

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

PRESIDENT AND FELLOWS OF  
HARVARD COLLEGE,

*Plaintiff,*

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, et al.,

*Defendants.*

Case No. 1:25-cv-11048-ADB

**PLAINTIFF’S RESPONSE TO DEFENDANTS’ RULE 56.1  
STATEMENT OF UNDISPUTED MATERIAL FACTS**

Pursuant to Rule 56.1 of the Local Rules of the United States District Court for the District of Massachusetts, Plaintiff President and Fellows of Harvard College (“Harvard”) respectfully submits this Response to Defendants’ Rule 56.1 Statement of Undisputed Material Facts in Support of their Motion for Summary Judgment (Dkt. 186-1).

1. The Government’s comprehensive review of federal contacts [sic] and grants to Harvard was officially announced and began on March 31, 2025. GSAHarv\_00000001.

**Response:** Disputed. Harvard does not dispute that the General Services Administration sent Harvard the March 31, 2025 memorandum (GSAHarv\_00000001) but disputes the Government’s characterization of the memorandum and its effect.

2. The Government’s review of federal grants and contracts was conducted pursuant to Executive Order 14188, signed on January 29, 2025, directing federal agencies to “us[e] all available and appropriate legal tools to prosecute, remove, or otherwise hold to account the perpetrators of unlawful anti-Semitic harassment and violence.” *Id.*; *see also* Exec. Order. No. 14,188 (Jan. 29, 2025).

**Response:** Disputed. Harvard does not dispute that Executive Order 14188 contains the quoted text, but Harvard disputes the Government’s characterization of the Executive Order and its review for federal grants and contracts to Harvard, especially if its characterization is intended to suggest that the Government’s actions to freeze and terminate Harvard’s current and future funding were not rooted in alleged Title VI violations. In fact, Executive Order 14188 “reaffirm[ed]” Executive Order 13,899, which stated that “[d]iscrimination against Jews may give rise to a Title VI violation when the discrimination is based on an individual’s race, color, or national origin,” and separately references Title VI expressly. *See* Exec. Order. No. 14,188 (Jan. 29, 2025); Exec. Order No. 13,899 (Dec. 11, 2019).

Dated: June 30, 2025

William A. Burck\*  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
1300 I Street NW, Suite 900  
Washington, DC 20005  
williamburck@quinnemanuel.com

Robert K. Hur\*  
KING & SPALDING LLP  
1700 Pennsylvania Ave. NW, Suite 900  
Washington, DC 20006  
rhur@kslaw.com

Joshua S. Levy (BBO #563017)  
Mark Barnes (BBO #568529)\*  
John P. Bueker (BBO #636435)  
Elena W. Davis (BBO #695956)  
ROPES & GRAY LLP  
Prudential Tower  
800 Boylston Street  
Boston, MA 02199  
Joshua.Levy@ropesgray.com  
Mark.Barnes@ropesgray.com  
John.Bueker@ropesgray.com  
Elena.Davis@ropesgray.com

Douglas Hallward-Driemeier  
(BBO #627643)  
Stephen D. Sencer\*  
ROPES & GRAY LLP  
2009 Pennsylvania Avenue, NW  
Washington, DC 20006  
Douglas.Hallward-Driemeier@ropesgray.com  
Stephen.Sencer@ropesgray.com

Respectfully submitted,

/s/ Steven P. Lehotsky  
Steven P. Lehotsky (BBO # 655908)  
Scott A. Keller\*  
Jonathan F. Cohn\*  
Mary Elizabeth Miller\* (BBO # 696864)  
Shannon G. Denmark\*  
Jacob B. Richards (BBO # 712103)  
LEHOTSKY KELLER COHN LLP  
200 Massachusetts Ave. NW, Suite 700  
Washington, DC 20001  
T: (512) 693-8350  
F: (512) 727-4755  
steve@lkcfirm.com  
scott@lkcfirm.com  
jon@lkcfirm.com  
mary@lkcfirm.com  
shannon@lkcfirm.com  
jacob@lkcfirm.com

Katherine C. Yarger\*  
LEHOTSKY KELLER COHN LLP  
700 Colorado Blvd., #407  
Denver, CO 80206  
katie@lkcfirm.com

Joshua P. Morrow\*  
LEHOTSKY KELLER COHN LLP  
408 W. 11th Street, 5th Floor  
Austin, TX 78701  
josh@lkcfirm.com

Danielle K. Goldstein\*  
LEHOTSKY KELLER COHN LLP  
3280 Peachtree Road NE  
Atlanta, GA 30305  
danielle@lkcfirm.com

*\*Admitted Pro Hac Vice*

**CERTIFICATE OF SERVICE**

Counsel for Plaintiff certify that they have submitted the foregoing document with the clerk of court for the District of Massachusetts, using the electronic case filing system of the Court. Counsel for Plaintiff hereby certify that they have served all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

/s/ Steven P. Lehotsky  
Steven P. Lehotsky