

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

A, a minor, and B, a minor, and C, a minor, and D,	:	CIVIL ACTION
a minor, and E, a minor, by and through their	:	
natural mother, Parent 1, on their own behalf and on:	:	NO. 08-4100
behalf of any and all similarly situated persons;	:	
and Parent 1, on her own behalf, and on behalf of	:	
any and all similarly situated persons; and,	:	
N, a minor, by and through his natural mother,	:	
Parent 9, on her own behalf and on behalf of any	:	
and all similarly situated persons; and Parent 9,	:	
on her own behalf, and on behalf of any and all	:	
similarly situated persons,	:	
Plaintiffs,	:	
vs.	:	
	:	
MICHAEL NUTTER, in His Official Capacity	:	
As Mayor of the City of Philadelphia; ANNE	:	
MARIE AMBROSE, in Her Official Capacity as	:	
Commissioner of the Department of Human	:	
Services (“DHS”) of the City of Philadelphia;	:	
ESTELLE B. RICHMAN, in Her Official Capacity	:	
as Secretary of the Department of Public	:	
Welfare (“DPW”) of the Commonwealth of	:	
Pennsylvania EDWARD G. RENDELL, in His	:	
Official Capacity as Governor of the Commonwealth	:	
of Pennsylvania, and JOHN/JANE DOES # # 1-100,	:	
Defendants.	:	
	:	

ORDER

AND NOW, this 27th day of August, 2010, upon consideration of City Defendants’ Motion to Dismiss Third Amended Complaint (Document No. 56, filed September 17, 2009); Motion of the Commonwealth Defendants to Dismiss the Third Amended Complaint (Document No. 57, filed September 24, 2009); Plaintiffs’ Memorandum of Law in Opposition to the Motions to Dismiss Plaintiffs’ Third Amended Complaint of the City and Commonwealth Defendants (Document No. 62, filed November 16, 2009); and Reply Memorandum in Support of the City Defendants’ Motion to Dismiss Plaintiffs’ Third Amended Complaint (Document No. 65, filed November 25, 2009), for the reasons set forth in the Memorandum dated August 27, 2010, **IT IS**

ORDERED that City Defendants’ Motion to Dismiss is **DENIED**, and the Commonwealth Defendants’ Motion to Dismiss is **DENIED IN PART** and **GRANTED IN PART**, as follows:

(1) That part of the Commonwealth Defendants’ Motion to Dismiss that seeks dismissal of Parent 1’s claims brought on her behalf, and on behalf of all similarly situated persons, is **GRANTED**, and the claims of plaintiff, Parent 1, on her own behalf, and on behalf of any and all similarly situated persons, are **DISMISSED WITH PREJUDICE**; and,

(2) In all other respects, Commonwealth Defendants’ Motion to Dismiss is **DENIED**.

Plaintiffs having agreed to voluntarily dismiss the claims of minor plaintiffs, B, D, N, and Parent 9 in their Memorandum of Law in Opposition to the Motions to Dismiss, **IT IS FURTHER ORDERED** that the claims of minor plaintiffs, B, D, N, by and through their natural mother, and Parent 9, on her own behalf and on behalf of any and all similarly situated persons, are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Harriet Dichter, the current Secretary of the Department of Public Welfare of the Commonwealth of Pennsylvania, is substituted as defendant for Estelle Richman, pursuant to Federal Rule of Civil Procedure 25(d), and that the caption of the case is **AMENDED** to read as follows:

“A, a minor; C, a minor; and E, a minor, by and	:
through their natural mother, Parent 1, on their	:
own behalf and on behalf of any and all similarly	:
situated persons,	:
Plaintiffs,	:
	:
vs.	:
	:
MICHAEL NUTTER, in His Official Capacity	:

**As Mayor of the City of Philadelphia; ANNE :
MARIE AMBROSE, in Her Official Capacity as :
Commissioner of the Department of Human :
Services (“DHS”) of the City of Philadelphia; :
HARRIET DICHTER, in Her Official Capacity :
as Secretary of the Department of Public :
Welfare (“DPW”) of the Commonwealth of :
Pennsylvania EDWARD G. RENDELL, in His :
Official Capacity as Governor of the Commonwealth :
of Pennsylvania, and JOHN/JANE DOES # # 1-100, :
Defendants. :**

IT IS FURTHER ORDERED that a Scheduling Conference will be conducted in due course.

BY THE COURT:

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