

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

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FRANKLIN BENJAMIN, by and through  
his next friend, Andréé Yock; RICHARD  
GROGG and FRANK EDGETT, by and  
through their next friend, Joyce McCarthy;  
SYLVIA BALDWIN, by and through her  
next friend, Shirl Meyers; ANTHONY  
BEARD, by and through his next friend,  
Nicole Turman, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

DEPARTMENT OF PUBLIC WELFARE  
OF THE COMMONWEALTH OF  
PENNSYLVANIA and HARRIET  
DICHTER, in her official capacity as  
Secretary of Public Welfare of the  
Commonwealth of Pennsylvania,

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: Filed via ECF System  
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: Civil Action No. 1:09-cv-1182-JEJ  
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: Class Action  
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: Complaint Filed June 22, 2009  
:  
: Judge Jones

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs and the Class, through their Counsel, submit this Motion for Summary Judgment on their claims under the Americans with Disabilities Act and Rehabilitation Act. For the reasons set forth in the accompanying Brief, there are no genuine issues of material fact, and the Plaintiffs and the Class are entitled to judgment as a matter of law. In support of this Motion, Plaintiffs and the Class submit a Statement of Undisputed Material

Facts, Brief, and Exhibits, which are incorporated by reference as if fully set forth in this Motion, as well as a Certification of Non-Concurrence.

Dated: June 23, 2010

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for Plaintiffs and the Class

**CERTIFICATE OF SERVICE**

I, Robert W. Meek, hereby certify that Plaintiffs' Motion for Summary Judgment, Brief and Exhibits in Support of that Motion, Certificate of Non-Concurrence, and proposed Order were filed with the Court's ECF system on June 23, 2010 and are available for viewing and downloading from the ECF system by the following counsel, who consented to electronic service:

Allen C. Warshaw, Chief Counsel  
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*/s/ Robert W. Meek*

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Robert W. Meek