

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

BENJAMIN H., by his next friend, Georgann H.,
DAVID F., by his guardian, Carolyn B.,
LORI BETH S., by her next friend, Janie J.,
THOMAS V., by is next friend, Patricia V., and
JUSTIN E., by his next friend, Sherry E.,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

CIVIL ACTION NO. 3:99-0338

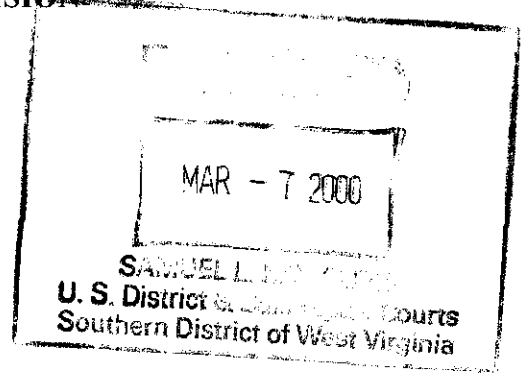
JOAN OHL, Secretary of the Department
of Health and Human Resources,

Defendant.

ORDER

On the sixth day of March, 2000, came the parties for a final settlement conference. At this conference, the parties advised the Court that they had come to an agreement on the second renewal plan for submission to the federal agency. As a result, the order dated February 29, 2000 enjoining the defendant filing the renewal plan with the federal agency is lifted, and the State may now file the second renewal plan with the federal agency.


For reasons appearing more fully on the record, the Court also **GRANTED** the defendant's objections to the addition of a claim under 42 U.S.C. § 1396a(a)(23) in the Pre-Trial Order. The Court struck reference to this statute from the Pre-Trial Order. Plaintiffs than moved to amend the complaint to add this claim. For reasons appearing more fully on the record, the Court **GRANTED**



the plaintiffs' motion. The Court **DIRECTED** the defendant to answer the second amended complaint within ten days of service thereof.

The Clerk is directed to forward a copy of this Order to counsel of record and any unrepresented parties.

ENTER: March 6, 2000



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE