

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DO NO HARM,

Plaintiff,

- v. -

PFIZER INC.,

Defendant.

Case No. 1:22-cv-07908 (JLR)

STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties stipulate to the following:

1. In April 2021, Defendant Pfizer Inc. announced the Breakthrough Fellowship Program and committed to sponsoring five cohorts of approximately 20 fellows per year over the course of five consecutive years.

2. In September 2022, Plaintiff Do No Harm initiated the above-captioned lawsuit, filing a complaint that challenged the selection criteria for Pfizer's Breakthrough Fellowship Program as racially discriminatory. (ECF No. 1.)

3. In December 2022, this Court denied Do No Harm's motion for a preliminary injunction and dismissed the case for lack of subject-matter jurisdiction. (ECF No. 37.)

4. Do No Harm appealed the dismissal. (ECF No. 38.)

5. On January 10, 2025, the Second Circuit vacated this Court's decision and remanded the case for the Court to assess Do No Harm's Article III standing applying the standard applicable at the pleading stage. (ECF No. 39.) The mandate from the Second Circuit issued on January 31, 2025. (ECF No. 40.)

6. While the appeal was pending, in February 2023, the criteria for the 2023 cohort were announced. See *Breakthrough Fellowship Program FAQs*, Pfizer (Feb. 6, 2023) <[tinyurl.com/PfizerFellowship2023FAQs](https://www.pfizer.com/press/2023/02/06/breakthrough-fellowship-program-faqs)> (2023 FAQs). The criteria stated that applicants to the 2023 cycle were “eligible to apply . . . regardless of whether [they] are of Black/African American, Latino/Hispanic, or Native American descent.” *Id.*

7. At least since February 2023, students have been eligible for the Breakthrough Fellowship Program regardless of whether they are of Black/African American, Latino/Hispanic, or Native American descent.

8. During the pendency of the appeal, Pfizer selected the fourth cohort of fellows.

9. During the pendency of the appeal, Pfizer also opened and closed the application period for the fifth and final cohort of fellows. After Pfizer completes the selection process for the fifth cohort of fellows, consistent with Pfizer’s announcement when it launched the Breakthrough Fellowship Program in 2021, Pfizer will no longer accept new classes of fellows.

10. This case is hereby dismissed, with each side to bear its own fees and costs.

Dated: January 31, 2025
Arlington, VA

Respectfully submitted,

By: /s/ Cameron T. Norris

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