

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

AMERICAN COLLEGE OF  
OBSTETRICIANS AND  
GYNECOLOGISTS, *on behalf of its members  
and members' patients*,  
COUNCIL OF UNIVERSITY CHAIRS OF  
OBSTETRICS AND GYNECOLOGY, *on  
behalf of its members and members' patients*,  
NEW YORK STATE ACADEMY OF  
FAMILY PHYSICIANS, *on behalf of its  
members and members' patients*,  
SISTERSONG WOMEN OF COLOR  
REPRODUCTIVE JUSTICE COLLECTIVE,  
*on behalf of its members and members'  
patients*, and  
HONOR MACNAUGHTON, M.D.,

Plaintiffs,

v.

UNITED STATES FOOD AND DRUG  
ADMINISTRATION,  
STEPHEN M. HAHN, M.D., *in his official  
capacity as Commissioner of Food and Drugs,  
and his employees, agents and successors in  
office*,  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES and  
ALEX AZAR, J.D., *in his official capacity as  
Secretary, United States Department of  
Health and Human Services, and his  
employees, agents and successors in office*,

Defendants.

Civil Action No. TDC-20-1320

**ORDER**

Pending before the Court is the Intervenor's Motion to Reconsider, filed by the states of Indiana, Louisiana, Alabama, Arkansas, Idaho, Kentucky, Mississippi, Missouri, Nebraska, and

Oklahoma (“the Opposing States”), ECF No. 88. On June 15, 2020, the Court denied the Opposing States’ Motion to Intervene, ECF Nos. 51, 72. In the Motion to Reconsider, the Opposing States submit their proposed Answer to Plaintiffs’ Amended Complaint to comply with the requirement of Federal Rule of Civil Procedure 24(c) that a motion to intervene be accompanied by a pleading setting out the proposed intervening party’s claim or defense.

Under Federal Rule of Civil Procedure 54, an interlocutory order “may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties’ rights and liabilities.” Fed. R. Civ. P. 54(b). Reconsideration under Rule 54(b) is at the sound discretion of the district court. *See Am. Canoe Ass’n, Inc. v. Murphy Farms, Inc.*, 326 F.3d 505, 515 (4th Cir. 2003). Although the Rule 54(b) standard is not as exacting as the Rule 59 and 60 standard, *see Fayetteville Inv’rs v. Commercial Builders, Inc.*, 936 F.2d 1462, 1472 (4th Cir. 1991), revisiting earlier rulings is still “subject to the caveat that ‘where litigants have once battled for the court’s decision, they should neither be required, nor without good reason permitted, to battle for it again,’” *Official Comm. of the Unsecured Creditors of Color Tile, Inc. v. Coopers & Lybrand, LLP*, 322 F.3d 147, 167 (2d Cir. 2003) (quoting *Zdanok v. Glidden Co., Durkee Famous Foods Div.*, 327 F.2d 944, 953 (2d Cir. 1964)).

Upon review of the Motion, the Court finds no basis to reconsider its prior ruling. The Court’s decision to deny the Motion to Intervene was not solely dependent on the failure to include a proposed Answer, and upon review of the proposed Answer, the Court finds no basis to alter its prior ruling.

Accordingly, it is hereby ORDERED that the Motion to Reconsider, ECF No. 88, is DENIED.

Date: July 13, 2020

/s/ Theodore D. Chuang  
THEODORE D. CHUANG  
United States District Judge