

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

FRANKLIN BENJAMIN, by and through his	:	Civil No. 1:09-CV-1182
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	:	(Judge Jones)
Shirl Meyers; ANTHONY BEARD, by and	:	
through his next friend, Nicole Thurman, on	:	(Magistrate Judge Carlson)
behalf of themselves and all others similarly	:	
situated,	:	

Class Action 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,	:

Defendants.

ORDER

AND NOW, this 13th day of October, 2010, the above-captioned case having been referred to this Court for settlement discussion, we note that the United States, as *amicus*, has filed a motion to participate in these settlement discussions, stating that it is in a unique position to assist the Court in addressing the legal issues raised in the competing summary judgment motions filed by the parties.

We appreciate the United States’ offer of its expertise in this legal field, but are constrained to note that one of the parties has thus far refused to concur in this request.

Since the settlement process typically is limited to parties, and is always a consensual process, we are not inclined to invite non-parties to participate in settlement discussions absent a consensus from the actual parties that such participation would be mutually beneficial..

In any event, to the extent that the United States offers its expertise to this court to address the issues set forth in the summary judgment motions, we find that the United States has already ably articulated its views on those issues in its merits brief filed as an amicus on the summary judgment motion. Therefore, the Court already has the benefit of these views. Given that there is no consensus among the parties regarding the value of the participation of the United States in settlement discussions, and taking into account the fact that the United States has provided a thorough and cogent expression of its views in its prior *amicus* filings, we will decline this request at the present time.

s/Martin C. Carlson
MARTIN C. CARLSON
United States Magistrate Judge