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IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

FILED
OCT 08 2002
Phil Lombardi, Clerk
U.S. DISTRICT COURT

Katherine Fisher, Earlee Heath,
and Karol Loy, on behalf of
themselves and all others
similarly situated,

Plaintiffs

v.

Civil Action No.02cv762P(C)

State of Oklahoma,
Oklahoma Health Care Authority
and
Mike Fogarty, in his capacity as
CEO of the Oklahoma Health Care
Authority,

Class Action

Defendants

AMENDED COMPLAINT

Plaintiffs amend their complaint to clarify issues raised at the hearing on October 4, 2002 and to address the Defendants' motion to dismiss.

1. The Complaint was filed on Tuesday, October 1, 2002.
2. The Court denied a temporary restraining order on October 2, 2002 and scheduled a preliminary injunction hearing for October 4, 2002.
3. Plaintiffs filed a motion for a preliminary injunction and memorandum in support on October 3, 2002.
4. At the hearing on October 4, 2002, the Court announced that the hearing was a consolidated preliminary and permanent injunction hearing.
5. Plaintiffs drop with prejudice as a party Defendant "State of Oklahoma" from all

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counts and claims.

6. The Americans with Disabilities Act claim (42 U.S.C. § 12101 et seq.) is addressed against solely Defendant Mike Fogarty, in his official capacity as CEO of the Oklahoma Health Care Authority.

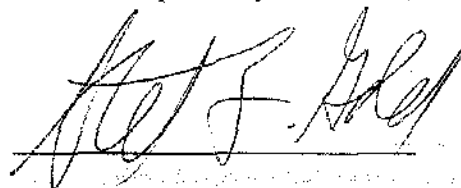
7. Plaintiffs add one claim, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

8. The Section 504 of the Rehabilitation Act of 1973 claim is addressed against Defendants Oklahoma Health Care Authority and against Mike Fogarty in his official capacity violate.

9. In support of the Section 504 claim, Plaintiffs allege that Defendants testified at the October 4, 2002 hearing that they were recipients of federal financial assistance in the form of Medical Assistance reimbursements for prescription medications, the Home and Community Based Services and Nursing Home care pursuant to 42 U.S.C. § 1396 et seq.

10. Under both the Section 504 and the Americans with Disabilities Act claims, Plaintiffs seek only prospective injunctive and declaratory relief and do not seek any monetary damages.

Respectfully submitted,



Stephen F. Gold
Attorney ID # 09880
125 South Ninth Street
Suite 700
Philadelphia, PA 19107
215-627-7100

Morris D. Bernstein
OBA # 16087
University of Tulsa Boesche Legal Clinic
407 S. Florence Avenue
Tulsa, OK 74104
918-631-5799
Attorney for Plaintiffs

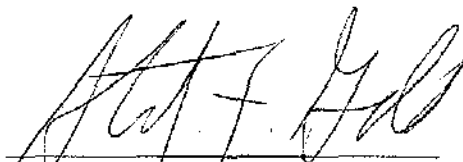
Filed October 7, 2002 by Fax and overnight mail.

Certificate of Service

I declare and affirm that the attached on October 7, 2002 was faxed and overnight mailed

to:

Andrew Tevington, OBA #11545
Deputy General Counsel
Okl. Health Care Authority
P.O. Drawer 18497
4545 N. Lincoln Blvd, Ste 124
Oklahoma City, OK 73105
405-522-7431
fax 405-522-7472



Stephen F. Gold