

PRESENT: HON LOUISE GRUNER GANS
Justice

PART 6/

Vega

- v -

Cgg Boston

INDEX NO. 401210/02
MOTION DATE _____
MOTION SEQ. NO. 02
MOTION CAL. NO. _____

The following papers, numbered 1 to _____ were read on this motion to/for _____

Notice of Motion/ Order to Show Cause - Affidavits - Exhibits ...

Answering Affidavits - Exhibits _____

Replying Affidavits _____

PAPERS NUMBERED

SCANNED
APR 17 2002

Cross-Motion: Yes No

Upon the foregoing papers, it is ordered that this motion

is set for a preliminary injunction is permitted to be withdrawn and settled per annexed stipulation. TRO is vacated.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE

Dated: 4/10/02

Check one: FINAL DISPOSITION

[Signature]
J.S.C.
 NON-FINAL DISPOSITION
HON. LOUISE GRUNER GANS

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

..... X
ROSA M. VEGA, SUSANA LOPEZ LIRA, MITCHELL
RUSHETZKY, and CHRISTOS XENOPHON GOUSSIS,
individually and on behalf of all others similarly situated,

Plaintiffs,

-against-

STIPULATION

Index No. 02/401210

VERNA EGGLESTON, as Commissioner of the
New York City Human Resources Administration;
LINDA GIBBS, as Commissioner of the New York
City Department of Homeless Services;
BRIAN J. WING, as Commissioner of the New
York State Office of Temporary and Disability Assistance;
JOHN A. JQHNSON, as Commissioner of the New
York State Office of Children and Family Services; and
ANTONIA NOVELLO, as Commissioner of the
New York State Department of Health,

Defendants.

-----X

Plaintiffs having moved, on March 13, 2002, for a Temporary Restraining Order and Preliminary Injunction on behalf of the named plaintiffs, Rosa M. Vega, Susanna Lopez Lira, and Mitchell Rushetzky; the Court having entered a Temporary Restraining Order on March 13, 2002; the parties having engaged since then in negotiations on the relief to be provided; and desiring now to resolve the motion without further litigation and without admitting any fault or liability,

WHEREAS the Human Resources Administration (HRA) is paying Ms. Lopez Lira's public assistance shelter allowance for her current housing at 555 49th Street, Brooklyn;

WHEREAS HRA provided Mr. Rushetzky with an active Medicaid card and home care, and has agreed to continue to provide him with Medicaid and home care pending an assessment of his eligibility for Medicaid;

WHEREAS HRA has agreed that if it determines that Mr. Rushetzky is ineligible for Medicaid, it will provide timely and adequate notice to both plaintiff and plaintiffs' attorneys of that determination, allowing Mr. Rushetzky an opportunity to request a fair hearing;

WHEREAS Ms. Vega currently is in the hospital and the parties do not know when she will be discharged;

IT IS HEREBY STIPULATED by and between the undersigned that plaintiffs' motion for a preliminary injunction and temporary restraining order is withdrawn upon the following terms and conditions:


1. HRA will make reasonable efforts to assist Ms. Lopez Lira to find appropriate accessible housing as long as Ms. Lopez Lira cooperates with the agency's efforts; and
2. If Ms. Vega will be ready for discharge from the hospital within the next 60 days:
 - a. HRA will cooperate with the hospital discharge planners to develop an appropriate discharge plan for Ms. Vega; and
 - b. If this discharge plan is for Ms. Vega to return to the community, HR 4 will make reasonable efforts to assist Ms. Vega to find appropriate accessible housing as long as Ms. Vega or her authorized representative cooperates with the agency's efforts

Dated: New York, New York
April 10, 2002



YISROEL SCHULMAN, ESQ.
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SO ORDERED:



JUSTICE OF THE SUPREME COURT

Dated: April 10, 2002

HON. LOUISE GRUNER GANS