

Massachusetts Court Quashes DOJ Subpoena Targeting Transgender Care

September 15, 2025

On September 9, 2025, the U.S. District Court for the District of Massachusetts granted Boston Children's Hospital's motion to quash a Department of Justice ("DOJ") administrative subpoena.¹ The subpoena sought extensive records in connection with an investigation into the hospital's transgender care program.

This case arises from the Trump administration's recent focus on using the False Claims Act ("FCA") and other federal statutes to investigate alleged false claims in the context of transgender care. As we discussed in our recent [article](#) and [webinar](#), DOJ has signaled its intent to expand FCA enforcement beyond traditional areas such as healthcare and government contracting to encompass new priorities including diversity, equity, and inclusion ("DEI") programs, campus antisemitism, and transgender issues. In April 2025, DOJ issued a memorandum directing the Civil Division to investigate potential FCA violations tied to claims submitted for transgender care and related treatments.² The following month, the Deputy Attorney General announced the Civil Rights Fraud Initiative, which identified as potential FCA enforcement targets unlawful DEI programs and alleged failures by universities to address antisemitism.³ Both the Initiative and the DOJ's directive also encourage qui tam suits, further enlisting employees, students, and other insiders as enforcement partners.

The subpoena—one of many issued nationwide following DOJ's recently announced initiatives—sought personnel files for nearly 2,000 employees, as well as medical records and personal identifying information for minor patients receiving transgender care.⁴ Boston Children's Hospital moved to quash the subpoena. The court ruled that:

¹ Memorandum of Decision, In Re: Administrative Subpoena, No. 25-mc-91324 (D. Mass. Sept. 9, 2025).

² Memorandum re: Preventing the Mutilation of American Children, Office of Attorney General (Apr. 22, 2025).

³ Memorandum re: Civil Rights Fraud Initiative, Office of the Deputy Attorney General (May 19, 2025).

⁴ Memorandum of Decision, supra note 1, at 12.

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- Courts can deny enforcement of a subpoena where there is evidence of “bad faith,” because such evidence is directly relevant to whether a subpoena serves a proper investigative purpose.⁵
 - DOJ had failed to establish a proper investigative purpose, because it relied solely on the April 2025 memorandum from the Attorney General directing the Civil Division to investigate potential fraud related to transgender care and offered no affidavits or evidence that Boston Children’s Hospital had engaged in billing fraud or unlawful off-label promotion.⁶
 - The subpoena, according to the court, reflected an “improper purpose, motivated only by bad faith” which was demonstrated by the breadth of information sought—which included the medical records, addresses, and social security numbers of patients, despite what the court found to be a tenuous link between such records and fraudulent billing codes.⁷

Accordingly, the court held the subpoena unenforceable. DOJ may appeal that decision.

The District of Massachusetts’s decision suggests that early litigation can be an effective strategy for responding to DOJ subpoenas under the FCA. Courts may be willing to block investigations at the outset if DOJ cannot show that its requests are tied to a legitimate investigation into fraud. Recipients of subpoenas or civil investigative demands should promptly engage outside counsel and carefully assess the scope of DOJ’s requests, including potential avenues to quash or narrow the requests.

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Please do not hesitate to contact us with any questions.

⁵ *Id.* at 9-10.

⁶ *Id.* at 11.

⁷ *Id.* at 12.



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