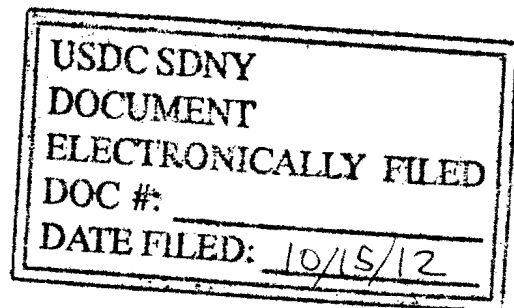


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- x  
CHARLES STROUCHLER, SARA CAMPOS, by her next friend ANA SIMARD, and AUDREY ROKAW, by her next friend NINA PINSKY, individually and on behalf of all others similarly situated,

Plaintiffs,

**STIPULATION AND ORDER**

-against-

12 Civ. 3216 (SAS)

NIRAV SHAH, M.D., as Commissioner of the New York State Department of Health, and ELIZABETH BERLIN, as Executive Deputy Commissioner of the New York State Office of Temporary and Disability Assistance, and ROBERT DOAR, as Administrator of the New York City Human Resources Administration/Department of Social Services,

Defendants.

----- x  
WHEREAS, Medicaid personal care services ("PCS") recipient Ana Colon is a purported class member in this action;

WHEREAS, Ms. Colon has previously received continuous personal care services (also known as "split-shift services") under the Medicaid program that is administered by the New York City Human Resources Administration;

WHEREAS, Ms. Colon's PCS care was reduced from split-shift services to live-in 24-hour personal care services (also known as "sleep-in services") due to the assessment, dated February 1, 2012, of a Local Medical Director ("LMD"), who determined that Ms. Colon required "some" rather than "total" assistance with her needs;

WHEREAS, the Preliminary Injunction does not apply to the reduction of Ms. Colon's care, because her split-shift services were reduced before September 4, 2012;

WHEREAS, the parties wish to resolve the issue of Ms. Colon's current level of PCS care; and

WHEREAS, the defendants do not admit any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this action, through their undersigned counsel, as follows:

1. City Defendant agrees to restore Ms. Colon's personal care services from sleep-in services to split-shift services within five days of the so-ordering of this Stipulation and Order.
2. Plaintiffs' counsel agrees to submit to City Defendant any documentation and/or information that may be necessary to implement the restoration of split-shift services to Ms. Colon.

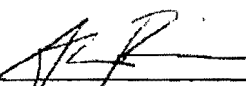
Dated: New York, New York  
October 1, 2012

**JASA/LEGAL SERVICES FOR THE  
ELDERLY IN QUEENS**

By:   
Donna Dougherty, Esq.

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(718) 275-5352  
Counsel for Plaintiffs


**MICHAEL A. CARDOZO  
CORPORATION COUNSEL OF THE  
CITY OF NEW YORK**

By:   
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(212) 788-8316  
Counsel for Defendant Commissioner  
Robert Doar

**ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL OF THE STATE  
OF NEW YORK**

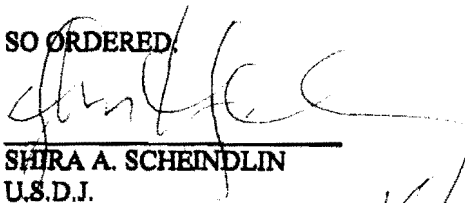
By: \_\_\_\_\_

  
Robert L. Kraft, Esq.

120 Broadway  
New York, New York 10271  
(212) 416-8632

**Counsel for Defendant Commissioner Nirav  
Shah, M.D.**

SO ORDERED.

  
\_\_\_\_\_  
SHIRA A. SCHEINDLIN  
U.S.D.J.

10/15/12