

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ZACKERY D. LEWIS by his next friends;
RICHARD YOUNG; LYNN G. HAINER,
Administratrix of the Estate of ADDIE
SMITH; SUSAN W. COLEMAN; KATHY A.
BURGER; TRACY PALMER; KENNY
ATKINSON by his next friend; BERNICE
TATE by her next friend; MARY WAGNER;
MICHAEL BIDZILYA by his next friend;
WILLIAM ALGAR by his next friend;
ANTHONY GALE by his next friends; THE
ARC COMMUNITY TRUST OF
PENNSYLVANIA; and THE FAMILY
TRUST, on their own behalf and on behalf of
all other persons similarly situated,
Plaintiffs,

CIVIL ACTION
NO. 06-3963

v.

GARY ALEXANDER, in her official capacity
as Secretary of the Department of Public
Welfare of the Commonwealth of
Pennsylvania; ERIC ROLLINS, in her official
capacity as Executive Director of the Erie
County Assistance Office,
Defendants.

Defendants.

ORDER

AND NOW, this 22nd day of August, 2011, upon consideration of Plaintiffs’ Motion for Summary Judgment (Document No. 49, filed July 10, 2008); Defendants’ Cross-Motion for Summary Judgment and Opposition to Plaintiff’s Motion for Summary Judgment (Documents No. 55-56, filed August 14, 2008); Plaintiff’s Response in Opposition to Defendants’ Cross-Motion for Summary Judgment (Document No. 57, filed September 22, 2008); Defendants’ Memorandum Providing Supplemental Material (Document No. 58, filed November 12, 2008); Defendants’

Memorandum Providing Supplemental Authority (Document No. 59, filed December 30, 2008); Plaintiffs' Memorandum Providing Supplemental Authority (Document No. 60, filed December 30, 2008); Plaintiffs' Memorandum Providing Supplemental Authority (Document No. 61, filed February 3, 2009); Plaintiffs' Memorandum Providing Supplemental Authority (Document No. 62, filed April 3, 2009); Defendants' Memorandum Providing Supplemental Authority (Document No. 64, filed September 2, 2009); Plaintiffs' Memorandum Providing Supplemental Authority (Document No. 65, filed November 13, 2009); Defendants' Supplemental Memorandum Re: SSI Standards (Document No. 69, filed July 30, 2010); Plaintiff's Supplemental Memorandum Regarding the Application of the "No More Restrictive Methodology" Standard to "Special Needs" and "Pooled" Trusts (Document No. 70, filed August 2, 2010); Plaintiff's Memorandum Providing Supplemental Authority (Document No. 71, July 11, 2011); and Plaintiff's Memorandum Providing Supplemental Authority (Document No. 72, July 11, 2011); for the reasons set forth in the attached Memorandum, dated August 22, 2011, **IT IS ORDERED** as follows:

1. Plaintiff's Motion for Summary Judgment (Document No. 49, filed July 10, 2008) is **GRANTED IN PART AND DENIED IN PART**, as follows:
 - a. Plaintiffs' motion is **GRANTED** as to plaintiffs' challenges under 42 U.S.C. § 1983 and the Supremacy Clause to the following subsections of 62 Pa. Stat. Ann. § 1414:
 - i. (b)(1), the sixty-five year age limit;
 - ii. (b)(2), the special needs requirement;
 - iii. (b)(3)(ii), the reasonable relationship requirement;
 - iv. (b)(3)(iii), the fifty-percent payback requirement; and
 - v. (c), the enforcement provision.

- b. Plaintiffs' motion is **DENIED AS MOOT** as to plaintiffs' procedural due process challenge to trust termination under subsection (c) of 62 Pa. Stat. Ann. § 1414; and
 - c. Plaintiffs' motion is **DENIED** as to plaintiffs' challenges under 42 U.S.C. § 1983 and the Supremacy Clause to subsection (b)(3)(i) of 62 Pa. Stat. Ann. § 1414, the sole benefit requirement;
 - d. Plaintiffs' motion is **GRANTED** in all other respects.
2. Defendant's Motion for Summary Judgment (Documents No. 55-56, filed August 14, 2008) is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. Defendants' motion is **GRANTED** as to plaintiffs' challenge under the Supremacy Clause to subsection (b)(3)(i) of 62 Pa. Stat. Ann. § 1414; and
 - b. Defendants' motion is **DENIED** in all other respects;
 3. Subsections (b)(1), (b)(2), (b)(3)(ii), (b)(3)(iii), and (c) of 62 Pa. Stat. Ann. § 1414 are **PREEMPTED** by federal law; and
 4. Defendants and their agents are **ENJOINED** from applying or enforcing subsections (b)(1), (b)(2), (b)(3)(ii), (b)(3)(iii), or (c) of 62 Pa. Stat. Ann. § 1414.

BY THE COURT:

/s/ Hon. Jan E. DuBois
JAN E. DUBOIS, J.