

EXHIBIT 9



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UNITED STATES DISTRICT COURT
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.

Friday, April 4, 2025

Deposition of LIZA Q. BUNDESEN, 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.
Bundesen, Liza - April 04, 2025

A P P E A R A N C E S

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ALSO PRESENT: Miranda Berge, Esq. - HHS

Anna Jacobs, Esq. - HHS

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LIZA Q. BUNDESEN

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Center Chief Grants Management Officers,

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P R O C E E D I N G S

- - - - -

Thereupon,

LIZA Q. BUNDESEN,

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 please just state your name and
spell your last name for the record, please.

**A Liza Queyrel Bundesen. And my last name
is spelled B-U-N-D-E-S-E-N.**

Q Great. And we just met. My name is
Will McGinty. I represent Plaintiffs in this case.

Before we get too much further, are you
still employed by the federal government in any
capacity?

A No.

Q Okay. When did you separate from
employment?

A March 7, 2025.

Q 2025. Are you represented by counsel in
this matter?

A No.

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1 Q Okay. Do you understand -- do you have a
2 general understanding of what this case is about?

3 A Generally, yeah.

4 Q Okay. What's your understanding?

5 A That there is concern about the grant
6 terminations in light of some executive orders and
7 restraining orders.

8 Q Okay. And we'll get into that a little
9 bit more in the future, but have you ever been
10 deposed before?

11 A No.

12 Q Okay. So the purpose of this proceeding
13 is so that I can ask you questions and that you'll
14 answer my question, unless you're -- you're not
15 represented by counsel today, so normally if they
16 instruct you not to answer, counsel might raise a
17 privilege and ask you not to answer, and then what
18 we do with that is what you do with that. Is that
19 fair?

20 A Yes.

21 Q Okay. It's important we make a clear
22 record. So please try to wait for me to answer a
23 question before you answer it, and I'll try to wait
24 for you to answer a question before I ask another
25 one. Is that fair?

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1 **A Yes.**

2 Q And this is hard. I'm sure we're going to
3 talk over each over. Let's try not to, to the
4 extent that we can. Is that fair?

5 **A Yes.**

6 Q Okay. If you don't understand a question,
7 will you ask me?

8 **A Yes.**

9 Q Great. And if you answer a question, I'm
10 going to assume that you understood it. Is that
11 fair?

12 **A Yeah.**

13 Q This isn't an endurance test. We're not
14 here to see how long you can go answering my
15 questions. If you ever need a break, just let me
16 know, and we'll accommodate you as soon as we
17 possibly can. I just ask that you answer any
18 question currently pending before we go on break.
19 Is that fair?

20 **A Yes.**

21 Q And you understand that you're under oath
22 today?

23 **A Yes.**

24 Q What does that mean to you?

25 **A It means that I must tell the truth under**

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1 **penalty of perjury.**

2 Q Okay, great.

3 How did you prepare for this deposition?

4 A I met with colleagues from HHS, OGC, and
5 DOJ twice, and they just explained to me some of the
6 guardrails and what to expect, meaning that we would
7 be in a conference room, there would be a
8 stenographer, I would be under oath, and, you know,
9 some just very basic, basic instructions.

10 Q Okay. Did they tell you anything else?

11 MS. ANDRAPALLIYAL: Objection --

12 **THE WITNESS: If you can clarify.**

13 MS. ANDRAPALLIYAL: -- calls for
14 privileged attorney-client communication. I'd ask
15 the witness not to answer.

16 MR. MCGINTY: Well, Counsel, she has said
17 that she terminated her employment on March 7th. I
18 don't think there's an attorney-client relationship
19 there.

20 MS. ANDRAPALLIYAL: There is a
21 relationship to the government information that's
22 being sought in this deposition today.

23 MR. MCGINTY: Do you have authority for
24 that?

25 MS. ANDRAPALLIYAL: I'd be happy to

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1 provide it to you later on today, but she's --
2 (inaudible.)

3 (Reporter asks for clarification)

4 MS. ANDRAPALLIYAL: She's testifying as to
5 events that she became aware of in her official
6 capacity at NIH, and that information is still
7 government information.

8 MR. MCGINTY: I asked her what happened in
9 a meeting after March 7th when she terminated her
10 employment, so I don't see that there's any
11 relationship to either confidential government
12 information or an attorney-client privilege.

13 MS. ANDRAPALLIYAL: I disagree. I mean,
14 to the extent that she's being asked about, you
15 know, legal advice as to government information, the
16 Government does have an interest there.

17 The Government did not personally
18 represent Michelle Bulls either, but we're
19 protecting government information that she had in
20 her official capacity. Similarly, we are doing the
21 same here today.

22 MR. MCGINTY: I disagree with your
23 understanding of privilege.

24 BY MR. MCGINTY:

25 Q I'm going to ask you again: What did you

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1 discuss at that first meeting with DOJ and OGC?

2 MS. ANDRAPALLIYAL: Again, same objection.

3 I ask the witness not to answer.

4 BY MR. MCGINTY:

5 Q And you decline to answer that question?

6 A **(Nodding head)**

7 Q Will you speak up, please.

8 A **Yes.**

9 Q Okay. And what's the basis that you're
10 declining to answer that question?

11 A **Based on the request by DOJ colleagues.**

12 Q Okay. So what were the dates that you met
13 with OGC and the DOJ?

14 A **Gosh, let's see. Yesterday, and then --**
15 **so yesterday was Thursday -- and then Tuesday.**

16 Q Okay. What time yesterday?

17 A **Yesterday at, I think, around 8:00 o'clock**
18 **at night.**

19 Q 8:00 o'clock at night?

20 A **Yes.**

21 Q How long did that meeting last?

22 A **About 45 minutes.**

23 Q Okay. And then you said the first one --
24 that was the second one. The first one happened
25 when?

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1 **A I believe Tuesday.**

2 Q Tuesday of this week?

3 **A Yes.**

4 Q So that would have been the first, if I'm
5 right?

6 **A I don't have -- yeah. I think it was**
7 **Tuesday because I was sick on Wednesday so, yeah.**

8 Q Okay. And how long did that meeting last?

9 **A I think about an hour.**

10 Q Okay. Did they show you any documents?

11 **A No.**

12 Q And who was there?

13 **A Let's see, Vinita, Rob, Miranda, and Anna.**

14 Q Okay. And you're pointing to the people
15 in the room?

16 **A Yes.**

17 Q Everyone but Christian?

18 **A Yes.**

19 Q Okay. Did you give them any documents?

20 **A No.**

21 Q Okay. And at the meeting last night, who
22 was that meeting with?

23 **A The -- just to make sure, the same folks**
24 **that I just mentioned, so everyone but Christian.**

25 Q Okay. At that meeting did they show you

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1 any documents?

2 **A No.**

3 Q And at that meeting did you give them any
4 documents?

5 **A No.**

6 Q Okay. And you will decline to answer any
7 questions about the substance of those
8 conversations. Is that right?

9 **A Yes.**

10 Q On the basis of the attorney-client
11 privilege representation that counsel made a few
12 minutes ago?

13 **A Yes. Based on my being a former federal**
14 **employee, yes.**

15 Q Okay. But you are not represented by any
16 attorney in the room today?

17 **A No, I do not have personal representation**
18 **by an attorney.**

19 Q Okay.

20 (Bundesen Deposition Exhibit 23 was marked
21 for identification.)

22 BY MR. MCGINTY:

23 Q I hand you what's been marked Exhibit 23.

24 **A Okay.**

25 MS. ANDRAPALLIYAL: I would like to just

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1 make a standing objection on the record similar to
2 the objection I made yesterday. This deposition was
3 noticed on the basis of the expedited discovery
4 authorized in a discourse order denying Plaintiff's
5 motion for contempt. That motion was premised on a
6 grant that NIH terminated, NIH has since reinstated
7 that grant, so it's our position that the expedited
8 discovery requests are now moot. That being said,
9 we understand the deposition may proceed.

10 MR. MCGINTY: I will respond to that on
11 the record today.

12 We've already had our 26(f). We don't
13 need expedited discovery. In addition, NIH has
14 terminated other grants to the Plaintiff states
15 utilizing the same form language in the
16 February 28th letter to Seattle Children's Hospital,
17 so I don't think information that we're seeking is
18 moot and I don't think there's a necessity for
19 expedited discovery.

20 In any event, I will note that Defendant's
21 counsel requested a conference on this very issue to
22 attempt to have the subpoenas and depositions
23 quashed and that request was denied by Judge King.

24 So with that I'll go ahead.

25 BY MR. MCGINTY:

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1 Q Do you recognize what's been marked as
2 Exhibit 23?

3 A Yes.

4 Q And what is it?

5 A This is the Subpoena that I received.

6 Q Okay. And this was served on you?

7 A Yes.

8 Q And did you read this Subpoena?

9 A Yes.

10 Q Did you go over it with anybody?

11 A No.

12 Q Did you take a look at the Requests for
13 Production that start on page 5?

14 A Yes.

15 Q And did you look for any documents that
16 would meet these descriptions?

17 A Yes.

18 Q And how did you look for those documents?

19 A Well, excuse me, let me clarify.

20 I reviewed all of the document requests,
21 and upon reviewing these requests, I knew that with
22 exception to my current CV, I did not have any of
23 these documents in my possession.

24 Q And why was that?

25 A Because I separated from federal service,

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1 and all those documents would be on my work
2 computer, work servers, and I just don't have them
3 anymore.

4 Q Okay. Did you bring a copy of your CV
5 today?

6 A I did not. I e-mailed it to my HHS, OGC
7 colleagues.

8 Q I see. Okay.

9 MS. ANDRAPALLIYAL: We do have a copy we
10 can provide you this morning.

11 THE WITNESS: And it's very long.

12 (Document tendered to counsel)

13 MR. MCGINTY: I'll have you marked this.

14 MR. BOMBARD: That might be double. You
15 might want to check. I thought I got four copies.

16 (Bundesen Deposition Exhibit 24 was marked
17 for identification.)

18 BY MR. MCGINTY:

19 Q I'm handing what's been marked Exhibit 24.
20 Do you recognize that document?

21 A Exhibit 24? Yes, this is my CV.

22 Q And when was this last updated?

23 A It was updated last night when I had to
24 change a date.

25 Q So you updated it for this Subpoena?

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1 **A** Well, yes. I updated it previously last
2 week. And then when I went to send it to my
3 colleagues for the purpose of this deposition, I
4 realized that I had missed a date, that was just a
5 little copy of it.

6 **Q** Okay. So according to this, you have a
7 Ph.D. in Neuroscience from Georgetown University in
8 2003. Is that right?

9 **A** Yes.

10 **Q** And this says, "with distinction." What
11 does "with distinction" mean?

12 **A** With honors. No one ever really explained
13 it to me. I was just told it was with distinction.

14 **Q** Congratulations.

15 **A** Thank you.

16 **Q** And you got a B.S. in Molecular Biology
17 and a Minor in Psychology from Lehigh University in
18 1997?

19 **A** Yes.

20 **Q** And since you graduated with your Ph.D. in
21 2003, what has been your work experience?

22 **A** So following my Ph.D. I did two policy
23 fellowships and then immediately went into
24 government service; so one fellowship at the
25 National Academies, another sponsored by the

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1 American Association for the Advancement of Science
2 that placed me at the National Institute of Mental
3 Health.

4 I was there as a fellow for two years, and
5 then I was fortunate enough to be hired as a federal
6 employee, and have been at NIH ever since.

7 Q Got it. And what have you been doing at
8 NIH since you were hired?

9 A I started, as I mentioned, as a fellow,
10 policy fellow, and then transitioned to being a
11 policy analyst, and then chief of the Science Policy
12 and Evaluation Branch at the National Institute of
13 Mental Health.

14 Q Okay. And I'm going to stop you right
15 there. Just go back and explain what those mean.
16 So policy fellow, policy analyst and, then, chief of
17 something. I didn't catch it all.

18 Just explain what your duties were in
19 those roles?

20 A Sure. So as a policy fellow and a policy
21 analyst, the duties were very similar. I would
22 largely translate complex scientific information for
23 consumption by the lay public and policy makers, so
24 I would explain the importance of NIH funded
25 research to the lay person.

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1 So I would also write the congressional
2 justification. So for that, it is, you know,
3 explaining the importance of science during the
4 appropriations process, so narratives about
5 initiatives, things like that.

6 I would write testimony for the NIMH
7 director when he was appearing in front of Congress.
8 I also did other functions like editing the
9 websites, you know, doing portfolio analyses,
10 crunching numbers, things like that.

11 And then you wanted me to explain the
12 other roles that I had?

13 Q Yes, but before we do that, just a couple
14 of clarifying questions --

15 A Sure.

16 Q -- for the record. NIMH is?

17 A The National Institute of Mental Health.

18 Q Great.

19 A And that is one of the twenty-seven
20 Institutes and Centers that make up the National
21 Institutes of Health.

22 Q Okay. And you said you would do portfolio
23 analysis. What is portfolio analysis?

24 A So we would -- so NIH and the institutes
25 fund grants, and the grants could be on a wide range

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1 of topics. At the National Institute of Mental
2 Health we funded basic science, clinical trials,
3 intervention studies, things like that.

4 And so we would periodically look at the
5 entire universe of the grant portfolio and say,
6 okay, how much are we spending on genetics, how much
7 are we spending on, you know, services, things like
8 that.

9 And so we would just look at the
10 distribution in terms of funding number, location
11 of, you know, where the recipients existed, you
12 know, are we funding more on the West Coast, on the
13 East Coast, Middle America, things like that. We
14 would look at alignment with our strategic plan.

15 Q Got it. I think I understand. So it's a
16 way to balance the research project that you're
17 funding according to various NIH policies. Am I
18 understanding that right?

19 A So I would -- I think that was a piece of
20 data to go into something like -- into an assessment
21 of priorities, yeah, that is fair.

22 Q Got it. Okay.

23 A Yeah.

24 Q So you were doing the portfolio analysis
25 that would be used for that purpose?

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1 **A Yes.**

2 Q But you weren't doing that yourself at
3 that point?

4 **A Doing what?**

5 Q The rebalancing for the purposes of policy
6 --

7 **A No, I was -- I was primarily just looking**
8 **at data and providing it to decision makers.**

9 Q Okay. Understood. Okay. And then, so
10 that was your role as a policy fellow and a policy
11 analyst. Is that right?

12 **A Yes.**

13 Q And then the next thing you did was?

14 **A I was the chief of the Science Policy and**
15 **Evaluation Branch. I had previously been a fellow**
16 **and analyst within that branch, and so then I just**
17 **progressed and became a branch chief. So that**
18 **branch -- so chief is, basically means the head of**
19 **the branch. So that's -- yeah, that was my role.**

20 Q So it's the same basic duties, but now you
21 were supervising people?

22 **A Yes.**

23 Q How many people were you supervising?

24 **A Let's see. I was supervising -- it varied**
25 **from year to year. I think my last year I had about**

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1 eight or nine FTEs, the government employees, and
2 then we would periodically host fellows, folks who
3 wanted to have a new experience from the intramural
4 programs and another part of the institutes. So,
5 you know, at a peak I maybe had twelve people.

6 Q So just clarifying, NIMH is part of the
7 extramural program?

8 A NIMH is an institute within the National
9 Institutes of Health. It has both an intramural and
10 extramural component, yeah.

11 Q Got it.

12 A Yes.

13 Q And you were part of the extramural
14 program within NIMH?

15 A So, yes, it's -- I'm trying to think how
16 to characterize this.

17 So it was non-intramural. So typically
18 extramural staff are considered, have certain
19 duties, and then the policy and planning offices are
20 more considered HQ staff, so servicing the offices
21 and NIH director.

22 So we were not necessarily considered
23 extramural, but we were not intramural.

24 Q Okay. Fair enough.

25 A It's confusing.

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1 Q Yeah, well, I was just trying to clarify.
2 So you said you would host intramural staff --

3 A Oh, yeah.

4 Q -- so I was just trying to understand how
5 you would host that.

6 A Oh, yes. It would be folks who were in
7 the lab in the intramural and they thought, I don't
8 know that I want to do lab work for the rest of my
9 life, let me see what else is out there. And so we
10 would get them a new experience, get them to do some
11 policy work.

12 Q Got it. And after you were the chief of
13 that branch, what was the next stage in your career?

14 A So then I left NIMH, The National
15 Institute of Mental Health, and moved to the Office
16 of NIH Director. And within the Office of NIH
17 Director there are a number of suboffices. So I
18 went to the Office of Extramural Research, and I was
19 a policy adviser there to the director of the Office
20 of Extramural Research.

21 Q Okay. What was your role there?

22 A Every day was different. So I would
23 prepare presentations for the director to give
24 inside and outside of NIH. Again, I would work on
25 writing various documents, whether that's blogs

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1 assisting with, you know, manuscripts.

2 I served very much a coordination role.
3 So we have -- had a large office, and so I would
4 make sure that people were aware of things that were
5 going on. I chaired and co-chaired or facilitated
6 various committees.

7 I would take meeting minutes. I would
8 make sure that if, as a result of the meeting, an
9 action item came out of that meeting, I would track
10 it and make sure that it was implemented. So it was
11 really -- again, every day was very different so.

12 Q And then what was the next in your career
13 after that?

14 A Then I became the deputy director of
15 Office of Extramural Research.

16 Q And what was your role in that respect?

17 A So, let's see. In collaboration with the
18 director of the Office of Extramural Research, we
19 managed the entire office, that consisted of about
20 300 federal employees, and also worked with about
21 300-plus contractors.

22 We managed the budget. We provided -- so
23 the office provides a critical function in that it
24 serves as a resource for not only all 27 Institutes
25 and Centers at NIH, but then also the broader

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1 biomedical research community.

2 So we provide basically the -- we oversaw
3 together the corporate framework for external
4 research, meaning infrastructure, IT infrastructure,
5 guidance, staff training, websites, policy
6 information.

7 And then I supervised directly several
8 divisions and offices within the office. So I
9 oversaw several senior advisers as well as the Small
10 Business, Education, and Entrepreneurial Development
11 Office, Office of Laboratory Animal Welfare, NIH
12 Guide to Grants and Contracts which is where the
13 Notices of Funding Opportunities are published.

14 So it was really just overseeing the
15 day-to-day of the office, but then also directly
16 supervising certain components of it.

17 Q Got it. How about, do you have any role
18 with respect to scientific integrity?

19 A Scientific integrity. Can you please
20 define your interpretation of scientific integrity.

21 Q Sure. I'm just looking, I got this from
22 the website today.

23 A Okay.

24 Q It says: The Office of Extramural
25 Research provides the corporate framework --

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1 **A Yes.**

2 Q -- for NIH research administration --

3 MADAM COURT REPORTER: Can you slow down,
4 please, when you read.

5 MR. MCGINTY: Of course, I'm sorry.

6 The Office of Extramural Research, OER,
7 provides the corporate framework for NIH research
8 administration ensuring scientific integrity.

9 **THE WITNESS: Okay. Thank you. Yes,**
10 **absolutely.**

11 MS. ANDRAPALLIYAL: Objection. That calls
12 for speculation.

13 **THE WITNESS: So the way that we define**
14 **scientific -- and I, forgive me, it's habit, I will**
15 **say "we," when talking about it. I get chills. As**
16 **we go along, I'll break that.**

17 The way we define scientific integrity is,
18 broadly, there's something called "research
19 integrity" that has a very specific definition. So
20 that's falsification, fabrication, plagiarism.

21 But then, more broadly, we think of
22 scientific integrity as ensuring that research is
23 conducted, you know, in a safe environment, so free
24 of harassment, discrimination, misconduct, things
25 like that. So, yes, I was -- that is a mission of

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1 the office so, yes, I was involved in those
2 activities.

3 BY MR. MCGINTY:

4 Q How were you involved?

5 A We would have biweekly integrity meetings
6 that involved folks across the office and we would
7 discuss specific cases that raised concerns at
8 institutions. So if we became aware that there was
9 an allegation of harassment in the workplace of an
10 institution, we would discuss the circumstances
11 around that, or if there was concern about research
12 and conduct, you know, fabrication, falsification,
13 plagiarism, we would discuss that, and, you know,
14 the specifics about those situations and what
15 actions the NIH might take.

16 Q Did you have any role in deciding if
17 something was kind of a breach of the scientific
18 integrity policy or not?

19 A Can you please repeat the question.

20 Q Yeah. Did you have any role in deciding
21 whether or not a specific occurrence was a breach of
22 the scientific integrity policy or not?

23 A Which scientific -- what scientific
24 integrity policy are you referring to?

25 Q The scientific integrity policies that you

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1 would discuss at these meetings that you're talking
2 about.

3 A So we discussed compliance with the Grant
4 Policy Statement that I see has been printed out,
5 and so we would discuss these cases as a team. So I
6 was involved broadly along with my colleagues,
7 because these were very complex, and so we require
8 multiple perspectives in discussing.

9 Q When you were employed at NIH, did NIH
10 have its own scientific integrity policy?

11 A I do not remember.

12 Q Okay. And so you were the deputy director
13 of the Office of Extramural Research. I have that
14 right?

15 A Yes.

16 Q Did you ever become the acting director?

17 A Yes.

18 Q When did that happened?

19 A So I would serve as acting director on
20 occasions when the director was out of the office,
21 so if he was on vacation, on sick leave. So this
22 happened periodically over the course of my time as
23 deputy director. And then I became acting director
24 upon his retirement on February 14th.

25 Q And you were acting director until you

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1 left?

2 **A Yes.**

3 **Q On March 7th?**

4 **A Yes.**

5 **Q And how were your roles as acting director**
6 **different from your role as deputy director?**

7 **A I was responsible for overseeing the**
8 **entire office, not just a portion of it, so I went**
9 **from having about seven or eight direct reports to**
10 **having eighteen or so, and so was responsible for**
11 **the operations of the entire office.**

12 **Q And why did you leave on March 7th?**

13 **A I left because of a number of different**
14 **circumstances.**

15 **Q Which were?**

16 **A My workload and working conditions had**
17 **become untenable.**

18 **Q Can you describe that?**

19 **A Yes. So the volume of work was**
20 **exceedingly high. I was given directives to**
21 **implement with very short turnaround times, often**
22 **close of business or maybe within the next hour.**

23 **I was not offered the opportunity to**
24 **provide feedback or really ask for clarification.**
25 **And it was just extremely stressful, and I was**

State of WA, et al. vs Trump, et al.
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1 **concerned that it was impacting my health.**

2 Q Any other reasons that you left?

3 **A Those were the main ones.**

4 Q Did anyone ask you to leave?

5 **A No.**

6 Q Did you have any substantive concerns with
7 the directives that you were asked to implement?

8 MS. ANDRAPALLIYAL: Objection. To the
9 extent that it's calling for deliberative
10 information, I ask the witness not to answer.

11 **THE WITNESS: Okay. I will decline to**
12 **answer.**

13 BY MR. MCGINTY:

14 Q Did you discuss with anyone at the federal
15 government for the purposes of deliberating about a
16 policy implementation your concerns?

17 **A I'm sorry, could you repeat that.**

18 Q Sure. Did you discuss with anyone at the
19 federal government for the purposes of a policy
20 deliberation your concerns?

21 **A For purposes of a policy deliberation.**

22 **I'm sorry, what do you mean by "a policy**
23 **deliberation"?**

24 Q In order to decide what to do.

25 **A So when given certain directives to**

State of WA, et al. vs Trump, et al.
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1 implement -- so our office is largely responsible
2 for implementing policy and procedure. And that's
3 never done in a vacuum. It requires a lot of
4 collaboration across the office and across the
5 Institute and Centers. So whenever we implement a
6 policy, we discuss with multiple people about the
7 approach.

8 Q So speaking specifically about the policy
9 directives that you were instructed to implement on
10 short timelines that led to your departure from NIH,
11 did you discuss any concerns you had with anyone at
12 the federal government prior to the execution of
13 those directives?

14 A Yes.

15 Q You did. Okay. And who did you discuss
16 those with?

17 A With Matt Memoli, the acting NIH director.

18 Q Okay. Anybody else?

19 A With colleagues in the Office of
20 Extramural Research. And I also sought input from
21 our Office of General Counsel on certain occasions.

22 Q Okay. And did you discuss your concerns
23 with anyone at HHS?

24 A Yes.

25 Q And who was that?

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1 **A Who?**

2 Q Who was that? Yeah.

3 **A Meaning with whom did I discuss the**
4 **concerns?**

5 Q Yeah.

6 **A Oh. With Matt Memoli.**

7 Q Okay. Anybody else?

8 **A And I don't remember exactly who -- I**
9 **think I discussed with colleagues in the Office of**
10 **Extramural Research, but I don't remember exactly**
11 **who.**

12 Q Okay. Did you ever talk with
13 Rachel Riley?

14 **A Yes.**

15 Q About your concerns?

16 **A Yes.**

17 Q Okay. Did you ever talk with Brad Smith?

18 **A No.**

19 Q Did you talk with anybody else?

20 **A About my concerns?**

21 Q Mm-hmm.

22 **A James McElroy.**

23 Q Who is James McElroy?

24 **A I believe his title is Deputy HHS Chief of**
25 **Staff, but I may -- I'm not entirely sure.**

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1 Q And these were all conversations you had
2 prior to the decision to implement that we're
3 talking about?

4 A To implement what?

5 MS. ANDRAPALLIYAL: Objection, vague.

6 THE WITNESS: Yeah, I'm sorry. Can you
7 please clarify.

8 BY MR. MCGINTY:

9 Q Sure. Speaking specifically about the
10 directives that you were instructed to implement on
11 short timelines, you said you had a day or an hour
12 to implement them. Is that right?

13 A Yeah.

14 Q So speaking specifically about those, did
15 you discuss the concerns, if any, that you had about
16 them with Rachel Riley or Brad Smith or the
17 gentleman that you just named?

18 MS. ANDRAPALLIYAL: Objection, compound.

19 THE WITNESS: I never met Brad Smith or
20 talked with him. I talked with Rachel Riley one
21 time -- well, excuse me, let me clarify. I talked
22 with Rachel Riley on February 28th and I expressed
23 some concerns with her, yes.

24 BY MR. MCGINTY:

25 Q On February 28th?

State of WA, et al. vs Trump, et al.
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1 **A And with James McElroy.**

2 Q Okay. Was that before or after the
3 directive to implement was made?

4 **A Which directive are you referring to?**

5 Q The directive that led you to leave NIH.
6 MS. ANDRAPALLIYAL: Objection, misstates
7 prior testimony.

8 **THE WITNESS: So as I mentioned earlier,**
9 **there were multiple reasons I decided to submit my**
10 **resignation.**

11 BY MR. MCGINTY:

12 Q Okay. Can you take a look at, I think
13 it's Exhibit 4 in front of you in this big stack.
14 It should be in order.

15 **A Oh, this?**

16 Q Yeah.

17 **A Exhibit 4?**

18 Q Yeah, it's confusing. It's Exhibit 4, the
19 front page is Exhibit A.

20 **A Okay.**

21 (Bulls Deposition Exhibit 4 was introduced
22 into the record.)

23 BY MR. MCGINTY:

24 Q Do you recognize this document?

25 **A Let me just take a second. As I**

State of WA, et al. vs Trump, et al.
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1 mentioned, I have monovision contacts.

2 I have not seen this document before.

3 Q Okay. Go to the bottom. You see you're
4 cc'd on this?

5 A Mm-hmm, yes.

6 Q You don't recognize having seen this
7 document before?

8 A No, I've not seen this specific document
9 before.

10 Q Have you seen letters that look like this?
11 MS. ANDRAPALLIYAL: Objection, vague.

12 THE WITNESS: I have seen a template
13 letter that looks like this.

14 BY MR. MCGINTY:

15 Q Okay. And what was the template letter
16 that you saw?

17 A So it resembled this document, but did not
18 have specific language; for example, you know,
19 addresses, salutations, grant numbers. Yeah, so it
20 was missing specific information about the
21 individual grants.

22 Q Looking at this letter, this Exhibit 4, do
23 you recognize what it is?

24 A Yes, it is a termination letter.

25 Q And the date is February 28th, 2025. Is

State of WA, et al. vs Trump, et al.
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1 that right?

2 **A Yes.**

3 Q That's the same day that you talked with
4 Rachel Riley?

5 **A Yes.**

6 Q Was this the only termination letter that
7 went out on February 28th?

8 **A No.**

9 Q How many termination letters went out on
10 February 28th?

11 MS. ANDRAPALLIYAL: Objection, assumes
12 facts not in evidence.

13 **THE WITNESS: I don't remember.**

14 BY MR. MCGINTY:

15 Q Do you know if it was more or less than
16 ten?

17 **A I think it was more than ten, less than**
18 **30.**

19 Q Okay. And do you know how the decision to
20 make the grants that were terminated was made?

21 **A I do not.**

22 Q Okay. Do you know who made the decision?

23 **A I do not.**

24 Q Do you recollect the circumstances that
25 led up to the termination of those grants on

State of WA, et al. vs Trump, et al.
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1 February 28th?

2 A Can you please clarify.

3 Q How did you first learn that grants were
4 going to be terminated on February 28th?

5 A I received a text message over Microsoft
6 Teams from James McElroy. He said, Liza --
7 something to the effect of: Liza, can you please
8 get in touch with Rachel Riley ASAP, she's been
9 trying to reach you.

10 I'm paraphrasing.

11 I said, James, I'm sorry, I do not know
12 who Rachel Riley is. And then shortly thereafter,
13 James called me over a Microsoft Teams video call,
14 and so he was there and Rachel Riley was there. She
15 introduced herself as being part of DOGE, who was
16 working with HHS.

17 And she informed me that a number of
18 grants will need to be terminated and that
19 Matt Memoli will be sending me an e-mail, a list of
20 grants in an e-mail shortly thereafter.

21 Q Did she explain why the grants were being
22 terminated?

23 A No.

24 Q Did you ask?

25 A She explained that -- excuse me, let me

State of WA, et al. vs Trump, et al.
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1 clarify.

2 She said that the current administration's
3 OGC has a different opinion from the previous
4 administration's OGC on grant termination and,
5 therefore, we will need to terminate grants by the
6 end of the day.

7 I did not ask what, you know, what grants
8 because I just literally was a little bit confused
9 and caught off guard. And so I waited to see what I
10 would receive by e-mail.

11 Q And then what did you receive by e-mail?

12 A I received an e-mail from Matt Memoli that
13 said something to the effect of: Liza, the attached
14 list of grants need to be terminated by COB today.
15 And there was an Excel file attached to the e-mail.

16 Q And did you look at the Excel file?

17 A Yes.

18 Q And can you describe it for me.

19 A It was a list of grants -- well, you know,
20 I'm trying -- I don't exactly remember all of the
21 cells in the Excel file, but it was a list of
22 grants. I can't remember if it had the grant
23 numbers, the titles, the institutions. It had some
24 combination.

25 Q Did it give any reason why the grants were

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1 being terminated?

2 **A No.**

3 Q And what did you do next after you got
4 that memo from Matt Memoli?

5 **A And please allow me to clarify.**

6 **Also attached in the e-mail, I forgot to**
7 **mention, Matt said attached is an OGC-approved**
8 **termination letter, which was the template. So then**
9 **after I received the e-mail, I took a look at the**
10 **list and then I called Ms. Michelle Bulls to talk**
11 **through next steps.**

12 Q And what did you say to Michelle?

13 MS. ANDRAPALLIYAL: Objection, calls for
14 the provision of deliberative information. I'd ask
15 the witness not to answer insofar that it would
16 divulge deliberative information.

17 **THE WITNESS: Also, in addition to talking**
18 **with Michelle, I also talked with, on the same phone**
19 **call, Teams call, with our Office of General**
20 **Counsel.**

21 MR. MCGINTY: Okay. So I'm just going to
22 say for the record that the deliberative process
23 exemption applies to communications made prior to a
24 decision that's made and only to the extent that
25 they are, in fact, deliberative communications. So

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1 here a decision had already been made, so I don't
2 think the deliberative process exemption applies.
3 If you make an offer of proof, want to put that on
4 the record.

5 MS. ANDRAPALLIYAL: Again, the
6 deliberative process privilege routinely applies to
7 protect pre-decisional and deliberative
8 communications about a decision even if --
9 regardless of whether it has already been made, for
10 example, in employee cases where deliberative
11 process privilege is routinely invoked to protect
12 documents about decisions that have already come to
13 pass. And the purpose of the privilege is to
14 protect agency deliberations decision making to
15 ensure that folks can frankly discuss their concerns
16 without being concerned about that information
17 making its way out of the government.

18 So I am happy to provide case law shortly.
19 If we could take a break, and if we could do that
20 now?

21 BY MR. MCGINTY:

22 Q Ms. Bundesen, when you got the e-mail from
23 Matt Memoli was it your understanding that the
24 decision to terminate the grants had already been
25 made?

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1 **A Yes.**

2 Q Okay. So what did you discuss with
3 Michelle Bulls?

4 **A I discussed how we would implement such --**

5 MS. ANDRAPALLIYAL: Objection. To the
6 extent this calls for deliberative information
7 communication preceding a termination that are
8 deliberative in nature, I object on that basis. I
9 object also on the basis of attorney-client
10 privilege. As Ms. Bundesen stated, OGC was present.
11 And to the extent that any advice was sought or
12 received from OGC, I would ask the witness not to
13 answer on that basis as well.

14 MR. MCGINTY: For the record, she just
15 testified the decision to terminate the grants had
16 been made. It's clearly not a pre-decisional
17 communication.

18 BY MR. MCGINTY:

19 Q But regardless, Ms. Bundesen, what actions
20 did you ask Michelle Bulls to take?

21 **A So we spoke at a high level about how, how**
22 **we would terminate such awards on such a short**
23 **timeline.**

24 Q Okay. And what did you decide to do?

25 **A So Ms. Bulls worked with the Chief Grants**

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1 Management Officers in the Institutes and Centers to
2 send out these termination letters and to restrict
3 funding in the HHS payment management system.

4 Q I want to direct your attention to
5 paragraph 4 of Exhibit 4, the paragraph that starts,
6 "This award no longer effectuates agency
7 priorities."

8 A Okay.

9 Q Would you read that paragraph for me.

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

25 Q Do you know where that language came from?

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1 **A I do not.**

2 Q Was it part of a template letter you got?

3 **A I don't remember.**

4 Q Do you know who wrote it?

5 **A I don't.**

6 Q Had you ever seen that language before
7 February 28th?

8 **A I don't -- I'm sorry, I don't remember.**

9 Q It says, "Research programs based on
10 gender identity are often unscientific."

11 Do you see that?

12 **A Yes.**

13 Q Is that true?

14 MS. ANDRAPALLIYAL: Objection, calls for
15 speculation.

16 **THE WITNESS: It's -- I don't know. It's**
17 **a -- it's a vague phrase.**

18 BY MR. MCGINTY:

19 Q Okay. Are there some research programs
20 based on gender identity that are scientific?

21 MS. ANDRAPALLIYAL: Objection, calls for
22 speculation.

23 **THE WITNESS: Are scientific. I don't**
24 **know how to answer that.**

25 BY MR. MCGINTY:

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1 Q Okay. So this references a project number
2 here, 5R21HD107311-02. You don't recall that
3 project off the top of your head, do you?

4 A No.

5 Q Can you describe generally how a research
6 project is accepted for funding at NIH?

7 A So grant applications are submitted by
8 institutions, so it could be an institute of higher
9 education, a small business. So applications are
10 submitted. They may be submitted in response to
11 different types of Notices of Funding Opportunities.

12 And then when NIH receives the application
13 and processes it, they go to -- the applications go
14 through a two-tier, peer-review process. So the
15 applications are reviewed by peer-review panels.
16 These are convened experts in specific scientific
17 areas, these are folks outside of NIH, they're
18 separate committees.

19 So they go through an initial peer review
20 based on the criteria that are described in the
21 Funding Opportunity. And they receive a score, a
22 written summary. And then, based on the scores and
23 the summaries, those are ranked in some type of
24 order. It would be a percentile order because NIH
25 receives a lot of applications, far more meritorious

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1 applications that can be funded. And then they go
2 to the institute or center, National Advisory
3 Council.

4 And these are panels of outside experts
5 who then provide advice to the institute director
6 about the merits of the different projects. And
7 then ultimately, if peer review members, peer review
8 panels, and councils recommend the project for
9 funding, then they will be considered by the
10 institute director, and the institute director makes
11 the final funding decision.

12 Q So this project would have gone through
13 that whole process?

14 A Yes.

15 Q And it would have been funded?

16 A Yes.

17 Q After having been looked at, it sounds
18 like two different panels of peer review?

19 A Yes.

20 Q And those peer review panels consist of
21 scientific experts?

22 A Yes.

23 Q Who would have evaluated the scientific
24 merit of the research project?

25 A Yes.

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1 Q And they would have decided that it has
2 merit?

3 A Yes.

4 Q More merit than other projects that were
5 also meritorious that couldn't be funded?

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

8 THE WITNESS: So could you say that one
9 more time.

10 BY MR. McGINTY:

11 Q Of course.

12 A The last part.

13 Q Yeah, absolutely.

14 You said that NIH receives far more
15 applications, far more meritorious applications than
16 it can fund.

17 A Mm-hmm.

18 Q And this project was funded, right?

19 A Mm-hmm -- yes.

20 Q Everyone forgets.

21 So my question was: This project would
22 have been decided that it had scientific merit, and,
23 in fact, more merit than other meritorious projects
24 that could not be funded?

25 MS. ANDRAPALLIYAL: Objection, calls for

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speculation, assumes facts not in evidence.

THE WITNESS: So institutes will make decisions based on merit, certainly, but also availability of funding and portfolio balance. So multiple factors go into the decision to fund an award.

BY MR. MCGINTY:

Q Okay. So, in your opinion, are research programs based on gender identity often unscientific?

MS. ANDRAPALLIYAL: Objection, calls for speculation.

THE WITNESS: I think that this is a very vague statement.

BY MR. MCGINTY:

Q In your opinion are research programs based on gender identity a bad return on investment?

MS. ANDRAPALLIYAL: Objection, calls for speculation.

THE WITNESS: Could we take a quick break, a bathroom break.

BY MR. MCGINTY:

Q If you could answer that question, please.

A Oh, sure, I'm sorry. Can you say it again one more time.

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1 Q Sure. In your opinion are research
2 programs based on gender identity, do they have
3 little return on investment?

4 MS. ANDRAPALLIYAL: Same objection, calls
5 for speculation.

6 THE WITNESS: Yeah, I'm not sure how to
7 answer that question. Can you say it one more time.

8 BY MR. MCGINTY:

9 Q Sure. I'm asking your opinion on the
10 truth or falsehood of the statement.

11 A Okay.

12 Q And the statement is: Research programs
13 based on gender identity have little identifiable
14 return on investment.

15 MS. ANDRAPALLIYAL: Objection,
16 speculation.

17 THE WITNESS: So my personal opinion is,
18 is that's not correct.

19 BY MR. MCGINTY:

20 Q Okay. Thank you.

21 MR. MCGINTY: Yeah.

22 THE WITNESS: Just really quickly.

23 MR. MCGINTY: We can go off the record.

24 (Recess taken - 9:49 to 9:57 a.m.)

25 BY MR. MCGINTY:

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1 Q Now, before the break we were talking
2 about Exhibit 4. Do you still have that in front
3 you?

4 A Yes.

5 Q That's the letter to Dr. Tham. And I was
6 asking about this language that appears in paragraph
7 4 of the letter.

8 A Yeah.

9 Q And so in your opinion as a scientist, is
10 this true, "Research programs based on gender
11 identity do nothing to enhance the health of many
12 Americans"?

13 MS. ANDRAPALLIYAL: Objection, calls for
14 speculation.

15 THE WITNESS: In my opinion, that's a very
16 vague statement, and I personally don't agree with
17 it.

18 BY MR. MCGINTY:

19 Q It goes on to say, "Many such studies
20 ignore, rather than seriously examine, biological
21 realities."

22 What's your opinion as a scientist about
23 that statement?

24 MS. ANDRAPALLIYAL: Objection, calls for
25 speculation. The witness is here to testify in her

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1 official capacity as former acting director and
2 standing director of OPERA.

3 **THE WITNESS: OER.**

4 MS. ANDRAPALLIYAL: OER?

5 **THE WITNESS: Mm-hmm.**

6 MR. MCGINTY: Counsel, objection to form,
7 not appropriate.

8 **THE WITNESS: I'm sorry, I didn't**
9 **understand.**

10 MR. MCGINTY: We're having a lawyer fight.

11 **THE WITNESS: Oh, okay.**

12 MR. MCGINTY: It's okay. It doesn't
13 matter for you.

14 (Whereupon, laughter)

15 BY MR. MCGINTY:

16 Q The question for you is: In your opinion
17 as a scientist, many such studies ignore, rather
18 than seriously examine, biological realities, is
19 that true?

20 MS. ANDRAPALLIYAL: Objection, form, and
21 calls for speculation.

22 **THE WITNESS: So my personal opinion, I**
23 **don't understand the basis of the sentence. It's**
24 **unclear to me.**

25 BY MR. MCGINTY:

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1 Q What's unclear about it?

2 A There are no citations, it is a
3 generalization.

4 Q Is the idea that some people are
5 transgender contrary to biological reality in your
6 opinion as a scientist?

7 MS. ANDRAPALLIYAL: Objection, calls for
8 speculation.

9 THE WITNESS: Can you say it one more
10 time, please.

11 BY MR. MCGINTY:

12 Q Sure.

13 A Thank you.

14 Q Is the idea that someone, that some people
15 are transgender or gender diverse contrary to
16 biological reality in your opinion as a scientist?

17 A I don't have an opinion on that statement.

18 Q The last sentence of this paragraph is,
19 "It is the policy of NIH not to prioritize these
20 research programs."

21 Do you understand what that means?

22 A Just on face value, what that sentence
23 says.

24 Q What's your understanding of that
25 sentence?

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1 **A That this letter says -- sorry. Where is**
2 **the exact -- I'm sorry, could you refer me to the**
3 **paragraph.**

4 Q Of course. It is the last sentence in the
5 fourth paragraph of this letter on what is page 2 of
6 Exhibit 4.

7 **A I see. "It is the policy of NIH not to**
8 **prioritize..."**

9 I do not know the origin of that sentence
10 so I can't really comment on it.

11 Q From reading the letter, what would be
12 your understanding of that sentence?

13 **A That this letter is asserting that there**
14 **is an NIH policy not to prioritize these research**
15 **programs.**

16 Q And what research programs are those?

17 **A I don't know because it's vague.**

18 Q Could it be research programs based on
19 gender identity?

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

22 **THE WITNESS: I don't know.**

23 BY MR. MCGINTY:

24 Q Could you read that paragraph for me
25 again, just silently to yourself.

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1 **A Oh, silently. Okay.**

2 (Witness reviews document)

3 BY MR. MCGINTY:

4 Q Does that clarify what research programs
5 are being talked about in that last sentence?

6 **A Based on this paragraph, it says research**
7 **programs based on gender identity.**

8 Q And those are the research programs that,
9 according to this letter, it is the policy of NIH
10 not to prioritize?

11 **A That's what it would seem based on this**
12 **paragraph.**

13 Q In your capacity as acting director of OER
14 as of February 28th, 2025, were you aware of any
15 such policy?

16 **A I was aware of high level discussions**
17 **about possibly creating such a policy.**

18 Q Had that policy been created at the time
19 that this letter was sent out?

20 **A I do not remember. I remember**
21 **deliberations about it, discussions about it, but I**
22 **do not remember seeing a final policy.**

23 Q What was the reason that that policy was
24 being enacted?

25 **A I -- I do not know. I know that -- let me**

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1 clarify that Dr. Memoli had discussed NIH priorities
2 moving forward, but I don't know anything beyond
3 that.

4 Q Did he tell you anything about NIH
5 priorities moving forward?

6 MS. ANDRAPALLIYAL: Objection. To the
7 extent that this question is calling for the
8 pre-decisional deliberative information, I ask the
9 witness not to provide that information.

10 THE WITNESS: Yeah, we had high level
11 discussions that did also include our Office of
12 General Counsel colleagues. So, again, it was -- it
13 was high level. I don't really recall too much
14 because --

15 BY MR. MCGINTY:

16 Q Okay.

17 A -- it was a little while ago at this
18 point.

19 Q Okay. Well, what's the date today?

20 A I don't know.

21 Q Is it April 4th, 2025?

22 A I don't know.

23 Q Okay.

24 A I don't have my Fitbit on.

25 Q Sure. Well, can you refer back to

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Exhibit 24.

A Yeah, that's my CV.

Q That's your CV. I mean 23.

A Oh. The Subpoena.

Q Yeah. What's the date that it asks you to testify today?

A April 4th.

Q Okay. Is it April 4th today?

A Yes.

Q Okay. And when did these discussions happen that you're referring to?

A They would have been probably the end of -- well, end of February, beginning of March, so roughly the three weeks during which I was acting OER Director, but I don't know the exact dates.

Q It was after January 20th, 2025?

A Yes.

Q Were they caused by the incoming administration?

MS. ANDRAPALLIYAL: Objection, calls for speculation.

THE WITNESS: I don't know.

BY MR. MCGINTY:

Q You said that this grant that got terminated on February 28, 2025, was in a list of

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1 other grants to be terminated on that day. Is that
2 right?

3 A I do not recognize this specific number
4 and I don't remember the list of -- the numbers and
5 the titles of the list. All I can say is that I was
6 given a list, but I don't know which specific ones,
7 awards, were on there.

8 Q Okay. While you were acting director of
9 OER how many such lists did you get?

10 A I believe two. Two, I think, roughly
11 around that. I think one on the 28th and one
12 subsequently. I think the week after, but my memory
13 is fuzzy.

14 Q Was the second one on March 7th?

15 A March 7th, we did not receive a list.

16 Q Would it have been March 6th, then?

17 A I don't remember.

18 Q Don't remember?

19 A No.

20 Q But there were two lists?

21 A No, I'm -- my memory is unclear, so I'm
22 speculating. I'm sorry. I don't -- I'm not a
23 hundred percent clear on that.

24 Q In your time at NIH, have you ever
25 received a list of grants to terminate in that same

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1 fashion before?

2 **A No.**

3 Q In your time at NIH how many grants were
4 you aware of that had been terminated prior to
5 January 20th, 2025?

6 **A I don't know the number.**

7 Q Was it more or less than ten?

8 **A I don't -- I don't know.**

9 Q Okay. What would be the process to
10 terminate a grant prior to January 20, 2025?

11 **A So let me just set the background that I'm**
12 **not an expert in grant termination, that whenever a**
13 **grant is suspended or terminated, it's considered on**
14 **a case-by-case basis and involves discussions with**
15 **multiple people such as Ms. Bulls and colleagues in**
16 **OER, OPERA, the institutional officials. So**
17 **typically -- I mean, there is no typical situation.**

18 **But as I see that you've printed out the**
19 **Grants Policy Statement, there is a section in the**
20 **Grants Policy Statement, 8.5, I believe, that**
21 **describes the circumstances under which grants are**
22 **terminated or suspended. Typically, grants are**
23 **suspended in order to allow the recipients to come**
24 **back into compliance with any applicable laws and**
25 **regulations to address any concerns that NIH may**

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1 **have about the specific situation.**

2 Q And this letter addresses that on the
3 fifth paragraph, right?

4 **A Oh.**

5 (Witness reviews document)

6 **THE WITNESS: So the paragraph --**

7 BY MR. MCGINTY:

8 Q Beginning, "Although."

9 **A "Although..." Right.**

10 Q Is that unusual for a termination to
11 declare that no corrective action is possible?

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

14 **THE WITNESS: I do not know because I've**
15 **never been directly involved in sending termination**
16 **letters, so I can't speak as an expert on this.**

17 BY MR. MCGINTY:

18 Q Okay. Are you aware of any grant
19 termination from your period at NIH prior to
20 January 20th, 2025, where no corrective action was
21 allowed?

22 **A I don't -- I don't remember, no, sorry.**

23 Q How familiar are you with the Grant Policy
24 Statement?

25 **A I'm -- I'm familiar that it is the terms**

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1 and condition of NIH awards, that it is over 400
2 pages long, and I'm more familiar with some sections
3 than others. Typically when we have a question, we
4 just, you know, we will search for the relevant
5 section.

6 Q Was part of your duties as deputy and
7 acting director to interpret and apply the Grants
8 Policy Statement?

9 A To interpret and apply. Can you clarify
10 that question. To interpret and apply.

11 Yeah, as part of the duties of the Office
12 of Extramural Research, the Grants Policy Statement
13 it says the term and condition of all awards, so it
14 is our responsibility to be -- to ensure that
15 recipients comply with the Grants Policy Statement.
16 So, yes, we review, and we need to be informed about
17 it.

18 Q We can get into this a little later, but
19 are you aware of any section in the NIH Grants
20 Policy Statement that would say it's not the policy
21 of NIH to fund studies related to transgender
22 people?

23 A I don't know. I've not seen that before
24 in the Grants Policy Statement. But, again, I would
25 have to review it, search it.

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1 Q Would you have expected to be aware of a
2 section like that if it existed?

3 A Yes, yes, I would expect to be aware.

4 Q Okay. And you previously testify that
5 you're not usually involved in grant terminations,
6 right?

7 A Correct.

8 Q Was it strange, then, that you were sent a
9 list of grants to terminate?

10 A I'd never -- as mentioned before, I'd
11 never received a list of grants to terminate before.

12 Q Did you have concerns with that procedure?

13 A Yes, I thought it was unusual.

14 Q What were your concerns?

15 MS. ANDRAPALLIYAL: Objection. To the
16 extent this is calling for pre-decisional,
17 deliberative information, I'd ask the witness not to
18 answer. But you can answer on other --

19 I'd also -- well, I amend my statement to
20 say I also assert attorney-client privilege to the
21 extent that those concerns implicate discussions
22 with the Office of General Counsel.

23 THE WITNESS: That's true.

24 Can you please restate.

25 BY MR. MCGINTY:

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1 Q Yeah. I just asked if you had concerns
2 with that procedure.

3 A As I mentioned, it was -- I never received
4 a list of grants before to terminate, so it was new
5 to me.

6 Q Okay. And was that your only concern?

7 MS. ANDRAPALLIYAL: Objection. To the
8 extent the answer would implicate deliberative
9 process or attorney-client privilege, I'd ask the
10 witness not to answer.

11 THE WITNESS: Okay.

12 BY MR. MCGINTY:

13 Q Did you discuss your concerns with the
14 Office of General Counsel?

15 A I think that's -- isn't that privileged
16 information? Or...

17 Q After receiving a list of grants to
18 terminate, did you talk with the Office of General
19 Counsel?

20 A I did.

21 Q Without asking about any of your
22 communications with your attorneys, what were your
23 concerns?

24 A I did not have any background information
25 about the decision and did not have -- just did not

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understand.

Q So you didn't know why it was made?

A Correct.

Q And you weren't told?

A Correct. Correct.

Q Are you aware of anyone at NIH who had input into the decision about which grants to terminate?

A I do not.

Q And you don't know how the decision to terminate the grants was made?

A I do not.

Q And you don't know what the language in this letter means?

MS. ANDRAPALLIYAL: Objection, vague.

THE WITNESS: That, yeah. Do you have -- specifically about the letter, yeah.

BY MR. MCGINTY:

Q Sure. Let's talk about paragraph 4.

A Okay.

Q Earlier I was asking you if you had opinions about the language in paragraph 4 which explains why this grant is being terminated. Is that a fair characterization of the paragraph?

A Yes.

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1 Q And your testimony was many of the
2 statements in this paragraph are vague and you don't
3 know what they mean. Is that right?

4 A That's right.

5 Q So you don't know why this grant was
6 terminated and you were never told, and the letter
7 that explains it, doesn't explain it. Is that
8 right?

9 MS. ANDRAPALLIYAL: Objection, compound.

10 THE WITNESS: I was never told, that's
11 correct. And as I mentioned before, I thought the
12 language is vague.

13 BY MR. MCGINTY:

14 Q Okay. Did you receive more than one form
15 letter?

16 A I don't -- I don't think so. I don't
17 fully remember, but I think it was just the one
18 template letter attached to the e-mail that had the
19 Excel file with the grants.

20 Q Were there grants that had to do with
21 things other than gender identity that were
22 terminated?

23 A Yes.

24 Q So, for example, DEI?

25 A Yes.

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1 Q And vaccine hesitancy?

2 A I do not recall anything about vaccine
3 hesitancy being on that list.

4 Q How about grants that would benefit
5 institutions in China?

6 A Yes.

7 Q So do you know if the language in
8 paragraph 4 which is about gender identity would be
9 in all of those form letters?

10 A No. I recall that the template form
11 letter had boilerplate language that could then be
12 modified for the different circumstances, the
13 different buckets of grants that were to be
14 terminated.

15 And my recollection, again, a little hazy,
16 was that the categories were DEI, research in China,
17 and transgender or gender ideology. So that's what
18 I remember.

19 Q Do you know who drafted those form
20 letters?

21 A I do not.

22 Q Were you ever told?

23 A No.

24 Q Did you ever ask?

25 A I do not think so, no.

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1 Q Is it consistent with the way that NIH had
2 operated up until January 20th, 2025, for grants to
3 be terminated for reasons that NIH had no input in?

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

6 THE WITNESS: So I do not know who had
7 input into the terminations. So your latter part of
8 the question saying that NIH had no input in, I
9 don't -- I know that I didn't have input, but I do
10 not know if anyone else at NIH had input.

11 BY MR. MCGINTY:

12 Q Would it be consistent with the way that
13 NIH operated, to your understanding, prior to
14 January 20, 2025, for a policy to be enacted not to
15 prioritize certain research programs without you
16 providing input?

17 A No.

18 Q And why is that?

19 A Well, let me clarify. We -- so without me
20 providing insight.

21 Administrations implement new priorities,
22 you know, every administration. But the input
23 perhaps that I might provide would be discussions
24 and discussions about implementation of those
25 priorities. So it would not be the decision making

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1 about the priorities, but more about the mechanics
2 of the implementation.

3 Q But you didn't provide that kind of input
4 into this termination on Exhibit 4 either?

5 A No.

6 Q And that's unusual, right?

7 A Yes.

8 Q In fact, it never happened before, to your
9 understanding?

10 A That's my --

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

13 THE WITNESS: Yeah, I don't -- I don't
14 know, at least not involving me.

15 BY MR. MCGINTY:

16 Q Would you take a look at Exhibit 3,
17 please.

18 (Bulls Deposition Exhibit 3 was introduced
19 into the record.)

20 THE WITNESS: The Executive Order, yeah.
21 Okay.

22 BY MR. MCGINTY:

23 Q It sounds like you recognize this.

24 A I see -- I'm reading the title. I
25 recognize the title, yes.

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1 Q Have you seen this before today?

2 A I have seen -- I've seen it. I have not
3 read it.

4 Q You haven't read this before today?

5 A No.

6 Q Okay. Did you talk with anyone at NIH
7 about implementing this Executive Order that's in
8 Exhibit 3?

9 A At a high level, yes.

10 Q Who did you talk to?

11 A So Dr. Tara Schwetz, who was the director
12 of the Division of Program Coordination and
13 Strategic Initiatives at NIH.

14 Q And what implementation decisions were
15 made with respect to this Executive Order?

16 MS. ANDRAPALLIYAL: Objection. To the
17 extent the answer calls for the provision of
18 pre-decisional deliberative information, I request
19 the witness not to answer.

20 THE WITNESS: And I don't know.

21 BY MR. MCGINTY:

22 Q Okay. Okay. I just want to ask you to
23 compare some language.

24 Do you see at Section 2 where it says:

25 "It is the policy of the United States to

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recognize two sexes, male and female.

These sexes are not changeable and are
grounded in fundamental and
incontrovertible reality."

Do you see that?

A Yep.

Q Is that similar to the language that we
see in paragraph 4 of Exhibit 4 that we were talking
about earlier?

MS. ANDRAPALLIYAL: Objection, calls for
speculation.

THE WITNESS: I mean, I don't think the
language is the same. Can you clarify.

BY MR. MCGINTY:

Q Sure. It says, for example:

"Many such studies ignore, rather
seriously undermine, biological
realities."

See that in Exhibit 4?

A Is it -- I'm sorry, where is it?

MR. BOMBARD: Is that Exhibit 3 or 4?

MR. MCGINTY: I was just referencing
Exhibit 4.

THE WITNESS: Oh, Exhibit 4. I was
looking at 3.

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1 BY MR. MCGINTY:

2 Q Oh, yes.

3 "Many such studies ignore, rather than
4 seriously examine, biological realities," in
5 paragraph 4 of Exhibit 4. And I ask you to compare
6 that language to Section 2 in Exhibit 3.

7 MS. ANDRAPALLIYAL: And same objection,
8 calls for speculation.

9 **THE WITNESS: I don't really understand**
10 **the question. If you are asking do I think they**
11 **align?**

12 BY MR. MCGINTY:

13 Q Do they align?

14 **A I don't really -- yeah, I don't know.**

15 Q Okay. Would you turn to Exhibit 5.

16 **A Okay.**

17 (Bulls Deposition Exhibit 5 was introduced
18 into the record.)

19 BY MR. MCGINTY:

20 Q I'll represent to you this is an article
21 from the journal Nature. Please take a look at the
22 pages 4 and 5.

23 **A Mm-hmm.**

24 Q And I understand this might be difficult
25 for you to see.

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1 **A I may have to switch to my glasses, yeah.**

2 Q But let me know.

3 **A Okay.**

4 Q There's some callout boxes there that
5 purports to be a document called, "Staff Guidance -
6 Award Assessments for Alignment with Agency
7 Priorities."

8 Do you see that?

9 **A Mm-hmm.**

10 Q Do you recognize the document that's in
11 these callout boxes?

12 **A Yes.**

13 Q And what is it?

14 **A My recollection is that it was Staff**
15 **Guidance issued to the Chief Grants Management**
16 **Officers on the different categories of grants that**
17 **would need to be -- well, now I don't fully**
18 **remember. I remember it being Staff Guidance about**
19 **how to handle grants that fell into these different**
20 **categories.**

21 Q And to your knowledge was this Guidance
22 ever implemented?

23 **A I do not know.**

24 Q Did you have any role in drafting this
25 document?

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1 A I did not.

2 Q Who drafted it?

3 A I do not know.

4 Q Under what circumstances have you seen
5 this before?

6 A It was forwarded to me by a colleague
7 after it had been distributed to the Chief Grants
8 Management Officers.

9 Q Would it be -- who forwarded it to you?

10 A A co-chair. My co-chair of the committee
11 that we ran for communicating with the Extramural
12 staff in the Institutes and Centers. Everything was
13 happening very quickly, and sometimes people did not
14 make it on cc lines, and so we would try to keep
15 each other in the loop as much as possible, so she
16 wanted to make sure I'd seen it.

17 Q Would it be unusual for this to be
18 forwarded to the Chief Grant Management Officers
19 without you seeing it first?

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

22 **THE WITNESS: Not necessarily.**

23 BY MR. MCGINTY:

24 Q What's your understanding of the four
25 categories?

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1 **A I can't -- I'm sorry. I can't see them in**
2 **this tiny print.**

3 **All right. I need a second to get my**
4 **glasses.**

5 Q Okay.

6 **A I'm sorry.**

7 MR. MCGINTY: Okay. Off the record,
8 please.

9 (Discussion off record)

10 (Recess taken - 10:24 to 10:28 a.m.)

11 MR. MCGINTY: Back on the record.

12 BY MR. MCGINTY:

13 Q All right. We just took a short break for
14 you to put on your glasses so you can read this
15 document. Are you able to make out the words?

16 **A Yes.**

17 Q I understand it may not be comfortable. I
18 don't think it's comfortable for me either.

19 I think the question on the table was:
20 What's your understanding of the four categories?

21 **A My understanding is that these are**
22 **specifically related to DEI activities. And the**
23 **categories demonstrate different scenarios under**
24 **which a grant -- different types of guidance**
25 **depending on the level of DEI-related activities in**

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1 an application award.

2 Q And what happens to Category 1?

3 A "The sole purpose of the project
4 is DEI related, for example, diversity
5 supplements of conference grants where
6 the purpose of a meeting is diversity,
7 and/or the application was received in
8 response to a NOFO that was unpublished
9 as outlined above."

10 And the guidance or action is that:

11 "ICs must not issue the award."

12 Q While you were deputy director or acting
13 director of OER, were any NOFOs unpublished?

14 A While I was deputy director or acting
15 director of OER, yes.

16 Q Okay. What does that mean for a NOFO to
17 be unpublished?

18 A The NOFO was essentially taken off of the
19 website, taken out of the NIH Guide to Grants and
20 Contracts.

21 Q And were any NOFOs unpublished as outlined
22 above, as that's meant in this Staff Guidance?

23 A As outlined above.

24 (Witness reviews document)

25 THE WITNESS: I'm sorry, what -- you mean,

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1 is there something in the first two paragraphs that
2 you're referring to?

3 BY MR. MCGINTY:

4 Q What the Guidance seems to say.

5 (Witness reads sotto voce)

6 (Reporter requests clarification)

7 THE WITNESS: I'm sorry, I'm sorry.

8 Is it disruptive for me to read it? Okay.

9 So I'm reading the Guidance:

10 "This staff guidance rescinds the guidance
11 provided in the February 13th, 2025, memo
12 to IC Chief Grants Management Officers
13 entitled Supplemental Guidance..."

14 I'm sorry, I'm not seeing -- it could be
15 that I'm just missing it. I'm not seeing reference
16 to funding opportunities in these first paragraphs.

17 (Witness further reviews document)

18 THE WITNESS: I don't see anything related
19 to funding opportunities in the introductory
20 background paragraph.

21 BY MR. MCGINTY:

22 Q From January 20, 2025, to when you
23 separated from NIH, were any NOFOs taken down, to
24 your knowledge, because of DEI-related concerns?

25 A Yes.

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1 Q Okay. How many?

2 A I don't remember the exact number. Less
3 than a hundred, I think, when I was there.

4 Q And those would all fall into the Category
5 1 in this guidance here?

6 MS. ANDRAPALLIYAL: Objection, calls for
7 speculation.

8 THE WITNESS: No.

9 BY MR. MCGINTY:

10 Q Why not?

11 A Category 1 says the sole purpose of the
12 project is DEI related. So funding opportunities
13 come in different flavors. They may have a single
14 purpose, they may be focused on DEI, or a funding
15 opportunity may have a component of it that focuses
16 on DEI.

17 Q So some of them would be Category 1 and
18 some of them would be Category 2. Or some of them
19 would just fall outside of this policy entirely?

20 A So this is guidance, not policy. And
21 these -- this guidance refers to awards and not
22 funding opportunities. So there's just a
23 distinction.

24 Could you rephrase your question, please.

25 Q Sure.

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1 **A Or restate it.**

2 Q Yeah. I can clarify it.

3 My question is: Category 1 says: The
4 action is ICs must not fund the award. And Category
5 1 includes instances where the application was
6 received in response to a NOFO that was unpublished
7 --

8 **A Oh, I see.**

9 Q -- as outlined above.

10 And I asked you when the NOFOs are
11 unpublished as outlined above, you read the first
12 two paragraphs.

13 **A I see. Got it.**

14 Q And I agree with you, I don't see anything
15 about NOFOs being unpublished there. So my question
16 is, you know, were there NOFOs that were unpublished
17 because of DEI concerns between January 20th, 2025
18 and March 7th when you were separated?

19 **A Yes.**

20 Q Okay. And those would fall under Category
21 1, right?

22 **A Yes.**

23 Q Okay. Would you take a look at page 5,
24 please. Let me know if you need time. I understand
25 this is hard.

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1 **A Okay. What am I looking for?**

2 Q I direct your attention to Appendix 3.

3 **A Okay.**

4 Q And just review that silently to yourself
5 for a bit.

6 (Witness reviews document)

7 **THE WITNESS: Okay.**

8 BY MR. MCGINTY:

9 Q Is this the language that came attached to
10 that form letter that you received?

11 **A I don't -- I don't remember.**

12 Q Would you compare the transgender issues
13 language to that paragraph 4 on Exhibit 4 for me.

14 (Witness reviews documents)

15 **THE WITNESS: It appears to be the same.**

16 BY MR. MCGINTY:

17 Q It's identical, right?

18 **A I think -- I mean, yeah, I think so.**

19 Q Does that fresh your recollection as to
20 whether these Appendix 3 categories or block quotes
21 were given to you with those form letters?

22 **A Unfortunately, it doesn't. I could**
23 **speculate, but I don't -- I don't remember.**

24 Q You'd have to look at the e-mail to know?

25 **A Yeah, I would need -- I would need to**

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1 look -- I -- I need to look at the e-mail and the
2 form letter to -- I just don't remember. As I
3 mentioned before, there was boilerplate language
4 that I recall being associated with the form letter,
5 but I just don't remember exactly what it said.

6 Q Were you instructed to use that
7 boilerplate language exactly in the termination
8 letter?

9 A I don't recall receiving specific
10 instructions. I believe the letter may have said
11 something like, use this language. But I don't -- I
12 didn't receive a directive from anybody.

13 Q When you say, "the letter may have said,"
14 do you mean a cover letter to the form letter, or do
15 you mean the form letter itself?

16 A I think the form letter itself, but,
17 again, I'm sorry, I don't remember.

18 Q Okay. Again, you would need to take a
19 look at the documents to know?

20 A Yes, I just don't remember.

21 Q Okay. Would you take a look at Exhibit 8,
22 please.

23 (Bulls Deposition Exhibit 8 was introduced
24 into the record.)

25 THE WITNESS: This is terrible. Okay.

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1 BY MR. MCGINTY:

2 Q And this is -- do you recognize this
3 document?

4 A Hang on. Let me just read it real
5 quickly.

6 (Witness reviews document)

7 THE WITNESS: Yes.

8 BY MR. MCGINTY:

9 Q Okay. And what is it?

10 A This was a memo signed by then OER
11 Director Mike Lauer and Michelle Bulls that was sent
12 to the IC Chief GMOs instructing them to -- you
13 know, informing them about the temporary restraining
14 order and that, in light of that, the institutes are
15 authorized to proceed with issuing awards.

16 Q Did you have a role in drafting this memo?

17 A No.

18 Q Okay. Did Mike Lauer talk to you about
19 it?

20 A Yes.

21 Q And what was the purpose of those
22 communications?

23 MS. ANDRAPALLIYAL: Objection. To the
24 extent the information sought is pre-decisional and
25 deliberative, I'd ask the witness not to answer.

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1 **THE WITNESS: Just very high level, that**
2 **this would be sent out, yeah.**

3 BY MR. MCGINTY:

4 Q Do you know why this was sent out?

5 A **To communicate with the Institutes and**
6 **Centers that they could continue issuing awards in**
7 **light of the restraining order.**

8 Q Would you take a look at Exhibit 7,
9 please.

10 (Bulls Deposition Exhibit 7 was introduced
11 into the record.)

12 (Witness reviews document)

13 BY MR. MCGINTY:

14 Q Do you recognize this document?

15 A **I'm trying to jog my memory. Just give me**
16 **a second.**

17 **It looks familiar, but I don't -- I don't**
18 **remember the circumstances surrounding it.**

19 Q It's another memo issued by Michael S.
20 Lauer, isn't it?

21 A **Yes.**

22 Q And it was issued the day after Exhibit 8?

23 A **Yes.**

24 Q It was issued on February 13, 2025, right?

25 A **Yes.**

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1 Q And it's a modification of the memo that
2 was issued the previous day, isn't it?

3 A It appears to be, yes.

4 Q Is that usual?

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

7 THE WITNESS: May I ask you, is it usual
8 in what way?

9 BY MR. MCGINTY:

10 Q Is it common for OER to issue a guidance
11 letter that's modified the very next day?

12 A I can't -- I mean, that would be a general
13 statement. We, you know, we make course corrections
14 routinely. "We," at NIH. So I can't -- I can't
15 really speak to that.

16 Q It Michael Lauer still with NIH?

17 A No.

18 Q Do you know when he separated?

19 A On February 14th, 2025.

20 Q Did that have anything to do with either
21 of these memos in Exhibit 8 or Exhibit 7?

22 MS. ANDRAPALLIYAL: Objection, assumes
23 facts not in evidence and calls for speculation.

24 THE WITNESS: I do not know.

25 BY MR. MCGINTY:

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1 Q Did Michael Lauer talk with you about why
2 he was separating?

3 A Yes.

4 Q What did he say?

5 A Health concerns.

6 Q I think I'm going to ask you about the NIH
7 Policy Statement now --

8 A Okay.

9 Q -- which is, for the record, I believe,
10 Exhibit 20. So we've already talked a little bit
11 about this document.

12 (Bulls Deposition Exhibit 20 was
13 introduced into the record.)

14 BY MR. MCGINTY:

15 Q Do you know what it is generally?

16 A Yes.

17 Q And what is it, generally speaking?

18 A It is a compilation of relevant laws,
19 regulations, policies, definitions, you know,
20 descriptions. As I mentioned, it's the term and
21 condition of every NIH grant award.

22 Q And what's its general purpose?

23 A NIH expects that all recipients of NIH
24 funding comply with everything in this document.

25 Q Turn to page romanette ii.

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1 **A Okay.**

2 Q So it's intended to make available to NIH
3 recipients in a single document the policy
4 requirements that serve as the term and conditions
5 of NIH grant awards, right?

6 **A Yes.**

7 Q And it's also designed to be useful to
8 those interested in NIH grants by providing
9 information about NIH, its organization, staff, and
10 its grant process, right?

11 **A Yes.**

12 Q So this is intended for the public, people
13 who are interested in getting grants and people who
14 have grants that they understand what they are
15 supposed to do, right?

16 **A Yes.**

17 Q Okay. Would you take a look at page I-53,
18 please.

19 **A Okay. 2.3.6, is that the page?**

20 Q 2.3.6. That's exactly right.

21 **A Okay.**

22 Q I want to ask you about language that
23 appears about three-quarters of the way down the
24 page in the middle of the third paragraph after
25 2.3.6. It starts, "The more significant of the

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1 public policy requirements."

2 **A Okay.**

3 **Q** Do you see that?

4 **A Yes.**

5 **Q** And it says:

6 "The more significant of the public policy
7 requirements for the purpose of peer
8 review are those concerning research
9 involving human subjects; inclusion of
10 genders, members of minority groups, and
11 individuals across the lifespan in
12 clinical research, and research involving
13 live vertebrate animals."

14 What does that mean?

15 MS. ANDRAPALLIYAL: Objection, calls for
16 legal conclusion, calls for speculation.

17 **THE WITNESS:** I think I would have to read
18 the entire section to have a better understanding of
19 these few sentences. In isolation, I'm not exactly
20 sure what this -- these last two sentences mean. I
21 mean, it's pertaining to human subjects research and
22 research involving animals.

23 Do you have another either clarification,
24 or do you want me to read the entire section?

25 BY MR. MCGINTY:

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1 Q What would you need to read to understand
2 the entirety of 2.3.6?

3 A I'm not sure, so.

4 Q Okay. Without reading the entirety of
5 Part 2 --

6 A Mm-hmm.

7 Q -- are you able to say what that means?

8 A The entirety of -- without reading the
9 entirety of it?

10 Q Right.

11 A No. I mean, it just indicates that
12 there's a policy requirement for peer review
13 pertaining to human subjects and animal research.
14 So that's all I'm gleaning from those sentences.

15 Q What does "inclusion of genders" mean?
16 MS. ANDRAPALLIYAL: Objection, calls for
17 speculation.

18 THE WITNESS: So I think I would have to
19 see how -- if gender is defined somewhere in this
20 document. I'm not -- given this context, I don't
21 exactly know.

22 BY MR. MCGINTY:

23 Q Okay. Please turn to page I-62.

24 A Okay. Okay.

25 Q There's a policy about human fetal tissue

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1 here, right?

2 **A Yes.**

3 Q And why is that policy here?

4 MS. ANDRAPALLIYAL: Objection, calls for
5 speculation, assumes facts not in evidence.

6 (Witness reviews document)

7 **THE WITNESS: Because this is an NIH**
8 **policy.**

9 BY MR. MCGINTY:

10 Q So policies like this that would constrain
11 or require grantees to do research in a particular
12 way, you would expect to find them in this document,
13 right?

14 **A Most of them. So the NIH Grants Policy**
15 **Statement is typically updated once a year because,**
16 **as you can see, it's a large document. But over the**
17 **course of the year, if policy changes are made or**
18 **implemented, then NIH issues -- will issue a notice,**
19 **an NIH Guide to Grants and Contracts.**

20 **And then, at the end of the year, when it**
21 **comes time to update the Grants Policy Statement,**
22 **those notices are then rolled into the update of**
23 **Grants Policy Statement.**

24 Q And if I wanted to find those notices,
25 where would I look?

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1 **A The NIH Guide to Grants and Contracts.**

2 Q Is that on the website?

3 **A Yes.**

4 Q Take a look at I-73, please. What I want
5 to ask you about is the five bulleted points right
6 above 2.4.1.4.

7 **A Okay.**

8 Q It's in a policy that starts on, or a
9 section that starts on I-72 called Scored Review
10 Criteria.

11 **A Okay.**

12 Q So if you'll look to the previous page, go
13 right ahead.

14 **A Mm-hmm.**

15 (Witness reviews document)

16 **THE WITNESS: Okay.**

17 BY MR. McGINTY:

18 Q But my question first is just, it says
19 that "Reviewers will consider each of the five
20 criteria below." And one of those is
21 Investigator(s).

22 **A Mm-hmm.**

23 Q Can you just tell me what that means?

24 MS. ANDRAPALLIYAL: Objection, calls for
25 speculation, assumes facts not in evidence.

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1 **THE WITNESS:** Generally it means, you
2 know, are the investigators positioned to carry out
3 the research proposed, and it means do they have a
4 track record of productivity, do they have subject
5 matter expertise, et cetera.

6 BY MR. MCGINTY:

7 Q What would give an investigator subject
8 matter expertise?

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

11 **THE WITNESS:** Yeah, I think that depends
12 on the field, the project, the funding opportunity.
13 Typically, I would imagine, and I'm speculating, it
14 would be training, previous research experiences,
15 things like that.

16 BY MR. MCGINTY:

17 Q In your role as deputy director and acting
18 director, did you have any role in implementing or
19 supervising that peer review process we talked about
20 earlier?

21 A So I supervised the NIH peer review policy
22 officer, and she participated in deliberations
23 related to peer review policy in conjunction with
24 colleagues at Institutes and Centers.

25 Q Okay. So you'd be able to speak generally

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1 as to the policy for how that peer review was
2 conducted?

3 A At a very high level.

4 Q Okay. So maybe not on the level of --
5 well, tell me what "high level" means.

6 A Well, meaning, so I'm the kind of person
7 that knows a small amount about a large volume of
8 things. So just understanding composition of peer
9 review panels, you know, the general process,
10 scoring, the different staff who are involved in the
11 process, you know, how many peer reviewers are
12 involved every year, things like that.

13 Q Okay. Got it.

14 How about Environment in this list, on a
15 high level, a level that you're comfortable speaking
16 to --

17 A Yeah, right.

18 Q -- what does that mean?

19 A It's my understanding that it is, is the
20 environment conducive to the conduct of the
21 research, so are there sufficient resources, does
22 the institution have a track record of productivity,
23 just things like that. So is the environment
24 conducive to allowing the research to be successful.

25 Q Can you speak to what kind of environment

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1 would be successful in a clinical trial?

2 MS. ANDRAPALLIYAL: Objection, calls for
3 speculation.

4 THE WITNESS: I'm not a clinical trial
5 expert, I'm a basic scientist, so I don't feel
6 comfortable answering that.

7 BY MR. MCGINTY:

8 Q Okay. Are you aware of the kinds of
9 grants that generally get funded or the kinds of
10 environments that generally get funded for clinical
11 trials?

12 MS. ANDRAPALLIYAL: Objection, vague.

13 THE WITNESS: No, I don't know if there
14 are shared characteristics of these types of
15 institutions. I imagine they would be affiliated
16 with hospitals or institutions of higher education.

17 BY MR. MCGINTY:

18 Q Why do you make that assumption?

19 A Because I would imagine -- well, I'm not
20 sure -- that trial lists are usually medical
21 doctors. So I would assume, again, I'm making
22 assumptions here, that there would be some kind of
23 hospital affiliation.

24 Q Okay. Turn to IIA-3, please.

25 A I'm sorry, one more time? IIA-3?

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1 Q IIA-3.

2 A **Public Policy Requirements?**

3 Q Yeah. I'm talking about -- I don't know
4 if it's chapter or part or --

5 A **Okay.**

6 Q What's the correct terminology?

7 A **Part.**

8 Q Part?

9 A **Well, I don't know. Well, I don't know,**
10 **actually. Never mind.**

11 Q All right. We'll use "Part 4" just for
12 our purposes today.

13 A **Okay.**

14 Q So in this Part 4, what's the general
15 purpose of Part 4?

16 A **Well, I mean the title is, "Public Policy**
17 **Requirements Objectives and Other Appropriation**
18 **Mandates." So let's see. So it appears, based on**
19 **this, my cursory review right now, that it**
20 **enumerates different policy requirements and**
21 **mandates.**

22 Q And that's particularly to public policy,
23 right?

24 A **It says public policy.**

25 Q And there's a definition of public policy

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1 here?

2 **A Okay.**

3 Q And it means -- well, I'll just indicate
4 that about the middle of the second paragraph here
5 and it says:

6 "The term 'public policy' indicates that
7 the requirement is based on social,
8 economic, or other objectives or
9 considerations that may be attached to
10 the expenditure of Federal funds by
11 recipients, subrecipients, and
12 contractors, in general, or may relate to
13 the expenditure of Federal funds for
14 research or other specified activities."

15 **A Okay.**

16 Q So this Part 4, and then as amended by the
17 notices that you were talking about earlier, would
18 be the public policy requirements for NIH
19 recipients, right?

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

22 **THE WITNESS: I'm not -- I'm not entirely**
23 **sure. It would appear so, but again, I'm not an**
24 **expert in some of this content, much of this**
25 **content, so. But it would appear so.**

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1 BY MR. MCGINTY:

2 Q In your role as deputy director and acting
3 director, were you involved in interpreting and
4 applying this Part 4?

5 A As I mentioned earlier, generally, yes, I
6 would be involved along with Ms. Michelle Bulls and
7 her colleagues in interpreting and applying the
8 Grants Policy Statement along with, you know,
9 Institutes that are colleagues as well.

10 Q Okay. Are you aware of anything in this
11 Part 4 that says it's the policy of NIH not to fund
12 or to defund research on transgender related issues?

13 A I am not aware.

14 Q If such a policy existed in here, would
15 you expect to be aware of it?

16 A Yes.

17 Q Okay.

18 MR. MCGINTY: Mark this, please.

19 (Bundesen Deposition Exhibit 25 was marked
20 for identification.)

21 (Document tendered to counsel)

22 MS. ANDRAPALLIYAL: Thank you.

23 BY MR. MCGINTY:

24 Q I'm handing you what's been marked as
25 Exhibit 25.

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1 **A Okay.**

2 Q And I don't expect you to recognize that
3 document. I will represent to you that it is the
4 application for NIH Funding for the grant that was
5 terminated in Exhibit 4.

6 Does that make sense to you?

7 **A Yes.**

8 Q I'll have some specific questions about
9 the content of that application.

10 Are you familiar generally with NIH grant
11 applications?

12 **A Yes.**

13 Q And what's the source of your familiarity?

14 **A Having been at NIH for 21 years and I've**
15 **seen many grant applications during that time frame.**

16 Q And, I'm sorry, I'm just checking my notes
17 to see if there are particular pages I need to ask
18 you about.

19 Okay. Could you please turn to page 24,
20 please. If you could just read silently to yourself
21 that paragraph that's numbered C1, and you don't
22 need to read the references below it, just the
23 paragraph.

24 (Witness reviews document)

25 **THE WITNESS: Okay.**

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1 BY MR. MCGINTY:

2 Q So this would form part of the basis upon
3 which the investigator was evaluated for the
4 purposes of that peer review, right?

5 A That's my understanding, yes.

6 Q Okay. And from your experience working at
7 NIH, do you have a sense as to whether a statement
8 like that would contribute to a higher score or a
9 lower score?

10 A So, because I'm not -- I've never worked
11 in transgender research, I can't comment on that.
12 I'm not an expert in the field, so I don't know if
13 this description would contribute to a higher or
14 lower score.

15 Q Okay. Take a look at page 33.

16 A Okay.

17 Q There's another personal statement there.
18 Without reading it, are you able to say whether or
19 not this personal statement would have formed part
20 of the evaluation for the investigator part of the
21 evaluation?

22 MS. ANDRAPALLIYAL: Objection, calls for
23 speculation.

24 THE WITNESS: I don't know, because this
25 person is not the principal investigator, it seems,

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1 but maybe key personnel. So I actually don't know
2 if this would go into the investigator portion of
3 the review.

4 BY MR. MCGINTY:

5 Q Do you know what portion of the review it
6 would go into?

7 A I'm not sure, sorry.

8 Q Would it go into some portion of the
9 review?

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

12 THE WITNESS: I don't know, sorry.

13 BY MR. MCGINTY:

14 Q Okay. What information would you need to
15 have in order to know?

16 A I would need to consult with my former
17 direct report, who is the peer review policy
18 officer. Yeah, I -- I -- I don't -- I'm not
19 thinking of a document that I would reference that
20 would help me to know. Yeah, I don't, I'm sorry.

21 Q Okay. Who is the peer review policy
22 officer?

23 A Dr. Stephanie Constance.

24 Q And do you know if Dr. Constance is still
25 the peer review policy officer?

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1 **A She's still at NIH, yes.**

2 Q Okay.

3 MR. MCGINTY: We can take a quick break,
4 15 minutes. Off the record.

5 (Recess taken - 11:05 to 11:22 a.m.)

6 BY MR. MCGINTY:

7 Q Just a few more questions. I'll remind
8 you that you're still under oath. Do you understand
9 that?

10 **A Yes.**

11 Q Great. So I think you said you got one,
12 maybe two, lists of grants to terminate. Is that
13 right?

14 **A Yes.**

15 Q At that time was there any method that you
16 were using to track the grants that were terminated
17 with those lists that you got?

18 **A Not -- no.**

19 Q Okay. Are you aware of any tracking
20 method that was put in place after that?

21 **A No.**

22 Q Okay. Do you know what the START program
23 is?

24 **A I'm generally aware of it, yes.**

25 Q What is it?

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1 A So it is, I believe, a tool that is used
2 by the Division of Program Coordination and
3 Strategic Initiatives to, I think, track data calls
4 to the Institutes and Centers. I've never logged on
5 to it, I've never used it, but I just know it's some
6 type of tracking tool, I believe.

7 Q I see. So what kind of data calls does it
8 track, do you know?

9 A I don't know exactly. I believe it is
10 data calls that are distributed through the Planning
11 and Evaluation Officers Community at the Institute
12 and Centers. But that's -- that's all I know.

13 Q Okay. Do you know how long information
14 about those data calls is kept in the platform?

15 A I don't know.

16 Q Okay.

17 MR. MCGINTY: And I'll just advise Counsel
18 now that I anticipate we'll be asking for
19 information related to any of those data calls for
20 any of those terminated grants. I just want to
21 alert you to, whatever information you have, to
22 preserve that information.

23 BY MR. MCGINTY:

24 Q And you said it was utilized by a
25 particular division. Would you say the name of the

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1 division again.

2 A The Division of Program Coordination and
3 Strategic Initiatives.

4 Q What is that division?

5 A That is a division, a large division
6 within the office of NIH Director. It's composed of
7 a number of smaller divisions and offices. Their
8 role is to coordinate across NIH strategic
9 initiatives crosscutting science, things like that.

10 Q Okay. What's a strategic initiative?

11 A Oh, I -- I mean, I don't know how they
12 define it. I would imagine it would have to do with
13 a research initiative, but I don't know.

14 Q Okay. And when you said "data call," what
15 is that?

16 A So "data call" is a term that is used very
17 broadly at NIH. It might be, like, for annual
18 reports. NIH has to coordinate lots of different
19 reports, and one data call might be please tell us
20 how many types of collaborative activities you
21 engaged with other HHS agencies in the past year,
22 something like that. So it can be any flavor of
23 just requests for information across the different
24 Institutes and Centers.

25 Q Who is generally responsible for doing

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1 those data pulls from the data systems that NIH has?

2 A The data pulls. Do you mean, I'm sorry,
3 can you clarify.

4 Q I'm sorry. I'll use a different word.
5 I'll use your word, "data call."

6 Who is responsible for actually doing
7 those data calls?

8 A It depends on the contents. So typically
9 the request may be distributed by the -- and I'll
10 use the nickname, DPCPSI, so division of, you know.
11 Within DPCPSI is the Office of Evaluation and
12 Reporting.

13 And so they may issue the requests, an
14 e-mail that they send out to the Institutes and
15 Centers for any number of things, contributions to
16 reports, maybe, you know, information about a
17 portfolio.

18 And then that goes to the Institute
19 Planning and Evaluation Officers. Usually there's
20 one or two representatives from each Institute and
21 Center, and those folks typically reside in the
22 Institute and Center Policy offices. Sometimes
23 their Policy and Evaluation might be in the title.
24 Sometimes it might be Policy and Communications.
25 They all organize themselves a bit differently.

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1 Q I see. Okay. So are you aware of any
2 data calls that were made about any of the
3 terminated grants that appeared on those lists that
4 you got?

5 A No, I'm not aware.

6 Q Okay. Would that have been a way to
7 identify which grants should go on that list?

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

10 THE WITNESS: I don't -- I don't know.

11 BY MR. MCGINTY:

12 Q Okay.

13 A Yeah.

14 Q But the START platform is a way to track
15 those data calls?

16 A That's my understanding, yeah, I believe
17 that's...

18 Q Do you know how they are tracked in the
19 START platform?

20 A I don't.

21 Q Okay. Do you know if they're labeled in
22 any particular way?

23 A I don't.

24 Q Okay. Now, earlier you testified to your
25 role in terminating grants. Is that right?

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1 **A That I typically am not involved in the**
2 **termination of grants.**

3 Q Do you recall any instance in which you
4 were instructed to terminate a grant prior to
5 January 20th, 2025?

6 **A No.**

7 Q Okay. And do you recall any instance in
8 which someone from outside of NIH gave NIH an
9 instruction to terminate the grant prior to
10 January 20, 2025?

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

13 **THE WITNESS: I'm not aware.**

14 BY MR. MCGINTY:

15 Q Can't recall any instance of that as you
16 sit here today?

17 **A I am aware that when an institution is**
18 **suspended or debarred from receiving federal funding**
19 **then that would be an instance where grants would be**
20 **terminated. I'm trying to recall if -- I'm sorry.**
21 **I'm thinking about the debarments of Eco Health**
22 **Alliance. And I'm trying to remember if we were**
23 **instructed by HHS to terminate those grants because**
24 **of the debarment, and I'm not remembering the -- I**
25 **can't remember exactly.**

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1 But that would be a circumstance where if
2 an extension and debarment official said because
3 this institution is debarred from receiving federal
4 funding then they can no longer receive federal
5 funding. But I'm not -- I don't recall exactly.

6 Q Got it. You don't have any specific
7 recollection. Maybe Eco Health Alliance?

8 A Yes.

9 Q Do you know what was the outcome of the
10 Eco Health Alliance debarment?

11 A They were -- the institution was debarred.
12 I don't remember for how many years.

13 Q Why are institutions generally debarred?

14 A For failing to comply with laws and
15 regulations.

16 Q And do you know if any of the grants that
17 were terminated with the February 28th letters --
18 excuse me -- with the February 28th letters or the
19 subsequent list you got, were any of those
20 institutions debarred?

21 A Not to my knowledge.

22 Q Okay. Do you know what the SEAR acronym
23 means? S-E-A-R.

24 A No. I may have at one point but now I
25 don't remember.

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1 Q So going back do Exhibit 4 which is the
2 termination letter.

3 A Okay.

4 Q As you sit here today, do you believe that
5 this termination letter was sent because of the
6 gender ideology order that's in Exhibit 3?

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

9 THE WITNESS: I'm not -- I'm not certain.

10 BY MR. McGINTY:

11 Q Okay.

12 A Yeah.

13 Q So just restating, in your opinion as the
14 former acting director of OER, do you have any
15 belief as to whether or not this letter was sent
16 because of the gender ideology order?

17 MS. ANDRAPALLIYAL: Objection, call for a
18 legal conclusion.

19 THE WITNESS: As I mentioned before, I was
20 not given any background as to why these grants were
21 being terminated, so I can't -- I don't know if it's
22 related to this direct order or not.

23 BY MR. McGINTY:

24 Q Are you aware of any currently effective
25 NIH policy that would support the termination of

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1 this particular research project?

2 **A I'm not aware.**

3 Q Okay.

4 MR. MCGINTY: No further questions at this
5 time.

6 MS. ANDRAPALLIYAL: So I'd like to
7 redirect and ask some questions, but perhaps we can
8 go off the record to discuss.

9 (Discussion off record)

10 (Recess taken - 11:34 a.m. to 12:05 p.m.)

11 EXAMINATION

12 BY MS. ANDRAPALLIYAL:

13 Q Good morning, Ms. Bundesen. I'm Vinita
14 Andrapalliyal. I'm just going to ask you a few
15 questions here today.

16 My first question is about NIH funding
17 decisions. You testified earlier that multiple
18 factors go into the decision of whether to fund a
19 particular research project. Is that correct?

20 **A Yes.**

21 Q Okay. Can you give some examples of
22 factors that would go into that decision?

23 **A So peer review scores would be one. Also,**
24 **portfolio balance, meaning so at the National**
25 **Institute of Mental Health where I previously worked**

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1 there were different programmatic divisions. Some
2 focused on basic science, some focused on treatments
3 and interventions, others on services.

4 And in order to ensure an appropriate
5 balance across the portfolio, an institute may say
6 we have a lot of research in basic neuroscience,
7 let's, instead of funding more of that, let's fund
8 some more schizophrenia research. So that would be
9 another, another option -- or not option, but
10 reason. And, of course, availability of funding.

11 Q Are policy priorities ever considered in
12 making those funding decisions in your experience
13 over time?

14 A So in my experience not policy per say,
15 it's more programmatic.

16 Q Programmatic.

17 A Yes, scientific priorities.

18 Q Scientific priorities.

19 A Strategic plans.

20 Q Okay.

21 A So NIH funds investigator-initiated
22 research, but then also may target certain types of
23 research, like we would like to see more
24 schizophrenia research.

25 Q So, for example, like stem cell research,

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1 would you say the decision of whether to fund stem
2 cell research would be considered -- is that a
3 programmatic priority or a policy priority in your
4 view?

5 **A That would be a programmatic priority,**
6 **however, any research that is funded needs to be in**
7 **compliance with law, regulation, and policy.**

8 **Q Okay. Okay, thank you. I'll move on to**
9 **another topic.**

10 **A Okay.**

11 **Q We discussed Exhibit 20, the Grants Policy**
12 **Statement. Is it your understanding that the Grants**
13 **Policy Statement is the sole repository of policies,**
14 **priorities, guidance, and other directives regarding**
15 **NIH grants?**

16 **A I would say it's the primary repository.**
17 **As I mentioned earlier, NIH will periodically issue**
18 **guide notices or policy notices across the course of**
19 **the year. And that's considered like an addendum, I**
20 **would say, to the Grant Policy Statement.**

21 **And then at the end of the year or when it**
22 **comes time to revise and update the Grants Policy**
23 **Statement, then the substance of the notices are**
24 **then rolled into the Grants Policy Statement update.**

25 **Q And is there a difference between a policy**

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1 notice and guide notice, or can there be a
2 distinction?

3 **A No, a guide notice is -- so in the Guide**
4 **to Grants and Contracts there are different types of**
5 **publications. One would be Notices of Funding**
6 **Opportunities, but then also another type of**
7 **publication would be a Guide Notice and then there**
8 **are different subcategories of Guide Notices.**

9 **So it could be a Notice of Information,**
10 **we're having this interesting conference that you**
11 **may want to go to, or a policy notice or some other**
12 **kind of notice.**

13 **Q Okay. In your experience have you seen**
14 **other sorts of, I guess, priorities notices or other**
15 **sorts of documents memorializing funding priorities**
16 **that perhaps precede or are separate from guide**
17 **notices or statements in the Grants Policy**
18 **Statement?**

19 **A Will you say it one more time.**

20 **Q Sure, yeah.**

21 **A Thank you.**

22 **Q In your experience have you seen**
23 **priorities notices or other notices that sort of**
24 **precede these guide notices that you're talking**
25 **about, and also precede, you know, inclusion in the**

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1 Grants Policy Statement?

2 MR. MCGINTY: Object to the form.

3 THE WITNESS: I'm sorry?

4 MR. MCGINTY: I objected to the form of
5 the question.

6 THE WITNESS: Oh, oh.

7 I'm not exactly sure I'm following. There
8 are strategic plans that may be issued by Institutes
9 and Centers that are not in the Guide to Grants and
10 Contracts. I don't know if that's what you --

11 BY MS. ANDRAPALLIYAL:

12 Q I was just wondering if you were aware if
13 there were other types of documents that might
14 contain things like funding priorities, apart from
15 these categories that we have identified already.

16 A Yes. Those would be Institute and Center
17 Strategic Plan and then also -- and those are
18 categorized on the NIH report website, the
19 repository of all those. The Institutes and Centers
20 will also publish -- I guess, post -- certain
21 priorities outside of strategic plans on their
22 websites, maybe a divisional priority.

23 And then in the guide -- so those are
24 separate from the guide. In the Guide to Grants and
25 Contracts there may be what are called Notices of

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1 **Special Interest. Excuse me. They're not funding**
2 **opportunities per se, but they say, hey, these are**
3 **some topics and priorities for our institute, or**
4 **multiple institutes, that we think are interesting.**
5 **Please reference these when you apply to a Notice of**
6 **Funding Opportunity over here.**

7 Q Okay.

8 A So...

9 Q Thank you. And you testified that you
10 were involved in high level discussions with
11 Dr. Memoli regarding agency funding priorities
12 during your time as acting director. Is that
13 correct?

14 A Yes.

15 Q Okay. And do you know whether those
16 priorities have been finalized?

17 A I do not know if they have been finalized.

18 Q Is it possible that they were finalized
19 while you were there and you don't remember?

20 A It's possible.

21 Q Okay. Okay.

22 MS. ANDRAPALLIYAL: Thank you very much
23 for your time. I have no further questions.

24 **THE WITNESS: Okay.**

25 MR. MCGINTY: Go off the record.

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(Discussion off record)

(Recess taken - 12:14 to 12:36 p.m.)

FURTHER EXAMINATION

BY MR. McGINTY:

Q Thank you, Ms. Bundesen. I just have a few more questions. I really thank you for your time today.

So you were asked about documents that would inform NIH funding decisions. Do you remember that?

A Documents? No, I don't remember.

Q You were asked about NIH funding decisions, and you gave an example of factors. You gave peer review scores --

A Oh, yes.

Q -- and portfolio balance and availability of funding. Remember that?

A Yes.

Q So those are all factors that would govern whether or not to issue a grant in the first instance, right?

A Yes.

Q Okay. Would those factors generally be used to terminate grants?

A So I would refer back to Section -- gosh,

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1 now I forget -- 8.5.2 of the Grants Policy Statement
2 that would describe the circumstances under which
3 grants could be suspended if terminated. So with
4 those factors, you're asking would peer review
5 scores, priorities, and availability of funding,
6 would those factors go into terminating grants? Was
7 that your question?

8 Q Right.

9 A No, not specifically, no.

10 Q You also testified about high level
11 discussions you had with Dr. Memoli.

12 Remember that?

13 A Yes.

14 Q When did those discussions start?

15 A I don't remember. They would have been,
16 let's see, I became acting officially the Monday
17 after February 14th, to the 17th, yeah, the 17th, so
18 likely sometime that week or the week after. But I
19 don't remember the exact time.

20 Q Okay. And how often would you have those
21 discussions?

22 A Not terribly often. He had articulated at
23 one point the desire to create, you know, documents
24 memorializing NIH priorities. So we discussed that
25 on a few occasions, but not many times.

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1 Q Okay. When you say a few occasions?

2 A Um, let's see. Probably, maybe less than
3 five times, so probably like one or two times, I
4 think, in person or virtual, and then I recall some
5 high level discussions over e-mails and some draft
6 language.

7 Q Okay. So you exchanged e-mails, there was
8 some draft language?

9 A Yeah.

10 Q You had in-person meetings or Zoom
11 meetings. Were there any other communications you
12 had about these high level discussions?

13 A No.

14 Q Okay. And who else was involved in these
15 high level discussions?

16 A Let's see. Office of General Counsel
17 and -- I'm trying to remember. I'm sorry, I
18 can't -- I can't recall with fidelity. I could make
19 a guess, but I'm really not sure.

20 Q Okay. You'd need to take a look at that
21 e-mail to know?

22 A Well, yes. And I suppose e-mails and
23 maybe Outlook meeting invitations. I just don't --
24 I don't recall exactly.

25 Q Okay. So that's e-mails, the Outlook

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1 meeting invitations. Are there any other documents
2 that would refresh your recollection about who was
3 involved in those meetings?

4 **A No.**

5 **Q** Okay. And, let's see, I think you
6 already -- you said that you had some meetings with
7 Dr. Memoli as to high level discussions. I'm not
8 sure you said there was anyone else in the meeting
9 that you had as opposed to the e-mails that you were
10 exchanging?

11 **A** So that's where I'm not sure. I had very
12 limited. In my time at NIH while I was acting
13 director, I only met with Dr. Memoli a handful of
14 times, so it wouldn't -- it would not have been
15 often.

16 **Q** So maybe once or twice, but I don't -- I
17 know one meeting our Office of General Counsel was
18 present and possibly some other staff, but I'm
19 not -- I'm not entirely sure. I could make a guess
20 but I'm not entirely sure.

21 **Q** Okay. And why aren't you sure?

22 **A** Because just the sheer volume of work that
23 I was managing at the time, long hours, you know,
24 often getting, I estimate, sometimes hundreds of
25 e-mails, you know, a day. It was just the volume.

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1 **There was a lot going on. And so with**
2 **that level of stress with the volume of work,**
3 **sometimes my memory goes a little bit.**

4 Q Okay. Understood. And just for the
5 record, who is Dr. Memoli?

6 A **Dr. Matthew Memoli was the acting NIH**
7 **Director when I was still at NIH.**

8 Q And what's your understanding of the
9 acting NIH director's duties?

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

12 **THE WITNESS: To oversee the organization.**

13 MR. MCGINTY: Okay. No further questions.

14 (Whereupon, signature having not been
15 waived, the deposition of LIZA Q. BUNDESEN was
16 concluded at 12:42 p.m.)

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ACKNOWLEDGMENT OF DEPONENT

I, LIZA Q. BUNDESEN, 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 14th day of April 2025.

My commission expires:
November 14, 2028

BESS A. AVERY
NOTARY PUBLIC IN AND FOR THE
DISTRICT OF COLUMBIA

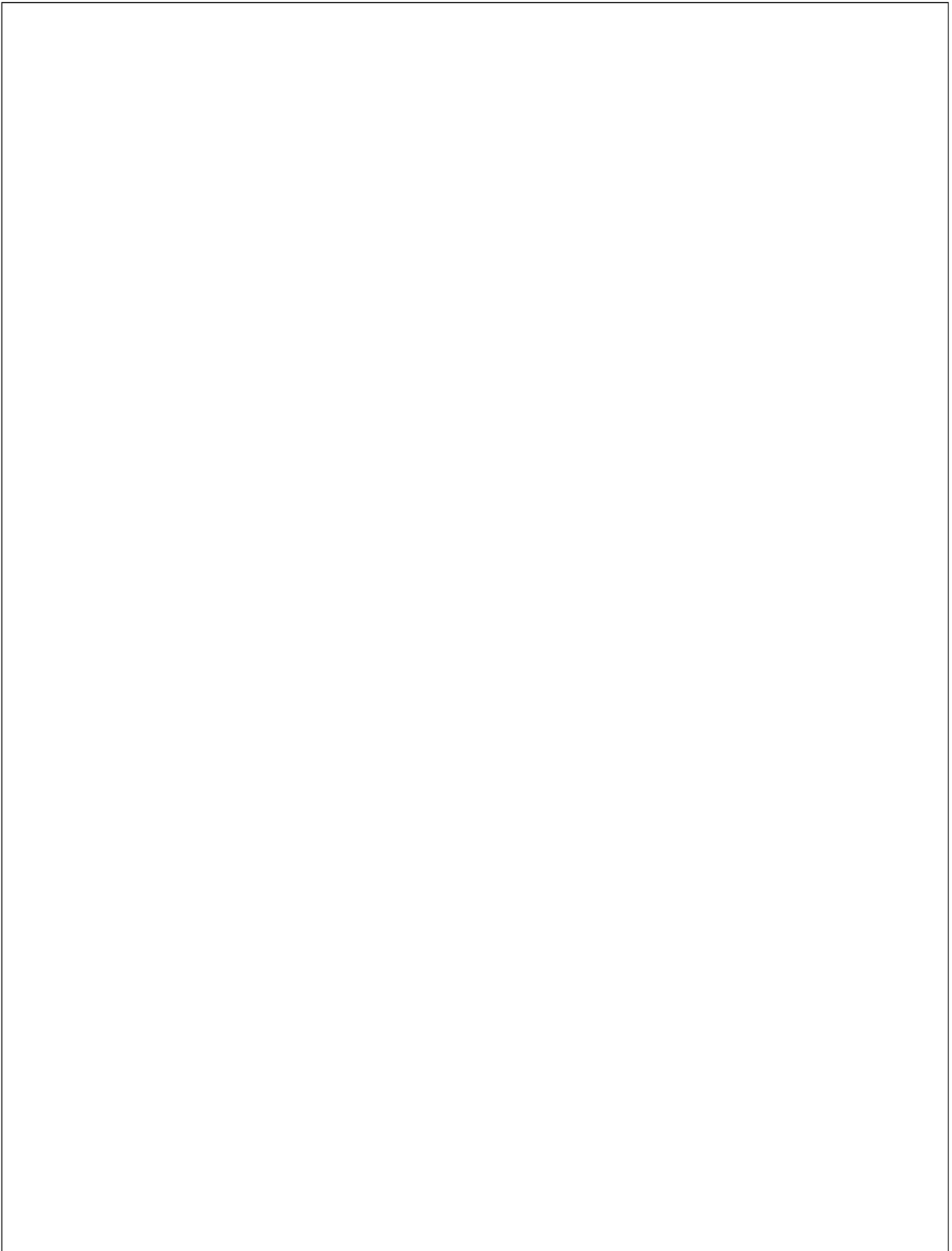
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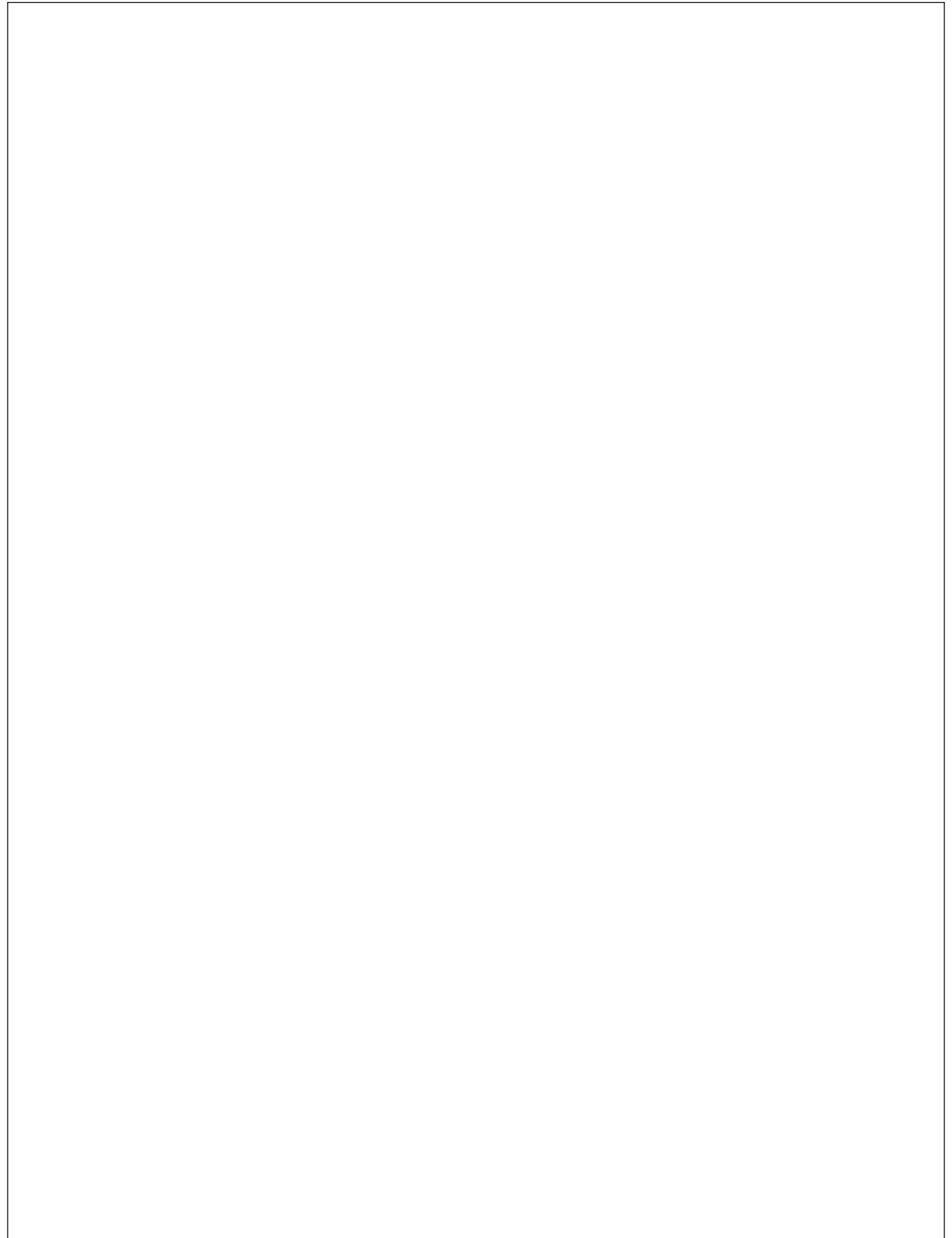
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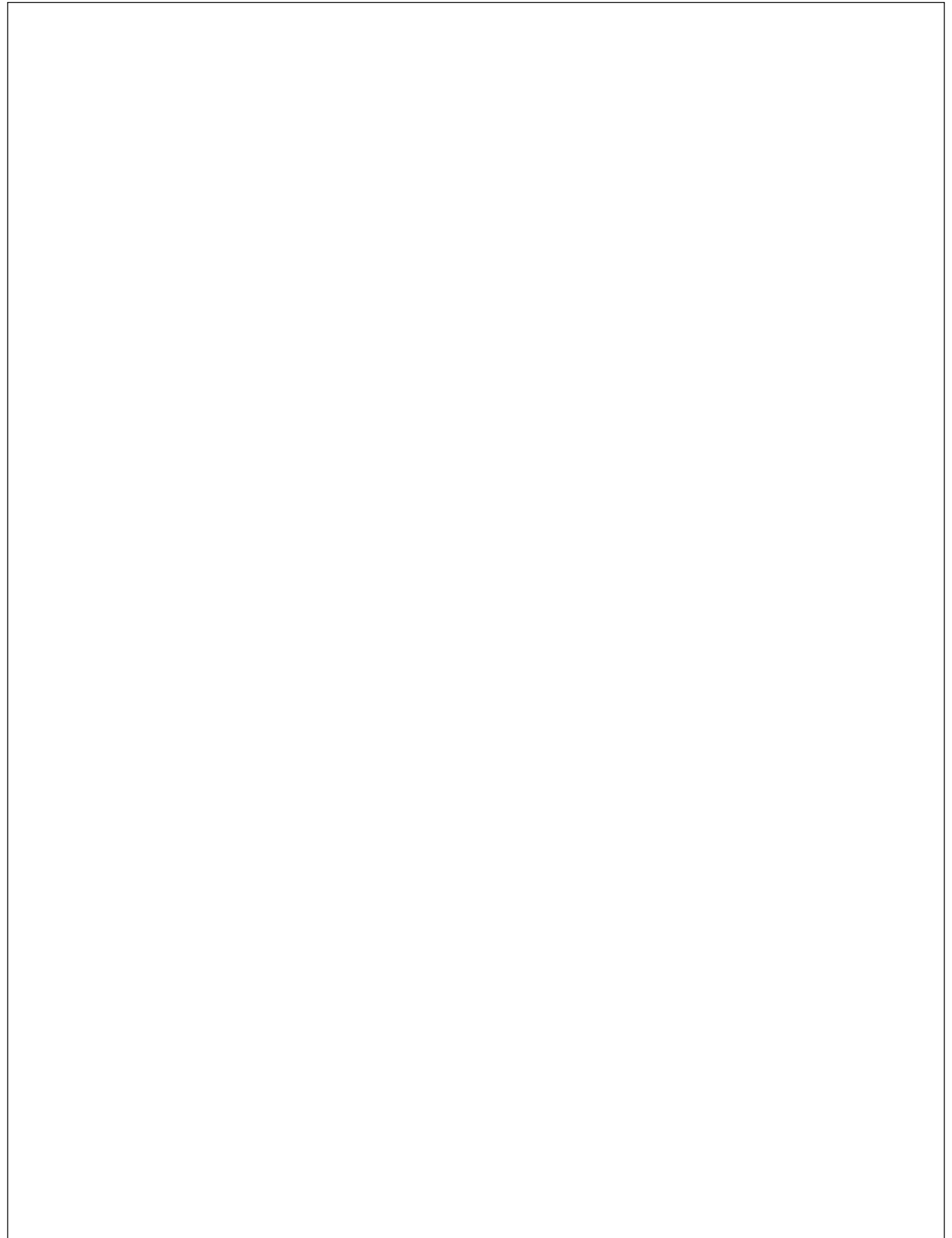
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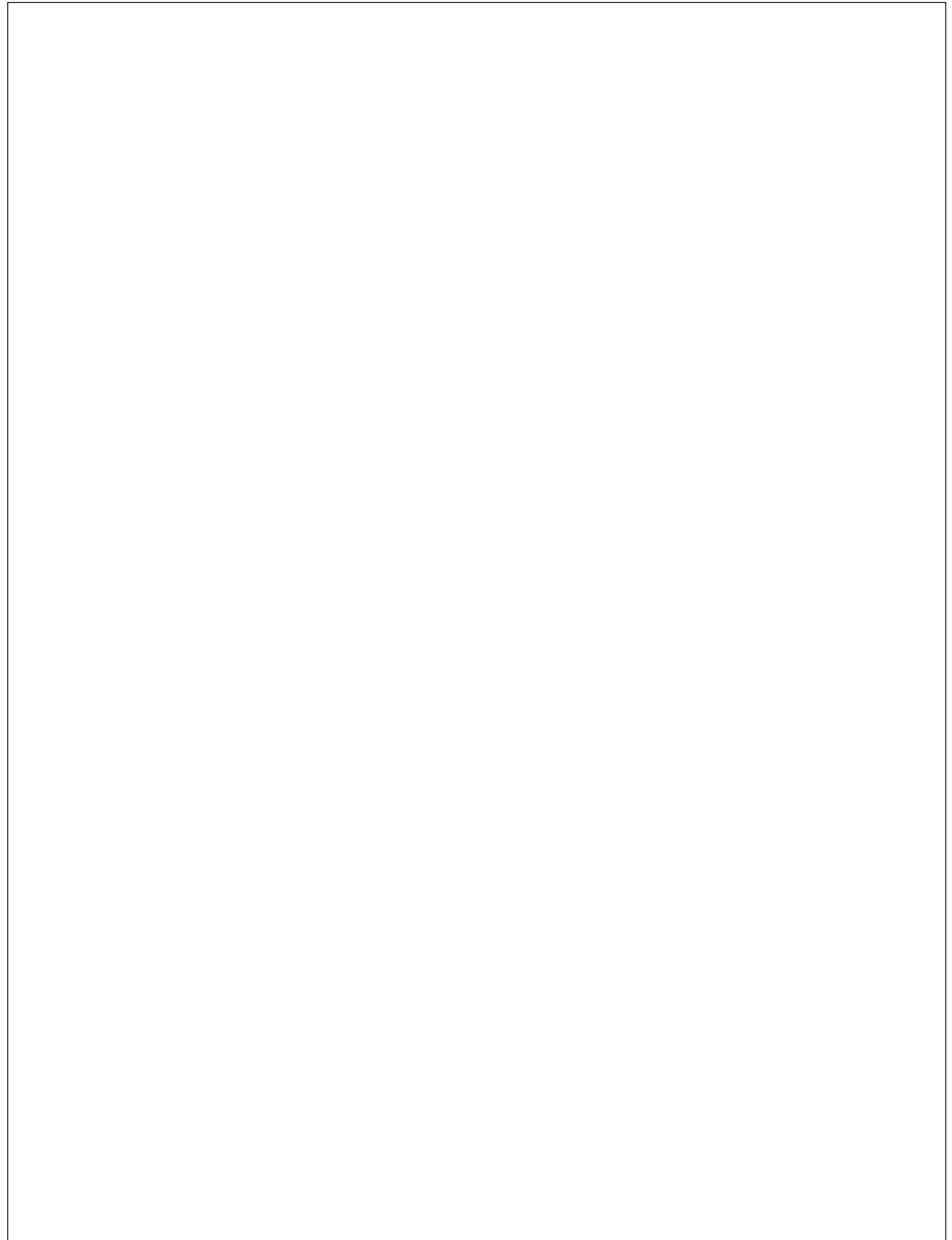
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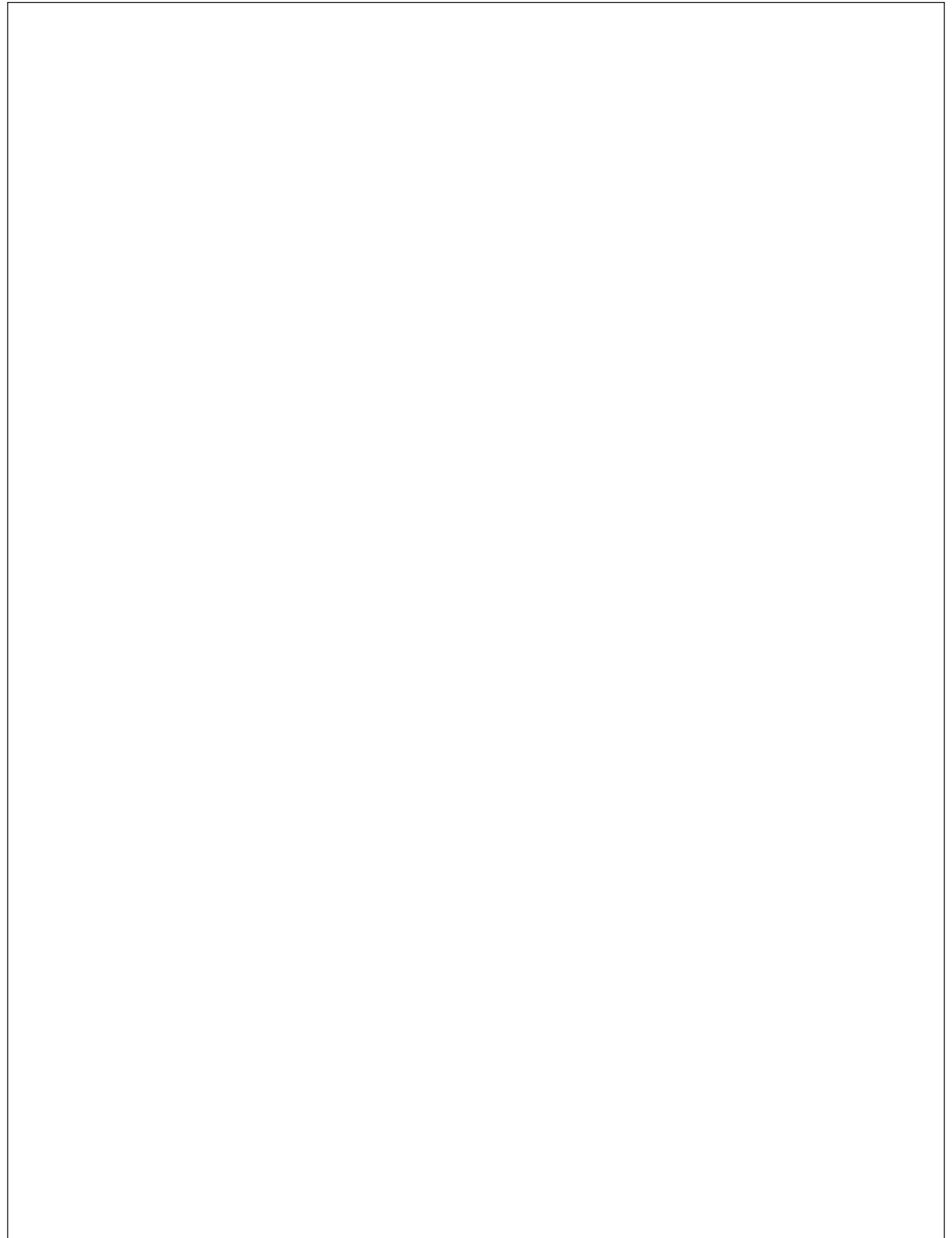
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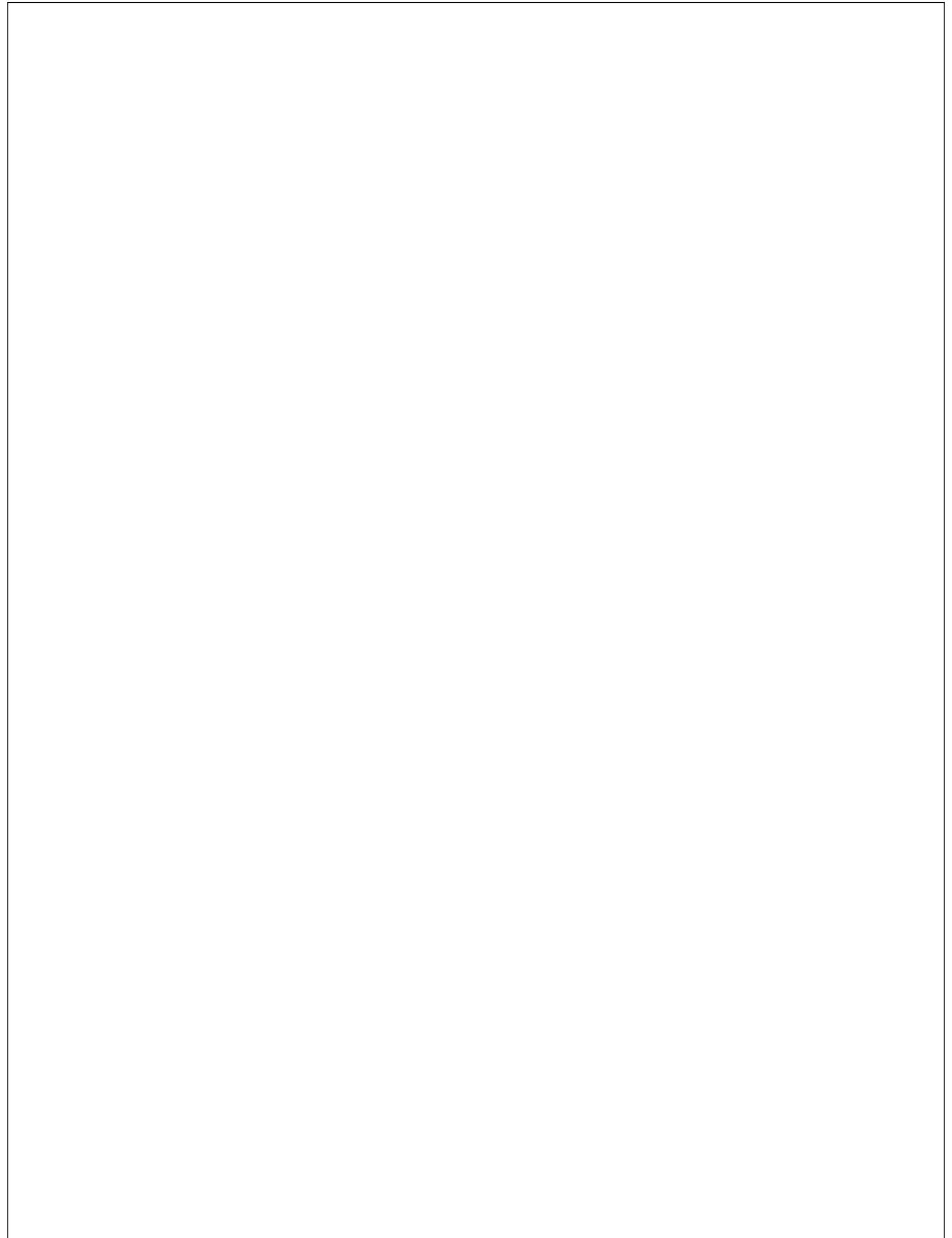
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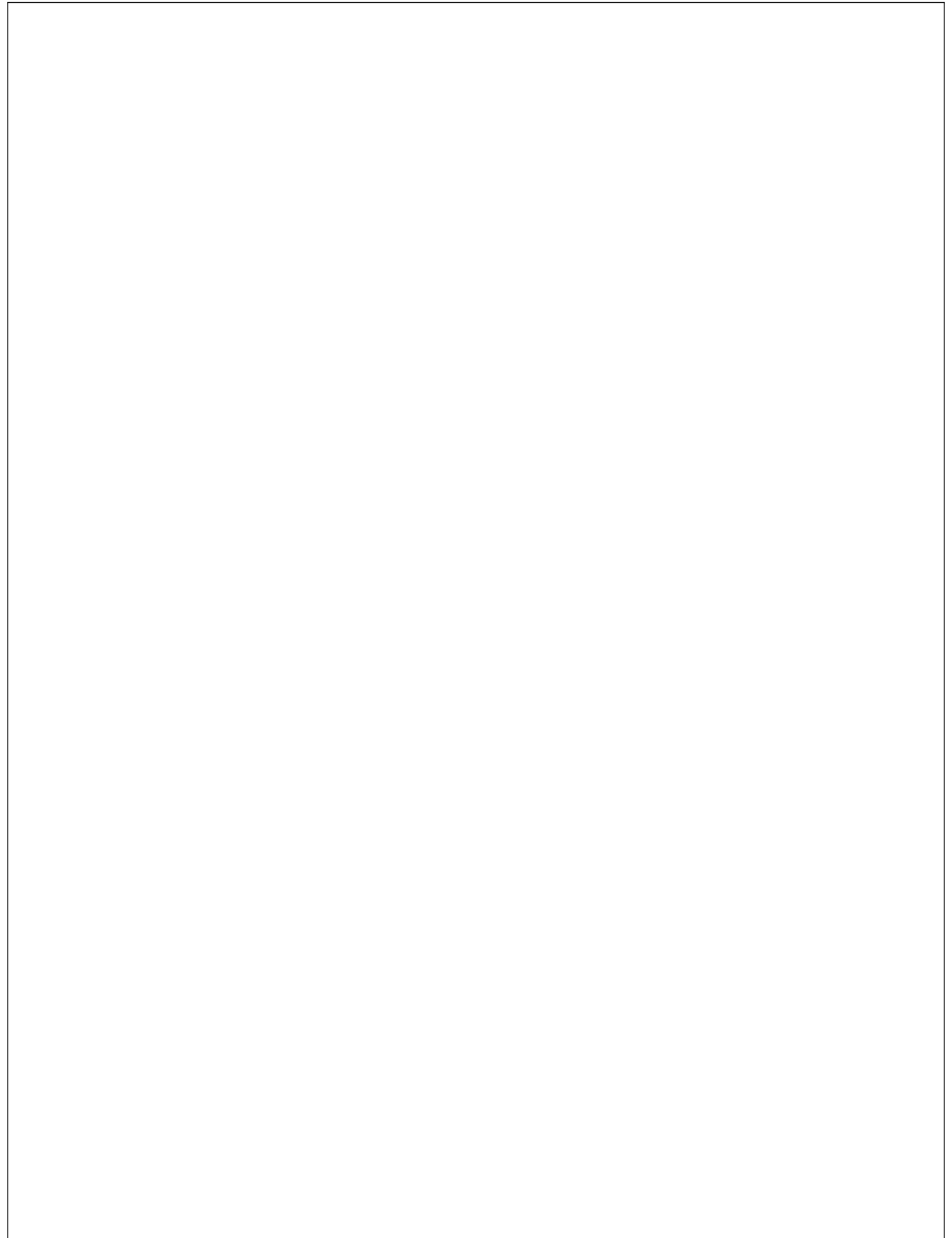
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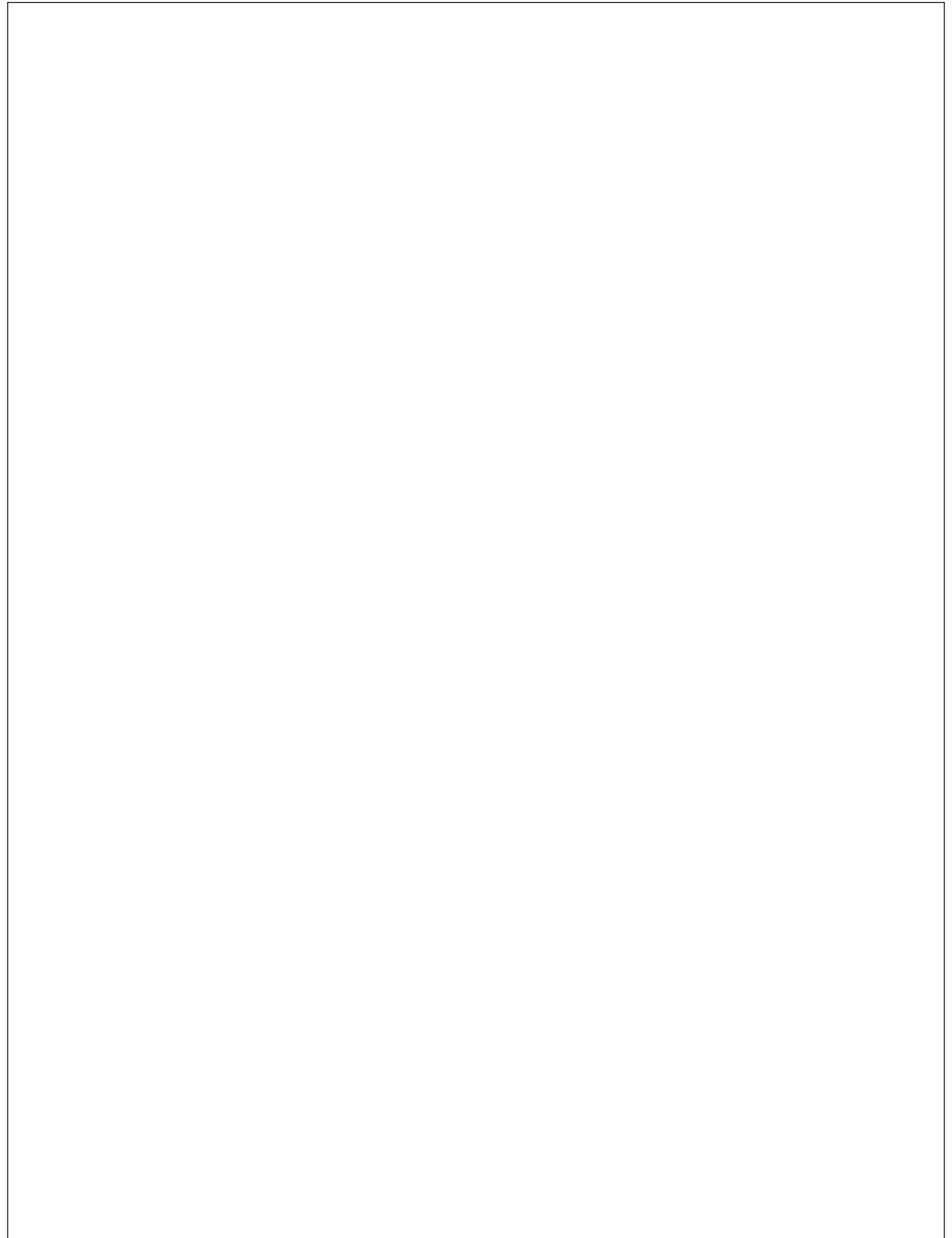
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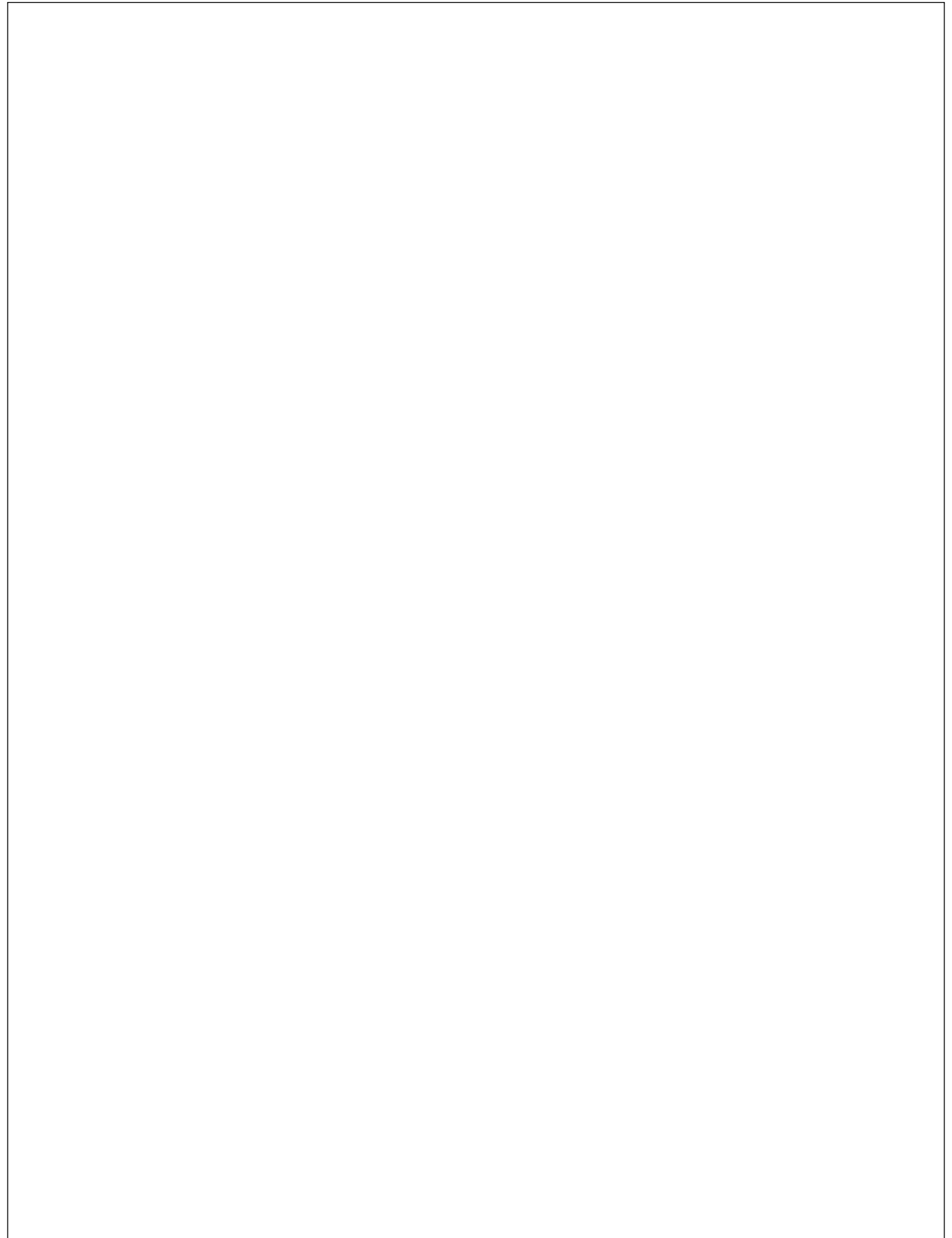
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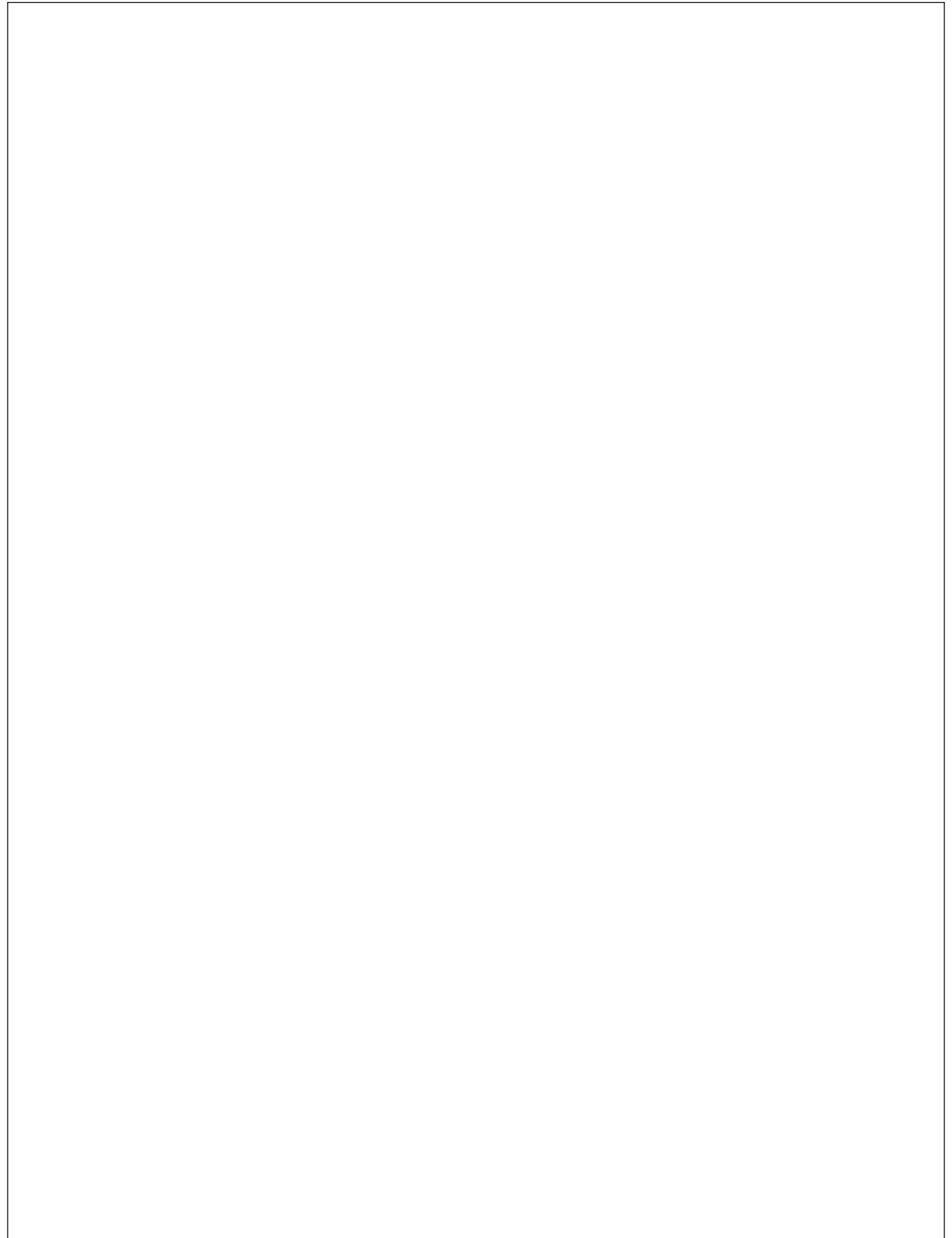
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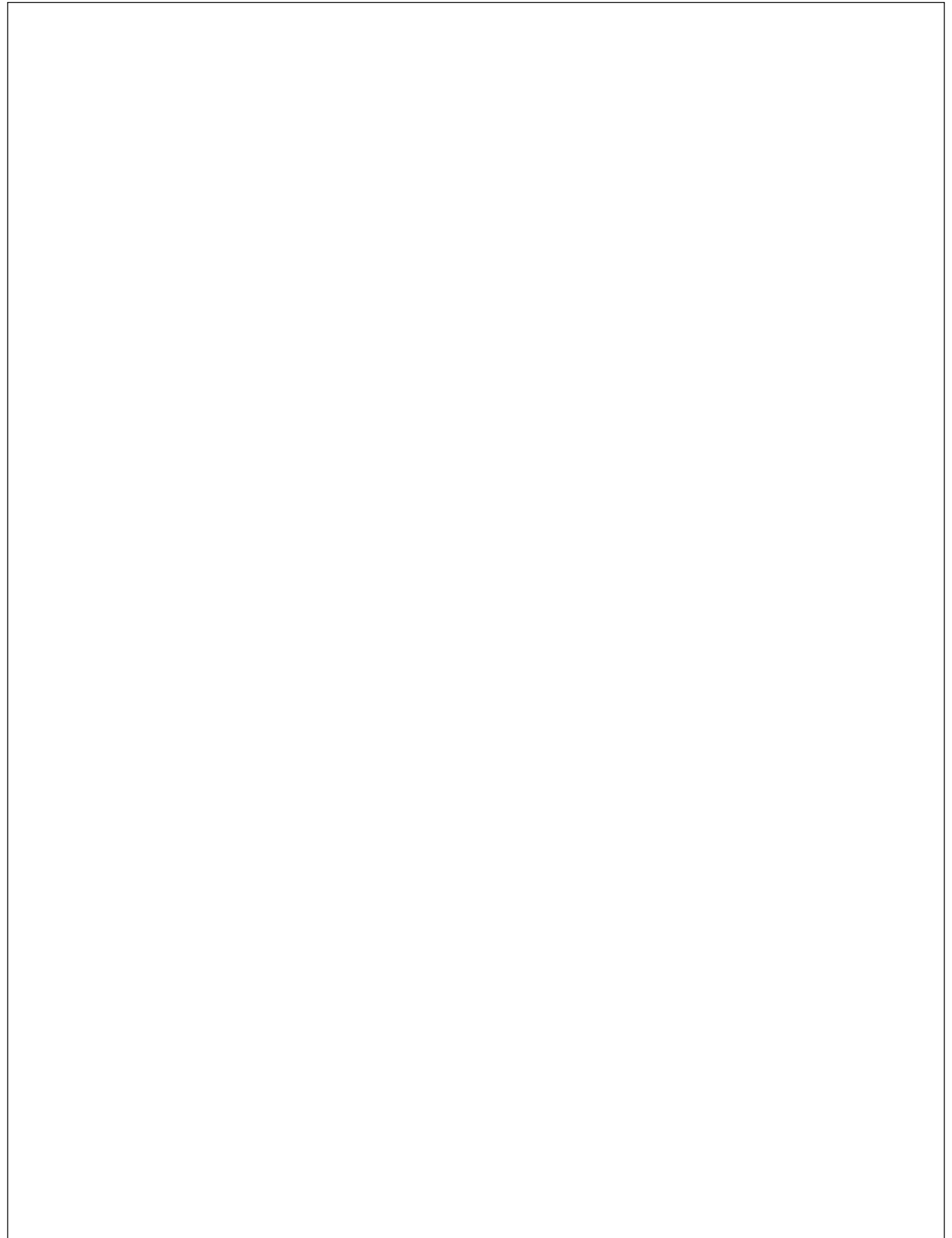
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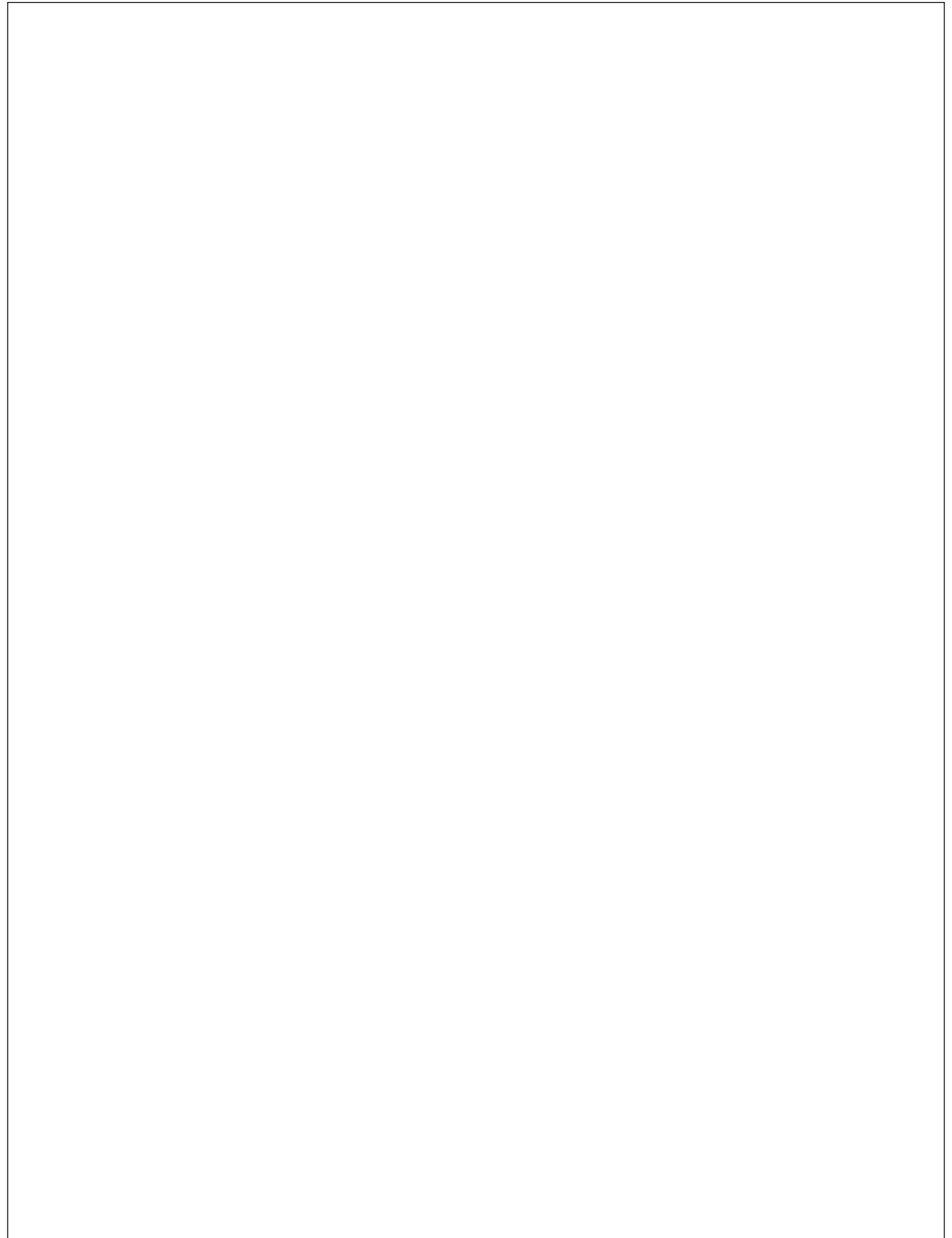
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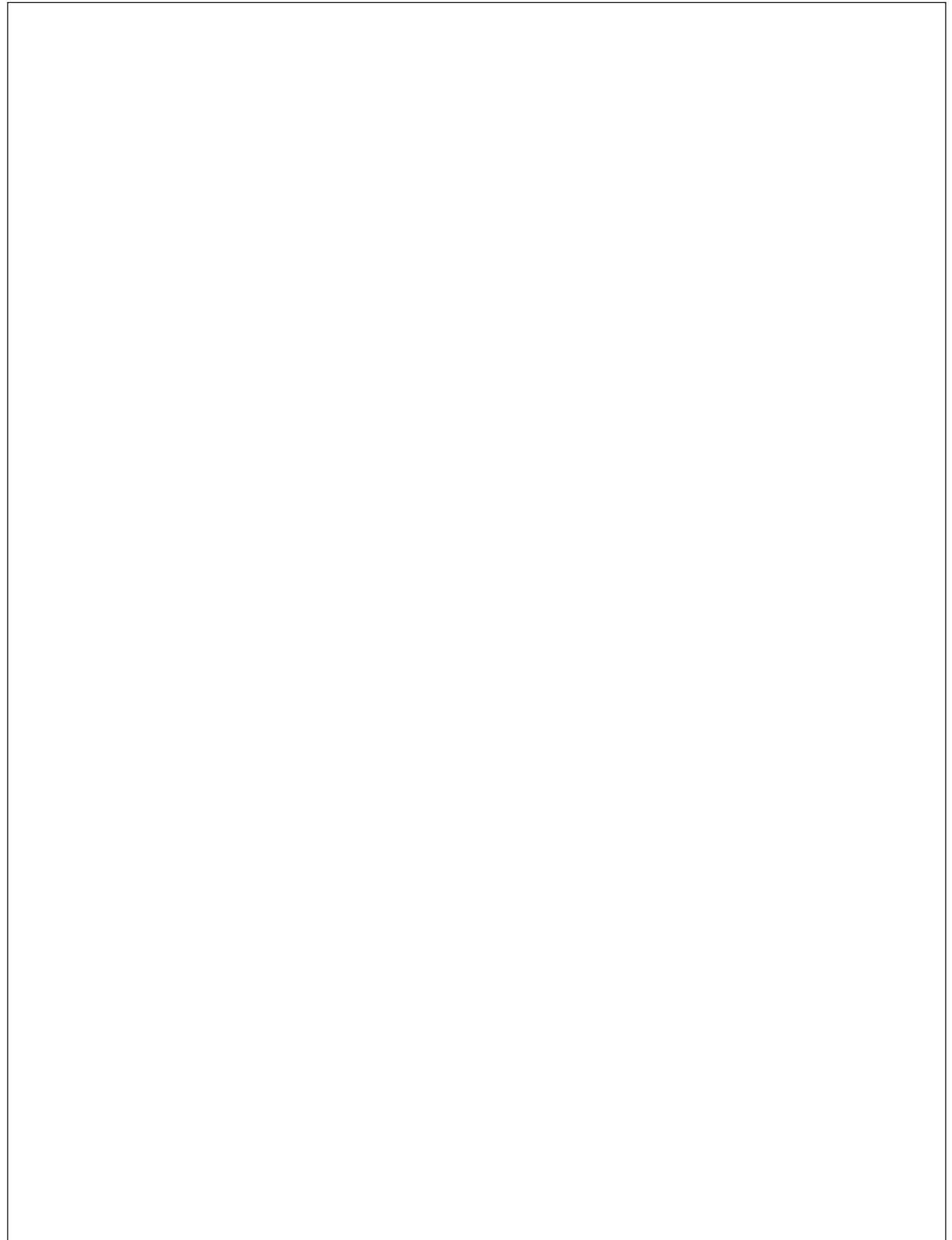
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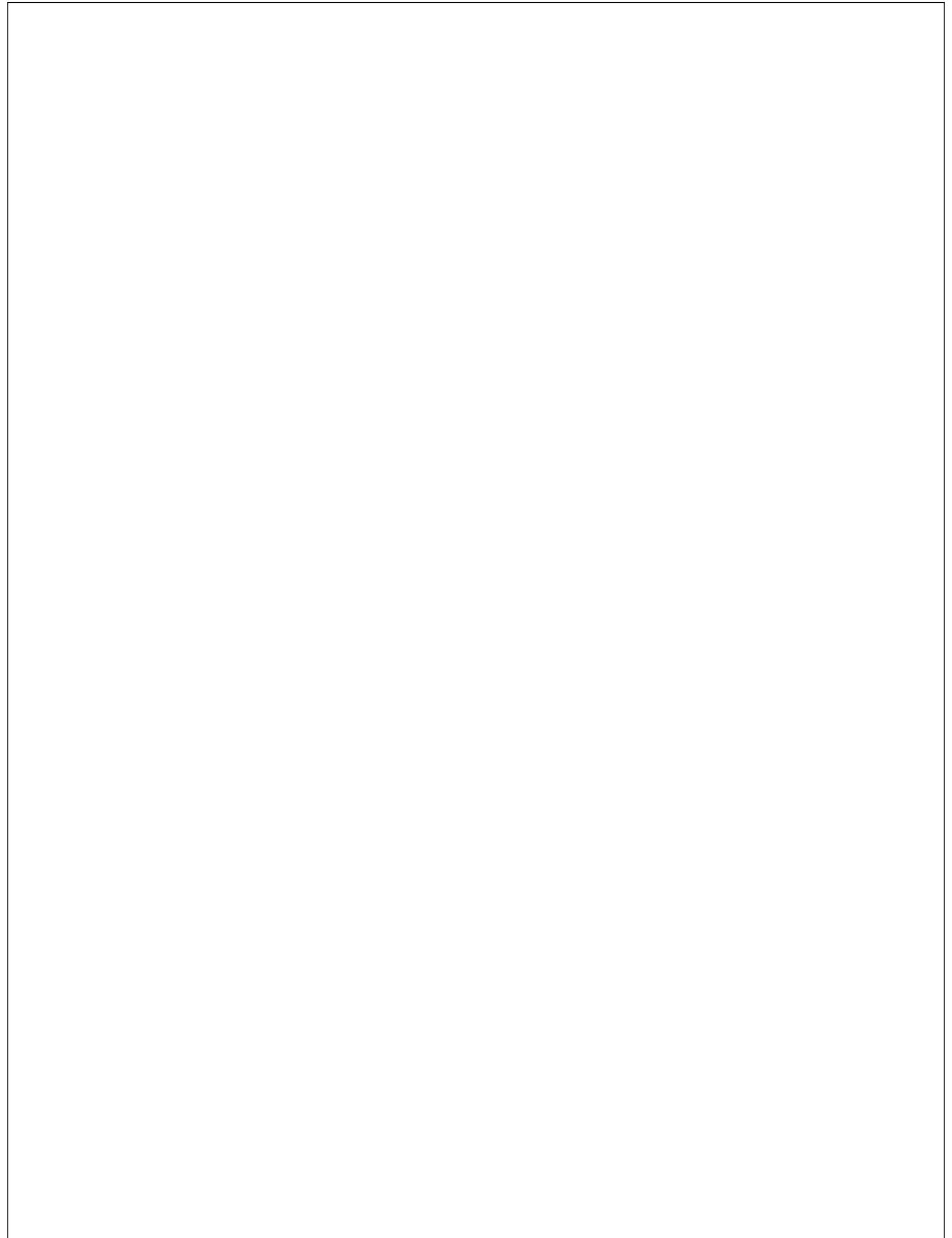
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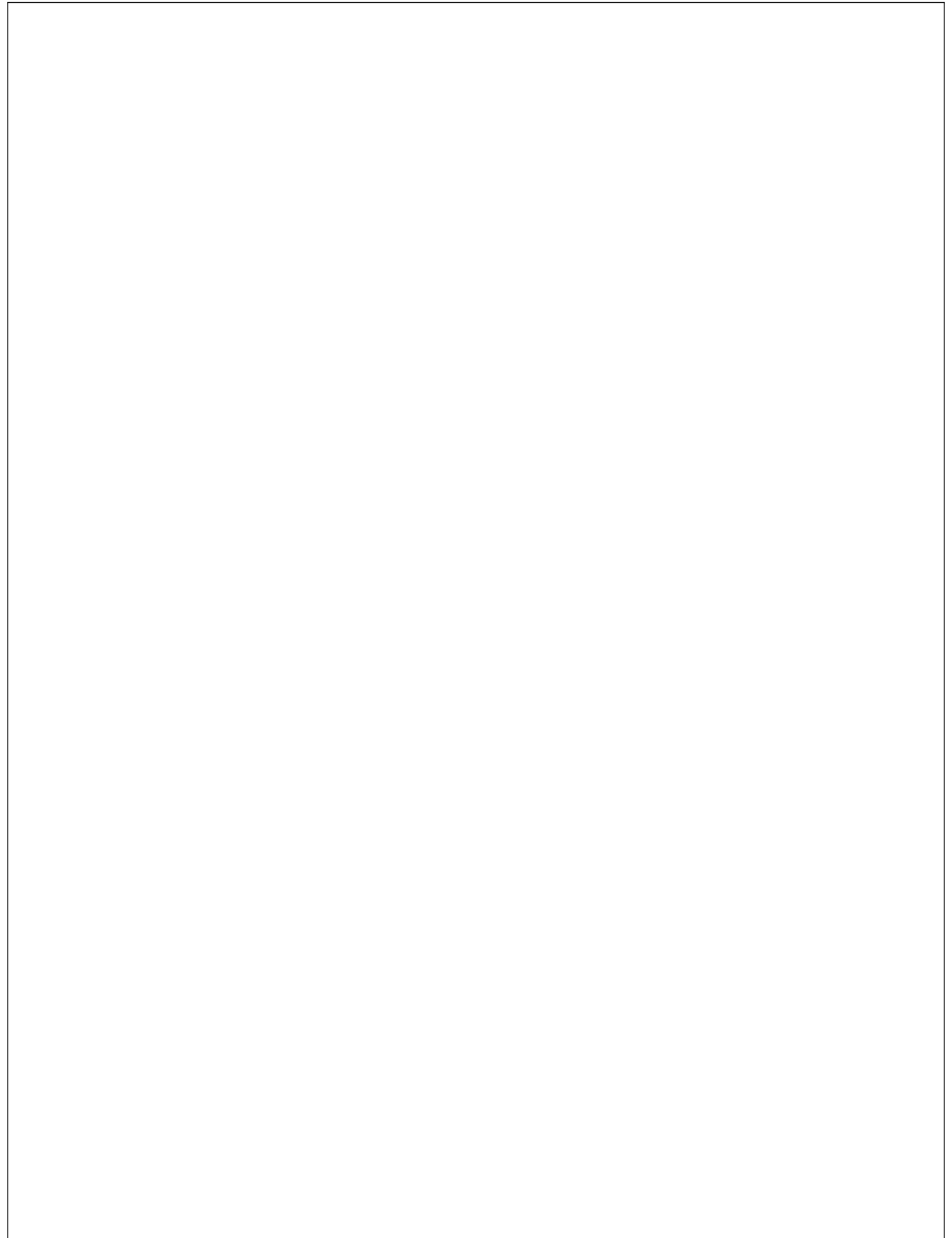
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