

**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

JOINT NOTICE REGARDING SETTLEMENT NEGOTIATIONS

On September 23, 2026, the Court held a bench trial in this matter. At the conclusion of the trial, the Court inquired as to the status of any settlement negotiations. The Parties reported that they had engaged in substantive negotiations, that there was an outstanding settlement proposal that Defendants were considering, and that Defendants would determine their position as to said proposal by October 2, 2026. Accordingly, the Court stated that it would “stay [its] hand” before October 2, 2026, but that it would otherwise “address the matter as rapidly as” it could. Trial Tr. 42:1-14.

Today, Defendants notified Plaintiffs that they are unable to agree to Plaintiffs’ last settlement proposal and that Defendants have decided against further settlement negotiations along substantively similar lines.

Accordingly, the Parties agree that the Court need not stay its hand or withhold its adjudication of this matter any further.

Dated: October 2, 2026

Respectfully submitted,

Jeffrey S. Trachtman*
Jason M. Moff*
Hannah Kanter*
Stephen P. Ferguson*
**HERBERT SMITH FREEHILLS
KRAMER (US) LLP**
1177 Avenue of the Americas
New York, NY 10036
Telephone: 212-715-9100
Facsimile: 212-715-8000
jeffrey.trachtman@hsfkramer.com
jason.moff@hsfkramer.com
hannah.kanter@hsfkramer.com
stephen.ferguson@hsfkramer.com

Ryan P. Trumbauer*
**HERBERT SMITH FREEHILLS
KRAMER (US) LLP**
2000 K Street NW, 4th Floor
Washington, DC 20006
Telephone: 202-775-4500
Facsimile: 202-775-4510
ryan.trumbauer@hsfkramer.com

/s/ Omar Gonzalez-Pagan
Omar Gonzalez-Pagan (BBO No. 678517)
Jose I. Abrigo*
Jessica Polansky (BBO No. 663750)
Charlie Ferguson*
**Lambda Legal Defense
and Education Fund, Inc.**
120 Wall Street, 19th Floor
New York, New York 10005
Telephone: 212-809-8585
Facsimile: 855-535-2236
ogonzalez-pagan@lambdalegal.org
jabrigo@lambdalegal.org
jpolansky@lambdalegal.org
cferguson@lambdalegal.org

Kenneth D. Upton, Jr.*
**Lambda Legal Defense
and Education Fund, Inc.**
3656 North Halsted Street
Chicago, Illinois 60613
Telephone: 312-663-4413
Facsimile: 855-535-2236
kupton@lambdalegal.org

Pelecanos*
**Lambda Legal Defense
and Education Fund, Inc.**
800 South Figueroa St., Suite 1260[†]
Los Angeles, California 90017
Telephone: 213-382-7600
Facsimile: 855-535-2236
pelecanos@lambdalegal.org

[†] Mailing address only

* Admitted *pro hac vice*.

Counsel for Plaintiffs

/s/ Peter R. Goldstone

Peter R. Goldstone (B.B.O. # 682050)

Trial Attorney

Federal Programs Branch

Civil Division

United States Department of Justice

1100 L Street NW, 11th Floor

Washington, DC 20530

Telephone: (202) 598-0912

Peter.R.Goldstone@usdoj.gov

Counsel for Defendants