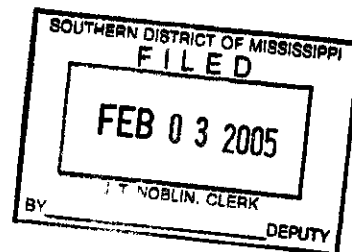


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



ALDORA VINSON, JANE C. POWELL,
MILDRED QUARLES, MARTHA HUBBARD,
BILL ELLIS, LILLIE G. STEWART,
SANDRA JOHNSON, EDNA GARNER,
and MARY NELL MERCER,
on behalf of themselves and others
similarly situated

PLAINTIFFS

v.

CIVIL ACTION No. 3:04cv784WSu

HALEY BARBOUR, in his capacity
as Governor of the State of Mississippi, and
WARREN A. JONES, M.D., in his capacity
as Executive Director of the State of Mississippi
Division of Medicaid

DEFENDANTS

ORDER EXTENDING CONSENT DECREE

This day this matter came on for a Status Conference pursuant to Supplement to Consent Decree entered on November 4, 2004. The Court considered in open court the status of this action and Plaintiffs' Motion To Extend Consent Decree And Supplement To Consent Decree ("Plaintiffs' Motion"), and being fully informed in the premises, found as follows:

1. The parties previously agreed to entry in this cause of a Consent Decree and Supplement to Consent Decree which Decrees, among other things: (1) dismissed with prejudice the First, Second, Third, and Fourth Claims For Relief (¶¶ 53-56) of the Complaint and corresponding claims and prayers for relief in the motions for injunctive relief and class certification; (2) stayed the Plaintiffs' Reserved Claims (Fifth, Sixth, Seventh, and Eighth Claims For Relief, ¶¶ 57-60 of the Complaint and corresponding claims and prayers for relief found in the motions for injunctive relief and class certification) until February 1, 2005 and gave Defendants until February 21, 2005 to file a responsive pleading; (3) restored all individuals who qualified for eligibility under the State of Mississippi's Medicaid program under the PLAD category of

coverage as of September 30, 2004, but who were not covered by the waiver approved by the CMS (the "Affected Recipients"), to the category of eligibility and level of Medicaid benefits each enjoyed as of that date; (4) prohibited Defendants from eliminating or reducing any Medicaid benefits, or initiating further efforts through a new notification process, for the Affected Recipients pursuant to the terms of H.B. 1434 (2004 Miss. Laws Ch. 593) at issue in this litigation prior to January 31, 2005; and (5) directed Defendants to prepare certain materials to be submitted *in camera* to the Court on or before February 21, 2005.

2. The parties, in agreeing to the entry of the Consent Decree and Supplement to Consent Decree, represented to the Court that they desired to resolve certain claims made in the Complaint in a manner that would "allow the Legislature of the State of Mississippi sufficient time to revisit the issues that are implicated by this litigation." Consent Decree, p. 1.

3. Although legislation has been introduced and has received some consideration by the respective Legislative houses in which the bills were introduced, the parties have represented and the Court takes judicial notice that the Legislature has not passed and submitted to the Governor for approval any bill that would restore the Medicaid benefits at issue to the Affected Recipients.

4. Plaintiffs' Motion sought an extension of the terms of the Consent Decree and Supplement to Consent Decree until March 10, 2005. Defendants opposed Plaintiffs' Motion as stated, but did not oppose an extension of the terms of the Consent Decree and Supplement to Consent Decree for a period of fourteen (14) days.

5. The Court finds that it is not presently necessary to extend the terms of the Decrees until March 10, 2005, and that an extension until February 28, 2005, with a Status conference that same day will serve the needs of all concerned.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. Defendants shall not eliminate or reduce any Medicaid benefits for the Affected Recipients pursuant to the provision of H.B. 1434 (2004 Miss. Laws Ch. 593) at issue, Miss. Code Ann. § 43-13-115(25), prior to February 28, 2005, and they shall not initiate a new notification procedure prior thereto. Defendants are prohibited by the terms of this agreement from initiating further efforts through a new notification process to eliminate or reduce Medicaid benefits to the Affected Recipients pursuant to Miss. Code Ann. § 43-13-115(25) prior to February 28, 2005. Plaintiffs do not waive any right to challenge any such reduction or elimination of Medicaid benefits after that date.

2. The Reserved Claims are hereby stayed until March 1, 2005 and Defendants' obligation to answer or otherwise respond to the Reserved Claims is stayed until March 21, 2005;

3. The lists to be created by Defendants, as ordered in the Supplement to Consent Decree, shall be produced to the Court, *in camera*, on or before March 21, 2005;

4. Defendants are not prohibited by the terms of this agreement from making any reduction in state expenditures within the Medicaid program that may result in the reduction or elimination of Medicaid benefits to the Plaintiffs pursuant to any provision of H.B. 1434 (2004 Miss. Laws Ch. 593) other than Miss. Code Ann. § 43-13-115(25), or any other provision of federal or state law. Plaintiffs shall have the right to challenge any such reduction or elimination of Medicaid benefits;

5. The Court shall retain jurisdiction over this matter to enforce the provisions of this Order. If Defendants or their successors contend that the provisions of this order have become unenforceable or that Defendants cannot comply with the terms of this order without

undue hardship or due to impossibility, this Court shall retain jurisdiction to entertain such claims and effect an appropriate remedy;

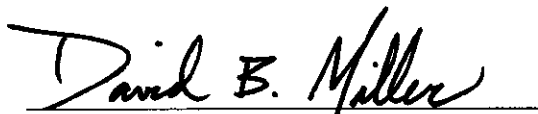
6. The Court will conduct a Status Conference on February 28, 2005 at 9:00 a.m. to determine the status of the Reserved Claims and, if appropriate, schedule a Case Management Conference pursuant to Uniform Local Rule 16(a);

7. The parties are to bear all of their own costs, expenses and attorney's fees incurred to date.

SO ORDERED, this 3rd day of February, 2005.


UNITED STATES DISTRICT JUDGE

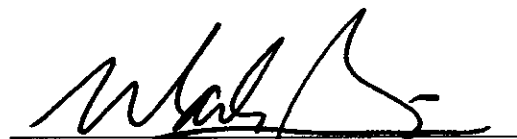
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