

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MICHAEL BIRDSONG, KELLEY  
DOTSON, SUSAN EDWARDS, BOBBY  
JONES, MIA MURRAY, LARRY  
PRITCHARD, and PATRICIA  
REDMOND, on behalf of  
themselves and all others  
similarly situated

Plaintiffs,

v.

SONNY PURDUE, in his official  
capacity as Governor of the  
State of Georgia, GEORGIA  
DEPARTMENT OF COMMUNITY  
HEALTH, GEORGIA DEPARTMENT OF  
HUMAN RESOURCES, JIM MARTIN,  
Commissioner, Georgia  
Department of Human Resources,  
in his official capacity, GARY  
REDDING, Commissioner, Georgia  
Department of Community  
Health, in his official  
capacity

Defendants.

CIVIL ACTION NO.

1:03-CV-288-JEC

ORDER

This case is presently before the Court on United States' Notice of Request to Participate as Amicus Curiae [22]; defendants' Motion for Leave to File Excess Pages [26]; defendants' Motion for Partial Dismissal [27]; plaintiffs' Motion for Class Certification [28]; defendants' Motion for Leave to File Excess Pages [33];

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defendants' Motion for Leave to File Excess Pages [46]; Motion to Intervene as Plaintiffs [55]; plaintiffs' Motion for Hearing on Motions for Class Certification and to Intervene [56]; Motion to Intervene [60]; Consent Motion for Extension of Discovery [61]; AND defendants' Motion for Leave to File Excess Pages [63].

The Court recently held a teleconference to address the consent motion for an extension of the discovery period. At this teleconference, the parties expressed their need to engage in further discovery so that they could participate in more fruitful settlement discussions. The Court **GRANTS** this motion [61] and extends discovery through May 16, 2005, the date requested by the parties. The parties shall send the Court a letter by May 16, 2005, indicating where they are in settlement discussions, whether further discovery is necessary, and whether they are prepared to begin briefing any summary judgment motions. This letter must be double-spaced and conform to the Court's local rule regarding font size. See LR 5.1C, NDGa. The Court will confer with counsel at that time and determine how the case should proceed and what motions should be filed. In the meantime, the Court **DENIES without prejudice** the pending motions for partial dismissal [27] and class certification [28].

Further, at the conference, the Court discouraged plaintiffs' counsel from filing any more motions to intervene, but did not


direct that plaintiffs not file any further such motions. Upon further reflection, the Court believes it best that plaintiffs cease filing motions to intervene while the parties are discussing settlement. Settlement discussions cannot progress if defendants must continue to respond to these motions and if the universe of plaintiffs continues to change. For this reason, the Court **DENIES without prejudice** the pending motions to intervene [55, 60] and instructs plaintiffs' counsel not to file any additional motions to intervene. If the case does not settle by the May 16 discovery deadline, then plaintiffs may, after conferring with the Court, revisit the issue of filing motions to intervene.

For the foregoing reasons, the Court **GRANTS** the United States' Notice of Request to Participate as Amicus Curiae [22]; **GRANTS** defendants' Motion for Leave to File Excess Pages [26]; **DENIES without prejudice** defendants' Motion for Partial Dismissal [27]; **DENIES without prejudice** plaintiffs' Motion for Class Certification [28]; **GRANTS** defendants' Motion for Leave to File Excess Pages [33]; **GRANTS** defendants' Motion for Leave to File Excess Pages [46]; **DENIES without prejudice** Motion to Intervene as Plaintiffs [55]; **DENIES without prejudice** plaintiffs' Motion for Hearing on Motions for Class Certification and to Intervene [56]; **DENIES without prejudice** Motion to Intervene [60]; **GRANTS** Consent Motion

for Extension of Discovery [61]; AND **GRANTS** defendants' Motion for Leave to File Excess Pages [63].

The parties are reminded that they must send the Court a letter by **May 16, 2005** indicating where they are in settlement discussions and discovery.

SO ORDERED, this 21 day of March, 2005.

  
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JULIE E. CARNES  
UNITED STATES DISTRICT JUDGE