

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARTER COE, by and through his parent and  
next friend, CAROLINE COE; et al., *on  
behalf of themselves and all similarly  
situated,*

*Plaintiffs,*

v.

U.S. DEPARTMENT OF JUSTICE; et al.,

*Defendants.*

Case No. 1:26-cv-04641-JAV

**DECLARATION OF KAREN L. LOEWY**

I, Karen L. Loewy, hereby declare and state as follows:

1. I am Senior Counsel at Lambda Legal Defense and Education Fund, Inc. (“Lambda Legal”) and am one of the attorneys for the Plaintiffs in this action.

2. I submit this declaration in support of Plaintiffs’ Motion for a Temporary Restraining Order.

3. The following facts are based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

4. Filed as **Exhibit A** (Dkt. 1-1) to the Complaint (Dkt. 1) is a true and accurate copy of the grand jury subpoena received by NYU Langone Hospitals on May 7, 2026 and issued in the Northern District of Texas, with a return of compliance date of June 10, 2026. A copy of the subpoena was publicly posted by NYU Langone on May 11, 2026 on NYU Langone’s website at <https://nyulangone.org/public-notice/TYHPsubpoena>.

5. Filed as **Exhibit B** (Dkt. 1-2) to the Complaint (Dkt. 1) is a true and accurate copy of the public notice posted by NYU Langone on May 11, 2026 on its website (<https://nyulangone.org/public-notices/TYHPsubpoena>) in relation to its receipt of the grand jury subpoena.

6. Filed as **Exhibit C** (Dkt. 1-3) to the Complaint (Dkt. 1) is a true and accurate copy of a memorandum issued by Attorney General Pamela Bondi to select component heads at the U.S. Department of Justice on April 22, 2025, with the subject title “Preventing the Mutilation of American Children.”

7. Filed as **Exhibit D** (Dkt. 1-4) to the Complaint (Dkt. 1) is a true and accurate copy of a memorandum issued by Assistant Attorney General Brett A. Shumate to all employees in the Civil Division of the U.S. Department of Justice on June 11, 2025, with the subject title “Civil Division Enforcement Priorities.”

8. Attached hereto as **Exhibit E** is a true and correct copy of Executive Order 14168, *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, 90 Fed. Reg. 8650, issued by President Trump on January 20, 2025.

9. Attached hereto as **Exhibit F** is a true and correct copy of Executive Order 14187, *Protecting Children From Chemical and Surgical Mutilation*, 90 Fed. Reg. 8771, issued by President Trump on January 28, 2025.

10. Attached hereto as **Exhibit G** is a true and correct copy of civil subpoena no. 25-1431-032 sent to Rhode Island Hospital by the U.S. Department to Justice under authority of Section 248 of the Health Insurance Portability & Accountability Act of 1996, Public Law No. 104-91 (18 U.S.C. § 3486), on July 3, 2025, which was filed as Exhibit 2 to the Emergency Motion to Quash filed by the Child Advocate for the State of Rhode Island on May 4, 2026 in *In Re:*

*Administrative Subpoena 25-1431-32 to RI Hospital*, No. 1:26-mc-00007, in the U.S. District Court for the District of Rhode Island.

11. Attached hereto as **Exhibit H** is a true and correct copy of excerpts of the transcript of the May 12, 2026 hearing before the U.S. District Court for the District of Rhode Island in relation in *In Re: Administrative Subpoena 25-1431-32 to RI Hospital*, No. 1:26-mc-00007.

12. Attached hereto as **Exhibit I** is a true and correct copy of the press release, titled *Attorney General Paxton Makes History by Securing a Landmark Healthcare Fraud Settlement that Creates the Nation's First-Ever Detransition Clinic and Secures \$10 Million from Texas Children's Hospital for "Transitioning" Kids*, issued by the Office of the Texas Attorney General on May 15, 2026, and which is publicly on the website of the Office of the Texas Attorney General at <https://www.texasattorneygeneral.gov/news/releases/attorney-general-paxton-makes-history-securing-landmark-healthcare-fraud-settlement-creates-nations>.

13. Attached hereto as **Exhibit J** is a true and correct copy of the press release, titled *Justice Department Secures Landmark Resolution to End Pediatric "Gender-Affirming Care" and Create Detransition Clinic*, issued by the U.S. Department of Justice on May 15, 2026, and which is publicly available on DOJ's website at <https://www.justice.gov/opa/pr/justice-department-secures-landmark-resolution-end-pediatric-gender-affirming-care-and>.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 2, 2026

/s/ Karen L. Loewy  
Karen L. Loewy

# Exhibit E

## Presidential Documents

Executive Order 14168 of January 20, 2025

### Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7301 of title 5, United States Code, it is hereby ordered:

**Section 1. Purpose.** Across the country, ideologues who deny the biological reality of sex have increasingly used legal and other socially coercive means to permit men to self-identify as women and gain access to intimate single-sex spaces and activities designed for women, from women's domestic abuse shelters to women's workplace showers. This is wrong. Efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and well-being. The erasure of sex in language and policy has a corrosive impact not just on women but on the validity of the entire American system. Basing Federal policy on truth is critical to scientific inquiry, public safety, morale, and trust in government itself.

This unhealthy road is paved by an ongoing and purposeful attack against the ordinary and longstanding use and understanding of biological and scientific terms, replacing the immutable biological reality of sex with an internal, fluid, and subjective sense of self unmoored from biological facts. Invalidating the true and biological category of "woman" improperly transforms laws and policies designed to protect sex-based opportunities into laws and policies that undermine them, replacing longstanding, cherished legal rights and values with an identity-based, inchoate social concept.

Accordingly, my Administration will defend women's rights and protect freedom of conscience by using clear and accurate language and policies that recognize women are biologically female, and men are biologically male.

**Sec. 2. Policy and Definitions.** It is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality. Under my direction, the Executive Branch will enforce all sex-protective laws to promote this reality, and the following definitions shall govern all Executive interpretation of and application of Federal law and administration policy:

(a) "Sex" shall refer to an individual's immutable biological classification as either male or female. "Sex" is not a synonym for and does not include the concept of "gender identity."

(b) "Women" or "woman" and "girls" or "girl" shall mean adult and juvenile human females, respectively.

(c) "Men" or "man" and "boys" or "boy" shall mean adult and juvenile human males, respectively.

(d) "Female" means a person belonging, at conception, to the sex that produces the large reproductive cell.

(e) "Male" means a person belonging, at conception, to the sex that produces the small reproductive cell.

(f) "Gender ideology" replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa, and requiring all institutions of society to regard this false claim as true.

Gender ideology includes the idea that there is a vast spectrum of genders that are disconnected from one's sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.

(g) "Gender identity" reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

**Sec. 3. *Recognizing Women Are Biologically Distinct From Men.*** (a) Within 30 days of the date of this order, the Secretary of Health and Human Services shall provide to the U.S. Government, external partners, and the public clear guidance expanding on the sex-based definitions set forth in this order.

(b) Each agency and all Federal employees shall enforce laws governing sex-based rights, protections, opportunities, and accommodations to protect men and women as biologically distinct sexes. Each agency should therefore give the terms "sex", "male", "female", "men", "women", "boys" and "girls" the meanings set forth in section 2 of this order when interpreting or applying statutes, regulations, or guidance and in all other official agency business, documents, and communications.

(c) When administering or enforcing sex-based distinctions, every agency and all Federal employees acting in an official capacity on behalf of their agency shall use the term "sex" and not "gender" in all applicable Federal policies and documents.

(d) The Secretaries of State and Homeland Security, and the Director of the Office of Personnel Management, shall implement changes to require that government-issued identification documents, including passports, visas, and Global Entry cards, accurately reflect the holder's sex, as defined under section 2 of this order; and the Director of the Office of Personnel Management shall ensure that applicable personnel records accurately report Federal employees' sex, as defined by section 2 of this order.

(e) Agencies shall remove all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise inculcate gender ideology, and shall cease issuing such statements, policies, regulations, forms, communications or other messages. Agency forms that require an individual's sex shall list male or female, and shall not request gender identity. Agencies shall take all necessary steps, as permitted by law, to end the Federal funding of gender ideology.

(f) The prior Administration argued that the Supreme Court's decision in *Bostock v. Clayton County* (2020), which addressed Title VII of the Civil Rights Act of 1964, requires gender identity-based access to single-sex spaces under, for example, Title IX of the Educational Amendments Act. This position is legally untenable and has harmed women. The Attorney General shall therefore immediately issue guidance to agencies to correct the misapplication of the Supreme Court's decision in *Bostock v. Clayton County* (2020) to sex-based distinctions in agency activities. In addition, the Attorney General shall issue guidance and assist agencies in protecting sex-based distinctions, which are explicitly permitted under Constitutional and statutory precedent.

(g) Federal funds shall not be used to promote gender ideology. Each agency shall assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology.

**Sec. 4. *Privacy in Intimate Spaces.*** (a) The Attorney General and Secretary of Homeland Security shall ensure that males are not detained in women's prisons or housed in women's detention centers, including through amendment, as necessary, of Part 115.41 of title 28, Code of Federal Regulations and interpretation guidance regarding the Americans with Disabilities Act.

(b) The Secretary of Housing and Urban Development shall prepare and submit for notice and comment rulemaking a policy to rescind the final rule entitled “Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs” of September 21, 2016, 81 FR 64763, and shall submit for public comment a policy protecting women seeking single-sex rape shelters.

(c) The Attorney General shall ensure that the Bureau of Prisons revises its policies concerning medical care to be consistent with this order, and shall ensure that no Federal funds are expended for any medical procedure, treatment, or drug for the purpose of conforming an inmate’s appearance to that of the opposite sex.

(d) Agencies shall effectuate this policy by taking appropriate action to ensure that intimate spaces designated for women, girls, or females (or for men, boys, or males) are designated by sex and not identity.

**Sec. 5. *Protecting Rights.*** The Attorney General shall issue guidance to ensure the freedom to express the binary nature of sex and the right to single-sex spaces in workplaces and federally funded entities covered by the Civil Rights Act of 1964. In accordance with that guidance, the Attorney General, the Secretary of Labor, the General Counsel and Chair of the Equal Employment Opportunity Commission, and each other agency head with enforcement responsibilities under the Civil Rights Act shall prioritize investigations and litigation to enforce the rights and freedoms identified.

**Sec. 6. *Bill Text.*** Within 30 days of the date of this order, the Assistant to the President for Legislative Affairs shall present to the President proposed bill text to codify the definitions in this order.

**Sec. 7. *Agency Implementation and Reporting.*** (a) Within 120 days of the date of this order, each agency head shall submit an update on implementation of this order to the President, through the Director of the Office of Management and Budget. That update shall address:

(i) changes to agency documents, including regulations, guidance, forms, and communications, made to comply with this order; and

(ii) agency-imposed requirements on federally funded entities, including contractors, to achieve the policy of this order.

(b) The requirements of this order supersede conflicting provisions in any previous Executive Orders or Presidential Memoranda, including but not limited to Executive Orders 13988 of January 20, 2021, 14004 of January 25, 2021, 14020 and 14021 of March 8, 2021, and 14075 of June 15, 2022. These Executive Orders are hereby rescinded, and the White House Gender Policy Council established by Executive Order 14020 is dissolved.

(c) Each agency head shall promptly rescind all guidance documents inconsistent with the requirements of this order or the Attorney General’s guidance issued pursuant to this order, or rescind such parts of such documents that are inconsistent in such manner. Such documents include, but are not limited to:

(i) “The White House Toolkit on Transgender Equality”;

(ii) the Department of Education’s guidance documents including:

(A) “2024 Title IX Regulations: Pointers for Implementation” (July 2024);

(B) “U.S. Department of Education Toolkit: Creating Inclusive and Non-discriminatory School Environments for LGBTQI+ Students”;

(C) “U.S. Department of Education Supporting LGBTQI+ Youth and Families in School” (June 21, 2023);

(D) “Departamento de Educación de EE.UU. Apoyar a los jóvenes y familias LGBTQI+ en la escuela” (June 21, 2023);

(E) “Supporting Intersex Students: A Resource for Students, Families, and Educators” (October 2021);

(F) “Supporting Transgender Youth in School” (June 2021);

(G) “Letter to Educators on Title IX’s 49th Anniversary” (June 23, 2021);

(H) “Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families” (June 2021);

(I) “Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*” (June 22, 2021);

(J) “Education in a Pandemic: The Disparate Impacts of COVID–19 on America’s Students” (June 9, 2021); and

(K) “Back-to-School Message for Transgender Students from the U.S. Depts of Justice, Education, and HHS” (Aug. 17, 2021);

(iii) the Attorney General’s Memorandum of March 26, 2021 entitled “Application of *Bostock v. Clayton County* to Title IX of the Education Amendments of 1972”; and

(iv) the Equal Employment Opportunity Commission’s “Enforcement Guidance on Harassment in the Workplace” (April 29, 2024).

**Sec. 8. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

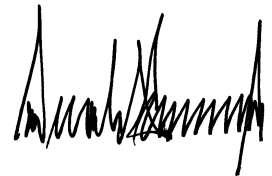
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.



THE WHITE HOUSE,  
January 20, 2025.

# Exhibit F

## Presidential Documents

Executive Order 14187 of January 28, 2025

### Protecting Children From Chemical and Surgical Mutilation

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

**Section 1. *Policy and Purpose.*** Across the country today, medical professionals are maiming and sterilizing a growing number of impressionable children under the radical and false claim that adults can change a child’s sex through a series of irreversible medical interventions. This dangerous trend will be a stain on our Nation’s history, and it must end.

Countless children soon regret that they have been mutilated and begin to grasp the horrifying tragedy that they will never be able to conceive children of their own or nurture their children through breastfeeding. Moreover, these vulnerable youths’ medical bills may rise throughout their lifetimes, as they are often trapped with lifelong medical complications, a losing war with their own bodies, and, tragically, sterilization.

Accordingly, it is the policy of the United States that it will not fund, sponsor, promote, assist, or support the so-called “transition” of a child from one sex to another, and it will rigorously enforce all laws that prohibit or limit these destructive and life-altering procedures.

**Sec. 2. *Definitions.*** For the purposes of this order:

(a) The term “child” or “children” means an individual or individuals under 19 years of age.

(b) The term “pediatric” means relating to the medical care of a child.

(c) The phrase “chemical and surgical mutilation” means the use of puberty blockers, including GnRH agonists and other interventions, to delay the onset or progression of normally timed puberty in an individual who does not identify as his or her sex; the use of sex hormones, such as androgen blockers, estrogen, progesterone, or testosterone, to align an individual’s physical appearance with an identity that differs from his or her sex; and surgical procedures that attempt to transform an individual’s physical appearance to align with an identity that differs from his or her sex or that attempt to alter or remove an individual’s sexual organs to minimize or destroy their natural biological functions. This phrase sometimes is referred to as “gender affirming care.”

**Sec. 3. *Ending Reliance on Junk Science.*** (a) The blatant harm done to children by chemical and surgical mutilation cloaks itself in medical necessity, spurred by guidance from the World Professional Association for Transgender Health (WPATH), which lacks scientific integrity. In light of the scientific concerns with the WPATH guidance:

(i) agencies shall rescind or amend all policies that rely on WPATH guidance, including WPATH’s “Standards of Care Version 8”; and

(ii) within 90 days of the date of this order, the Secretary of Health and Human Services (HHS) shall publish a review of the existing literature on best practices for promoting the health of children who assert gender dysphoria, rapid-onset gender dysphoria, or other identity-based confusion.

(b) The Secretary of HHS, as appropriate and consistent with applicable law, shall use all available methods to increase the quality of data to guide practices for improving the health of minors with gender dysphoria, rapid-onset gender dysphoria, or other identity-based confusion, or who otherwise seek chemical or surgical mutilation.

**Sec. 4. *Defunding Chemical and Surgical Mutilation.*** The head of each executive department or agency (agency) that provides research or education grants to medical institutions, including medical schools and hospitals, shall, consistent with applicable law and in coordination with the Director of the Office of Management and Budget, immediately take appropriate steps to ensure that institutions receiving Federal research or education grants end the chemical and surgical mutilation of children.

**Sec. 5. *Additional Directives to the Secretary of HHS.*** (a) The Secretary of HHS shall, consistent with applicable law, take all appropriate actions to end the chemical and surgical mutilation of children, including regulatory and sub-regulatory actions, which may involve the following laws, programs, issues, or documents:

- (i) Medicare or Medicaid conditions of participation or conditions for coverage;
- (ii) clinical-abuse or inappropriate-use assessments relevant to State Medicaid programs;
- (iii) mandatory drug use reviews;
- (iv) section 1557 of the Patient Protection and Affordable Care Act;
- (v) quality, safety, and oversight memoranda;
- (vi) essential health benefits requirements; and
- (vii) the Eleventh Revision of the International Classification of Diseases and other federally funded manuals, including the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition.

(b) The Secretary of HHS shall promptly withdraw HHS's March 2, 2022, guidance document titled "HHS Notice and Guidance on Gender Affirming Care, Civil Rights and Patient Privacy" and, in consultation with the Attorney General, issue new guidance protecting whistleblowers who take action related to ensuring compliance with this order.

**Sec. 6. *TRICARE.*** The Department of Defense provides health insurance, through TRICARE, to nearly 2 million individuals under the age of 18. As appropriate and consistent with applicable law, the Secretary of Defense shall commence a rulemaking or sub-regulatory action to exclude chemical and surgical mutilation of children from TRICARE coverage and amend the TRICARE provider handbook to exclude chemical and surgical mutilation of children.

**Sec. 7. *Requirements for Insurance Carriers.*** The Director of the Office of Personnel Management, as appropriate and consistent with applicable law, shall:

- (a) include provisions in the Federal Employee Health Benefits (FEHB) and Postal Service Health Benefits (PSHB) programs call letter for the 2026 Plan Year specifying that eligible carriers, including the Foreign Service Benefit Plan, will exclude coverage for pediatric transgender surgeries or hormone treatments; and
- (b) negotiate to obtain appropriate corresponding reductions in FEHB and PSHB premiums.

**Sec. 8. *Directives to the Department of Justice.*** The Attorney General shall:

- (a) review Department of Justice enforcement of section 116 of title 18, United States Code, and prioritize enforcement of protections against female genital mutilation;
- (b) convene States' Attorneys General and other law enforcement officers to coordinate the enforcement of laws against female genital mutilation across all American States and Territories;
- (c) prioritize investigations and take appropriate action to end deception of consumers, fraud, and violations of the Food, Drug, and Cosmetic Act by any entity that may be misleading the public about long-term side effects of chemical and surgical mutilation;

(d) in consultation with the Congress, work to draft, propose, and promote legislation to enact a private right of action for children and the parents of children whose healthy body parts have been damaged by medical professionals practicing chemical and surgical mutilation, which should include a lengthy statute of limitations; and

(e) prioritize investigations and take appropriate action to end child-abusive practices by so-called sanctuary States that facilitate stripping custody from parents who support the healthy development of their own children, including by considering the application of the Parental Kidnaping Prevention Act and recognized constitutional rights.

**Sec. 9. *Enforcing Adequate Progress.*** Within 60 days of the date of this order, the heads of agencies with responsibilities under this order shall submit a single, combined report to the Assistant to the President for Domestic Policy, detailing progress in implementing this order and a timeline for future action. The Assistant to the President for Domestic Policy shall regularly convene the heads of agencies with responsibilities under this order (or their designees) to coordinate and prepare for this submission.

**Sec. 10. *Severability.*** If any provision of this order, or the application of any provision to any person or circumstances, is held to be invalid, the remainder of this order and the application of any of its other provisions to any other persons or circumstances shall not be affected thereby.

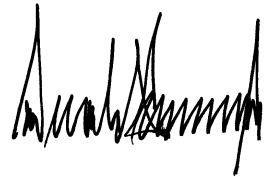
**Sec. 11. *General Provisions.*** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,  
January 28, 2025.

# Exhibit G

UNITED STATES OF AMERICA  
DEPARTMENT OF JUSTICE

SUBPOENA DUCES TECUM

No. 25-1431-032

To: Rhode Island Hospital  
593 Eddy Street  
Providence, Rhode Island 02903

***YOU ARE HEREBY COMMANDED TO APPEAR BEFORE Patrick Runkle, Ross Goldstein, and/or Francisco Unger, officials of the United States Department of Justice, and you are hereby required to bring with you and produce the following:***

Please see Attachment A

*which are necessary in the performance of the responsibility of the United States Department of Justice to investigate Federal health care offenses as defined in 18 U.S.C. § 24(a).*

*Please contact Assistant Director Patrick Runkle, Assistant Director Ross Goldstein, or Trial Attorney Francisco Unger at 202-616-0295 if you have any questions regarding this Subpoena Duces Tecum.*

**PLACE AND TIME FOR APPEARANCE:**

United States Department of Justice, Consumer Protection Branch, 450 Fifth Street NW, Washington, DC on Thursday, the 7<sup>th</sup> day of August, 2025, at ten o'clock a.m.

---

Failure to comply with the requirements of this subpoena will render you liable to proceedings in the district court of the United States to enforce obedience to the requirements of this subpoena, and to punish default or disobedience.

---

Issued under authority of Section 248 of the Health Insurance Portability & Accountability Act of 1996, Public Law No. 104-91 (18 U.S.C. § 3486)



*IN TESTIMONY WHEREOF*

Brett A. Shumate, Assistant Attorney General, the undersigned official of the United States Department of Justice, has set his hand this 3<sup>rd</sup> day of July, 2025.

---

*(signature)*

**RETURN OF SERVICE**

*I, being a person over 18 years of age, hereby certify that a copy of this subpoena was duly served on the person named herein by means of:*

**1. Personal delivery to an individual, to wit:**

\_\_\_\_\_  
*(name)*

\_\_\_\_\_  
*(title)*

\_\_\_\_\_  
*(address)*

**2. Personal delivery to an address, to wit:**

\_\_\_\_\_  
*(description of premises)*

\_\_\_\_\_  
*(address)*

**3. Registered or certified mailing to:**

\_\_\_\_\_  
*(name)*

\_\_\_\_\_  
*(address)*

At \_\_\_\_\_ a.m. | p.m. on

\_\_\_\_\_  
*(date)*

\_\_\_\_\_  
*(signature)*

\_\_\_\_\_  
*(title)*

**UNITED STATES OF AMERICA  
DEPARTMENT OF JUSTICE**

\_\_\_\_\_  
**SUBPOENA DUCES TECUM**  
\_\_\_\_\_

*Upon contumacy or refusal to obey, this subpoena shall be enforced by order of the appropriate United States District Court.*

## ATTACHMENT A TO SUBPOENA TO:

RHODE ISLAND HOSPITAL  
593 EDDY STREET  
PROVIDENCE, RHODE ISLAND 02903

### I. DEFINITIONS

1. “You,” “Your Company,” and “the Company,” means:
  - a. Rhode Island Hospital, a Rhode Island nonprofit corporation, whose principal place of business is located at 593 Eddy Street, Providence, Rhode Island, without regard to any name under which it has done business;
  - b. All of its predecessors, subsidiaries, affiliates, branches, divisions, groups, business units, business segments, operations, units, parent organizations, successors, assigns, plants, and any joint ventures of which they were or are a part, including but not limited to Hasbro Children’s Hospital Gender and Sexual Health Program; and
  - c. Each of its present or former officers, directors, employees, attorneys, representatives, and agents acting or purporting to act or appearing to act on behalf of the Company, whether or not acting within the proper scope of his or her actual authority.
2. “Employee” means any person including, but not limited to, any independent contractor or agent, all past and present directors, officers, agents, representatives, attorneys, accountants, advisors, and consultants who acted or purported to act on behalf of the Company or who have performed any service for the Company or under its name, whether on a full-time, part-time, piece-work, commission, volunteer, or other basis, and whether paid or unpaid.
3. “Document” should be afforded the broadest possible meaning and includes every writing or record of whatever type or description, including but not limited to any electronically stored data or paper document, in the possession, custody, or control of the Company. This includes, but is not limited to:
  - a. All material that is handwritten, typed, printed, recorded, transcribed, taped, filmed, in graphic form, or in aural form;
  - b. Drawings, designs, manuals, memoranda, emails, reports, financial reports, notes, diaries, notations of any sort of conversations, working papers, letters, envelopes, telegrams, messages, studies, analyses, books,

- articles, notebooks, booklets, circulars, bulletins, notices, instructions, pamphlets, pictures, films, videos, voice recordings, maps, work papers, arithmetical computations, calendars (including electronic calendars), date books, task lists, minutes, all communications of any type (e.g., e-mail, voice mail, text messaging, WhatsApp and similar applications), social media content (including posts, messages, comments, and metadata), audio and video files,
- c. Electronically stored data on magnetic or optical storage media as an “active” file or files (readily readable by one or more computer applications or forensics software), including metadata;
  - d. Any electronic files saved as a backup, including metadata;
  - e. Any deleted but recoverable electronic files, including metadata;
  - f. Any electronic file fragments (files that have been deleted and partially overwritten with new data), including metadata;
  - g. Every copy of every document where such copy is not identical to the original because of any addition, deletion, alteration, or notation; and
  - h. All attachments, enclosures, or other matter affixed to, transmitted with, or incorporated by reference within documents responsive to this Subpoena including, but not limited to, any pages showing who reviewed, approved, or rejected a particular document.
- 4. “Relevant Time Period” means January 1, 2020, through the present date. All responsive documents that were prepared, dated, sent, received, altered, in effect, or which came into existence during this period are to be produced pursuant to this Subpoena.
  - 5. “Or” as well as “and” shall be construed interchangeably in a manner that gives this Subpoena the broadest possible meaning.
  - 6. “Any” shall be construed to include the word “all” and the term “all” shall be construed to include the word “any.”
  - 7. “Relate to” means to make a statement about, refer to, discuss, describe, reflect, identify, deal with, consist of, or in any way pertain, in whole or in part to the subject.
  - 8. “Communication” means any transmission or exchange of information, statements, ideas, inquiries, or data between two or more persons orally, in writing, digitally, visually, or electronically regardless of the medium or platform used, including social media interactions, voicemails, and virtual

meetings (e.g., Zoom, WebEx, Microsoft Teams). The term includes all drafts, versions, replies, responses, forwards, and attachments associated with or forming part of the communication, as well as any records or logs reflecting the time, date, participants, and content of such communications.

9. “Gender-related care” means any medical, surgical, psychological, or social treatment provided to individuals to alter their physical appearance or social presentation to resemble characteristics typically associated with the opposite biological sex.
10. “Puberty blockers” means any gonadotropin-releasing hormone (“GnRH”) agonists or related drugs (e.g., leuprolide, triptorelin) used to delay the onset of puberty.
11. “Hormones” includes testosterone, estrogen, and any other hormonal drugs used in hormonal treatments sometimes known as “gender affirming hormone therapy” (“GAHT”) or transgender hormone therapy used to induce cross-sex characteristics.
12. “Minor” means any patient under the age of 18 at the time of consultation, treatment, or prescription.

## II. GENERAL INSTRUCTIONS

1. You are required to produce the **originals** of each document and other item that is responsive, in whole or in part, to any request set forth in this Subpoena, together with all copies of any such document that exist.
  - a. If a copy is identical to the original, you are not required to produce it, but if you choose not to, your records custodian (the “Custodian,” as described below) must maintain a written log identifying the location(s) where each identical copy of the original document was located, including all locations, if more than one. This includes, in the case of information stored in electronic form, a description, including drives, directories, and computers of where the document is located.
  - b. If a copy differs from the original by virtue of any addition, deletion, alteration, notation, or inscription on any part of the front or back of the document, the original and copy must each be produced.
2. **No document called for by this subpoena shall be destroyed, modified, redacted, removed, or otherwise made inaccessible.** Documents called for by this Subpoena for which a claim of privilege is made, in compliance with the instruction below, shall be retained and protected.

3. Your Company is to designate someone as the person responsible to produce documents on the Subpoena return date (the “Custodian”).
  - a. Such Custodian shall have personal, direct, and thorough knowledge of, and responsibility for, the search conducted by the Company for documents responsive to this Subpoena.
  - b. The Custodian shall be prepared on the return date to submit to examination concerning the method and completeness of the Company’s response, the exact location(s) within the Company’s premises at which documents produced in response to the Subpoena were found, and other matters pertaining to the search.
  - c. The Custodian shall further be prepared to provide a written log identifying the location(s) in which each produced document was located, indicating all locations, if more than one. This includes, in the case of information stored in electronic form, a description, including drives, directories, and computers, of where the document is located.
4. The Company shall identify the paragraph and subparagraph of Section III of this Attachment to the Subpoena (“Documents to Be Produced”) to which each document produced pursuant to this Subpoena is responsive.
5. If the Company has knowledge of any document that would be responsive to this Subpoena, but has been lost, destroyed, or discarded, it shall identify the document to the extent possible, and provide an explanation of the loss, destruction or discarding, including identification of each person authorizing or having knowledge of the loss, destruction, or discarding.
6. The singular form of a word shall be construed to include within its meaning the plural form of the word, and *vice versa*, and the use of any tense of any verb shall be considered to include all other tenses in a manner that gives this Subpoena the broadest reading.
7. All electronically stored information must be collected using a forensically sound process. When the image file is produced, the Company must preserve the integrity of the electronic document’s contents, including the original formatting of the document, its metadata and, where applicable, its revision history.
8. If the Company withholds any document on the ground of any claimed privilege, it shall provide a statement with respect to each document setting forth
  - a. The name and title of the author (and if different, the preparer and signatory);

- b. The name(s) and title(s) of the individual(s) to whom the document was addressed;
- c. The name(s) and title(s) of the individuals to whom the document or a copy of the document was sent or to whom the document or a copy, or any part thereof, was shown;
- d. The date of the document;
- e. The number of pages;
- f. A brief description of the subject matter;
- g. A statement of the specific basis on which privilege is claimed; and
- h. The paragraph or subparagraph in Section III of this Attachment (“Documents to Be Produced”) to which it is responsive.

### III. DOCUMENTS TO BE PRODUCED

1. Complete personnel files for each employee, contractor, or affiliate of the Company in the following categories: (a) executives, management employees, or board members with authority to direct any aspect of the Company’s affairs; (b) employees, contractors, or affiliates who have authority to prescribe medications or perform medical evaluations; and (c) employees, contractors, or affiliates who are engaged in billing activities.
2. All documents, including billing records, insurance claims, internal protocols, or guidance, concerning the use of ICD (*i.e.*, International Classification of Diseases) diagnosis codes in connection with the treatment of minor patients receiving gender-related care.
3. All documents that show or relate to any use of diagnosis codes for minors other than those specifically identifying transsexualism, gender dysphoria, gender incongruence, or gender identity disorder (*e.g.*, codes for endocrine disorder, unspecified hormonal disorders, medication management, etc.).
4. All documents reflecting communications among Company employees (including physicians, billing staff, and administrators), or between the Company and any third party, relating to whether or how to code or bill for treatment of gender dysphoria by using alternative diagnoses or alternative ICD codes.

5. All communications with public or private health care benefit programs or plans regarding the use of ICD codes for gender-related care, including any inquiries, denials, or appeals related to claims for such care.
6. Any training materials, coding manuals, presentations, or communications relating to billing or coding practices for gender-related care, puberty blockers, or hormone therapy.
7. All documents relating to communications between You and any pharmaceutical manufacturer of puberty blockers or hormones, or any compounding pharmacy providing puberty blockers or hormones, relating to the use of such drugs in gender-related care for minors.
8. All documents relating to communications with pharmaceutical sales representatives, marketing departments, or medical science liaisons regarding the use of puberty blockers or hormones for gender-related care or the treatment of gender dysphoria, including with regard to the safety and efficacy of such drugs for those uses.
9. All documents, including presentations and promotional materials, received from pharmaceutical manufacturers or compounding pharmacies concerning uses of their products in minors for gender-related care or for the treatment of gender dysphoria, including so-called “scientific exchange” materials.
10. All documents relating to contracts, sponsorships, speaking engagements, consulting agreements, grants, or financial or promotional arrangements between You and any manufacturer or compounder of puberty blockers or hormones.
11. Documents sufficient to identify each patient (by name, date of birth, social security number, address, and parent/guardian information) who was prescribed puberty blockers or hormone therapy.
12. For each such patient identified in Subpoena specification 11, *supra*, documents relating to the clinical indications, diagnoses, or assessments that formed the basis for prescribing puberty blockers or hormone therapy.
13. All documents relating to informed consent, patient intake, and parent or guardian authorization for minor patients identified in Subpoena specification 11, *supra*, including any disclosures about off-label use (*i.e.*, uses not approved by the United States Food and Drug Administration) and potential risks.
14. All documents reflecting communications with pharmaceutical manufacturers, compounding pharmacies, or government agencies relating to the safety of puberty blockers or hormones used in the treatment of minor patients.

15. All documents relating to any adverse event, side effect, or medically unfavorable consequence or outcome in a minor patient with regard to gender-related care.

#### **IV. FORM OF PRODUCTION**

Documents responsive to this Subpoena should be produced in the format specified in the “Production Specifications,” attached as ATTACHMENT B to this Subpoena.

SUBPOENA ATTACHMENT B

**Specifications for Production of ESI and Digitized (“Scanned”) Images  
 (“Production Specifications”)**

---

**Collection of Electronically Stored Information (ESI)**

Careful consideration should be given to the methodology, implementation and documentation of ESI collection to ensure that all responsive data and metadata are preserved in the collection process. Consideration should also be given as to whether production media should be encrypted when producing to the government when required by law (i.e. Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), etc. *See* Section 24 below.

**1. Specification Modifications**

Any modifications or deviations from the Production Specifications may be done only with the express permission of the government and these modifications or deviations should be communicated to the government and approved by the government in written form. Any responsive data or documents that exist in locations or native forms not discussed in these Production Specifications remain responsive and, therefore, arrangements should be made with the government to facilitate their production.

**2. Production Format of ESI and Imaged Hard Copy Documents**

Responsive ESI shall be produced in its unprocessed form (i.e., in its native format), without altering native electronic file formats and maintains the integrity of all source, custodian, application, embedded and metadata related thereto. The native electronic file formats provided shall be of a type and nature which is functionally useable by all parties. No alteration shall be made to file names or extensions for responsive native electronic files. If a producing party is converting native files to image files for its own purposes, the Government requests a copy of that image file along with production of the native file.

For ESI, a producing party may provide an image file without a native file only if the affected document requires a privilege redaction or other permitted redaction.. Except as outlined below in sections 5 – 21, the redacted document shall be rendered to TIFF image format, and accompanied by an Opticon/Concordance® Image Cross Reference file. Paper documents shall also be imaged pursuant to the requirements below.

All applicable metadata/database (see section 3 below) shall be extracted and provided in Concordance® load file format.

- a. **Image File Format:** All imaged documents shall be produced in black and white TIFF format unless the image requires color. An image requires color when color in the document adds emphasis to information in the document or is itself information that would not be readily apparent on the face of a black and white image.
- b. When producing black and white paper documents scanned to images, or rendered ESI, they shall be produced as 300 dpi, 1 bit, single-page TIFF files, CCITT

July 2022

Group IV (2D Compression). When producing in *color*, paper documents scanned to images, or rendered ESI, they shall be produced as 300 dpi single-page JPG. Images should be uniquely and sequentially Bates numbered and unless otherwise specified, Bates numbers should be an endorsement on each image.

- i. All TIFF file names shall include the unique Bates number burned into the image. (See section 22, below, regarding Bates number instructions.)
  - ii. All TIFF image files shall be stored with the “.tif” extension.
  - iii. Images without corresponding extracted text shall be OCR’d using standard COTS products.
    1. An exception report shall be provided when limitations of paper digitization software/hardware or attribute conversion do not allow for OCR text conversion of certain images. The report shall include the DOCID or Bates number(s) corresponding to each such image.
  - iv. All pages of a document or all pages of a collection of documents that comprise a folder or other logical grouping, including a box, shall be delivered on a single piece of media.
  - v. No image folder shall contain more than 2,000 images.
- c. **Opticon/Concordance® Image Cross Reference file:** Images should be accompanied by an Opticon load file that associates each Bates number with its corresponding single-page TIFF image file. The Cross Reference file should also contain the relative image file path for each Bates numbered page. The Opticon/Concordance® Image Cross Reference file is a page level load file, with each line representing one image.

Below is a sample:

```
REL000000001,,\IMAGES\001\REL000000001.TIF,Y,,,  
REL000000002,,\IMAGES\001\REL000000002.TIF,,,,  
REL000000003,,\IMAGES\001\REL000000003.TIF,,,,  
REL000000004,,\IMAGES\001\REL000000004.TIF,Y,,,  
REL000000005,,\IMAGES\001\REL000000005.TIF,,,,
```

The fields are, from left to right:

- Field One – (REL000000001) – the Bates Number. This value must be unique for each row in the OPT file. The first page of each document must match the DOCID or BEGDOC# value of the respective document.
- Field Two – (blank) – the volume identifier. This field is not required.
- Field Three – (.\IMAGES\001\REL000000001.TIF) – The relative file path to the image to be loaded.
- Field Four – (Y) – the document marker. A “Y” indicates the start of a unique document.
- Field Five – (blank) – The folder indicator. This field is not required, and typically is not used.

July 2022

- Field Six – (blank) – The box indicator. This field is not required, and typically is not used.
- Field Seven – (blank) – The page count. This field is not required.

d. **Concordance® Load File:** Images should also be accompanied by a flat, document-level load file to provide the metadata and native files containing delimited text that will populate fields in a searchable, flat database environment. The file encoding must be one of four types: Western European (Windows), Unicode (UTF16), Big-Endian Unicode or UTF8. The file should contain the required fields listed below in section 3.

1. Text delimited load files are defined using the standard Concordance delimiters. For example:

<i>Field Separator</i>	¶ or Code 020
<i>Text Qualifier</i>	þ or Code 254
<i>Newline</i>	® or Code 174
<i>Multi-value</i>	; or Code 059
<i>Nested values</i>	\ or Code 092

2. This load file should contain the relative file path to the individual multi-page, document level text files.
3. This load file should also contain the relative file path to all provided native files, such as Microsoft Excel or PowerPoint files.
4. There should be one line for every record in a collection.
5. The load file must contain a header listing the metadata/database fields contained within. For example, if the data file consists of a First Page of a Record (BegDoc#), Last Page of a Record (ending Bates / ENDDOC#), DOCID, DOCDate, File Name, and a Title, then the structure may appear as follows:

```
þBEGDOCþ¶þENDDOCþ¶þDOCIDþ¶þDOCDATEþ¶þFILENAM
Eþ¶þTITLEþ
```

d. **The extracted/OCR text** should be provided for each document as a separate single text file. The file name should match the BEGDOC# or DOCID for that specific record and be accompanied by the .txt extension.

e. **Directory and folder structure:** The directory structure for productions should be:

- \CaseName\LoadFiles
- \CaseName\Images < For supporting images (can include subfolders as needed, should not include more than 2,000 files per folder)
- \CaseName\Natives <Native Files location (can include subfolders as needed, should not include more than 2,000 files per folder)
- \CaseName\Text <Extracted Text files location (can include subfolders as needed, should not include more than 2,000 files per folder)

July 2022

`\CaseName\Translated Images` < For supporting images of translated documents (as needed for rendered translated documents; can include subfolders as needed, should not include more than 2,000 files per folder)  
`\CaseName\Translated Text` <Translated Text files location (as needed for translated text; can include subfolders as needed, should not include more than 2,000 files per folder).

### 3. Required Metadata/Database Fields

A “√” denotes that the indicated field should be present in the load file produced. “Other ESI” includes data discussed in sections 5 – 21 below, but does not include email, email repositories (section 11), “stand alone” items (section 12), imaged hard copy material (section 9) and production from ESI collected from Smart Phones, Mobile Devices and Other Technology (section 13). Email, email repositories, and “stand alone” materials (section 12) should comply with “Email” column below. Imaged hard copy materials should comply with the “Hard Copy” column. Production from ESI collected from Smart Phones, Mobile Devices and Other Technology should comply with the requirements of section 13. The parties will meet and confer about any field which cannot be populated automatically (i.e. would require manual population of information).

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
COLLECTION SOURCE	Name of the Company/Organization data was collected from	Text	160	√	√	√
SOURCE ID (BOX #)	Submission/volume/box number	Text	10	√	√	√
CUSTODIAN	Custodian/Source - format: Last, First or ABC Dept.	Text	160	√	√	√
DUPECUSTODIAN	Custodian/Source – all custodians who had the document before de-duplication; format: Last, First or ABC Dept.	Text – semicolon delimited	Unlimited		√	√
DUPECUSTODIAN FILE PATH	Listing of all the file locations of the document before de-duplication	Text – semicolon delimited	Unlimited		√	√
AUTHOR	Creator of the document	Text	500			√
BEGDOC#	Start Bates (including prefix) - No spaces	Text	60	√	√	√
ENDDOC#	End Bates (including prefix) - No spaces	Text	60	√	√	√
DOCID	Unique document Bates # or populate with the same value as Start Bates (DOCID = BEGDOC#)	Text	60	√	√	√

July 2022

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
PGCOUNT	Page Count	Number	10	✓	✓	✓
GROUID	Contains the Group Identifier for the family, in order to group files with their attachments	Text	60		✓	✓
PARENTID	Contains the Document Identifier of an attachment's parent	Text	60		✓	✓
ATTACHIDS	Child document list; Child DOCID or Child Start Bates	Text – semicolon delimited	Unlimited	✓	✓	✓
ATTACHLIST	List of Attachment filenames	Text – semicolon delimited	Unlimited		✓	✓
BEGATTACH	Start Bates number of parent	Text	60	✓	✓	✓
ENDATTACH	End Bates number of last attachment	Text	60	✓	✓	✓
RECORD TYPE	Use the following choices: Image, Loose E-mail, E-mail, E-Doc, Attachment, Hard Copy or Other. If using Other, please specify what type after Other	Text	60	✓	✓	✓
FROM	Sender (i.e.: e-mail address, Last name, First name)	Text	160		✓	✓
TO	Recipient (i.e.: e-mail address, Last name, First name)	Text – semicolon delimited	Unlimited		✓	✓
CC	Carbon Copy Recipients (i.e.: e-mail address, Last name, First name)	Text – semicolon delimited	Unlimited		✓	✓
BCC	Blind Carbon Copy Recipients (i.e.: e-mail address, Last name, First name)	Text – semicolon delimited	Unlimited		✓	✓
SUBJECT	Subject line of email	Text	Unlimited		✓	
TITLE	Document Title	Text	Unlimited			✓
CONVINDEX	E-mail system ID used to track replies, forwards, etc.	Text	Unlimited		✓	

July 2022

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
DOCDATE	Last Modified Date for files and Sent date for e-mail, this field inherits the date for attachments from their parent. Do not provide 00/00/0000.	Date	MM/DD/YY YY		✓	✓
TEXT FILEPATH	Relative file path of the text file associated with either the extracted text or the OCR	Text	Unlimited	✓	✓	✓
DATE TIME SENT	Date and time Sent (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YY YY HH:MM:SS		✓	
DATE TIME CRTD	Date Created (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YY YY HH:MM:SS		✓	✓
DATE TIME SVD	Date Saved (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YY YY HH:MM:SS		✓	✓
DATE TIME MOD	Date Last Modified (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YY YY HH:MM:SS		✓	✓
DATE TIME RCVD	Date Received (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YY YY HH:MM:SS		✓	

July 2022

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
DATE TIME ACCD	Date Accessed (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YY YY HH:MM:SS		✓	✓
TIME ZONE OFFSET	Time zone of collection locality, relative to Coordinated Universal Time (UTC). E.g., for US Central Standard Time (CST), the value for this field should be -6.0	Decimal	10		✓	
FILE SIZE	Native File Size in KBs	Decimal	10			✓
FILE NAME	File name - name of file as it appeared in its original location	Text	Unlimited			✓
APPLICATION	Application used to create native file (e.g. Excel, Outlook, Word)	Text	160		✓	✓
FILE EXTENSION	Extension for the file (e.g. .doc, .pdf, .wpd)	Text	10		✓	✓
FILEPATH	Data's original source full folder path	Text	Unlimited		✓	✓
NATIVE LINK	Relative file path location to the native file	Text	Unlimited		✓	✓
FOLDER ID	Complete E-mail folder path (e.g. Inbox\Active) or Hard Copy container information (e.g. folder or binder name)	Text	Unlimited	✓	✓	
HASH VALUE	Identifying value of an electronic record that is used for deduplication during processing. MD5 or SHA1 hash algorithms may be used, but must be kept consistent throughout all productions and communicated to Government.	Text	Unlimited		✓	✓
MESSAGEHEADER	E-mail header.	Text	Unlimited		✓	
ATTACHMCOUNT	Number of attachments (any level child document) associated with a ParentID	Text	10		✓	

July 2022

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
FILE TYPE	Description that represents the file type to the Windows Operating System. E.g., Adobe Portable Document Format, Microsoft Word 97 – 2003, or Microsoft Office Word Open XML Format.	Text	160		✓	✓
HAS HIDDEN CONTENT	Identifies whether the document has comments, track changes or other hidden content or data associated with it	Text	Yes/No		✓	✓
MESSAGE TYPE	Exchange Message class or equivalent	Text	60		✓	
EXTENDED PROPERTIES		Text	Unlimited		✓	✓
HAS REDACTIONS	Identifies whether a record has been produced with redactions; should be populated with Y for records with redactions and N for records without redactions.	Text	Yes/No	✓	✓	✓
HAS TRANSLATIONS	Identifies whether a document has been produced with translated text or audio contains a transcript	Text	Yes/No	✓	✓	✓

**4. Search, De-Duplication, Near-Duplicate Identification, Technology Assisted Review, E-mail Conversation Threading and Other Culling Procedures**

- a. De-duplication of exact hash copies shall only be permitted if the producing party can meet all the provisions of this section. If a producing party cannot comply with any requirement of this section, it shall not conduct de-duplication of exact hash copies.
- b. De-duplication of exact hash copies shall be performed globally – across all custodians. The custodian of each record shall be populated in the DupeCustodian field.
- c. All files found on the National Institute of Standards and Technology (NIST) list, commonly referred to as deNISTing, should be excluded from delivery to the Government. All available metadata from files withheld from delivery due to the deNISTing process will be available upon request.
- d. All files should be globally de-duplicated with the following conditions:

July 2022

- i. The “DupeCustodian” metadata field (listing of all custodians who had the document before de-duplication) must be provided with the document production.
  - ii. The “DupeCustodian File Path” metadata field (listing all the file locations of the document before de-duplication) must be provided with the document production.
  - iii. All files and metadata for the duplicate documents removed during de-duplication must be preserved and available for production upon request.
  - iv. No customization of hashing may occur without prior express approval by the Government.
  - v. De-duplication must be done by document family, not by individual document.
  - vi. A detailed description of the steps taken to de-duplicate (including the process of obtaining hash values) must be provided to the Government. For every production after the first, a separate Unified Custodian overlay shall be provided. If no overlay is necessary due to the fact that no documents de-duped out in connection with previously produced documents, this shall be expressly stated in the cover letter accompanying the subsequent production(s).
- e. The Producing Party shall not use any other procedure to cull, filter, group, separate or de-duplicate, or near-deduplicate, etc. (i.e., reduce the volume of) responsive material before discussing with and obtaining the written approval of the government. All objective coding (e.g., near duplicate ID or e-mail thread ID) shall be discussed and produced to the government as additional metadata fields. The Producing Party will not employ analytic software or technology to search, identify, or review potentially responsive material, including but not limited to, technology assisted review or predictive coding, without first discussing with the government.

## **5. Hidden Text**

All hidden text (e.g. track changes, hidden columns, mark-ups, notes) shall be expanded and rendered in the image file. Except for Adobe PDF files, for any files that cannot be expanded, the native files shall be produced with the image file. If an Adobe PDF’s hidden text cannot be expanded and rendered in an image file, it need only be produced in native form if individually requested by a specific document identifier or bates number.

## **6. Embedded Files and File Links**

All non-graphic embedded objects (Word documents, Excel spreadsheets, .wav files, etc.) that are found within a file shall be extracted and produced. For purposes of production, the embedded files shall be treated as attachments to the original file, with the parent/child relationship preserved.

The parties shall meet and confer regarding how to treat file links, including links within e-mails to centralized document repositories (e.g. MS OneDrive and Google Drive).

July 2022

## 7. Image-Only Files

All image-only files (non-searchable .pdfs, multi-page TIFFs, Snipping Tool and other screenshots, etc., as well as all other images that contain text) shall be produced with OCR text and metadata/database fields identified in section 3 for “Other ESI.”

## 8. Encrypted Files

Any data (whether individual files or digital containers) that is protected by a password, encryption key, digital rights management, or other encryption scheme, shall be decrypted prior to processing for production.

- a. The unencrypted text shall be extracted and provided per section 2.d. The unencrypted files shall be used to render images and provided per sections 2.a and 2.b. The unencrypted native file shall be produced pursuant to sections 10-21.
- b. If such protected data is encountered but unable to be processed, each file or container shall be reported as an exception in the accompanying Exception Report (pursuant to section 27) and shall include all available metadata associated with the data, including custodian information.

## 9. Production of Imaged Hard Copy Records

All imaged hard copy material shall reflect accurate document unitization including all attachments and container information (to be reflected in the PARENTID, ATTACHID, BEGATTACH, ENDATTACH and FOLDERID).

- a. Unitization in this context refers to identifying and marking the boundaries of documents within the collection, where a document is defined as the smallest physical fastened unit within a bundle. (e.g., staples, paperclips, rubber bands, folders, or tabs in a binder).
- b. The first document in the collection represents the parent document and all other documents will represent the children.
- c. All imaged hard copy documents shall be produced as 300 dpi single-page TIFF files, CCITT Group IV (2D Compression). All documents shall be produced in black and white TIFF format unless the image requires color. An image requires color when color in the document adds emphasis to information in the document or is itself information that would not be readily apparent on the face of a black and white image. Images identified as requiring color shall be produced as color 300 dpi single-page JPEG files.
- d. All objective coding (e.g., document date or document author) should be discussed and could be produced to the government as additional metadata/database fields should they be deemed as necessary.

## 10. Production of Spreadsheets and Presentation Files

All spreadsheet and presentation files (e.g. Excel, PowerPoint) shall be produced in the unprocessed “as kept in the ordinary course of business” state (i.e., in native format), with an associated placeholder image and endorsed with a unique Bates number. *See* section 22 below.

July 2022

The file produced should maintain the integrity of all source, custodian, application, embedded and related file system metadata.

### **11. Production of E-mail Repositories**

E-mail repositories, also known as e-mail databases (e.g., Outlook PST, Lotus NSF), can contain a variety of items, including: messages, calendars, contacts, tasks, etc. E-mail database systems should not be produced without consultation with and written consent of the government about the format for the production of such databases.

### **12. Production of Items Originally Generated in E-mail Repositories but Found and Collected Outside of E-mail Repositories, i.e., “Stand-alone” Items**

Any parent e-mail or other parent items (e.g., calendar, contacts, tasks, notes, etc.) found and collected outside of e-mail repositories (e.g., items having extensions .msg, .htm, .mht, etc.), shall be produced with the “Loose E-mail” metadata fields outlined in section 3, including but not limited to any attachments, maintaining the family (parent/child) relationship.

### **13. Production of ESI Collected from Mobile Devices, Messaging Platforms, Workplace Collaboration Tools and Other Technologies**

The responding party shall identify, collect, and produce any and all data which is responsive to the requests, collected from mobile devices, messaging platforms, workspace collaboration tools and other technologies. These technologies include, but are not limited to smart phones, cell phones, tablets, PDAs, Blackberry, smart phone data, tablet data, voicemail messaging data, instant messaging, chat messaging, text messaging, Slack, conference call data, video/audio conferencing, workspace collaboration tools (e.g., GoTo Meeting, WebEx, MS Teams, Zoom), and related/similar technologies. However, such data, logs, metadata or other files related thereto, as well as other less common but similar data types, shall be produced after consultation with and written consent of the government about the format for the production of such data.

The expectation of the government is that all familial relationships for all data will be maintained. Similar to email conversations and families, the expectation is that all messages/texts in a conversation will be provided the same conversation index and groupid data (maintaining the familial relationship) allowing the government to read the entire conversation in context. Messages should be produced to align with the formats listed in section 2 and as individual Unicode text files, and attachments should be produced as native files with images and OCR text.

While the parties shall meet and confer on precise metadata formats, as an example, metadata collected from mobile devices shall be provided in formats such as the following:

July 2022

Field Name	Field Description	Mobile	Mobile Cellebrite Categories								
			Chats	MMS	SMS	Email	Instant Message	Voicemail	Recordings	Notes	Calendar
TXT-ROWNUMBER	Row number.	✓	#	#	#	#	#	#	#	#	#
TXT-CHATNUMBER	Chat number, identifies chat groups.	✓	Chat #								
TXT-STARTTIME	Start date-time for conversation, calendar item.	✓	Start Time: Date								Start Date: Date
TXT-ENDTIME	End date-time for calendar item.	✓									End Date: Date
TXT-LASTACTIVITYTIME	End date-time for conversation.	✓	Last Activity: Date								
TXT-PARTICIPANTS	Who was involved in the conversation, meeting.	✓	Participants		Party						Attendees
TXT-MSGNUMBER	Individual identifier for message.	✓	Instant Message #								
TXT-BODY	Body of the chat, message, item.	✓	Body	Body	Message					Body	
TXT-STATUS	Whether the text was Sent or Read on the device.	✓	Status	Status	Status						Status
TXT-LOCATION	GPS Information.	✓	Location				Location				Location
TXT-TIMESTAMP	Timestamp of item. Equivalent to DateReceived for incoming items or to	✓	Timestamp: Date	Date	Date	Date		Timestamp-Date	Timestamp-Date		

July 2022

Field Name	Field Description	Mobile	Mobile Celebrite Categories								
			Chats	MMS	SMS	Email	Instant Message	Voicemail	Recordings	Notes	Calendar
	DateSent for outgoing items.										
TXT-READDATE	Date read	✓	Read: Date		Read-Date		Read-Date				
TXT-DELETED	Indicates whether a message was deleted and recovered by Celebrite.	✓	Deleted - Chat	Deleted		Deleted	Deleted	Deleted	Deleted	Deleted	Deleted
TXT-STARREDMESSAGE	Notes whether the message was flagged.	✓	Starred message				Starred message				
TXT-THREAD-GROUP	Populate with the DOCID of the first text in the chat conversation to allow the entire chat conversation to be grouped as a family. (Sort each device by Chat Number and then by Row Number to assign TXT-THREAD-GROUP identifier). This is NOT the BEGATTACH field or	✓	Chat #								

July 2022

Field Name	Field Description	Mobile	Mobile Celebrite Categories								
			Chats	MMS	SMS	Email	Instant Message	Voicemail	Recordings	Notes	Calendar
	Relativity Group Identifier.										
TXT-SMSC	Short Message Service Center (handles SMS text messages on behalf of phone service provider)	✓			SMSC						
DIRECTION	Direction of communication ; Outgoing or Incoming.	✓		Direction	Direction	Direction	Direction				
IMPORTANCE		✓		Priority		Priority					Priority
ACCOUNT	Account identifier for device user: email address, phone number, account number.	✓		Name		Account		Name			
DURATION	Duration time of call, voice message, audio, video in HH:MM:SS format, e.g. 00:00:32	✓						Duration	Duration		

July 2022

#### **14. Production of Social Media**

Prior to any production of responsive data from social media (e.g., Twitter, Facebook, LinkedIn, etc.), the producing party shall first discuss with the government the potential export formats before collecting the information, to ensure it is collected and produced in a way that preserves the original metadata, has a clear chain of custody, and provides as much information as possible regarding the source and history of each individual communication.

Social media platforms offer different functions, forms of content, and capability for downloading accounts. Because of these differences, prior to collection of social media data, the producing party must discuss with the government the available export and production methods and formats that the producing party is considering. Unless the government agrees to an alternative in writing, regardless of the social media platform, productions of social media content must meet the following general requirements: (1) separate (2) searchable (3) static images of (4) each responsive posting on the social media platform, (5) all related content (e.g., comments, likes, share or re-transmittal information, images, videos, linked documents and content), and (6) associated metadata (e.g., user name(s), date, and time of all posts, comments, likes, share or re-transmittals).

These general requirements are in addition to any more specific requirements in a particular request (e.g., geolocation data), and the producing party must ask the government about any perceived conflict between these requirements and another source of specifications or requirements. If available from the social media platform or through social media data processing software, files that facilitate interactive review of the data (i.e., html files) as well as load files in .csv format must be produced with the associated content.

#### **15. Production of Structured Data**

Prior to any production of responsive data from a structured database (e.g., Oracle, SAP, SQL, MySQL, QuickBooks, proprietary timekeeping, accounting, sales rep call notes, CRMs, SharePoint, etc.), the producing party shall first identify the database type and version number, discuss providing the database dictionary (in whole or part) and any user manuals, or any other documentation describing the structure and/or content of the database and a list of all reports that can be generated from the database. Upon consultation with and written consent of the government, if a report is provided, the standard format of that report provided should be in comma separated values (.csv) format. The information contained in any such report must be thoroughly explained to the government before production.

#### **16. Production of Photographs with Native File or Digitized ESI**

Photographs shall be produced as single-page JPEG files with a resolution equivalent to the original image as they were captured/created. All JPEG files shall have extracted metadata/database fields provided in a Concordance® load file format as outlined in section 3 for “Other ESI.”

July 2022

**17. Production of Images from which Text Cannot be OCR Converted**

An exception report shall be provided when limitations of paper digitization software/hardware or attribute conversion do not allow for OCR text conversion of certain images. The report shall include the DOCID or Bates number(s) corresponding to each such image.

**18. Production of Translated Text with Non-English Language ESI or Documents**

To the extent translated text is available to the producing party through machine language translation, such translations shall be provided to the government with the production. The producing party shall provide the original extracted text as well as the translated extracted text in load ready format. The translated text and images of translated documents shall be provided as a separate folder volume to the main production. The parties shall meet and confer regarding any required translated text redactions.

**19. Production of Audio File Transcripts**

To the extent audio files are produced and transcripts are available to the producing party through machine transcription, such transcripts shall be provided to the government with the production. The producing party shall provide the audio file transcript as a text file in load ready format like any other text file named by the BEGDOC#. The parties shall meet and confer regarding any required audio file redactions.

**20. Production of ESI from Non-PC or Non-Windows-based Systems**

If responsive ESI is in non-PC or non-Windows-based Systems (e.g., Apple, IBM mainframes, and UNIX machines, Android device, etc.), the ESI shall be produced after discussion with and written consent of the government about the format for the production of such data.

**21. Production of Native Files (When Applicable Pursuant to These Specifications)**

Production of native files, as called for in these specifications, shall have extracted metadata/database fields provided in a Concordance® load file format as defined in the field specifications for “Other ESI” as outlined in section 3 as well as a placeholder image which indicates a native file is being produced.

ESI shall be produced in a manner which is functionally usable by the government. The following are examples:

- a. AutoCAD data, e.g., DWG and DXF files, shall be processed/converted and produced as single-page JPG image files and accompanied by a Concordance® Image formatted load file as described above. The native files shall be placed in a separate folder on the production media and linked by a hyperlink within the text load file.
- b. GIS data shall be produced in its native format and be accompanied by a viewer such that the mapping or other data can be reviewed in a manner that does not detract from its ability to be reasonably understood.

July 2022

- c. Audio and video recordings shall be produced in native format and be accompanied by a viewer if such recordings do not play in a generic application (e.g., Windows Media Player).

**22. Bates Number Convention**

All images should be assigned Bates numbers before production to the government. Each Bates number shall be a standard length, include leading zeros in the number, and be unique for each produced page. The numbers should be endorsed on the actual images at a location that does not obliterate, conceal, or interfere with any information from the source document. Native files should be assigned a single Bates number for the entire file which will represent the native document in the Opticon/ Concordance® Image Cross Reference file. The load file will include a reference to the native file path and utilize the NATIVELINK metadata field). The Bates number shall not exceed 30 characters in length and shall include leading zeros in the numeric portion. The Bates number shall be a unique number given sequentially (i.e. page one of document is PREFIX0000000001, page two of the same document is PREFIX0000000002) to each page (when assigned to an image) or to each document (when assigned to a native file). If the parties agree to a rolling production, the numbering convention shall remain consistent throughout the entire production. There shall be no spaces between the prefix and numeric value. If suffixes are required, please use “dot notation.” Below is a sample of dot notation:

	<u>Document #1</u>	<u>Document #2</u>
<i>Page #1</i>	PREFIX0000000001	PREFIX0000000002
<i>Page #2</i>	PREFIX0000000001.002	PREFIX0000000002.002
<i>Page #3</i>	PREFIX0000000001.003	PREFIX0000000002.003

**23. Media Formats for Storage and Delivery of Production Data**

Electronic documents and data shall be delivered on any of the following media:

- a. CD-ROMs and/or DVD-R (+/-) formatted to ISO/IEC 13346 and Universal Disk Format 1.02 specifications; Blu-ray.
- b. External hard drives (USB 3.0 or higher, formatted to NTFS format specifications) or flash drives
- c. Government approved File Transfer Protocol (FTP) technologies.
- d. Storage media used to deliver ESI shall be appropriate to the size of the data in the production.
- e. Media should be labeled with the case name, production date, Bates range, and producing party.

**24. Virus Protection and Security for Delivery of Production Data**

Production data shall be free of computer viruses. Any files found to include a virus shall be quarantined by the producing party and noted in a log to be provided to the government. Password protected or encrypted files or media shall be provided with corresponding passwords and specific decryption instructions. All encryption software shall be used with approval by and with the written consent of the government.

July 2022

## **25. Privilege Logs**

- a. The name and title of the author (and if different, the preparer and signatory);
- b. The name(s) and title(s) of the individual(s) to whom the document was addressed;
- c. The name(s) and title(s) of the individuals to whom the document or a copy of the document was sent or to whom the document or a copy, or any part thereof, was shown;
- d. The date of the document;
- e. The number of pages;
- f. A brief description of the subject matter;
- g. A statement of the specific basis on which privilege is claimed; and
- h. The paragraph or subparagraph of the Subpoena to which it is responsive.

## **26. Compliance and Adherence to Generally Accepted Technical Standards**

Production shall be in conformance with standards and practices established by the National Institute of Standards and Technology (“NIST” at [www.nist.gov](http://www.nist.gov)), U.S. National Archives & Records Administration (“NARA” at [www.archives.gov](http://www.archives.gov)), American Records Management Association (“ARMA International” at [www.arma.org](http://www.arma.org)), American National Standards Institute (“ANSI” at [www.ansi.org](http://www.ansi.org)), International Organization for Standardization (“ISO” at [www.iso.org](http://www.iso.org)), and/or other U.S. Government or professional organizations.

## **27. Read Me Text File**

All deliverables shall include a “read me” text file at the root directory containing: total number of records, total number of images/pages or files, mapping of fields to plainly identify field names, types, lengths, and formats. The file shall also indicate the field name to which images will be linked for viewing, date and time format, and confirmation that the number of files in load files matches the number of files produced.

## **28. Exception Report**

An exception report, in .csv format, shall be included, documenting any production anomalies during the collection, processing, and production phases. The report shall provide all available BEGDOC# or DOCID values and metadata listed in section 3, including but not limited to file names and file paths for all affected files.

## **29. Transmittal Letter to Accompany Deliverables**

All deliverables should be accompanied by a transmittal letter including the production date, case name and number, producing party name, and Bates range produced. Technical instructions on how to decrypt media should be included in the transmittal letter but the password should be transmitted separately.

-XXX-

# Exhibit H

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

\* \* \* \* \* \* 26-MC-07-MSM  
\*  
In Re: Administrative Subpoena \*  
25-1431-032 to Rhode Island \* MAY 12, 2026  
Hospital \*  
\*  
\* Courtroom 1  
\* PROVIDENCE, RI  
\*  
\* \* \* \* \*

BEFORE THE HONORABLE MARY S. McELROY  
DISTRICT JUDGE  
(Motion to Quash)

**APPEARANCES:**

FOR THE PETITIONERS:  
Child Advocate for the KEVIN LOVE HUBBARD, ESQ.  
State of Rhode Island DeLuca, Weizenbaum, Barry &  
Revens  
199 North Main Street  
Providence, RI 02903  
  
Rhode Island Hospital ERIC G. OLSHAN, ESQ.  
McGuireWoods LLP  
260 Forbes Ave. Ste 1800  
Pittsburgh, PA 15222-3142  
  
FOR THE RESPONDENT: BRANTLEY T. MAYERS  
United States of America JORDAN C. CAMPBELL  
DOJ-Civ  
950 Pennsylvania Avenue NW  
Washington, D.C. 20503  
  
Court Reporter: Denise P. Veitch, RPR  
One Exchange Terrace  
Providence, RI 02903

1 12 MAY 2026 -- 2:00 P.M.

2 THE COURT: Good afternoon. Thank you for  
3 accommodating us with the change of court.

4 (Discussion off the record)

5 THE COURT: We are on the record in a  
6 miscellaneous petition and we've moved courtrooms  
7 because we seem to have a lot of *amici* and other  
8 interested parties. The case number for us is  
9 26-MC-007, and it's an In Re: Administrative Subpoena  
10 25-1431-032 to Rhode Island Hospital.

11 So will counsel identify themselves for the  
12 record.

13 MR. LOVE HUBBARD: Good afternoon, your Honor.  
14 Kevin Love Hubbard on behalf of the Child Advocate for  
15 the State of Rhode Island.

16 MS. ROMERO: Good afternoon. Amy Romero for the  
17 Office of the Child Advocate for the State of Rhode  
18 Island.

19 MS. LABINGER: Lynette Labinger for the Office  
20 of Child Advocate.

21 MS. NAKASIAN: Good afternoon, your Honor.  
22 Stacey Nakasian on behalf of Rhode Island Hospital.

23 MR. OLSHAN: Good afternoon, your Honor.  
24 Eric Olshan on behalf of Rhode Island Hospital.

25 THE COURT: Okay.

1 MR. MAYERS: Good afternoon, your Honor.  
2 Brantley Mayers as counsel to the Assistant  
3 Attorney General Subdivision.

4 THE COURT: Okay.

5 MR. CAMPBELL: Good afternoon, your Honor.  
6 Jordan Campbell on behalf of the Government.

7 THE COURT: Okay. Now, I spoke to -- let me  
8 back up. This was begun by the Child Advocate's motion  
9 to quash the administrative subpoena that the  
10 Department of Justice issued to Rhode Island Hospital.  
11 The Department of Justice responded, and Rhode Island  
12 Hospital moved to intervene here. So they filed their  
13 papers on the weekend, I think Saturday, the motion to  
14 intervene and the brief that went along with it.

15 So the options today are to argue both petitions  
16 or stay the compliance with the subpoena unless and  
17 until Rhode Island Hospital has an opportunity to --  
18 I'm sorry, the Department of Justice has an opportunity  
19 to respond to Rhode Island Hospital's motions and then  
20 have another hearing, or, decide it on the papers. So  
21 I think I'll go with the Government selection. We  
22 can't -- the compliance with the subpoena needs to be  
23 stayed in order to give you more time, if you seek the  
24 time. Are you seeking more time?

25 MR. MAYERS: No, your Honor. We're fine to

1 Seattle Children's, QueerDoc, Colorado Children's, that  
2 was all under -- pardon me?

3 THE COURT: Los Angeles, maybe?

4 MR. OLSHAN: I believe the Los Angeles action,  
5 CHLA, was pursued by patients.

6 THE COURT: Correct. Okay.

7 MR. OLSHAN: But my point is this is happening  
8 in parallel and so as we're negotiating and deciding  
9 next steps, again reacting to the conduct of the  
10 Government. Again, they have not brought up the most  
11 sensitive category, and as the Court knows from our  
12 briefing, the Government voluntarily agreed to  
13 limitations from at least three subpoenaed entities.

14 THE COURT: And there's nothing in the record  
15 that indicates that they gave that information to the  
16 Texas judge. In fact, there's an argument that there  
17 was a misrepresentation to the Texas judge; isn't that  
18 correct?

19 MR. OLSHAN: I am not aware of anything in the  
20 record in the Northern District of Texas that indicates  
21 they told that court that they had agreed to  
22 limitations as to deidentified records, no, your Honor.

23 THE COURT: Okay. And I think they're saying  
24 the deidentified records in their response in Texas  
25 they say, and actually Lisa Hsiao says in her

1 because you didn't tell the Texas court about the  
2 anonymized data that you agreed to there, or other  
3 places. So that's another falsehood or arguably  
4 leading filing in Texas.

5 MR. MAYERS: I disagree, your Honor, but --

6 THE COURT: Based on what?

7 MR. MAYERS: Your Honor pointed to a provision  
8 of the Hsiao Declaration that says the patient records,  
9 generally the patient records, --

10 THE COURT: Uh'huh.

11 MR. MAYERS: -- are important or essential to  
12 the investigation.

13 THE COURT: So you're saying that anonymized  
14 data is fine; you don't need the actual identifiable  
15 data. Is that what you're saying?

16 MR. MAYERS: Your Honor, it has been our  
17 practice to the extent that I'm aware of offering  
18 anonymized data request or an anonymized data  
19 production to recipients.

20 THE COURT: When did you offer that to Rhode  
21 Island Hospital?

22 MR. MAYERS: I was informed that we -- to the  
23 best of my recollection I was informed that we had, but  
24 I can't confirm that or confirm the date of that.

25 THE COURT: Can you confirm who would have made

1 that offer?

2 MR. MAYERS: Who would have made that offer  
3 would be a member of I believe either the Enforcement  
4 and Affirmative Litigation Branch or a member of our  
5 team in Northern District of Texas.

6 THE COURT: Okay.

7 MR. MAYERS: I believe the offer in this case,  
8 if one was made, and I can't confirm that without  
9 double-checking would be --

10 THE COURT: Can you double-check with  
11 co-counsel? I think he's running this case generally;  
12 right?

13 (Counsel confer)

14 MR. MAYERS: Your Honor, it would have been  
15 David Gunn, --

16 THE COURT: When?

17 MR. MAYERS: -- who was the trial attorney in  
18 the case. He's in Washington, D.C.

19 And to be clear, if Rhode Island Hospital were  
20 to come to us and say would you be willing to go and  
21 asked the court for, you know, anonymized records, that  
22 would be fine with us.

23 THE COURT: But you -- oh, so you'll do that  
24 now?

25 MR. MAYERS: Yes, your Honor, we would still

1 take -- if they agree to produce anonymized records,  
2 patient records, we would take those.

3 THE COURT: And that wouldn't be a violation of  
4 the Texas judge's order?

5 MR. MAYERS: We would go to Judge O'Connor and  
6 say the parties have discussed in the light of your  
7 Honor's order and we would take anonymized.

8 THE COURT: But when I asked you before if you  
9 could agree to an extension of that judge's order you  
10 said no because it was court order; didn't you?

11 MR. MAYERS: Your Honor, I believe we said that  
12 we could not guarantee how Judge O'Connor would rule on  
13 such order and that we were not in a place to request  
14 such an order at this time.

15 THE COURT: But then you can't make that  
16 representation to Rhode Island Hospital of whether  
17 anonymized data would work.

18 MR. MAYERS: We could make the representation  
19 that we would agree to go to the court and say that we  
20 have discussed and that pursuant to our approach in the  
21 other investigations we would accept anonymized patient  
22 data.

23 THE COURT: I'm going to ask counsel for Rhode  
24 Island Hospital to address when and if that was stated,  
25 and I'm going to ask for an affidavit from Mr. Gunn by

1 speaks to the relevancy of the request. And also I've  
2 outlined to your Honor two theories, one being that  
3 Rhode Island Hospital possesses, could possess evidence  
4 relevant to potential misconduct by pharmaceutical  
5 companies and (2) Rhode Island Hospital could have  
6 engaged in a conspiracy with said pharmaceutical  
7 companies.

8 THE COURT: Right.

9 MR. MAYERS: So we think that each subpoena  
10 requests --

11 THE COURT: Well, that doesn't get you to  
12 11 through 15, but we'll address that later.

13 MR. MAYERS: I'm happy to address it --

14 THE COURT: How do you get to 11 through 15?

15 MR. MAYERS: Well, your Honor, you know, as  
16 we've discussed --

17 THE COURT: And why can't it be deidentified, as  
18 I think HSS requires under the CFR HSS rules say that  
19 in order to get that information or give that  
20 information, Rhode Island Hospital's responsible for  
21 deidentifying that data and you're responsible for  
22 saying why it can't be deidentified.

23 MR. MAYERS: So if Rhode Island Hospital takes  
24 the position that they will produce deidentified  
25 patient information to the extent it is possible for us

1 to carry out our investigation, we would accept those  
2 records

3 THE COURT: And did you tell the Texas judge  
4 that?

5 MR. MAYERS: We didn't tell the Texas judge one  
6 way or the other.

7 THE COURT: And did you tell the Texas judge  
8 essentially that you needed the information, without  
9 disclosing to the Texas judge that you had agreed to  
10 deidentified information in several other places?

11 MR. MAYERS: We told the Texas judge that  
12 patient records, and again I can quote from -- I want  
13 to be sure I'm precise here.

14 (Judge confers with Clerk)

15 MR. MAYERS: So we said, your Honor, just  
16 referring to patient records generally.

17 THE COURT: Where is this?

18 MR. MAYERS: This is, I believe your Honor  
19 quoted earlier in paragraph 44 of the initial Hsiao  
20 Declaration.

21 THE COURT: Okay.

22 MR. MAYERS: So we say, patient records:  
23 Generally without this information we cannot fully  
24 determine the scope of violations, identify patterns,  
25 or assess whether conduct was taken with intent to

1 and let madam court reporter...

2 THE COURT: Yes, we have some replies too from  
3 the other side, and I have questions for you too.

4 MR. MAYERS: Yes, so your Honor, I would be  
5 happy to answer those questions now.

6 THE COURT: Okay. Let me make sure I have them.  
7 I think you already answered who or what entities can  
8 be held liable for misbranding; is that correct?

9 MR. MAYERS: Yes, I have.

10 THE COURT: And you don't need -- we're agreed  
11 you don't need patient's name, Social Security number,  
12 home address to investigate billing fraud or off-label  
13 promotion or misbranding; correct?

14 MR. MAYERS: We think that that information  
15 would assist in our investigation.

16 THE COURT: I'm asking if you need it.

17 MR. MAYERS: Again, it would assist. Is it  
18 absolute every circumstance? As we've discussed we  
19 have accepted anonymized data in other cases, in other  
20 interactions requested of other subpoena recipients, so  
21 we would say that we're willing to accept that, we have  
22 been so far; that it is not -- that the information you  
23 read off is not necessarily irrelevant to our  
24 investigation.

25 THE COURT: But you agreed to not -- to forego

# Exhibit I



KEN PAXTON  
ATTORNEY GENERAL of TEXAS

(L)

---

May 15, 2026 | Press Release

# **Attorney General Paxton Makes History by Securing a Landmark Healthcare Fraud Settlement that Creates the Nation's First-Ever Detransition Clinic and Secures \$10 Million from Texas Children's Hospital for "Transitioning" Kids**

Attorney General Ken Paxton secured a historic settlement with Texas Children's Hospital ("Texas Children's") that compels the creation of the country's first-ever Detransition Clinic; requires the hospital to pay \$10 million for billing Texas Medicaid for

unallowable and illegal ‘gender-transition’ interventions, including by using false diagnosis codes; and compels the termination and revocation of privileges of multiple physicians.

After a years-long investigation by the Healthcare Program Enforcement Division, Attorney General Paxton has negotiated a historic settlement that will help protect Texans. Under the terms of this landmark agreement, Texas Children’s will establish the first-ever multidisciplinary clinic designed to provide medical care to patients who were subjected to “gender-transition” procedures. This Detransition Clinic will help patients reverse the damage caused by ideologically-motivated physicians who harmed patients by performing dangerous medical interventions for the purpose of “transitioning” them. For the first five years, all services provided through the Detransition Clinic will be funded by Texas Children’s and be free of charge to patients.

As part of the settlement, Texas Children’s has also agreed to fire, permanently and irrevocably terminate all existing privileges, and never again hire or credential five woke doctors who performed harmful medical interventions on Texans. As part of the settlement, Texas Children’s agrees not to provide “gender-transition” services; will implement a host of compliance and ethics measures; and the hospital will amend its bylaws to trigger automatic relinquishment of privileges for any physician who violates Texas’s prohibition on medical interventions to “transition” kids. Attorney General Paxton secured this historic settlement in coordination with President Trump’s Department of Justice.

“Today is a monumental day in the fight to stop the radical transgender movement. This historic settlement reflects an institutional and fundamental cultural shift away from radical ‘gender’ ideology. In addition to helping establish the first-ever Detransition Clinic and securing millions, this settlement will ensure that the deranged child mutilators who hurt our kids are fired and held accountable,” said Attorney General Paxton. “I applaud Texas Children’s Hospital for changing course and

Case 1:26-cv-04641-JAV Document 15-5 Filed 06/02/26 Page 4 of 4  
committing to being a part of the solution by agreeing to form a first-of-its kind Detransition Clinic that will help provide free care to those who have been victimized by twisted, morally bankrupt transgender ideology. Under my watch, I will investigate and bring the full force of the law against any Texas hospital that abuses children with harmful medical interventions to ‘transition’ kids.”

[Back to Top](#)

# Exhibit J



Office of Public Affairs  
U.S. Department of Justice

## PRESS RELEASE

# Justice Department Secures Landmark Resolution to End Pediatric “Gender-Affirming Care” and Create Detransition Clinic

Friday, May 15, 2026

**For Immediate Release**

Office of Public Affairs

## Texas Children’s Hospital agrees to pay millions and establish first-ever detransition clinic to provide care for victims

WASHINGTON – Today, the Department of Justice announced the first resolution secured under the Department’s ongoing national investigation into violations of federal law in connection with the provision of sex-rejecting procedures on minors (often euphemistically called “gender-affirming care”). Texas Children’s Hospital (TCH) has entered into agreements with the Department and the Texas Attorney General that include commitments to not perform such procedures on children, which include the administration of puberty blockers and cross-sex hormones. TCH has also agreed to collectively pay over \$10 million in damages and civil penalties and to dedicate millions to the provision of medical care to children harmed by the provision of such procedures (*i.e.*, “detransitioners”).

“The Justice Department will use every weapon at its disposal to end the destructive and discredited practice of so-called ‘gender-affirming care’ for children,” said Acting Attorney

General Todd Blanche. “Today’s resolution protects vulnerable children, holds providers accountable, and ensures those harmed receive the care they need.”

Under the terms of the agreements, which the Department of Justice reached in coordination with Texas Attorney General Ken Paxton, TCH will pay \$10 million to resolve allegations that it submitted false billings to public and private payors to secure insurance coverage for pediatric sex-rejecting procedures. The Department alleges this conduct violated the Federal Food, Drug, and Cosmetic Act, the False Claims Act, and federal fraud and conspiracy laws. Critically, in addition to terminating these services, TCH has committed to establishing the first-of-its-kind clinic dedicated to restorative care for detransitioners.

In connection with the settlements, the United States acknowledged that TCH took significant steps entitling it to credit for cooperation with the Department in its investigation. At all times during the investigation, TCH remained cooperative, proactive, and solution-driven, as highlighted by its multi-million-dollar commitment to providing care to the victims who most need it.

“The Department of Justice is committed to protecting America’s children,” said Associate Attorney General Stanley Woodward. “Today’s resolution furthers that commitment and puts providers of so-called ‘gender affirming care’ on notice that this Department will vigorously enforce federal law where children are put at risk.”

“I am grateful that Texas Children’s wants to be part of the solution and no longer the problem,” said Brett A. Shumate, Assistant Attorney General for the Civil Division. “Its commitment to providing detransitioner care is emblematic of just that. While the Department is satisfied with the resolution announced today, our division will continue to work tirelessly to protect America’s children and hold accountable pharmaceutical companies and medical providers who have taken advantage of vulnerable children under the guise of ‘care.’”

These matters and the investigations into sex-rejecting procedures on minors are being led by the Justice Department’s Civil Division Enforcement and Affirmative Litigation Branch and Commercial Litigation Branch, Fraud Section.

*The claims resolved by the United States in the settlements are allegations only and there has been no determination of liability. Both entities have denied all allegations.*

*Updated May 15, 2026*

---

## Components

Press Release Number: 26-506

## Related Content

### PRESS RELEASE

#### **New Jersey Rioter at Delaney Hall Charged for Kicking and Biting ICE Officers**

A New Jersey man was arrested yesterday and charged with assaulting federal officers and causing bodily injury.

May 29, 2026

### PRESS RELEASE

#### **Justice Department Office of Legal Counsel Concludes Immigrant Welfare Eligibility Rules Apply to FCC Lifeline Program**

WASHINGTON – Today, the Department of Justice released an opinion for the Federal Communications Commission (FCC) which addresses the relationship between the Personal Responsibility and Work Opportunity Reconciliation Act of...

May 29, 2026

### PRESS RELEASE

## Justice Department Sues States for Denying Undercover License Plates to Federal Law Enforcement

On Wednesday, the Department of Justice filed lawsuits against [Maine](#), [Washington](#), [Oregon](#), and [Massachusetts](#) challenging their unconstitutional policies denying confidential license plates to federal agents. This comes after each...

May 28, 2026



**Office of Public Affairs**

U.S. Department of Justice

