

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In Re: Administrative Subpoena No. 25-
1431-019

MBD No. _____
FILED UNDER SEAL

**BOSTON CHILDREN’S HOSPITAL’S
MOTION TO QUASH**

Pursuant to 18 U.S.C. § 3486(a)(5), Plaintiff The Children’s Hospital Corporation d/b/a Boston Children’s Hospital (“BCH”) respectfully moves to quash a subpoena duces tecum issued by the U.S. Department of Justice (“DOJ”) under Section 248 of the Health Insurance Portability & Accountability Act of 1996 (“HIPAA”) (18 U.S.C. § 3486).¹ In the alternative, BCH moves to modify the subpoena and for the issuance of a protective order. The grounds for the Motion are explained in detail in the accompanying Memorandum and include the following:

1. On June 11, 2025, DOJ served BCH with an administrative subpoena purportedly issued pursuant to 18 U.S.C. § 3486. *See* Ex. 1.
2. The subpoena’s response deadline is July 9, 2025. *Id.*
3. The subpoena contains 15 separate requests for documents that seek practically every document related to BCH’s patients, staff, and providers concerning BCH’s provision of gender-affirming care (“GAC”) over five and a half years. *Id.* The subpoena seeks highly sensitive, personally identifiable medical information and records regarding, among others, minor patients, as well as personnel records for nearly all medical employees at BCH, extensive billing and diagnosis coding materials, and communications with third parties. *Id.*

¹ The subpoena is attached to the Declaration of Amanda Masselam Strachan as Exhibit 1.

4. 18 U.S.C. § 3486(a)(5) provides that “[a]t any time before the return date specified in the summons, the person or entity summoned may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the summons, or a prohibition of disclosure ordered by a court under paragraph (6).”

5. DOJ’s discretion to issue subpoenas, though wide, is not unlimited. An administrative subpoena must be issued for a congressionally authorized purpose, seek information relevant to that purpose, and adequately describe the information sought. *United States Dep’t of Just. v. Ricco Jonas*, 24 F.4th 718, 726 (1st Cir. 2022). The subpoena here fails at every step of this analysis.

6. *First*, it lacks a congressionally authorized purpose because it seeks to block lawful medical treatment. It was issued as a result of President Trump’s executive orders and DOJ’s memoranda that explicitly seek to block a disfavored type of medical treatment that is guaranteed under Massachusetts law. *Second*, even if DOJ were pursuing a valid and congressionally authorized purpose (which it is not), the subpoena seeks documents and information that are not relevant to any such purpose. *Third*, the subpoena is overbroad, vague, and unduly burdensome and therefore the information sought is not adequately described.

For these reasons, as detailed in the Memorandum, BCH respectfully requests that the Court quash the subpoena in its entirety or, in the alternative, modify the subpoena and enter a protective order.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Plaintiff respectfully requests oral argument on this Motion.

Dated: July 8, 2025

Respectfully submitted,

/s/ Joshua S. Levy

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**pro hac vice application forthcoming*

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LOCAL RULE 7.1 CERTIFICATION

I, Amanda Masselam Strachan, certify that on July 7, 2025, the parties conferred in good faith to resolve or narrow the issues presented by this motion and were unable to resolve or narrow the issues.

/s/ Amanda Masselam Strachan
Amanda Masselam Strachan

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2025, the foregoing was filed under seal with the Clerk of the Court via electronic mail, and that a copy was served on counsel for the Defendant via electronic mail and First-Class US Mail.

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