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COMMONWEALTH OF MASSACHUSETTS  
The Trial Court

FXANKLIN, ss.

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SUPERIOR COURT DEPARTMENT  
GREENFIELD DIVISION  
Civil Action No. 94-025

1017268

HENRY HUNTER&&.,  
Plaintiffs

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v.

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ASSENTED TO MOTION FOR  
CLARIFICATION OF ALLOWANCE  
FOR CONSOLIDATION

JOSEPH GALLANT, in his capacity )  
as the Commissioner of the )  
Massachusetts Department of )  
Public Welfare, )  
Defendant )

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The parties to this action and the actions listed below ask that this Court clarify its earlier Allowance of Assented Motion for Consolidation (attached hereto as Exhibit A), to specify that all three individual actions listed below are to be consolidated with the above referenced matter in the Superior Court of Franklin County.

1. By assented to Motion for consolidation dated July 13, 1994, the plaintiff, Henry Hunter, and the defendant, Commissioner of the Department of Public Welfare (hereinafter Department) requested that this Court consolidate, pursuant to M.R.C.P. 42(a), three other actions now pending in other counties against the Department with the above encaptioned case. These cases are: Esther Hemminas v. Josenh Gallant, Com'r of the Denartment of Public Welfue, Suffolk Superior Court, C.A. No. 93-6906B; Lisa Stackow and Cherie Far-r v. Joseph Gallant. Corn? of the Department of Public Welfare, Suffolk Superior Court, CA. No. 94- 1141-

D; and Marta Medina v. Joseuh Gallant. Corn? of the Deoartment of Public Welfare, Hampden Superior Court, C.A. No. 94-203.

2. As grounds for consolidation, the parties stated that the above referenced action had been filed as a class action, and that the three cases for which consolidation was requested involve the same defendant and common issues of law.

3. By Notice dated August 8, 1994, this Court allowed the “Assented to Motion to Consolidate”. (See Clerk’s Notice dated August 8, 1994, attached hereto as Exhibit A). However, the Notice only listed Hemmings v. Gallant, Suffolk Superior Court C.A. No. 93-6906B, and did not make clear that all three individual cases were to be consolidated with the instant case in the Superior Court of Franklin County.

4. In order to achieve a speedy resolution of the legal issue, which is one of federal law, the defendant has filed a third party complaint impleading the federal agency, Health and Human Services. By notice dated December 1, 1994, the federal government has filed a Notice of Removal of the instant case to U.S. District Court for the Western District of Massachusetts. (Notice of Removal attached hereto as Exhibit B).

WHEREFORE, in order to save judicial resources and move toward a speedy resolution of the common legal issue raised in these cases, counsel for all parties respectfully request that this Court clarify the previous Allowance of Motion to Consolidate to specify that:

The Assented to Motion to Consolidate is Allowed and Hemmings v. Josenh Gallant, Corn? of the Denartment of Public Welfare, Suffolk Superior Court, C.A. No. 93-6906B; I& Stackow and Cherie Far-r v. Joseph Gallant. Corn’’ of the Department of Public Welfare, Suffolk Superior Court, C.A. No. 94-1141-D; and Marta Medina v. Josenh Gallant, Corn? of the Denartment of Public Welfare, Hampden Superior Court, C.A. No. 94-203 are to be consolidated with the instant case in the Superior Court of Franklin County.

For the Plaintiffs  
HENRY HUNTEK et&l.

For the Defendant  
JOSEPH GALLANT

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For the Plaintiffs  
HBMMINGS, MBDINA, STACKOW

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CERTIFICATE OF SERVICE

I, Patti A. Prunhuber, hereby certify that I mailed a copy of the foregoing document, first class mail, postage prepaid to defendant's attorney, Cynthia Gagne, Asst. Attorney General, at 436 Dwight Street, Springfield, MA 01103, on this \_\_\_\_\_ day of December, 1994.

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Patti A. Prunhuber