

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

FRANKLIN BENJAMIN, <i>et. al.</i> ,	:	1:09-cv-1182
	:	
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
DEPARTMENT OF PUBLIC ,	:	Hon. John E. Jones III
WELFARE OF THE	:	
COMMONWEALTH OF	:	
PENNSYLVANIA and GARY	:	
ALEXANDER, in his official capacity	:	
as Secretary of Public Welfare of the	:	
Commonwealth of Pennsylvania	:	
	:	
Defendants.	:	

ORDER

August 16, 2011

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

A fairness hearing related to the Proposed Settlement Agreement in this action is scheduled for Monday, August 22, 2011. In addition to several objections lodged on the record, there have been two motions to intervene (Docs. 179, 253) filed by Carl A. Solano, objecting on behalf of his sister Diane Solano, and the previously-named "Springstead Intervenors". In addition to the Motions to Intervene, the above-mentioned parties likewise filed a joint Motion for

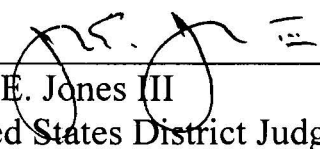
Hearing, (Doc. 269) to determine the objectors' standing to appear and present argument at the fairness hearing.

We have thoroughly considered the most effective procedure for the conduct of the August 22, 2011 hearing and the Objectors' requests to actively participate, do not see cause to honor the Objectors' request to hold a hearing on that matter. Because it is the parties' burden to demonstrate at the hearing that the Proposed Settlement is fair, adequate, and reasonable, we shall take testimony and fact evidence presented only by the parties. We shall fully consider the objections lodged on the record, and will further allow the "Springstead Intervenors" and Mr. Solano, through counsel, to question the respective witnesses. Because the interests of these Objectors are sufficiently aligned, and representative of all Objectors, we direct them to designate one counsel to participate in the hearing.

We are, in part, granting the relief the Objectors seek in their respective Motions to Intervene by allowing them to reasonably participate in the August 22, 2011 hearing. Further, we incorporate by reference our March 10, 2010 Order denying the Springstead Intervenors' original Motion to Intervene, which was affirmed by the Third Circuit, and find that full intervention is unwarranted and improper. We will accordingly deny the outstanding Motions to Intervene (Docs. 179, 253).

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Springstead Intervenors and Mr. Solano shall identify, via letter on the docket, the attorney designated to appear in the August 22, 2011 hearing on or before Thursday, August 18, 2011;
2. Carl A. Solano's Motion to Intervene (Doc. 179) and the Springstead Intervenors' Motion to Intervene (Doc. 253) are respectively **DENIED**;
3. The Joint Motion for a Hearing (Doc. 269) is **DENIED**.



John E. Jones III
United States District Judge