

EXHIBIT 8



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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

-----)
STATE OF WASHINGTON, et al.,) NO.2:25-cv-00244-LK
Plaintiffs,)
v.)
DONALD J. TRUMP, in his)
official capacity as President)
of the United States, et al.,)
Defendants.)
-----)

Washington, D.C.

Thursday, April 3, 2025

Deposition of MICHELLE G. BULLS, a witness
herein, was called for examination by counsel for
Plaintiffs in the above-entitled matter, pursuant to
notice, the witness being first duly sworn by
BESS A. AVERY, a Notary Public in and for the
District of Columbia, taken at the offices of B&A
Litigation Services, 1029 Vermont Avenue, N.W.,
Washington, D.C., commencing at 9:06 a.m., when
were present on behalf of the respective parties:

State of WA, et al. vs Trump, et al.
Bulls, Michelle - April 03, 2025

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Anna Jacobs, Esq. - HHS

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P R O C E E D I N G S

- - - - -

(Bulls Deposition Exhibit 1 was
premarked.)

Thereupon,

MICHELLE G. BULLS,
was called as a witness by counsel for Plaintiffs,
and, having been duly sworn by the Notary Public,
was examined and testified as follows:

EXAMINATION

BY MR. MCGINTY:

Q Could you state your name and spell your
last name for the record, please.

A Sure. Michelle Bulls, B-U-L-L-S.

Q Great. And have you ever been deposed
before?

A No.

Q Okay. So just in terms of ground rules,
we're here so that I can ask you some questions
about what you know about the case. I'll ask you
questions and you'll answer them unless you're
instructed by counsel not to do so.

Is that fair?

A That's fair.

Q Okay. It's important we make a clear

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1 record, so please wait for me to ask my question and
2 I'll wait for you to answer. Is that fair?

3 **A That's fair.**

4 Q If you don't understand a question, will
5 you tell me?

6 **A Yes.**

7 Q Great. And if you answer a question, I'm
8 going to assume that you understood it.

9 Is that fair?

10 **A That is fair.**

11 Q This isn't an endurance test. If you need
12 to take a break for any reason, let me know. I'll
13 try to accommodate you as soon as I can. I just ask
14 that you answer any question that's pending before
15 we take a break. Is that fair?

16 **A That's fair.**

17 Q Okay. Now, do you understand that you are
18 testifying under oath today?

19 **A Yes.**

20 Q And what's your understanding of
21 testifying under oath?

22 **A That I need to tell the truth.**

23 Q Okay. And why is it important that you
24 tell the truth when you're under oath?

25 **A Because you need to understand the facts**

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1 **as I know them and they need to be true.**

2 Q Okay. And you agree that you're going to
3 tell the truth today?

4 **A I do.**

5 Q Okay. Is there any reason that you can't
6 answer my questions truthfully today?

7 **A No.**

8 Q Okay. Has anyone told you not to tell the
9 truth at this deposition?

10 **A No.**

11 Q Okay. Has anyone threatened you or told
12 you that bad things would happen if you told the
13 truth?

14 **A No.**

15 Q Has anyone told you that good things would
16 happen if you didn't tell the truth?

17 **A No.**

18 Q Okay. How did you prepare for this
19 deposition?

20 **A I read through e-mails and just**
21 **familiarized myself and spoke with counsel.**

22 Q What e-mails did you read through?

23 **A E-mails that I received.**

24 Q Okay. And who did you receive those
25 e-mails from?

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1 **A E-mails from my supervisor.**

2 Q Okay. Who is your supervisor?

3 **A My supervisor was Liza Bundesen.**

4 Q Bundesen?

5 **A Mm-hmm.**

6 Q Is that the only person who sent you
7 e-mails that you reviewed?

8 **A Yes.**

9 Q Okay. Did you review any e-mails that
10 you've sent?

11 **A Yes.**

12 Q Okay. What e-mails that you sent did you
13 review?

14 **A I reviewed e-mails that I sent to Chief**
15 **Grants Management Officers.**

16 Q Okay. And, just, could you tell me what a
17 Chief Grants Management Officer is?

18 **A It's an officer that is in the Funding**
19 **Institutes and Centers that is authorized to make**
20 **NIH awards on behalf of NIH and HHS.**

21 Q Okay. And when you sent those e-mails,
22 would they have been sent to all the Chief Grants
23 Management Officers or just to some of them?

24 **A Some of the e-mails were sent to all of**
25 **them.**

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1 Q And some of them were sent to less than
2 all of them?

3 A Correct.

4 Q Okay. And so for those that were sent to
5 less than all of them, who were those sent to?

6 A The -- I don't recall the institutes that
7 they were sent to, I apologize.

8 Q Do you recall the people?

9 A I recall one person.

10 Q Okay. Who is that?

11 A Maggie Young.

12 Q Maggie Young?

13 A Mm-hmm.

14 Q And Maggie Young is the Chief Grants
15 Management Officer for?

16 A The Child Health Institute.

17 Q Okay. Is that NICHD?

18 A Correct.

19 Q Okay. So you reviewed e-mails from your
20 supervisor, Liza Bundesen. You reviewed e-mails
21 that you sent to Chief Grants Management Officers.

22 Did you review any other documents?

23 A In e-mail form? Yes, I did.

24 Q Okay. What other -- so you reviewed other
25 documents in e-mail form? Is that what you just

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1 said?

2 **A Yes, I was trying to -- when you said,**
3 **"other documents," I was trying to understand what**
4 **you meant.**

5 Q Sure. No, that's fair.

6 So what other documents in e-mail form did
7 you review?

8 **A I reviewed the -- I don't know what it's**
9 **called, where you -- where I'm supposed to come and**
10 **provide documentation, or provide documentation for**
11 **the -- this session.**

12 Q Sure. No, that's fair. Okay.

13 **A For this deposition.**

14 Q I'll go ahead and hand you what has been
15 marked Exhibit 1.

16 (Bulls Deposition Exhibit 1 was introduced
17 into the record.)

18 MR. MCGINTY: Give a copy to counsel.

19 (Document tendered to Ms. Andrapalliyal)

20 BY MR. MCGINTY:

21 Q Is this the document that you were just
22 referring to?

23 **A Yes.**

24 Q Okay. And just for the record, this is
25 the Subpoena Duces Tecum that was served upon you

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1 for today's testimony and a production of documents,
2 right?

3 **A Correct.**

4 Q Okay.

5 MS. ANDRAPALLIYAL: I just want to, sorry,
6 state for the record we do have a standing objection
7 to the testimony here today. This Subpoena Notice
8 and Deposition Notice were served in accordance with
9 expedited discovery that the Court ordered in
10 connection with its order denying the Court's motion
11 for -- or, the Plaintiff's Motion for Contempt. And
12 that motion concerns a grant that NIH terminated.

13 That grant has been since reinstated, and
14 so it's our position that those discovery
15 requests -- and I say discovery in general -- has
16 been mooted. That being said, we understood that
17 this deposition is moving forward today, but we just
18 wanted to make that objection for the record.

19 MR. MCGINTY: Okay. I won't respond to
20 that right now, but if we need to follow up, we
21 will.

22 BY MR. MCGINTY:

23 Q Okay. So you said that you reviewed other
24 documents in e-mail form. And when you answered
25 that question as to what documents in e-mail form

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1 you reviewed, I think you said this Subpoena that I
2 just put in front of you marked as Exhibit 1.

3 Is that right?

4 **A That's right.**

5 Q Okay. I'm going to get to the Subpoena in
6 a little bit, but are there any other documents,
7 other than the ones you've talked about, e-mails
8 from your supervisor, e-mails that you sent, this
9 Subpoena document, any other documents that you
10 reviewed in preparation for today's deposition?

11 **A No other documents.**

12 Q Okay. And did you talk to anybody in
13 preparation for today's deposition?

14 **A Yes.**

15 Q Okay. Who did you talk to?

16 **A I spoke with the Office of General Counsel**
17 **and DOJ.**

18 Q Okay. And did you talk to anybody else?

19 **A My husband.**

20 Q Okay. What did you tell your husband?

21 **A I need you to take me.**

22 Q Okay. Anything else?

23 **A No.**

24 Q Okay. You didn't talk to anybody else
25 about today's deposition?

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1 **A The counsel.**

2 Q Oh, yeah, yeah. What I meant is, you
3 talked to DOJ, you talked to OGC, Office of General
4 Counsel?

5 **A Yes.**

6 Q And you talked to your husband?

7 **A I talked to my husband. And I alerted my**
8 **supervisor, my current supervisor, that I had to**
9 **come to the deposition.**

10 Q Okay. And who is that?

11 **A Jon Lorsch.**

12 Q Jon Lorsch? Can you spell that for me.

13 **A L-O-R-S-C-H.**

14 Q Okay. And did you talk substantively
15 about what your testimony might be today?

16 **A No.**

17 Q Okay. Did he ask any questions?

18 **A No.**

19 Q Okay. Let's turn to the Subpoena that's
20 been marked as Exhibit 1. So you got a copy of
21 this?

22 **A Yes.**

23 Q Okay. And when did you get a copy?

24 **A I'm not sure.**

25 Q All right. If you could turn to page 5 of

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1 Exhibit 1, there's a numbered list titled, "Requests
2 for Production." Do you see that?

3 **A Yes.**

4 Q Did you review that before today?

5 **A Yes.**

6 Q Okay. And what efforts did you make to
7 collect the documents that were asked for here?

8 **A I went through my e-mails and tried to
9 find anything that I could provide.**

10 Q Okay. And did you find e-mails that would
11 match the descriptions in this list?

12 MS. ANDRAPALLIYAL: Objection, calls for a
13 legal conclusion.

14 BY MR. MCGINTY:

15 Q You can answer.

16 (Witness reviews document)

17 **THE WITNESS: Yes.**

18 BY MR. MCGINTY:

19 Q Okay. What e-mails were those?

20 **A The e-mail that I sent to -- oh. Well,
21 the e-mails that I received related to the
22 termination.**

23 Q Mm-hmm.

24 **A The e-mails that I sent to the Chief
25 Grants Management Officers related to the**

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1 **termination, the letter of termination, and a**
2 **response -- responses to requests for me to make the**
3 **termination.**

4 Q Okay. When you say, "the termination,"
5 you're talking about termination of a grant where
6 Dr. Kym Ahrens was the principal supervisor at
7 Seattle Children's Hospital. Is that what you're
8 talking about?

9 A I'm talking about that includes, yes, the
10 grant.

11 Q Okay. And anything else?

12 A I don't recall.

13 Q Okay. Did you only look for e-mails, or
14 did you look for any other kinds of documents?

15 A E-mails.

16 Q Only e-mails?

17 A (Nodding head)

18 Q Okay. Is that because no other documents
19 exist or because you didn't look?

20 A The e-mails had other documents attached.

21 Q Okay. So let's just go through, I guess.
22 Let's start with Number 1. This request calls for
23 all drafts in your possession, custody, or control
24 of the following documents included as an exhibit to
25 the declaration of Kym Ahrens and William McGinty.

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1 Did you get copies of those documents so
2 you could verify that you had -- to see if you had
3 other copies of those versions of documents?

4 **A No.**

5 Q You didn't get copies of those?

6 **A I don't recall.**

7 Q Okay. So Number 2 asks for all drafts in
8 your possession, custody, or control of the document
9 titled "Staff Guidance - Award Assessments for
10 Alignment with Agency Priorities - March 2025."

11 Do you know what document that's talking
12 about, Staff Guidance - Award Assessments for
13 Alignment with Agency Priorities?

14 **A Yes.**

15 Q Okay. And do you have a copy of that?

16 **A Yes.**

17 Q Okay. And did you give that to counsel?

18 **A Yes.**

19 Q Okay. How many versions of that exist?

20 **A At the time I gave it to counsel or today?**

21 Q Today.

22 **A Probably two or three.**

23 Q Two or three versions of that exist?

24 **A Maybe -- yeah, I'll say three.**

25 Q Three? Three that exist.

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1 And how many versions existed when you
2 gave it to counsel?

3 MS. ANDRAPALLIYAL: Objection. That's
4 privileged information.

5 I'm going to instruct you not to answer.
6 BY MR. MCGINTY:

7 Q Okay. When is the most recent version of
8 that document dated?

9 MS. ANDRAPALLIYAL: Objection. To the
10 extent it's calling for draft information,
11 privileged, I'm going to instruct you not to answer.

12 MR. MCGINTY: She just testified that
13 there's three versions of the document. She
14 testified there's three versions of the document.

15 BY MR. MCGINTY:

16 Q Are any of those -- were any of those used
17 to implement NIH policy?

18 A They were used to provide guidance. And
19 there's the one document, that was used to provide
20 guidance. The rest of them have been draft versions
21 trying to update the guidance, so.

22 Q Okay. Were they distributed to NIH staff?

23 MS. ANDRAPALLIYAL: Objection. To the
24 extent we're talking about drafts, I'm going to
25 instruct you not to answer on privileged grounds.

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1 MR. MCGINTY: The question doesn't call
2 for the content of any document. You substantiate
3 your objection on privilege?

4 MS. ANDRAPALLIYAL: Well, the deliberative
5 process privilege doesn't just cover the contents of
6 the document, but it covers the communications that
7 go into the deliberative process. And so timing and
8 who received what, that's part of the process that
9 should be protected.

10 BY MR. MCGINTY:

11 Q So it's your testimony today that only one
12 version of that document was ever used by NIH staff
13 for purposes of implementing NIH policy?

14 A I don't know if they used it. It was
15 provided to them to provide guidance to them on how
16 to implement or assess their portfolios. So --

17 Q Okay.

18 A -- I don't know.

19 Q It was given to them so that they could
20 assess their portfolios in conformance with the
21 guidance?

22 A Yes.

23 Q So it was used by them to assess their
24 portfolios. Is that right?

25 A That is correct.

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Q Okay.

MR. MCGINTY: Do you maintain your
privilege objection, Counsel?

MS. ANDRAPALLIYAL: I maintain the
privilege objection as to drafts. I don't maintain
it as to the final version.

MR. MCGINTY: Okay.

BY MR. MCGINTY:

Q How many versions of that document were
used to, for staff to assess their portfolios?

A Can you repeat that question.

Q Yeah. I guess I'm trying to understand is
how many versions of that document were actually
used for the purposes of NIH doing its work,
including assessment of portfolios? Was it all
three, was it only two, was it only one?

**A So they only received instructions to use
the first version. The second and third versions
are versions that we worked on together as they had
questions and I answered them through the Staff
Guidance.**

Q Okay. But did they use those versions to
assess their portfolios?

**A I don't know if they used those versions
to assess their portfolios.**

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1 Q Okay. Were they instructed to?

2 A They were instructed to -- they were
3 instructed to use the Staff Guidance to assist them
4 in addressing, because they had questions, to assist
5 them in addressing their questions and concerns. So
6 if that is considered.

7 Q If that is considered?

8 A If that's considered giving, telling them,
9 or using it as Staff Guidance to assess their
10 portfolio, then yes.

11 Q Okay. So, and how many -- so it sounds
12 like, if I'm understanding this right, and tell me
13 if I'm wrong, it sounds like there was a version of
14 the document that was sent out to staff, they were
15 instructed to use this to assess their portfolios,
16 if they had questions, the document changed in
17 response to their questions. They continued to use
18 the updated version to assess their portfolios.

19 Am I right so far?

20 A They were uncomfortable with using all of
21 the new, you know, the additional pieces because we
22 were still awaiting additional guidance. So they
23 had questions about the original, we addressed those
24 questions. And staff were still a little hesitant
25 about using -- some staff were hesitant about using

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1 it, but they wanted to have it so that when they
2 were able to use it, they could.

3 Q Okay. So some staff were using it and
4 some staff didn't want to. Am I understanding that
5 right?

6 A Yes.

7 Q Okay. And right now we're talking about
8 the second version?

9 A Yes.

10 Q Okay. And then there were continued
11 questions about this, and so you got more questions
12 about it, and a third version was created. Is that
13 right?

14 A Yes, yes.

15 Q Okay. And this third version, was that
16 used by staff to assess their portfolios?

17 A I don't know.

18 Q You don't know. Okay. Why not?

19 A Because we were still -- they were still
20 waiting for me to issue the final guidance.

21 Q And that has yet to be done?

22 A And that has yet to be done.

23 Q Okay. So the first one has been used to
24 assess portfolios. The second one was used by some
25 people to assess portfolios. The third one you

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1 don't know. And there's a final that's forthcoming?

2 **A Yes. It's been an evolving document. And**
3 **so, like I said, some of them were -- some of the IC**
4 **staff were comfortable in using the document, some**
5 **of the staff were, decided that they were going to**
6 **stop and wait for the final document. So it's been**
7 **a bit of back and forth.**

8 Q Okay. And "IC," Institute/Centers?

9 **A Institutes and Centers.**

10 Q Thank you.

11 **A You're welcome.**

12 Q Let's see. And then item Number 3 asks
13 for all communications made to or by you related to
14 documents identified in Requests for Production 1
15 and 2.

16 It sounds like there was lots of
17 communications to and by you about all of these
18 documents. Is that right?

19 **A Yes.**

20 Q Okay. And did you collect all of those
21 communications?

22 **A I believe I did.**

23 Q Okay. And you gave them to counsel?

24 **A I believe I did.**

25 Q Okay. Let's see. And then all documents

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1 in your possession, custody, or control, including
2 communications made to or by you, related to
3 termination of NIH Grant No. -- and then there's a
4 grant number there -- 5R21HD107311. That's the
5 document we were just talking about with Kym Ahrens
6 as the principal investigator. Is that right?

7 **A I do recognize the grant number, yes.**

8 Q Okay. And it sounds like there's all
9 kinds of documents that would be responsive to that
10 one, too?

11 **A Correct.**

12 Q Okay. And you gave those to counsel?

13 **A I --**

14 MS. ANDRAPALLIYAL: Objection. Just a
15 standing objection here to the extent that we're
16 going through all these requests that are calling
17 for a legal conclusion where you're asking her
18 whether she has collected all of the documents
19 responsive to these requests.

20 MR. MCGINTY: Are you instructing the
21 witness not to answer?

22 MS. ANDRAPALLIYAL: No.

23 BY MR. MCGINTY:

24 Q Could you repeat your last answer for me.

25 **A Can you repeat the question.**

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1 Q Yes. I think I just asked you if you gave
2 them to counsel.

3 A I believe so.

4 Q Okay. So next one asks for all documents
5 in your possession, custody, or control related to
6 NIH's claims that research programs based on gender
7 identity are often unscientific, have little
8 identifiable return on investment, and do nothing to
9 enhance the health of many Americans. Many such
10 studies ignore, rather than seriously examine,
11 biological realities.

12 Did you look for documents related to that
13 request?

14 A Yes.

15 Q Did you find any?

16 A It was in the termination letter. That
17 was the language in the termination letter that was
18 provided to me.

19 Q Okay. Anything else?

20 A No.

21 Q Okay. Number 6 asks for all documents in
22 your possession, custody, or control related to
23 NIH's claim that it is the policy of NIH not to
24 prioritize these research programs. Do you see
25 that?

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1 **A Yes.**

2 Q And did you search for documents like
3 that?

4 **A I provided the documents that likely had**
5 **this in it, but I was not searching for this**
6 **specific document, if that makes sense.**

7 Q Okay. You were looking for documents that
8 had that quoted language?

9 **A Not the quoted language. I looked for**
10 **documents that surrounded the termination, and if**
11 **the termination was based on this, it had that in**
12 **it. I wasn't looking specifically for this, if that**
13 **makes sense. I gave what I had and what I received,**
14 **and I -- that's what I gave.**

15 Q Okay. I guess my question is:
16 What this is asking for is documents
17 that's related to the claim that it is the policy of
18 NIH not to prioritize these research programs, so
19 did you look for any documents about NIH policy?

20 **A No, I looked for documents related to the**
21 **termination.**

22 Q Okay. Did you look for any documents
23 related to the policy that animated the termination?

24 **A No, I looked for the documents, the letter**
25 **that terminated the grant.**

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1 Q Okay. Thank you.

2 So moving on to Number 7. This one asks
3 for all documents in your possession, custody, or
4 control related to NIH's claims that this award
5 related to transgender issue no longer
6 effectuates agency priorities.

7 So did you look for any documents about
8 NIH priorities in response to this question?

9 A I looked for the termination documents
10 that may have included that language, but I did not
11 look for that language.

12 Q Okay. You didn't look for any documents
13 about whether or not it is the policy, or, excuse
14 me, the priority of NIH to fund studies and research
15 related to transgender issues?

16 A No, I provided the documents that was
17 provided to me that may have included that. I did
18 not search for that.

19 Q Okay. The next one asks for all documents
20 in your possession, custody, or control that include
21 descriptions of policies, procedures, or guidance
22 regarding termination of NIH grants dated between
23 January 20, 2025 and March 6, 2025. Do you see
24 that?

25 A Mm-hmm.

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1 Q Did you look for those kinds of documents?

2 A Yes, I provided all of the documents that,
3 regarding the termination.

4 Q Okay. And would this have included the
5 document that we were just talking about a minute
6 ago, the Staff Guidance Award Assessments? Would it
7 have included that one?

8 A Yes.

9 Q Okay. Are there any other documents about
10 agency priorities or policies that are dated in that
11 range having to do with grant termination?

12 A No, not that I recall.

13 Q Okay. The next one asks for all documents
14 in your possession, custody, or control including
15 communications, policy statements, or guidance
16 documents related to or referencing two Executive
17 Orders. Do you see that there?

18 A Yes.

19 Q And did you search for those documents?

20 A I provided the documents that led up to
21 the termination. That's all I provided.

22 Q Okay. In response to this request
23 specifically?

24 A In response to the request for me to
25 provide all documentation that led up to, all the

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1 way through the termination. That's what I
2 provided.

3 Q Okay. How about documents that relate to
4 or reference these two Executive Orders, did you
5 search for that?

6 A If it was a part of the termination
7 package communication, I did provide it. But I
8 don't know that I searched for the Executive -- like
9 I didn't provide the Executive Order, I don't
10 believe.

11 Q Okay. So you searched for documents that
12 would have related to the termination we've been
13 talking about, but not necessarily anything else?

14 A Correct.

15 Q Okay. Did you search for any documents or
16 any communications between you and any person
17 affiliated with the Department of Government
18 Efficiency?

19 A I provided all the e-mails, all of the
20 communications, and if that was a part of it, that
21 is part of that package. I didn't look for any
22 communications with Department of Government
23 Efficiency.

24 Q Okay. Were there such communications?

25 A There was no communication between, that I

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1 can, that I know of, directly between me and anyone
2 in the Department of Government Efficiency. They
3 may have been copied on the e-mail, but not with me.

4 Q Okay. Sitting here today, can you
5 recollect any e-mails that they were copied on?

6 A Yes, one.

7 Q Okay. Can you describe that e-mail for
8 me?

9 A I believe that was the e-mail that
10 included a list of grants to be terminated.

11 Q Okay. So you got an e-mail. Was it from
12 someone at the Department of Government Efficiency?

13 A No.

14 Q No. They were copied on one. Who was
15 sending that e-mail?

16 A The e-mail that I received was from,
17 between me and my supervisor, and there was a string
18 below it. So I wasn't directly on the e-mail with
19 that individual, it was forwarded to me with a list
20 of the terminations.

21 Q I see. And who was your supervisor at the
22 time?

23 A Liza Bundesen.

24 Q That was Liza Bundesen?

25 A Yeah.

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1 Q And she was given a list of terminations?

2 A **Correct.**

3 Q And that list came from someone at the
4 Department of Government Efficiency?

5 A **That list came from Rachel Riley.**

6 Q Okay.

7 A **And her address was from HHS Office of the**
8 **Secretary.**

9 Q Thank you. And the Department of
10 Government Efficiency was -- how were they involved
11 in that e-mail?

12 A **Copied.**

13 Q They were cc'd?

14 A **I believe.**

15 Q Okay. So Rachel Riley at HHS sent it to
16 Liza Bundesen, who sent it to you. Is that right?

17 A **Yes.**

18 Q Okay. Can you remember anybody else who
19 was included on that e-mail?

20 A **Not that particular e-mail. Because one**
21 **of the e-mails came from Dr. Memoli, so those were**
22 **two separate strings, but both termination e-mails.**

23 Q Oh, okay. So there's another set of
24 terminations. Am I understanding that right?

25 A **It was the same -- yes, yes.**

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1 Q Okay. And that one came from Dr. Memoli?

2 A Yes.

3 Q But that was -- did it come from the same
4 person at HHS?

5 A Yes, it came from the same person at HHS
6 to Dr. Memoli that was forwarded to Liza.

7 Q I see. And who is the person in the
8 Department of Government Efficiency who was copied?

9 A I believe his name was Brad.

10 Q Brad. Don't remember the last name?

11 A I don't.

12 Q Okay, fine. Okay.

13 So it sounds like there's at least two
14 e-mails that copied someone at the Department of
15 Government Efficiency. One was forwarded to you by
16 Dr. Bundesen, one was forwarded to you by
17 Dr. Memoli. Are there any others?

18 A Dr. Memoli didn't forward the e-mail
19 directly to me.

20 Q Oh.

21 A He forwarded it to Liza Bundesen, who
22 forwarded it to me.

23 Q I see. Thank you for that clarification.

24 A You are welcome.

25 Q Are there any others?

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1 **A No.**

2 Q Okay. Just the two?

3 **A (Nodding head)**

4 Q Okay.

5 **A Yes.**

6 Q Thank you so much. I did not ask you to
7 verbally answer the questions, and I should have
8 done so, so thank you so much for remembering to do
9 that.

10 **A You're welcome.**

11 Q We also asked for a copy of your CV and
12 your resume. Did you give that to counsel?

13 **A Yes.**

14 MR. MCGINTY: Counsel, do you have any of
15 those documents to provide today?

16 MS. ANDRAPALLIYAL: Yes. I believe we've
17 provided you a copy of Ms. Bulls' CV.

18 (Document tendered to Mr. McGinty)

19 MR. MCGINTY: Thank you. Okay. Let's go
20 ahead and mark this Exhibit 2.

21 (Bulls Deposition Exhibit 2 was marked for
22 identification.)

23 MR. MCGINTY: Counsel, would it be
24 possible to get a second copy of this?

25 MR. BOMBARD: For the witness?

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1 MR. MCGINTY: I was going to hand the
2 witness the marked copy, and I would like to be able
3 to follow along, if possible.

4 MR. BOMBARD: Oh.

5 (Document tendered to Mr. McGinty)

6 MR. MCGINTY: Thank you.

7 BY MR. MCGINTY:

8 Q Okay. I just handed you what has been
9 marked as Exhibit 2. Do you recognize this
10 document?

11 A Yes.

12 Q And what is it?

13 A My resume.

14 Q Okay. Feel free to reference this. I'm
15 just going to ask you to go through your job
16 experience and education history since the time you
17 were 18, if that's possible. And to the extent you
18 want to reference what's on the CV and point things
19 out to me, I'd appreciate it.

20 A Starting forward or backward?

21 Q Starting forward, please. Let's start,
22 let's go chronological order from the time you were
23 18.

24 A From the time I was 18, graduated, some
25 community college, cosmetology school, cosmetology

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1 license. Joined the government in a Pathways
2 Program. Worked in the government from, I guess,
3 1989 -- I can't recall, but maybe, yeah -- 1989
4 through now.

5 I worked through Grants Management Clerk,
6 Grants Management Specialist, Grants Management,
7 Officer at NIH. Went into Policy within the Office
8 of Policy for Extramural Research Administration as
9 an analyst. Left NIH and went to the Indian Health
10 Service to head up their policy office.

11 Left the Indian Health Service to go to
12 HHS Office of Grants to head up the policy office
13 for HHS. And came back to NIH as the Deputy
14 Director of the Office of Policy for Extramural
15 Research Administration, and then ultimately was
16 appointed as the Director.

17 Q Okay. So you started -- if I understand
18 you correctly, you started with the government
19 through a Pathways Program in 1989. And then you
20 became a Grant Management Clerk in NIH; is that
21 right?

22 A In the National Heart, Lung, and Blood
23 Institute.

24 Q Okay. And when was that?

25 A I don't recall.

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1 Q Okay. Sometime early '90s?

2 A Yes, around -- well, I started as a Grants
3 Clerk --

4 Q Oh, I see.

5 A -- at '89.

6 Q So that would be the '89. Okay. And then
7 you became a Specialist?

8 A A Grants Management Specialist.

9 Q Grants Management Specialist.
10 Approximately when?

11 A Early '90s.

12 Q Early '90s. And then Grants Management
13 Officer sometime --

14 A Mid '90s.

15 Q Mid '90s sometime?

16 A Late '90s, yes.

17 Q Okay. And then you started as a Policy
18 Analyst in OPERA?

19 A Correct.

20 Q What were your job duties when you were
21 the Policy Analyst in OPERA?

22 A I worked in the Division of Grants Policy
23 representing NIH on federal-wide working groups for
24 Grants Administration. I worked on the Grants
25 Policy Statement, the NIH Grants Policy Statement.

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1 Reviewed and analyzed policies and the regulations
2 and provided guidance to the Institutes and Centers.

3 Q And approximately when was this that you
4 were an OPERA Policy Analyst?

5 A 2001 to, like, 2004 or '5.

6 Q Okay. And then approximately then you
7 moved to, you said, the Indian Health Service?

8 A Correct.

9 Q And you were -- you said you headed up
10 their Grants Office. Did I understand that right?

11 A Their grants policy functions.

12 Q So what were you doing there?

13 A Implementing, helping to identify policies
14 under HHS that directly conflicted with the
15 Indian -- I don't even know. I'm -- Title 25 where,
16 you know, it was the Indian Determination,
17 Self-Determination Act identified how to implement
18 grant administration functions within the department
19 that would not disrupt the tribal programs, provided
20 technical assistance on how to maintain compliance
21 to the tribes with grant regulations and grant
22 policies.

23 Represented Indian Health Service through
24 the department on working with, you know, the Tribal
25 Affairs Office, just trying to make sure that we

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1 **acknowledged the rights of the tribes and making**
2 **certain that we provided clear and concise tribal**
3 **consultation guidance and that kind of thing.**

4 Q Okay. And how long were you there?

5 A **I was there for five years maybe?**

6 Q Okay. And then you moved to the HHS
7 Office of Grants Policy. Did I understand that
8 right?

9 A **Yes. The HHS Office of Grants, and I was**
10 **in the -- I was the director for the Policy**
11 **Division.**

12 Q Okay. And so if I'm tracking right, we're
13 off to the mid 2000s now?

14 A **I don't know where we are.**

15 (Whereupon, laughter)

16 BY MR. MCGINTY:

17 Q Well, when did you move to the HHS Office
18 of Grants Policy from the Indian Health Service?

19 A **I moved there, I want to say, 2009.**

20 Q 2009. Okay. And what were you doing when
21 you moved to the HHS Office of Grants Policy?

22 A **Providing grants administration guidance**
23 **for all of the departments under HHS.**

24 Q Okay. That's a lot of departments.

25 A **Yes, Ops is, yeah, Operations Division.**

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1 Q So what would that entail?

2 A Meeting with the operating divisions,
3 talking to them about, you know, they had questions
4 about various grants, HHS policy --
5 departmental-wide policies. And I would answer the
6 questions, help them implement the policies, have
7 meetings to go over guidance.

8 Q Okay. And you started there around 2009.
9 How long were you there?

10 A Probably about two and a half, almost
11 three years.

12 Q Two and a half years. And then you became
13 the -- did I understand, from there you became the
14 Deputy Director of OPERA Grants Management. Is that
15 right, or am I saying that wrong?

16 A OPERA. No, just OPERA.

17 Q OPERA. Just OPERA. Okay. Great.
18 So Deputy Director of OPERA around 2011?

19 A Yes.

20 Q Okay. And when were you appointed the
21 Director?

22 A I believe it was 2012.

23 Q 2012. Okay. So let's talk about your
24 role as the Director of OPERA. What are your duties
25 in that role?

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1 A To provide -- so I have Compliance --
2 no -- oversee Compliance for NIH policies. Oversee
3 the grants administration functions. Provide
4 oversight to the Institutes and Centers on grants
5 administration. Oversee the Federal Financial
6 Reporting Center where all of the financials are
7 submitted and analyzed.

8 And I oversee all of the closeout
9 functions for, administrative and financial, for
10 NIH. Administrative compliance, foreign
11 interference, and research misconduct compliance and
12 that kind of thing.

13 Q Okay. When you say "oversee," what does
14 that mean?

15 A Provide oversight, like, provide the
16 HHS-wide central level direction and then provide
17 that to the Institutes and Centers for them to
18 implement within their Institutes and Centers, and
19 provide them guidance as needed on implementation.
20 Help them with compliance functions when there's
21 noncompliance.

22 Work with them on different administrative
23 matters that come up either through the
24 administrative business effects of the grants when
25 recipients are noncompliant, or help them develop

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1 corrective action plans for recipients when they're
2 not compliant. And, also, oversee how they are
3 implementing, "they" meaning the Institutions and
4 Centers are implementing our guidance, going and
5 looking at their compliance -- using a compliance
6 model to test to see whether or not they're, you
7 know, following the guidance that we provide, and
8 when they don't, providing them with updates on how
9 they need to manage. Meeting with them on a
10 consistent basis twice a month to discuss policy and
11 compliance issues and to obtain guidance from them
12 on better ways that we can manage NIH grants.

13 Q Okay. So you meet with -- who do you meet
14 with twice a month?

15 A I meet with the Institutes and Centers,
16 the -- so I service the Agency Chief Grants
17 Management Officer. And then we have the Institutes
18 and Centers Chief Grants Management Officers that
19 actually issue the awards and oversee the fiscal
20 management of the awards.

21 Q Okay. And so it's the two times meeting
22 with the Chief Grant Management Officers. Is that
23 right?

24 A Twice, twice a month.

25 Q Twice a month. And you talk about,

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1 basically, all of the things that you just went
2 over?

3 **A Correct.**

4 **Q** Okay. And in issuing the guidance that
5 you just talked about, when you issue that guidance,
6 is that different or the same as the Staff Guidance
7 that we were just talking about a minute ago on
8 Exhibit 1?

9 **A** It's the same in that we communicate about
10 the guidance and they get to ask questions. It's
11 different because typically we talk about things
12 that we all are working on, and in the grants
13 management arena, and not this kind of thing. So,
14 yes, the guidance is provided, we talk about it, so
15 that's is the same.

16 **Q** Okay. And it's different insofar as --
17 how is it different? I guess I didn't quite
18 understand.

19 **A** It's different because we're typically
20 clear on what we are supposed to be doing with
21 grants administration. And then this particular
22 situation we were just talking about, you know, how
23 do we manage, how do we identify categories and make
24 sure that we are very clear in providing that, those
25 next steps. We want everyone to do things

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1 consistently.

2 And sometimes with other guidance,
3 institutes have different practices and procedures.
4 So we give the guidance and allow them to go on and
5 do what they do within their individual ICs as long
6 as it matches their processes. In this, it was a
7 very intentional discussion of we all should do it
8 the same way.

9 Q And when you say, "in this," you mean the
10 Staff Guidance --

11 A The Staff Guidance, correct.

12 Q -- that we were talking about on Exhibit
13 1?

14 A Yes.

15 Q Okay. One of the divisions within OPERA
16 is the Division of Grants Policy. Is that right?

17 A Correct.

18 Q What's that division, what does that do?

19 A Implements the NIH Grants Policy
20 Statement, implements the Grants Administration
21 Manuals, answer policy questions, work with programs
22 to make sure that the program policies are enter --
23 that the Grants Administration regulations govern
24 the program policies.

25 Q Okay. And if I understood your previous

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1 description, you were a policy analyst. Were you in
2 the Division of Grants Policy?

3 **A I was.**

4 Q Okay. And with your current role, what's
5 your role to that division?

6 **A I supervise the division Director.**

7 Q Okay. What's your role with respect to
8 grant termination, just generally speaking?

9 **A I, generally speaking, with noncompliance**
10 **I work with the Institutes and Centers to help them**
11 **determine how to develop corrective actions and help**
12 **gain compliance with the recipient. I -- and then**
13 **for other areas, I work with the institutes to**
14 **complete bilateral terminations, but I don't**
15 **terminate, typically.**

16 Q So you're saying there's two kinds of
17 terminations. Generally speaking, there's a
18 noncompliance termination, there's a bilateral
19 termination?

20 **A Correct.**

21 Q Could you describe the difference between
22 those two?

23 **A Yes. A bilateral termination is when we**
24 **work with the recipient and realize that it's in the**
25 **best interest for the project to be terminated**

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1 because we can't come -- can't identify a new
2 principal investigator or whatever the case may be.
3 That's just one example.

4 And noncompliance terminations, though
5 there have -- they are where the recipient is
6 unilateral, right, that we, NIH, cannot identify or
7 cannot come up with a corrective action plan to help
8 move the project along, and so the decision of the
9 agency would be to terminate.

10 Q Are you generally involved in
11 noncompliance terminations?

12 A I'm generally involved in noncompliance
13 discussions, yes.

14 Q So if a noncompliance termination were to
15 happen, you would probably know about it?

16 A Correct.

17 Q Okay. Prior to when President Trump was
18 inaugurated, in the time that you were Deputy
19 Director or Director at OPERA, how many noncompliant
20 terminations were there?

21 A So deputy director, I don't recall. As
22 the director, maybe one or two. It doesn't happen
23 often.

24 Q Okay. And, help me. I think you've been
25 director for quite a while. I think you said since

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1 2011. Did I get that right?

2 **A 2012.**

3 Q 2012. So since 2012, there's been one or
4 two noncompliance terminations until about
5 January 20th, 2025. Is that right?

6 **A Yeah. And it's probably more than one,**
7 **for sure, and less than a handful. So I don't**
8 **recall, so I apologize, but I just know that that's**
9 **not what we normally do. And, yes, the answer to**
10 **the question is whether -- actually --**

11 Q What were you going to say?

12 **A No, I need you to repeat the question**
13 **again, because I want to make sure I don't restate**
14 **it incorrectly.**

15 Q Sure. No, that's fair, that's fair.

16 My question was just between when you were
17 appointed director in 2012 until January 20, 2025,
18 there's been, I think you clarified, more than one
19 but less than ten noncompliance terminations. I
20 think that's what your testimony was.

21 **A My testimony was it doesn't happen often,**
22 **more than one and probably less than five.**

23 Q More than one, less than five. Okay.

24 And since January 20, 2025, to the present
25 date, how many noncompliance terminations have there

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1 been?

2 **A Zero.**

3 Q Oh, okay. None at all. Were they all the
4 bilateral terminations you were just talking about?

5 **A We had some bilateral terminations between**
6 **January, yes.**

7 Q Okay.

8 **A And I don't recall the number, but not any**
9 **noncompliance.**

10 Q So then the thread we were talking about
11 with Dr. Kym Ahrens, it's been reinstated now, but
12 when it was terminated, what kind of termination was
13 that?

14 **A A termination that was provided to me, to**
15 **this -- yeah.**

16 Q Okay. It was neither noncompliant nor was
17 it bilateral?

18 **A Correct.**

19 Q Okay. It was a different kind of
20 termination?

21 **A Correct.**

22 Q How many of that kind of termination was
23 there between when you were appointed director of
24 OPERA until January 20, 2025?

25 **A Zero.**

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1 Q Zero. That never happened before?

2 A I'm sorry, let me restate. There was one
3 termination that happened that way, but it was --
4 the grant was reinstated as well. That, yes.

5 Q Okay. Which one was that?

6 A That was one under the first Trump
7 Administration for the Eco Health Alliance.

8 Q Okay. Do you know why that one was
9 reinstated?

10 A No.

11 Q Okay. Okay. You just stated that this
12 particular kind of termination, like for a
13 Dr. Ahrens, was provided to you. Who provided it?

14 A Liza Bundesen, my supervisor.

15 Q Okay. And I think you said it was
16 provided by someone in HHS, I forget her name,
17 Rachel something?

18 A Rachel Riley.

19 Q Rachel Riley?

20 A Correct.

21 Q Okay. And just to clarify, Rachel Riley
22 provided that list to Liza Bundesen, and that
23 included the termination to Dr. Ahrens?

24 A Correct.

25 Q Okay.

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MR. McGINTY: Mark this Exhibit 3, please.
(Bulls Deposition Exhibit 3 was marked for
identification.)

BY MR. McGINTY:

Q I'm handing you what's been marked
Exhibit 3.

MR. McGINTY: Counsel.

(Document tendered to Ms. Andrapalliyal)

BY MR. McGINTY:

Q I'm sorry, just one more follow-up
question about the terminations that were provided
to you.

My understanding is there was an e-mail
from Rachel Riley and on which someone named Brad
from DOGE was copied on that e-mail, and that
applied to the termination for Dr. Ahrens, right?

A I don't recall if that's the same e-mail.

Q Okay. So we'd have to take a look at that
e-mail to know?

A Yes.

Q Okay. Do you recognize what I've just
handed you as Exhibit 3?

A Yes.

Q And what is this?

A The Executive Order.

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1 Q Which one?

2 A 14168, Defending Women from Gender
3 Ideology Extremism and Restoring Biological Truth to
4 the Federal Government.

5 Q Okay. When did you first become aware of
6 this Executive Order?

7 A I believe the date that it came, that it
8 was issued.

9 Q Okay. So on January 20th, 2025?

10 A Yes.

11 Q Okay. Have you talked with anyone about
12 this document?

13 A Talked with the Department of Office of
14 Grants.

15 Q And what did you tell them?

16 A I didn't tell them anything.

17 Q Okay. So you talked with the Department
18 of Office of Grants. Is that a department within
19 NIH?

20 A No, HHS.

21 Q That's a department within HHS. Okay.
22 And so, who at the Department of -- excuse
23 me. You'll have to tell me that department name
24 again.

25 A Department of Grants.

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1 Q Department of Grants. Who at the
2 Department of Grants were you talking to about this
3 Executive Order?

4 A The leadership there.

5 Q And who is that?

6 A The Deputy Assistant Secretary for Grants
7 Dale Bell.

8 Q Did you say Dale Bell?

9 A Bell.

10 Q B-E-L-L?

11 A Yes.

12 Q And anyone else?

13 A And the various operating divisions that
14 were there to ask, you know, just to hear the
15 conversation to -- it was a meeting just to talk
16 about the fact that the Executive Orders had come
17 out and that they would provide guidance as they
18 could.

19 Q When was that meeting?

20 A I don't recall.

21 Q Was it in the week after the Executive
22 Order came out?

23 A It may have been -- I don't recall. It
24 was definitely not long after it came out, so it
25 might have been a week or two. I don't recall. I

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1 **don't want to...**

2 Q Go ahead.

3 **A I don't want to make up a date.**

4 Q Sure, yes. Late January, early February?

5 **A February, probably, late January or**
6 **February, probably.**

7 Q Okay. And what was said at that meeting?

8 **A That they -- that there were Executive**
9 **Orders that had come out, recognizing that the**
10 **operating divisions wanted to obtain guidance and**
11 **that they would give us guidance as soon as they**
12 **could. That was the first discussion.**

13 Q Okay. And they didn't tell you to do
14 anything with respect to the Executive Order at that
15 time?

16 **A No.**

17 Q Who else was at that meeting? You said
18 Dale Bell and all the operating divisions. Who is
19 that?

20 **A The Agency Chief Grants Management**
21 **Officers.**

22 Q Is see. From all of HHS?

23 **A From all of HHS.**

24 Q Okay. And were there any subsequent
25 meetings?

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1 **A Yes.**

2 Q Okay. With -- we're talking about with
3 HHS and Dale Bell?

4 **A The same group.**

5 Q Okay. And when was the next one?

6 **A Probably at two or -- two weeks after the**
7 **first one.**

8 Q So maybe mid February sometime?

9 **A Maybe. Might -- maybe before. I'm not**
10 **sure. It was shortly after.**

11 Q Okay. What happened at the second
12 meeting?

13 **A We were provided a document -- we asked**
14 **questions. We asked for guidance on, like, a -- I**
15 **don't want to say it's frequently-asked questions,**
16 **but it was really to give us information on how we**
17 **should address the Executive Orders, because we**
18 **needed to know how, what we needed to do with them,**
19 **and so they provided guidance on that.**

20 Q And what was the guidance they provided?

21 **A We were asking whether or not -- because**
22 **by the time we met the second time, I think the TROs**
23 **had come out, and so they were going to tell us**
24 **whether, you know, what we needed to do with those.**

25 Q So was this a meeting about this Executive

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1 Order in particular that's been marked as Exhibit 3,
2 or was it all these Executive Orders?

3 **A All of the Executive Orders.**

4 Q Okay. Was this Executive Order marked as
5 Exhibit 3 specifically discussed?

6 **A No.**

7 Q Okay. And so you said it was Dale Bell at
8 HHS, all the Operating Directors, Chief Grants
9 Management Officers. Anybody else at that meeting?

10 **A Yes, we had Office of General Counsel.**

11 Q Okay. Anyone from the Department of
12 Government Efficiency?

13 **A Not that I know of. I don't know.**

14 Q How was the meeting held?

15 **A Umm.**

16 Q Was it on Zoom?

17 **A Yes.**

18 Q It was on Zoom?

19 **A Teams, yes.**

20 Q It was on Teams. Do you know if there
21 were notes or a transcript made of the meeting?

22 **A I don't know.**

23 MS. ANDRAPALLIYAL: Objection. You know,
24 OGC was present at this meeting so the contents of
25 this meeting are protected under the attorney-client

State of WA, et al. vs Trump, et al.
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1 privilege, and so I'm going to instruct Ms. Bulls
2 not to answer.

3 BY MR. MCGINTY:

4 Q Did anyone ask for client advice at the
5 meeting, attorney-client advice?

6 MS. ANDRAPALLIYAL: Objection, calls for a
7 legal conclusion.

8 BY MR. MCGINTY:

9 Q You can answer.

10 **A Can you repeat the question.**

11 Q Sure. Did anyone ask for legal advice at
12 the meeting?

13 **A Yes.**

14 Q Okay. Asking -- did you get any direction
15 from Dale Bell about how to implement an Executive
16 Order that did not constitute a request or the
17 provision of the request?

18 MS. ANDRAPALLIYAL: Objection, calls for a
19 legal conclusion.

20 BY MR. MCGINTY:

21 Q You can answer.

22 **A I don't know that I understand the**
23 **question.**

24 Q Okay. So you had two meetings with
25 Dale Bell. At the second time you had the meeting,

State of WA, et al. vs Trump, et al.
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1 the temporary restraining orders had come out, at
2 least as to some of the Executive Orders.

3 Do you know if at that time the temporary
4 restraining orders as to this particular Executive
5 Order had come out?

6 **A I don't recall, because we didn't talk**
7 **about the details of all of the Executive Orders.**
8 **What we talked about was we were wanting to know if**
9 **we could fund grants.**

10 Q I see. What was the answer to that
11 question?

12 MS. ANDRAPALLIYAL: Objection. This
13 conversation was attorney-client privileged. I'm
14 going to instruct Ms. Bulls not to answer.

15 BY MR. MCGINTY:

16 Q After the meeting, did you stop funding
17 grants?

18 **A No.**

19 Q Do you have any more meetings with
20 Dale Bell?

21 **A Yes.**

22 Q Okay.

23 **A With the group, yes.**

24 Q What was the next one?

25 **A Probably at our chief GMO Council which is**

State of WA, et al. vs Trump, et al.
Bulls, Michelle - April 03, 2025

1 a, you know, a meeting that we always have where we
2 were just -- yeah. That was the third meeting.

3 Q Okay. And was it about the same topic,
4 how to implement --

5 A We did discuss this.

6 Q Okay.

7 A Not this exhibit, but the -- we discussed
8 the responses that we received for our questions --
9 from our questions during the previous meeting.

10 Q Okay. And your questions were: Could you
11 fund grants?

12 MS. ANDRAPALLIYAL: Objection. Because
13 this is an attorney-client communication, it's
14 privileged. I'm going to instruct Ms. Bulls not to
15 answer insofar as it was an attorney-client
16 conversation or communication.

17 MR. MCGINTY: If I understand the
18 objection correctly, you're only objecting insofar
19 as it was an attorney-client privileged
20 communication.

21 MS. ANDRAPALLIYAL: Correct.

22 MR. MCGINTY: Do you want to have --
23 Can we go off the record for a second.

24 (Discussion off record)

25 (Recess taken - 10:07 to 10:20 a.m.)

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(The record was read aloud as follows:

"QUESTION: Did anyone ask for client advice at the meeting, attorney-client advice?

"MS. ANDRAPALLIYA: Objection, calls for a legal conclusion.

"QUESTION: You can answer.

"THE WITNESS: Can you repeat the question.

"QUESTION: Sure. Did anyone ask for legal advice at the meeting?

"THE WITNESS: Yes.

"QUESTION: Did you get any direction from Dale Bell about how to implement the Executive Order that did not constitute a request or the provision of the request?"

MS. ANDRAPALLIYAL: Thank you.

So I do want to maintain our objections on attorney-client privilege here.

MR. MCGINTY: Okay.

BY MR. MCGINTY:

Q Before the break, we were talking about these meetings with Dale Bell and I asked you if there's any part of that meeting that you can testify about, because counsel's objection and

State of WA, et al. vs Trump, et al.
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1 instruction not to answer was an instruction not to
2 answer to the extent that attorney-client privileged
3 communications would have been implicated. You've
4 now had an opportunity to talk to your lawyer about
5 that --

6 **A Correct.**

7 Q -- sorry, we spoke over each other.

8 Is that right?

9 **A Correct.**

10 Q Okay. Is there any part of that meeting
11 that you can testify about today?

12 MS. ANDRAPALLIYAL: Objection. So
13 objection on the basis of attorney-client privilege,
14 but a separate objection on the basis of
15 deliberative process privilege to the extent that
16 there were deliberative communications at this
17 meeting.

18 **THE WITNESS: Dale Bell coordinated the**
19 **meeting, but the meeting was specifically to obtain**
20 **legal guidance on what we could do as agencies under**
21 **the TROs. So he actually coordinated the meeting,**
22 **but the meeting was definitely about obtaining legal**
23 **guidance. That was the sole purpose of the meeting.**

24 BY MR. MCGINTY:

25 Q Okay. We're talking about the second

State of WA, et al. vs Trump, et al.
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1 meeting now?

2 **A We're talking about the second meeting,**
3 **yes.**

4 Q Okay. Because at that time the TROs had
5 come out --

6 **A Right.**

7 Q -- as to some of the Executive Orders but
8 not necessarily all of them. Is that right?

9 **A That's right.**

10 Q Okay. Was there any other meetings
11 coordinated by Dale Bell?

12 **A The third meeting which he coordinates**
13 **often which as the Chief Grants Management Officer**
14 **counsel meeting.**

15 Q Okay.

16 **A Yeah.**

17 Q And what was that meeting about?

18 **A That meeting was about other, you know,**
19 **Grants Management matters. Additional questions did**
20 **come up about we wanted additional information and**
21 **guidance from OGC.**

22 Q Okay. Was any direction or instruction
23 from Dale given to you about this Exhibit 3?

24 MS. ANDRAPALLIYAL: Objection to the
25 extent that it calls for the provision of

State of WA, et al. vs Trump, et al.
Bulls, Michelle - April 03, 2025

1 deliberative information that's protected on the
2 deliberative process privilege.

3 BY MR. MCGINTY:

4 Q Do you understand the objection?

5 A Yes.

6 Q Okay. Is there anything you can tell me
7 about that meeting, about any instruction you were
8 given about Executive Order 14168, Exhibit 3?

9 A The meeting was not about this particular
10 Executive Order. It was about all of the Executive
11 Orders and whether we could continue to, you know,
12 move forward with -- yeah, it wasn't about this. It
13 was about all of them.

14 Q Okay. My question was: Were you given
15 any instruction about how to implement this
16 particular Executive Order?

17 A The answer is no.

18 Q Okay. Were there any of these meetings
19 with Dale Bell where you were given specific
20 instruction about how to implement the Executive
21 Order marked as Exhibit 3?

22 MS. ANDRAPALLIYAL: Objection to the
23 extent that it calls for deliberative information to
24 be produced, especially about practices that haven't
25 been put into action yet.

State of WA, et al. vs Trump, et al.
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1 **THE WITNESS:** There were discussions, but
2 no -- Dale did not provide final guidance. It was
3 just us talking about additional questions that we
4 had with regard to the Executive Orders. He did not
5 provide final guidance.

6 BY MR. MCGINTY:

7 Q Okay. How many of these meetings with
8 Dale Bell did you have about the Executive Orders,
9 about?

10 **A Three.**

11 Q Just three?

12 **A And the -- meaning the last meeting**
13 **included the Executive Orders because the Chief**
14 **Grants Management Officer still had questions, but**
15 **the meeting was a broader meeting. The second**
16 **meeting was a meeting that he actually coordinated**
17 **specifically.**

18 Q I see. It sounds like these meetings with
19 Dale Bell happened in a recurring way?

20 **A Correct. The meetings -- the Chief Grants**
21 **Management counsel meetings happened in a recurring**
22 **way, not meeting about Executive Orders.**

23 Q Got it. How often did the recurring
24 meetings happen?

25 **A They should be happening once a month.**

State of WA, et al. vs Trump, et al.
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1 Q Do they happen once a month?

2 A We try to have them once a month.

3 Q Okay. Sometimes they get canceled or
4 postponed?

5 A Correct.

6 Q Okay. I believe the question that
7 prompted the question of these meetings was just who
8 have you communicated with about this document, and
9 specifically -- I guess I'll clarify that.

10 Who have you communicated with at NIH
11 about this document for the purposes of NIH policy
12 and procedure?

13 A I haven't communicated about this
14 document. I've communicated about just overarching
15 funding and the Executive Orders.

16 Q Okay. Including this document?

17 A Yes.

18 Q Okay. And who have you communicated with
19 about that?

20 A The Chief Grants Management Officers.

21 Q Okay. And what have you told them?

22 MS. ANDRAPALLIYAL: Objection insofar as
23 it calls for privileged deliberative information
24 about action that hasn't been finalized yet.

25 THE WITNESS: We, as we talked earlier, we

State of WA, et al. vs Trump, et al.
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1 are -- I'm answering -- I'm trying to establish the
2 process by which they can continue. So there's been
3 no final guidance. We've been talking about the
4 **Executive Orders.**

5 BY MR. MCGINTY:

6 Q Okay. Can you turn to page -- this is
7 from the Federal Register, so I guess it would be
8 page 8616, and look at Section 3(e).

9 Do you see that?

10 **A Yes.**

11 Q And it says, the last sentence of Section
12 3(e):

13 "Agencies shall take all necessary steps,
14 as permitted by law, to end the Federal
15 funding of gender ideology."

16 Do you see that?

17 **A Yes.**

18 Q Has NIH taken any action to implement that
19 sentence of Section 3(e)?

20 MS. ANDRAPALLIYAL: Objection, calls for a
21 legal conclusion.

22 BY MR. MCGINTY:

23 Q You can answer.

24 **A Discussions are -- have been had, about**
25 **identifying agency priorities.**

State of WA, et al. vs Trump, et al.
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1 Q Okay. What is the relationship between
2 agency priorities and that last sentence of Section
3 3(e)?

4 MS. ANDRAPALLIYAL: Objection, calls for
5 speculation.

6 BY MR. MCGINTY:

7 Q You can answer.

8 A To be honest, I do feel like I'm now using
9 my own thoughts to tell you that, and I don't know
10 that that is the correct way to answer that
11 question.

12 Q Well, you told me that discussions had
13 been had about identifying agency priorities. Was
14 that your testimony?

15 A That is my testimony.

16 Q Okay. Where do those agency priorities
17 come from?

18 A The director of the agency.

19 Q Okay. And what has the director of the
20 agency told you about those agency priorities?

21 A The director hasn't told me anything. The
22 director is developing a memo to communicate agency
23 priorities, but there's nothing final, so we don't
24 have agency priorities final yet.

25 Q Well, grants have been terminated on the

State of WA, et al. vs Trump, et al.
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1 basis of agency priorities, haven't they?

2 **A Yes.**

3 Q But you don't have agency priorities that
4 are final?

5 **A I have letters that I've been asked to**
6 **send.**

7 Q Okay.

8 MR. MCGINTY: Can I mark this as Exhibit
9 4, please.

10 (Bulls Deposition Exhibit 4 was marked for
11 identification.)

12 BY MR. MCGINTY:

13 Q I'm passing to you what has been marked
14 Exhibit 4, and do you recognize this document?

15 **A Yes.**

16 Q And what is it?

17 **A A termination letter.**

18 Q This is one of those letters that you've
19 been asked to send that you were just talking about?

20 **A Yes.**

21 Q And you signed this letter, right?

22 **A Yes.**

23 Q Okay. And why did you send this letter?

24 **A I was asked to send it.**

25 Q Who asked you to send it?

State of WA, et al. vs Trump, et al.
Bulls, Michelle - April 03, 2025

1 **A My supervisor.**

2 Q Okay. And who is that?

3 **A At the time, Liza Bundesen.**

4 Q Okay. How did she ask you to send it?

5 **A Via e-mail.**

6 Q Did she tell you why she was asking you to
7 send it?

8 **A Yes.**

9 Q Okay. And what did she say?

10 **A That we were asked to terminate grants.**

11 Q Did she tell you why you were asked to
12 terminate grants?

13 **A She did not.**

14 Q Okay.

15 **A Can I correct the statement?**

16 **The e-mail that I received from**
17 **Liza Bundesen indicated that we needed to terminate**
18 **the grants, and the language in the letters were**
19 **provided so I didn't question, I just followed the**
20 **directive.**

21 Q Okay.

22 **A She didn't say: Terminate the grant**
23 **because of. She said: The list below. So I just**
24 **wanted to be clear about that.**

25 Q Okay. And did you provide this e-mail to

State of WA, et al. vs Trump, et al.
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1 counsel?

2 **A Yes.**

3 Q Okay. And "the list is below," list of
4 what?

5 **A Awards to be terminated.**

6 Q Okay. And is that the same list that you
7 were talking about earlier that came from
8 Rachel Riley?

9 **A That was on the same e-mail, yes.**

10 Q Okay. And Brad may have been copied on
11 that e-mail?

12 **A I don't know if Brad was on that e-mail**
13 **string.**

14 Q Okay.

15 **A I can't recall.**

16 Q Brad was on one of the e-mail strings?

17 **A Correct.**

18 Q Do you remember if it was Brad Smith?

19 **A I know for sure Brad.**

20 Q Okay. Definitely Brad. It might have
21 been Brad Smith, it might have been Brad someone
22 else?

23 **A Yes.**

24 Q Okay. And you said the language was
25 provided. What do you mean by "the language was

State of WA, et al. vs Trump, et al.
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provided"?

A The letter. There were template letters.

Q So the entirety of the letter language?

A Correct.

Q Okay. So take a look at the first paragraph here:

"Funding for Project Number," and then there's a number," is hereby terminated pursuant to the 2022 National Institutes of Health Grants Policy Statement," and C.F.R., a CFR section. "This letter constitutes a notice of termination."

You did not write that language?

A No.

Q You didn't write any word in this letter?

A Just the signature.

Q Okay. You wrote your name?

A Correct. I mean, I -- yes, I wrote my name and signed it.

Q Okay. And you don't know why this letter was sent?

A To terminate the grant.

Q Okay. But you don't know what agency priorities are intended to be served by terminating this grant?

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1 **A** I didn't ask the question and I was not
2 told, I sent the letter as it was.

3 **Q** Okay. Did Rachel Riley provide the
4 templates that you used?

5 **A** **Yes.**

6 **Q** So it says here -- actually, can you read
7 the fourth paragraph, the one that starts with,
8 "This award no longer effectuates."

9 **A** **"This award no longer effectuates agency**
10 **priorities. NIH is obligated to**
11 **carefully steward grant awards to ensure**
12 **taxpayer dollars are used in ways that**
13 **benefit the American people and improve**
14 **their quality of life. Your project does**
15 **not satisfy these criteria. Research**
16 **programs based on gender identity are**
17 **often unscientific, have little**
18 **identifiable return on investment, and do**
19 **nothing to enhance the health of many**
20 **Americans. Many such studies ignore,**
21 **rather than seriously examine, biological**
22 **realities. It is the policy of NIH not**
23 **to prioritize these research programs."**

24 **Q** Okay. And this was part of the template
25 letter that Rachel Riley provided?

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1 **A Yes.**

2 Q Are you aware of -- let me strike that.
3 Did NIH have any ability to alter this
4 language in any way?

5 **A Did we have the ability?**

6 MS. ANDRAPALLIYAL: Objection, assumes
7 facts not in evidence.

8 BY MR. MCGINTY:

9 Q Was this edited in any way from the
10 template letter that Rachel Riley provided?

11 **A No.**

12 Q Okay. It says, "Your project does not
13 satisfy these criteria." Do you see that there?

14 **A Yeah.**

15 Q Are you aware of any assessment of
16 Dr. Ahrens' grant in particular that was made to see
17 if her grant satisfied the criteria?

18 **A No.**

19 Q Would you have been aware of such
20 assessment if one had been made?

21 **A I don't know.**

22 Q Okay. Would you have been aware of such
23 an assessment if one had been made by NIH?

24 **A Yes.**

25 Q And it says, "Research programs based on

State of WA, et al. vs Trump, et al.
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1 gender identity are often unscientific with little
2 identifiable return on investment, and do nothing to
3 enhance the health of many Americans."

4 Did NIH do any assessment of this
5 particular grant to see if it was unscientific?

6 **A I don't know. The letter was provided and**
7 **it was sent. I don't know what happened before**
8 **that.**

9 Q Well, did NIH do any assessment?

10 **A I don't know.**

11 Q You don't know if NIH did an assessment to
12 see if Dr. Ahrens' grant was scientific or not?

13 **A Are you talking about -- I don't**
14 **understand your question, sorry.**

15 Q Well, it says in this letter, and I
16 understand you didn't write it, but you signed it,
17 "Research programs based on gender identity are
18 often unscientific." And that was the reason this
19 particular grant was terminated.

20 Is that right?

21 **A That's what the letter says.**

22 Q That's what the letter says. So I'm
23 trying to figure out whether or not there was any
24 basis to think that Dr. Ahrens' grant was
25 unscientific.

State of WA, et al. vs Trump, et al.
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1 **A I don't know.**

2 Q Okay. And do you know if there was any
3 assessment to see if it had an identifiable return
4 on investment?

5 **A No, I don't know.**

6 Q Do you know if NIH did one?

7 **A I don't know.**

8 Q Okay. Would you have been aware if NIH
9 did one?

10 **A I'm not sure.**

11 Q Okay. And it also says, "and do nothing
12 to enhance the health of many Americans."

13 Do you know if NIH did any assessment to
14 see if Dr. Ahrens' grant would enhance the health of
15 many Americans?

16 **A I don't know.**

17 Q Okay. Was this the only template language
18 that Rachel Riley provided?

19 MS. ANDRAPALLIYAL: Objection. To the
20 extent that you're calling for draft language that
21 wasn't finalized, that's privileged, and I instruct
22 the witness not to answer.

23 BY MR. McGINTY:

24 Q I'll clarify.

25 Did Rachel Riley provide any other

State of WA, et al. vs Trump, et al.
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1 template letters that were sent?

2 **A Yes.**

3 Q Okay. What were those template letters
4 about?

5 **A In that list, I don't recall.**

6 Q How about any list for letters that had
7 been sent?

8 **A DEI activities, this language. I think**
9 **one on China. I don't know. That's it that I can**
10 **recall, and I'm sure I'm blanking right now.**

11 Q So what you remember is the gender
12 identity language, the DEI language, and the China
13 language.

14 Was there language on vaccine hesitancy
15 that was used?

16 **A In that batch, no.**

17 Q Any batch that's been sent?

18 **A Yes.**

19 Q And that was provided by Rachel Riley,
20 too?

21 **A Yes. Well, actually, that was provided by**
22 **Dr. Memoli. I don't know if Rachel Riley provided**
23 **that to him, I apologize.**

24 Q Okay. So Dr. Memoli wrote the one on --
25 or provided you with the one on vaccine hesitancy?

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A Provided my supervisor with the instruction.

Q And you don't know if that came from Rachel Riley or not?

A I don't.

Q This letter that's been marked as Exhibit 4 has similar language as the Executive Order that's in Exhibit 3. Do you agree with that?

MS. ANDRAPALLIYAL: Objection, calls for speculation.

BY MR. MCGINTY:

Q You can answer.

A Are you asking me if I -- I haven't compared.

Q Okay. Let's take a look at Executive Order 14168. Do you see in Section 2 where it says: "These sexes are not changeable and are grounded in fundamental and uncontrovertible reality"?

A Yes.

Q And do you see in the letter of February 28th where it says:

"Many such studies ignore rather than seriously examine biological realities"?

A Yes.

State of WA, et al. vs Trump, et al.
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1 Q That seems pretty similar, doesn't it?

2 MS. ANDRAPALLIYAL: Objection, calls for

3 speculation, calls for a legal conclusion.

4 BY MR. MCGINTY:

5 Q You can answer.

6 A **Looking at it today, it looks the same.**

7 Q Going back to the language in the Order,
8 you write: It's true -- or, rather, you write that
9 "Research programs based on gender identity" -- or
10 in this letter it says -- "are often unscientific,
11 have little identifiable return on investment, and
12 do nothing to enhance the health of many Americans."

13 Has NIH done any study whatsoever to see
14 if that's true?

15 A **I don't know.**

16 Q Would you know if they had done?

17 A **I'm not sure.**

18 Q Okay. When did it become the policy of
19 NIH not to prioritize research programs based on
20 gender identity?

21 A **I don't know.**

22 Q So earlier I thought you testified that
23 one of your jobs at NIH was supervising the Division
24 of, I think you said, Grants Policy. Is that
25 correct?

State of WA, et al. vs Trump, et al.
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1 **A Correct.**

2 Q So would you know what the grant policies
3 are at NIH?

4 **A I would.**

5 Q And you don't know when it became the
6 policy of NIH to deprioritize the funding of
7 transgender issues?

8 **A I do not.**

9 Q Why not?

10 MS. ANDRAPALLIYAL: Objection, calls for
11 speculation.

12 **THE WITNESS: Final priorities have not**
13 **been provided. I don't know.**

14 MR. MCGINTY: Okay. Happy coincidence,
15 mark this as Exhibit 5, please.

16 (Bulls Deposition Exhibit 5 was marked for
17 identification.)

18 BY MR. MCGINTY:

19 Q I'm handing you what's been marked
20 Exhibit 5. And I'll represent to you that this is
21 an article from the journal Nature that I've printed
22 out. And I want to direct your attention to pages 4
23 and 5.

24 There are some cutouts here, or maybe
25 callout boxes, but seems to be a portion of the

State of WA, et al. vs Trump, et al.
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1 Staff Guidance - Award Assessments for Alignment
2 with Agency Priorities.

3 Do you see that?

4 **A Yes.**

5 Q Is this the document that we were talking
6 about before when we were talking about Exhibit 1?

7 **A Yes.**

8 Q And you have -- this is a real document,
9 it exists in NIH, right?

10 **A It's a real document.**

11 Q Okay. And how have you used it?

12 **A To provide guidance to the ICs.**

13 Q Okay. Where did it come from?

14 **A What do you --**

15 Q Who wrote it?

16 **A I wrote it, along with my deputy, yes.**

17 Q Okay. You wrote this document?

18 **A Yes.**

19 Q Okay.

20 **A I developed it.**

21 Q Along with your deputy. Who is that?

22 **A Kristen Ta.**

23 Q Can you spell that for me.

24 **A T-A.**

25 Q Great. So this includes, on page 5, that

State of WA, et al. vs Trump, et al.
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1 transgender issues language. Do you see that?

2 **A Yes.**

3 Q Did you write this?

4 **A Yes.**

5 Q Okay. I'm trying to understand, because
6 earlier on Exhibit 4 you said you didn't write any
7 word on that letter, and that included this
8 transgender issues language, didn't it?

9 **A I didn't write any word on that letter.**

10 Q Okay. So where did this "transgender
11 issues" language come from?

12 **A The categories from that letter.**

13 Q I see. I think I see. Let me confirm.
14 You were given template letters, you cut
15 and past from those template letters into this Staff
16 Guidance document?

17 **A Correct.**

18 Q What's the purpose of this Staff Guidance?

19 **A To help ICs to figure out how to fund or,**
20 **you know, yes, provide funds and how to protect the**
21 **categories. If the DEI was the sole purpose, then,**
22 **you know, they don't make awards categories to us,**
23 **where we were trying to make sure that they worked**
24 **with the recipient to come to a mutual negotiation.**

25 Q Okay. So this --

State of WA, et al. vs Trump, et al.
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1 **A This is guidance.**

2 Q Guidance to?

3 **A The ICs.**

4 Q To the ICs for the purposes of making
5 decisions about future awards?

6 **A Making decisions on their portfolio,**
7 **including current awards, just their entire**
8 **portfolio.**

9 Q Including current awards and future
10 awards?

11 **A Correct.**

12 Q Okay. And so would this guidance instruct
13 ICs to terminate some awards?

14 MS. ANDRAPALLIYAL: Objection, calls for a
15 legal conclusion and calls for speculation.

16 BY MR. MCGINTY:

17 Q You can answer.

18 **A This is, again, draft guidance. And the**
19 **guidance is to provide the ICs with an opportunity**
20 **to know the various categories and how to address**
21 **those.**

22 Q Okay. Let's go through those categories.
23 What is Category 1?

24 **A Category 1 just requires for them to --**
25 **the sole purpose of the award is DEI, like we just**

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1 were talking about. The sole purpose of the award
2 is DEI, just a diversity supplement.

3 Q Okay. And, first of all, what does DEI
4 mean?

5 A Diversity, equity, and inclusion.

6 Q Okay. Yeah, but what makes an award DEI
7 or not?

8 A Oh.

9 MS. ANDRAPALLIYAL: Objection, calls for
10 speculation.

11 THE WITNESS: I don't have the
12 programmatic expertise to make that determination in
13 terms of the research and how it's reviewed. This
14 is for ICs to use and make those determinations.

15 BY MR. MCGINTY:

16 Q Okay. Is there any NIH policy for ICs to
17 make a determination as to whether an award is a DEI
18 award or not?

19 A There are some awards that are
20 specifically, the sole purpose of the award is DEI.
21 So there has to be a programmatic rationale which is
22 outlined in either the Notice of Funding
23 Opportunity.

24 Q And are those the only awards that would
25 fit into Category 1?

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1 **A DEI awards?**

2 Q Well, I'm trying to figure out -- yeah,
3 yes.

4 **A Yes, those would be the -- the award**
5 **cannot stand without -- the sole purpose of making**
6 **the award was to support DEI activities.**

7 Q Okay. And you're not sure whether or not
8 an award is DEI or not?

9 **A The guidance is for them to take a look,**
10 **to use it to make determinations within their**
11 **portfolio as to whether or not it's a DEI award.**

12 Q Okay. So this talks about diversity
13 supplements or conference grants where the purpose
14 of the meeting is diversity. That's what you are
15 talking about here?

16 **A That's what I'm talking about.**

17 Q And is that the only kind of award that
18 would fit into Category 1?

19 MS. ANDRAPALLIYAL: Objection, calls for
20 speculation.

21 **THE WITNESS: It's the example given.**

22 BY MR. MCGINTY:

23 Q Okay. Are there other kinds of awards
24 that would fit into Category 1?

25 MS. ANDRAPALLIYAL: Objection, calls

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speculation.

THE WITNESS: That's for the IC to determine.

BY MR. MCGINTY:

Q Okay. How is the IC supposed to determine that?

A Looking at their portfolio and looking at why the grant was made.

Q Is there a definition of DEI anywhere?

A I don't know.

Q Would you know?

A I would know.

Q Okay. Okay. So in Category 1 they're supposed to terminate the award, right --

A Yes.

Q -- and not fund it?

A Category 1 is that they cannot fund the award.

Q Okay. And then, so what's Category 2?

A Where the DEI activity is ancillary to the entire purpose of the award, so it just has pieces that can be excised, but the award can still -- it's still, you know, viable without the DEI activities.

Q Okay. And what are they supposed to do with a Category 2?

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1 A The assessments that we talked about
2 earlier, take those and determine whether or not and
3 assess their portfolio to see how they can save the
4 award.

5 Q Okay. And, again, there's no definition
6 of DEI that you're aware of that they would use to
7 do that?

8 A I'm sure there's a definition of DEI
9 within the various, what do you call it,
10 activities -- no, grant activities. I don't know if
11 there's a DEI standard definition across the -- a
12 policy definition, but definitely a programmatic
13 definition.

14 Q What's the difference between those two
15 things?

16 A Well, a policy definition would be from
17 the central and, you know, it would be more
18 administrative, so I don't have administrative DEI.
19 But for the purposes of the research, there might be
20 programs where there is either, you know, statutory
21 language that defines DEI or that the program
22 defines it, DEI, which is more on the scientific,
23 programmatic side.

24 Q Okay. So if I'm understanding you
25 correctly, there might be a definition within each

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1 one of the ICs that defines DEI?

2 A It might be a scientific definition that
3 is used by all ICs.

4 Q And you wouldn't be aware of it?

5 A Not in the sense of issuing the Staff
6 Guidance. In other words, I needed them to take
7 that -- the guidance is for them to use and to make
8 those assessments, not for me to tell them.

9 Q Did anyone tell you to write this
10 guidance?

11 A Yes.

12 Q Who told you to write the guidance?

13 A The guidance was -- well, nobody told me
14 to write it. The guidance was requested.

15 Q Okay. By whom?

16 A By the Grants Management officials and --
17 yeah, by the Grants Management officials.

18 Q Grants Management, are these the same as
19 the --

20 A The Chief Grants Management Officers
21 within the funding, IC.

22 Q Okay. And why did they ask for the
23 guidance?

24 A So they could begin making, you know,
25 begin looking at how they can issue awards.

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1 Q Did something happen to make them think
2 that they needed guidance?

3 A I think people were --

4 MS. ANDRAPALLIYAL: Objection, calls for
5 speculation.

6 THE WITNESS: Yeah, I'm thinking, you
7 know. I don't -- yeah, that's really an assumption.
8 BY MR. MCGINTY:

9 Q Well, I'm just trying to figure this out,
10 right, because people don't ask for guidance for no
11 reason.

12 Did anyone tell you why they wanted the
13 guidance?

14 A Yes, so that they could know, to make sure
15 that they were able to know what awards to fund and
16 how to make determinations on how funding would be
17 made under the DEI activities.

18 Q Was there any communication prior to this
19 guidance indicating that DEI activities would not be
20 funded?

21 A There was a funding pause that was placed
22 on the agency, so they wanted to understand what
23 could be funded.

24 Q So this is in response to the funding
25 pause?

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1 **A Yes.**

2 Q Did you talk with any of your supervisors
3 about this guidance?

4 **A Yes.**

5 Q And who did you talk to?

6 **A Liza Bundesen.**

7 Q Did you talk with Dr. Memoli?

8 **A No.**

9 Q Okay. All right. How about any future
10 version of this guidance?

11 **A Liza briefed Dr. Memoli.**

12 Q Okay. And how many conversations have you
13 had with Dr. Bundesen about it?

14 **A I don't recall how many. It was frequent.**

15 Q Okay. And what did you talk about?

16 MS. ANDRAPALLIYAL: Objection. To the
17 extent that the question is calling for the
18 provision of deliberative information, I would
19 instruct the witness not to answer.

20 BY MR. MCGINTY:

21 Q Did Dr. Bundesen draft any part of this?

22 **A No.**

23 Q Did she review a draft?

24 **A Yes.**

25 Q And did she approve it?

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1 **A** It wasn't final, it was still ongoing, so
2 the portions that she reviewed, she -- we just
3 discussed.

4 Q Okay. How did you go about writing this
5 guidance?

6 MS. ANDRAPALLIYAL: Objection. To the
7 extent the question is calling for deliberative
8 information, I instruct the witness not to answer.
9 BY MR. MCGINTY:

10 Q Did you examine any existing NIH policies?

11 **A** I'm sure I did. I'm sure I looked at the
12 policy statement and -- the Grants Policy Statement,
13 just to see if there was anything in there that we
14 could use.

15 Q And there's no citation to the Grants
16 Policy Statement in here, is there?

17 **A** No.

18 Q Okay. Did you look at anything else?

19 MS. ANDRAPALLIYAL: Objection. To the
20 extent the question is calling for specific and
21 deliberative information, I instruct the witness not
22 to answer.

23 BY MR. MCGINTY:

24 Q Did you examine any Executive Orders prior
25 to writing this guidance?

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1 **A Of course I read the Executive Orders.**

2 Q And you said, "of course." Why did you
3 say of course?

4 **A Because I needed to be aware.**

5 Q Why did you need to be aware?

6 **A Because that's information that I needed**
7 **to know, or at least review, as the discussions were**
8 **taking place.**

9 Q Because it's obvious, isn't it, that the
10 Executive Orders are causing this to happen?

11 MS. ANDRAPALLIYAL: Objection, legal
12 conclusion, calls for facts not in evidence, calls
13 for speculation.

14 BY MR. MCGINTY:

15 Q You can answer.

16 **A I don't know that it's obvious, but I**
17 **definitely read the Order, all of the Orders.**

18 Q So going back to page 5 of this Nature
19 article and the guidance that you wrote, looking at
20 Appendix 3, and it says:

21 "Language provided to NIH by HHS providing
22 examples for research activities that NIH
23 no longer supports."

24 Do you see that?

25 **A Yes.**

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Q And it says:

"China: Bolstering Chinese universities does not enhance the American people's quality of life or improve America's position in the world. On the contrary, funding research in China contravenes American national security interests and hinders America's foreign-policy objectives."

Do you see that?

A Yes.

Q This language was provided by

Rachel Riley?

A Yes.

Q And then it says:

"DEI: Research programs based primarily on artificial and non-scientific categories, including amorphous equity objectives, are antithetical to scientific inquiry, do nothing to expand our knowledge of living systems, provide low returns on investment, and ultimately do not enhance health, lengthen life, or reduce illness. Worse, so called diversity, equity, and inclusion (DEI)

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1 studies are often used to support
2 unlawful discrimination on the basis of
3 race and other protected characteristics,
4 which harms the health of Americans.
5 Therefore, it is the policy of NIH not to
6 prioritize such research programs."

7 That language also was provided by
8 Rachel Riley?

9 **A Yes.**

10 Q And, finally, the transgender language
11 that we looked at before which was also provided by
12 Rachel Riley?

13 **A Yes.**

14 Q And it was provided by her in the form of
15 template letters to terminate grants?

16 **A Yes.**

17 MR. MCGINTY: Mark this as Exhibit 6,
18 please.

19 (Bulls Deposition Exhibit 6 was marked for
20 identification.)

21 BY MR. MCGINTY:

22 Q I'm handing you what's been marked
23 Exhibit 6, and I'll represent to you that this was
24 also published in the Nature journal, and I've
25 printed it off of their website.

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1 Do you recognize this document?

2 **A Yes.**

3 Q And what is it?

4 **A The draft Staff Guidance.**

5 Q And this is a little bit later than the
6 Exhibit 5 we were just looking at, right?

7 **A Correct.**

8 Q This one is dated March 25, 2025. Is that
9 right?

10 **A Yes, yes.**

11 Q Did you write this one, too?

12 **A Yes.**

13 Q And when did you write this one?

14 MS. ANDRAPALLIYAL: Can we go off the
15 record, please.

16 (Discussion off record)

17 (Recess taken - 11:06 to 11:31 a.m.)

18 BY MR. MCGINTY:

19 Q You understand you're still under oath?

20 **A Yes.**

21 Q Okay. So continuing to look at what we
22 marked as Exhibit 6, I think earlier you testified
23 that you wrote this document.

24 **A Yes.**

25 Q And why did you write this document?

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1 **A To help the Institutes and Centers with**
2 **trying to figure out how to make awards, give them**
3 **guidance.**

4 Q Okay. Give them guidance on making awards
5 and also terminating awards, right?

6 **A Making awards and making assessments on**
7 **which categories they need to use to make those**
8 **assessments.**

9 Q Okay. So this says, under Category 1,
10 "Add the action to the master spreadsheet"?

11 **A Yes.**

12 Q What's the master spreadsheet?

13 MS. ANDRAPALLIYAL: Objection. To the
14 extent the question calls for information that's
15 deliberative, I'm instructing the witness not to
16 answer.

17 BY MR. McGINTY:

18 Q How does NIH keep track of the grants it
19 has terminated?

20 **A We do track it in a spreadsheet.**

21 Q Okay. And what's on that spreadsheet?

22 MS. ANDRAPALLIYAL: Objection. To the
23 extent that the question is calling for information
24 that's deliberative and not final, I'm instructing
25 the witness not to answer.

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1 BY MR. MCGINTY:

2 Q Okay. Does the spreadsheet contain
3 information about grants that have been terminated?

4 A Yes.

5 Q Okay. And do you use a spreadsheet to
6 keep track of that?

7 A Yes.

8 Q Okay. Does the spreadsheet indicate the
9 reason that the grants were terminated?

10 A Based on the categories, yes.

11 Q Okay. And that's the Category 1, 2, 3,
12 4 you have here?

13 A No. The categories that were provided in
14 the termination letters.

15 Q Okay. And which categories are those?

16 A The categories of the DEI --

17 Q Okay. So going --

18 A -- China.

19 Q -- back to --

20 A Yeah.

21 Q -- what I think had been marked Exhibit 5,
22 page 5 of Exhibit 5?

23 A Yes.

24 Q So you're looking at China, DEI, and
25 transgender issues?

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1 **A Yes.**

2 Q Are there any other categories that
3 designate the reason that a grant was terminated?

4 **A Vaccine hesitancy is the one additional**
5 **one.**

6 Q Any others?

7 **A No.**

8 Q Okay. And how do you know which of those
9 categories to terminate a grant under?

10 **A Based on the letters that are provided**
11 **to -- you know, the list. We receive a list.**

12 Q That's the list you get from Rachel Riley?

13 **A That's the list that I get from my**
14 **supervisor or, yeah, it's forwarded.**

15 Q Okay. And does that list show which
16 category reason to terminate the grant for?

17 **A Yes.**

18 Q Okay. How does it do that?

19 **A It has a category section.**

20 Q What's the form of this list?

21 **A It's a spreadsheet.**

22 Q It's a spreadsheet. Okay.

23 **A So our spreadsheet matches that**
24 **spreadsheet.**

25 Q Did you, like, copy and paste into it?

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1 MS. ANDRAPALLIYAL: Objection. To the
2 extent the information sought is deliberative and
3 not final in nature, I'm instructing the witness not
4 to answer.

5 BY MR. MCGINTY:

6 Q Okay. So you get a spreadsheet that tells
7 you which grants to terminate and the reasons why?

8 A Yes.

9 Q And what are those reasons?

10 A Based on the categories.

11 Q Is it verbatim what I'm seeing her, China,
12 DEI --

13 MS. ANDRAPALLIYAL: Objection. To the
14 extent that this is calling for deliberative
15 information that has not been finalized, I'm
16 instructing the witness not to answer.

17 BY MR. MCGINTY:

18 Q Speaking only about grants that have
19 actually been terminated, the spreadsheet that you
20 get, what does it say for the reason that the grants
21 have been terminated?

22 A The categories, you know, DEI,
23 transgender, you know.

24 Q Is that verbatim?

25 A I don't -- I can't tell you verbatim, but

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1 it doesn't include all of this detail that was
2 provided in the termination letter. It just gives
3 the title, the category.

4 Q So it says China, DEI, or transgender?

5 A Yes, and vaccine --

6 Q And vaccine?

7 A -- hesitancy.

8 Q Okay. When you get that list and you get
9 the template letters, do you get a letter for each
10 grant that you're going to terminate, or do you have
11 to do some kind of, like, word merge?

12 MS. ANDRAPALLIYAL: Objection. The
13 question is calling for provision of deliberative
14 information which is privileged. I'm instructing
15 the witness not to answer.

16 BY MR. MCGINTY:

17 Q Okay. But it's your testimony that the
18 reason that the grant is going to be terminated is
19 provided to you. Is that right?

20 A That's right.

21 Q And you don't have any input into that?

22 A I don't.

23 Q Okay. And you're testifying that the
24 template letter for each reason is provided to you.
25 Is that right?

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1 **A Yes.**

2 Q And you don't have any input into that
3 either?

4 **A I don't.**

5 Q Okay. And how many of these lists have
6 you gotten to terminate grants?

7 MS. ANDRAPALLIYAL: Objection. To the
8 extent this information is deliberative and
9 nonfinal, I'm instructing the witness not to answer.

10 BY MR. McGINTY:

11 Q How many lists have you gotten for grants
12 that have been terminated?

13 **A More than five.**

14 Q And how many grants have you terminated on
15 the basis of these lists?

16 **A Lots of grants. I don't know the number.**

17 Q More than a hundred?

18 **A More than a hundred.**

19 Q More than a thousand?

20 **A No.**

21 Q Somewhere between a hundred and a
22 thousand?

23 **A Somewhere between five hundred and a**
24 **thousand.**

25 Q Somewhere between five hundred and a

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1 thousand.

2 **A Mm-hmm.**

3 MR. MCGINTY: This is Exhibit 7, I think
4 we are on.

5 (Bulls Deposition Exhibit 7 was marked for
6 identification.)

7 BY MR. MCGINTY:

8 Q Do you recognize this document?

9 **A Yes.**

10 Q And you wrote this document, right?

11 **A I wrote it with Dr. Lauer, yes.**

12 Q Okay. And what is it?

13 **A It's the supplemental -- it's the**
14 **beginning of the guidance providing agency -- I mean**
15 **ICs with guidance on how to unpause funding.**

16 Q And it does say that there is a
17 restriction. What's the restriction that it gives
18 guidance about?

19 **A On spending funding related to DEI**
20 **activities on grants.**

21 Q Was there a definition of DEI activities
22 provided with this memo?

23 MS. ANDRAPALLIYAL: Objection. To the
24 extent the information sought is deliberative and
25 not final, I'm instructing the witness not to

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1 answer.

2 BY MR. MCGINTY:

3 Q How are ICs supposed to determine if
4 something fell within DEI activities?

5 A They have scientific, the scientific
6 background and they know their programs, so the
7 Grants Management officials work with the program
8 officials to identify DEI activities where it's not
9 clear in the statute.

10 Q Are you aware of any statute that talks
11 about that?

12 MS. ANDRAPALLIYAL: Objection, calls for a
13 legal conclusion and assumes facts not in evidence.

14 BY MR. MCGINTY:

15 Q You can answer.

16 A The Minority Health Disparity Institute
17 does have language about minority health and that
18 kind of thing. So I don't know if it's -- I don't
19 think it ties directly, but I think that is being
20 used. And that's an assumption, that's not facts.

21 Q Okay. You said the Minority Health and
22 Research Institute? Did I get that right?

23 A Minority Health Disparity.

24 Q Minority Health Disparity Institute.

25 What's the purpose of the Minority Health

State of WA, et al. vs Trump, et al.
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1 Disparity Institute?

2 **A I don't know.**

3 Q Okay. So this March 25 Guidance says it
4 is rescinding the March 13 Guidance. Is that right?

5 **A Yes.**

6 Q So the March 25 Guidance kind of takes the
7 place of this March 13?

8 MS. ANDRAPALLIYAL: Objection. This is a
9 draft so I'm instructing the witness not to answer
10 as to deliberative information that has not been
11 finalized.

12 BY MR. MCGINTY:

13 Q The March 25 Guidance has an issue date of
14 March 25, right?

15 **A It does say that, but it is not final.**

16 Q Has this been given to ICs?

17 **A It was shared for feedback.**

18 Q Oh, with whom?

19 **A The ICs.**

20 Q Okay.

21 **A Yeah.**

22 Q And the ICs have not implemented it yet?

23 **A I cannot say that they have implemented**
24 **the guidance. What they've been told is that we**
25 **cannot give them final guidance until we receive the**

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final details from the director.

Q So earlier you talked about, I think, three versions of this document. This March 25 one, which version is this?

A The latest.

Q This is the latest?

A Mm-hmm, yes.

Q And the one that's in the Nature article, which one is that?

A It looks like it might be --

MS. ANDRAPALLIYAL: Objection. To the extent that the question is seeking deliberative information that has not been finalized yet, I'm instructing the witness not to answer.

BY MR. MCGINTY:

Q You said the first one was used by ICs to implement policy, right?

A To implement guidance on how to unpause funding.

Q Was the one in the Nature article used by ICs to implement guidance on how to unpause funding?

A The -- it expanded on the original guidance as we received the draft memo on the priorities. We wanted to make sure that when the -- as the memo came out, that they had an understanding

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1 of the next steps in the guidance. So the guidance
2 just expanded based on the anticipation of receiving
3 the memo.

4 Q Okay. So this February 13th one is the
5 first. Is that right?

6 A Yes.

7 Q And then the one in the Nature article is
8 the second. Is that right?

9 A Yes.

10 Q Okay. And the March 25 one is the last
11 one?

12 A I believe so, yes.

13 Q Okay.

14 MS. ANDRAPALLIYAL: Objection to the
15 draft. So I object to the extent that the
16 information sought is seeking final information that
17 has not been finalized yet.

18 MR. MCGINTY: I think privilege has been
19 waived, Counsel.

20 MS. ANDRAPALLIYAL: The deliberative
21 process privilege does not have a subject matter
22 waiver component to it.

23 (Reporter requests clarification)

24 MS. ANDRAPALLIYAL: The deliberative
25 process privilege does not have a subject matter

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1 waiver component to it.

2 MR. MCGINTY: Would you mark this. I
3 think we're on 8.

4 (Bulls Deposition Exhibit 8 was marked for
5 identification.)

6 BY MR. MCGINTY:

7 Q I'm handing you what's been marked
8 Exhibit 8. Do you recognize this document?

9 A Yes.

10 Q And what is this?

11 A A memo that Dr. Lauer and I sent asking,
12 alerting folks that we were evaluating our agency
13 priorities for the new administration.

14 Q And this one says, "We recognize that NIH
15 programs fall under recently issued temporary
16 restraining orders," and there's a list of some
17 cases, right?

18 A Mm-hmm.

19 Q Why was that included in here?

20 MS. ANDRAPALLIYAL: Objection. The
21 question calls for attorney-client communications,
22 it's privileged. I'd instruct the witness not to
23 answer.

24 BY MR. MCGINTY:

25 Q By issuing this guidance you were alerting

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1 the programs that there were temporary restraining
2 rules that apply, right?

3 **A Yes.**

4 Q Okay. In any of the subsequent guidance
5 did you alert the programs that there were temporary
6 restraining orders that applied?

7 MS. ANDRAPALLIYAL: Objection. The
8 question seeks deliberative information. I instruct
9 the witness not to answer.

10 BY MR. MCGINTY:

11 Q Let's see. Going back to what I think is
12 Exhibit 6, March 25 Guidance, were ICs given any
13 guidance to avoid the termination of grants to
14 institutions providing gender affirming care in
15 plaintiff states in this case?

16 MS. ANDRAPALLIYAL: Objection,
17 information seeks -- the question seeks information
18 that's deliberative, not final, and potentially
19 attorney-client privileged, so I'm instructing the
20 witness not to answer.

21 BY MR. MCGINTY:

22 Q Has NIH terminated grants to institutions
23 that provide gender affirming care in the plaintiff
24 states in this case?

25 MS. ANDRAPALLIYAL: Objection, calls for a

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1 legal conclusion.

2 BY MR. MCGINTY:

3 Q You can answer.

4 A I don't -- I don't know of an institute or
5 center that has terminated a grant based on this
6 information in this guidance.

7 Q Okay. That's because you get the lists of
8 grants to terminate from outside of NIH, right?

9 A Yes, it -- yes, the list comes from
10 outside of NIH.

11 Q So what has this guidance been used to do,
12 if anything?

13 A To anticipate the memo of the priorities.
14 ICs have not been instructed to terminate grants.

15 Q So grant terminations are coming
16 exclusively from outside of NIH?

17 A Yes.

18 Q Okay. Let's see.

19 (Bulls Deposition Exhibit 9 was marked for
20 identification.)

21 BY MR. MCGINTY:

22 Q Exhibit 9, do you recognize this document?

23 A Yes.

24 Q And just for the record, we're on
25 Exhibit 9. And what is it?

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1 **A It's a Notice of Award.**

2 Q And who is it a Notice of Award to?

3 **A Seattle Children's Hospital.**

4 Q And this is the same grant that we were
5 talking about, I think, on Exhibit 2, maybe
6 Exhibit 3?

7 **A Yes.**

8 Q Now, could you just run through the table
9 that appears on page 1 of this exhibit.

10 **A The table?**

11 Q Yeah, there's some numbers there. I'm not
12 entirely sure how to follow it.

13 What does this table indicator mean?

14 MS. ANDRAPALLIYAL: Objection, assumes
15 facts not in evidence.

16 BY MR. MCGINTY:

17 Q Do you know how to interpret this table?

18 **A What? There -- it looks like tables. Are**
19 **you talking about this table?**

20 Q Sorry. I mean the table entitled,
21 "Summary Federal Award Financial Information."

22 **A Okay.**

23 Q Sorry. Sorry for my confusion.

24 **A Okay. Yes, I can tell you that the --**
25 **it's the budget start date -- you know, the budget**

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1 period start date from when the grant started and
2 the end date for when the grant ended. Then, you
3 know, it has the obligation of funds and it's the
4 deobligation.

5 Q And what is that, deobligation?

6 A Removing funding, the existing funding,
7 from the grant.

8 Q Okay.

9 A And then the total amount that's obligated
10 is the amount that was left on the award, it looks
11 like. So it looks like they didn't deobligate the
12 entire. There was money left for the recipient.
13 And the project period end date which is, at the
14 time, the entire life cycle of the grant project.

15 Q And so how much was deobligated?

16 A I -- I can only assume the amounts here.
17 I didn't deobligate it, but I'm looking at the
18 table.

19 Q According to this table, how much was
20 deobligated?

21 A Yeah, well my math is bad so.

22 It's the 200 -- 200,453, 162,636, and the
23 37,000 it looks like it was -- those all have minus
24 signs, so that tells me that they deobligated that
25 amount, and the remaining left is the 40,000.

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(Reporter requests clarification)

THE WITNESS: 40,091.

BY MR. MCGINTY:

Q Okay. Thank you.

So who issued this letter?

A Margaret Young. It's not a letter. It's a Notice of Award.

Q Okay.

A Yeah. I just wanted to make that distinction.

Q No, I appreciate it.

So Margaret Young issued this Notice of Award?

A Yes.

Q Who is Margaret Young?

A She is the Chief Grants Management Officer of Child Development, NICHD.

Q Okay. If you would turn to page 5.

A Yes.

Q There's some language here under "Termination" and "Transgender Issues."

Could you read the language under Termination?

A "This award related to Transgender Issues no longer effectuates agency

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1 priorities. It is the policy of NIH not
2 to further prioritize these research
3 programs. Therefore, the award is
4 terminated."

5 Q Who wrote that language?

6 A That language was taken from the
7 termination letter that I sent on the 28th. The
8 termination letter went out, had that language, and
9 then I instructed her to issue the Notice of Award
10 using the same language.

11 Q Okay. Why did you instruct her to do
12 that?

13 A That's the process for terminating awards,
14 is issuing the letter and then the institute will --
15 well, this process is the issuing of the termination
16 letter, but the award is the official document.

17 Q So why did you instruct Margaret Young to
18 take the language from the termination letter?

19 A Because we were asked to terminate the
20 awards, of the award, other awards.

21 Q Could you have used different language?

22 MS. ANDRAPALLIYAL: Objection. To the
23 extent the question is calling for the provision of
24 deliberative information that wasn't actually
25 finalized into this letter, I'm instructing the

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1 witness not to answer.

2 BY MR. MCGINTY:

3 Q Did anyone tell you to use this language
4 exactly?

5 A I consulted with OGC.

6 Q Office of General Counsel?

7 A Correct.

8 Q And under "Transgender Issues," this
9 language is also identical to the language from the
10 termination letter?

11 A Yes.

12 Q And did anyone tell you to use this
13 language exactly?

14 A No. The language matched the language in
15 the letter, so I just followed the guidance from the
16 letter and advised that the award matched the
17 letter.

18 Q It's kind of --

19 A I didn't have any other language to give.

20 Q It's kind of a funny typo under
21 "Termination." "Transgender issues" is capitalized
22 on the "T." Do you know why that is? Under
23 "Termination," sorry.

24 A Oh.

25 (Witness reviews document)

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THE WITNESS: No, I don't know.

BY MR. MCGINTY:

Q Could it have been copied and pasted from something?

MS. ANDRAPALLIYAL: Objection, calls for speculation.

THE WITNESS: I don't know.

BY MR. MCGINTY:

Q Is it standard practice to capitalize the "T" on these Notice Awards?

MS. ANDRAPALLIYAL: Objection, calls for speculation.

THE WITNESS: The "T"?

BY MR. MCGINTY:

Q On "Transgender issues."

A I've not issued an award for a letter that -- before.

Q Have you told anyone to capitalize that "T"?

A The language was taken from the letter.
(Bulls Deposition Exhibit 10 was marked for identification.)

BY MR. MCGINTY:

Q I'm handing you what's been marked Exhibit 10. Do you recognize this document?

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1 **A A Notice of Award.**

2 Q And it's the same grant as we were talking
3 about in Exhibit 9, isn't it?

4 **A Yes.**

5 Q And taking a look at that, "Summary
6 Federal Award Financial Information," could you tell
7 me what that summary means?

8 **A It looks like the deobligations were**
9 **reversed.**

10 Q Do you know why the deobligations were
11 reversed?

12 MS. ANDRAPALLIYAL: Objection, asks for
13 speculation.

14 MR. MCGINTY: I asked if she knew.

15 **THE WITNESS: If I knew why?**

16 BY MR. MCGINTY:

17 Q Why the deobligations were reversed.

18 **A To reinstate the grant.**

19 Q Do you know why this grant was reinstated?

20 **A No, but I was asked to reinstate the**
21 **grant.**

22 Q Who asked you to reinstate it?

23 **A I want to say my supervisor. This is the**
24 **acting supervisor.**

25 Q And who is that?

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1 **A Dr. Lorsch.**

2 Q Dr. Lorsch?

3 **A Yeah.**

4 Q Do you know when that happened?

5 **A Probably around the same day or the day**
6 **before of the issue date of the letter.**

7 Q And this grant was originally terminated
8 in response to one of those lists you got, right?

9 **A Yes.**

10 Q Has any other grant been reinstated since
11 you got a Notice to Terminate on one of those lists?

12 **A Yes.**

13 Q Which ones are those?

14 **A I think it's a COVID grant, the COVID OT**
15 **of the transaction.**

16 Q COVID OT. Do you know what grantee?

17 **A I don't know.**

18 Q Go to page 5 in Exhibit 10.

19 MS. ANDRAPALLIYAL: Can we go off the
20 record, please.

21 (Discussion off record)

22 MR. MCGINTY: Back on the record.

23 BY MR. MCGINTY:

24 Q So we're on page 5, and it says:

25 "Revised Award: This grant has been

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1 restored and the termination clause
2 rescinded effective immediately. This
3 grant will continue under the original no
4 cost extension."

5 What does that mean?

6 **A It means that the grant was restored, you**
7 **know, and that the termination was rescinded, and**
8 **when the grant was terminated, it was in a no cost**
9 **extension. And we were just saying that we wanted**
10 **the recipient to know that they can continue in**
11 **their extension.**

12 Q Okay. It does say:

13 "The previous terms and conditions of
14 award remain in effect as stated below."

15 What does that mean?

16 MS. ANDRAPALLIYAL: Objection, assumes
17 facts not in evidence.

18 BY MR. MCGINTY:

19 Q You can answer.

20 **A I don't know what that means. It just --**
21 **I don't know.**

22 Q Okay. Because it says "Termination," and
23 it has the same language related to transgender
24 issues. It says:

25 "Transgender issues: Research programs

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1 based on gender identity are often..."
2 (Reporter requests Mr. McGinty to read
3 slower)

4 MR. MCGINTY: Sorry, of course.

5 BY MR. MCGINTY:

6 Q It has the same language from the letter
7 we were talking about earlier.

8 A Yes.

9 Q Do you know why that language is still
10 there?

11 A I don't.

12 Q Is this grant subject to being defunded
13 again because of what it researches?

14 MS. ANDRAPALLIYAL: Objection, calls for
15 speculation.

16 THE WITNESS: No.

17 BY MR. MCGINTY:

18 Q It's not?

19 A Not that I am -- not that I would say, no.

20 Q Is it part of your duties as the Director
21 of OPERA to interpret Notice of Awards like this?

22 A Yes.

23 Q So how would you interpret this Notice of
24 Award when it says, "The previous terms and
25 conditions will remain in effect as state below,"

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1 and it still has the "Termination" and "Transgender
2 issues" language?

3 **A I would interpret it that someone didn't**
4 **delete the language, because when we typically**
5 **revise awards, the previous terms and conditions**
6 **still apply. So I believe that it was in error.**

7 **Q And going back to page 1, was that also**
8 **issued by Margaret Young?**

9 **A Yes.**

10 **Q Did you ask Margaret Young to issue this**
11 **NOA?**

12 **A The rescission of the termination, yes.**

13 **Q And did you give her any particular**
14 **instructions with respect to the "Termination" and**
15 **"Transgender issues" language?**

16 **A I told her to revise the award and restore**
17 **the grant and sent her the language to restore the**
18 **grant.**

19 **Q And that's the language -- which language**
20 **is that?**

21 **A "This grant has been restored and the**
22 **termination clause rescinded effective**
23 **immediately. The grant will continue**
24 **under the original no cost extension."**

25 **Q Did you get that language from anywhere?**

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1 **A No.**

2 Q You wrote that?

3 **A I wrote it.**

4 MR. McGINTY: We can go off the record.

5 (Luncheon recess taken -- 12:03 to 1:08 p.m.)

6 MR. McGINTY: Back on the record. Go

7 ahead and mark this, please.

8 (Bulls Deposition Exhibit 11 was marked

9 for identification.)

10 BY MR. McGINTY:

11 Q I'm handing you what's been marked

12 Exhibit 11. Do you recognize this document?

13 **A Yes.**

14 Q And what is it?

15 **A A termination letter.**

16 Q And this is another one that you wrote,
17 right?

18 **A This is another one that I issued that was**
19 **written.**

20 Q I'll clarify. You signed this, right?

21 **A Correct.**

22 Q Okay. And you signed this on behalf of
23 Margaret Young?

24 **A Yes.**

25 Q And that's the same Margaret Young that we

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1 were talking about earlier, the Chief Grants
2 Management Officer at NICHD?

3 **A Yes.**

4 Q Why did you issue this on behalf of
5 Margaret Young?

6 **A I believe at that time because the letters**
7 **were coming out quickly that I just issued them on**
8 **behalf of the IC Chief GMO, and then they would**
9 **handle the Notice of Reward.**

10 Q Did you talk to Margaret Young, before you
11 issued it, about issuing this letter?

12 **A No.**

13 Q Is this another one of the letters that
14 you got in a list?

15 **A Yes.**

16 Q And that list was sent to you by your
17 supervisor?

18 **A Yes.**

19 Q Who at the time was?

20 **A March 12th? I can't recall.**

21 Q Okay. And do you recall whether or not
22 Rachel Riley was cc'd on the e-mail you got that
23 terminated this grant as well?

24 **A I don't recall --**

25 Q Okay.

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1 **A -- Rachel being on there.**

2 Q You'd have to look at the e-mail to know?

3 **A Yes.**

4 Q And you did get this in an e-mail from
5 your supervisor?

6 **A An e-mail from my supervisor, a forwarded,**
7 **probably.**

8 Q A forwarded e-mail from your supervisor
9 that had the spreadsheet that you were talking about
10 earlier?

11 **A All of them have spreadsheets.**

12 Q And that spreadsheet has the list of
13 grants to terminate?

14 **A Yes. And a point of clarification, if I**
15 **may?**

16 MS. ANDRAPALLIYAL: Sure.

17 **THE WITNESS: Because the process was just**
18 **continuing to be a lot, we actually -- I did say to**
19 **the -- I asked the Chief Grants Management Officers**
20 **if they were okay with me just issuing the letter**
21 **and them issuing the Notice of Awards. And they did**
22 **say that they were okay with that. And I do have**
23 **some of that in writing.**

24 BY MR. MCGINTY:

25 Q Great. Thank you for that clarification.

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1 **A Yeah.**

2 Q By way of further clarification, did you
3 have any input in saying whether or not this
4 particular grant was going to be terminated?

5 **A No.**

6 Q And did you have any input in the language
7 on this letter?

8 **A No.**

9 Q To your knowledge, did anyone at NIH have
10 input?

11 MS. ANDRAPALLIYAL: Objection. It calls
12 for the provision of deliberative information. I'm
13 instructing the witness not to answer.

14 MR. MCGINTY: Counsel, deliberative
15 process exemption only applies where an action has
16 not been taken. I'm talking about terminating a
17 grant.

18 MS. ANDRAPALLIYAL: No, that's not true.
19 The deliberative process privilege applies to
20 pre-decisional communications that precede a final
21 action, so it does apply to actions that have
22 already been taken.

23 BY MR. MCGINTY:

24 Q Is there anything other than this letter
25 that explains why the grant was being terminated?

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1 **A The spreadsheet.**

2 Q The spreadsheet explains why?

3 **A It doesn't explain, it just lists the**
4 **category.**

5 Q Okay. Is there anything other than this
6 letter and the spreadsheet?

7 **A An e-mail.**

8 Q An e-mail?

9 **A Yes.**

10 Q An e-mail you got from your supervisor?

11 **A Yes.**

12 Q Anything other than this letter, that
13 spreadsheet, and the e-mail?

14 **A No.**

15 Q Okay. Were either the spreadsheet or the
16 e-mail shared with the grant recipient?

17 **A No, not that I'm aware of.**

18 MR. MCGINTY: Mark this, please.

19 (Bulls Deposition Exhibit 12 was marked
20 for identification.)

21 BY MR. MCGINTY:

22 Q I'm handing you what's been marked
23 Exhibit 12. And do you recognize this document?

24 **A Yes.**

25 Q And what is it?

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1 **A Termination letter.**

2 Q And this is another termination letter
3 that you signed?

4 **A Yes.**

5 Q And this one is to the Regents of the
6 University of California, San Francisco. And it's
7 Project No. 1R01 AI186641-01 --

8 (Reporter requests clarification)

9 MR. MCGINTY: I'm sorry. 1R01 AI186641-0.

10 BY MR. MCGINTY:

11 Q Is that correct?

12 **A Dash 01.**

13 Q And is this another one of the
14 terminations that you got in a list?

15 **A Yes.**

16 Q From your supervisor?

17 **A Yes.**

18 Q And this letter is dated March 18?

19 **A Yes.**

20 Q And who was your supervisor at that time?

21 **A I believe it was Jon Lorsch at that time,**
22 **for sure.**

23 Q Jon Lorsch?

24 **A Dr. Lorsch.**

25 Q Dr. Lorsch?

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1 **A Yeah.**

2 Q And, to your knowledge, did anyone at NIH
3 have any input in whether or not this grant was
4 going to be terminated?

5 **A I don't know.**

6 Q Would you know?

7 **A I don't know.**

8 MS. ANDRAPALLIYAL: Objection, calls for
9 speculation.

10 BY MR. McGINTY:

11 Q You can answer.

12 **A I wouldn't know.**

13 Q And is there anything, other than this
14 letter, that explains why this grant was terminated?

15 **A The spreadsheet, the e-mail.**

16 Q Anything else?

17 **A No.**

18 Q Okay. Did you ever talk to Dr. Lorsch
19 about this termination?

20 MS. ANDRAPALLIYAL: Go ahead.

21 **THE WITNESS: No.**

22 BY MR. McGINTY:

23 Q Did he tell you why this grant was being
24 terminated?

25 MS. ANDRAPALLIYAL: Objection. Because

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1 the question is seeking deliberative information, I
2 instruct the witness not to answer.

3 BY MR. MCGINTY:

4 Q Let's go back very quickly to Exhibit 11.
5 I just want to make sure that the grant project
6 number is on the record.

7 Could you read that for me.

8 **A Can I read -- I'm sorry?**

9 Q The project number that was being
10 terminated.

11 **A Oh. 5 U01 HD108779-04.**

12 Q Great. And to whom -- what was the
13 institution this was issued to?

14 **A Regents of the University of Minnesota.**

15 Q Thank you.

16 MR. MCGINTY: Mark that one, please.

17 (Bulls Deposition Exhibit 13 was marked
18 for identification.)

19 BY MR. MCGINTY:

20 Q I hand you what's been marked Exhibit 13.
21 Do you recognize this document?

22 **A Yes.**

23 Q And what is it?

24 **A A termination letter.**

25 Q Okay. And this one is a grant to the

State of WA, et al. vs Trump, et al.
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1 Regents of the University of Colorado. Is that
2 right?

3 **A That is correct.**

4 Q And could you read the project number for
5 me, please.

6 **A Sure. 1R21 HD115838-01.**

7 Q And this is another one that was provided
8 to you in a list from your supervisor?

9 **A Yes.**

10 Q And the only thing to explain why that
11 grant was terminated is this letter, the spreadsheet
12 that was attached to that e-mail, and the e-mail
13 itself?

14 **A The e-mail itself doesn't explain it, it
15 just asks me to terminate it. The spreadsheet
16 attached gives the category and the grant number.**

17 Q Okay. And, to your knowledge, NIH didn't
18 do any assessment of this particular grant before it
19 was terminated?

20 **A I don't know.**

21 MR. MCGINTY: Mark that, please.

22 (Bulls Deposition Exhibit 14 was marked
23 for identification.)

24 BY MR. MCGINTY:

25 Q I hand you what's been marked Exhibit 14.

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1 Now, starting about halfway down the page, this
2 appears to be an e-mail from you. Is that right?

3 **A Yes.**

4 Q And what is this e-mail from you?

5 **A A termination letter.**

6 Q And did you start sending these in the
7 form of an e-mail at some point?

8 **A Yes.**

9 Q When was that?

10 **A Likely around the same date of this**
11 **letter.**

12 Q Which is March 21, 2025?

13 **A Yeah, around that time.**

14 Q And why did you do that?

15 **A To be efficient.**

16 Q Why did you need to be efficient?

17 **A The letters were -- the spreadsheet had**
18 **many terminations on the list, so I did it to be**
19 **efficient.**

20 Q It was easier to send it in e-mail form
21 because there were so many to do?

22 **A Yeah.**

23 Q And who is the institution that this grant
24 was issued to?

25 **A University of Washington.**

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1 Q And what's the project number?

2 A **5R01MD017573-03.**

3 Q Okay. And this one, I think you alluded
4 to it already, but this one is also on the basis of
5 the spreadsheet that you got?

6 A **Yes.**

7 Q And who sent you that spreadsheet?

8 A **Probably it was forwarded to me by my**
9 **supervisor.**

10 Q Forwarded from whom?

11 A **From Dr. Memoli.**

12 Q Dr. Memoli?

13 A **Yeah, at this point. That's correct.**

14 Q And do you know if it was forwarded to
15 Dr. Memoli from anybody?

16 MS. ANDRAPALLIYAL: Objection, calls for
17 speculation, calls for a provision of deliberative
18 information.

19 BY MR. MCGINTY:

20 Q You can answer.

21 MS. ANDRAPALLIYAL: Objection. To the
22 extent that it calls for the provision of
23 deliberative information, I would instruct the
24 witness not to answer.

25 MR. MCGINTY: Can you explain the

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1 privilege attaching to an e-mail that the person
2 forwarded an e-mail.

3 MS. ANDRAPALLIYAL: To the extent that the
4 answer is -- that the answer would provide
5 information that is deliberative, I would instruct
6 the witness not to answer.

7 BY MR. MCGINTY:

8 Q Did any of the to or from or cc fields on
9 that e-mail, or on the e-mails that were attached to
10 it, contain back-and-forth deliberative discussions?

11 A Not that I'm aware of.

12 Q Okay. Do you recall if the e-mail that
13 Dr. Memoli -- was forwarded from Dr. Memoli, was
14 forwarded from anybody else?

15 A I don't recall.

16 Q Okay. The only way to know that would be
17 from the e-mail?

18 A Yes.

19 Q Okay.

20 MR. MCGINTY: Mark that.

21 (Bulls Deposition Exhibit 15 was marked
22 for identification.)

23 BY MR. MCGINTY:

24 Q I pass you what has been marked
25 Exhibit 15. Do you recognize this document?

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1 **A Yes.**

2 Q What is it?

3 **A It is a termination letter.**

4 Q And this is two-sided. I'm sorry, I
5 printed this double sided.

6 **A That's okay.**

7 Q And that's your signature at the end,
8 right?

9 **A Yes.**

10 Q Okay. And this is another one of the
11 terminations on the basis -- that was sent to you on
12 a spreadsheet?

13 **A Yes.**

14 Q And what's the institution that received
15 this grant?

16 **A University of Washington.**

17 Q And what's the project number?

18 **A 1F31 AI181431-01A1.**

19 Q Okay. And the only thing that would
20 explain why this grant was terminated is this letter
21 and the spreadsheet?

22 **A Yes.**

23 MS. ANDRAPALLIYAL: Sorry. Objection,
24 assumes facts not in evidence.

25 BY MR. MCGINTY:

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1 Q What are the documents that would explain
2 why this grant was terminated?

3 A The letter, the e-mail that was forwarded
4 with the spreadsheet.

5 Q And that spreadsheet was forwarded to you
6 from your supervisor?

7 A Yes.

8 Q And who is your supervisor at the time?

9 A I believe it was Dr. Lorsch. There was a
10 transition period so.

11 Q So either Dr. Lorsch or?

12 A Dr. Bundesen.

13 Q Okay. Either Dr. Lorsch or Dr. Bundesen.

14 And would Rachel Riley have been on any of
15 the to or from fields of that e-mail?

16 A Not at that time, not during this time
17 period.

18 Q Anyone else from HHS?

19 A No.

20 Q So did -- so that stopped at some point?

21 A Yes. I didn't see the to, where it
22 originated. It was just coming from Dr. Memoli to
23 either Liza or Dr. Lorsch.

24 Q And when did you stop being able to see
25 where it originated?

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1 **A** **I don't even recall because I stopped**
2 **looking down on the e-mails at that point. It**
3 **was -- yeah.**

4 **Q** Before or after March 10?

5 **A** **Probably after.**

6 **Q** Sometime after March 10?

7 **A** **Yes.**

8 (Bulls Deposition Exhibit 16 was marked
9 for identification.)

10 BY MR. McGINTY:

11 **Q** I'm showing you what's been marked
12 Exhibit 16. Do you recognize this?

13 **A** **Yes.**

14 **Q** And what is it?

15 **A** **A termination letter.**

16 **Q** And this is another one that you signed?

17 **A** **Yes.**

18 **Q** And who is the recipient of this grant?

19 **A** **University of Washington.**

20 **Q** And what's that project number?

21 **A** **5R01LM013301-05.**

22 **Q** And this is another one that came to you
23 in the form of a spreadsheet listing the grants to
24 terminate?

25 **A** **Yes.**

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1 Q And that was sent to you by your
2 supervisor?

3 A Yes.

4 Q Which was who at this point?

5 A Dr. Lorsch.

6 Q That was Dr. Lorsch.

7 And you wouldn't have known who sent
8 Dr. Lorsch this spreadsheet?

9 A Typically, like I said, I started seeing
10 just the e-mail forwarded from -- sent to Dr. Lorsch
11 from Dr. Memoli.

12 Q Got it.

13 A Yeah.

14 Q So Dr. Memoli sent it to Dr. Lorsch. Is
15 that right?

16 A That is correct.

17 Q Okay. And do you know who sent it to
18 Dr. Memoli?

19 A No.

20 Q Okay. Because that information was cut
21 off of the e-mail?

22 A I don't know if it was cut off, it just
23 wasn't there.

24 Q It wasn't on the e-mail?

25 A No, it wasn't on the e-mail.

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1 Q Okay.

2 (Bulls Deposition Exhibit 17 was marked
3 for identification.)

4 BY MR. McGINTY:

5 Q I'm handing what's been marked Exhibit 17.
6 Do you recognize this?

7 A Yes.

8 Q And what is this?

9 A A termination letter.

10 Q And who is the institution it was issued
11 to?

12 A University of Washington.

13 Q And what's the project number?

14 A 1G13LM014426-01.

15 Q And this is another one that you got in a
16 spreadsheet?

17 A Yes.

18 Q And it was sent to you by your supervisor?

19 A Yes.

20 Q And do you know who sent the spreadsheet
21 to your supervisor?

22 A During this period it was from Dr. Memoli
23 to -- I -- this is the foggy period, sorry.

24 Q Okay. You're not sure who your supervisor
25 was?

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1 **A** I'm sure who my supervisor was. I'm just
2 not sure of the period when it was, the different
3 time frames.

4 **Q** That's fine. It was either Bundesen or
5 Lorsch?

6 **A** Right.

7 **Q** And do you know who sent it to Dr. Memoli?

8 **A** I don't recall during this time. Yeah,
9 I'm not sure if it was just forwarded from
10 Dr. Memoli to Liza or Jon to me. Because, remember,
11 during a period of time, it was on the from with --
12 how do I say? The person that it was sent from at
13 the department was on there, and at a point that
14 stopped.

15 **Q** But when it was from someone from the
16 department, that was Rachel Riley?

17 **A** The two times, yes.

18 **Q** Okay. Was there anyone else from HHS it
19 was sent from?

20 **A** Not that I'm aware of.

21 **Q** Okay. So either it was Rachel Riley or
22 you didn't have the information?

23 **A** Correct.

24 **Q** Okay. And this letter and the other
25 letters we've been looking at, this is still the

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1 same template letter that was provided to you?

2 **A Yes.**

3 Q You didn't write one word in this letter?

4 **A No, just signed it.**

5 Q Okay. And the only thing that would
6 explain why this grant was terminated is this letter
7 and the spreadsheet and the e-mail?

8 **A Yeah, the spreadsheet that was attached to**
9 **the e-mail.**

10 (Bulls Deposition Exhibit 18 was marked
11 for identification.)

12 BY MR. MCGINTY:

13 Q I'm handing you what's been marked
14 Exhibit 18. Do you recognize this?

15 **A Yes.**

16 Q And what is it?

17 **A A termination letter.**

18 Q And this is another one that looks like it
19 was in e-mail form. Is that right?

20 **A Yes, that's correct.**

21 Q And who is the institution it was issued
22 to?

23 **A University of Washington.**

24 Q And what's the project number?

25 **A 1R21AI183907-01A1.**

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(Reporter requests clarification)

THE WITNESS: "A" as in apple.

BY MR. MCGINTY:

Q And this is another termination that you issued on the basis of a spreadsheet that was sent to you?

A Yes.

Q And that was sent to you -- who sent you that spreadsheet?

A Dr. Lorsch.

Q Dr. Lorsch sent it to you. And Dr. Memoli sent it to Dr. Lorsch?

A Correct.

Q And the only thing that would explain why this grant was terminated is this letter and the e-mail and the spreadsheet?

MS. ANDRAPALLIYAL: Objection, assumes facts not in evidence.

BY MR. MCGINTY:

Q What are the documents that would explain why this grant was terminated?

A The letter, the forwarded spreadsheet that had the categories in there.

Q Okay. Anything else?

A No.

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1 MS. ANDRAPALLIYAL: Can we go off the
2 record for a minute.

3 MR. MCGINTY: Why?

4 MS. ANDRAPALLIYAL: I would like to confer
5 with my co-counsel.

6 MR. MCGINTY: About what?

7 MS. ANDRAPALLIYAL: I don't think I'm
8 obligated to tell you that.

9 MR. MCGINTY: We just had a break. I
10 think we're going to keep going.

11 MS. ANDRAPALLIYAL: I'd like to stop, and
12 I don't think that's -- I don't -- yeah, I'd like to
13 stop, please.

14 MR. MCGINTY: Okay. Off the record.

15 (Recess taken - 1:31 to 1:46 p.m.)

16 MR. MCGINTY: We can go back on the
17 record.

18 All right. I just want to note for the
19 record that we took about a 15-minute break just
20 now.

21 BY MR. MCGINTY:

22 Q Ms. Bulls, did you confer with counsel at
23 the break?

24 A I asked a question.

25 Q Did you talk to your lawyers?

State of WA, et al. vs Trump, et al.
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1 **A Yes.**

2 Q Okay.

3 MR. MCGINTY: Can I ask the court reporter
4 how much time we've been on the record.

5 (Whereupon, the reporter discloses time
6 spent on the record)

7 MR. MCGINTY: A little less than four
8 hours?

9 MADAM COURT REPORTER: Yes.

10 MR. MCGINTY: I'll also note for the
11 record that we've been on the record for a little
12 less than four hours.

13 (Bulls Deposition Exhibit 19 was marked
14 for identification.)

15 BY MR. MCGINTY:

16 Q I'm handing you what's been marked
17 Exhibit 19.

18 MR. MCGINTY: Counsel.

19 (Document tendered to Ms. Andrapalliyal)

20 BY MR. MCGINTY:

21 Q Do you recognize this document?

22 **A Yes.**

23 Q And what is it?

24 **A A termination letter.**

25 Q Okay. And this is another one that you

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1 signed, right?

2 **A Yes.**

3 Q Okay. And who is the issuing
4 institution -- or the institution that received the
5 termination letter?

6 **A University of Washington.**

7 Q And what's that project number?

8 **A 1R01 TW012904-01.**

9 Q And this is another one that you got in a
10 spreadsheet from your supervisor?

11 **A Yes.**

12 Q Okay. And where are the documents that
13 explain why the grant was terminated?

14 **A The spreadsheet and the request for me to**
15 **terminate. And this letter right here, sorry.**

16 Q No, that's fine, that's fine.

17 And, again, this was language -- the
18 language in this letter was provided to you?

19 **A Yes.**

20 Q And you didn't write one word in this
21 letter?

22 **A (Nodding head)**

23 Q Sorry, I didn't hear your answer.

24 **A No. Sorry, no.**

25 (Bulls Deposition Exhibit 20 was marked

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1 for identification.)

2 BY MR. MCGINTY:

3 Q I'm handing you Exhibit 20. And I'll note
4 that it is big and unwieldy and the pages are not
5 bound. So I'll ask you to be careful with your
6 handling it.

7 But do you recognize this document?

8 A Yes. Yes, I do.

9 Q And what is it?

10 A NIH Grants Policy Statement.

11 Q And how are you familiar with it?

12 A I'm familiar with it because I placed
13 information in it, I use it to advise recipients, I
14 use it to assess compliance, I read it.

15 Q Assess compliance with what?

16 A With the policies that are in the policy
17 statement to determine whether or not the recipients
18 are complying with the terms and conditions of the
19 award.

20 Q Okay. What's the purpose of the document?

21 A To provide, lay out the grant policy
22 requirements of -- that serve as the terms and
23 conditions of all NIH award administrative
24 requirements.

25 Q Turn to page Romanette ii. So this

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1 says -- see where it says:

2 "Is intended to make available to NIH
3 recipients, in a single document, the
4 policy requirements that serve as the
5 terms and condition of NIH grant awards"?

6 **A Yes.**

7 Q And is that a true description of what
8 this document is for?

9 **A It is.**

10 Q Is this the most recent version of this
11 document?

12 **A It is.**

13 Q Okay. Are there any operative amendments
14 to it?

15 **A Can you explain your question.**

16 Q Sure. Has any document been issued that
17 changes the terms of this document?

18 **A The -- there have been Guide Notices that
19 have been issued that we provide to, yes, to the
20 public.**

21 Q To the public?

22 **A Yeah.**

23 Q How many of those have been issued?

24 **A I don't recall.**

25 Q Do you know if it changed the terms?

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1 **A They do -- they add to the terms at times.**

2 Q Okay. Let's see, could you turn to page
3 I-53.

4 Do you see here where it says:

5 "The more significant of the public policy
6 requirements for the purpose of peer
7 review are those concerning research
8 involving human subjects; inclusion of
9 genders, members of minority groups, and
10 individuals across the lifespan in
11 clinical research; and research involving
12 live vertebrate animals"?

13 **A No. Where are you reading from?**

14 **Oh, I see it.**

15 Q Okay. You found it?

16 **A Yes, I see it.**

17 Q What does that mean?

18 MS. ANDRAPALLIYAL: Objection, assumes
19 facts not in evidence, calls for a legal conclusion.
20 BY MR. MCGINTY:

21 Q You can answer.

22 **A The public policy requirement is -- this**
23 **is about making sure that the peer review of the**
24 **research for humans and an -- human subject,**
25 **inclusion of gender, members of minority groups.**

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1 It basically outlines the public policy
2 requirements that we should point to and consider
3 when we are making awards.

4 Q What does "inclusion of genders" mean?

5 MS. ANDRAPALLIYAL: Objection, calls for
6 speculation, assumes facts not in evidence.

7 BY MR. MCGINTY:

8 Q You can answer.

9 A **"Inclusion of genders" is inclusion of**
10 **gender, all genders.**

11 Q Okay. All right. What do you mean by
12 "all genders"?

13 A **It means whatever the gender -- whatever**
14 **is identified as the gender.**

15 Q What does "members of minority groups"
16 mean as used in that section?

17 MS. ANDRAPALLIYAL: Objection, assumes
18 facts not in evidence, calls for speculation.

19 BY MR. MCGINTY:

20 Q Well, Ms. Bulls, you helped draft this
21 document, right?

22 A **(Nodding head)**

23 Q Could you answer.

24 A **Yes.**

25 Q And part of your role is to help the ICs

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1 understand what this document means, right?

2 **A That is correct.**

3 Q Is part of your role to help the public
4 understand what this document means?

5 **A That is correct.**

6 Q And so it's part of your regularly
7 occurring duties to interpret this document, isn't
8 it?

9 **A It is.**

10 Q Okay. So what does "members of minority
11 groups" mean here?

12 MS. ANDRAPALLIYAL: Objection, asked and
13 answered, and the document speaks for itself.

14 BY MR. MCGINTY:

15 Q You can answer.

16 **A "Members of minority groups" is identified**
17 **in the Notices of Funding Opportunities. The**
18 **details of those are typically laid out in the**
19 **eligibility criteria or the eligibility areas of the**
20 **Notices of Funding Opportunities. So it would tie**
21 **back to whatever the program issued in that NOFO**
22 **and identified in the NOFO.**

23 Q So what's the public policy requirement
24 that they're talking about when they say, "The more
25 significant of the public policy requirements for

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1 the purpose of peer review are those concerning
2 research involving human subjects; members of
3 minority groups"?

4 Does that refer to the NOFO?

5 **A Yes, because the viewers look at the NOFO,**
6 **and they review based on the information that's in**
7 **the Notices of Funding Opportunities. They have**
8 **their criteria.**

9 **Q I see. And the NOFO will have the**
10 **criteria. How does that relate to the members of**
11 **minority groups? I guess I'm just not following**
12 **your answer.**

13 **A So if it's a Notice of Funding Opportunity**
14 **that is specific to a minority health or minority**
15 **HBCU, the research is linked to that, they will lay**
16 **out in the NOFO who is eligible to receive the**
17 **funding and lay out the criteria that they will use**
18 **for the recipient, or applicant at that time, to**
19 **be -- to apply for the funding, they lay out that**
20 **criteria.**

21 **And they have to be responsive. And then**
22 **it goes to peer review for them to review all of how**
23 **the applicant responded to the Notice of Funding**
24 **Opportunities. So that's how we look at that from**
25 **the peer review standpoint.**

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1 Q Got it. So this is explaining why you do
2 NOFOs and the way you do it?

3 A This is explaining the public policy
4 requirements that apply to those NOFOs, and the
5 guidance by which reviewers are looking at as the
6 scientists or the program officials write the NOFOs.

7 So it's kind of all baked into the Notice
8 of the Funding Opportunity, the purpose of the grant
9 itself. And then we, because before it is an
10 application, once it's an award, then they are bound
11 by the requirements here to follow that.

12 Q Does anything in this language that we
13 were just talking about suggest that research into
14 transgender or gender diverse health issues would
15 not be a priority for NIH?

16 MS. ANDRAPALLIYAL: Objection, calls for
17 speculation.

18 BY MR. MCGINTY:

19 Q You can answer.

20 A Can you repeat the question.

21 Q Does anything about the language we've
22 been talking about imply that it's a priority of NIH
23 not to fund research into transgender issues?

24 A Not at the time that this was issued.

25 Q Nothing in this language said that?

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1 **A Nothing.**

2 Q How about health disparities across racial
3 groups?

4 MS. ANDRAPALLIYAL: Same objection, calls
5 for speculation.

6 BY MR. MCGINTY:

7 Q You can answer.

8 **A Yes, same response. The language does not**
9 **say anything about that in this -- at this time, in**
10 **the April 2024.**

11 Q Have any of the amendments you just talked
12 about to these policies and procedures changed the
13 NIH priorities for funding of transgender issues?

14 MS. ANDRAPALLIYAL: Objection to the
15 extent that your question is calling for the
16 provision of deliberative information that hasn't
17 finalized yet.

18 **THE WITNESS: The --**

19 MS. ANDRAPALLIYAL: And instruct the
20 witness not to answer to the extent that the
21 question is asking for that information.

22 BY MR. MCGINTY:

23 Q I'm asking only about effective policy.
24 I'm asking only about policies that are effective
25 right now, today, that are final.

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1 My question is: Have there been any
2 amendments to this policy statement that would make
3 it so NIH does not have a priority of funding
4 transgender issues?

5 MS. ANDRAPALLIYAL: Objection, assumes
6 facts not in evidence.

7 **THE WITNESS: No.**

8 BY MR. MCGINTY:

9 Q How about research for racial disparities?

10 **A No.**

11 Q How about research regarding vaccine
12 hesitancy?

13 MS. ANDRAPALLIYAL: Objection, calls for
14 speculation.

15 **THE WITNESS: Your question is still the**
16 **same?**

17 BY MR. MCGINTY:

18 Q Yeah. The question is: Are there any
19 effective policies for NIH right now, today, that
20 are final that say that NIH deprioritizes funding
21 for vaccine hesitancy?

22 **A No.**

23 Q Okay. How about research that might
24 benefit institutions in China?

25 MS. ANDRAPALLIYAL: Same objection, calls

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1 for speculation.

2 **THE WITNESS:** Not where there's not a, a
3 foreign interference or nondisclosure requirement
4 or -- but at this time China is on the list of
5 countries of concern.

6 BY MR. MCGINTY:

7 Q Would you turn to I-73, please. Now what
8 I want to ask you about is this list of, I think
9 it's five things that appears in the top third of
10 the page. It's under a section that's starts on
11 I-72, so if you need to familiarize yourself with
12 any portion, go right ahead.

13 But my question is, there's these five
14 sections here, could you just read those into the
15 record and tell me what they mean.

16 MS. ANDRAPALLIYAL: Objections, calls for
17 speculation.

18 **THE WITNESS:** So I'm going to read it, but
19 then I also want to respond if that's okay.

20 BY MR. MCGINTY:

21 Q Sure.

22 A "Significance, Investigators, Innovation,
23 Approach, Environment." This section was written
24 by, by the experts in the peer review area.

25 Q Okay. So do you have an understanding of

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1 what this means and how it's used in the grant
2 application and review process?

3 **A I have an overarching understanding of**
4 **what that means.**

5 Q Okay. I'm just going to be asking for
6 your understanding.

7 **A Yeah.**

8 Q For your understanding, what does
9 "Investigators" mean?

10 MS. ANDRAPALLIYAL: Objection, calls for
11 speculation.

12 **THE WITNESS: Investigators that are**
13 **participating on the award that are leading the**
14 **scientific direction.**

15 BY MR. MCGINTY:

16 Q And it has to do with how qualified the
17 investigators are, right?

18 **A Yes.**

19 MS. ANDRAPALLIYAL: Objection, misstates
20 the -- yeah, misstates the testimony.

21 BY MR. MCGINTY:

22 Q Does it have to do with how qualified the
23 investigators are who are applying?

24 **A It has to do with their qualifications and**
25 **their capacity.**

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1 Q What makes an investigator qualified?

2 MS. ANDRAPALLIYAL: Objection, calls for
3 speculation.

4 THE WITNESS: I don't feel comfortable
5 answering that because I don't review grants.

6 BY MR. MCGINTY:

7 Q So you don't know what makes an
8 investigator qualified?

9 A I know what I would think an investigator
10 is qualified and how they are qualified. But I'm
11 not a scientist, so I wouldn't -- you know, what I
12 might see and someone else might see is two
13 different things. And so I don't want to -- I'm not
14 comfortable with answering that question.

15 Q Okay. So in your opinion what makes an
16 investigator qualified?

17 MS. ANDRAPALLIYAL: Objection, calls for
18 speculation, and the witness is not here to testify
19 in her personal capacity.

20 THE WITNESS: Yeah, I'm not an expert in
21 that.

22 BY MR. MCGINTY:

23 Q You can answer.

24 A Yeah, I'm not an expert in --

25 Q So you don't have an opinion?

State of WA, et al. vs Trump, et al.
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1 **A I have an opinion. I'm not comfortable**
2 **with giving my opinion outside of my official**
3 **capacity.**

4 Q With all due respect, Ms. Bulls, you are
5 here today to testify, and you've not been
6 instructed not to answer. I'm asking for your
7 opinion.

8 **A It has to be -- I would assume -- so in my**
9 **opinion, it would be the principal investigator is**
10 **the person that has the expertise in the scientific**
11 **area by which they were applying for the grant.**

12 Q And what would give them expertise?

13 MS. ANDRAPALLIYAL: Objection, calls for
14 speculation.

15 MR. MCGINTY: I'm asking her to explain
16 her opinion.

17 **THE WITNESS: Their background, their**
18 **qualifications, their experience, publications.**

19 BY MR. MCGINTY:

20 Q If they had background and qualifications
21 and publications in the area that they're applying
22 for a grant for, that would make them more qualified
23 for that grant?

24 MS. ANDRAPALLIYAL: Objection, calls for
25 speculation, calls for testimony in the witness's

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1 personal capacity which she is not here to do.

2 BY MR. MCGINTY:

3 Q Is that right?

4 A Is what right? I'm sorry.

5 MR. MCGINTY: Could you read back the
6 question, please.

7 (The record was read aloud as follows:

8 "QUESTION: If they had a background and
9 qualifications and publications in the
10 area that they're applying for a grant
11 for, that would make them more qualified
12 for that grant?")

13 THE WITNESS: I don't know that it would
14 make them more qualified, because they're -- the
15 grant is -- there's a competition across the board,
16 so they would be in the running to receive a grant.

17 BY MR. MCGINTY:

18 Q Understood. Thank you.

19 What does "Environment" mean?

20 MS. ANDRAPALLIYAL: Objection, calls for
21 speculation.

22 THE WITNESS: The environment is the --
23 where the project is going to be taking place, place
24 of performance.

25 BY MR. MCGINTY:

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1 Q And how is that evaluated in the grant
2 application and review process?

3 MS. ANDRAPALLIYAL: Objection, calls for
4 speculation.

5 THE WITNESS: I don't know -- so they look
6 at the grant application and they assess whether or
7 not the place of performance is an acceptable place
8 to conduct the research.

9 BY MR. MCGINTY:

10 Q What would make it acceptable?

11 MS. ANDRAPALLIYAL: Objection, calls for
12 speculation.

13 THE WITNESS: Yeah, I can't answer that.

14 BY MR. MCGINTY:

15 Q Do you have an opinion on what would make
16 it acceptable?

17 MS. ANDRAPALLIYAL: Objection. The
18 witness is not here to testify in her personal
19 capacity, offer her personal opinions.

20 THE WITNESS: No, I don't have an opinion.

21 BY MR. MCGINTY:

22 Q Would you turn to IIA-3.

23 A IIA-3, you say?

24 Q No. IIA --

25 A Oh, 3.

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1 Q -- 3.

2 A Got you.

3 Q Could you read the second paragraph that
4 appears on IIA-3.

5 A "As noted in this section, some
6 requirements may necessitate the
7 submission of a separate document (e.g,
8 human subjects assurance, certification
9 of IRB approval, institutional exemption,
10 civil rights assurance --"

11 Q I'm going to interrupt you. I meant the
12 second paragraph at the top of the page.

13 A Oh, I'm sorry.

14 Q No, you're fine.

15 A "This chapter addresses the public
16 Policy requirements, objectives, and other
17 appropriation mandates applicable to NIH
18 awards. The term 'public policy'
19 indicates that the requirement is based
20 on social, economic, or other objectives
21 or considerations that may be attached to
22 the expenditure of Federal funds by the
23 recipients, subrecipients, and
24 contractors, in general, or may relate to
25 the expenditure of Federal funds for

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research or other specified activities."

Q So if there were a social, economic, or other objective of distributing NIH funds, I would expect to find it in this Part 4 of this document, right?

MS. ANDRAPALLIYAL: Objection, calls for speculation.

THE WITNESS: Yes.

BY MR. MCGINTY:

Q Can you turn to IIA-14. Would you read that paragraph under 4.1.2, Civil Rights Protections, please.

A The entire paragraph?

Q Yes, please.

A I'm going to have to take some water.

Q Please do.

A "Recipients are required to administer NIH-funded projects in compliance with the federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age, and sex, which includes discrimination on the basis of gender identity, sexual orientation, and pregnancy, and comply with the applicable

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1 **conscience protections."**

2 Q That's the end.

3 A Oh. I thought you said -- I meant the
4 whole, I'm sorry, the whole section.

5 Q Oh, no, I just meant that first paragraph
6 under that section. I apologize.

7 A That's okay.

8 Q So recipients for NIH funding, they're
9 prohibited from discriminating on the basis of sex,
10 right?

11 A That's correct.

12 Q And prohibited from discriminating against
13 transgender people also?

14 MS. ANDRAPALLIYAL: Objection, calls for a
15 legal conclusion, calls for speculation.

16 **THE WITNESS: That is correct.**

17 BY MR. MCGINTY:

18 Q And they are forbidden from discriminating
19 against gender diverse people, too?

20 MS. ANDRAPALLIYAL: Objection, calls for a
21 legal conclusion, calls for speculation, and assumes
22 facts not in evidence.

23 **THE WITNESS: I would think so.**

24 BY MR. MCGINTY:

25 Q Does this section that we were just

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1 looking at right here, does this imply that NIH has
2 any policy for not funding research into transgender
3 issues?

4 MS. ANDRAPALLIYAL: Objection, calls for
5 speculation.

6 **THE WITNESS: Not at the time this was**
7 **issued.**

8 BY MR. MCGINTY:

9 Q So this language doesn't have any
10 implication that NIH does not fund transgender
11 related research?

12 MS. ANDRAPALLIYAL: Objection, calls for
13 speculation.

14 **THE WITNESS: Not before this. Not before**
15 **this was issued.**

16 BY MR. MCGINTY:

17 Q Okay. And is there any effective
18 operative amendment to this NIH Policy Manual that
19 would change that so that NIH does have a policy of
20 defunding transgender issues?

21 **A Not at this time. In draft form, but not**
22 **at this time publicly.**

23 Q Okay. So there's drafts that are being
24 generated that will change that?

25 MS. ANDRAPALLIYAL: Objection. To the

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1 extent that the question is calling for the
2 privileged and deliberative information that has not
3 been finalized, the witness is instructed not to
4 answer.

5 BY MR. MCGINTY:

6 Q So right now, today, there is no published
7 NIH policy that says NIH does not fund transgender
8 related issues?

9 A No.

10 Q And if I understood your testimony
11 correctly, the only written policy that exists is
12 the form letters that you got in connection with
13 those spreadsheets terminating grants?

14 MS. ANDRAPALLIYAL: Objection, misstates
15 prior testimony.

16 THE WITNESS: The letters are not
17 considered policy.

18 BY MR. MCGINTY:

19 Q The letters aren't policy?

20 A No, they're not considered policy.

21 Q So there's no policy that NIH has to
22 defund or to not fund transgender related research?

23 MS. ANDRAPALLIYAL: Objection, calls for
24 speculation, assumes facts not in evidence.

25 THE WITNESS: The question you asked

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1 before was whether it was published, anything today,
2 and publicly available. No.

3 BY MR. MCGINTY:

4 Q Is there a policy that NIH implements but
5 is not published that defunds transgender related
6 research?

7 A Not at this time.

8 Q So there's no policy that NIH implements
9 that defunds transgender related research?

10 A Not at this time.

11 Q When you say, "this time," what do you
12 mean?

13 A I'm saying that earlier I spoke to you
14 about the priorities memo. Once that memo is
15 finalized, that will be made publicly available, but
16 it's still in draft form, we're still going through
17 a process.

18 Q Okay. And is that memo implemented in any
19 way?

20 MS. ANDRAPALLIYAL: Objection, calls for a
21 legal conclusion, calls for speculation.

22 THE WITNESS: No, nothing final is
23 implemented related to the memo.

24 BY MR. MCGINTY:

25 Q Okay.

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1 **A The draft memo.**

2 Q So right now, today, NIH does not have a
3 policy of defunding or not funding transgender
4 related research?

5 MS. ANDRAPALLIYAL: Objection, calls for
6 speculation.

7 **THE WITNESS: That is correct.**

8 BY MR. MCGINTY:

9 Q Okay. Now, following this, there's some
10 significant policies having to do with stem cell
11 research and fetal human cells. Is that correct?

12 **A Yes.**

13 MS. ANDRAPALLIYAL: I'm sorry, what page
14 are we on?

15 MR. MCGINTY: Just the following pages,
16 IA-15, IA-16 [sic].

17 MS. ANDRAPALLIYAL: IIA-15?

18 MR. MCGINTY: Yes, sorry.

19 BY MR. MCGINTY:

20 Q Are these policies the kind of things --
21 are these the kind of social, economic, and other
22 policy goals that this Section 4 is about?

23 MS. ANDRAPALLIYAL: Objection, calls for
24 speculation.

25 **THE WITNESS: Can you repeat. I'm sorry,**

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I was just --

BY MR. MCGINTY:

Q Sure. Let me find it. Okay. When we get to IIA-28 --

A Okay.

Q -- and IIA-29, there's policies about human stem cell research and human fetal tissue research?

A Yes.

Q And earlier in this section we talked about the overriding umbrella section it had, which was, its purpose with to set out the social, economic, and public policy issues surrounding NIH funding. Is that right?

A That is right.

Q Okay. So I'm just asking if these sorts of sections, 4.1.13 and 4.1.14, are examples of those kinds of social, economic, and public policy implications of NIH funding.

MS. ANDRAPALLIYAL: Objection, calls for speculation.

THE WITNESS: I interpret them to be, yes.

BY MR. MCGINTY:

Q Okay. And this references on IIA-28 Executive Order 13505, doesn't it?

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1 **A Yes.**

2 Q So when the NIH policies are informed by
3 an Executive Order, it's referenced somewhere,
4 right?

5 MS. ANDRAPALLIYAL: Objection, calls for
6 speculation.

7 **THE WITNESS: Yes.**

8 BY MR. MCGINTY:

9 Q Okay.

10 **A Where there is -- correction, where there**
11 **is an Executive Order, yes.**

12 Q Let's see. I'm looking for 4.1.15. Here
13 we go, "Human Subjects Protections."

14 Can you summarize this section for me.
15 What are the human subjects protections that NIH
16 implements in this policy manual?

17 **A Making certain that there are assurances**
18 **and protocols in place to provide protections to**
19 **participants.**

20 Q And it also requires that human trials
21 include all kinds of people, right?

22 **A I just said, yes.**

23 Q And why is that important?

24 MS. ANDRAPALLIYAL: Objection, calls for
25 speculation.

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THE WITNESS: It's important to the outcomes of science.

BY MR. MCGINTY:

Q And that includes clinically important sex gender differences, doesn't it?

MS. ANDRAPALLIYAL: Objection, calls for speculation.

THE WITNESS: I don't see it as just one thing. It includes all participants.

BY MR. MCGINTY:

Q Which includes sex and gender differences, right?

MS. ANDRAPALLIYAL: Objection, calls for speculation.

THE WITNESS: It does. I would interpret it to include that.

BY MR. MCGINTY:

Q Okay. So is there anything here in this 4.1.15 Section that indicates it is not the policy of NIH to defund or to not fund transgender related research?

MS. ANDRAPALLIYAL: Objection, calls for speculation.

THE WITNESS: No.

BY MR. MCGINTY:

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1 Q Okay. And, in fact, it's actually the
2 opposite, isn't it? This policy actually says that
3 transgender related research is important?

4 A That is what the policy says at this time,
5 yes.

6 Q And "at this time," you mean today?

7 A Yes.

8 Q So is there anything in this policy
9 anywhere that says that NIH does not fund
10 transgender related research?

11 MS. ANDRAPALLIYAL: Objection, assumes
12 facts not in evidence.

13 THE WITNESS: No.

14 BY MR. MCGINTY:

15 Q And is there anything in any of the
16 effective amendments to this policy that says NIH
17 does not fund or defund transgender related
18 research?

19 A Publicly, no.

20 Q Publicly, no?

21 A No.

22 Q But NIH is terminating grants on the basis
23 that they fund transgender related research, isn't
24 it?

25 MS. ANDRAPALLIYAL: Objection, calls for

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speculation.

**THE WITNESS: Termination letters
terminate the grant.**

BY MR. McGINTY:

Q On the basis that they are studying
transgender related issues?

A And others. And other issues that are --
yeah.

Q Are those other issues anywhere in this
policy manual?

A No.

Q Are those other issues anywhere in the
effective amendments to this policy memo?

A No.

Q Are you familiar with the 2022 version of
this policy memo?

A Yes.

Q Given your job title, it might be an funny
question.

Is there anything in that 2022 version
that says that NIH has a policy of not funding or
defunding transgender related research?

A No.

Q In fact, in that 2022 version, it's also
the opposite, the policy is actually to fund that

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1 research, isn't it?

2 MS. ANDRAPALLIYAL: Objection, calls for
3 speculation.

4 **THE WITNESS: It doesn't exclude.**

5 BY MR. MCGINTY:

6 Q Doesn't exclude, but research on
7 sex gender minorities is important under that 2022
8 Version 2, right?

9 MS. ANDRAPALLIYAL: Objection, calls for
10 speculation.

11 **THE WITNESS: In the Institutes and**
12 **Centers where those priorities are, they are able to**
13 **fund and have been able to fund their research.**

14 BY MR. MCGINTY:

15 Q Have you ever been told not to talk about
16 either of the Executive Orders in your
17 communications about terminating grants?

18 MS. ANDRAPALLIYAL: Objection. To the
19 extent that -- to the extent the question is seeking
20 attorney-client and deliberative information, I'm
21 instructing the witness not to answer.

22 BY MR. MCGINTY:

23 Q Can you answer that question?

24 MS. ANDRAPALLIYAL: Again, to the extent
25 the question is seeking deliberative or

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1 attorney-client information, I instruct the witness
2 not to answer.

3 BY MR. MCGINTY:

4 Q Without divulging any deliberative or
5 attorney-client privileged information, have you
6 ever been told not to talk about the Executive
7 Orders in your communications about grant
8 termination?

9 A That would divulge discussions with the
10 Office of General Counsel. And seeking clarity from
11 the funding -- you know, just in seeking clarity
12 between the priorities, we need to know if the
13 priorities, you know, the memo, so.

14 Q The memo that you are currently drafting?

15 A The memo that the agency head is drafting.

16 Q Outside of communications about drafting
17 that memo, has anyone told you not to talk about the
18 EOs when you talk to, for example, the Chief Grants
19 Management Officers?

20 A No.

21 MS. ANDRAPALLIYAL: Objection. The
22 question calls for provision of deliberative,
23 attorney-client information, so to the extent that
24 that information is implicated, I would instruct the
25 witness not to answer.

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1 **THE WITNESS:** During the meetings about
2 **staff guidance, no, nobody has told me not to talk**
3 **about that, but I just don't because it's -- yeah,**
4 **nobody said not to, though.**

5 BY MR. MCGINTY:

6 Q Have you ever told the Chief Grants
7 Management Officers not to refer to the Executive
8 Orders when they discuss grant terminations with
9 investigators?

10 **A No.**

11 MS. ANDRAPALLIYAL: Objection --

12 **THE WITNESS: No. Sorry.**

13 MS. ANDRAPALLIYAL: Objection to the
14 extent that -- objection. The question is seeking
15 deliberative information so I'd instruct the witness
16 not to answer.

17 MR. MCGINTY: Can you explain your
18 objection to me.

19 MS. ANDRAPALLIYAL: You're seeking
20 deliberative information that employees are using to
21 make a final policy decision, and so for that reason
22 it's deliberative communications protected by the
23 Daubert process privilege.

24 MR. MCGINTY: I'm seeking a communication
25 that instructs agency behavior, not the information

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1 of the policy.

2 MS. ANDRAPALLIYAL: I'm not sure I
3 understand the difference.

4 MR. MCGINTY: The difference is one is
5 deliberative and one isn't.

6 MS. ANDRAPALLIYAL: But any communications
7 that are pre-decisional that go towards that final
8 decision are arguably --

9 MR. MCGINTY: And I'm asking about the
10 final decision not to talk about the EOs.

11 MS. ANDRAPALLIYAL: Can you repeat the
12 question, please.

13 MR. MCGINTY: Sure.

14 BY MR. MCGINTY:

15 Q Have you ever told any Grants Management
16 Officers not to talk about the EOs when they discuss
17 grant terminations --

18 MS. ANDRAPALLIYAL: Objection, vague.

19 BY MR. MCGINTY:

20 Q -- with the public.

21 There's no objection on the table. You
22 can answer.

23 A No.

24 Q Okay.

25 A The question is -- I would like to correct

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1 that.

2 The question has been are we terminating
3 on the basis of the EOs. And the answer is we are
4 looking at the priorities, the agency priorities,
5 and that's what the letter has stated. So that,
6 that's what I'm pointing them back to, the letter
7 and the priorities, not the EOs.

8 If they asked. If that was a question
9 during a meeting. And the answer was the
10 termination is based on the agency's new priorities
11 as outlined in the termination letters. That's all
12 I provided.

13 Q The agency priorities are not published in
14 the Grants Management, the Grants Policy Statement,
15 or any amendments to it?

16 A Correct.

17 Q The Agency's priorities, as far as you're
18 aware, only exist in form letters that you were
19 given by Rachel Riley?

20 MS. ANDRAPALLIYAL: Objection, asked and
21 answered.

22 THE WITNESS: By my supervisor, yes.

23 BY MR. MCGINTY:

24 Q Okay. And there's no other place where
25 these agency priorities are published or made

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1 available?

2 MS. ANDRAPALLIYAL: Objection, asked and
3 answered.

4 **THE WITNESS: No.**

5 MR. MCGINTY: Okay. I think we're about
6 to move into a new area. It might be time to take a
7 quick five or ten-minute break. Can we go off the
8 record.

9 (Recess taken - 2:29 to 2:50 p.m.)

10 MR. MCGINTY: We can go back on the
11 record.

12 BY MR. MCGINTY:

13 Q Now, I know you have a big stack of
14 exhibits right in front of you. And I'm going to
15 ask you to find Exhibit 3 which is the February 28th
16 letter to Dr. Tham.

17 **A Exhibit 3, you said?**

18 Q Oh, did I get the number wrong?

19 No, not that one. Maybe it's 4.

20 **A Okay.**

21 Q Yeah, 4. Sorry.

22 **A Yeah.**

23 Q Okay. So about a little more than halfway
24 down the page it says here in this letter:

25 "It is the policy of NIH not to prioritize

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1 these research programs."

2 Do you see that?

3 **A Yes.**

4 Q Okay. And "these research programs,"
5 meaning research programs based on gender identity,
6 right?

7 **A Yes.**

8 Q Now, I just asked you to go through a lot
9 of NIH policies, and your testimony was there is no
10 written final policy of NIH not to prioritize
11 research programs based on gender identity.

12 That was your testimony, right?

13 **A Yes.**

14 Q So when this letter says it is the policy
15 of NIH not to prioritize these research programs,
16 that's not referring to any written policy, is it?

17 MS. ANDRAPALLIYAL: Objection, assumes
18 facts not in evidence.

19 **THE WITNESS: I don't know what it was**
20 **intended to mean because I didn't write it.**

21 BY MR. MCGINTY:

22 Q There is no effective and final NIH policy
23 that you are aware of not to prioritize research
24 programs based on gender identity. Is that right?

25 **A That I know of, no.**

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1 Q And in your role as Director of OPERA,
2 would you expect to know about such a policy?

3 (Reporter requests clarification)

4 MR. MCGINTY: Director of OPERA.

5 MS. ANDRAPALLIYAL: Objection, calls for
6 speculation.

7 **THE WITNESS: I don't -- not necessarily.**

8 BY MR. MCGINTY:

9 Q In your role as Director of OPERA, what
10 kind of policies do you oversee?

11 **A Grants administration policies and**
12 **grants -- internal policies for our grants managers,**
13 **which are called the NIH Grants Administration**
14 **Manuals, which is an internal document that supports**
15 **the external document which is the NIH Grants Policy**
16 **Statement.**

17 Q So those are all policies that apply to
18 NIH as a whole?

19 **A Yes.**

20 Q So the policies that you might not be
21 aware of would be policies that would apply to one
22 IC, for example?

23 MS. ANDRAPALLIYAL: Objection, calls for
24 speculation.

25 **THE WITNESS: I don't know.**

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1 BY MR. MCGINTY:

2 Q Do you know of policies within the ICs
3 that you do not oversee?

4 A I don't know.

5 Q Okay. And just to be clear, there is no
6 NIH policy not to prioritize research programs based
7 on gender identity that you are aware of?

8 A That -- that is clear. No, not that I am
9 aware of.

10 Q Okay.

11 A Can I ask a point of clarification?

12 Q Please.

13 A You are saying NIH policies, and I don't
14 see priorities as something that I would oversee.

15 Q Sure.

16 A You know?

17 Q I understand. I guess my question comes
18 from the part of the sentence where it says, "It is
19 the policy of NIH not to prioritize these research
20 programs." So that's why I'm asking you about the
21 policies of NIH.

22 A Okay.

23 Q And you're not aware of any policy of NIH
24 not to prioritize those research programs?

25 A No, I don't have any (indiscernible).

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(Reporter requests clarification)

THE WITNESS: I don't have any insight on it.

BY MR. MCGINTY:

Q Okay. So now let's go back to Exhibit 3.

A I don't know if I'll be able to find it now.

(Witness reviews documents)

THE WITNESS: I just saw it. Where did it go? It's running from me. Maybe I'll look closer. I have to re-order.

(Witness reviews documents)

BY MR. MCGINTY:

Q I understand the papers get shuffled.

Okay. And we are looking at page 8616 on Exhibit 3, and looking at Section 3(e). The last sentence there, it says:

"Agencies shall take all necessary steps, as permitted by law, to end the Federal funding of gender ideology."

Do you see that?

A Yes.

Q Has NIH, to your knowledge, terminated any grants implementing that sentence?

MS. ANDRAPALLIYAL: Objection, calls for a

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1 legal conclusion, calls for speculation.

2 **THE WITNESS: We terminated it based on**
3 **the language in the letter.**

4 BY MR. MCGINTY:

5 Q Is it your testimony that the language in
6 the letter had no connection to the sentence that I
7 just read?

8 MS. ANDRAPALLIYAL: Objection, calls for
9 speculation, calls for a legal conclusion, assumes
10 facts not in evidence.

11 **THE WITNESS: I don't know what the**
12 **intention was for the two. I don't know.**

13 BY MR. MCGINTY:

14 Q The language in the letter was given to
15 you. Is that right?

16 **A Yes.**

17 Q And you don't know why it was written. Is
18 that right?

19 **A I don't know.**

20 Q Okay. Let's go to Section 3(g) of this
21 same Executive Order.

22 **A Okay.**

23 Q It says:

24 "Federal funds shall not be used to
25 promote gender ideology. Each agency

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1 shall assess grant conditions and grantee
2 preferences to ensure grants funds do not
3 promote gender ideology."

4 See that?

5 **A Yes.**

6 Q To your knowledge, has NIH terminated any
7 grants in implementing this section of this
8 Executive Order?

9 MS. ANDRAPALLIYAL: Objection, calls for a
10 legal conclusion, calls for speculation.

11 **THE WITNESS: To my knowledge, the letter**
12 **terminates the grant and the language is in the**
13 **termination letter.**

14 BY MR. MCGINTY:

15 Q Okay. And the reason that the grants were
16 terminated, if I understand your prior testimony
17 correctly, is stated in the letter and it's stated
18 in the spreadsheet that states which grants you are
19 going to terminate. Is that right?

20 **A Yeah, the spreadsheet, remember, I was**
21 **telling you, it has the categories, like, Y, you**
22 **know, D, I, that kind of thing.**

23 Q Okay. Are you familiar with the START
24 platform?

25 **A No.**

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1 Q Okay. That's not an internal NIH platform
2 for administrative information chain?

3 MS. ANDRAPALLIYAL: Objection, calls
4 for -- assumes facts not in evidence.

5 THE WITNESS: What would it be -- I don't
6 under -- is it a part of something I would use for
7 work? I mean --

8 BY MR. MCGINTY:

9 Q That's my understanding from just
10 googling. I searched START NIH, and that appears to
11 be an internal database. I'm just asking if you are
12 familiar with it?

13 A I don't know about it, no.

14 Q Okay.

15 A I'm trying -- you have me think -- like,
16 NIH like START.

17 Q S-T-A-R-T.

18 A Oh, okay. No.

19 (Bulls Deposition Exhibit 21 was marked
20 for identification.)

21 BY MR. MCGINTY:

22 Q I'm handing you what's been marked
23 Exhibit 21. Do you know what that is?

24 A Oh, gosh.

25 MS. ANDRAPALLIYAL: Can I have a copy.

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(Document tendered to Ms. Andrapalliyal)

THE WITNESS: It's a spreadsheet of all the termin -- it looks like terminations. That's what this says up here, but I'm not familiar with this document.

BY MR. MCGINTY:

Q You haven't seen this before?

A Is this the spreadsheet? A spreadsheet that -- we have a master spreadsheet that kind of, I think, has all of the terminations in it. But that's not this -- I don't know if that is this.

Q You don't know by looking at it?

MS. ANDRAPALLIYAL: Objection, asked and answered.

THE WITNESS: The spreadsheet that I have doesn't look like this.

BY MR. MCGINTY:

Q What does it look like?

A It has all the information in it, like the grant number, the title, you know, that kind of stuff. I don't know that it has, like -- it has the administering IC.

What does this have? I thought that said program official. It has -- it has a lot of this in it. It does.

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1 Q Okay. Could you go over to "Termination
2 Reason," that column. See the first four rows it
3 says, "gender ideology (EA14168)"? Do you see that?

4 A This is small.

5 Q I have a modified version with some
6 columns taken out, it's a bit bigger. Would you
7 like to see that?

8 A Yes, please. Sorry.

9 (Bulls Deposition Exhibit 22 was marked
10 for identification.)

11 BY MR. MCGINTY:

12 Q I'm handing you what's been marked
13 Exhibit 22.

14 A Yes.

15 Q And I will represent to you that this is a
16 version of Exhibit 21, and I've taken some columns
17 out so that the information on it is more legible.

18 A Thank you.

19 Q But if you ever need to refer back to
20 Exhibit 21 for any reason, let me know. I don't
21 mean to take information away from you, I just want
22 you to be able to see it.

23 A Exactly.

24 Q Okay. So the question I just had was, for
25 now, this first four rows, you see where it says

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1 "Termination Reason"?

2 A Yes.

3 Q And it says "gender ideology," and then in
4 parenthesis, 14168?

5 A Yes.

6 Q Is that the same thing that appears on
7 your internal spreadsheet that you didn't know
8 about?

9 A Not that I know about.

10 Q Okay.

11 A But I will say that there are different
12 spreadsheets that are being maintained, so I
13 don't -- I don't know about all of them. I just
14 know about mine.

15 Q How do you know there are different
16 spreadsheets that are being maintained?

17 A Well, because we are actually working
18 with, to give data to HHS. Then we provide data to
19 maintain ourselves so we know when the grant was
20 terminated. And HHS wants to be able to put that
21 information, publicize that information.

22 So some of this information is made
23 available, like, with the columns, the categories
24 that I was telling you about. So I see the
25 categories which is what determination reason looks

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1 like, but I don't know that I've seen this in my
2 spreadsheet.

3 Q When you say "this," what do you mean?

4 A This gender -- so gender ideology, yes.
5 But the EA14168, I don't recall seeing that.

6 Q You didn't see that. Okay.

7 MR. MCGINTY: Okay. I think we're done.

8 MADAME COURT REPORTER: May I just ask:
9 would you like to order a copy?

10 MS. ANDRAPALLIYAL: I would, but we would
11 also like to redirect.

12 MADAME COURT REPORTER: Oh, sorry.

13 MS. ANDRAPALLIYAL: But maybe we could --
14 could we take a break before we do that. Maybe
15 reconvene at 3:30.

16 (Recess taken - 3:05 to 3:38 p.m.)

17 MS. ANDRAPALLIYAL: Okay. We're back on
18 the record.

19 EXAMINATION

20 BY MS. ANDRAPALLIYAL:

21 Q Good afternoon, Ms. Bulls.

22 A Good afternoon.

23 Q So I'll be asking you just a few questions
24 here today. And let me know if anything is unclear
25 or when you have any questions.

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1 So I'll just start with the Subpoena that
2 was issued that we talked about in Exhibit 1. Do
3 you have the handy?

4 **A Yes.**

5 Q Okay. And will you turn to page 5 of that
6 document. And you see the second half of that page
7 number, "Requests for Production"?

8 **A Yes.**

9 Q Okay. Did you discuss these Requests for
10 Production with counsel?

11 **A No.**

12 Q Okay. Did you receive -- were you told by
13 counsel to collect documents in preparation for
14 these discovery requests?

15 **A Yes.**

16 Q Okay. Is it possible that counsel is
17 collecting documents in other ways apart from asking
18 you to collect documents?

19 MR. MCGINTY: Objection, calls for
20 speculation.

21 **THE WITNESS: It is possible.**

22 BY MS. ANDRAPALLIYAL:

23 Q Okay. Are you aware of whether counsel is
24 collecting documents in other ways?

25 **A I don't know.**

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1 Q Okay. I'll turn to -- and I'm sorry, I
2 don't have the exhibit number handy, but the one,
3 DEI Staff Guidance.

4 MR. MCGINTY: Which one?

5 MS. ANDRAPALLIYAL: The third one.

6 (Reporter requests clarification)

7 MS. ANDRAPALLIYAL: DEI Staff Guidance.

8 MR. MCGINTY: The one dated March 25?

9 MS. ANDRAPALLIYAL: No, I guess, the first
10 one, please.

11 MR. MCGINTY: The first one, so the one
12 dated February 12th.

13 MS. ANDRAPALLIYAL: Okay, yes.

14 MR. MCGINTY: So that would be Exhibit 8.

15 MS. ANDRAPALLIYAL: Exhibit 8, okay.

16 BY MS. ANDRAPALLIYAL:

17 Q Do you have Exhibit 8 handy, Ms. Bulls?

18 A Yes.

19 Q You have it?

20 A Yes.

21 Q Okay, great.

22 Now, what, in your understanding, was the
23 basis for issuing this; in other words, what
24 policies were the basis for issuing this Staff
25 Guidance, to your knowledge?

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1 A There wasn't a policy that was issued. It
2 was the temporary restraining orders that were
3 issued that caused us to develop this guidance.
4 There was a funding pause.

5 Q Mm-hmm.

6 A And the funding pause was in place, and we
7 were trying to figure out, you know, just make sure
8 that folks understood that the -- given, you know,
9 the recent court -- it says, "...given the recent
10 court orders, this cannot be a factor in IC funding
11 decisions at this time."

12 So we're trying to talk about the fact
13 that leadership is going to be looking over agency
14 priorities.

15 Q Okay. Okay.

16 MS. ANDRAPALLIYAL: Okay. And then can we
17 go to -- and what was the second version, which
18 exhibit was that?

19 MR. MCGINTY: The one dated February 13th.

20 MS. FRAAS: 7, I believe.

21 MR. MCGINTY: Yeah, the one dated after
22 the one that said follow court order, it says don't
23 follow court orders. And that's February 13 and
24 that's Exhibit 7.

25 BY MS. ANDRAPALLIYAL:

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1 Q Do you have that one handy?

2 A Yes, I do.

3 Q Okay. And, to your knowledge, what
4 were -- what, if any, policies or priorities were
5 the basis for this guidance?

6 A There were no policies. There were no
7 priorities for the guidance.

8 Q Okay. When you say there were no
9 priorities, do you mean there were no final
10 priorities, or something else?

11 A Final priorities. I issued this based on
12 the Secretarial directive related to DEI funding.

13 Q Okay.

14 A That was just to say that, that the
15 Secretary had issued a memo, or a Secretarial
16 directive.

17 Q Okay.

18 A So it wasn't agency priorities, but it was
19 a Secretarial directive.

20 Q Okay. So it was a Secretarial directive.
21 So when you say -- when you contrast with an agency
22 priority, what do you mean by that?

23 A It means, for me, that there was a
24 directive coming from HHS Office of the Secretary
25 that was issued to the NIH and the other operatives.

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1 Q So by "agency," do you mean NIH? Are you
2 contrasting NIH with HHS when you are distinguishing
3 between --

4 A Yeah, I am.

5 Q -- Secretarial directive and agency
6 priorities directive?

7 A Yeah.

8 Q Okay. Well, let me switch gears a little
9 bit.

10 If we can go to Exhibit -- go to Exhibit 4
11 which, I believe, is the December 28th termination.
12 Give me one second.

13 So looking at that document, but also
14 looking at the several other exhibits that we've
15 discussed earlier in this deposition regarding other
16 grant terminations, is it correct to say that your
17 prior testimony identified three documents that, in
18 your view, explained the terminations? And by those
19 three documents, I mean an e-mail you received,
20 spreadsheets you received, and a template letter.

21 A Yes.

22 Q Is that correct?

23 A That is correct.

24 Q Okay. Do you know if there are other
25 documents out that NIH has produced that would

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1 explain these terminations but that you did not
2 receive?

3 **A I do not know.**

4 Q Okay. Is it possible?

5 **A It is possible.**

6 Q Now, can you remind us of your title
7 again.

8 **A The Director of the Office of Policy for**
9 **Extramural Research Administration.**

10 Q And what's the title of the person you
11 report to?

12 **A The Deputy Director for Extramural**
13 **Research.**

14 Q And who does that person report to?

15 **A The Principal Deputy of Extramural**
16 **Research.**

17 (Reporter requests clarification)

18 **THE WITNESS: Extramural.**

19 **And, I believe, the person I reported to,**
20 **the Principal Director and Director, so.**

21 BY MS. ANDRAPALLIYAL:

22 Q And the Principal Deputy is one title, and
23 then above that is the Director. Is that correct?

24 **A That's correct.**

25 Q Okay. And who does the Director report

State of WA, et al. vs Trump, et al.
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1 to?

2 **A Secretary.**

3 Q Secretary of HHS?

4 **A HHS.**

5 Q Okay. Now, are you involved in the
6 discussion of what should be agency priorities in
7 funding research?

8 **A No.**

9 Q No? Okay. Who would be involved in those
10 discussions?

11 **A It would be the Deputy Director for**
12 **Extramural Research, the Principal Deputy, and the**
13 **Director of the Agency along with all of the**
14 **Institute and Centers Directors.**

15 Q Okay. And who actually sets agency
16 priorities for funding, for funding research?

17 **A The Director along with the IC Directors.**

18 Q Okay. Now, are you aware of whether the
19 Acting Director has issued funding priorities?

20 **A I'm not aware.**

21 Q Are you aware of draft priorities?

22 **A I am aware of draft priorities.**

23 Q Of draft priorities that are currently
24 being developed?

25 **A I'm aware -- I saw a draft document, but I**

State of WA, et al. vs Trump, et al.
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1 don't know if it's still under development. I'm
2 not -- I don't have any insight. I just know that I
3 saw a draft document, definitely, yes.

4 Q Do you know if any draft priorities have
5 been finalized?

6 A I don't know.

7 Q Is it possible that they have and you
8 don't know?

9 A It is possible.

10 Q Turning back to Exhibit 4, I know I'm
11 jumping around a little bit, I do apologize.

12 But turning back to Exhibit 4 to the grant
13 termination letter, at one point counsel for
14 Plaintiff asked you to compare the language in that
15 letter to the language in Exhibit 3, which is the
16 Executive Order 14168. Is that correct?

17 A Yes.

18 Q Okay. And specifically, I believe, asked
19 you to compare the language in that letter to
20 Section 2 of the Executive Order. Is that correct?

21 A Yes.

22 Q Okay. Section 2 on page 1, at the bottom
23 of page 1.

24 A Mm-hmm, yes.

25 Q Okay. Now, do you have any basis, any

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1 official basis, to know whether the language in that
2 termination letter was included because of the
3 Executive Order?

4 **A No.**

5 Q Do you have any reason to believe or --
6 you said at one point that the language looked
7 similar.

8 What was the basis for that, for that
9 statement?

10 **A Just me looking at it today, yeah.**

11 Q Okay. Did anybody tell you that the
12 letter was based on the Executive Order?

13 **A No.**

14 Q Do you have reason to believe that it was,
15 that the letter was based on the Executive Order?

16 **A I don't know.**

17 Q Okay. The letter in Exhibit 4 says that,
18 that this award no longer effectuates agency
19 priorities. Is that correct?

20 **A Yes.**

21 Q Okay. And do you have reason to believe
22 that those agency priorities are based on Executive
23 Order 14168?

24 **A Can you restate.**

25 Q Sure. Do you have reason to believe, in

State of WA, et al. vs Trump, et al.
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1 your official capacity, that the language in the
2 letter saying that this award no longer effectuates
3 the agency priorities was based on Executive Order
4 14168?

5 **A No.**

6 Q Okay. Let me switch gears again and let
7 me go back to that third version of the Staff
8 Guidance in the record, the March 25th document.

9 Do you have that handy?

10 **A Exhibit?**

11 MR. MCGINTY: For the record, I believe
12 this is Exhibit 6.

13 BY MS. ANDRAPALLIYAL:

14 Q Exhibit 6.

15 **A Okay.**

16 Q Okay. Thank you.

17 Now, Ms. Bulls, is that a final document
18 that you have there as Exhibit 6?

19 **A No, it's not intended to be final.**

20 Q Okay. Is there a watermark on that
21 document?

22 **A Yes.**

23 Q What does the watermark say?

24 **A "Confidential."**

25 Q Is there a header on that document?

State of WA, et al. vs Trump, et al.
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1 A **Yes.**

2 Q What does the header say?

3 A **"Internal: Not for Distribution Outside**
4 **of the Government."**

5 Q Do you know why that watermark and that
6 header was included on this document?

7 A **Yes.**

8 Q Why?

9 A **Because people were sending the document**
10 **out to places where it's being posted publicly.**

11 Q And why is it a problem that this document
12 was being posted publicly?

13 A **Because, one, it was a draft document,**
14 **and, two, it was an internal document, Guidance for**
15 **Staff, and ...**

16 Q So when you say it was a draft document,
17 was it -- was it subject to change?

18 A **Yes.**

19 Q When you sent it out, what was the purpose
20 of sending this kind of document out?

21 A **I sent it out and asked for folks to --**
22 **because they had a lot of questions, and so I asked**
23 **them to take a look at the document to see if the**
24 **updated version of the document answered their**
25 **questions.**

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1 Q And what are the problems that arise if a
2 draft document is posted publicly?

3 A People have information that is not final,
4 it's internal, and it's still going through vetting
5 processes. So it gives the pre-- what do you -- I
6 mean it's like pre-information that's not available,
7 not even final, within the agency.

8 Q And is it possible that there are
9 inaccuracies in a draft document like that when it
10 hasn't been finalized?

11 A Yes, because it still has to go through
12 approval within the management and leadership levels
13 and be approved, or at least reviewed by OGC.

14 Q And is it possible that that kind of
15 document would be materially changed before it's
16 finalized?

17 MR. MCGINTY: Objection, leading.

18 THE WITNESS: The document has changed
19 over time, and it's very different than where it
20 started. And, yeah, it's not the same document.

21 BY MS. ANDRAPALLIYAL:

22 Q So it has changed -- sorry.

23 Are you saying that it has changed over
24 time?

25 A Yes.

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1 Q Okay. And could it change further over
2 time?

3 A It will.

4 Q Okay.

5 MS. ANDRAPALLIYAL: I'm going to jump
6 around again, and we might need an exhibit number
7 again here. The reinstatement document?

8 Do you have that exhibit number, Counsel?

9 MR. MCGINTY: I believe that's Exhibit 10.
10 BY MS. ANDRAPALLIYAL:

11 Q Do you have that handy, Ms. Bulls?

12 A I'm getting at it. We were doing fine
13 before the grants policy.

14 (Whereupon, laughter)

15 BY MS. ANDRAPALLIYAL:

16 Q Okay. Do you have a copy of that now,
17 Ms. Bulls?

18 A Yes, I do.

19 Q Okay, great. Could you turn to page 5 of
20 that document, please.

21 (Reporter requests clarification)

22 MS. ANDRAPALLIYAL: Yes, page 5 of this
23 reinstatement document.

24 BY MS. ANDRAPALLIYAL:

25 Q Okay. And could you remind us which part

State of WA, et al. vs Trump, et al.
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1 of Section IV has the language that you drafted?

2 **A This:**

3 "Revised Award: This grant has been
4 restored and the termination clause
5 rescinded effective immediately. The
6 grant will continue under the original no
7 cost extension."

8 Q Okay. Now, below that there is -- sorry,
9 at the very end of that page there's a statement
10 that says:

11 "The previous terms and conditions of
12 award remain in effect."

13 Do you see that language down at the
14 bottom?

15 **A Yes.**

16 Q Now, is it part of your job
17 responsibilities to interpret these kinds of Revised
18 Notices of Award?

19 **A I never see them.**

20 Q You never see them? Okay.

21 **A No.**

22 Q Who is in charge of administering them?

23 **A The Institute and Centers, so the Chief**
24 **Grants Management Officer is responsible for making**
25 **sure that the terms are correct.**

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1 Q Okay. So in your duties do you typically
2 come across these Revised Notices of Award?

3 A No.

4 Q No? Okay.

5 Do you have reason to believe that the
6 language beginning on page, at the bottom of page 5
7 in some way invalidates the reinstatement of the
8 grant?

9 MR. MCGINTY: Objection, leading, lack of
10 foundation.

11 BY MS. ANDRAPALLIYAL:

12 Q What does this Notice of Award do? What
13 does this document do?

14 MR. MCGINTY: Objection, lack of
15 foundation.

16 BY MS. ANDRAPALLIYAL:

17 Q Do you know what this document does?

18 A The document communicates the terms and
19 conditions to the recipient.

20 Q Okay. A Notice of Award, what is a Notice
21 of Award?

22 A It's a funding instrument.

23 Q Okay. And so, do you understand what
24 this, what this Notice of Award is doing?

25 A Yes.

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1 Q What is it doing?

2 A It is giving funding information from the
3 Institute and Center to the recipient.

4 Q Okay.

5 A And are you talking about this particular
6 award, or all? Just --

7 Q I'm talking about this particular award.

8 A This particular award is communicating
9 that the grant has been restored and that the
10 termination clause is rescinded.

11 Q Okay.

12 A This is the first part. Because there's a
13 second part, too, so. That's the only one I know
14 about.

15 Q Okay. And by "second part," what do you
16 mean by second part?

17 A So when Institutions and Centers issue
18 awards, they issue the original award and then they
19 issue revisions on top of that.

20 Q Okay.

21 A So the top revision was the latest
22 revision as of the issue date of 3/27.

23 Q Okay. And so when you drafted this
24 language regarding the revised award, what was the
25 intent of that language?

State of WA, et al. vs Trump, et al.
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1 **A To restore the grant and to rescind the**
2 **termination.**

3 Q Okay. And did you mean to conditionally
4 restore the grant?

5 **A No.**

6 Q Okay. Did this language intend to subject
7 the reinstatement to, to the language that follows
8 regarding, yeah, the start at the top of page 6?

9 **A No, my language was to restore the grant,**
10 **which is what I sent to the Chief GMO.**

11 Q Okay.

12 **A The other language looks like it was**
13 **adding money back to the grant, which I had -- that**
14 **was just an action from the Chief GMO to restore**
15 **funding back to the grant.**

16 Q I see. You're talking about the second
17 revised --

18 **A -- revision, yes.**

19 (Simultaneous speaking)

20 BY MS. ANDRAPALLIYAL:

21 Q -- statement. I see.

22 **A Yeah, which was separate from the first**
23 **one.**

24 Q I see, okay. And then can we move to the
25 manual, that big stack at the bottom. So can we

State of WA, et al. vs Trump, et al.
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1 just go to the introduction on page ii.

2 **A Yes.**

3 Q What is your understanding of the point of
4 this, of this manual? What is the purpose for this
5 manual?

6 **A It's to provide NIH recipients with the**
7 **policy requirements and lay out the standard terms**
8 **and conditions of the award.**

9 Q So when you say that it's meant for NIH
10 recipients, does that mean it's for people who have
11 already received, or institutions that have already
12 received NIH grant funding?

13 **A Yes.**

14 Q Okay. How often is this manual updated,
15 in your experience?

16 **A It's typically updated annually.**

17 Q Annually?

18 **A Yes.**

19 Q Okay. And so when was this document most
20 recently updated?

21 **A It was updated April 2024. Well, that's**
22 **the publication date.**

23 Q And, in your experience, has NIH issued
24 new funding priorities or policies outside of this
25 policy statement or initially without modifying this

State of WA, et al. vs Trump, et al.
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1 policy statement?

2 A Yeah, funding priorities are typically
3 outside of it. And they're housed on the websites
4 of the Institutes and Centers.

5 Q Okay.

6 A We usually just issue a Guide Notice to
7 talk about, you know, what the public policies are,
8 legislative mandates, but we don't get into the
9 funding, aside from the CRs. We have to issue a CR
10 Notice.

11 Q Okay. And what are Guide Notices? You
12 used that term earlier.

13 A Yeah, Guide Notices communicate NIH
14 policies in the interim, between the time that the
15 policy statement is updated, because policies change
16 before the policy statement is revised. So we use
17 that as an instrument to communicate the policies,
18 policy changes, that might impact the end grants
19 policy statement.

20 Q Do you know if there are new Guide Notices
21 being developed at this time based on any new agency
22 priorities for policies?

23 A I don't know.

24 Q Okay. Ms. Bulls, I'm done with my
25 questions. Thank you so much for your time.

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1 **A Thank you.**

2 MR. MCGINTY: I will have some follow-ups.
3 Take a five-minute break?

4 (Recess taken - 4:08 to 4:16 p.m.)

5 MR. MCGINTY: Let's go back on the record.

6 FURTHER EXAMINATION

7 BY MR. MCGINTY:

8 Q Thank you, Ms. Bulls, for hanging in
9 there. I think we're almost done.

10 **A Okay.**

11 Q You were asked about Exhibit 1, the
12 Subpoena Duces Tecum that was sent to you.

13 **A Yes.**

14 Q Do you recall just now you were asked
15 about that?

16 **A Yes.**

17 Q And you were asked if counsel directed you
18 to gather those documents. Is that right?

19 MS. ANDRAPALLIYAL: Objection, misstates
20 prior testimony.

21 MR. MCGINTY: Would you read that back.

22 (The record was read aloud as follows:

23 "QUESTION: And you were asked if counsel
24 directed you to gather those documents.
25 Is that right?")

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1 MR. McGINTY: If you go back up to the
2 redirect, and I believe the question was about
3 counsel's representation to Ms. Bulls about
4 Exhibit 1.

5 (The record was read aloud as follows:

6 "QUESTION: So I'll be asking you just a
7 few questions here today. And let me
8 know if anything is unclear or when you
9 have any questions.

10 "So I'll just start with the Subpoena that
11 was issued that we talked about in
12 Exhibit 1. Do you have that handy?

13 "ANSWER: Yes.

14 "QUESTION: Okay. And will you turn to
15 page 5 of that document. And you see the
16 second half of that page is numbered
17 'Requests for Production'?

18 "ANSWER: Yes.

19 "QUESTION: Okay. Did you discuss these
20 Requests for Production with counsel?

21 "ANSWER: No.

22 "QUESTION: Okay. Did you receive -- were
23 you told by counsel to collect documents
24 in preparation for these discovery
25 requests?

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1 "ANSWER: Yes.

2 "QUESTION: Okay. Is it possible that
3 counsel is collecting documents in other
4 ways apart from asking you to collect
5 documents? ")

6 MADAM COURT REPORTER: Is that what you
7 wanted?

8 MR. MCGINTY: Yes, thank you.

9 BY MR. MCGINTY:

10 Q So you were asked if counsel instructed
11 you to collect documents in response to those
12 requests, right?

13 A Yes.

14 Q And you did collect those documents,
15 right?

16 A Yes.

17 Q And other than your CV, are you aware of
18 any of those documents having been provided to
19 Plaintiff's counsel today?

20 A I don't know.

21 Q And you've been here all day. Did you see
22 counsel give those documents to us?

23 A No.

24 Q Let's see. When you were asked about
25 Exhibit 8, which is the February 12th Staff

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1 Guidance -- if you could pull that up, that would be
2 great.

3 Now, this was from Dr. Lauer and from you.
4 Is that right?

5 **A That is correct.**

6 Q And Dr. Lauer resigned the next day,
7 right?

8 **A I don't remember.**

9 Q You don't remember. Did Dr. Lauer resign?

10 **A Yes, he did. He retired.**

11 Q Do you know if it had any connection with
12 this Exhibit 8?

13 **A I'm sorry?**

14 Q Do you know if his retirement had any
15 connection with this Exhibit 8?

16 **A No.**

17 Q Okay. When you were asked about
18 Exhibit 7, if I remember correctly, you said that
19 Exhibit 7 was in response to a Secretarial
20 directive. Did I understand that right?

21 **A Yes.**

22 Q Was that Secretarial directive written
23 down?

24 **A Yeah, it's in the document from the**
25 **department. It was attached.**

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1 Q I see. It is this February 10th document
2 here?

3 A Yes.

4 Q Okay. And that had to do with DEI
5 funding?

6 A Yes.

7 Q Is it common for those kinds of directives
8 to come from HSS?

9 MS. ANDRAPALLIYAL: Objection, calls for
10 speculation.

11 THE WITNESS: I don't know.

12 BY MR. MCGINTY:

13 Q Okay. I'm going to ask a bit, a few more
14 questions about Exhibit 4, the February 28th letter.

15 And you were asked if you knew whether or
16 not there were other documents other than the
17 e-mail, the spreadsheet, and the template letter
18 that explained terminations like what we see on this
19 Exhibit 4.

20 Do you remember that?

21 A Yes, I do.

22 Q And, as I recall your testimony, you said
23 you didn't know if there were other documents that
24 might exist.

25 A I don't know if there are other documents.

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1 Q If you wanted to find that out, who would
2 you ask?

3 MS. ANDRAPALLIYAL: Objection, calls for
4 speculation.

5 THE WITNESS: If I wanted to find out who
6 would I ask? My supervisor.

7 BY MR. MCGINTY:

8 Q Okay. Who, right now, is who?

9 A Jon Lorsch.

10 Q Jon Lorsch.

11 A But at the time I think it was
12 Liza Bundesen.

13 Q Liza Bundesen might know?

14 A I don't know.

15 Q Can you think of anybody else who might
16 know whether or not other documents exist?

17 MS. ANDRAPALLIYAL: Objection, calls for
18 speculation.

19 THE WITNESS: No, I don't know. I don't.

20 BY MR. MCGINTY:

21 Q How about Rachel Riley?

22 A I don't know.

23 Q Okay. Just confirming your testimony, you
24 got this template language word for word, right?

25 A Yes.

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1 Q You didn't write one word in this?

2 A No.

3 Q And there's several letters like this. I
4 think you testified somewhere over five hundred and
5 less than a thousand for grants that you terminated
6 with those kind of template letters. Is that right?

7 A Yes.

8 Q Is that common?

9 MS. ANDRAPALLIYAL: Objection, calls for
10 speculation.

11 THE WITNESS: Is -- is what common?

12 BY MR. MCGINTY:

13 Q Have you ever, before January 20th, 2025,
14 put your name on a letter like this without having
15 written a single word of it?

16 MS. ANDRAPALLIYAL: Objection, beyond the
17 scope of redirect.

18 BY MR. MCGINTY:

19 Q You can answer.

20 A No.

21 Q And it's your testimony that you don't
22 know why any of this language was included, right?

23 MS. ANDRAPALLIYAL: Objection, misstates
24 prior testimony.

25 BY MR. MCGINTY:

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1 Q Do you know why any of this language is
2 included?

3 A No.

4 Q Before January 20th, 2025, did you put
5 your name on a letter when you didn't know why any
6 of the words were included in it?

7 MS. ANDRAPALLIYAL: Objection,
8 argumentative.

9 THE WITNESS: Not that I can recall.

10 BY MR. McGINTY:

11 Q Is that something you might remember?

12 A I don't know.

13 Q You were asked if you were regularly
14 involved in discussions of what agency priorities
15 should be, and I think you said: Deputy Director,
16 Principal Director, the Director of the agency, and
17 the Institute Directors. Is that right?

18 A Yes.

19 Q Okay. And can you name those people for
20 me?

21 A The acting leader -- or, well, from when
22 these letters were written? Is that what you mean?
23 Yes.

24 Q I mean everybody from the first letter,
25 which I understood is February 28, 2025, to the

State of WA, et al. vs Trump, et al.
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1 most recent, which I think is March 27th.

2 Who are all the people in that time frame
3 who would be involved in discussions about what
4 agency priorities should be?

5 A I don't know. I don't know -- I know who
6 the people -- I know the people that were in the
7 positions, but I don't know if they were discussing
8 agency priorities. Because we were talking about
9 funding priorities, that's what I was saying to
10 counsel.

11 Q Oh, okay. In funding priorities, then.

12 A Funding priorities.

13 Q Then funding priorities, then.

14 A During the time that this letter was
15 issued, it would have been Liza, maybe, and
16 Dr. Memoli. I don't know of anyone else except for
17 the IC directors that probably were --

18 Q Okay. And how many IC directors are
19 there?

20 A There are, I want to say, 20 -- well,
21 there's 27 different Institute and Centers, but
22 there's 24 ICs that administer funds. So I'm going
23 to just talk about the 24 that I know. And I'm not
24 sure the CSR has an IC director. Yeah, so, yes, 24.

25 Q Okay. If I am understanding you

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1 correctly, the people who might be involved in those
2 discussions of what agency funding priorities should
3 be would be Liza Bundesen, Dr. Memoli, and then the
4 24 IC directors?

5 MS. ANDRAPALLIYAL: Objection, calls for
6 speculation.

7 MR. MCGINTY: Following up on the question
8 you asked.

9 **THE WITNESS: I'm sorry?**

10 BY MR. MCGINTY:

11 Q I'm following up on a question that
12 counsel asked.

13 **A Oh, okay.**

14 Q She asked you who are the people who would
15 be involved in agency priorities for funding, and
16 you said Deputy Director, the Principal Director,
17 the Director of the agency, and Institute Directors.
18 I'm just making sure I have a full list of who that
19 is.

20 **A So you want the names of the individuals**
21 **or -- I don't understand the question.**

22 Q If I get the names of the individuals that
23 would be great.

24 **A The names -- I don't know the names of all**
25 **of them, so it's just Liza and Matt. Matt from this**

State of WA, et al. vs Trump, et al.
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1 letter.

2 (Reporter requests clarification)

3 THE WITNESS: Matt, M-a-t-t, Matthew

4 Memoli.

5 BY MR. MCGINTY:

6 Q Plus the 24 IC directors?

7 A Yes.

8 Q And I think you said the acting director
9 generally does funding priorities.

10 Are funding priorities generally written
11 down somewhere?

12 A They're on the -- it's not the acting
13 director, it's the Institute and Centers. And their
14 funding priorities and funding strategies are out on
15 their individual websites.

16 Q Are you generally familiar with those?

17 A No. I'm familiar with just the
18 overarching strategy, which is to push, because they
19 have different strategies, you send the recipients
20 back to the various Institute and Centers to look at
21 those.

22 Q Okay. And in this instance with respect
23 to this February 28th letter we're looking at and
24 the other termination letters that reference the
25 policy of NIH not to prioritize certain research

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1 programs, that didn't come from the Institute and
2 Centers, did it?

3 **A I don't know. I don't know.**

4 Q Were they -- is any language like this on
5 any of the Institute and Centers websites?

6 **A Not that I know of.**

7 Q And earlier it was your testimony that
8 this was sent to -- or sent from someone at HHS. So
9 Rachel Riley?

10 **A This particular language and e-mail, yes.**

11 Q The language that we're looking at in
12 Exhibit 4?

13 **A Yes.**

14 Q Do you have any reason to believe that the
15 Institute and Centers sent that language up to HHS
16 and it was distributed back down?

17 **A I don't know.**

18 Q How many Institutes and Centers have
19 grants that were terminated with these kinds of form
20 letters?

21 **A Many, if not --**

22 Q All of them?

23 **A -- most.**

24 Q Sorry, I spoke over you. Can you say that
25 again?

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1 **A Many, if -- yeah, many.**

2 Q Is it all of them?

3 **A By now it might be. I don't know. I -- I**
4 **honestly just don't know. But I believe that all of**
5 **them have been impacted at this point.**

6 Q So it stands to reason that this is not a
7 funding priority that's coming from the individual
8 Institutes and Centers, doesn't it?

9 MS. ANDRAPALLIYAL: Objection, calls for
10 speculation.

11 **THE WITNESS: I don't know.**

12 BY MR. MCGINTY:

13 Q You were also asked if you have any
14 official basis to know whether the language in these
15 template letters relates in any way to the Executive
16 Orders. Do you recall that testimony?

17 **A Yes.**

18 Q And you testified you don't have any
19 reason to believe that or to know that on your
20 official basis?

21 **A That is correct.**

22 Q If you wanted to figure that out, who
23 would you ask?

24 MS. ANDRAPALLIYAL: Objection, calls for
25 speculation.

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1 **THE WITNESS: I would ask my supervisor.**

2 BY MR. MCGINTY:

3 Q Which in February 28 was Liza Bundesen?

4 **A Correct.**

5 Q Can you think of anybody else who might
6 know?

7 MS. ANDRAPALLIYAL: Objection, calls for
8 speculation.

9 **THE WITNESS: I can't.**

10 BY MR. MCGINTY:

11 Q Is it possible that Rachel Riley knows?

12 MS. ANDRAPALLIYAL: Objection, calls for
13 speculation.

14 **THE WITNESS: I don't know. It's**
15 **possible. I don't know.**

16 BY MR. MCGINTY:

17 Q You were asked about this March 25th
18 Guidance, Exhibit 6.

19 And your testimony was it's still subject
20 to change, right?

21 **A Yes.**

22 Q Has this Guidance been relied on by any
23 Institute or Center to take any action?

24 **A I don't know.**

25 Q If you wanted to know that, who would you

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1 ask?

2 **A The Institute and Center.**

3 Q You have to ask each Institute and Center
4 directly?

5 **A I would.**

6 Q And you testified about Exhibit 10 which
7 was the March 27th Notice of Award.

8 **A Yes.**

9 Q And I think your testimony here was that
10 it's not within your usual job duties to interpret
11 these kinds of Notices of Award. Is that right?

12 **A Yes. No, I don't usually interpret these**
13 **Notices of Awards. I don't -- my testimony, what I**
14 **recall is that I said I don't normally see them so I**
15 **wouldn't interpret them.**

16 Q You don't normally see them, let alone
17 interpret them?

18 **A Right.**

19 Q Fair enough. Earlier when you were
20 looking at page 5 and page 6, your testimony was it
21 looked to you, maybe on the basis of just a lay
22 person's understanding, that this language under
23 termination and transgender issues may have been
24 included by mistake.

25 Do you recall that testimony?

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1 **A I do recall that testimony, yeah.**

2 Q If I wanted to get to the bottom of that,
3 who would I need to ask?

4 **A You would need to ask the Institute or**
5 **Center, so Maggie. Margaret Young.**

6 Q Margaret or Maggie Young?

7 **A Yes.**

8 Q How is Maggie spelled?

9 **A M-A-G-G-I-E.**

10 Q Great. Do you know if NIH has ever made a
11 promise not to terminate this grant in the future?

12 MS. ANDRAPALLIYAL: Objection, calls for
13 speculation.

14 **THE WITNESS: No, I don't know that.**

15 MR. MCGINTY: Okay. Nothing further.

16 MS. ANDRAPALLIYAL: We're good. Thank
17 you.

18 MR. MCGINTY: Oh, yeah. We do need the
19 rough transcript, I'll put that on the record.

20 MADAM COURT REPORTER: And you're ordering
21 the original --

22 MR. MCGINTY: We're ordering the original
23 and we'll probably expedite it.

24 MADAM COURT REPORTER: Okay.

25 And may I ask, are you ordering a copy,

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1 and when do you need it? Do you need a rough draft,
2 too?

3 MS. ANDRAPALLIYAL: Yes, please. Yeah,
4 and on the same time frame, I guess, for both.

5 (Whereupon, at 4:38 p.m. the deposition of
6 MICHELLE G. BULLS was concluded.)
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ACKNOWLEDGMENT OF DEPONENT

I, MICHELLE G. BULLS, do hereby
acknowledge that I have read and examined the
foregoing testimony, and the same is a true, correct
and complete transcription of the testimony given by
me and any corrections appear on the attached Errata
sheet signed by me.

(DATE)

(SIGNATURE)

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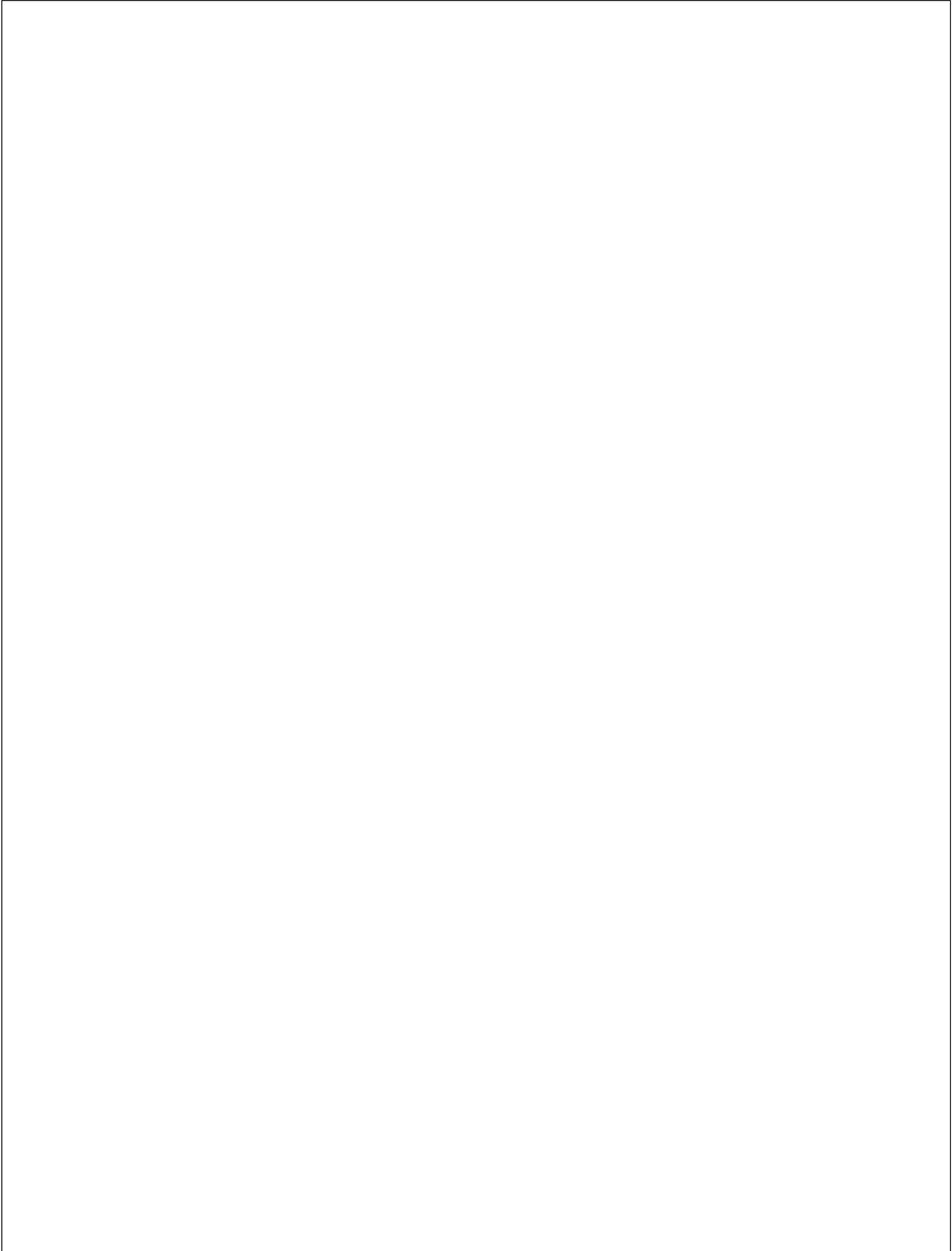
CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

I, Bess A. Avery, Registered Merit Reporter, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

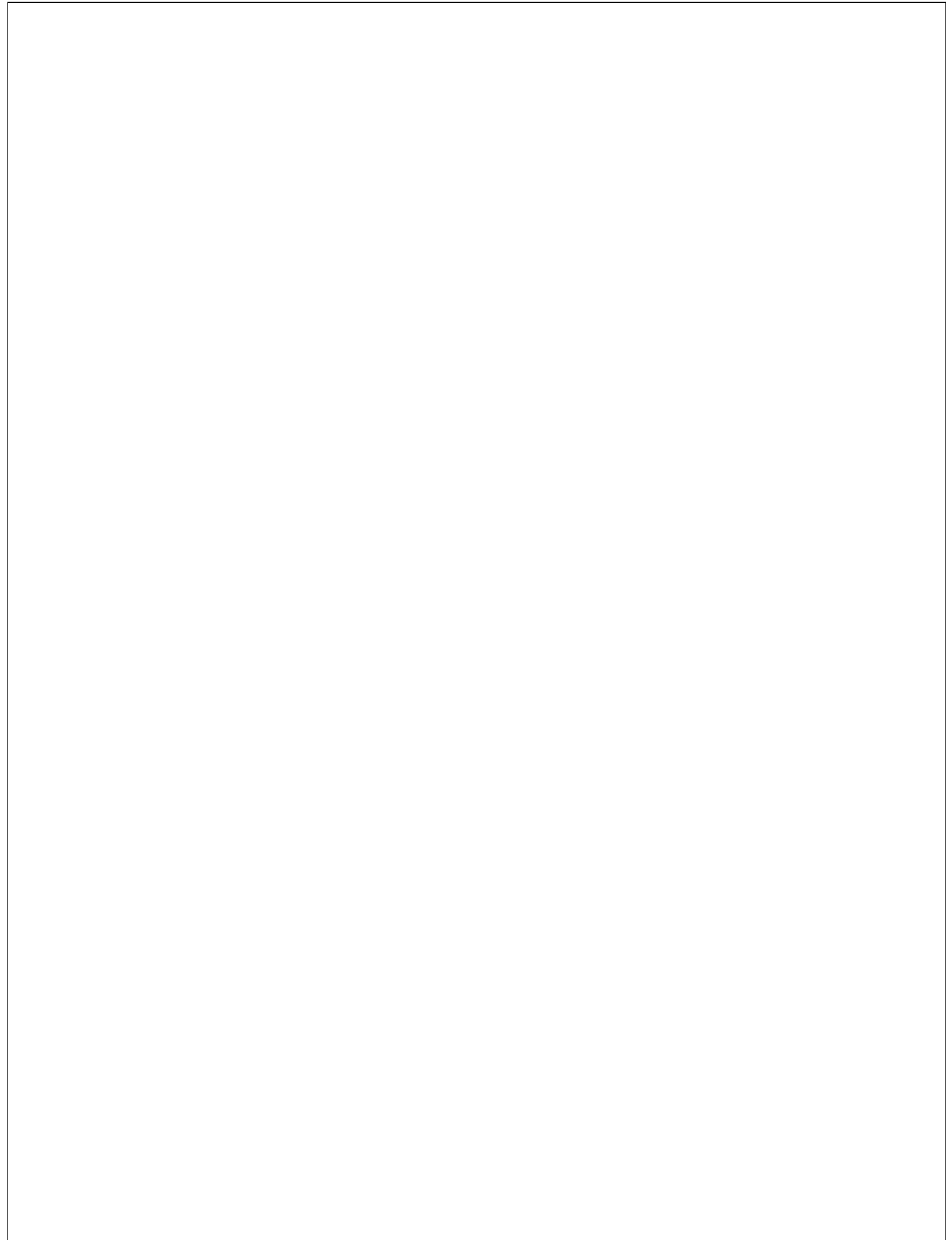
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 7th day of April 2025.

My commission expires:
November 14, 2028

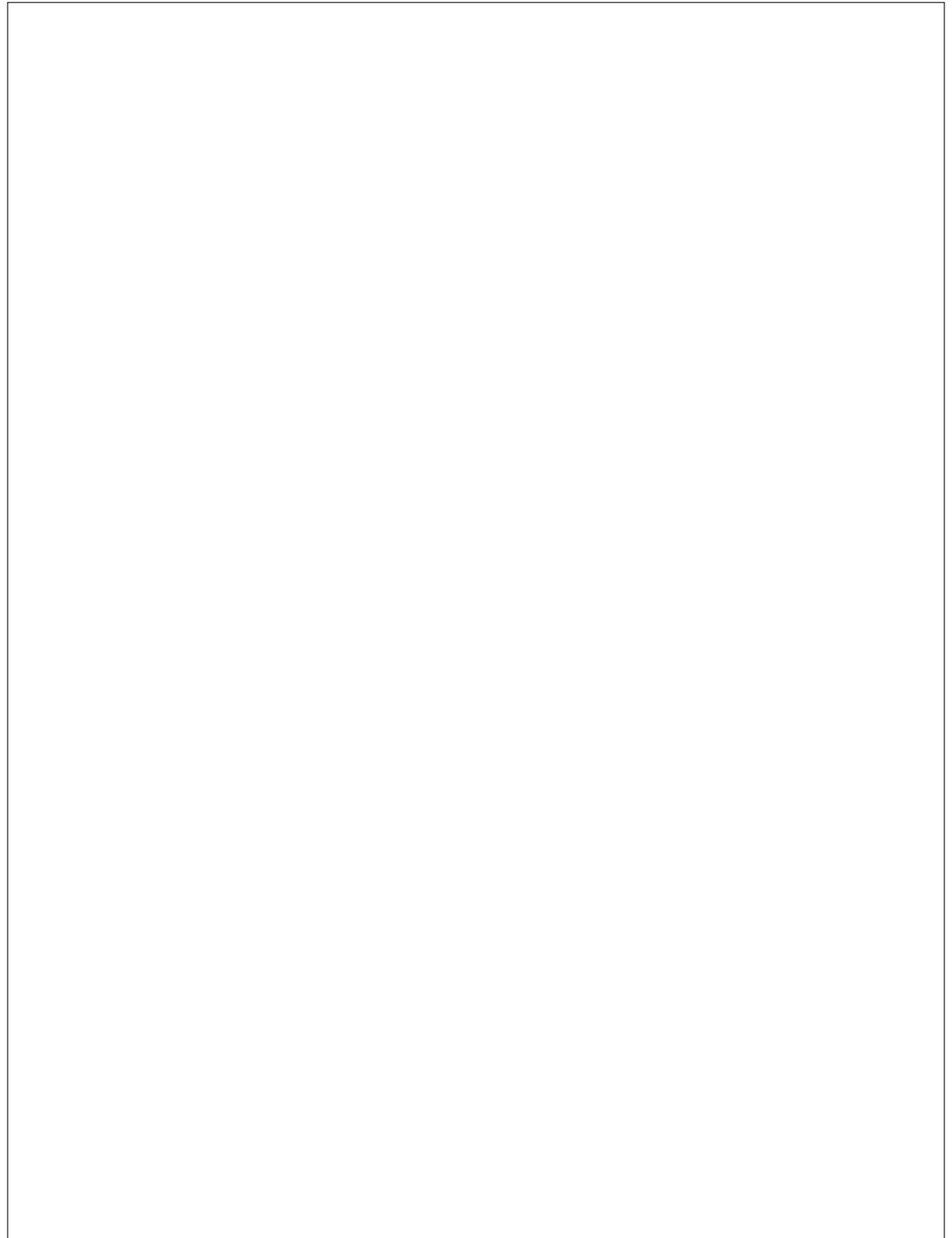
/s/BESS A. AVERY
NOTARY PUBLIC IN AND FOR THE
DISTRICT OF COLUMBIA



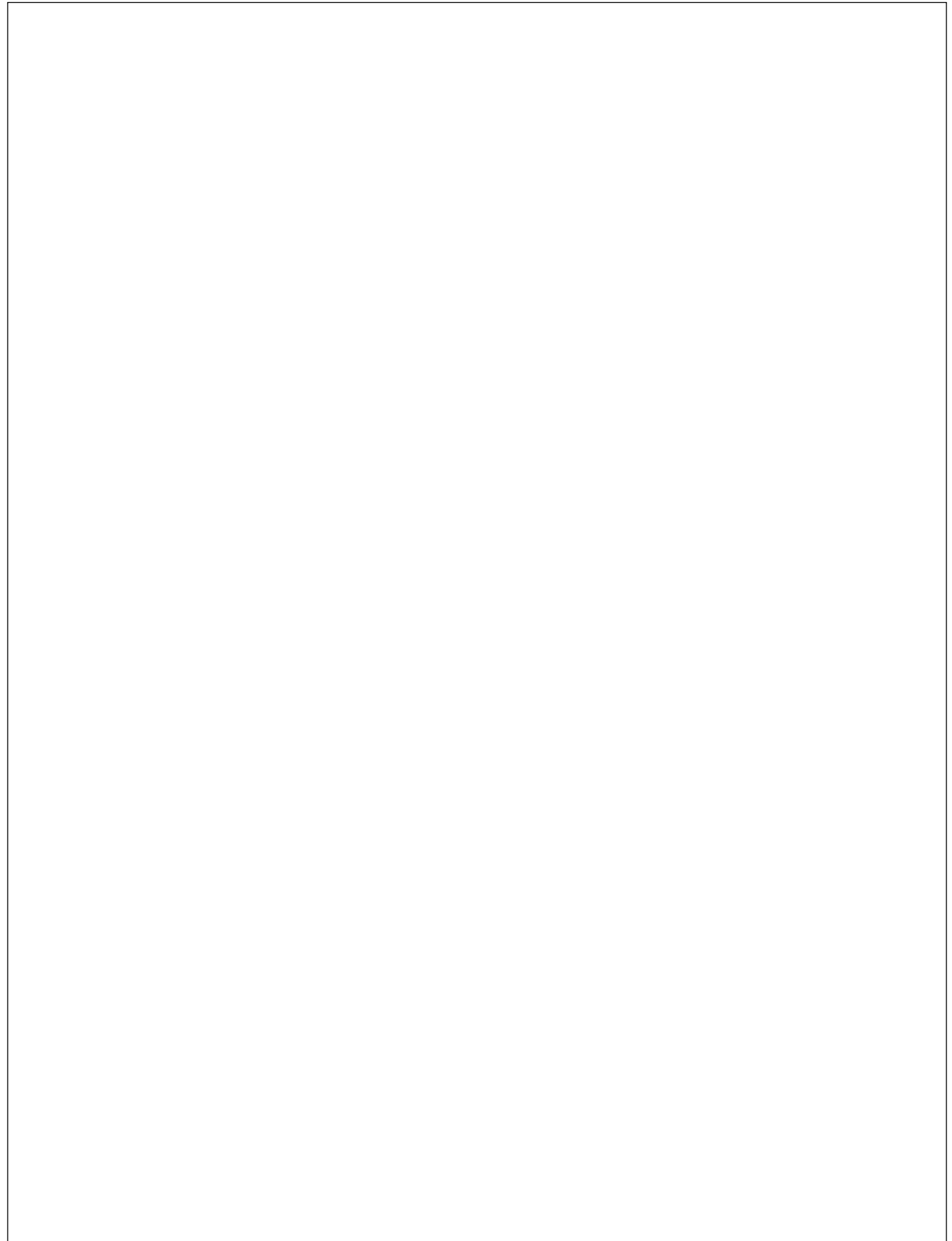
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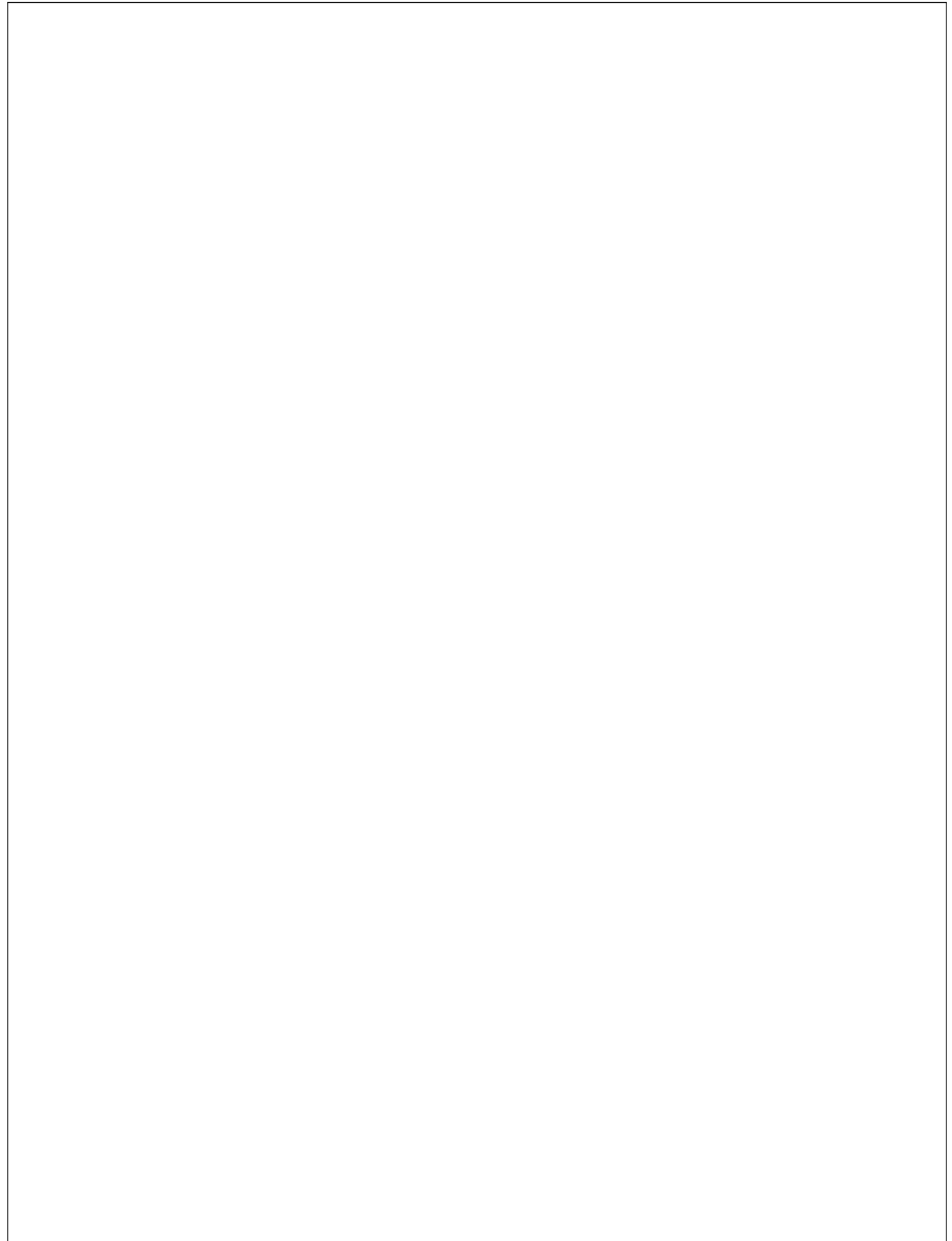
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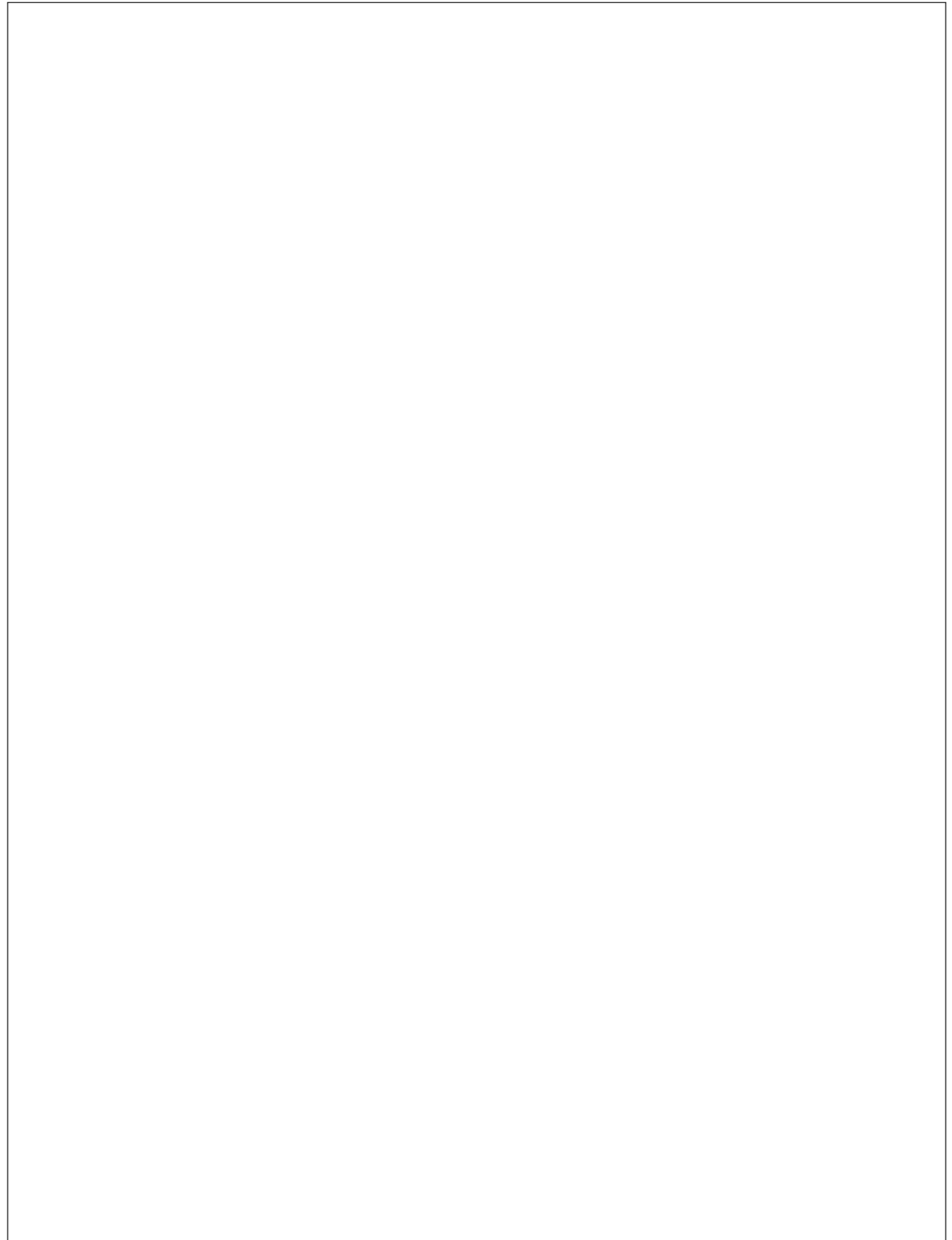
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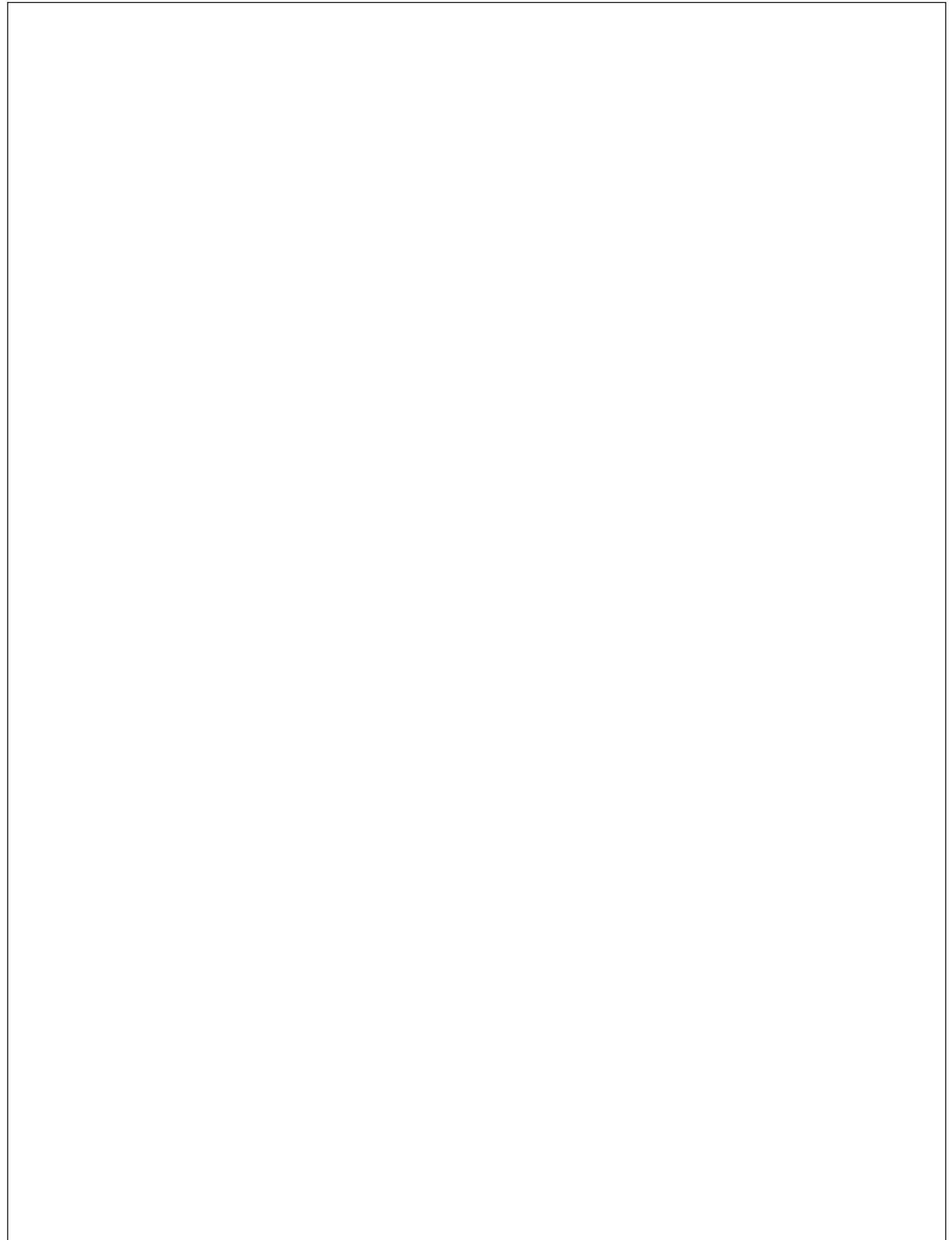
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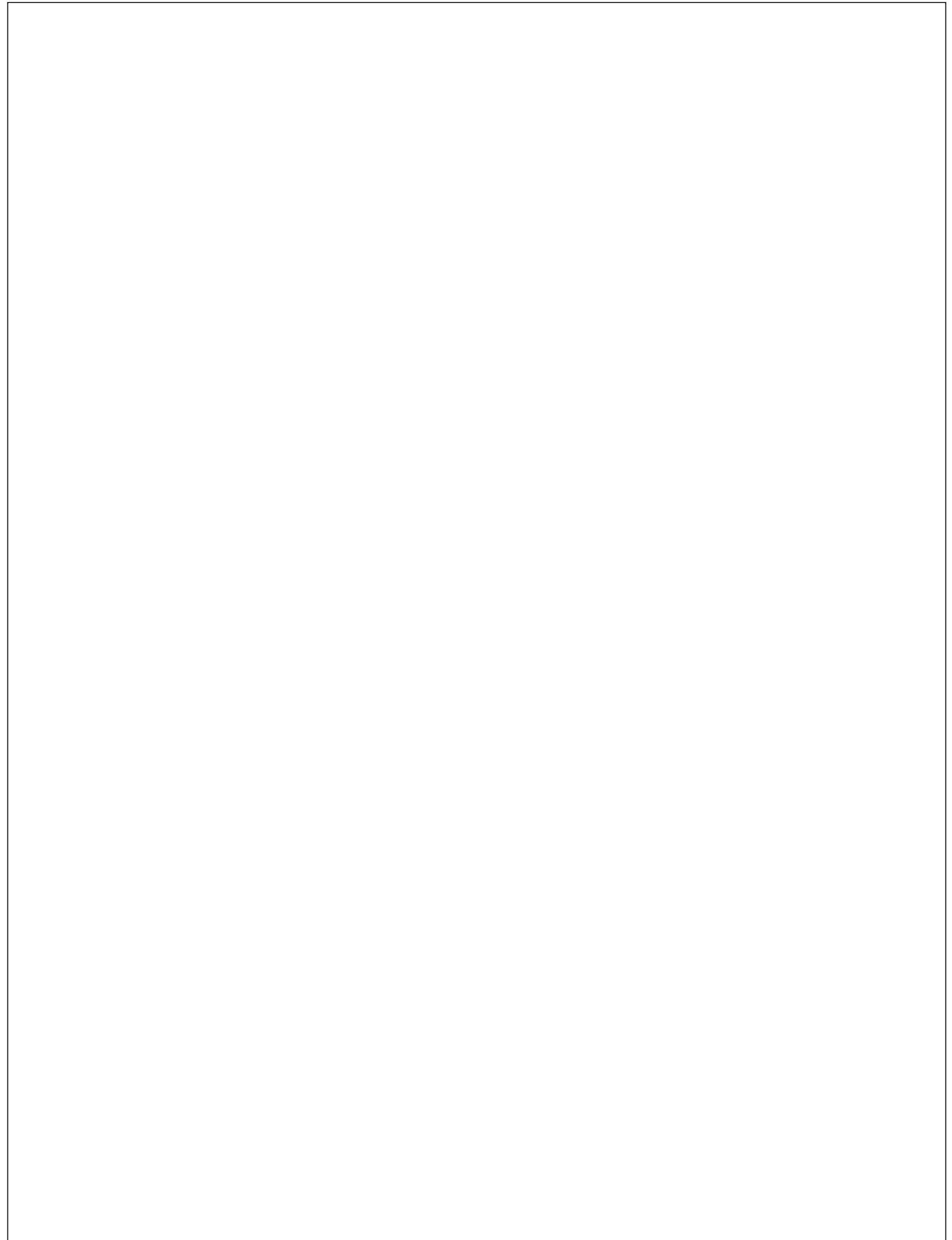
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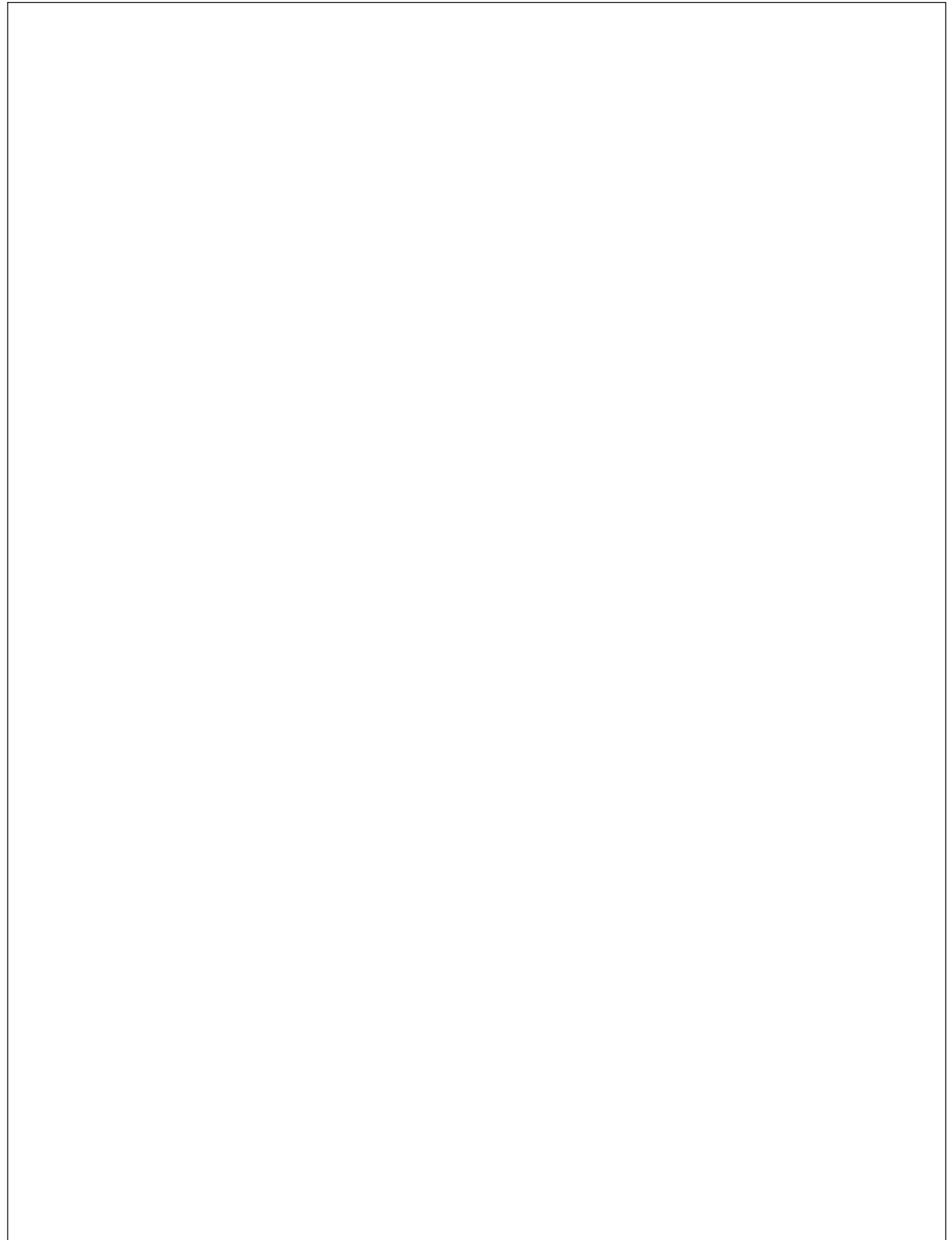
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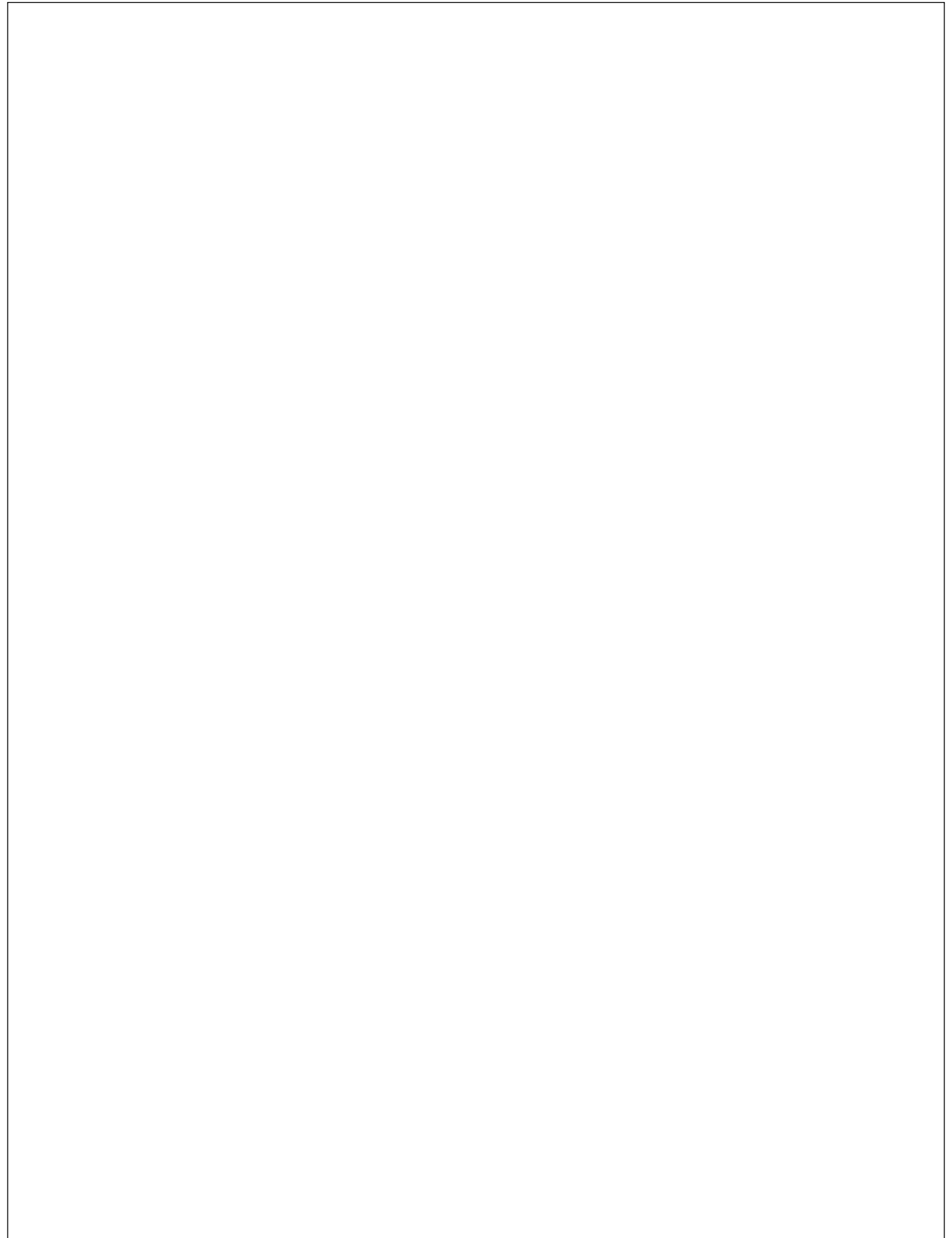
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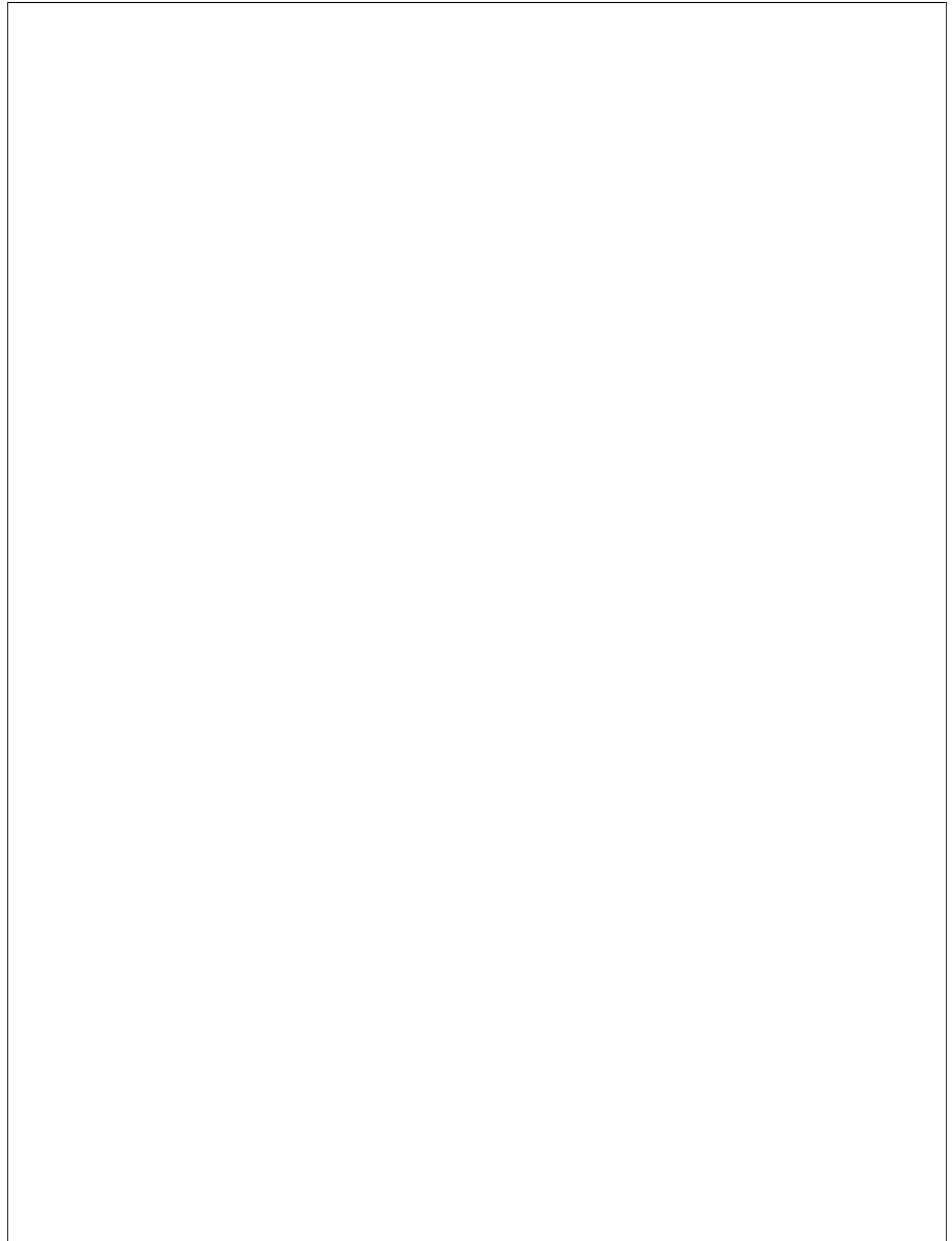
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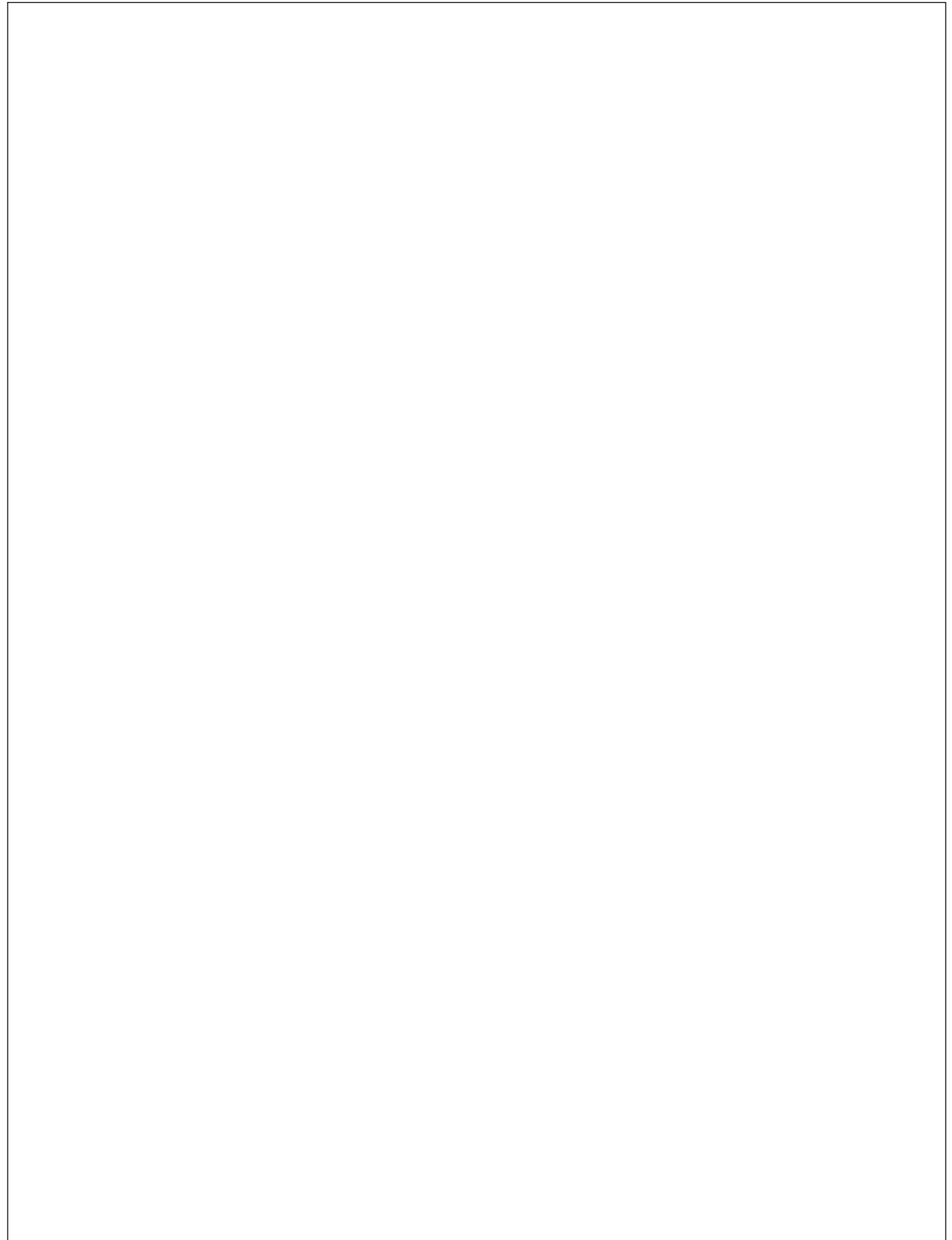
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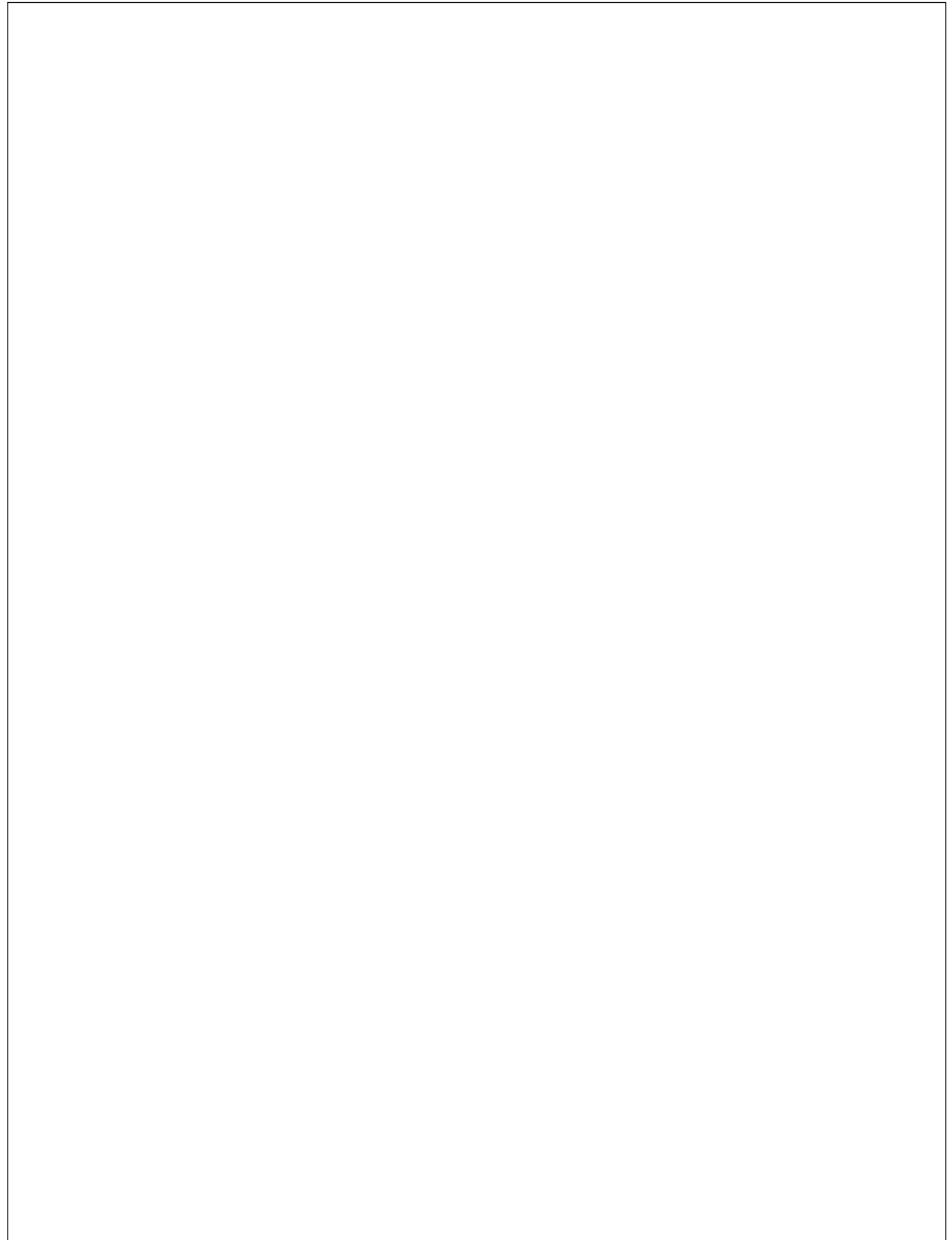
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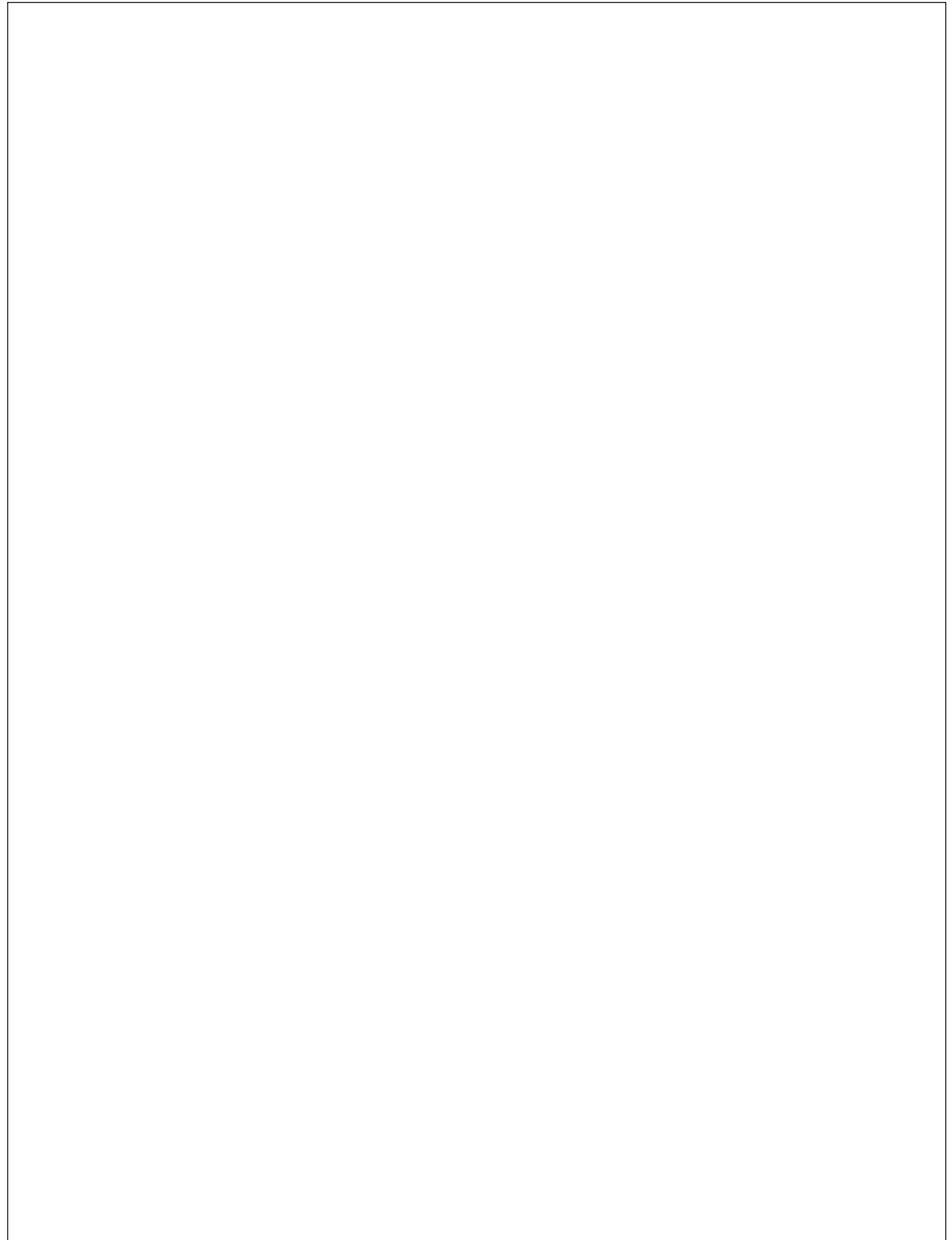
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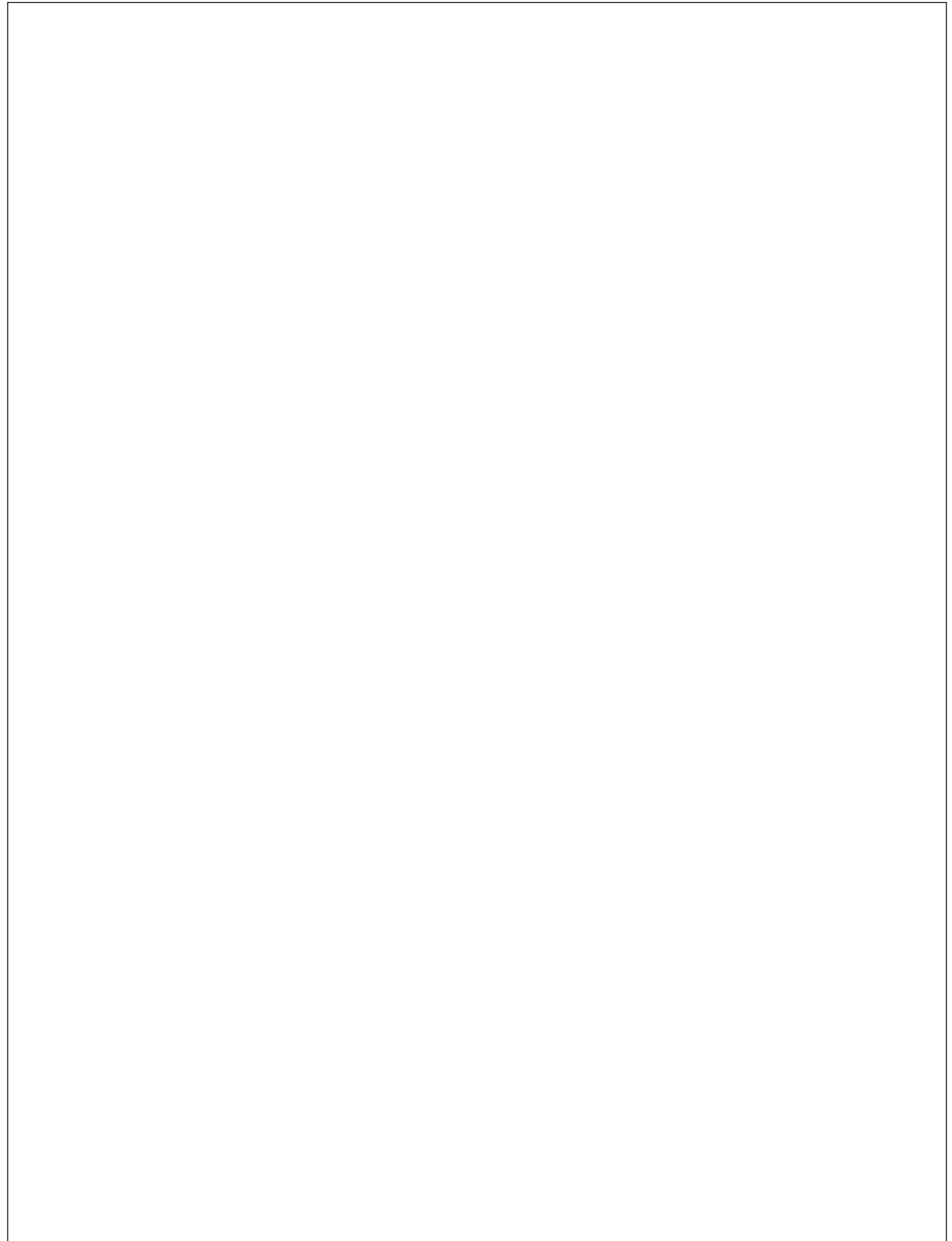
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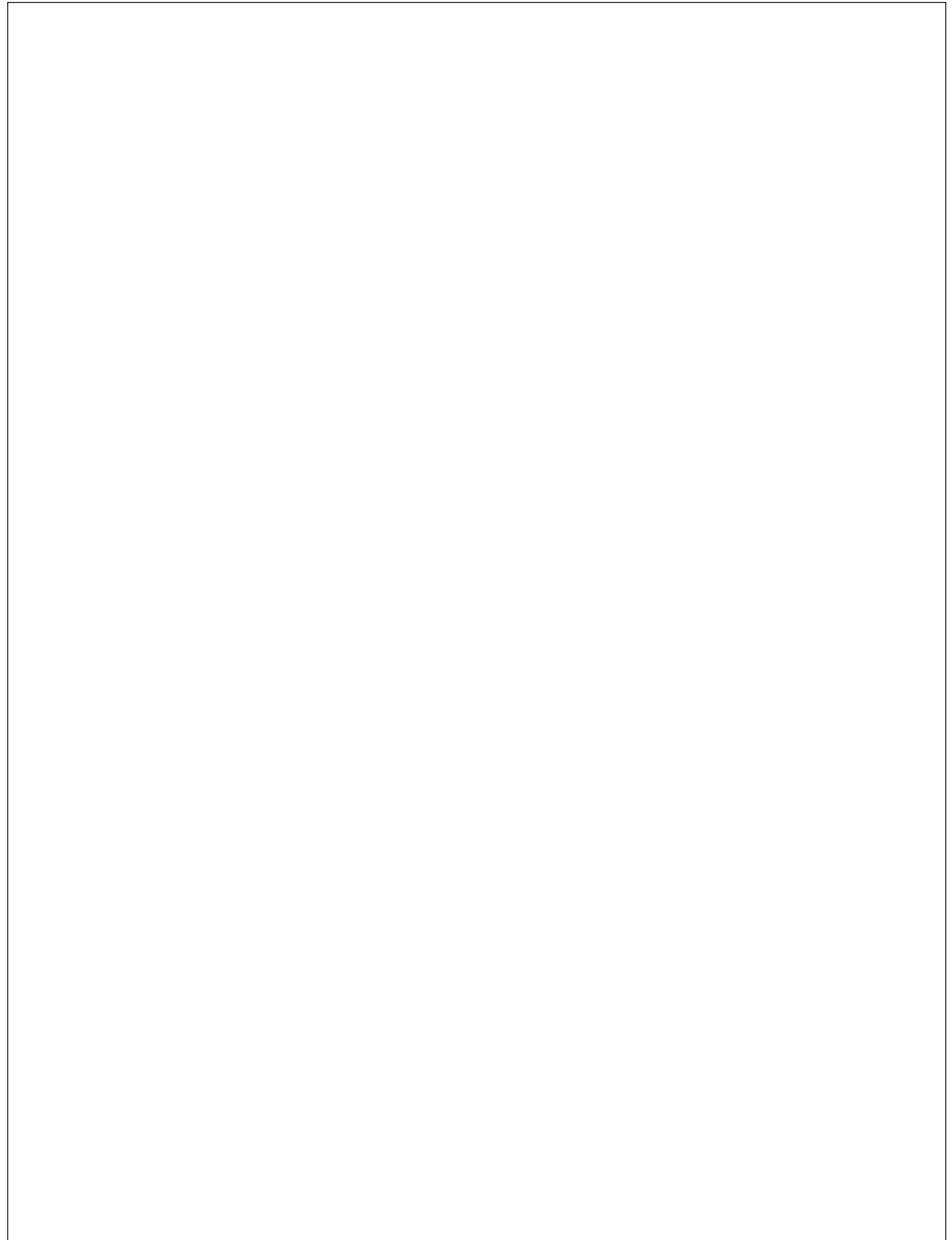
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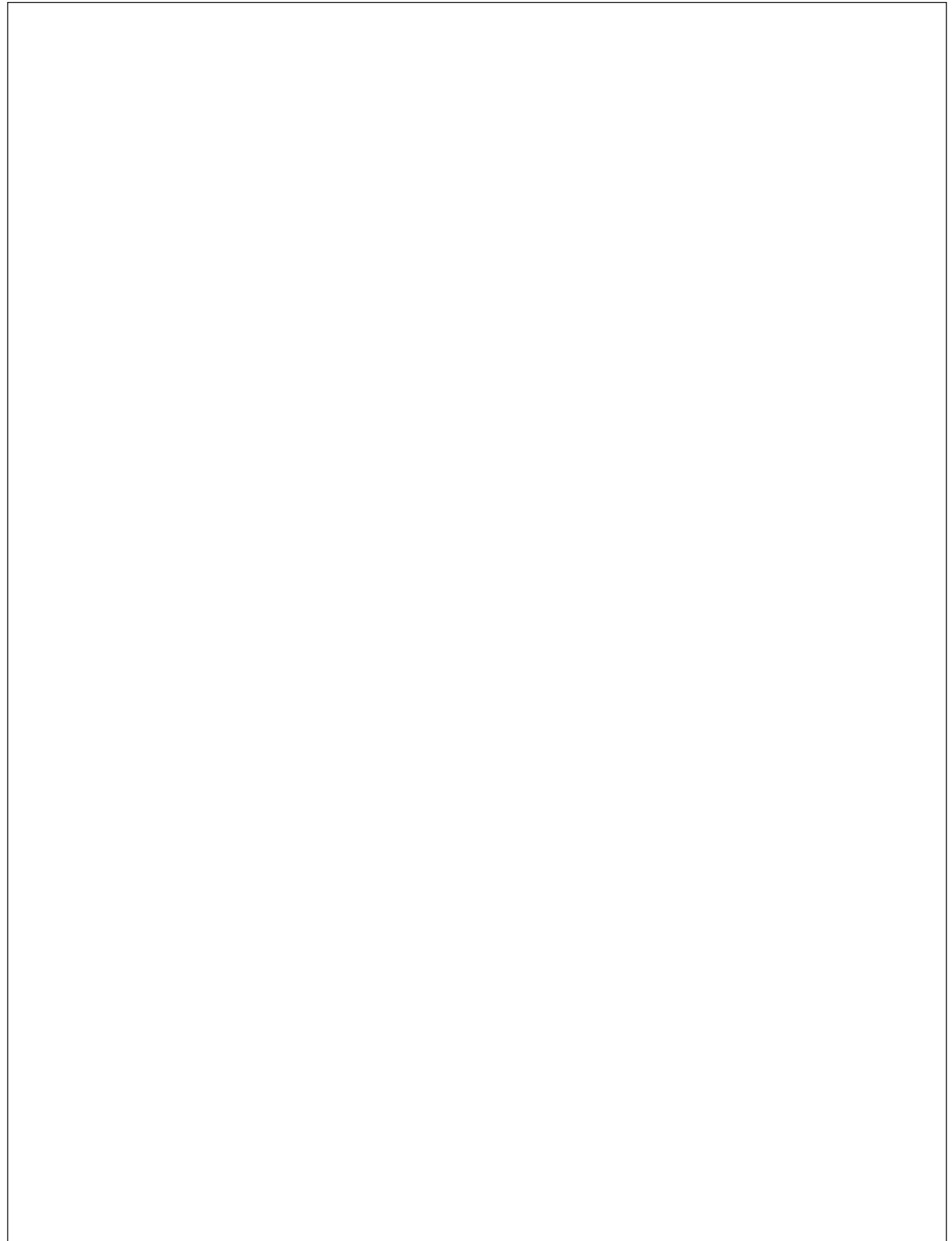
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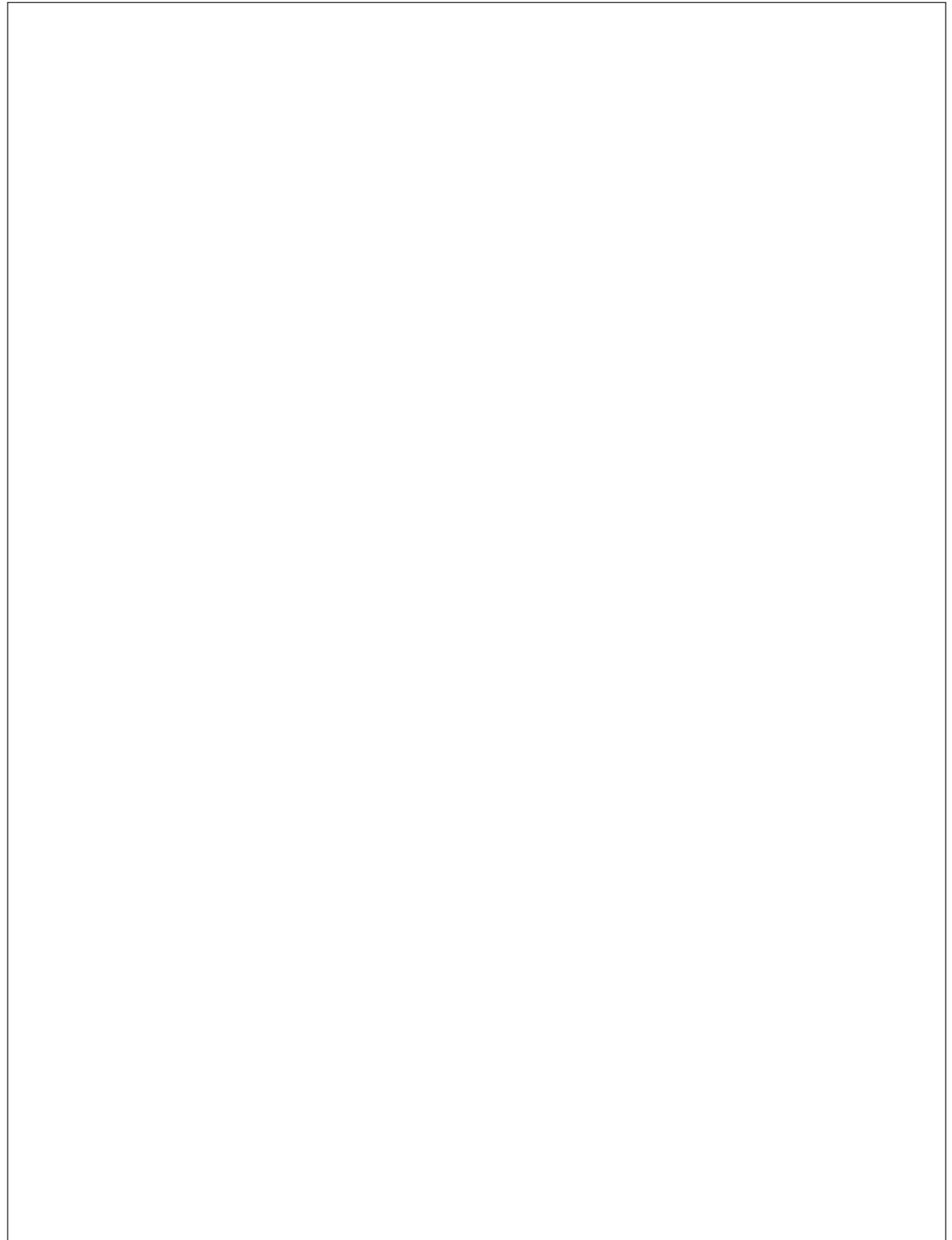
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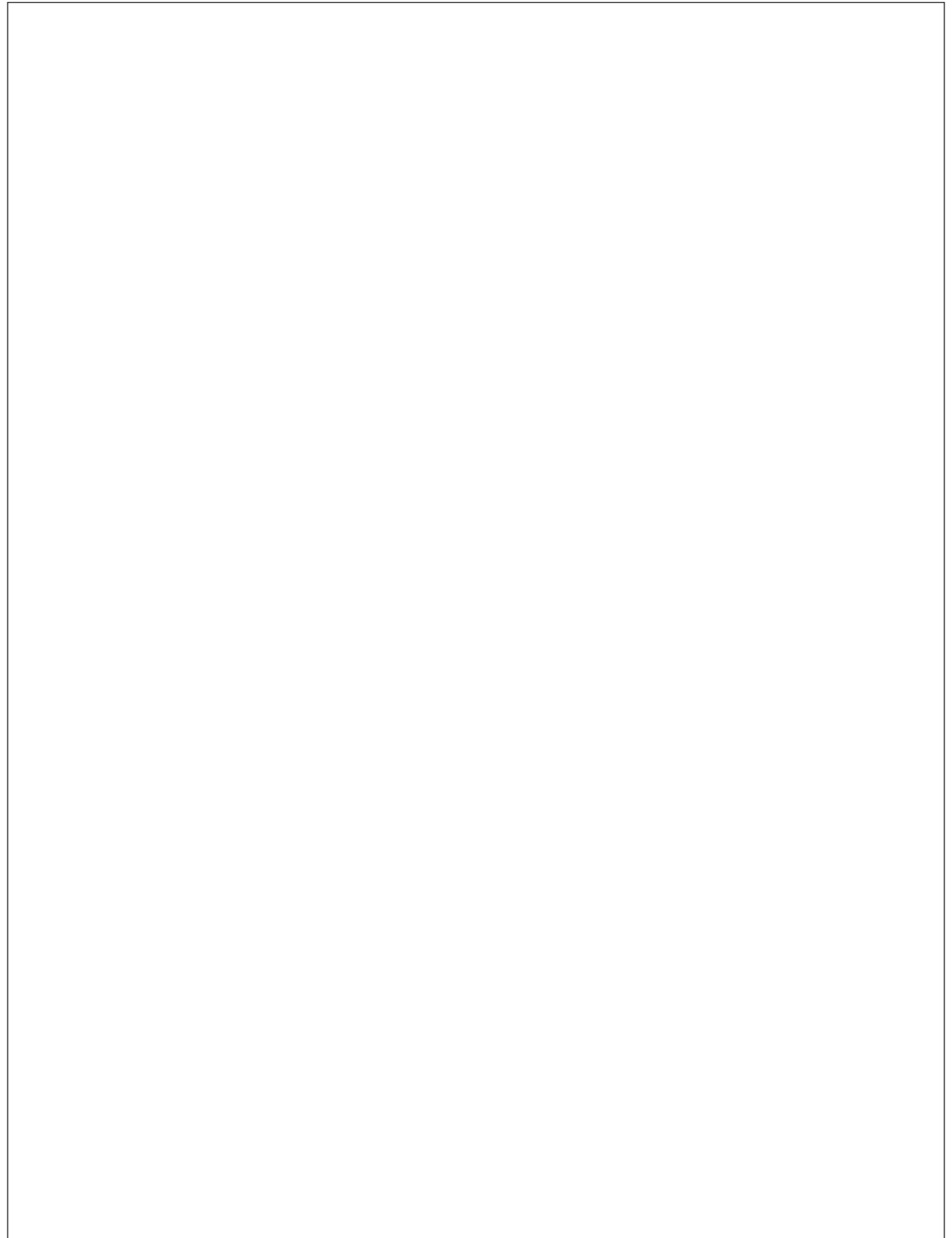
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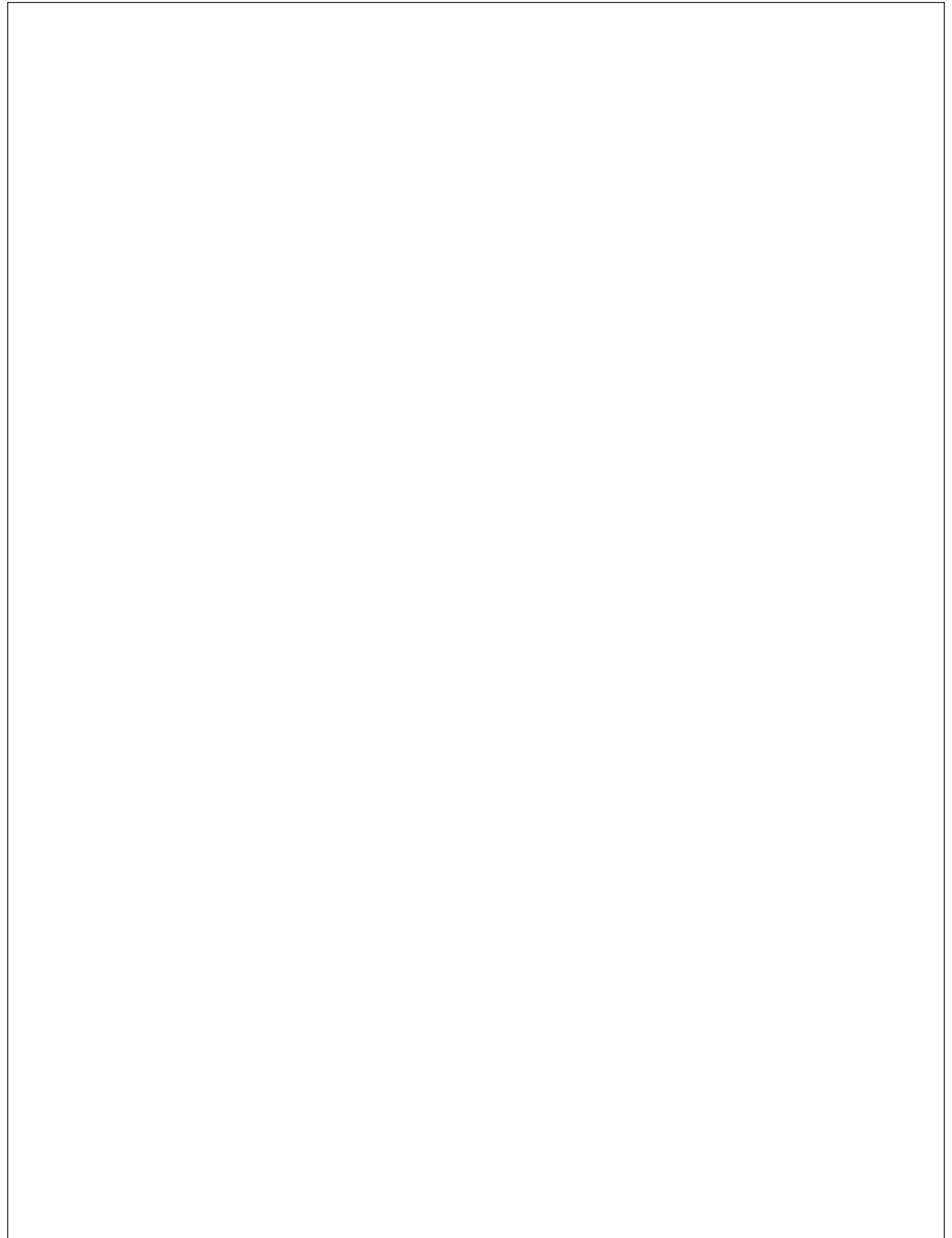
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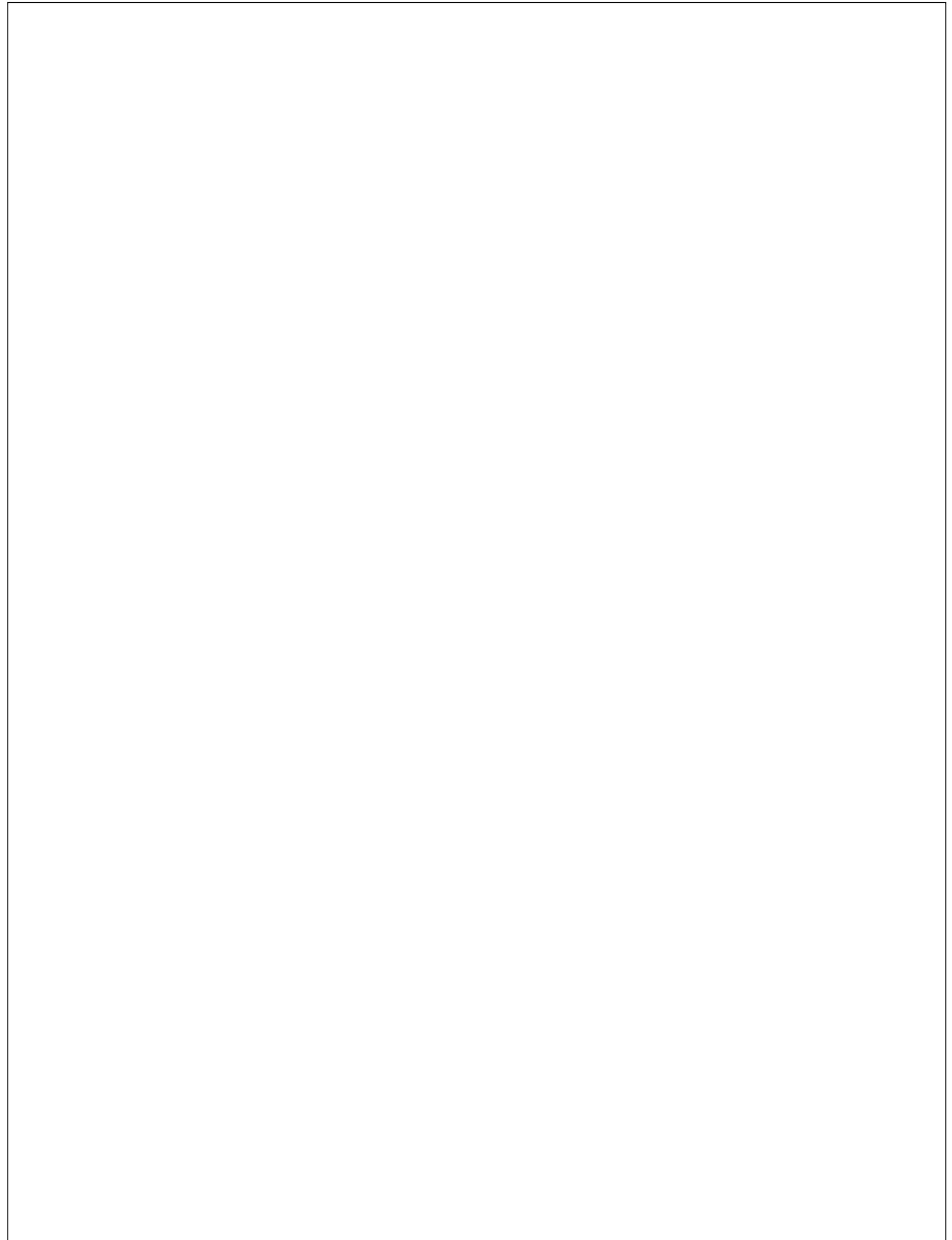
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