

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**  
*Southern Division*

**AMERICAN ACADEMY OF  
PEDIATRICS, *et al.*,**

**Plaintiffs,**

**v.**

**FOOD AND DRUG  
ADMINISTRATION, *et al.***

**Defendants.**

\*

\*

\*

\*

**Case No.: PWG-18-883**

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

**ORDER**

For the reasons stated in the Memorandum Opinion issued this same day, it is, this 15th day of May, 2019, hereby ORDERED that

1. Plaintiffs' Motion for Reconsideration, ECF No. 63, IS GRANTED;
2. The parties' cross-motions, ECF Nos. 31 and 36, ARE REOPENED;
3. Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment, treated as a motion for summary judgment, ECF No. 36, IS DENIED;
4. Plaintiffs' Motion for Summary Judgment, ECF No. 31, IS GRANTED;
5. The FDA's August 2017 Guidance IS VACATED;
6. Plaintiffs will submit additional briefing regarding a remedy, as discussed in the Memorandum Opinion, in fifteen pages or less, within fourteen days of the date of this Memorandum Opinion;

7. Defendants will have fourteen days to respond, in fifteen pages or less, and Plaintiffs will have five business days to reply, in ten pages or less.

\_\_\_\_\_  
/S/  
Paul W. Grimm  
United States District Judge

lyb