

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DO NO HARM,

v.

HEALTH AFFAIRS; and PROJECT HOPE,

Plaintiff,

Defendants.

Case No. 1:22-cv-2670-RDM

NOTICE OF VOLUNTARY DISMISSAL

Per Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff submits this notice of voluntary dismissal:

1. On September 6, 2022, Do No Harm filed this lawsuit, challenging Defendants’ Health Equity Fellowship for Trainees. “Eligibility requirements for Health Affairs’ Health Equity Fellowship for Trainees” at that time were:

- Be a graduate-level (PhD, MD, JD, etc.) student, postdoctoral researcher, or early career researcher who is no more than seven years outside of having earned your graduate degree
- **Identify as American Indian/Alaskan Native, African American/Black, Asian American, Native Hawaiian and other Pacific Islander, and Hispanic/Latino**
- Be engaged in health services research that advances racial health equity among historically marginalized populations
- Be working on a research project at a U.S.-based (or -territory) institution or organization that is within one year of being submitted for publishing

Doc. 2-7 at 2 (emphasis added).

2. Do No Harm, on behalf of its members, sued Defendants for excluding white applicants from the fellowship based on race, in violation of 42 U.S.C. §1981, Title VI of the Civil Rights Act of 1964, §1557 of the Affordable Care Act, and D.C. Human Rights Law.

3. While this lawsuit was pending, Defendants changed the fellowship’s requirements, which are available on their website. *See Health Equity Fellowship for Trainees – Health Affairs* (archived December 28, 2023), perma.cc/RD97-GWT9.

4. The fellowship's requirements are now:

- Be a graduate-level (doctoral) student, postdoctoral researcher, or early career researcher who is no more than seven years outside of having earned your graduate degree.
- Be engaged in health services research that advances racial health equity among historically marginalized populations
- Working on a research project that is within one year of being submitted for publication.

5. Defendants removed the race requirement that Do No Harm alleged was unlawful.

6. According to Defendants' revised eligibility criteria, applicants are no longer required to identify as American/Alaskan Indian, African American, Asian American, Native Hawaiian and other Pacific Islander, or Hispanic/Latino. Defendants further state that all opportunities will be made available "without regard to race." *Id.*

7. Because Defendants appear to no longer consider race, and because Defendants have not yet filed an answer or a summary-judgment motion, Do No Harm voluntarily dismisses this action without prejudice.

Dated: January 22, 2024

/s/ Cameron T. Norris

Thomas R. McCarthy (DC Bar No. 489651)

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CERTIFICATE OF SERVICE

I filed this document via ECF, which will email everyone requiring service.

Dated: January 22, 2024

/s/ Cameron T. Norris