

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

GORDON SCHIFF and,  
CELESTE ROYCE,  
Plaintiffs,

v.

Civil Action No. 1:25-CV-10595-LTS

U.S. OFFICE OF PERSONNEL  
MANAGEMENT,  
CHARLES EZELL, in his official capacity as  
Acting Director of the U.S. Office of  
Personnel Management,  
U.S. DEPARTMENT OF HEALTH &  
HUMAN SERVICES,  
ROBERT F. KENNEDY, JR., in his official  
capacity as Secretary of Health and Human  
Services,  
AGENCY FOR HEALTHCARE RESEARCH  
AND QUALITY, and  
MAMATHA S. PANCHOLI, in her official  
capacity as Acting Director of the Agency for  
Healthcare Research and Quality,

Defendants.

**DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

Defendants, by and through its attorney, Leah B. Foley, United States Attorney for the District of Massachusetts, respectfully move this Court to dismiss Plaintiffs' Complaint ("Complaint") for lack of subject matter jurisdiction under Rule 12(b)(1).

This Court lacks jurisdiction because Plaintiffs' claims are moot; Plaintiffs lack standing to pursue their claims; and their challenges to the implementation of the OPM memorandum going forward are not ripe for adjudication.

In support of this Motion, Defendants respectfully refers the Court to their Memorandum of Law, filed herewith.

Respectfully submitted,

LEAH B. FOLEY

United States Attorney

Dated: June 16, 2025

By: /s/ Shawna Yen  
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**LOCAL RULE 7.1(a)(2) CERTIFICATION**

I, Shawna Yen, Assistant United States Attorney certify that I exchanged emails with Plaintiffs' counsel about this Motion, and the parties were unable to resolve or narrow the issues.

Dated: June 16, 2025

By: /s/ Shawna Yen  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: June 16, 2025

By: /s/ Shawna Yen  
SHAWNA YEN  
Assistant United States Attorney