

CASREF,CLOSED,CONMAG,PROTO,REMAND-COAP,STAYED
U.S. District Court
Southern District of Ohio (Cincinnati)
CIVIL DOCKET FOR CASE #: 1:13-cv-00074-KLL

Price et al v. Medicaid Director, Office of Medical Assistance et al
Assigned to: Magistrate Judge Karen L. Litkowitz
Referred to: Magistrate Judge J. Gregory Wehrman (Settlement)
Case in other court: Sixth Circuit Court of Appeals, 15-04066
Cause: 42:1983 Civil Rights Act

Date Filed: 02/01/2013
Date Terminated: 11/02/2016
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Kathryn A. Price
*as next friend and Attorney-in-Fact
on behalf of*
Geraldine A. Saunders

represented by **Anna M Rich**
Justice in Aging
1330 Broadway
Suite 525
Oakland, CA 94612
510-663-1055
Fax: 510-663-1051
Email: arich@justiceinaging.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julia A Carter
Justice in Aging
3660 Wilshire Blvd
Suite 718
Los Angeles, CA 90010
213-289-0799
Fax: 213-550-0501
Email: jcarter@justiceinaging.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Peter Leroux Cassady
Beckman, Weil, Shepardson LLC
895 Central Avenue, Suite 300
Cincinnati, Oh 45202-4007
513-621-2100
Fax: 513-621-2100
Email: petercassady@beckman-weil.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ashley Joy Shannon
Beckman Weil Shepardson
300 Pike Street
Suite 400
Cincinnati, OH 45202
513-621-2100
Fax: 513-621-0106
Email: aburke@beckman-weil.com
(Inactive)
ATTORNEY TO BE NOTICED

Eric M Carlson
Justice in Aging
3660 Wilshire Boulevard
Suite 718
Los Angeles, CA 90010
213-674-2813

Fax: 213-550-0501
Email: ecarlson@justiceinaging.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Janet Eileen Pecquet
Beckman Weil Shepardson LLC
300 Pike Street
Suite 400
Cincinnati, OH 45202-4008
513-621-2100
Fax: 513-621-0106
Email: jpecquet@beckman-weil.com
ATTORNEY TO BE NOTICED

Plaintiff

Marilyn Wenman

*Executor for the Estate of Betty Hilleger,
Deceased
on behalf of
Betty Hilleger*

represented by **Anna M Rich**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julia A Carter
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Peter Leroux Cassady
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ashley Joy Shannon
(See above for address)
ATTORNEY TO BE NOTICED

Eric M Carlson
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Janet Eileen Pecquet
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Medicaid Director, Office of Medical Assistance
Ohio Department of Job and Family Services

represented by **Cheryl R Hawkinson**
Ohio Attorney General – 2
30 E Broad Street
26th Floor
Columbus, OH 43215-9470
614-466-8600
Fax: 614-466-3965
Email: chawkinson@ag.state.oh.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amy Robbins Goldstein
Office of the Ohio Attorney General
30 E. Broad Street
Columbus, OH 43215

614-466-8600
 Fax: 614-466-6090
 Email: amy.goldstein@ohioattorneygeneral.gov
ATTORNEY TO BE NOTICED

Natalie Rae Brown
 Ohio Attorney General
 Health and Human Services Section
 30 E. Broad Street
 Columbus, OH 43215
 614-466-8600
 Email: natalie.quintana@ohioattorneygeneral.gov
TERMINATED: 11/20/2013
ATTORNEY TO BE NOTICED

Defendant**Director, Ohio Department of Aging**

represented by **Cheryl R Hawkinson**
 Ohio Attorney General – 2
 Consumer Protection Section
 30 E Broad Street
 26th Floor
 Columbus, OH 43215-9470
 614-466-8831
 Fax: 614-466-3965
 Email: chawkinson@ag.state.oh.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amy Robbins Goldstein
 (See above for address)
ATTORNEY TO BE NOTICED

Natalie Rae Brown
 (See above for address)
TERMINATED: 11/20/2013
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/01/2013	<u>1</u>	COMPLAINT filed by Marilyn Wenman obo Betty Hilleger and Kathryn A. Price obo Geralidine Saunders against Director, Ohio Department of Aging and Medicaid Director, Office of Medical Assistance.(Filing fee \$ 350 paid – receipt number: 0648-3961964 (Attachments: # <u>1</u> Civil Cover Sheet) (eh1) (Entered: 02/04/2013)
02/04/2013		Pursuant to General Order of Assignment and Reference filed on February 23, 2011, Magistrate Judge Karen L Litkovitz added for purposes of discovery. (eh1) (Entered: 02/04/2013)
02/18/2013	<u>2</u>	WAIVER OF SERVICE Returned Executed. Waiver sent to Director, Ohio Department of Aging on 2/1/2013, answer due 4/2/2013. (Pecquet, Janet) Modified to correct answer date on 2/19/2013 (jlw). (Entered: 02/18/2013)
02/18/2013	<u>3</u>	WAIVER OF SERVICE Returned Executed. Waiver sent to Medicaid Director, Office of Medical Assistance on 2/1/2013, answer due 4/2/2013. (Pecquet, Janet) Modified to correct answer date on 2/19/2013 (jlw). (Entered: 02/18/2013)
02/19/2013		Set/Reset Deadlines: Director, Ohio Department of Aging answer due 4/2/2013; Medicaid Director, Office of Medical Assistance answer due 4/2/2013. (jlw) (Entered: 02/19/2013)
02/19/2013		Notice of Correction re: <u>2</u> Waiver of Service Executed, <u>3</u> Waiver of Service Executed. Service date was incorrectly entered. The correct date is 2/1/2013 changing the answer date to 4/2/2013. Deadlines were reset. (jlw) (Entered: 02/19/2013)

02/26/2013	<u>4</u>	NOTICE of Appearance by Natalie Rae Brown for Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance (Brown, Natalie) (Entered: 02/26/2013)
02/26/2013	<u>5</u>	NOTICE of Appearance by Cheryl R Hawkinson for Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance (Hawkinson, Cheryl) (Entered: 02/26/2013)
03/27/2013	<u>6</u>	STIPULATION <i>extension of time to plead to complaint</i> by Plaintiffs and Defendants. (Hawkinson, Cheryl) Modified to correct filer information on 3/28/2013 (lk). (Entered: 03/27/2013)
03/28/2013		Reset Deadlines per stipulation: Director, Ohio Department of Aging answer due 4/23/2013; Medicaid Director, Office of Medical Assistance answer due 4/23/2013. (lk) (Entered: 03/28/2013)
04/23/2013	<u>7</u>	ANSWER to Complaint filed by Director, Ohio Department of Aging. (Brown, Natalie) (Entered: 04/23/2013)
04/23/2013	<u>8</u>	ANSWER to Complaint filed by Medicaid Director, Office of Medical Assistance. (Brown, Natalie) (Entered: 04/23/2013)
04/24/2013	<u>9</u>	NOTICE of Hearing: Preliminary Pretrial Conference set for 6/20/2013 02:30 PM in Chambers before Judge S Arthur Spiegel. (km1) (Entered: 04/24/2013)
06/07/2013	<u>10</u>	RULE 26(f) REPORT by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance, Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 06/07/2013)
06/11/2013	<u>11</u>	ORDER REASSIGNING CASE. Upon consent of the parties, this case is transferred to Magistrate Judge Karen L. Litkovitz for all further proceedings. Judge S Arthur Spiegel no longer assigned to case. Any appeal will be to the United States Court of Appeals for the Sixth Circuit. The preliminary pretrial conference set for 6/20/2013 at 2:30 p.m. is hereby VACATED. Signed by Judge S Arthur Spiegel on 6/11/2013. (km1) (Entered: 06/11/2013)
06/13/2013	<u>12</u>	NOTICE: Scheduling Conference set for Wednesday, 7/10/2013 at 02:00 PM via telephone before Magistrate Judge Karen L. Litkovitz. (COUNSEL MUST LOG INTO CM/ECF TO VIEW THIS SEALED DOCUMENT IN ITS ENTIRETY FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE TELEPHONE SCHEDULING CONFERENCE.) (art) (Entered: 06/13/2013)
07/10/2013	<u>13</u>	Minute Entry: Case called this date before Magistrate Judge Karen L. Litkovitz for a Scheduling Conference held via telephone on 7/10/2013. Counsel for plaintiff and defendant present. Case calendar established. Order of the Court to follow. (Court Reporter none present.) (art) (Entered: 07/11/2013)
07/11/2013	<u>14</u>	NOTICE: Status Conference set for Tuesday, 10/15/2013 at 02:00 PM via telephone before Magistrate Judge Karen L. Litkovitz. (COUNSEL MUST LOG INTO CM/ECF TO VIEW THIS SEALED DOCUMENT IN ITS ENTIRETY FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE TELEPHONE STATUS CONFERENCE.) (art) (Entered: 07/11/2013)
07/11/2013	<u>15</u>	CALENDAR ORDER: Deadline for leave to amend the pleadings set for 8/30/2013; Plaintiff to identify and produce primary expert reports deadline set for 10/6/2013; Defendant to identify and produce primary expert reports deadline set for 11/6/2013; Parties disclosure and report of rebuttal experts deadline set for 12/6/2013; Parties disclosure of non-expert (fact) witnesses deadline set for 1/6/2014; Parties to exchange witness list and summary deadline set for 2/28/2014; Discovery deadline set for 3/28/2014; Dispositive motion deadline set for 5/16/2014; Joint final pretrial order deadline set for 9/3/2014; Final Pretrial Conference set for 9/10/2014 at 02:00 PM before Magistrate Judge Karen L. Litkovitz; Bench Trial set for 10/1/2014 at 09:00 AM before Magistrate Judge Karen L. Litkovitz. Signed by Magistrate Judge Karen L. Litkovitz on 7/11/2013. (art) (Entered: 07/11/2013)
10/15/2013	<u>16</u>	Minute Entry: Case called this date before Magistrate Judge Karen L. Litkovitz for a Status Conference held via telephone on 10/15/2013. Case cont'd for further status conference via telephone on Tuesday, 11/19/2013 at 3:00 pm. (Court Reporter none

		present.) (art) (Entered: 10/15/2013)
10/15/2013	<u>17</u>	NOTICE: Status Conference set for Tuesday, 11/19/2013 at 03:00 PM via telephone before Magistrate Judge Karen L. Litkovitz. (COUNSEL MUST LOG INTO CM/ECF TO VIEW THIS SEALED DOCUMENT IN ITS ENTIRETY FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE TELEPHONE STATUS CONFERENCE.) (art) (Entered: 10/15/2013)
11/15/2013	<u>18</u>	NOTICE by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance (Brown, Natalie) (Entered: 11/15/2013)
11/19/2013	<u>19</u>	NOTICE of Appearance by Amy Robbins Goldstein for Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance (Goldstein, Amy) (Entered: 11/19/2013)
11/19/2013	<u>20</u>	Minute Entry: Case called this date before Magistrate Judge Karen L. Litkovitz for a Status Conference held via telephone on 11/19/2013. Counsel for plaintiff and defendant present. Order of the Court to follow. (Court Reporter none present.) (art) (Entered: 11/19/2013)
11/20/2013	<u>21</u>	ORDER by agreement of the parties and with the consent of the Court, class-related discovery deadline set for 1/17/2014; class certification motion deadline set for 2/18/2014. Signed by Magistrate Judge Karen L. Litkovitz on 11/19/2013. (art) (Entered: 11/20/2013)
11/20/2013	<u>22</u>	ORDER REFERRING CASE to Magistrate Judge J. Gregory Wehrman for purposed of conducting a settlement conference. Parties are directed to contact MJ Wehrman's chambers by no later than 12/13/2013 and arrange a date for the settlement conference in this matter. Signed by Magistrate Judge Karen L. Litkovitz on 11/19/2013. (art) (Entered: 11/20/2013)
11/22/2013	<u>23</u>	ORDER signed by Magistrate Judge J. Gregory Wehrman on 11/22/13. IT IS ORDERED: A Settlement Conference will be held on 1/13/2014 at 9:30 AM at the U.S. Courthouse, 35 West Fifth Street, Covington, Kentucky. (eh1) (Entered: 11/22/2013)
12/10/2013	<u>24</u>	NOTICE to Take Deposition of Davonna Jeter by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 12/10/2013)
12/10/2013	<u>25</u>	AMENDED NOTICE to Take Deposition of Davonna Jeter by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) Modified to clarify docket text on 12/11/2013 (jlw). (Entered: 12/10/2013)
12/10/2013	<u>26</u>	NOTICE to Take Deposition of Lynn Periatt by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 12/10/2013)
12/18/2013	<u>27</u>	MOTION for Leave to File <i>First Amended Class Action Complaint and to Substitute Marilyn A. Wenman for Betty Hilleger, Deceased Pursuant to Fed. R. Civ. P. 25(a) and to Add Claims</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 12/18/2013)
12/23/2013	<u>28</u>	MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION for Leave to File <i>First Amended Class Action Complaint and to Substitute Marilyn A. Wenman for Betty Hilleger, Deceased Pursuant to Fed. R. Civ. P. 25(a) and to Add Claims</i> New date requested 2/14/2014. by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Hawkinson, Cheryl) (Entered: 12/23/2013)
12/27/2013	<u>29</u>	MOTION for Leave to Appear Pro Hac Vice of Eric M. Carlson (Filing fee \$ 200, receipt number 0648-4388016) by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 12/27/2013)
12/27/2013	<u>30</u>	MOTION for Leave to Appear Pro Hac Vice of Anna M. Rich (Filing fee \$ 200, receipt number 0648-4388026) by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 12/27/2013)
12/30/2013	<u>31</u>	ORDER granting <u>29</u> Motion for Leave to Appear Pro Hac Vice of attorney Eric M. Carlson. Signed by Magistrate Judge Karen L. Litkovitz on 12/30/2013. (art) (Entered: 12/30/2013)

12/30/2013	<u>32</u>	ORDER granting <u>30</u> Motion for Leave to Appear Pro Hac Vice of attorney Anna M. Rich. Signed by Magistrate Judge Karen L. Litkovitz on 12/30/2013. (art) (Entered: 12/30/2013)
01/03/2014	<u>33</u>	Proposed Protective Order by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Hawkinson, Cheryl) Modified to terminate motion on 1/7/2014 (lk). (Entered: 01/03/2014)
01/06/2014	<u>34</u>	STIPULATION <i>Stipulation of Extension</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 01/06/2014)
01/06/2014	<u>35</u>	STIPULATION <i>Amended Stipulation of Extension</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 01/06/2014)
01/08/2014	<u>36</u>	STIPULATED PROTECTIVE ORDER. Signed by Magistrate Judge Karen L. Litkovitz on 1/8/2014. (art) (Entered: 01/08/2014)
01/08/2014	<u>37</u>	ORDER granting parties agreed <u>27</u> <u>28</u> Motion(s) that defendants shall have until 2/14/2014 in which to file a response to plaintiffs' motion for leave to file the first amended complaint, and plaintiffs' motion for class certification shall be due on or before 4/18/2014. The cut-off for discovery for class certification shall be 3/17/2014. Signed by Magistrate Judge Karen L. Litkovitz on 1/8/2014. (art) (Entered: 01/08/2014)
01/14/2014	<u>38</u>	Minute Order for Proceedings held before Magistrate Judge J. Gregory Wehrman: Settlement Conference on 1/13/2014. Janet Pecquet, Peter Cassady, and Ashley Shannon Burke appeared for Plaintiff; Cheryl Hawkinson, Amy Goldstein, and Natalie Brown appeared for Defendant. The parties made substantial progress toward resolving the pending litigation and have requested additional time to continue negotiations. IT IS ORDERED that on or before 1/27/2014 parties shall file a joint status report. (eh1) (Entered: 01/14/2014)
01/14/2014	<u>39</u>	ORDER that all current calendar deadlines in this matter be extended by (60) days pending the parties settlement efforts. Signed by Magistrate Judge Karen L. Litkovitz on 1/14/2014. (art) (Entered: 01/14/2014)
01/16/2014	<u>40</u>	AMENDED Minute Order for Proceedings held before Magistrate Judge J. Gregory Wehrman: Settlement Conference on 1/13/2014. Janet Pecquet, Peter Cassady, and Ashley Shannon Burke appeared for Plaintiff; Cheryl Hawkinson and Amy Goldstein appeared for Defendant. The parties made substantial progress toward resolving the pending litigation and have requested additional time to continue negotiations. IT IS ORDERED that on or before 1/27/2014 parties shall file a joint status report. (eh1) (Entered: 01/16/2014)
03/26/2014	<u>41</u>	Minute Entry: Case called this date before Magistrate Judge Karen L. Litkovitz for a Status Conference held via telephone on 3/26/2014. Counsel for plaintiff and defendant present. Order of the Court to follow. (Court Reporter none present.) (art) (Entered: 03/27/2014)
03/27/2014	<u>42</u>	ORDER following <u>41</u> Status Conference held on 3/26/2014. Parties are to file a joint motion for an extension of the deadlines and are to include a proposed order containing agreed upon dates. This matter is set for a follow-up status conference on 4/24/2014 at 02:30 PM via telephone before Magistrate Judge Karen L. Litkovitz. Signed by Magistrate Judge Karen L. Litkovitz on 3/27/2014. (art) Modified to correct status conference date on 3/31/2014 (sct1). (Entered: 03/27/2014)
03/27/2014	<u>43</u>	NOTICE: Status Conference set for Thursday, 4/24/2014 at 02:30 PM via telephone before Magistrate Judge Karen L. Litkovitz. (COUNSEL MUST LOG INTO CM/ECF TO VIEW THIS SEALED DOCUMENT IN ITS ENTIRETY FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE TELEPHONE STATUS CONFERENCE). (art) (Entered: 03/27/2014)
03/27/2014	<u>44</u>	ORDER signed by Magistrate Judge J. Gregory Wehrman on 3/27/14. IT IS ORDERED: A settlement conference will be held on APRIL 8, 2014, at 10:00 a.m. at the U.S. Courthouse, 35 West Fifth Street, Covington, Kentucky. (eh1) (Entered: 03/27/2014)

04/10/2014	<u>45</u>	Minute Order. Proceedings held before Magistrate Judge J. Gregory Wehrman: Second Settlement Conference held on 4/10/2014 with the following appearances: attorneys Janet Pecquet, Ashley Shannon Burke and Peter Cassady for plaintiffs; Brianne Brown and Natalie Brown as representatives for defendants, along with defendants' attorneys, Amy Goldstein and Cheryl Hawkinson. In light of recent regulatory changes by CMS the parties have agreed to review in depth the applicable regulations and report back to the Court by April 30, 2014. Accordingly, IT IS ORDERED: The parties are on notice that a subsequent conference call will be conducted with the Court at a mutually agreeable date/time. (sct1) (Entered: 04/10/2014)
04/24/2014	<u>46</u>	Minute Entry: Case called this date before Magistrate Judge Karen L. Litkovitz for a Status Conference held via telephone on 4/24/2014. Counsel for plaintiffs, and defedants present. Parties will submit a joint proposed request for extension of certain discovery and filing deadlines. (Court Reporter none present.) (art) (Entered: 05/01/2014)
05/02/2014	<u>47</u>	STIPULATED CALENDAR EXTENSION ORDER: Discovery deadline, including class certification set for 7/31/2014; Plaintiffs' Motion for Class Certification shall be due on or before 9/12/2014; Memorandum in opposition for class certification shall be due on or before 10/31/2014; Reply memorandum for class certification shall be due on or before 11/21/2014; Dispositive Motions shall be due on or before 9/12/2014; Memoranda in opposition to dispositive motions shall be due on or before 10/31/2014; Reply memoranda for dispositive motions shall be due on or before 11/21/2014; Final pretrial conference and trial dates to be determined at a later date by the Court. Signed by Magistrate Judge Karen L. Litkovitz on 5/2/2014. (art) (Entered: 05/02/2014)
05/05/2014	<u>48</u>	NOTICE: Status Conference set for Tuesday, 6/24/2014 at 03:30 PM via telephone before Magistrate Judge Karen L. Litkovitz. (COUNSEL MUST LOG INTO CM/ECF TO VIEW THIS SEALED DOCUMENT IN ITS ENTIRETY FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE TELEPHONE STATUS CONFERENCE). (art) (Entered: 05/05/2014)
06/24/2014		Defendants' counsel Cheryl Hawkinson unavailable today (death in family) for status conference set for 6/24/2014 at 3:30 pm. This matter will be reset for status conference in a couple of weeks before MJ Litkovitz. (art) (Entered: 06/24/2014)
06/24/2014	<u>49</u>	NOTICE RESETTING: Status Conference reset for Tuesday, 7/8/2014 at 01:30 PM via telephone before Magistrate Judge Karen L. Litkovitz. (COUNSEL MUST LOG INTO CM/ECF TO VIEW THIS SEALED DOCUMENT IN ITS ENTIRETY FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE TELEPHONE STATUS CONFERENCE). (art) (Entered: 06/24/2014)
07/08/2014	<u>50</u>	Minute Entry: Case called this date before Magistrate Judge Karen L. Litkovitz for a Status Conference held via telephone on 7/8/2014. Counsel for plaintiffs present. Case cont'd for a rescheduled status conference tentatively set for Tuesday, 7/15/2014 at 11:00 via telephone. (Court Reporter none present.) (art) (Entered: 07/08/2014)
07/09/2014	<u>51</u>	NOTICE: Status Conference set for Tuesday, 7/15/2014 at 11:00 AM via telephone before Magistrate Judge Karen L. Litkovitz. (COUNSEL MUST LOG INTO CM/ECF TO VIEW THIS SEALED DOCUMENT IN ITS ENTIRETY FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE TELEPHONE STATUS CONFERENCE). (art) (Entered: 07/09/2014)
07/15/2014	<u>52</u>	Minute Entry: Case called this date before Magistrate Judge Karen L. Litkovitz for a Status Conference held via telephone on 7/15/2014. Counsel for plaintiffs and defendants present. Revised case calendar established. Order of the Court to follow. (Court Reporter none present.) (art) (Entered: 07/15/2014)
07/15/2014	<u>53</u>	REVISED CALENDAR ORDER: The cut-off date for all discovery, including class certification set for 10/31/2014; Plaintiffs' Motion for Class Certification shall be due on or before 12/12/2014; Memorandum in opposition for class certification shall be due on or before 2/6/2015; Reply memorandum for class certification shall be due on or before 2/27/2015; Dispositivie motions shall be due on or before 12/12/2014; Memorandum in opposition to dispositive motions shall be due on or before 2/6/2015; Reply memorandum for dispositive motions shall be due on or before 2/27/2015; Joint Final Pretrial Order deadline set for 6/4/2015; Final Pretrial Conference set for 6/11/2015 at 02:00 PM before Magistrate Judge Karen L. Litkovitz; Bench Trial set

		for 6/22/2015 at 09:00 AM before Magistrate Judge Karen L. Litkovitz. Signed by Magistrate Judge Karen L. Litkovitz on 7/15/2014. (art) (Entered: 07/15/2014)
11/12/2014	<u>54</u>	STIPULATION of <i>Extension</i> by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance, Plaintiffs. (Hawkinson, Cheryl) Modified to include plaintiffs as filers on 11/13/2014 (eh1). (Entered: 11/12/2014)
11/13/2014	<u>55</u>	ORDER granting plaintiff's <u>27</u> Motion for Leave to File first amended complaint. It is Ordered that Marilyn A. Wenman, duly appointed representative of the Estate of Betty Hilleger, Deceased, shall be substituted for plaintiff Betty Hilleger. Signed by Magistrate Judge Karen L. Litkovitz on 11/13/2014. (art) (Entered: 11/13/2014)
11/13/2014	<u>56</u>	FIRST AMENDED CLASS ACTION COMPLAINT for injunctive and declaratory relief filed by plaintiffs. (art) (Entered: 11/13/2014)
11/13/2014	<u>57</u>	REVISED CALENDAR ORDER: The cutoff for all discovery, including class certification, shall be 10/31/2014; Defendants shall have (30) days to file their respective answer from the date the Amended Complaint is filed. Plaintiffs' Motion for class certification shall be due on or before 1/16/2015; Memorandum in opposition for class certification shall be due on or before 2/20/2015; Reply memorandum for class certification shall be due on or before 3/13/2015; Dispositive motions shall be due on or before 1/16/2015; Memorandum in opposition to dispositive motions shall be due on or before 2/20/2015; Reply memorandum for dispositive motions shall be due on or before 3/13/2015; Parties Joint final pretrial order deadline set for 6/4/2015; Final Pretrial Conference set for 6/11/2015 at 02:00 PM before Magistrate Judge Karen L. Litkovitz; Bench Trial set for 6/22/2015 at 09:00 AM before Magistrate Judge Karen L. Litkovitz. Signed by Magistrate Judge Karen L. Litkovitz on 11/13/2014. (art) (Entered: 11/13/2014)
12/05/2014	<u>58</u>	ANSWER to <u>56</u> Amended Complaint filed by Director, Ohio Department of Aging. (Hawkinson, Cheryl) Modified to clarify docket text on 12/8/2014 (j1w1). (Entered: 12/05/2014)
12/05/2014	<u>59</u>	<i>Director, Ohio Department of Medicaid</i> ANSWER to <u>56</u> Amended Complaint filed by Medicaid Director, Office of Medical Assistance. (Hawkinson, Cheryl) (Entered: 12/05/2014)
12/10/2014	<u>60</u>	STIPULATION <i>Joint Stipulation of Dismissal Without Prejudice of Claim Four of the First Amended Complaint</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 12/10/2014)
12/16/2014	<u>61</u>	MOTION for Leave to File <i>Motion for Summary Judgment in Excess of Twenty (20) Pages</i> by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Hawkinson, Cheryl) (Entered: 12/16/2014)
12/17/2014	<u>62</u>	NOTATION ORDER granting defendants John McCarthy adn Bonnie Kantor-Burmans' <u>61</u> Motion for Leave to File a motion for summary judgment in excess of (20) pages. Signed by Magistrate Judge Karen L. Litkovitz on 12/17/2014. (art) (Entered: 12/17/2014)
12/19/2014	<u>63</u>	NOTICE of Change of Address by Janet Eileen Pecquet (Pecquet, Janet) (Entered: 12/19/2014)
12/30/2014	<u>64</u>	MOTION for Leave to File Excess Pages in <i>Motion for Summary Judgment</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 12/30/2014)
12/31/2014	<u>65</u>	NOTATION ORDER granting plaintiff's <u>64</u> Motion for Leave to File Motion for Summary Judgment in Excess of (20) Pages. Signed by Magistrate Judge Karen L. Litkovitz on 12/31/2014. (art) (Entered: 12/31/2014)
01/15/2015	<u>66</u>	MOTION for Leave to File <i>Declaration of Janet E. Pecquet, with Attachments, Under Seal</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 01/15/2015)
01/16/2015	<u>67</u>	MOTION to Seal <i>Defendants Motion for Leave to File Exhibits of Davona Jeter and Lynn Periat Depositions Under Seal</i> by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Hawkinson, Cheryl) (Entered: 01/16/2015)

01/16/2015	<u>68</u>	NOTICE of filing of Deposition of Lynn Periatt without Exhibits taken 12/16/2013 by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance (Attachments: # <u>1</u> Exhibit Transcript of Deposition) (Hawkinson, Cheryl) Modified docket text on 1/21/2015 (eh1). (Entered: 01/16/2015)
01/16/2015	<u>69</u>	Deposition of Devona Jeter's without Exhibits taken 12/16/2013 by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance (Attachments: # <u>1</u> Exhibit Deposition of Devona Jeter without exhibits) ***Please note that p. 53 of the deposition is misfiled as p. 35 of the pdf. ***** (Hawkinson, Cheryl) Modified docket text on 1/21/2015 (eh1). (Entered: 01/16/2015)
01/16/2015	<u>70</u>	ORDER granting <u>66</u> Motion for Leave to File to File the Declaration of Janet E. Pecquet, with Attachments, Under Seal. Signed by Magistrate Judge Karen L. Litkovitz on 1/16/15. (eh) (Entered: 01/16/2015)
01/16/2015	<u>73</u>	NOTICE by Plaintiffs Kathryn A. Price, Marilyn Wenman <i>Of Manual Filing of the Declaration of Janet E. Pecquet</i> (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>74</u>	MOTION for Summary Judgment by Plaintiffs Kathryn A. Price, Marilyn Wenman. Responses due by 2/9/2015 (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>75</u>	AFFIDAVIT re <u>74</u> MOTION for Summary Judgment <i>Declaration of Cecil Albright</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>76</u>	AFFIDAVIT re <u>74</u> MOTION for Summary Judgment <i>Declaration Christopher Lavin</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Attachments: # <u>1</u> Exhibit 1 through 4) (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>77</u>	MOTION to Certify Class <i>and Appointment of Class Counsel</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. Responses due by 2/9/2015 (Attachments: # <u>1</u> Exhibit A) (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>78</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class <i>and Appointment of Class Counsel</i> , <u>74</u> MOTION for Summary Judgment <i>Declaration of C. Nietzsche</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Attachments: # <u>1</u> Exhibit A) (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>79</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class <i>and Appointment of Class Counsel</i> , <u>74</u> MOTION for Summary Judgment <i>Declaration of K. Brod</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>80</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class <i>and Appointment of Class Counsel</i> , <u>74</u> MOTION for Summary Judgment <i>Declaration of K. Price</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Attachments: # <u>1</u> Exhibit A and B) (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>81</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class <i>and Appointment of Class Counsel</i> , <u>74</u> MOTION for Summary Judgment <i>Declaration of M. Wenman</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Attachments: # <u>1</u> Exhibit A) (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>82</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class <i>and Appointment of Class Counsel</i> , <u>74</u> MOTION for Summary Judgment <i>Declaration of K. Phillips</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Attachments: # <u>1</u> Exhibit A through G) (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>83</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class <i>and Appointment of Class Counsel</i> , <u>74</u> MOTION for Summary Judgment <i>Declaration of R. Nielsen</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Attachments: # <u>1</u> Exhibit A through C) (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>84</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class <i>and Appointment of Class Counsel Declaration of K. Cannon</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>85</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class <i>and Appointment of Class Counsel Declaration of A. Rich</i> by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 01/16/2015)

01/16/2015	<u>86</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class and Appointment of Class Counsel Declaration of P. Cassady by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>87</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class and Appointment of Class Counsel Declaration of A. Burke by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>88</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class and Appointment of Class Counsel Declaration of J. Pecquet by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 01/16/2015)
01/16/2015	<u>89</u>	MOTION for Summary Judgment by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. Responses due by 2/9/2015 (Attachments: # <u>1</u> Exhibit Former OAC 173-38-03, # <u>2</u> Exhibit CMS Approval Letter, # <u>3</u> Exhibit 2011 Waiver Application, # <u>4</u> Exhibit Hobbs Affidavit, # <u>5</u> Exhibit Selected pages from Waiver instructions, # <u>6</u> Exhibit Redacted Hillegar Application, # <u>7</u> Exhibit Redacted Hillegar Case Note Report, # <u>8</u> Exhibit Selected pages from Periatt Depo, # <u>9</u> Exhibit Selected page of Jeter Depo, # <u>10</u> Exhibit Redacted Plaintiffs Response to First set of Admissions, # <u>11</u> Exhibit Redacted Saunders Case Note Report, # <u>12</u> Exhibit Redacted Saunders Application) (Hawkinson, Cheryl) (Entered: 01/16/2015)
01/16/2015	<u>90</u>	NOTICE by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance of Manual Filing of Deposition Exhibits of Jeter and Periatt Under Seal (Hawkinson, Cheryl) (Entered: 01/16/2015)
01/20/2015	<u>91</u>	AFFIDAVIT re <u>77</u> MOTION to Certify Class and Appointment of Class Counsel, <u>74</u> MOTION for Summary Judgment Declaration of Janet E. Pecquet with Redacted Exhibits A through AA by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Attachments: # <u>1</u> Exhibit A through AA Redacted) (Pecquet, Janet) (Entered: 01/20/2015)
01/20/2015	<u>92</u>	ORDER until further notice granting defendants' <u>67</u> Motion for leave to file exhibits of Davona Jeter and Lynn Periatt depositions' under Seal. Signed by Magistrate Judge Karen L. Litkovitz on 1/20/2015. (art) (Entered: 01/20/2015)
01/21/2015	<u>94</u>	NOTICE of Filing by Plaintiffs Kathryn A. Price, Marilyn Wenman re <u>81</u> Affidavit, <u>88</u> Affidavit, <u>83</u> Affidavit, <u>78</u> Affidavit, <u>84</u> Affidavit, <u>80</u> Affidavit, <u>87</u> Affidavit, <u>91</u> Affidavit, <u>77</u> MOTION to Certify Class and Appointment of Class Counsel, <u>85</u> Affidavit, <u>79</u> Affidavit, <u>74</u> MOTION for Summary Judgment , <u>75</u> Affidavit, <u>76</u> Affidavit, <u>82</u> Affidavit, <u>86</u> Affidavit (Pecquet, Janet) Modified to clarify docket text on 1/22/2015 (jee1). (Entered: 01/21/2015)
01/21/2015	<u>95</u>	NOTICE by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance re <u>89</u> MOTION for Summary Judgment signature page 33 of Defendants' Motion for Summary Judgment (Hawkinson, Cheryl) (Entered: 01/21/2015)
02/19/2015	<u>96</u>	MOTION for Leave to File Excess Pages of Memorandum in Opposition to Defendants' Motion for Summary Judgment by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 02/19/2015)
02/19/2015	<u>97</u>	MOTION to Seal Document Defendants' Motion to File Exhibit 4 of Hope Roberts' Deposition and Affidavit of Matthew Hobbs Under Seal by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Hawkinson, Cheryl) (Entered: 02/19/2015)
02/20/2015	<u>98</u>	NOTICE by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance Notice of Manual Filing of Exhibit 4 of Hope Roberts' Re-deposition and Affidavit of Matthew Hobbs (Hawkinson, Cheryl) (Entered: 02/20/2015)
02/20/2015	<u>99</u>	NOTICE by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance Defendants' Notice of Filing the Re-deposition of Hope Roberts and the Deposition of Matthew Hobbs (Attachments: # <u>1</u> Exhibit Hope Roberts' Re-deposition, # <u>2</u> Exhibit Matthew Hobbs' Deposition) (Hawkinson, Cheryl) (Entered: 02/20/2015)

02/20/2015	<u>102</u>	RESPONSE in Opposition re <u>89</u> MOTION for Summary Judgment <i>with Exhibits and Declaration of Janet E. Pecquet</i> filed by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Attachments: # <u>1</u> Affidavit) (Pecquet, Janet) (Entered: 02/20/2015)
02/20/2015	<u>103</u>	MOTION Judicial Notice by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 02/20/2015)
02/20/2015	<u>104</u>	RESPONSE in Opposition re <u>74</u> MOTION for Summary Judgment <i>Defendants' Memorandum in Opposition to Plaintiffs' Motion for Summary Judgment</i> filed by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Hawkinson, Cheryl) (Entered: 02/20/2015)
02/20/2015	<u>105</u>	RESPONSE in Opposition re <u>77</u> MOTION to Certify Class <i>and Appointment of Class Counsel Defendants' Memorandum in Opposition to Plaintiffs' Motion and Memorandum for Class Certification and Appointment of Class Counsel</i> filed by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Attachments: # <u>1</u> Exhibit Exhibit 1 Affidavit of Matthew Hobbs Placeholder, # <u>2</u> Exhibit Excerpts of Roberts' Re-deposition) (Hawkinson, Cheryl) (Entered: 02/20/2015)
02/20/2015	<u>106</u>	NOTATION ORDER granting plaintiff's <u>96</u> Motion for Leave to File memorandum in opposition to defendants' motion for summary judgment in Excess of (20) Pages. Signed by Magistrate Judge Karen L. Litkovitz on 2/20/2015. (art) (Entered: 02/20/2015)
02/23/2015	<u>107</u>	ORDER granting defendants' <u>97</u> Motion for leave to file Exhibit 4 of Hope Roberts' deposition <u>110</u> and affidavit of Matthew Hobbs <u>101</u> under seal. Signed by Magistrate Judge Karen L. Litkovitz on 2/20/2015. (art) (Entered: 02/23/2015)
02/24/2015	<u>108</u>	ORDER Setting Oral Argument Hearing on Motions for Summary Judgment <u>74</u> & <u>89</u> : Oral Argument Hearing set for Wednesday, 3/25/2015 at 09:30 AM in Courtroom 708 – Cincinnati before Magistrate Judge Karen L. Litkovitz. Signed by Magistrate Judge Karen L. Litkovitz on 2/24/2015. (art) (Entered: 02/24/2015)
02/26/2015	<u>109</u>	ORDER Re-Setting Oral Argument Hearing on Motions for Summary Judgment <u>74</u> & <u>89</u> : Oral Argument Hearing reset for Tuesday, 4/28/2015 at 10:00 AM in Courtroom 708 – Cincinnati before Magistrate Judge Karen L. Litkovitz. Signed by Magistrate Judge Karen L. Litkovitz on 2/26/2015. (art) (Entered: 02/26/2015)
03/09/2015	<u>110</u>	NOTICE by Plaintiffs Kathryn A. Price, Marilyn Wenman (Pecquet, Janet) (Entered: 03/09/2015)
03/13/2015	<u>111</u>	REPLY to Response to Motion re <u>77</u> MOTION to Certify Class <i>and Appointment of Class Counsel</i> filed by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit) (Pecquet, Janet) (Entered: 03/13/2015)
03/13/2015	<u>112</u>	REPLY to Response to Motion re <u>74</u> MOTION for Summary Judgment filed by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 03/13/2015)
03/13/2015	<u>113</u>	REPLY to Response to Motion re <u>89</u> MOTION for Summary Judgment <i>Defendants' Reply to Plaintiffs' Memorandum in Opposition to Defendants' Motion for Summary Judgment</i> filed by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Attachments: # <u>1</u> Exhibit Affidavit of Matthew Hobbs, # <u>2</u> Exhibit March 1, 2014 Amended Waiver) (Hawkinson, Cheryl) (Entered: 03/13/2015)
03/25/2015	<u>114</u>	MOTION for Leave to Appear Pro Hac Vice of Julia A. Carter (Filing fee \$ 200, receipt number 0648-4985892) by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 03/25/2015)
03/26/2015	<u>115</u>	ORDER granting plaintiff's <u>114</u> Motion for Leave to Appear Pro Hac Vice. Attorney Julia A. Carter is hereby admitted to appear pro hac vice in this matter on behalf of plaintiffs. Signed by Magistrate Judge Karen L. Litkovitz on 3/26/2015. (art) (Entered: 03/26/2015)
04/10/2015	<u>116</u>	ORDER that the Court hereby vacates the final pretrial conference set for 6/11/2015, and the trial date of 6/22/2015. The parties need not submit a join pretrial statement absent further order of the Court. If necessary, the Court will conduct a telephone status conference with the parties following the Court's resolution of the pending

		motions. Signed by Magistrate Judge Karen L. Litkovitz on 4/10/2015. (art) (Entered: 04/10/2015)
04/10/2015	<u>117</u>	ORDER regarding <u>109</u> Oral argument on the parties' cross-motions for summary judgment and on plaintiffs' motion for class certification set for Tuesday, 4/28/2015. Signed by Magistrate Judge Karen L. Litkovitz on 4/10/2015. (art) (Entered: 04/10/2015)
04/28/2015	<u>118</u>	Minute Entry: Case called this date before Magistrate Judge Karen L. Litkovitz for Oral Argument Hearing on <u>74</u> , <u>77</u> , <u>89</u> MOTIONS for Summary Judgment and Class certification. Counsel for plaintiffs and defendants present. Arguments heard. Defendants granted until 5/8/2015 to file written responses to the <u>117</u> Court's questions regarding this matter. Matter taken under submission. Order of the Court to follow. (Court Reporter Luke Lavin, Official Reporter.) (art) (Entered: 04/28/2015)
04/29/2015	<u>119</u>	Response to Court's Pre-Oral Argument Questions by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 04/29/2015)
05/08/2015	<u>120</u>	Response re <u>117</u> Order Defendants' Responses to the Court's April 10, 2015 Order by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Hawkinson, Cheryl) (Entered: 05/08/2015)
09/01/2015	<u>121</u>	ORDER that plaintiffs' <u>77</u> MOTION for class certification and appointment of class counsel is Granted. Plaintiffs' current counsel is hereby Appointed to serve as class counsel. The following class is certified: All Ohio individuals who meet the eligibility standards for the assisted living Medicaid waiver for the months occurring no earlier than three months prior to the month of application, but who are denied coverage under the assisted living Medicaid waiver for all or some of those months. Plaintiffs' <u>74</u> MOTION for summary judgment is Granted, and defendants' <u>89</u> MOTION for summary judgment is Denied. Signed by Magistrate Judge Karen L. Litkovitz on 9/1/2015. (art) (Entered: 09/01/2015)
09/01/2015	<u>122</u>	JUDGMENT in a Civil Case pursuant to <u>121</u> Order signed by Magistrate Judge Karen L. Litkovitz on 9/1/2015. (art) (Entered: 09/01/2015)
09/30/2015	<u>123</u>	NOTICE OF APPEAL by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. Filing fee \$ 505, receipt number 0648-5225575. (Hawkinson, Cheryl) (Entered: 09/30/2015)
09/30/2015	<u>124</u>	MOTION to Stay re <u>121</u> Order on Motion for Summary Judgment, Order on Motion to Certify Class,, Order on Motion for Miscellaneous Relief,,,,,, DEFENDANTS' MOTION FOR STAY OF THE COURT'S ORDER PENDING APPEAL by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. Responses due by 10/26/2015 (Hawkinson, Cheryl) (Entered: 09/30/2015)
10/01/2015		USCA Case Number 15-4066 for <u>123</u> Notice of Appeal filed by Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. Case Manager - Renee M. Jefferies. (sct) (Entered: 10/01/2015)
10/15/2015	<u>125</u>	MOTION for Attorney Fees AND COSTS by Plaintiffs Kathryn A. Price, Marilyn Wenman. Responses due by 11/9/2015 (Pecquet, Janet) (Entered: 10/15/2015)
10/15/2015	<u>126</u>	NOTICE by Plaintiffs Kathryn A. Price, Marilyn Wenman re <u>125</u> MOTION for Attorney Fees AND COSTS (Attachments: # <u>1</u> Affidavit Declaration of Peter L. Cassady in Support of Motion for Attorney Fees and Costs, # <u>2</u> Affidavit Declaration of Ashley S. Burke in Support of Motion for Attorney Fees and Costs, # <u>3</u> Affidavit Declaration of Michael O'Hara in Support of Motion for Attorney Fees and Costs, # <u>4</u> Affidavit Declaration of Anna Rich in Support of Motion for Attorney Fees and Costs, # <u>5</u> Affidavit Declaration of Eric Carlson in Support of Motion for Attorney Fees and Costs, # <u>6</u> Affidavit Declaration of Richard Pearl in Support of Motion for Attorney Fees and Costs, # <u>7</u> Affidavit Declaration of Tom Bedall in Support of Motion for Attorney Fees and Costs) (Pecquet, Janet) (Entered: 10/15/2015)
10/19/2015	<u>127</u>	MOTION to Stay re <u>125</u> MOTION for Attorney Fees AND COSTS by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. Responses due by 11/12/2015 (Hawkinson, Cheryl) (Entered: 10/19/2015)

10/20/2015	<u>128</u>	RESPONSE in Opposition re <u>124</u> MOTION to Stay re <u>121</u> Order on Motion for Summary Judgment, Order on Motion to Certify Class,, Order on Motion for Miscellaneous Relief,,,,,, <i>DEFENDANTS' MOTION FOR STAY OF THE COURT'S ORDER PENDING APPEAL</i> filed by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 10/20/2015)
10/21/2015	<u>129</u>	ORDER that plaintiffs' response to defendants' motion to stay briefing on plaintiff's motion for attorney fees and costs be filed by 10/30/2015, and defendants' reply thereto be filed by 11/6/2015. The Court hereby Stays the defendants' response time for filing a memorandum in opposition to plaintiffs' motion for attorney fees and costs pending the Court's resolution of the instant motion to stay briefing. Signed by Magistrate Judge Karen L. Litkovitz on 10/21/2015. (art) (Entered: 10/21/2015)
10/22/2015	<u>130</u>	NOTICE by Plaintiffs Kathryn A. Price, Marilyn Wenman (Pecquet, Janet) (Entered: 10/22/2015)
10/30/2015	<u>131</u>	RESPONSE in Opposition re <u>127</u> MOTION to Stay re <u>125</u> MOTION for Attorney Fees <i>AND COSTS</i> filed by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Pecquet, Janet) (Entered: 10/30/2015)
11/03/2015	<u>132</u>	REPLY to Response to Motion re <u>124</u> MOTION to Stay re <u>121</u> Order on Motion for Summary Judgment, Order on Motion to Certify Class,, Order on Motion for Miscellaneous Relief,,,,,, <i>DEFENDANTS' MOTION FOR STAY OF THE COURT'S ORDER PENDING APPEAL</i> filed by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Hawkinson, Cheryl) (Entered: 11/03/2015)
11/06/2015	<u>133</u>	REPLY to Response to Motion re <u>127</u> MOTION to Stay re <u>125</u> MOTION for Attorney Fees <i>AND COSTS</i> filed by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Hawkinson, Cheryl) (Entered: 11/06/2015)
11/09/2015	<u>134</u>	AMENDED DOCUMENT by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. Amendment to <u>133</u> Reply to Response to Motion, . (Hawkinson, Cheryl) (Entered: 11/09/2015)
11/12/2015	<u>135</u>	<p>Transcript of Motions Hearing Proceedings held on April 28, 2015, before Karen L. Litkovitz, Magistrate Judge. Court Reporter/Transcriber Luke Lavin (Official), Telephone number (513) 564-7500. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p> <p>NOTICE RE: REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ohsd.uscourts.gov (Forms – Electronic Availability of Transcripts). Please read this policy carefully.</p> <p>For a complete copy of a transcript, please contact the Court Reporter or the Clerk's Office. Redaction Request due 12/3/2015. Redacted Transcript Deadline set for 12/14/2015. Release of Transcript Restriction set for 2/10/2016. (Lavin, Luke) (Entered: 11/12/2015)</p>
11/12/2015	<u>136</u>	ORDER denying <u>124</u> Motion to Stay Pending Appeal. Signed by Magistrate Judge Karen L. Litkovitz on 11/12/15. (sct) (Entered: 11/12/2015)
12/04/2015	<u>137</u>	MOTION Indicative Ruling by Plaintiffs Kathryn A. Price, Marilyn Wenman. Responses due by 12/31/2015 (Pecquet, Janet) (Entered: 12/04/2015)
12/24/2015	<u>138</u>	RESPONSE to Motion re <u>137</u> MOTION Indicative Ruling filed by Defendants Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance. (Hawkinson, Cheryl) (Entered: 12/24/2015)
01/07/2016	<u>139</u>	REPLY to Response to Motion re <u>137</u> MOTION Indicative Ruling filed by Plaintiffs Kathryn A. Price, Marilyn Wenman. (Attachments: # <u>1</u> Exhibit Exhibit A) (Pecquet, Janet) (Entered: 01/07/2016)
01/20/2016	<u>140</u>	ORDER that if the Sixth Circuit remanded this case pursuant to Rule 62.1, the Court would Grant plaintiffs' motion for relief under rule 60(a) and would enter an amended

		order containing the following class certification: All Ohio individuals who, on or after 2/1/2011, meet the eligibility standards for the assisted living Medicaid waiver for the months occurring no earlier than (3) months prior to the month of application, but who are denied coverage under the assisted living Medicaid waiver for all or some of those months. Signed by Magistrate Judge Karen L. Litkovitz on 1/20/2016. (art) (Entered: 01/20/2016)
02/01/2016	<u>141</u>	ORDER of USCA Upon consideration of appellees motion to remand, It is therefore ORDERED that the motion be and it hereby is DENIED as to <u>123</u> Notice of Appeal filed by Director, Ohio Department of Aging, Medicaid Director, Office of Medical Assistance Note: No Mandate details noted. (pb) (Entered: 02/01/2016)
02/01/2016	<u>142</u>	ORDER in the interest of judicial economy, defendants' <u>127</u> MOTION to stay briefing is Granted. Further briefing on plaintiffs' <u>125</u> Motion for Attorney Fees and costs is Stayed until after the 6th Circuit rules on defendants' appeal. Signed by Magistrate Judge Karen L. Litkovitz on 2/1/2016. (art) (Entered: 02/01/2016)
09/30/2016	<u>143</u>	USCA OPINION AND JUDGMENT as to <u>123</u> Notice of Appeal: The Sixth Circuit Reverses the Judgment of the District Court and Remands the case with instructions to enter judgment in favor of the defendants. Note: Mandate to issue. (er) (Entered: 10/04/2016)
10/25/2016	<u>144</u>	MANDATE of USCA as to <u>123</u> Notice of Appeal: No costs taxed. (er) (Entered: 10/26/2016)
11/02/2016	<u>145</u>	ORDER pursuant to the Sixth Circuit's order and mandate, summary judgment is hereby entered in favor of defendants on all claims. Accordingly, this case is Dismissed and Terminated on the docket of this Court. Because plaintiffs are no longer the prevailing party, their motion for attorney fees and costs <u>125</u> is Denied. Signed by Magistrate Judge Karen L. Litkovitz on 10/31/2016. (art) (Entered: 11/02/2016)
11/02/2016	<u>146</u>	JUDGMENT in a Civil Case pursuant to <u>145</u> Order entered by by Magistrate Judge Karen L. Litkovitz on 11/2/2016. (art) (Entered: 11/02/2016)