

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

PHYSICIANS COMMITTEE FOR  
RESPONSIBLE MEDICINE,

Plaintiff,

v.

DEPARTMENT OF HEALTH AND  
HUMAN SERVICES,

Defendant.

Civil Action No. 06-1392 (JDB)

**ORDER**

Upon consideration of [12] plaintiff's motion for summary judgment and [16] defendant's cross-motion for summary judgment, and for the reasons stated in the memorandum opinion issued on this date, it is hereby

**ORDERED** that [12] plaintiff's motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART**; it is further

**ORDERED** that [16] defendant's motion for summary judgment is **DENIED**; it is further

**ORDERED** that judgment is entered in favor of plaintiff and against defendant on Claim One of the complaint; and it is further

**ORDERED** that Claim Two of the complaint is dismissed for failure to state a claim upon which relief can be granted.

**SO ORDERED.**

/s/

JOHN D. BATES

United States District Judge

Date: March 26, 2007