

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

FALLS CHURCH MEDICAL CENTER,)	
LLC d/b/a FALLS CHURCH)	
HEALTHCARE CENTER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:18cv428-HEH
)	
M. NORMAN OLIVER, VIRGINIA)	
HEALTH COMMISSIONER, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER
(Vacating Summary Judgment on Count IV)

By Memorandum Opinion and Order issued on May 6, 2019 (ECF Nos. 142, 143), this Court granted the parties' Cross-Motions for Summary Judgment, in part, on Count IV, pertaining to the so-called "Physicians-Only Law" (Va. Code Ann. § 18.2-72). In its Opinion, the Court granted summary judgment to Plaintiffs with respect to first trimester procedures and to Defendants as to second trimester procedures.

On further review, the Court is of the opinion that summary judgment was improvidently awarded to the parties on Count IV based on the present record. Rather, on further consideration, whether the "Physicians-Only Law" presents an undue burden to Virginia women who seek an abortion is a material fact that is genuinely in dispute.

Therefore, to facilitate the development of a full factual record that will enable the Court to better address this question, the Court HEREBY VACATES that portion of its

Memorandum Opinion and Order pertaining to Count IV of the Amended Complaint and DENIES summary judgment to both parties at this stage.

The Clerk is directed to send a copy of this Order to all counsel of record.

It is so ORDERED.



/s/

Henry E. Hudson
Senior United States District Judge

Date: May 14, 2019
Richmond, VA