

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Doctors for America, *et al.*,

Plaintiffs,

v.

Office of Personnel Management, *et al.*,

Defendants.

Case No. 1:25-cv-00322-JDB

Defendants' Sixth Compliance Report

Pursuant to this Court's Order of July 2, 2025, ECF No. 59, Defendants respectfully submit this report describing the steps taken to ensure compliance with the Order.

1. Defendants are continuing to review Plaintiffs' Identified Webpages¹ to determine (1) whether and to what extent they were modified or removed on or after January 29, 2025, and, if so, (2) whether they were removed or modified on the basis of the OPM Memo or HHS Guidance. For Identified Webpages subject to the Order, Defendants will bring them into compliance as soon as practically possible.

2. Since filing their Fifth Compliance Report, Defendants have determined that they are in compliance with the Order as to an additional 22 Identified Webpages. *See* Exhibit A (rows highlighted in yellow).

3. In total, as of the date of this report, Defendants have determined that they are in compliance with the Order as to 151 Identified Webpages, and that 22 Identified Webpages are not subject to the Order. *See id.*

¹ Defendants assume the Court's familiarity with prior proceedings in this case. Acronyms and capitalized terms have the same meaning as in the Court's Order of July 2, 2025, *see* ECF No. 59, and/or Memorandum Opinion, *see* ECF No. 60.

4. Seven defendant agencies – AHRQ, CMS, FDA, HHS, HRSA, NIH, and SAMHSA/CBHSQ – have completed the review and compliance process as to the Identified Webpages for which they are responsible.

5. Out of Plaintiffs' 222 Identified Webpages there are 49 left to review, all of which belong to CDC (including NCHS). CDC's review and compliance process remains actively underway. As CDC progresses through its review and determines that additional Identified Webpages are subject to the Order, it will bring them into compliance on a rolling basis.

6. Both the pace at which Defendants can review Plaintiffs' Identified Webpages, and the pace at which webpages subject to the Order can practically be restored or reverted, is limited by staffing and other resource constraints, as well as by agency safeguards that require multiple layers of approval in order to modify a website. The extent of those safeguards will vary depending on the nature of the website at issue. Modifying certain databases, for example, generally requires (among other steps) that a trial update be tested multiple times to ensure stability.

August 22, 2025

Respectfully submitted,

/s/ Gabriel I. Schonfeld

GABRIEL I. SCHONFELD
(D.C. Bar. No. 155539)
Trial Attorney
Civil Division
U.S. Department of Justice
950 Pennsylvania Avenue NW, Rm. 7219
Washington, DC 20530
(202) 514-3306