 35 (D. Mass. 2005), *aff’d*, 467 F.3d 27 (1st Cir. 2006) (taking judicial notice of statement by plaintiff’s spokesperson quoted in a newspaper and of a press release on the plaintiff’s website); *Nw. Bypass Grp. v. U.S. Army Corps of Eng’rs*, 488 F. Supp. 2d 22 (D.N.H. 2007), *clarified on denial of reconsideration*, No. 06 CV 00258 JAW, 2007 WL 1959248 (D.N.H. July 3, 2007) (taking judicial notice of minutes of meeting of city zoning board of adjustment). Statements are judicially noticeable even if they are made on social media. *See Christa McAuliffe Intermediate Sch. PTO, Inc. v. de Blasio*, 364 F. Supp. 3d 253, 263 (S.D.N.Y.), *aff’d*, 788 F. App’x 85 (2d Cir. 2019) (taking judicial notice of statements of the defendant-mayor published on Twitter on his official account); *Shilling v. United States*, 773 F. Supp. 3d 1069, 1083 (W.D. Wash. 2025) (taking judicial notice of “social media posts” by Department of Defense on X, including a “repost” by the Secretary of Defense);² *Abramowitz v. Lake*, 803 F. Supp. 3d 1, 15 n.3 (D.D.C. 2025) (taking judicial notice of post on X by defendant Lake “as its authenticity “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned”); *Hawaii v. Trump*, 859 F.3d 741, 773 n.14 (9th Cir. 2017), *vacated on other grounds*, 583 U.S. 941 (2017) (taking judicial notice of social media posts by President Trump). Treatises support the notion that a “presidential tweet could satisfy the stringent requirements of the official acknowledgment doctrine,” since what governs is “substance” not “medium.” 1 Fed. Info. Discl. § 7:88. Hence, where the indicia of the post make it a source “whose accuracy cannot reasonably be questioned,” Fed. R. Evid. § 201(b), courts act

² Case law supports the proposition that a repost by a government official or government account constitutes a governmental statement. *See Knight First Amend. Inst. at Columbia Univ. v. Trump*, 302 F. Supp. 3d 541, 571 n.20, 572 n.21 (S.D.N.Y. 2018) (noting that “the President’s retweeting of a tweet sent by a private individual likely renders the President’s retweet government speech”), *aff’d*, 928 F.3d 226 (2d Cir. 2019), *cert. granted, judgment vacated on mootness grounds sub nom. Biden v. Knight First Amend. Inst. At Columbia Univ.*, 141 S. Ct. 1220 (2021).

within reason by using them to “take judicial notice of the official acts of the heads of the executive departments of the Federal Government of public notoriety or general public interest.” Federal Trial Handbook: Civil § 35:10 (2025-2026 Edition).

Courts may also judicially notice such agency actions as “published reports of administrative bodies.” *Poirier v. Educ. Credit Mgmt. Corp (In re Poirier)*, 346 B.R. 585, 588 (Bankr. D. Mass. 2006) (collecting cases taking judicial notice of such information on government websites). *See also Barnstable Cnty. v. 3M Co.*, No. CV 17-40002, 2017 WL 6452245, at *5 (D. Mass. Dec. 18, 2017) (taking judicial notice of a report “because it is an official investigative report issued by a County committee”); *In re Vertex Pharm. Inc., Sec. Litig.*, 357 F. Supp. 2d at 352 n.4 (D. Mass. 2005) (holding a court “may take judicial notice of reports of administrative bodies”) (quoting *Lamers Dairy Inc. v. U.S. Dept. of Agr.*, 379 F.3d 466, 471 n. 8 (7th Cir.2004)). Agency studies and guidance are therefore both subject to judicial notice. *See Howe v. Massachusetts Dep’t of Correction*, No. 4:22-CV-40119-MRG, 2024 WL 353683, at *2 n.2, *6 n.6, *7 n.11 (D. Mass. July 25, 2024) (taking judicial notice of CDC guidance and HHS research summaries).

Executive Orders are also appropriate material for judicial notice. *See President & Fellows of Harvard Coll. v. United States Dep’t of Health & Hum. Servs.*, 798 F. Supp. 3d 77, 93 n.4 (D. Mass. 2025) (taking judicial notice of executive orders as public records); *Roe v. Noem*, 800 F. Supp. 3d 146, 167 n.33 (D. Mass. 2025) (same).

CONCLUSION

Wherefore, based on the foregoing, Plaintiffs respectfully request that this Court take judicial notice of the adjudicative facts set forth in Plaintiff’s motion, pursuant to Federal Rule of Evidence 201(b).

Dated: September 1, 2026

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I certify that, on September 1, 2026, electronically with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the registered participants as identified in the Notice of Electronic Filing (NEF), including the following counsel:

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