

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as SECRETARY OF THE U.S.
DEPARTMENT OF HEALTH & HUMAN
SERVICES, et al.,

Defendants.

Civil Action No. 1:25-cv-00196-MRD-PAS

**DEFENDANTS' NOTICE OF FACTUAL DEVELOPMENTS RELEVANT TO
PLAINTIFFS' CLAIMS**

Defendants respectfully inform the Court of a development relevant to the pending litigation: the rescission of all reduction in force (RIF) notices at the National Institute for Occupational Safety and Health (NIOSH) within the Centers for Disease Control and Prevention.

Plaintiffs' Amended Complaint includes, among other allegations, nearly 50 paragraphs of allegations regarding the RIFs at NIOSH, *see* ECF No. 94, ¶¶ 117–64, which Defendants have moved to dismiss on multiple grounds, including lack of standing, *see* ECF No. 98 at 48–49. On January 13, 2026, HHS rescinded all remaining NIOSH RIF notices, reinstating hundreds of employees to the agency. *See* Josh Eidelson, *US Reverses Deep Cuts to Safety Agency NIOSH, Reinstating Hundreds*, Bloomberg (Jan. 13, 2026), <https://tinyurl.com/v4xzh7c>; Jory Heckman, *HHS reinstates all laid-off employees at workplace safety agency NIOSH*, Federal News Network (Jan. 14, 2026), <https://perma.cc/692G-AAJV>. Following this development, other litigation challenging the NIOSH RIFs has been held in abeyance at the joint request of the parties. *See* ECF No. 89, *Wiley, et al. v. Robert F. Kennedy, Jr., et al.*, Case No. 2:25-cv-227 (S.D. W. Va. Jan. 26,

2026); ECF No. 40, *National Nurses United, et al. v. Robert F. Kennedy, Jr., et al.*, Case No. 1:25-cv-1538 (D.D.C. Jan. 16, 2026).

The parties are conferring about the legal effect these rescissions have on Plaintiffs' claims in this case. Defendants reserve the right to move to file a supplemental motion to dismiss on mootness grounds all claims and theories respecting NIOSH.

Dated: February 9, 2026

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

ERIC J. HAMILTON
Deputy Assistant Attorney General
Civil Division, Federal Programs Branch

CHRISTOPHER R. HALL
Assistant Branch Director
Civil Division, Federal Programs Branch

ELIZABETH HEDGES
Counsel to the Assistant Attorney General
Civil Division

/s/ Christian Dibblee
CHRISTIAN DIBBLEE
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20530
Telephone: (202) 353-5980
Email: Christian.R.Dibblee@usdoj.gov

Counsel for Defendants