

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEAH JIMMIE, JOSETTE HALECHKO,	:
LEWIS BOWERS, and JANICE SLATER,	:
by and through their next friend, Carl	:
Mosier; RONALD PEARSON and	:
WILLIAM SACKS, by and through their	:
next friend, Connie Hammann; EDWARD	:
NAUSS and BENJAMIN PERRICK, by	:
and through their next friend, Akhnaton	:
Browne, on behalf of themselves and all	:
others similarly situated,	:
	:
Plaintiffs,	: Filed via ECF System
	:
v.	: Civil Action No. 3:09-cv-1112-TIV
	:
DEPARTMENT OF PUBLIC WELFARE	: Class Action
OF THE COMMONWEALTH OF	:
PENNSYLVANIA and ESTELLE B.	: (Judge Vanaskie)
RICHMAN, in her official capacity as	:
Secretary of Public Welfare of the	:
Commonwealth of Pennsylvania,	:
	:
Defendants.	:

ORDER

Upon consideration of Plaintiffs' Unopposed Motion for Class Certification,
it is hereby ORDERED on this 8th day of September,

2009 as follows:

1. Plaintiffs' Motion is GRANTED based on the following findings:

A. The requirements of Federal Rule of Civil Procedure 23(a) are satisfied:

(1) The class is so numerous as to make joinder impracticable. There are over 100 class members, the class members are dispersed throughout Pennsylvania, and due to their disabilities and limited resources they are unlikely to pursue individual litigation.

(2) There are questions of law and fact common to the named Plaintiffs and the members of both classes, including:

a. whether Defendants have failed to offer and provide services and supports in more integrated settings to class members who are not opposed to discharge and, if so, whether that failure violates the integration mandates of the ADA and RA;

b. whether Defendants have used methods of administration that have the effect of discriminating against individuals with disabilities and, if so, whether doing so violates the ADA and RA;

c. whether Defendants have failed to modify their policies, practices, and procedures to adapt the mental health treatment provided at state hospitals to meet the needs of individuals with mental retardation and, if so, whether such failure violates the

ADA and RA;

d. whether Defendants have failed to provide habilitation services to state psychiatric hospital residents with mental retardation and, if so, whether such failure violates the Due Process Clause;

e. whether Defendants have failed to adapt the mental health services they provide in state psychiatric hospitals so that individuals with mental retardation can benefit from it and, if so, whether such failure violates the Due Process Clause;

f. whether Defendants have failed to provide community mental retardation services to state psychiatric hospital residents with mental retardation whose qualified treatment professionals have recommended such services and, if so, whether such failure violates the Due Process Clause.

(3) The claims of the named Plaintiffs are typical of those of the class members. The legal theories on which Plaintiffs' claims are based are the same as those on which members of the class base their claims and arise out of the same alleged policies, practices, and procedures.

(4) The named Plaintiffs will fairly and adequately prosecute this lawsuit. They have no interests that are in conflict with the class members, and

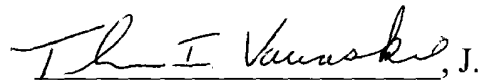
they have retained qualified counsel to represent them and both classes.

B. The requirements of Federal Rule of Civil Procedure 23(b)(2) are satisfied since final declaratory and injunctive relief will benefit the class as a whole.

2. This case shall proceed on behalf of the following class:

All individuals with mental retardation who are institutionalized in state psychiatric facilities and who are not subject to the jurisdiction of the criminal courts.

3. Plaintiffs are hereby certified as the representatives of the Class.

Handwritten signature of Thomas I. Vanaskie, J.