

JS
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NARCISA GARCIA, et al.,

Plaintiffs,

vs.

KATHLEEN SEBELIUS, et al.,

Defendants.

CIVIL ACTION

No. 09-CV-1747

FILED

APR 23 2010

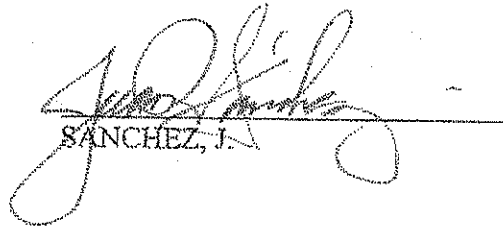
MICHAEL E. KUNZ, Clerk
Dep. Clerk

ORDER APPROVING SETTLEMENT AGREEMENT BETWEEN
PLAINTIFFS AND DEPARTMENT OF PUBLIC WELFARE DEFENDANTS,
CERTIFYING THE PLAINTIFF CLASS AND APPOINTING CLASS
COUNSEL

AND NOW, this 23rd day of April, 2010, pursuant to Rules 23 (c),(e)
and (g) of the Federal Rules of Civil Procedure, after consideration of the proposed
Settlement Agreement Between Plaintiffs and Department of Public Welfare Defendants,
IT IS ORDERED as follows:

1. The above matter may proceed as a class action pursuant to Fed. R. Civ. P.
23(a) and (b)(2). The class shall consist of all persons living in Pennsylvania
who are, were or will be eligible for Medicare benefits, and who are, were or
will be simultaneously also eligible to have their Medicare premiums paid for
by the Pennsylvania Medicaid program's Medicare Savings Program, but
whose Medicare Savings Program benefits are, were or will be denied or
delayed as a result of defendants' failure to properly and efficiently administer
the Medicare Savings Program part of the Medicaid program;

2. Plaintiffs' existing counsel, Community Legal Services and the Center for Medicare Advocacy, are appointed to serve as counsel for the class;
3. The Settlement Agreement is approved pursuant to Federal Rule of Civil Procedure 23(e). The Court's review of the Settlement Agreement was conducted solely to comply with Federal Rule of Civil Procedure 23(e) and does not convert the Settlement Agreement into an order of the Court or a consent decree;
4. Pursuant to the Settlement Agreement, plaintiffs' claims against the DPW defendants are hereby dismissed.


SANCHEZ, J.

ENTERED
APR 23 2010
CLERK OF COURT

4/23/10 mail:
Kwael
Gottlieb
Namore