

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF
MASSACHUSETTS, *et al.*,

Plaintiffs,

v.

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

Defendants.

Case No. 1:25-cv-12162

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully submit *American Academy of Pediatrics v. Kennedy*, No. 1:25-cv-11916 (D. Mass. Jan. 6, 2026) (*AAP*), as supplemental authority in support of Plaintiffs' Opposition to Defendants' Motion to Dismiss. Doc. No. 86. A copy is attached as Exhibit 1.

In *AAP*, a court in this district denied the defendants' motion to dismiss and found that agency actions that allegedly threatened access to some medical services constituted well-pleaded Article III injuries to healthcare providers. Ex. 1 at 14–17. The court held that two alleged injuries in *AAP*, financial injury arising from lost time spent responding to patient questions regarding shared-clinical decision making, *id.* at 14–16, and the explicit threat of legal action under the 1986 Vaccine Injury Act, *id.* at 5, even if any such legal action would be unlikely to succeed, constitute Article III injuries. *Id.* at 16–17. Those injuries mirror some of the injuries outlined in Plaintiffs' Opposition, as well as in their Complaint. Doc. No. 86 at 17–18 (injuries arise from threats of investigation and redirecting time and resources, formerly spent on patient care, to responding to panicked inquiries from patients); *see also* Doc. No. 1 ¶ 179.

Dated: January 9, 2025

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CERTIFICATE OF SERVICE

I hereby certify that I have filed this Motion with the Court's Electronic Court Filing system and will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF).

January 9, 2025

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