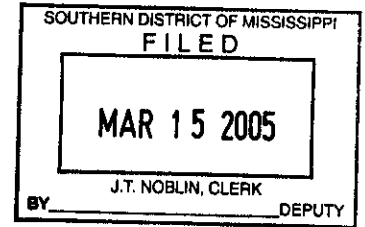


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



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

**THIRD ORDER EXTENDING CONSENT DECREE**

This day this matter came on the joint *ore tenus* motion of all parties to extend the terms of the Order Extending Consent Decree entered in this cause on March 1, 2005, and the Court being fully informed in the premises, found as follows:

1. The parties previously agreed to entry in this cause of a Consent Decree, Supplement to Consent Decree, Order Extending Consent Decree, and Second Order Extending Consent Decree (collectively, the "Decrees") which Decrees collectively, 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 March 14, 2005 and gave Defendants until April 4, 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 March 14, 2005; and (5) directed Defendants to prepare certain materials to be submitted *in camera* to the Court on or before April 4, 2005.

2. The parties, in agreeing to the entry of the Decrees, 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. The parties appearing in open hearing before the Court on March 14, 2005, jointly represented to the Court that each assembly of the Mississippi Legislature has considered and passed a version of H.B. 1104 (2005 Regular Session and First Extraordinary Session), which legislation restores Medicaid benefits for the Affected Recipients. The parties further represented that should the aforementioned legislation be enacted into law, all aspects of the present controversy will be rendered moot.

4. Therefore, the Court finds that an additional extension, until March 31, 2005, 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 March 31, 2005 or the Governor's approval of H.B. 1104

(2005 Regular Session and First Extraordinary Session), whichever shall occur first, and Defendants 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 March 31, 2005 or the Governor's approval of H.B. 1104 (2005 Regular Session and First Extraordinary Session), whichever shall occur first. 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 31, 2005 and Defendants' obligation to answer or otherwise respond to the Reserved Claims is stayed until April 14, 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 April 14, 2005, should this cause not be dismissed, or otherwise rendered moot before that date;

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;

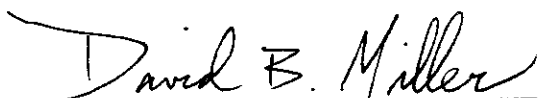
6. The Court, if appropriate, shall schedule a Case Management Conference pursuant to Uniform Local Rule 16(a) should this cause not be dismissed, or otherwise rendered moot before that date;

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

SO ORDERED, this 14<sup>th</sup> day of March, 2005.

  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:



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**Civil No. 3:04-cv-784 WS**  
**Third Order Extending Consent Decree**

JACKSON 1010434v3