

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

**LEAH JIMMIE , By And Through Their :  
Next Friend, Carl Mosier, JOSETTE :  
HALECHKO, By And Through Their Next :  
Friend, Carl Mosier, LEWIS BOWERS, By :  
And Through Their Next Friend Carl :  
Mosier, JANICE SLATER, By And :  
Through Their Next Friend Carl Mosier, :  
RONALD PEARSON, By And Through :  
Their Next Friend, Connie Hammann, :  
WILLIAM SACKS, By and Through Their :  
Next Friend, Connie Hammann, EDWARD :  
NAUSS, By And Through Their Next :  
Friend, Akhnaton Bowne, On Behalf Of :  
Themselves And All Other Similarly :  
Situated, BENJAMIN PERRICK, By And :  
Through Their Next Friend, Akhnaton :  
Browne, On Behalf Of Themselves And :  
All Others Similarly Situated, :  
Plaintiffs :**

**v. :**

**3:CV-09-1112 :  
(JUDGE VANASKIE) :**

**DEPARTMENT OF PUBLIC WELFARE OF :  
THE COMMONWEALTH OF :  
PENNSYLVANIA, ESTELLE B. RICHMAN, :  
In Her Official Capacity As Secretary Of :  
Public Welfare Of The Commonwealth :  
Of Pennsylvania :  
Defendants :**

**ORDER**

**NOW, THIS 19th DAY OF NOVEMBER, 2009, for the reasons set forth on the record following oral argument held in the above-captioned matter on this date, IT IS HEREBY**

**ORDERED THAT** Defendants' Motion to Dismiss (Dkt. [19](#)) is **DENIED**.

**s/ Thomas I. Vanaskie**

Thomas I. Vanaskie

United States District Judge