

JENNIFER C. PIZER (SBN 152327)
jpizer@lambdalegal.org
 PELECANOS*
pelecanos@lambdalegal.org
 LAMBDA LEGAL DEFENSE AND
 EDUCATION FUND, INC.
 800 South Figueroa Street, Suite 1260
 Los Angeles, California 90017-2521
 Telephone: (213) 382-7600

JOSE ABRIGO*
jabrigo@lambdalegal.org
 OMAR GONZALEZ-PAGAN*
ogonzalez-pagan@lambdalegal.org
 LAMBDA LEGAL DEFENSE AND
 EDUCATION FUND, INC.
 120 Wall Street, 19th Floor
 New York, New York 10005-3919
 Telephone: (212) 809-8585

CAMILLA B. TAYLOR*
ctaylor@lambdalegal.org
 KENNETH D. UPTON, JR*
kupton@lambdalegal.org
 LAMBDA LEGAL DEFENSE AND
 EDUCATION FUND, INC.
 3656 North Halsted Street
 Chicago, Illinois 60613-5974
 Telephone: (312) 663-4413

KAREN L. LOEWY*
kloewy@lambdalegal.org
 LAMBDA LEGAL DEFENSE AND
 EDUCATION FUND, INC.
 815 16th Street NW, Suite 4140
 Washington, DC 20006-4101
 Telephone: (202) 804-6245

* *Appearance pro hac vice.*

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

SAN FRANCISCO AIDS FOUNDATION;
et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
 as President of the United States; *et al.,*

Defendants.

Case No. 4:25-cv-01824-JST

**SUPPLEMENTAL DECLARATION OF
 TYLER TERMEER, CHIEF
 EXECUTIVE OFFICER OF SAN
 FRANCISCO AIDS FOUNDATION, IN
 SUPPORT OF PLAINTIFFS' MOTION
 FOR PRELIMINARY INJUNCTION**

1 I, Dr. Tyler TerMeer, hereby state as follows:

2 1. I am the Chief Executive Officer of San Francisco AIDS Foundation (“SFAF”), a
3 nonprofit 501(c)(3) organization based in San Francisco, California. SFAF works to promote
4 health, wellness, and social justice for communities affected by HIV through advocacy, education,
5 and direct services. I have served in this capacity since February 14, 2022.

6 2. On February 24, 2025, I executed a Declaration (ECF No. 47-9) in support of
7 Plaintiffs’ Complaint and Motion for a Preliminary Injunction, filed on March 3, 2025 (ECF No.
8 47) to prevent Defendant agencies and their leadership from enforcing Executive Order No. 14168
9 “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the
10 Federal Government” (“Gender Order”), issued January 20, 2025; Executive order No. 14151
11 “Ending Radical and Wasteful DEI Programs and Preferencing” (“DEI-1 Order”), issued January
12 20, 2025; and Executive Order No. 14173 “Ending Illegal Discrimination and Restoring Merit-
13 Based Opportunity” (“DEI-2 Order”), issued January 21, 2025 (collectively, the “Executive
14 Orders”), and related agency directives.

15 3. Since executing that Declaration on February 24, 2025, I learned that Defendant
16 National Institutes of Health (“NIH”) has terminated a federal grant awarded to the University of
17 California, San Francisco (“UCSF”) under which SFAF is a subawardee. I have also learned that
18 the Substance Abuse and Mental Health Services Administration (“SAMHSA”), a component of
19 Defendant U.S. Department of Health and Human Services (“HHS”), recently terminated a grant
20 to the California Department of Health Care Services under which SFAF is a subrecipient.

21 4. I am submitting this supplemental declaration to inform the Court of these recent
22 developments and the negative impacts they have had and will continue to have on SFAF and the
23 people that it serves.

24 **A. NIH Grant Termination**

25 5. Upon information and belief, on or about July 18, 2024, UCSF won a \$1,628,180
26 grant from NIH (the “NIH Grant”) to study the effectiveness of Doxy-PEP, a post-exposure
27

1 prophylaxis to prevent bacterial sexually transmitted infections (“STIs”) like chlamydia,
2 gonorrhea, and syphilis. The NIH Grant was for the period July 18, 2024 through June 30, 2029
3 (the “Doxy-PEP Study”).

4 6. The Notice of Award for the NIH Grant is attached as **Exhibit A**.

5 7. On July 18, 2024, SFAF was awarded a Cost Reimbursement Subaward by UCSF
6 under the NIH Grant pursuant to which SFAF is studying the effectiveness of Doxy-PEP in a target
7 population of transgender women and men who have sex with men (“MSM”). Prior research has
8 shown that members of this population are at high risk of the bacterial STIs Doxy-PEP is designed
9 to prevent.

10 8. The Cost Reimbursement Subaward Agreement between UCSF and SFAF is
11 attached as **Exhibit B**. SFAF receives approximately \$50,000 per year under the NIH Grant.
12 SFAF’s work in the Doxy-PEP study includes recruiting, enrolling, and maintaining the optimal
13 study cohort, coordinating with care providers to ensure those enrolled in the study who agree to
14 take Doxy-PEP continue to do so, and follow-up with those who decline to take Doxy-PEP after
15 12 months. SFAF’s work also includes follow-up with those taking Doxy-PEP every three months
16 to ensure completion of a study questionnaire and continued STI testing to monitor the
17 effectiveness of Doxy-PEP and the evaluate bacterial resistance. SFAF has a full-time research
18 associate working on the Doxy-PEP study and the NIH Grant was intended to fund 25% of that
19 individual’s compensation in 2025 and 50% of their compensation for the four years thereafter.

20 9. Upon information and belief, on or about March 18, 2025, UCLA received a Notice
21 of Termination, purporting to immediately terminate the NIH Grant (the “Termination Notice”).

22 10. According to the Termination Notice, the NIH Grant was terminated because
23 “[r]esearch programs based on gender identity are often unscientific, have little identifiable return
24 on investment, and do nothing to enhance the health of many Americans. Many such studies
25 ignore, rather than seriously examine, biological realities.”

26 11. The Termination Notice is attached as **Exhibit C**.

1 12. We do not understand the reasoning behind this grant termination. The NIH
2 Director is directed to “encourage efforts to improve research related to the health of sexual and
3 gender minority populations.” 42 USC § 283p. Our application and subsequent grant award fall
4 squarely within this Congressional mandate and the purported basis of this termination directly
5 contradicts one of the purposes of the NIH.

6 13. Without the funding from the NIH Grant, SFAF will likely be forced to terminate
7 the research associate assigned to the Doxy-PEP study.

8 **B. The SAMHSA Grant**

9 14. SFAF receives approximately \$125,000 of pass-through funding per year from
10 SAMHSA. This funding flows to SFAF from The Center at Sierra Health Foundation, via the
11 California Department of Health Care Services, and is part of the State of California’s Behavioral
12 Health Recovery Services Project (the “SAMHSA Grant”).

13 15. The Behavioral Health Recovery Services Project is intended to improve access to
14 behavioral health across the state. The Center at Sierra Health Foundation serves as the
15 administrative entity for the state and awards subrecipient agreements to organizations that provide
16 behavioral health recovery services to individuals experiencing severe mental illness, serious
17 emotional disturbance, and substance use disorder.

18 16. On April 16, 2024, SFAF was awarded a Subrecipient Agreement by The Center at
19 Sierra Health Foundation to fund its work enhancing access and equity in substance use treatment
20 services through strengthening the Treatment on Demand Coalition. SFAF utilized the grant funds
21 pay for 1.0 FTE dedicated to organizing and working with other behavioral health recovery service
22 providers to expand substance use treatment and address racial disparities in overdose and
23 treatment outcomes in San Francisco. This work specifically targets communities most impacted
24 by health disparities, including LGBTQ+, BIPOC, PWID, and TGNB individuals who face
25 intersecting challenges related to discrimination, homophobia, transphobia, poverty, homelessness,
26 substance use, mental health issues, and HIV stigma.

17. The Subrecipient Agreement is attached as **Exhibit D**.

18. The funds received under the SAMHSA Grant pays one employee's full-time salary and, without the funding, that position will need to be eliminated.

19. On April 1, 2025, SFAF was advised by The Center at Sierra Health Foundation that the SAMHSA Grant was terminated effective March 24, 2025. A copy of the notice SFAF received is attached as **Exhibit E**.

20. Loss of the SAMHSA Grant would mean that SFAF is no longer able to convene and coordinate behavioral health recovery service providers to enhance access and equity in substance use treatment services and would likely have to terminate one full-time employee.

21. The NIH Grant and the SAMSHA Grant are not the only federal funding that SFAF relies upon and experiencing the termination of those grants has only heightened the concerns and challenges we are already facing as a result of the Executive Orders that were detailed in my February 24 Declaration. And now, enforcement of the Executive Orders against us is not only imminent but is clearly already occurring and I am concerned that the NIH and SAMHSA Grants are just the first of many existing federal grants SFAF receives funding under that will be terminated.

/

/

/

/

/

/

/


/

/

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Dated: April 7, 2025

Respectfully submitted,

4
5
6 
7 Dr. Tyler TerMeer