

**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
EXHIBITS B, F, G, & H ATTACHED TO JAMES J. OH'S
DECLARATION (ECF NO. 337) SUPPORTING PLAINTIFFS' OPPOSITION
TO DEFENDANTS' RENEWED MOTION TO STAY PROCEEDINGS (ECF NO. 334)**

Pursuant to Local Rules 7.1 and 7.2, Plaintiffs respectfully move for an order authorizing Plaintiffs, after entry of the order, to impound Exhibits B, F, G, & H attached to the Declaration of James J. Oh ("Oh Decl.") (ECF No. 337) in Support of Plaintiffs' Opposition to Defendants' Renewed Motion to Stay Proceedings Pending Appeal and to Postpone Record Dispute (ECF No. 334) and impounding those materials until further order of the Court. For the reasons stated in the accompanying memorandum, good cause supports the requested relief.

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

Dated: July 22, 2026

Respectfully submitted,

By: /s/ James J. Oh (IL Bar No. 6196413)
James J. Oh (admitted *pro hac vice*)
Kathleen Barrett (admitted *pro hac vice*)
EPSTEIN BECKER & GREEN, P.C.

227 W. Monroe Street, Suite 4500
Chicago, IL 60606
Tel: 312.499.1400
Fax: 312.845.1998
Email: joh@ebglaw.com
kbarrett@ebglaw.com

Elizabeth J. McEvoy (BBO No. 683191)
Gianna M. Costello (BBO No. 715031)
EPSTEIN BECKER & GREEN, P.C.
One Financial Center, Suite 1520
Boston, MA 02111
Tel: 617.603.1100
Fax: 617.249.1573
Email: emcevoy@ebglaw.com
gcostello@ebglaw.com

Richard H. Hughes IV (admitted *pro hac vice*)
Robert Wanerman (admitted *pro hac vice*)
William Walters (admitted *pro hac vice*)
EPSTEIN BECKER & GREEN, P.C.
1227 25th Street, N.W., Suite 700
Washington, DC 20037
Tel: 202.861.0900
Fax: 202.296.2882
Email: rhughes@ebglaw.com
rwanerman@ebglaw.com
wwalters@ebglaw.com

Jeremy A. Avila (admitted *pro hac vice*)
EPSTEIN BECKER & GREEN, P.C.
57 Post Street, Suite 703
San Francisco, CA 94104
Tel: 415.398.3500
Fax: 415.398.0955
Email: javila@ebglaw.com

Daniella R. Lee (admitted *pro hac vice*)
EPSTEIN BECKER & GREEN, P.C.
201 East Kennedy Blvd., Suite 1260
Tampa, FL 33602
Tel: 813.367.9454
Fax: 813.367.9441
Email: dlee@ebglaw.com

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 22nd 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

c/o Leah Belaire Foley, US Attorney
Michael L. Fitzgerald
Office of the US Attorney for the District of
Massachusetts
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210
michael.fitzgerald2@usdoj.gov

c/o Isaac Belfer
Trial Attorney
Consumer Protection Branch
U.S. Department of Justice
P.O. Box 386
Washington, D.C. 20044-0386
Isaac.C.Belfer@usdoj.gov

James W. Harlow
DOJ-Civ
Consumer Protection Branch
P.O Box 386
Washington, D.C. 20044
James.w.harlow@usdoj.gov

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

**[PROPOSED] ORDER ON PLAINTIFFS' MOTION TO IMPOUND EXHIBITS B, F, G,
H ATTACHED TO JAMES J. OH'S DECLARATION (ECF NO. 337) SUPPORTING
PLAINTIFFS' OPPOSITION TO DEFENDANTS' RENEWED MOTION TO STAY
PROCEEDINGS TO COMPLETE THE ADMINISTRATIVE RECORD (ECF NO. 334)**

Upon consideration of Plaintiffs' Motion to Impound Exhibits B, F, G, and H to the Declaration of James J. Oh (ECF No. 337), filed in support of Plaintiffs' Opposition to Defendants' Renewed Motion to Stay Proceedings (ECF No. 334), the Court finds that the exhibits contain information Defendants have designated as Confidential under the Stipulated Protective Order (ECF No. 320), including potential nonpublic information concerning identifiable individuals' nomination, evaluation, or potential appointment to the Advisory Committee on Immunization Practices. The Court further finds that the asserted privacy interests warrant protection pending completion of the procedures prescribed by the Protective Order; that Plaintiffs' request is limited to four specifically identified exhibits; and that good cause exists to impound those materials until further order because the asserted privacy interests have no presently ascertainable expiration date and the parties' conferral or resolution of any challenge to Defendants' confidentiality designations may permit greater public disclosure.

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

1. After entry of this Order, Plaintiffs may file under seal the unredacted versions of Exhibits B, F, G, and H to the Declaration of James J. Oh (ECF Nos. 337-2, 337-6, 337-7, and 337-8).
2. The unredacted versions of Exhibits B, F, G, and H shall be impounded and restricted from public access until further order of the Court.
3. The redacted versions of Exhibits B, G, and H shall remain available on the public docket.
4. Plaintiffs shall serve Defendants with copies of the materials filed under seal. The parties shall then comply with paragraph 4(b) of the Stipulated Protective Order, including conferring about whether it is reasonably feasible and not unduly burdensome to redact the information designated as Confidential in Exhibit F. To the extent such redactions are reasonably feasible and not unduly burdensome, Plaintiffs shall file a redacted version of Exhibit F on the public docket.
5. Nothing in this Order determines whether any confidentiality designation is proper or precludes either party from challenging a designation under paragraph 6 of the Stipulated Protective Order.
6. This Order does not authorize any other document, exhibit, docket entry, or future filing to be submitted under seal or otherwise withheld from public access.

SO ORDERED.

Dated: _____

United States District Judge
Brian E. Murphy