

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

AMERICAN ACADEMY OF PEDIATRICS,
et al.,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the Department of Health
and Human Services; *et al.*,

Defendants.

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

**PLAINTIFFS' MOTION TO IMPOUND THE DECLARATION OF JAMES OH
AND EXHIBITS 5 THROUGH 12 ATTACHED TO THEIR
MOTION TO COMPLETE THE ADMINISTRATIVE RECORD**

Pursuant to Local Rules 7.1 and 7.2, Plaintiffs respectfully move for an order authorizing Plaintiffs, after entry of the order, to submit under seal Exhibits 5-12 attached to the Declaration of James J. Oh in Support of Plaintiffs' Motion to Complete the Administrative Records (the "Oh Declaration") and impounding those materials until further order of the Court. For the reasons stated in the accompanying memorandum, good cause supports the requested relief. Plaintiffs do not seek to impound any other document or future filing.

WHEREFORE, Plaintiffs respectfully request that the Court enter the proposed order submitted with this motion.

Dated: July 17, 2026

Respectfully submitted,

By: /s/ James J. Oh (IL Bar No. 6196413)
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LOCAL RULE 7.1 CERTIFICATE REGARDING PLAINTIFFS' MOTION

Per Local Rule, 7.1, counsel for Plaintiffs state that they conferred with counsel for Defendants by email and telephone on numerous occasions, and the Court entered a protective order necessitating this Motion to Impound. Pursuant to the protective order, counsel for Defendants do not oppose the filing of the Motion to Impound.

/s/ James J. Oh

James J. Oh

CERTIFICATE OF SERVICE

I hereby certify that this document was filed and served through the ECF system upon the following parties on this 17th day of July 2026:

Robert F. Kennedy, Jr., in his official capacity
as Secretary of Health and Human Services

Jay Bhattacharya, MD, PhD, in his official
capacity as Acting Director Centers for
Disease Control and Prevention

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Kyle Diamantas, in his official capacity as
Acting Commissioner of the Food and Drug
Administration

/s/ James J. Oh

James J. Oh

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**[PROPOSED] ORDER ON PLAINTIFFS' MOTION TO IMPOUND
THE OH DECLARATION AND EXHIBITS 5–12 IN SUPPORT OF
THEIR MOTION TO COMPLETE THE ADMINISTRATIVE RECORDS**

Upon consideration of Plaintiffs' Motion to Impound the Oh Declaration and Exhibits 5 through 12 in Support of Their Motion to Complete the Administrative Records, the Court finds that the unredacted declaration and identified exhibits contain nonpublic information concerning the nomination, evaluation, or potential appointment of identifiable persons to the Advisory Committee on Immunization Practices. The Court further finds that disclosure before completion of the redaction process required by the Stipulated Protective Order would impair legitimate privacy interests; that the requested relief is limited to the unredacted declaration and eight specifically identified exhibits; that no less restrictive alternative presently provides equivalent protection before completion of that process; and that good cause exists for impoundment of those materials until further order because those interests have no presently ascertainable expiration date and the parties' redaction process may permit earlier partial disclosure.

It is therefore ORDERED that Plaintiffs' motion is GRANTED as follows:

1. After entry of this Order, Plaintiffs may submit under seal the Declaration of James J. Oh in Support of Plaintiffs' Motion to Complete the Administrative Records and the following exhibits attached thereto: Exhibit 5 (HHS_AAP 015991); Exhibit 6 (HHS_AAP 016028–016029); Exhibit 7 (HHS_AAP 015578–015583); Exhibit 8 (HHS_AAP 015557); Exhibit 9 (HHS_AAP 015587); Exhibit 10 (HHS_AAP 015684); Exhibit 11 (HHS_AAP 015777–015778); and Exhibit 12 (HHS_AAP 016036–016037).

2. Those materials shall be impounded and restricted from public access until further order of the Court.

3. Plaintiffs shall serve Defendants with a copy of the sealed submission. The parties shall then comply with paragraph 4(b) of the Stipulated Protective Order, including conferring about reasonably feasible and not unduly burdensome redactions and filing public redacted versions to the extent appropriate.

4. This Order authorizes no other document, exhibit, docket entry, or future filing to be submitted under seal or withheld from public access.

SO ORDERED.

Dated: _____

United States District Judge
Brian E. Murphy