

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

	)	
NATIONAL FAMILY PLANNING &	)	
REPRODUCTIVE HEALTH	)	
ASSOCIATION, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	No. 1:26-cv-1684-JPW
v.	)	
	)	(Hon. Jennifer P. Wilson)
ROBERT F. KENNEDY, JR., <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, A PRELIMINARY INJUNCTION**

Plaintiffs National Family Planning & Reproductive Health Association (“NFPRHA”) and Family Health Council of Central Pennsylvania (“FHCCP”) respectfully move this Court pursuant to Federal Rule of Civil Procedure 56(a) for the entry of summary judgment in their favor against Defendants Robert F. Kennedy, Jr., Brian Christine, and Amy L. Margolis, in their official capacities (together, “Defendants”), or—in the alternative—the issuance of a preliminary injunction, blocking Defendants from relying on the challenged provisions of the fiscal year (“FY”) 2027 Title X Notice of Funding Opportunity (“NOFO”) under the Administrative Procedure Act (“APA”). Plaintiffs are filing simultaneously with this

Motion a Memorandum of Law in support of this Motion with accompanying exhibits, a Statement of Undisputed Facts, as required by Local Rule 56.1, and alternative proposed orders granting the Motion.

For reasons set forth more fully in Plaintiffs' Memorandum of Law, Plaintiffs' claims are primarily based on clear conflicts between the Title X statute and regulations, on the one hand, and the challenged aspects of the NOFO, on the other hand. Simply by reading the Title X statute and regulations alongside the NOFO, the conflicts are apparent, and, therefore, relief is warranted under the APA.

Plaintiffs are entitled to judgment as a matter of law, and, accordingly, believe that resolution via summary judgment is the most efficient avenue. As in most APA cases, there are no material facts in dispute, and the dispositive issues are legal ones. Alternatively, this Court could grant interim relief to prevent irreparable harm under the Rule 65 preliminary injunction framework. Regardless of which procedural path the Court prefers, Plaintiffs respectfully seek a ruling by September 15, 2026. That is the date that Defendants have selected to hold a webinar for prospective grantees to provide guidance on how to write their applications, recognizing that applicants need guidance by that date to write and compile their detailed applications, which are due January 9, 2027. If this Court does not rule by that date, Defendants will be permitted to double down on the unlawful aspects of the NOFO when providing instructions to applicants on the webinar, which may impede well-qualified grantees

that plan to seek funding from drafting competitive applications. A resolution by September 15, 2026, would also ensure that the application and award process will proceed on the timetable set forth in the NOFO, albeit without the unlawful aspects of the NOFO, so that there is no lapse or delay in the awarding of funding, which would disrupt the provision of critical Title X family planning services. Accordingly, Plaintiffs respectfully request that this Court grant their motion for summary judgment, or, alternatively, their motion for a preliminary injunction if the Court cannot reach the merits before September 15, 2026.

July 2, 2026

Respectfully submitted,

/s/ Brigitte Amiri

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**Special admission approved*

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2026, I sent the foregoing Motion for Summary Judgment or, in the Alternative, for a Preliminary Injunction, to Defendants via U.S. First Class Mail to the following addresses below, and via email to Gerard Donahue, Civil Division of U.S. Attorney's Office, Middle District of Pennsylvania at Gerard.Donahue@usdoj.gov.

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