

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

AMERICAN PUBLIC HEALTH
ASSOCIATION; IBIS REPRODUCTIVE
HEALTH; INTERNATIONAL UNION,
UNITED AUTOMOBILE, AEROSPACE,
AND AGRICULTURAL IMPLEMENT
WORKERS (UAW); BRITTANY
CHARLTON; KATIE EDWARDS; PETER
LURIE; and NICOLE MAPHIS,

Plaintiffs,

v.

NATIONAL INSTITUTES OF HEALTH;
JAY BHATTACHARYA, *in his official
capacity as Director of the National Institutes
of Health*; UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; and ROBERT F.
KENNEDY, JR., *in his official capacity as
Secretary of the United States Department of
Health and Human Services,*

Defendants.

Case No. 1:25-cv-10787-WGY

RULE 54(b) PARTIAL FINAL JUDGMENT

For all the reasons stated on the record on June 16, 2025, Plaintiffs American Public Health Association (“APHA”), Ibis Reproductive Health, International Union, United Automobile, Aerospace, and Agricultural Implement Workers (“UAW”), Brittany Charlton, Katie Edwards, Peter Lurie, and Nicole Maphis (collectively, “Plaintiffs”) are entitled to judgment on their claim that the challenged “Directives” (specified below in paragraphs 1(a)-(j)) and “Resulting Grant

Terminations”¹ are arbitrary and capricious in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A). Pursuant to Federal Rule of Civil Procedure 54(b), and for all the reasons stated on the record, the Court finds that there is no just reason to delay entry of judgment on that claim.

It is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. The following Directives from the National Institute of Health (“NIH”) and U.S. Department of Health & Human Services (“HHS”), taken as a whole, are **DECLARED** to be final agency action, arbitrary and capricious, and unlawful, in violation of 5 U.S.C. § 706(2)(A):
 - a. The February 10, 2025 directive issued by the Acting Secretary of HHS entitled “Secretarial Directive on DEI-Related Funding.” AR0004-05.²
 - b. The February 12, 2025 memorandum entitled “NIH Review of Agency Priorities Based on the New Administration’s Goals.” AR0009.
 - c. The February 13, 2025 memorandum entitled “Supplemental Guidance to Memo Entitled NIH Review of Agency Priorities Based on the New Administration’s Goals.” AR0016.
 - d. The February 21, 2025 “Directive on NIH Priorities” entitled “Restoring Scientific Integrity and Protecting the Public Investment in NIH Awards.” AR2930-31.
 - e. The March 4, 2025 memorandum issued by NIH, entitled “Staff Guidance – Award Assessments for Alignment with Agency Priorities – March 2025.” AR2136-42.
 - f. The March 13, 2025 directive issued by Michelle Bulls, entitled “Award Revision Guidance and List of Terminated Grants via letter on 3/12.” AR1957-68.

¹ The term “Resulting Grant Terminations” refers to any terminations of any grants (including subawards and supplements) of Plaintiffs or members of Plaintiff associations APHA and UAW by the National Institutes of Health (including any of NIH’s constituent institutes and centers), on the basis of one or more of the Challenged Directives, the Challenged Directives as a whole, or any of the reasoning therein, but specifically limited to, those specific grant terminations, including non-competitive renewals, that Plaintiffs identified in the spreadsheets submitted to the Court and served upon defendants on May 27, 2025 and June 13, 2025, which spreadsheets are Attached hereto as Exhibits A and Exhibit B, respectively.

² References herein to the administrative record produced by Defendants on June 2, 2025 match the page numbers in the record (*e.g.*, “AR0004” corresponds to “NIH_GRANTS_000004”).

- g. The March 20, 2025 memorandum issued by Sean R. Keveney, the Acting General Counsel at HHS, entitled “Termination of COVID-19 Grants.” AR2591.
 - h. The March 25, 2025 memorandum issued by NIH, entitled “NIH Grants Management Staff Guidance – Award Assessments for Alignment with Agency Priorities – March 2025.” AR3218.
 - i. The May 7, 2025 memorandum issued by Michelle Bulls, entitled “NIH Grants Management Staff Guidance – Award Assessments for Alignment with Agency Priorities – DRAFT.” AR3547-77.
 - j. The May 15, 2025 memorandum issued by Michelle Bulls, entitled “NIH Grants Management Staff Guidance – Award Assessments for Alignment with Agency Priorities – DRAFT.” AR3516-46.
 - k. The undated memoranda titled “NIH Grants Management Staff Guidance – Award Assessments for Alignment with Agency Priorities – Draft.” AR3231-3350.
2. Pursuant to 5 U.S.C. § 706(2), the Directives set forth in Paragraphs 1(a)-(j) of this Judgment are hereby **OF NO EFFECT, VOID, ILLEGAL, SET ASIDE AND VACATED.**
3. The Resulting Grant Terminations pursuant to the Directives are **DECLARED** to be unlawful, arbitrary and capricious final agency actions under 5 U.S.C. § 706(2)(A).
4. Pursuant to 5 U.S.C. § 706(2), the Resulting Grant Terminations are hereby **OF NO EFFECT, VOID, ILLEGAL, SET ASIDE AND VACATED.**
5. Judgment shall enter in favor of Plaintiffs and against Defendants on Count I.A and I.C of the Complaint.
6. The Court retains jurisdiction to enforce this Judgment.

The Clerk is directed to enter judgment in conformity with the foregoing forthwith.

June 23, 2025


HON. WILLIAM G. YOUNG
Judge of the United States

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2025, a true and correct copy of the above document was filed via the Court's CM/ECF system and that a copy will be sent automatically to all counsel of record.

June 23, 2025

/s/ Suzanne Schlossberg
Suzanne Schlossberg