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FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
PARIS DIVISION

JUL 18 1994

DAVID J. MALAND, CLERK

BY DEPUTY



LINDA FREW, at al.,
Plaintiffs,

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V.
RICHARD LADD, et al.,
Defendants.

O R D E R

Defendants have asked the court to clarify the order certifying the class in the above-entitled and numbered civil action. On June 16, a class consisting of:

all present and future Texas Medicaid recipients who are under the age of 21, and therefore eligible for EPSDT services, but who have not received the entire range of EPSDT services to which they are entitled, except anyone who has knowingly and voluntarily refused EPSDT services.

Defendants are correct in their assertion that plaintiffs have the burden of proving Article III standing. However, the footnote concerning defendants' burden of showing that any particular individual is not a member of the class based on a knowing and voluntary refusal of EPSDT services refers to any objections the defendants may have with respect to the class representatives, who have already demonstrated that they have not refused such services. The footnote was not meant to suggest that the defendants must produce a list of people who have refused EPSDT services.

While the court disagrees that the other elements of Article III standing were not considered in the class certification order, defendants' remaining arguments regarding the requirements of

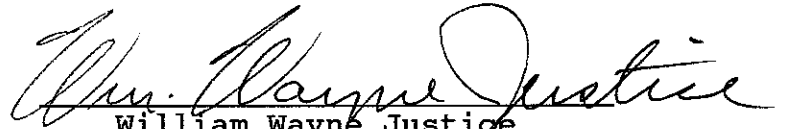
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Article III standing will be addressed fully in the court's order regarding defendants' motion to dismiss, or in the alternative for summary judgment. Accordingly, it is

ORDERED that the court's order of June 16, 1994, shall be and it is hereby, clarified as described above.

SIGNED this 18th day of July, 1994.


William Wayne Justice
United States District Judge