

1 Services (CMS), and has been funded by the State Legislature. Program rules have been
2 adopted and published in the Washington State Register. The in-home waiver program was
3 fully operational by June 1, 2004.

4 Counsel for the plaintiff class have concerns about aspects of the program, in
5 particular the medically needy income level (MNIL) set by the State, as well as the
6 inapplicability of spousal impoverishment rules. Defendant's Medical Assistance
7 Administration (MAA) is reviewing the fiscal impact of a change in the MNIL, and there is
8 currently no need for this Court's intervention.

9 The parties are in agreement that the proceedings herein should be stayed for a further
10 period of two years, consistent with the limitations set forth in the Stipulated Agreement and
11 the specific items below:

12 **2. Class Representative.**

13 Because of the change in circumstances of the existing class representative, it is
14 anticipated that the parties will stipulate to substitute or add an additional class representative
15 within the stay period.

16 **3. Attorney Fees.**

17 The parties agree that Plaintiffs may defer a request for attorney fees accrued since
18 January of 2004 until a later time, and that such a deferral is without prejudice to Plaintiffs'
19 ability to request reasonable fees for necessary work during the period of the stay.

20 /

21 /

22 /

23 /

24 /

25 /

26 /

1 DATED this 23rd day of June, 2004.

2 Respectfully submitted,

3 MacDONALD, HOAGUE & BAYLESS

4 /s/ Andrea Brenneke

5 By:

6 Katrin E. Frank, WSBA #14786

7 Andrea Brenneke, WSBA #22027

8 Attorneys for Plaintiff

9 ATTORNEY GENERAL OF WASHINGTON

10 /s/ Alan Smith

11 By:

12 Alan Smith, WSBA #22188

13 William L. Williams, WSBA #6474

14 Assistant Attorneys General

15 Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Katrin E. Frank and Andrea Brenneke.

s/_____
Alan Smith, WSBA #22188
William L. Williams, WSBA #6407
Attorneys for Defendant
Attorney General of Washington
670 Woodland Square Loop SE
PO Box 40124
Olympia WA 98504-0124
(360) 459-6558
(360) 459-6689 (fax)
AlanS@atg.wa.gov