

EXHIBIT D(1)

National Institutes of Health- Health and Human Services Stipulation

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, et al.,	)	CASE NO. 3:25-cv-04737-RL
	)	
Plaintiffs,	)	
	)	
vs.	)	Parties' Stipulations and Agreement to Obviate
	)	Discovery as to HHS-NIH and HHS-NIH's
DONALD J. TRUMP, ET AL.,	)	Stipulations of Fact and Agreement to Produce
	)	Grants Spreadsheet
Defendants.	)	
	)	

Plaintiffs and HHS-NIH hereby agree that, with respect to the claims and defenses in this litigation as to HHS-NIH, neither Plaintiffs nor HHS-NIH shall seek discovery under the Federal Rules of Civil Procedure, whether written, by deposition, or otherwise, subject to the terms in this stipulation. The Parties further agree that this agreement withdraws the requests for production and interrogatories served on HHS-NIH on March 17, 2026, and anticipated deposition notices. The Parties further agree that this agreement applies to any discovery, whether written, by deposition, or otherwise, that could otherwise be sought and served as to any Plaintiff, as to HHS-NIH, as to any other Defendant, or as to any non-party to this suit, to the extent that discovery seeks to establish a claim or defense as to HHS-NIH.

In exchange for obviating already-served discovery and discovery that could otherwise be sought and served, HHS-NIH agrees to produce the spreadsheet of grants described below and to the stipulations set forth below.

I. Spreadsheet of Grants

HHS-NIH agrees to produce a spreadsheet with the categories of information listed in this section. The spreadsheet will consist of all grants that the agency has identified as involving University of California researchers, including faculty, staff, academic appointees, and employees across the University of California system who are named as principal researchers, investigators, or project leaders on the grant applications for previously awarded research grants at HHS-NIH that were terminated or indefinitely suspended. The produced spreadsheet will be signed by a HHS-NIH official.

HHS-NIH agrees that Plaintiffs have the right, within 7 days of production of HHS-NIH's spreadsheet, to meet and confer and raise any identified technical errors, omissions, or formatting issues with the spreadsheet. HHS-NIH will make reasonable, good-faith efforts to

resolve any identified issues. If HHS-NIH and Plaintiffs are unable to resolve any remaining disputes regarding the spreadsheet, the Parties agree to submit their disagreement to the Court for resolution in accordance with the Court's procedures regarding discovery disputes.

Spreadsheet Columns

Grant details:

1. Granting Agency (including sub-agency if applicable, e.g., HHS-NIH)
2. Federal Award ID # (FAIN)
3. Project Name/Description/Title of Award/Project Summary
4. Recipient/Grantee Name (i.e., the direct grantee entity, e.g., "UC Irvine" or "Brown University")
5. UC location (for direct or, if applicable, sub-awards, e.g., "UCLA")
6. UC principal researcher, investigator, and/or project leader on the grant application(s)
7. Date obligated
8. Grant term (both start & end dates)
9. Date terminated or suspended
10. Date reinstated

Funding Details:

11. Amount awarded
12. Amount funded as of March 30, 2026 or to date (agency's best estimate)
13. Amount remaining when terminated or suspended
14. Statute(s) directing/authorizing the grant funds

Termination details:

15. EO(s) or executive directive(s) or agency priority implicated in the grant's termination
16. Term(s) or phrases identified in grant that resulted in termination
17. Other than the EO(s) or executive directive(s) identified above, any legal basis HHS-NIH contends allowed it to terminate the grant

II. Stipulations

Solely for the purposes of the present litigation and for no other purpose, with respect to the grants at issue in this litigation, HHS-NIH stipulates to the following facts:

1. HHS-NIH acted pursuant to Executive Orders or executive directives, meaning an agency memorandum, or other formal written articulation of agency priorities, when reviewing grants for termination.
2. HHS-NIH terminated the grants at issue in a uniform manner based on Executive Orders or executive directives.
3. When identifying grants for termination review, HHS-NIH used:
 - a. search terms, keywords, or phrases to identify grants for termination review.
 - i. The search terms and/or phrases used by HHS-NIH are described in the HHS-NIH-specific stipulation to be provided at the time HHS-NIH completes production of the Spreadsheet described above.¹
 - b. artificial intelligence tools or software.²
 - i. If AI tool(s) were used by HHS-NIH, the AI tool(s) and the prompts used will be provided at the time HHS-NIH completes production of the Spreadsheet described above.
4. HHS-NIH identified grants at issue for termination pursuant to the Executive Orders or executive directives, meaning an agency memorandum or formal, written description of agency priorities, which are to be provided at the time HHS-NIH completes production of the Spreadsheet described above.³
5. When identifying grants for termination, HHS-NIH selected those that expressed, or were presumed to express, viewpoints disfavored by the Administration, as set forth in Executive Orders or HHS-NIH's executive directives, because HHS-NIH no longer wished to subsidize those grants' viewpoints, or presumed viewpoints, such as the subject and/or topic of the grant.

¹ The provisions of search terms and/or phrases shall be made in the following format:

HHS-NIH used search terms, keywords, or phrases to identify and terminate grants presumed to express viewpoints—such as subjects and/or topics of the grant—that HHS-NIH no longer wished to subsidize. HHS-NIH used the following search terms, keywords, or phrases to identify grants for termination:
List.

² HHS-NIH will identify whether artificial intelligence tools or software were used at the time it completes production of the Spreadsheet described above and does not concede any such tools or software were used by signing these stipulations.

³ HHS-NIH agrees to identify where Plaintiffs can find the relevant EO or directive, including producing such document if it is not publicly available.

6. HHS-NIH accepts that the search terms, keywords, or other criteria used to determine which grants to terminate were designed to identify grants that expressed, or were presumed to express, viewpoints the Administration no longer wished to subsidize, as set forth in Executive Orders or HHS-NIH's executive directives. HHS-NIH accepts that the search terms, keywords, or other criteria were used to identify subjects and/or topics of the grant encompassing, or presuming to encompass, the relevant viewpoints.
7. HHS-NIH used standardized or form termination letters to notify grantees of the termination of the grants, rather than letters tailored to the specific circumstances of each grant.
8. HHS-NIH accepts that it did not consider the reliance interests of individual researchers prior to termination of grants.
9. HHS-NIH identified grants for termination using general criteria, rather than a grant-specific assessment of each award's compliance, or performance.
10. The grants at issue were funded through funds appropriated for the purpose of grant-making.
11. HHS-NIH has not re-allocated the terminated funds to other grant-making programs.
12. HHS-NIH's enabling statute or other legislation includes grant-making as a directive from Congress to HHS-NIH.
13. HHS-NIH did not terminate any grants based on alleged noncompliance with the terms of the grant.
14. HHS-NIH agrees that the number of terminated grants renders joinder of all class members impracticable, except as to Count III which does not apply to HHS-NIH.

HHS-NIH further agrees that the portions of stipulations 3 and 4 that so indicate shall be finalized and signed alongside production of the Spreadsheet described above.

JON R.
LORSCH -S



Digitally signed by JON
R. LORSCH -S
Date: 2026.05.11
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Jon R. Lorsch
Deputy Director for Extramural Research
National Institutes of Health

Dated: May 12, 2026

By: /s/ Elizabeth J. Cabraser

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Date: May 10, 2026

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Respectfully submitted,

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***Thakur, et al., v. Trump, et al.*, No. 25-cv-04737-RL (N.D. Cal.)**

Grants Spreadsheet and Responses to Stipulations 3 & 4

I. Grants Spreadsheet

HHS-NIH provides a spreadsheet with the information listed in Section I of HHS-NIH's May 11, 2026 Stipulation Agreement. The spreadsheet is marked "Privacy Sensitive_Contains PII" as it contains the names of UC principal researchers.

II. Answers to Stipulations 3a, 3b, and 4

Stipulation 3a

HHS-NIH used search terms, keywords, or phrases to identify and terminate grants presumed to express viewpoints—such as subjects and/or topics of the grant—that HHS-NIH no longer wished to subsidize. HHS-NIH used the following search terms, key words, or phrases to identify grants for termination:

HHS-NIH used a combination of (A) grantee- and (B) subject matter-specific search terms, keywords, or phrases to identify grants for suspension/termination.

- (A) The grantee-specific search terms, keywords, or phrases included various permutations of the following: "University of California-Irvine"; "University of California, San Diego"; "University of California Los Angeles"; "University of California, San Francisco"; "University of California, Berkeley"; "University of California, Santa Cruz"; "University of California Santa Barbara"; "University of California, Merced"; "University of California at Davis"; "University of California Riverside";
- (B) Subject matter-specific search terms, keywords, or phrases included various permutations of the following: "work force diversity"; "equity, diversity, inclusion"; "structural racism"; "sexual orientation"; "promote policymaker's use of scientific evidence"; "promote diversity, health equity"; "diverse and inclusive scientific workforce"; "increase diversity and inclusion"; "health equity"; "improving diversity in the workforce"; "diversity effects."

Stipulation 3b

HHS-NIH used an internal search function/tool to identify grants using keyword searches, but does not understand this function/tool to be an AI because it does not rely on an algorithm or large language model to function. In addition, as indicated on the accompanying spreadsheet, in some instances, grants were identified on lists prepared by DOGE and provided to HHS-NIH. It is possible that DOGE used AI in compiling the grant lists it provided. However, after a reasonably diligent search, HHS-NIH has been unable to identify a specific AI tool or search terms that were used by DOGE in compiling these lists.

Stipulation 4

- 2.21.25 NIH Acting Director Directive [Thakur_NIH_010871-Thakur_NIH_010872]
- DEI Directive – signed 2.10.25 [Thakur_NIH_010873-Thakur_NIH_010874]

- DEI Staff Guidance – Final – March 4 2025 [Thakur_NIH_010875-Thakur_NIH_010882]
- DEI Staff Guidance – Final 3.4.25 [Thakur_NIH_010883-Thakur_NIH_010889]
- EO 14188 [Thakur_NIH_010890-Thakur_NIH_010891]
- NIH Grants Management Staff Guidance – 5.7.2025 Updates [Thakur_NIH_010892-Thakur_NIH_010921]
- NIH Grants Management Staff Guidance – 5.12.2025 Updates [Thakur_NIH_010922-Thakur_NIH_010951]
- NIH Grants Management Staff Guidance – Award Assessments for Alignment with Agency Priorities – 3.25.25 [Thakur_NIH_010952-Thakur_NIH_010966]
- Termination Categories 3.13.25 [Thakur_NIH_010967-Thakur_NIH_010967]
- EO 14292: Improving the Safety and Security of Biological Research (05.05.2025) [Thakur_NIH_010968 - Thakur_NIH_010971]
- Guide Notice dated May 7, 2025 (NOT-OD-25-112) [Thakur_NIH_010972 - Thakur_NIH_010973]
Guide Notice dated June 18, 2025 (NOT-OD-25-127) [Thakur_NIH_010974 - Thakur_NIH_010975]