HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA

PARKER KOSHELNIK-TURNER, by his guardian and next friend, GLEN TURNER; VIRGINIA KOSHELNIK-TURNER, by her next friend, GLEN TURNER, on behalf of themselves and of a class of persons similarly situated,

Civil No. 3:09-cv-05379-RBL

Plaintiffs,

v.

SUSAN DREYFUS, in her official capacity as Secretary of the Washington State Department of Social and Health Services,

ORDER RE PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Defendant.

THIS MATTER comes before the Court on Plaintiffs' Motion for Preliminary Injunction to enjoin Defendant, Susan Dreyfus, Secretary of the Department of Social and Health Services (DSHS), from implementing reductions in Medicaid in-home personal care services for children under age twenty-one that were scheduled to go into effect July 1, 2009.

On July 2, 2009, this Court granted Plaintiffs' Motion for Temporary Restraining Order (TRO) enjoining the Defendant from implementing the reductions in personal care services until August 1, 2009. [Dkt. # 25]. Plaintiff moves this Court to continue the TRO presently in place through August 1, 2009 for the pendency of the litigation. Alternatively, Plaintiffs request that the existing TRO be extended until the Centers for Medicaid and Medicaid Services (CMS) has issued its position on DSHS's planned reduction in personal care services. [Dkt. #26 at 1].

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The Court, having reviewed the memoranda, declarations and exhibits submitted by the parties hereby enters the following ORDER: **ORDER** 1. Based on the parties' indications that CMS will issue a position on DSHS' planned reduction in services, the Court hereby extends the existing TRO enjoining Defendant from implementing reductions in Medicaid in-home personal care services for children under age twenty-one for a period ending 30 days after the receipt of CMS' decision by this Court. 2. The Defendant shall also provide the Court with any additional evidence and information regarding communications between it and CMS related to the reductions to Medicaid in-home personal care services that it has or receives prior to the issuance of CMS' decision. IT IS SO ORDERED. Dated this 29th of July, 2009. UNITED STATES DISTRICT JUDGE