

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

G., PARENT AND NEXT FRIEND OF K., A DISABLED CHILD, ET AL.

Plaintiff(s),

V.

STATE OF HAWAII, DEPARTMENT OF HUMAN SERVICES, ET AL.

Defendant(s).

AMENDED JUDGMENT IN A CIVIL CASE

Case: CIV NO. 08-00551 ACK-BMK CIV NO. 09-00044 ACK-BMK CONSOLIDATED

FILED IN THE UNITED STATES DISTRICT COURT DISTRICT OF HAWAII

January 25, 2011

At 4 o'clock and 00 min p.m. SUE BEITIA, CLERK

G., PARENT AND NEXT FRIEND OF K., A DISABLED CHILD, ET AL.,

Plaintiff(s),

V.

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL.,

Defendant(s).

[] Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

[x] Decision by Court. This action came to trial before the Court. The issues have been tried and a decision has been rendered.

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

IT IS ORDERED AND ADJUDGED, incorporating the Judgment previously entered on January 11, 2010, in favor of the Federal Defendants, that Judgment is entered in favor of all Defendants on all counts pursuant to the:

“Order Granting in Part and Denying in Part the State Defendants’ Motion to Dismiss, the Federal Defendants’ Substantive Joinder, and Intervenor’s Joinders” filed on May 11, 2009;

“Order (1) Granting the Federal Defendants’ Motion for Summary Judgment and the Joinders Therein, (2) Denying Plaintiffs’ Motion for Summary Judgment Against the Federal Defendants Based on the Unlawful Issuance of a Waiver and Approvals of Managed Care Contracts, and (3) Denying Plaintiffs’ Motion for Summary Judgment Against the Federal Defendants Based on Unlawful Premium Tax Reimbursement” filed on December 23, 2009;

“Order (1) Granting in Part and Denying in Part the State Defendants’ Motion for Summary Judgment, and the Joinders Therein, as to Counts VI, VII, VIII, and IX, (2) Granting the State Defendants’ Motion for Partial Summary Judgment, and the Joinders Therein, Regarding the License Question, and (3) Denying Plaintiffs’ Motion for Summary Judgment on Licensure and Solvency” filed on December 24, 2009;

“Order Granting in Part, and Denying in Part, Evercare’s Motion for Partial Summary Judgment, and the Joinders Therein, as to Plaintiffs’ Claims That the QExA Provider Networks Are Inadequate” filed on March 19, 2010;

“Amended Order Granting in Part, and Denying in Part, Evercare’s Motion for Partial Summary Judgment, and the Joinders Therein, as To Plaintiffs’ Claims That the QExA Provider Networks Are Inadequate” Filed on June 14, 2010;

“Order Granting Wellcare of Arizona’s Motion for Summary Judgment, and the Joinders Therein, on the Remaining Solvency Issues” filed on September 3, 2010;

“Order (1) Denying Evercare’s Motion for Partial Summary Judgment as to Plaintiff L.P.’s Integration Claim and the Joinders Therein, and (2) Granting Evercare’s Motion for Partial Summary Judgment as to Plaintiffs’ Equal Access Claims under the ADA and Rehabilitation Act and the Joinders Therein” filed on September 3, 2010;

and the “Amended Findings of Fact, Conclusions of Law, and Decision” filed on January 21, 2011.

In sum, Judgement is entered for Defendants and Intervenors on all counts.

January 25, 2011

Date

SUE BEITIA

Clerk

/s/ Sue Beitia by EPS

(By) Deputy Clerk