

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DO NO HARM,

Plaintiff,

v.

Civ. A. No. 24-3457 (RBW)

SOCIETY OF MILITARY ORTHOPAEDIC
SURGEONS, d/b/a SOMOS; TELITA
CROSLAND, in her official capacity as Di-
rector of the Defense Health Agency;
SEILEEN MULLEN, in her official capacity
as Acting Assistant Secretary of Defense for
Health Affairs; CARLOS DEL TORO, in his
official capacity as Secretary of the Navy; and
LLOYD J. AUSTIN III, in his official capac-
ity as Secretary of Defense,

Defendants.

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

1. Do No Harm filed this lawsuit on December 11, 2024, challenging the E. Anthony Rankin Scholarship Program. Compl. (ECF No. 1). Do No Harm alleges that the program was created by SOMOS and the U.S. military in 2022. *Id.* ¶18. Under the program, selected medical students participated in a “4 week immersive experience” to learn about orthopedic surgery at a U.S. military hospital. *Id.* ¶5.

2. Do No Harm alleges that, when it sued on December 11, 2024, SOMOS’s website said that the program was “meant for underrepresented medical students,” meaning applicants must “[i]dentify with an underrepresented gender or racial background in orthopaedics.” *Id.* ¶¶31, 33 (citing *The SOMOS E. Anthony Rankin Scholarship Program*, SOMOS, perma.cc/8M3Q-C7E4 (last visited Dec. 9, 2024)). According to Do No Harm, the website further said that applications for the FY2025 cohort were due December 2, 2024, with “top candidates” to be notified by January

14, 2025, and winners to participate in the program from “June 2 - June 28, 2025.” *Rankin Program*, perma.cc/8M3Q-C7E4.

3. Do No Harm alleged that the program was racially discriminatory in violation of 42 U.S.C. §1981 and the Fifth Amendment. Compl. ¶¶53-84.

4. The program’s FY2025 cohort (and all future cohorts) have been cancelled. SOMOS’s website no longer displays any reference to the program. *See Society of Military Orthopaedic Surgeons*, SOMOS, perma.cc/GRD3-U7ZU (archived Mar. 11, 2025). The last scholarships awarded under the Rankin Program were in Fiscal Year 2024 and the last internship under the program completed in June 2024.

5. SOMOS agrees that if SOMOS later revives the challenged program, the program will be equally open to all students, regardless of race or ethnicity.

6. The parties stipulate that nothing in this Joint Stipulation of Dismissal shall be interpreted as an admission to any other parties’ factual allegations or as an admission of liability.

7. The parties further stipulate that this case is dismissed with prejudice, with all parties bearing their own fees and costs.

Dated: April 30, 2025

Respectfully submitted,

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United States Attorney

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By: /s/ Dimitar P. Georgiev

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