

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FRANKLIN BENJAMIN, by and through :
his next friend, Andréé Yock; RICHARD :
GROGG and FRANK EDGETT, by and :
through their next friend, Joyce McCarthy; :
SYLVIA BALDWIN, by and through her : Civil Action No. 1:09-cv-1182-JEJ
next friend, Shirl Meyers; ANTHONY :
BEARD, by and through his next friend, : Class Action
Nicole Turman, on behalf of themselves :
and all others similarly situated, : Complaint Filed June 22, 2009

Plaintiffs,

v.

DEPARTMENT OF PUBLIC WELFARE :
OF THE COMMONWEALTH OF :
PENNSYLVANIA and GARY :
ALEXANDER, in his official capacity as :
Acting Secretary of Public Welfare of the :
Commonwealth of Pennsylvania, :

Defendants.

**NOTICE OF CLASS ACTION
PROPOSED SETTLEMENT AND HEARING**

**IF YOU LIVE AT EBENSBURG CENTER,
HAMBURG CENTER, POLK CENTER, SELINGSGROVE CENTER,
OR WHITE HAVEN CENTER, YOU MAY BE AFFECTED
BY A CLASS ACTION SETTLEMENT**

A settlement has been proposed in a class action lawsuit about the rights of people who live at Ebensburg Center, Hamburg Center, Polk Center, Selingsgrove Center, and White Haven Center, which are known as State Centers. The Court will have a hearing to decide whether to approve the settlement. This Notice gives a summary of the proposed settlement and information about the hearing and your

right to object to the settlement. The United States District Court for the Middle District of Pennsylvania approved this Notice.

ARE YOU A MEMBER OF THE CLASS?

You are a member of the Class if you live at Ebensburg Center, Hamburg Center, Polk Center, Selinsgrove Center, or White Haven Center and you could live in the community with the right supports and services, and if you (or your involved family or guardian) are not or would not be against living in the community.

WHAT IS THIS CASE ABOUT?

Persons who live in the State Centers and want to live in the community (who are known as the "plaintiffs") filed this lawsuit in June 2009 against the Department of Public Welfare (DPW). The lawsuit claimed that the plaintiffs wanted to and could live in the community and that DPW violated federal laws by not offering community services to them and other persons who live at the State Centers. In January 2011, the Court decided that DPW violated federal law by not offering community services to the plaintiffs and class members because DPW did not have a plan to move plaintiffs and class members into the community. After the Court's decision, the plaintiffs and DPW agreed to a settlement that includes a plan to move class members to the community.

WHAT DOES THE SETTLEMENT DO?

The Planning List -- Under the settlement, DPW will create and maintain an updated list of all persons who live at the State Centers and are not against living in the community. This is called the Planning List. To decide who is on the Planning List, DPW will talk to each person who lives at a State Center and any involved family members or guardians to find out if they are against living in the community. Every person who lives in a State Center who is not against living in the community will be placed on the Planning List. If a person does not say one way or the other if he or she wants to live in the community, he or she will be placed on the Planning List unless an involved family member or guardian does not want the person to live in the community. If a person wants to live in the community, he or she will be placed on the Planning List unless a guardian does not want the person to live in the community. Persons who live in a State Center, their families, and guardians can always change their mind about whether they want to move to the community.

Persons who live in State Centers, their families, and guardians will have the chance to learn about different ways of living in the community, including services that exist in the community to support people with intellectual disabilities who have complex needs (such as behavioral health issues or physical health issues). This will include being able to talk about community living with families of people with intellectual disabilities who live in the community now.

Community Living -- Under the settlement, DPW will develop and put in place a plan, known as a “community integration plan,” for community living for class members. Under the plan, between 50 and 100 persons on the Planning List will move to the community each year between July 1, 2011 and June 30, 2016. During that time, a total of 400 class members will move to the community if the Planning List has that many people on it. If the Planning List still has people on it after June 30, 2016, 75 persons on the Planning List will continue to move to the community each year until all persons on the Planning List have moved to the community.

Before people on the Planning List move to the community, DPW will work with them, their involved families or guardians, and other involved persons to come up with a comprehensive plan for each person that say what type of placement and other services each person needs to successfully move to and stay in the community.

Attorneys' Fees -- Under the settlement, DPW will pay \$432,500 to the lawyers for the Class for plaintiffs’ attorneys' fees, litigation expenses, and costs, if the Court approves that amount. Class members, their families, and guardians will not pay any fees, expenses, or costs.

Enforcement and Termination of the Settlement -- The settlement will end 90 days after the last person on the Planning List moves to the community. Until then, the Court will be able to enforce the agreement if the plaintiffs ask the Court to do so.

WHERE CAN I GET MORE INFORMATION?

You can get a copy of the Settlement Agreement from the Facility Advocate at the State Center where you live. A copy of the Settlement Agreement will also be posted on the website of the Disability Rights Network of Pennsylvania, www.drnpa.org. You can also contact the lawyer for the Class, Robert W. Meek, at the Disability Rights Network of Pennsylvania, 1315 Walnut Street, Suite 500,

Philadelphia, PA 19107, 215-238-8070, for a copy of the Agreement or if you have questions about lawsuit or the settlement.

WHEN IS THE HEARING AND HOW CAN I OBJECT

The Court will hold a hearing in this case on August 22, 2011 at 9:00 a.m. to decide whether to approve the settlement. The hearing will be held in Courtroom No. 2 in the United States Courthouse and Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania.

If you do not like the settlement, you may object to it. You may also object to the payment of any attorneys' fees, litigation expenses, and costs to the lawyers for the Class. **If you want to object or if you want to go to the hearing, you must let the Court and the lawyer for the Class know by mailing your written objection or intention to appear at the hearing to each of them at the following addresses no later than August 2, 2011:**

Clerk of Court
Federal Bldg. & United States
Courthouse
228 Walnut Street
Harrisburg, PA 17108-0983

Robert W. Meek
Disability Rights Network of PA
1315 Walnut Street, Suite 500
Philadelphia, PA 19107-4705