

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

DO NO HARM
2825 East Cottonwood Parkway, Suite 500
Salt Lake City, UT 84121

Plaintiff,

v.

Case No. 1:26-cv-01062-LLA

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES
200 Independence Avenue Southwest
Washington, DC 20201

ROBERT FRANCIS KENNEDY, JR., *in his
official capacity as Secretary of Health and
Human Services*
200 Independence Avenue Southwest
Washington, DC 20201

UNITED STATES HEALTH RESOURCES AND
SERVICES ADMINISTRATION
5600 Fishers Lane
Rockville, MD 20857

THOMAS J. ENGELS, *in his official capacity as
Administrator for the Health Resources and
Services Administration*
5600 Fishers Lane
Rockville, MD 20857

Defendants,

and

PAPA OLA LŌKAHI,
677 Ala Moana Boulevard, Suite 720
Honolulu, HI 96813

Intervenor-Defendant.

PAPA OLA LŌKAHI'S PROPOSED ANSWER IN INTERVENTION TO COMPLAINT

Pursuant to Federal Rule of Civil Procedure 24(c), Proposed Intervenor-Defendant Papa Ola Lōkahi submits this Proposed Answer to the Complaint filed by Plaintiff Do No Harm challenging the Native Hawaiian Health Scholarship Program (“Scholarship Program”). Doc. 1. Any use of the Complaint’s headings and numbered paragraphs in this Proposed Answer corresponds to those set forth in the Complaint and does not constitute an admission by Papa Ola Lōkahi of their relevance or accuracy. Papa Ola Lōkahi expressly reserves the right to seek to amend or supplement its Proposed Answer as may be necessary.

GENERAL DENIAL

Papa Ola Lōkahi denies all allegations in the Complaint that have not otherwise been specifically admitted or denied herein. This general denial extends to any assertion contained within the headers of the Complaint to the extent that it constitutes an affirmative allegation.

PRELIMINARY STATEMENT

1. The allegations in Paragraph 1 constitute legal arguments and conclusions to which no response is required. Other allegations purport to characterize the Native Hawaiian Health Care Act (“Health Care Act”), 42 U.S.C. §§ 11701–11714, which speaks for itself and to which no response is required. To the extent a further response is required, any remaining allegations in Paragraph 1 are denied.

2. Papa Ola Lōkahi admits that Scholarship Program monies can be used to cover eligible tuition and living expenses and that recipients must commit to working in medically underserved areas of Hawai‘i for a minimum of two years. The remaining allegations in Paragraph 2 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the remaining allegations in Paragraph 2 are denied.

3. The allegations in Paragraph 3 constitute legal arguments and conclusions to

which no response is required. To the extent a response is required, the allegations in Paragraph 3 are denied.

4. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the first and second sentences of Paragraph 4 and therefore denies these allegations to the extent a response is required. The remaining allegations in Paragraph 4 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the remaining allegations in Paragraph 4 are denied.

5. The allegations in Paragraph 5 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 5 are denied.

JURISDICTION AND VENUE

6. The allegations in Paragraph 6 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 6 are denied.

7. The allegations in Paragraph 7 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 7 are denied.

8. The allegations in Paragraph 8 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 8 are denied.

PARTIES

9. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of Paragraph 9 and therefore denies these allegations to the extent a response is

required.

10. The allegations in Paragraph 10 related to Plaintiff's members' alleged standing constitute legal arguments and conclusions to which no response is required. To the extent a response is required, these allegations are denied. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the remainder of Paragraph 10 and therefore denies these allegations to the extent a response is required.

11. Papa Ola Lōkahi admits that the U.S. Department of Health and Human Services is an executive agency of the federal government whose role in the Scholarship Program is defined in the Health Care Act, 42 U.S.C. §§ 11701–11714. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of any remaining part of Paragraph 11 and therefore denies these allegations to the extent a response is required.

12. Papa Ola Lōkahi admits that Robert Francis Kennedy, Jr., is the Secretary of the U.S. Department of Health and Human Services whose role in the Scholarship Program is defined in the Health Care Act, 42 U.S.C. §§ 11701–11714. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of any remaining part of Paragraph 12 and therefore denies these allegations to the extent a response is required.

13. Papa Ola Lōkahi admits that the U.S. Health Resources and Services Administration (“HRSA”) is a federal agency. Papa Ola Lōkahi denies that HRSA administers the Program. HRSA and Papa Ola Lōkahi jointly administer the Scholarship Program as set forth in the Health Care Act, 42 U.S.C. §§ 11701–11714, pursuant to a cooperative agreement.

14. The allegation in Paragraph 14 is admitted.

BACKGROUND

15. Paragraph 15 purports to characterize the Health Care Act, 42 U.S.C. §§ 11701–

11714, which speaks for itself and to which no response is required. To the extent a response is required, Papa Ola Lōkahi denies that the program began in 1992. Papa Ola Lōkahi admits that in the Health Care Act, 42 U.S.C. §§ 11701–11714, passed in 1988 and as amended in 2002, Congress directs the Secretary for the U.S. Department of Health and Human Services to provide appropriated funds “through a direct grant or a cooperative agreement to Papa Ola Lokahi for the purpose of providing scholarship assistance to students” who meet all of the requirements set by Congress. 42 U.S.C. § 11709(a).

16. Papa Ola Lōkahi admits that more than 300 students have directly benefitted from the Scholarship Program. The remaining allegations in Paragraph 16 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, these allegations are denied. Other allegations purport to characterize the Health Care Act, 42 U.S.C. §§ 11701–11714, which speaks for itself and to which no response is required. To the extent a further response is required, any remaining allegations in Paragraph 16 are denied.

17. Paragraph 17 purports to characterize the Health Care Act, 42 U.S.C. §§ 11701–11714, which speaks for itself and to which no response is required. To the extent a response is required, Papa Ola Lōkahi admits that HRSA jointly administers the Scholarship Program with Papa Ola Lōkahi pursuant to a cooperative agreement. As part of that cooperative agreement, Papa Ola Lōkahi is responsible for making needs assessments, recruiting applicants, reviewing applications, interviewing eligible applicants, and collaborating with HRSA to select final applicants for participation in the Scholarship Program. *See* 42 U.S.C. § 11709.

18. Paragraph 18 purports to characterize the Health Care Act, 42 U.S.C. §§ 11701–11714, which speaks for itself and to which no response is required. To the extent a response is required, Papa Ola Lōkahi admits that it selects proposed Scholarship Program recipients, which

HRSA approves, and HRSA pays Scholarship Program funds directly to schools and students.

“It’s a collaboration that relies on trust and constant communication.” *Native Hawaiian Health Scholarship Program – How It Works*, Papa Ola Lōkahi (July 28, 2025),

<https://www.papaolalokahi.org/blog/native-hawaiian-health-scholarship-program-how-it-works> [hereinafter *How It Works*].

19. Papa Ola Lōkahi denies that Scholarship Program recipients currently receive “additional funds” for books, clinical supplies, and the like. Papa Ola Lōkahi admits the remaining allegations in Paragraph 19.

20. Papa Ola Lōkahi admits that Scholarship Program recipients are required to work full time in medically underserved areas in Hawai‘i for a minimum of two years. More than half of Scholarship Program recipients have chosen to continue working in medically underserved areas beyond the tenure of their service obligations. *See How It Works, supra* ¶ 18.

21. The allegations in Paragraph 21 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, these allegations are denied. Other allegations purport to characterize the Health Care Act, 42 U.S.C. §§ 11701–11714, which speaks for itself and to which no response is required. To the extent a further response is required, any remaining allegations in Paragraph 21 are denied.

22. The allegations in Paragraph 22 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, these allegations are denied. Other allegations purport to characterize the Health Care Act 42 U.S.C. §§ 11701–11714, which speaks for itself and to which no response is required. To the extent a further response is required, any remaining allegations in Paragraph 22 are denied.

23. The allegations in Paragraph 23 constitute legal arguments and conclusions to

which no response is required. To the extent a response is required, these allegations are denied. Other allegations purport to characterize the Health Care Act, 42 U.S.C. §§ 11701–11714, which speaks for itself and to which no response is required. To the extent a further response is required, any remaining allegations in Paragraph 23 are denied.

24. The allegations in Paragraph 24 are denied.

25. The allegations in Paragraph 25 are denied.

26. The allegations in Paragraph 26 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 26 are denied.

27. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 related to Plaintiff's members and therefore denies these allegations to the extent a response is required. The remainder of the allegations in Paragraph 27 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the remaining allegations in Paragraph 27 are denied.

28. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 and therefore denies these allegations to the extent a response is required.

29. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 and therefore denies these allegations to the extent a response is required.

30. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 and therefore denies these allegations to the extent a response is required.

31. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiff's alleged Member A in Paragraph 31 and therefore denies these allegations to the extent a response is required. The remainder of the allegations in Paragraph 31 constitute legal arguments and conclusions to which no response is required. To the extent a further response is required, the remaining allegations in Paragraph 31 are denied.

32. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 and therefore denies these allegations to the extent a response is required.

33. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33 and therefore denies these allegations to the extent a response is required.

34. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 and therefore denies these allegations to the extent a response is required.

35. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 and therefore denies these allegations to the extent a response is required.

36. Papa Ola Lōkahi is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and therefore denies these allegations to the extent a response is required.

CLAIM FOR RELIEF

37. Papa Ola Lōkahi incorporates by reference all previous paragraphs in this

Proposed Answer as if fully set forth herein.

38. The allegations in Paragraph 38 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 38 are denied.

39. The allegations in Paragraph 39 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 39 are denied.

40. The allegations in Paragraph 40 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 40 are denied.

41. The allegations in Paragraph 41 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 41 are denied.

42. The allegations in Paragraph 42 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 42 are denied.

43. The allegations in Paragraph 43 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 43 are denied.

44. The allegations in Paragraph 44 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 44 are denied.

45. The allegations in Paragraph 45 constitute legal arguments and conclusions to

which no response is required. To the extent a response is required, the allegations in Paragraph 45 are denied.

46. The allegations in Paragraph 46 constitute legal arguments and conclusions to which no response is required. To the extent a response is required, the allegations in Paragraph 46 are denied.

PRAYER FOR RELIEF

The allegations in the Plaintiff's Prayer for Relief constitute a request for relief for which no response is required. To the extent a response is required, Plaintiff's Prayer for Relief is denied.

AFFIRMATIVE DEFENSES

Papa Ola Lōkahi asserts the following affirmative defenses, without conceding that it has the burden of proof on any issue as to which applicable law places the burden of proof upon Plaintiff. Papa Ola Lōkahi reserves the right to amend or modify the following defenses or to raise additional defenses not asserted herein, of which Papa Ola Lōkahi may learn through discovery or other investigation in this matter or otherwise:

1. Plaintiff lacks standing to assert its claim; and
2. Plaintiff has failed to state a claim on which relief may be granted.

RESPECTFULLY SUBMITTED this 15th day of May, 2026.

/s/ Morgan E. Saunders

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**pro hac vice* application forthcoming

**D.D.C. admission pending

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